

**Political Empowerment and Local Governance:
Evidence from Khyber Pakhtunkhwa Local Government Act 2013**



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CERTIFICATE

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Abstract

Good governance and local government institutions are closely inter-linked. The local government institutions have allowed effective participation and involvement of people in their decision and public-policy making at grass-roots level. This research aimed at identifying the empowerment level of local representatives in funds disbursement and political decision making under the local government Act 2013. The research has concluded that the local representatives are somehow satisfied and find themselves independent in their decision making and budgetary allocation. However, few factors are still a barrier in their way which is affecting the smooth functioning of the local government system. The results conclude that an independent and just system is needed, where the decision they (local representatives) make should be independent and should hold a strong place.

Key words: Local government, Empowerment, Functionaries, institutional transgression.

Dedication

Dedicated to my beloved parents and respected teachers, whose unyielding love, support and encouragement have enriched my soul and inspired me to pursue and complete this research.

Acknowledgement

I would like to thank my supervisor Prof Dr. Karim Khan for making possible this journey till its end. It is indeed an honor for me to work under his supervision, whose relentless guidance and support helped me achieve this unsurmountable milestone.

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Muhammad Rauf

Abbreviations

ADP: Annual Development plan

AC: Assistant Commissioner

C&W: Construction and work

DC: Deputy Commissioner

DCO: District Coordination Officer

DHO: District Health Officer

IMF: International Monetary Fund

KP: Khyber Pakhtunkhwa

LGA: Local Government Act

LGO: Local Government Ordinance

MNA: Member of National Assembly

MPA: Member of Provincial Assembly

NGO: Non Governmental Organization

NRB: National Reconstruction bureau

PTI: Pakistan Tahreek Insaf

TMA: Tehsil Muincipal Administration

VAT: Valued-added Tax

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Chapter 1

Introduction

1.1. Background of the study

In any democratic country, the process of local government is considered a necessity nowadays because it is an easy way for local people to obtain admittance to their basic and underlying demands and rights. Local governance is a two-way process of services delivery from central to local and local to central government. “Local government is the way authority is organized, legalized, and employed by and on behalf of local people through planning, decision-making, rule enforcement, and accountability procedures. Local governance includes not only local governments and other public sector structures, but also a mixture of community and civic society institutions by which people organize to act collectively.” (Louis Helling, 2005).

According to the Encyclopedia of Social Sciences, “local government may be broadly defined as a public organization authorized to settle and deal out a limited reach of public policies within a comparatively small district which is a sub-part of a regional or internal government. Local government is at the rear of a pyramid of governmental institutions with the national government at the peak and intermediate governments (states, regions, provinces) occupying the middle range. Commonly, local government has general jurisdiction and is not limited to the carrying out of one specific function or service.” (International Encyclopedia of Social Sciences, 1972).

In developed nations, the process of local government is turning more and more efficient due to better and efficient policy formulation. Evidence from many countries would look to indicate that three important conditions are necessary if the decentralization of resources at the local level is to lead to improved governance. Firstly, significant powers and responsibilities for

local service delivery should be devolved to represents local authorities in line with their capacities i.e. political decentralization. Secondly, enough resources, through a combination of local taxes and grants from higher-level governments, must be furnished to enable local governments to perform their obligations, that is, fiscal decentralization. And lastly, proper channels of accountability are needed to encourage strong accountability between bureaucrats and elected representatives, and between elected representatives and their electorate i.e. institutional decentralization. (Manor, 1999).

The local government is about personal involvement of the local representatives with the affairs concerning the locality and their solution. If the local people's association are denied with their local life, they would not only put off their talent, initiative energy and enterprise, but they maybe tend to lose all their sense of responsibilities. More than 90 percent of democracies around the world have now elected sub-national government, poor and rich countries had devolved administrative, fiscal and political powers to sub-national tiers of government. (World Development Report, 1999).

The phenomenon of modern local government emerged as a result of traditional and western cultures. Among them, the western pattern of local government is a source of inspiration for majority of the western countries and others that have come under their influence like Asian countries. Local government has emerged as a result of local demands and needs. (Game, 1994). The origin of local government has been a part of the libertarian trends in the first half of the 19th century which means freedom for local communities to get developed according to their own priorities and local self-government was pretended to be an inspiration of freedom of society. (Kjellberg, 1995). The recent phenomenon of local government emerged in response to the pressure produced by industrialization and urbanization. (Game, 1994). Due to factory system

and industrial revolution, urbanization took place which political consequence has been expansion of municipal functions. (Barber, 1972).

Local government system in the US, grew due to the combination of citizen demands, interest groups pressure a state government consent. (Kearne, 2008). In 1790 there were half a dozen cities and a city of over a hundred thousand populations by 1840. By 1940, there were a total of 3,464 of incorporated urban places in the US, 2,024 of which had a population of over 5000 people, whereas the urban population constituted 3% of the amount in 1790 and 26% in 1880, the figure has grown to over 56% by 1940. (Bishop, 1954).

The understandings of urban growth had been on a variety. The divisor has been the factory organization and industrial revolution. (Smellie, 1949). One of the causes of urban growth had been increasing knowledge in medical specialty and public health which enabled many people to exist in close quarters. Advancement in means of transportations has made it possible for the dense population to survive together. Another cause has been a psychological temptation of city life, adventures, experimentation, excitement, education, economic progress and cultural growth in urban life. Policy makers are convinced now that to keep the policy decision federal or provincial capital means dangerous concentration of powers at the national level far from those on whom these vigorous decisions have an impact. (Kalin, 1999).

The elimination of disparities and divisions between rural and urban areas was the sum purpose of framing the local government scheme in Pakistan. To strengthen the decision-making process, in all the three tiers of local governments, the allocation of 33% representation for women was a singular case in the history of Pakistan. Additional Special seats had been reserved for workers, peasants and religious minorities of the local community. For the first time in the chronicles of the body politic, the concept of the District Government was put in. (Abid, 2002).

The devolution of power plan was set up through the National Reconstruction bureau (NRB) under federally promulgated Local Government Ordinance (LGO). The civil bureaucracy was set under the elected Nazims while the Deputy Commissioner (DC), was bound to account to the non-elected provincial bureaucracy, wherein the present system the Nazim has envisaged with the agency to get reports from the District Administration and the District Coordination Officer (DCO). Aside from the intensity of this ordinance, there were gray sides like, considerably weakening the provincial bureaucracy by eliminating the office of the deputy commissioner and assigning a big ratio of social occasions. The police power under this ordinance was curtailed to a significant level, which means that they were saved as a handmaid of the elected Nazims. (Niaz, 2010).

For public decision and actions, the local governments were held responsible so that the members of the local community get access to take part in different development projects in their best and according to their needs and requirements. (Anjum, 2001) The provincial power was dismissed to the district plan, power in the devolution plan, power and duties of the federal government was not devolved to the provinces or districts of the states or territories. (Oldenburg, 2010).

“Empowerment is defined as the power to accomplish something individually or collectively and can be used to exert pressure on institutions and policy makers to reform policies that affect citizen’s quality of life. Empowerment enables the poor to overcome the barriers that prevent them from accessing new livelihood opportunities” (saegart, 2006). Any regime, be it central or local tends to better citizen participation and political empowerment. It is both an end and means of local growth. “The political empowerment is an instrument of enabling

and satisfying of people to take part in governance arenas and in order to better-off their social, political and economic fields.” (Louis Helling, 2005).

Under the Khyber Pakhtunkhwa local government act 2013, the process of distributing political power is manifold. The KP LGA Act 2013 is a modification of the 2001 local government Act promulgated under Musharraf’s era. In the KP local government Act, every department has been modified with assigning a new task to the local elected representatives. The new statute of the local governments like the repealed 2001 ordinance, provides district governments for every district, which is built up of the district council and district government. Town/ Tehsil Municipal and Tehsil/ Tehsil councils where others statute of the local governments following the district governments. The Village and Neighborhood councils make the third tier of local government for urban and rural areas respectively while in the repealed 2001 ordinance; the Neighborhood and village were declared by the Tehsil or Town councils in respective Union areas. Under this Act, unlike the repealed ordinance 2001, the Nazims, District, Tehsil, and town council are to be conducted by the respective Nazims and not the Naib Nazims who preside over the meetings of the councils in the absence of the Nazims. The reserved seats were 33% fixed while in the new statute the number of reserved seats for women is fixed at 30%. Seats for Youth are a novel phenomenon in the present statute, and the present statute, unlike the repealed ordinance, devolves numerous offices of the Provincial Government upon the City District Government and District government. (KP Local Government Act 2013).

1.2. Problem statement

Local governance nowadays is considered a soul of democracy because it inclines to provide basic human facilities to the common masses at grass root level. The supply of basic service delivery from the federal to the local level is possible with having a solid and steady local

government. To assure the availability of resources to the local masses at their doorstep, the KP local government Act 2013, is a decision taken in the right direction, but it has not been researched properly to assess the outcomes and results on the ground. The purpose of this research will be to analyze and examine the Political Empowerment on the local level under the KP LGA 2013, whether local representatives have been authorized about political decision making and allocation of funds under the KP LGA 2013. Whether the provision of resource distribution and political empowerment on the local level has been delivered and distributed and how decision making of local politicians and officials is influenced by other actors, like federal and provincial government.

1.3. Objectives of the Study

Following are the objectives of the study

1. To analyze how local politicians have been empowered in term of decision-making ability.
2. To examine how local politicians have been empowered in term of disbursement of funds.

1.4. Significance of the study

The significance of the study lies in the fact that it will provide an insight for the masses to know about the prospects of political empowerment under the Khyber Pakhtunkhwa local government Act 2013. It will help in examining the political empowerment of local representatives in their decision making and disbursement of funds. It will likewise serve the officials and practitioners to recognize the hurdles in the path of local representatives about their authorization and development on the local level.

1.5. Research Questions

The following are the research questions about the study.

1. How much local representatives have found empowerment in decision making power under KP LGA 2013?
2. How much local politicians hold power in hands in the distribution of funds?

Chapter 2

Review of the literature

2.1. Literature Review

While reviewing the literature regarding local governance and political empowerment, many studies indicate that the phenomenon of local governance is still under-path for gaining its roots to maturity. Many studies have been conducted throughout developing countries to analyze how local governance should be better implemented in order to get sustainable results which can in-turn make communities more strengthen and empowered at the grass-root level. The literature also suggests that local governance could be made possible with the proper execution of the policies at the local level and include the marginalized groups like women, local community and local government and officials.

The studies being conducted for analyzing the political empowerment have shown that a holistic strategy and proper policies are needed to get the local governance more reliable and effective. Here are some studies found to be a cornerstone for successful local governance and political empowerment.

Mookherge (2006) in his study analyzed the decentralization process in many developing countries who are experimenting to decentralize the public service delivery to the locally elected governments instead of the central government appointed bureaucrats. A theoretical model was given in which the central government is uninformed about the local community needs and to monitor service delivery. The data collection was done by analyzing the available literature and case studies and the effects of decentralization on service volumes, equity and efficiency were analyzed under different financing arrangements. The results, he had concluded are narrating the

idea that the under the provision of services for the poor happens due to the understanding of those bureaucrats who charge bribes for service provision as a monopoly supplier.

Talib (2012) has examined the opening move of the participatory method to experience how much it has bettered the community development at the grass root level for which he had employed the literature review methodology to further get insight into the decentralization phenomenon in Pakistan. The data were compiled from approximately (2114) mobilization training programs set up for the local elected representatives, more than fifty thousand programs were arranged for union secretaries, citizen and district officials and additionally technical support plans were set up for raising community consciousness. He reasons that solutions have improved human development, sustainability and community empowerment and sense of community, nonetheless, is still to be translated into shared benefits of rural residential areas. The only power being transmitted to the local level has made the decentralization process elusive because there is still exists a little sustenance for the community capacity building as the electoral process is kept in line by the elites. Strong local ownership and empowerment are possible through feasible and local government participatory strategies.

Akbar (2005) has based his analysis on the reasons, tied with weak institutional structure and political intervention resulting in policy failure to deliver productive results as it is anticipated in the policy goals, to base his arguments the study conducted was descriptive in nature and secondary information and observation were applied and being a qualitative study he had synthesized and reviewed the available information garnered from various sources connected to local government. His results indicate that no follow up was present to see the poor policy outcomes, only there were additionally various factors thought to be major factors deteriorating the local policy making process in the country such as government structure, clarity of the policy

goals, the commitment of political leadership, meager financial resources and centralized-oriented government structure.

Shaban (2014) in his work related to women empowerment in local government under Musharraf's era state that the advancement of women depends upon the advance of some related objects as timing, placement, duration, sitting facilities, grooming facilities, and financial incentives. Holding back in view, specific requirements of Pakistani women, meetings should be coordinated. Lastly, to find significant results a behavioural variation must be swept up to confront the existing sexual biasness. The actual resolutions of the elections 2000-2001 realized that 36,105 women got seated as representatives by elections at different divisions of local governance, out of which 23,222 elected through constituency based direct election at the union level, 3741 selected at district and tehsil level while 16 of them were elected as a Nazim and Naib Nazim at various tiers of local government. Two of them were elected as nazim from district Khairpur and Nawab shah in the Sindh province. 126 women were on reserved seats of minorities.

Ahmad (2010) in his descriptive study analyzes different countries local governance like Latin America, China, and Pakistan, He argues that the impetus to decentralize has differed in many instances. In Latin America, the shift from one-party or military regulation has contributed to a revival of interest in decentralization as a way of consolidating political gains, whereas a large, single party, unitary state, China has really been quite decentralized. And in Pakistan, the Musharraf government tried to "decentralize" using the normative precepts, but in political economic terms, the actions were calculated to bypass the provinces and the force of the political parties that tended to possess a provincial focus. International agencies tended to affirm the normative approach to decentralization on the evidence that this would contribute to better

service delivery and poverty reduction—but the evidence on this is at best mixed. Like in Pakistan, many Latin American nations have seen some movement towards decentralization in the past two decades, often as a reaction to periods of a one-party or military ruler. This has been more distinguished on the spending side than on the grass side. About the latter, the trend has been in the opposite direction, as nations have established schemes of centralized systems for the VAT, sometimes with the assistance of the international authorities and especially the IMF, often replacing a myriad of subnational taxes at the province and local strata.

Manor (1999) also bases his analysis of the attacks by the developing country's government to include the local masses, especially the pathetic in the democratic process so as to benefit the citizenry and protect democracy itself. For his analysis, he indicates that three issues characterize all facets of government, i.e. centrist approaches, financial constraints and resistance to reforms and while for political reform and empowerment there are five types of accesses, i.e. elected councils, user committees, and some others like the inclusion of civil society and engagement of elites in the operation. Political reforms he says can generate important benefits not just for poor and excluded groups, but likewise for the governments that guarantee them. Not incidentally from the political leaders' point of opinion, these reforms tend strongly to increase the legitimacy and the popularity of the governments that introduce them. Lastly, he gave some major points which if implemented can fruitful results for political empowerment of local people and these are The devolution of powers and resources onto elected local councils, the creation of 'user committees' in connection with development program in single sectors, the introduction of other devices to promote bottom-up participation, consultation, downward accountability and empowerment, government efforts to engage with, and to enlist support from, enlightened

elements within civil society and the encouragement of competition among elites who need political support from poor and excluded groups.

Mohan and Stokke (2000) had worked on the Participatory development and danger of localism. The Study they have conducted was basically to examine the links between development theory and political action and the ways in which new political spaces are being imagined and constructed. They have examined the manifestation of this move in the four key Political arenas: Decentralized service delivery, participatory development, social capital formation and local growth and collective development for radical democracy. The central findings of their study were that in development practice at that place has been a parallel movement towards local 'participation' and 'empowerment', which has produced, albeit with very different agendas, a high degree of agreement between players and creations of the 'new' Left and the 'new' Right. The stopping point of their study rests in the fact that by focusing so heavily on 'the local', the manifestations tend to underplay both local inequalities and power relations as well as internal and multinational economic and political powers.

Anjum (2001) in his study describes the institutional arrangements for citizens' empowerment and organization at the grass root level. His basic assumption was that the major issue is whether the new System has enough arrangements for community empowerment? He argues that due to the power, rests in few hands the local people were totally neglected by the local government to be empowered. There was the little role of common citizens in decision-making and development was driven from top to bottom without the participation of the community. The new system provides enough institutional arrangements for organizing the community at the grass root level. The number of returned women, workers, peasants and minority candidates in all unions through five rounds of local government elections indicate that the system has

opportunities for empowering the traditionally marginalized segments of the society. No mechanism is provided so far in the new system for income generation activities for the poor population in the villages and urban slums. Similarly, there is no system of enterprise development and marketing rural based products due to the credit crunch and lack of necessary skills of the rural poor.

Khan (2015) in his descriptive study related to the inconsistency of local democracy of provinces and case study of Khyber Pakhtunkhwa local government Act 2013, for which he applied case study method and theoretical and analyses of policy cycle which suggests some hidden flaws in the said Act which need to be catered immediately and should be countered in order to make the Act more efficient and feasible for the local masses. His study is based on the microscopic analyses of Khyber Pakhtunkhwa local government Act 2013, reveals hidden structural flaws which have severe repercussions on for local democracy and local governance. The results also conclude that the main problems lie in the implementation process being influenced by many stakeholders like bureaucracy, interest groups and elites' class which results in failure of the local governance policy which needs to be performed efficiently and implementation process should be made successful by employing all resources in hand to make the process better and steady. Moreover, the structural flaws in the Act should be catered with employing a holistic approach and strategy.

(Winter, 2009) in his casework study, related to the influences of politicians, managers and street level bureaucrats examine the influence of these actors on policy implementations. His study addresses the influence of politicians, managers, and the dispositions of street level bureaucrats in shaping actions at the frontlines of policy implementation. They investigate these for the implementation of employment policy reforms in Denmark.

The objective is based on the idea of the influence of politicians and managers in bringing about is relatively limited in comparison to the influences of caseworkers' understanding of policy goals, their professional knowledge, and their policy predispositions. Their main contribution is an unpacking of the political and managerial influences of caseworkers, understandings of political goals. The result of the study suggests that there is a direct effect and, more notably, indirect effects that operate on the influence of caseworkers' perceptions of policy goals and their knowledge. These findings provide a more nuanced and positive assessment than much of the implementation literature of the way that higher level policies are translated into actions at the frontlines.

(Li, 2018) in his study entitled “Asymmetric Decentralization, Intergovernmental Transfers, and Expenditure Policies of Local Governments”, describes the incentive effects of asymmetric decentralization and fiscal transfers on spending policies of local governments. As a methodology, he uses the provincial panel data to carry out an empirical test. The empirical analysis is carried out by balanced panel data covering 26 of 33 provincial-level administrative units over the time period between 2000 and 2012 in China. The conclusion shows that the asymmetric decentralization significantly weakens the incentives of local government to increase social expenditure, and as a solution to asymmetric decentralization, fiscal transfers fail to play a good role. Due to the relatively large income effect, the financing mechanism of fiscal transfers not only significantly reduces the incentives of local government to provide social public goods, but also weakens the constraint effect of fiscal competition on expenditure policies of local governments because of the increase in the relative cost. Although the distribution mechanism of fiscal transfers has a significant positive incentive to local government in regions where the net inflow of fiscal resources is more than zero, because of common pooling effects, the

comprehensive effects of fiscal transfers in the distribution of incentives of local governments to provide social public goods are negative in all regions.

(Munir, 2017) in his study describe the main objective of the study is to analyze the changing trends of social (education and health) inequalities before and after decentralization at the inter-regional and intra-regional level in Pakistan from 2005 to 2015. The methodology used was the Theil index: maximum to minimum value, Gini index, Atkinson's index, Coefficient of variations, measures of generalized entropy. Coefficient of variation and decomposition of Theil inequality index are used to evaluate the spatial dimensions of inequality at the provincial and rural-urban level. Results says that health inequality has narrowed in the women health in the period of decentralization. Disparity level of child health shows the existence of inequality at both the provincial and rural-urban levels. This situation even persists in the decentralization period. Although the situation of Diarrhea treatment has improved at the provincial level but there are stark differences in the inequality level of rural and urban population. Within and between group inequality at the provincial and rural-urban level indicates a stable.

(Stokke, 2000) in his study related to participatory development and empowerment: the dangers of localism, examine the links between development theory and political action and the ways in which new political spaces are being imagined and constructed. He further examines the manifestations of this move in four key political arenas: decentralized service delivery, participatory development, social capital formation and local development, and collective actions for 'radical democracy'. In development practice there has been a parallel move towards local 'participation' and 'empowerment', which has produced, albeit with very different agendas, a high level of agreement between actors and institutions of the 'new' Left and the 'new' Right. This paper examines the manifestations of this move in four key political arenas: decentralized service

delivery, participatory development, social capital formation and local development, and collective actions for 'radical democracy'. He argues that, by focusing so heavily on 'the local', the see manifestations tend to underplay both local inequalities and power relations as well as national and transnational economic and political forces.

(Scott, 1998) in his descriptive study analyze to addresses the question of political influence on the bureaucracy from the perspective of agency officials who are being pressured. His study addresses the question of political influence on the bureaucracy from the perspective of agency officials who are being pressured. The results suggest that the perceptions of managers within the bureaucracy correspond to many of the conclusions presented in the top-down studies of political influence. The bureaucracy appears to serve many masters, all of whom have some influence on policy making. The study provides a unique understanding of policy making within the bureaucracy and determines whether these officials can be influenced by other institutions of government.

Rodriguez and Oritz (2018) had conducted their study on the political economy of Decentralization and how Elections and Parties Shape the Provision of Local Public Goods, and the goal of this study was to understand better how the growing prevalence of decentralization mitigated by the structure of local political institution, may impact the everyday lives of citizens around the world. Oates decentralization theorem was applied and further to include inter-jurisdictional spillovers, they had develop a new theory suggesting that the interaction of democratic decentralization (the popular election of sub-national governments) and party centralization (the power of national party leaders over sub-national office-seekers) will produce the best service delivery outcomes. The data was a kind of examining educational and health service delivery in 135 countries across 30 years, which provided support for our theoretical

expectations. The result of their study shows that combination of municipal elections and party centralization tends to produce the best educational and health outcomes. The result of the study also shows that the potential of merging political science and economics into broader approaches to explore the interconnected dynamics of decentralized governance.

Local governance in Pakistan is still facing acute problems especially in its formulation and implementation phases. The different kind of issues faced by local governance like corruption, nepotism, national and local elite' self-vested interests are somehow responsible for the in-efficiency of the local government. Furthermore, very few studies have been conducted to dig-out the causes of local governance failure and to recommend a handful solution. The Khyber Pakhtunkhwa local government Act is also lacking research work and careful investigations. Due to the complexity of the KP local government Act, the tasks assigned to the concerned authorities and departments are still lacking efficiency and feasibility which need to be concise and specific. The local politicians like Nazims, Peasants, minority, youth, and women are not adequately qualified due to which the Act is considered a hectic task to be fulfilled and easily understood.

The result from the literature shows us that majority of the studies are being conducted on the health, educational and fiscal sides of the local government but very few studies have been found to be related with the political empowerment sides of the local government and to highlight us the basic reasons and hindrances towards the political representatives and their empowerment. The researcher has based his studies for the purpose of including the literature which can pay the way for better understanding the empowerment level of the local representatives and the remaining gap in the literature.

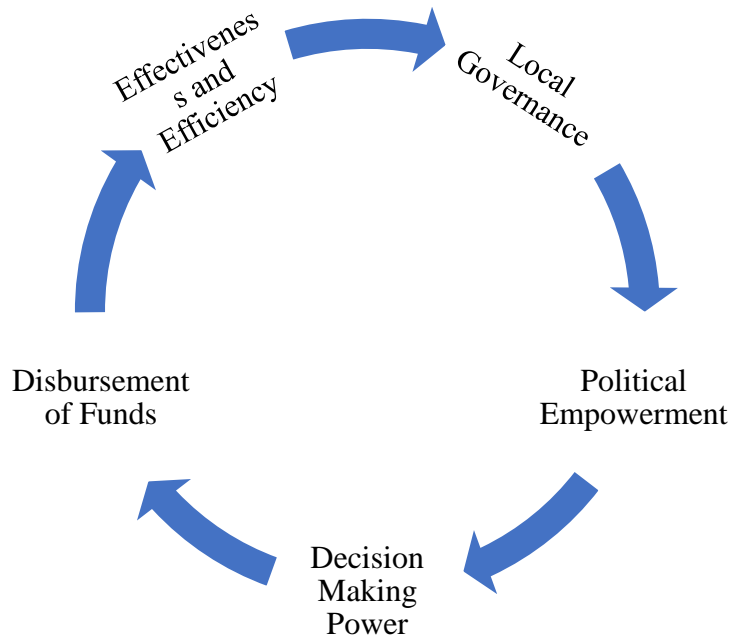
Chapter 3

Theoretical Framework

3.1. Theoretical Framework

The local government at a micro level is a body of legislative, financial, deliberative, consultative, political and bureaucratic leadership, and exercising regulative and judicial power. To ensure the way for decentralization and devolution of power, the local government is a bottom to top approach, which feasible functioning promotes participation and welfare of local masses and empower them equally. It also helps in promoting a political culture based on political empowerment, decision making power, disbursement of funds, legislations making. A steadier and efficient local government is a sign of good governance and democracy and it helps sustain the efficiency of any legislation and political stability in a country. It may be therefore concluded that Political empowerment Local government are inter-linked. Local government institutions provide grounds for the prevalence of political, electoral and financial governance in a country. Here an attempt will be made to discuss and analyze the KP LGA, 2013 within the parameters given in figure-3.1.

Figure 3.1. Theoretical Parameters



Source: Khan (2016)

The above theoretical parameters show the method of how local governance leads to its efficiency. Local Governance as a system of governance focuses on the issues at the local level where different administrative, political and financial tasks are assigned to different authorities and then decisions, legislations, and policies are framed regarding those issues. The upper-mentioned parameters are basically the strategy through which the researcher will try to capture the main theme of the research with the help of visiting the respective area and then interviewing the local representatives. The strategy is focused on the basic and fundamental step which is local governance and local governance is efficient when it's all basic legislative and consultative bodies are independent and work independently. Forecasting and Efficiency are possible by analyzing the whole process of local governance, for which the researcher has focused on the

political and fiscal side of the Khyber Pakhtunkhwa Local Government Act 2013. Going on to the field and interviewing the local politicians and officials with researcher keen interest can show us the actual results of the Act which efficiency is directly related to good local governance.

3.2. Theoretical Framework and its application to the study

The actual Philosophy of Social Contract, which provided the bases for today's modern Nation State, was emerged as a result of uncertain political, social and economic affairs (State of Nature) which led people link a contract among themselves and with a sovereign. The initial purpose was supposed to acquire/ensure security of person's (i) Life, (ii) Property and (iii) Dignity of human being.

With only these conditions the State/Sovereign had very limited role in person's life. As the sphere of influence of State expanded, the demands of citizens also got wider in range. The concept of Rights and Duties got more complex and people expected more and more from State institutions.

With the concept of Modern Democratic Welfare State (Hobbes, 1665), the idea of rights and duties got more polished and State is made responsible for providing many facilities like Education, Health, Clean Environment and pure drinking water etc. This development led to the idea of creating a system of local government which is responsible for providing immediate necessities and facilities.

Thomas Hobbes' Social contract theory says that people live together in society in accordance with an agreement that establishes moral and political rules of behavior (Hobbes, 1665). The essence of this theory is that people choose a selected group of individuals among them to govern over them. This contract makes people sacrifice some of their rights for the sake of

governance and security. It is a tacit agreement between the governors and the ones to be governed. The study put forward an effort to link social contract theory with the idea of local government and political empowerment. Like Social contract theory suggests that government makes some sacrifices to share its power with the people which make them empower.

The concept of Sacrifice for the sake of Rights is fundamentally the agreement for provision of security of Person's Life, Property and Dignity. In return of this, the people were supposed to obey the command of Sovereign (King/State) (John Locke, *Two Treatises on Civil Government*, 1689) (J.J. Rousseau, *The Social Contract and Emile*, 1762). This concept led to the idea of Law (Law is the combination of Rights and Duties: like you have right to free education, security, health, environment, water, etc.). This concept of Rights/Duties got polished with the passage of time, and people's demands increased. As a result, the concept of welfare state emerged where the ideal state and its responsibilities are demanded by people. Since today's institution of state is highly complex and a central or provincial government deals with multiple high politic issues, the day to day needs which are of local nature are devolved to local setups for more efficacy. The devolution of power over to local representatives is the continuity of Social Contract at local level. The rationale for local government and local political empowerment is taken form the idea of Social Contract between Sovereign and Masses/citizens which means instituting local bodies is fundamentally strengthening the actual social contract between State and Citizens at lower and grassroots' level. (Leviathan, 1665).

Chapter 4

Methodology

4.1. Methodology

The methodology is a systematic way of how to solve a problem. It is a science of studying how research is to be carried out. Essentially, the procedures by which researchers go about their work of describing, explaining and predicting phenomena are called research methodology. It is also defined as the study of methods by which knowledge is gained. Its aim is to give the work plan of research (Rajasekar, 2006).

4.1.1 Research Strategy

There are basically three types of research strategies commonly used in social science academia, namely: Qualitative strategy, Quantitative strategy and Mixed Method Approach. There is a big difference between the approaches and methodologies used in Quantitative and Qualitative strategies as the nature of both differ (Creswell, 2009). According to Bryman, qualitative analysis focuses on explaining things on the basis personal behavior, insights and attitudes of the respondents to answer the questions. On the other hand, Quantitative analysis deals in computable information and figures (Bryman, 2014).

Qualitative Research Strategy was used in this research. The reason for selecting qualitative strategy was that it could better define feelings and perceptions compared to the other strategies. Moreover, Information obtained in quantitative study helps understand the context/meaning of the data in a better way (Bryman, 2014).

4.1.2. Data collection

Being a qualitative study, the researcher has used the in-depth interview as a tool to collect data. A total of 25 respondents (including District and tehsil Nazims) were interviewed and a list of questions was made to ask questions related to how the LGA Act has brought about political empowerment in term of empowerment of local politicians in decision making power and disbursement of funds.

4.1.3. Sampling Technique

Purposive Sampling was used as a tool for data collection. This is a sampling technique in which the researcher purposely chooses subjects who, in their opinion, are relevant to the project. The choice of respondents is guided by the judgment of the investigator. For this reason, it is also known as judgmental sampling (Sarantakos, 2005).

4.2. Methods

There are multiple ways to carry out a research including field research (Kothari, 1990). The following method and tools of data collection were used in this research keeping in view the research design.

4.2.1 Unstructured Interviews

Unstructured interview is a very effective method of collecting critical information in the process of data collection. The respondent in this method is free to reply with a short or a long answer depending on the wish of interviewer. Motive of unstructured interview is to broaden the horizon of the discussion. This gives an opportunity to the respondent to openly give his opinion on the topic (Mathew & Ross, 2010). For this research, unstructured interview was used to collect data from all the respondents. This allowed me to build rapport with the respondents throughout the field work. The information gathered from these unstructured interviews helped explain the

perception of the respondents about the empowerment of local representatives under the 2013 local government Act.

4.2.2 Interview Guide

Interview guide is a written list of questions and topics that need to be covered in an order. This is the kind of interview that most people write about—the kind done in professional surveys. Interviewer has a list, comprised by multiple questions, based on the objectives of the research. Interviewee has a great amount of freedom to respond to these questions. Interviewer notes the important things said by the interviewee and asks further questions, based on the information provided by the interviewee (Bryman, 2014). The researcher has used the same method to collect data for the respondents. The questions were further elaborated and explained with an intention to avoid or missing out any information that would affect this research.

4.2.3. Rapport Building

A “frank and open” discussion is called Rapport (Goudy and Potter, 1975). It is evident from research that rich stories and narratives can only be extracted from the interviewee when the researcher builds rapport. In order to build rapport, the researcher should be smart enough to assess the nature of the situation and deal with it accordingly to make meaningful conversations with the interviewees. This results in an attaining useful data for the research (Ryan, Dundon 2008). Similarly, another factor establishes good or bad impression on the interviewee and that factor is the appearance, accreditation and sponsorship of the researcher (Benny et al 1956). I already had informal contacts with some of the local representatives of my area “Buner” and, I contacted some of my friends to get their help for the purpose of collecting data from the respondents.

4.2.4. Locale of the Study

The locale of the study was District Buner. The rationale behind selecting district Buner is that it is composed of both rural and urban population and data can be collected regarding the issue. The total population of district Buner, according to the 1998 census is 897,319, with a total of six tehsil and 27 union council. The sample size was selected from two tehsil; Tehsil Gadezi and Tehsil Daggar. These two Tehsil were selected for data collection because of the local government was located at Daggar and the representatives could be easily accessed for the selection of data. The sampling technique was purposive, that is why the data was collected from the 26 respondents which was enough to meet the criteria for the available variables.

Chapter 5

Data Analysis

5.1. Data Analysis

In first part of this chapter, an overall background of the previous local government Act/ordinances of Pakistan in reference with the Khyber Pakhtunkhwa local government Act of 2013 is given. The second part of the chapter includes analysis of primary data, collected from the respondents.

5.2. History of the local Government

The colonial pattern of the British in the sub-continent originated through the East India Company during the seventeenth century. At first instance, the company formed trade with Indian states, but gradually it started getting into an agent of the British crown with occupying the Indian territory. Among them was Madras, which was first to have complete command of the company. Madras, was then acknowledged as a Municipal Corporation for the purpose of appearing after the civic measures of the area in 1688. The first legislation namely, the Conservancy Act was announced in Bengal after the company occupied a large area of the Indian and several southern states. Since then was annexed Sindh with Bombay and the law was applicable to Karachi. Afterwards, Under the Municipal Act 1846, same committees were formed at Rawalpindi and Lahore. An All India Municipal act 1850 was initially enforced in four town of Punjab and Bengal, which states that Municipal committees could be made in the desired area with the consent of house owner. The law was then extended to Karachi and later in year 1867, the Punjab Municipal Act was introducing where committees could appoint the governor. During the year, the district improvement Act, Bengal District town Act, and many other municipal committees were established.

In 1873, the Punjab Municipal Act came into being vesting enhanced powers upon the municipalities in the matter concerning municipal service. Likewise, the Bengal District Municipal Act, 1878, was introduced and thereby City of Municipality of Karachi was established. Because of enlargement of occupied territories and for better governance thereof, the British Government constituted several Commissions to improve system of Local Self Government for the purpose of delegating the municipal functions upon the municipalities for discharge of civic services. In this context, the Government of India Act, 1919, brought drastic improvement in the system of Local Self-Government. By virtue of the said enactment, the subject of Local Self-Government was made a 'transferred subject'. Consequently, in 1922 the Ministry of Local Self-Government was established in the Province of Punjab. In 1925, the Bombay City Municipality Act was introduced which was also applicable to Sindh. By Virtue of the said legislation more of the Municipal powers and administration of Cities were devolved to municipalities. The Bengal Municipal Act, 1932, repealing 1884, statute upgraded the system of Local Self-Government of the Province. In 1933, Karachi was given the status of Municipal Corporation under the City of Karachi Act, 1933.

The government of India Act, which became the bases for the partition of the sub-continent, empowered the provinces to legislate on the local level. Local government intend to legislate on the local level according to the need of the local people. The Britishers intention was to rule the area with their own way of governance. They constituted the local government, but they had never wanted to share their absolute power. (An analysis of local Government statues of the Punjab and KP Provinces).

5.2.1. Local Government Ordinance 1979

The Zulfiqar Ali Bhutto, government was thrown out by the Military dictator General Zia in 1977, and after two years he introduced identical ordinance for all the provinces. At the start, it looks like a welcoming legislation but after it was analyzed, the ordinance was having too much official interferences in the affairs of civics bodies. (Local Government Ordinance 1979).

5.2.2. Local Government Ordinance 2001

The fourth coup took place in 1999, when the elected government of Mr. Muhammad Nawaz Sharif was overthrown by the General Musharraf. The General also made attempt to enforce “Good Governance” through a representative system of local government to empower the local communities. His Provincial local government Ordinance 2001 was based on the devolution of political power. De-concentration of management function and diffusion of power-authority link. (Local Governance Ordinance 2001).

5.3. The Khyber Pakhtunkhwa Local Government Act 2013

The Khyber Pakhtunkhwa local government Act 2013 having been passed by the provincial government of Khyber Pakhtunkhwa on 31st October 2013 is hereby published as an Act of the provincial Legislature of the Khyber Pakhtunkhwa. The Act has provided several responsibilities and duties to the local representatives with an intention to provide basic facilities to the local people at their doorstep. Under this Act the following responsibilities and duties are assigned to the Nazims and councilors who are selected through voting or adult franchise.

5.3.1. Function and power of the Nazim, District Council

The functions and powers of Nazim, district council shall be to provide vision for district-wide development, leadership and direction for efficient functioning of district government. It also provides to develop strategies and timeframe for accomplishment of goals approved by district

council. To ensure implementation of devolved functions and maintain administrative and financial discipline and oversee formulation and execution of the annual development plan. To present budget proposals to district council for approval and present to district and call for quarterly reports from Government departments in the district, other than those devolved to district government, present them to district council and forward them to Government along with recommendations of district council and his comments for consideration and action to initiate inspections of tehsil municipal administration, village councils and neighborhood councils in the district and issue executive orders to officers-in charge of the devolved departments for discharge of their functions and to represent district government on civic and ceremonial occasions; and to perform any other function as may be assigned to him by Government.

5.3.2. Function and power of the Nazim, Tehsil Council

The functions of the Nazim, tehsil council shall be to provide vision for tehsil-wide development, leadership and direction for efficient functioning of municipal administration and tehsil-based offices of Government. To formulate strategies for infrastructure development, improvement in delivery of services and implementation of laws. To oversee formulation and implementation of long term and annual development programs at tehsil level and to present budget proposals for approval of tehsil council. To prepare and present report on the performance of municipal administration in tehsil council at least twice a year and call for quarterly reports from tehsil-based offices of Government, present them to tehsil council and forward them to district government or government along with recommendations of tehsil council and his comments for consideration and action. To supervise utilization of funds allocated to tehsil municipal administration and represent tehsil municipal administration on civic and ceremonial occasions.

5.3.3. Local areas for local governments

Subject to other provisions of this Act, local governments constituted under this Act shall be a City District Government for district Peshawar. A District Government for a district other than Peshawar. A Tehsil Municipal Administration for a Tehsil. A Town Municipal Administration for a Town in the City District. A Village Council for a village in the rural areas and a Neighborhood Council for a Neighborhood in areas with urban characteristics.

5.3.4. Approval of Budget

Before the commencement of the next financial year, each Nazim shall, present the budget for consideration and approval of the respective local council. The budget of a local government shall be approved by simple majority of the total membership of the respective council. In case a budget is not approved by the local council before commencement of the financial year to which it relates, Government shall prepare, approve and authenticate budget for the local government. A local council shall not be empowered to approve a budget if the sums required to meet estimated expenditures exceed the estimated receipts.

5.3.5. Delegation of Powers

A Nazim may delegate any of his powers, including financial powers, under this Act or the rules or bye-laws to any of the officer in the local government fully or partly and subject to such restrictions or conditions as he may deem fit, after approval by the local council.

5.4. Primary Data Analysis

Being a qualitative study, the research has used in-depth interview to collect data from the respondents. In addition, Berg (2001) defined qualitative data analysis as “consisting of three concurrent flows of action: data reduction, data display, conclusions and verification.” Owing to different nature and specialty of the informed respondents/experts, data description would be in

sequential order on various similar themes. Interview were mostly collected in Pashto and interview questions were further elaborated by the researcher for better understanding and results from the respondents. After the generation of themes, the perceptions and views of the respondents were articulated into a meaningful whole. As the research topic suggests that the basic idea was to know about the empowerment of local representatives that's why the researcher has interviewed the local representatives because they know the rule of business. The first five questions in the interview guide suggests and explain the political empowerment and delegation of power of the local representatives under the Act while the last five questions suggest the empowerment of local representatives with respect to release of funds. Here the researcher has explained the collected data through different themes which will justify the objectives of the research.

5.4.1. Guarantee of Rights

According to the Khyber Pakhtunkhwa Local government Act 2013, the local government shall work under the framework of provincial government. The local government in the performance of their functions, shall not impede or prejudice the exercise of the executive authority of Government. So, it is clearly mentioned in the Act, that the Act suggests certain limitations as well as provide a guarantee to the rights and responsibility of the local representatives. Since the local governments guarantee the rights of local representatives the primary data suggests that majority of the representatives agree with the fact, but some had different views when it comes to be applied on the ground. They had different views because of their diverse culture and political affiliations. One of them replied;

“As in the case with previous local ordinances, the job was still efficient then it is now, because to compare the situation with accordance to the rule of business the reality on the ground is

totally different. Monitoring and implementation of the legislated principles are far beyond realities.” The respondent is a Nazim.

Apart from their pessimistic views, they suggested remedies like monitoring the activities of each representative.

“There should be an independent monitoring team whose job should be to monitor and evaluate the activities of the local representatives. This could help in efficient working with respect to the task assigned. The ordinance is a kind of power-centric in nature, only those with strong approach and affiliation to the ruling party enjoy the rights to guarantee.”

This should not be the case with all the representative’s opinions because it was observed that those with strong affiliation to the ruling party were optimistic in their views while the remaining representatives whose affiliations was directed to the opposition party had pessimistic views regarding guarantee to rights.

5.4.2. Extra-legal interventions

Extra-legal interventions mean when any third party interfere in decision making of local representatives which according to the Act is subject to punishment in the form imprisonment or fining in monetary value. Such intervention if found shall have a proper channel to instigate for further investigation and accusation of the third party in the matters concerned with the local representatives.

When the respondents were asked about the extra-legal interventions, majority of the respondents had positive responses while some had negative responses. Any extra-legal intervention while embarking on your duty by a third party? Like MNA, MPA, AC, DC? If yes. What do you think are the causes of such interventions? Do you have any remedies in your mind as per your experience?

“Huge intervention in decision making of the local representatives in case when any decision is intended by them. While they are bound to the secretary in some of the decision making, but no proper heed is given to the local representatives, instead when there is MPA or MNA involved in any of the local problem or issue, MNA and MPA are considered while the documents of the Local representatives are considered a garbage. Posting and transfer is under provincial authorities while local representatives do not have any say in it, which they think should be their job.”

Such kind of response was observed from those representatives who had background other than PTI, because those who were affiliate of PTI never answered in negative.

“If local representatives maintain good relations with other third party, then the job is well performed, and extra-legal intervention is minimal. It is a top priority of the ruling party to avoid any intervention, but a kind of reference is also needed in some matters.” The representative is a Town Nazim.

Though AC and DC is bound to MPA, the optimal level of responsibilities could be achieved if virtuous relations are maintained among the local representatives and third party. It should be the duty of the provincial government to maintain the relation because majority of the representatives had reservations from the provincial government regarding the indispensable and uneven behavior.

5.4.3. Political interventions

Political intervention is individual or collective action intended to influence public discourse, the structure and policies of government, and ultimately the distribution of rights and resources in a society. Being a local government, working under the provincial government, the KP local

government is still under political interference according to some of the local representatives. While interviewing them, they had views like;

“Inside district, the process of transferring, posting and proposal approval is done by district government according to the rule of business but on the ground, there is no such procedure found yet according to the local representatives. These matters are never disclosed to the representatives and managed in a highly politicized way.”

This means that there is political intervention in local representative’s decision making. In order to ensure an independent local government, such intervention should be avoided.

One of them replied that;

“As for example, before the 2015 local bodies election, different authorities were promised for the local representatives but after the election was held, no such power or authority was provided to them.”

Although, local government is intended to nourish the democratic process at the local level, the political intervention is weakening it, which need to condense in order to promote democratic values in a better sense on the local level.

5.4.4. Cultural Interventions

Cultural interventions are facilitated by individuals who have sanctioning of their skills and knowledge in culture because they live the culture and have been recognized by both the cultural community and the spirit to lead or facilitate a certain cultural activity. It is evident from the interviews that there is a strong hold of cultural intervention in implementing and assessing the outcomes of Act for research purpose. Majority of the respondents had replied in positive and had claimed the culture barrier in the way of progress.

“There is culture factor involved in the process and it will take time to overcome this barrier. Being an area with still Baradari vote concept and traditional politics, the process will take too long to come on to the track. The respondent was a District Nazim with academic background in Sociology.”

The higher authorities need to take initiatives to curb the cultural factors to maintain the governance pattern and provide the resources to the local people at their doorstep efficiently.

5.4.5. Institutional transgressions

Institutional transgression is an act, process or instance of transgressing: such as infringement of law command or duty. Institutional transgressions are also a factor influencing the empowerment of local representatives. According to them:

“The underlying problems and issues of the area are known to local representatives while the transgression of other institution makes the process more complex and layman issues are not fulfilled on time.”

This mean that the local representatives still lack their independency and unease in making independent decision. The transgression factor needs to be curb out because of its unjust and negative consequences on both representatives and governance pattern.

5.4.6. Sufficiency of Act/legislations

As the business of the district government is carried out with accordance to the law and rule of business, the intention of asking such question was to know whether the Act is enough to address the total issue faced by the community. The question was further elaborated for extracting underlying results. Being the executive authority of the district government, the business of the district government is carried out in accordance with this Act and other laws for the time being in

force? If Yes. Is the legislation/Act enough to address the problems faced by a layman? Do you want/desire extension of your legal jurisdiction? What could be those extensions in case?

“We have options through councils, any issue in rule of business or layman problem is directed through the council. After the council’s agreement and committee, the issue is highlighted, and a framework is framed. The sufficiency of the legislation is exact and according to the need of representatives and implementation, but more incentives and authorities are required”.

“The extension is needed because the problems are too much while the tenure and legal jurisdictions are minute. The provincial government need to review the Act and must extend the legal jurisdiction for the complete performances of the local representatives.”

A performance-based incentives and awards distributions at the end of every year is needed, so that the representatives should worked efficiently, and it will enhance the empowerment of the local representatives in local decision making.

5.4.7. Disciplinary actions against functionaries

This question from the interviewee were asked with an intention to know whether the District Nazim who is authorized by the Act, hold the power of disciplinary action against the functionaries in their respective constituency. It was elaborated as; Do you possess the authority to take disciplinary action against functionaries in district government under efficiency and disciplinary rules?

“As according to the Act, the Nazim has the authority to take disciplinary action against any functionary in district government under efficiency and disciplinary rules because he knows problems of his constituency and the Act authorize them to do so but, on the ground, no such authority is practiced due to pressure from the high authorities. They named it C&W, DHO

etc.”. “Any disciplinary action against functionaries are sometimes considered a rivalry against others because of the tussle of different political parties.”

“Moreover, the process of disciplinary actions against functionaries is disgusting and complex, the real issue is the elite model where one with authority and acquaintance can enjoy the privileges while those who do not have strong social bonds with the high authorities or so-called elite have no say in any of the process or decision making against functionaries.”

Though majority of the respondents possess an instinct for a just and independent system where the decision they make should be independent and should hold a strong place, but the system is still having a problem of self-serving attitude and interest-based culture.

5.4.8. Collaborations of Provincial govt with local bodies

Legally Collaboration of Provincial Government is restricted to only disciplinary actions against the District level representative while district council where local representatives are held accountable for their severe misconduct or blunders. Majority of the respondents had negative answer to this question because of the grievances they had faced in budget allocation, delegation of power, and independent decision making.

“The provincial government is dictating every decision they want, and there is no consistent follow-up if we forward them any of the problem, we face in our constituency which has a link with the provincial government.”

“Collaboration is there but the local representatives have serious concerns from the higher authorities regarding the budget allocation because their constituencies need funds for the completion of the proposed projects while the provincial government sometimes doesn't show any serious attitude on the plea of budget deficit.”

The collaboration of provincial government with local bodies is mostly verbal and nominal in nature. The nazims (District, Tehsil and Village level) are merely interested in their respective hold of authority and proper mechanism of liaison is lacking. Technically collaboration is optional and circumstantial part of the whole process.

5.5. Guideline for Long and Short-term Projects and Committees

The Khyber Pakhtunkhwa government Local government 2013 has provided a long list of responsibilities to the local representatives, Additionally, the district council, the tehsil and the village council must make committees and projects under their respective constituencies. First, they must visit the place where the project is to be installed with an engineering body, who is responsible to the evaluate the pre-panning and then an ADP is proposed. These all committees and projects are based on the demands of local people. The rule of business and Act has recommended that any project or committee shall have a procedure accordingly. When the local representatives were asked about the guideline about the projects, majority of them answered in negative.

“In the current government, no such guideline is provided except a single budget training was initiated only for once until now in their whole tenure.”

“They considered us machines and not human being. The burdensome responsibilities and uncountable issues faced by layman and budgetary cut, makes it hard to work efficiently. As we are not that much literate to read each clause of the Act, we need proper guidelines and arrangement of seminars to further know about the Act.”

Though, the Khyber Pakhtunkhwa local government Act is considered one of the best local government Act by some officials, the result shows somehow different results on the

ground in case of proper guidelines. A single budget training is insufficient to inform the local representatives about their tasks and work for the community.

5.5.1. Control on tax/ revenue collection

Local government basically is empowering local elected representatives to have the authority to use/allocate resources according to their own problems and priorities. This role in its true spirit is possible whence the local government has direct control over revenue/tax collection up to the maximum level. If local government is dependent on any higher tier for its expenditure/finance, then the pace of delivery will be reduced. The opinion of elected representatives about decentralization of revenue collection is nil and the cultural dependency on provincial finance formulae are accepted inescapably. For effective and efficient local setup empowering local authorities to have control over taxation and revenue generation is needed.

The TMA however, collect taxes for balance creation through different means like property tax, transport tax, taxes collected from mela and building taxes, but the building taxes are not applicable in case of this legislation, as sometimes when applicable, the building had to pay Rs10 per day to the TMA according to a local representatives.

A very least role is provided to the local representatives in term of tax and revenue collections which according to the local representatives should be maximized to further dependent the local government system.

5.5.2. Dependency on supplementary support

The provincial government when get failed to provide the proposed amount or funds to the local government, the local government has no other way to complete the proposed projects. The KP Local Act 2013 do not allow any of the representative body to get supplementary support from

any other financial body or firm. However, some of the local NGO's can fund the deficit of the local representatives but that is not possible every time.

This means that the local government should be financially viable itself to trigger income generation of their own and to make themselves independent so that in the future they would not get shortage of funds at the local level.

5.5.3. Sanctioning of funds

This is a very important factor which shows the status of local representative's empowerment. The question was asked basically to know how the local representatives have a say in releasing of funds independently for their constituency and projects completion because if the desired funds are sanctioned on the basis of any reason, it makes it hard to satisfy the local needs on the mean time.

“Financial authorities hold power in hands to sanction the authenticated fund which reduces the chances of late arrival of the funds to the constituency but according to the rule of business, the authenticated fund will be sanctioned by the financial authorities if there is any mishap in budgetary receipt.”

“Sometime when the funds are sanctioned, the whole of the process gets freezes. The ADP which we make turns incomplete and the remaining projects become a burden for the next year which fulfillment is difficult.”

“Sanctions are not imposed because someone has made a fraudulent claim, but because they have failed to meet one or more conditions that have been imposed upon them.”

Inside the district, tehsil and village councils, a separate account is made which releases the amount to the respective councils. These council are responsible for the desired projects but

when the funds are sanctioned, the local representatives are left in an undesirable condition because they cannot work on any project without enough, they needed for these projects.

5.5.4. Political sanctions

An act which is intended to gain or achieve some political means and goals or to bare someone from achieving their desired goal by a political party or politicians is known as political sanctions.

“The Act is still facing huge political interventions in case of fund releasing and sanctioning. Sometime the matters are performed through percentage sharing among the different actors.”

The situation of sanctioning the funds and then percentage sharing is on one hand affecting the credibility of representatives and on the other hand it is also affecting the service delivery for the common masses, which indirectly is a matter of great concern for the independent and empowerment of local representatives.

5.5.5. Choice in spending

As per the local government act the fund distribution must be as follow:

| S. No | Area of Distribution | Distribution Criterion |
|-------|------------------------|------------------------|
| 1. | Sanitation | 20% |
| 2. | Water Supply | 25% |
| 3. | Discretionary Spending | 50% |
| 4. | Beautification | 05% |

Legally the above distribution plan is to be followed while allocating money to community-based projects. The opinion of elected representatives in this regard is as follow:

“Before this Act, only a single Nazim was responsible to make ADP but now a separate Nazim is responsible for District, tehsil and village council. Co-ordination is a problem between these different government representatives, like sometime the ADP is not shared with each other.”

The replies of interviewed Nazims reflects that *Choice in Spending* is a thug of war between different representatives and the desired goals are inevitably affected as a result.

5.5.6. Inadequate Due Financial Shares

The due Financial Share of supposedly allocated for local government in the year 2015-16 was Rs 33.9 billion but the finance department only released Rs 15.12 billion. This supposed disbursement of fund hardly meets the needs of local bodies to ensure the efficiency of their job while serving community or resolving immediate/daily issues. The funds, according to the act, was supposed to be distributed quarterly but the PTI led government released Rs21.61 billion in the first three quarters of this fiscal year against the Rs33.27 billion allocated in the budget. Furthermore, the total funds for local government were reduced to Rs28 billion for the financial year 2016-17.

“According to Nazims, the district government make ADP and according to the size of that ADP, that must to be disbursed but the financial authorities do not comply with accordance to the amount required to fulfill the ADP, on the plea of budget shortage or financial crisis. Similarly, the due quarterly distribution promise is not honored, and we get only half (i.e. Two Quarters) shares from the proposed budget. At times duplication of scheme also occurs. They have been given the task of making plan for new micro and macro projects but the fund they get is never adequate to meet the expenses of the proposed projects.”

It is evident from the statements of the Nazims that financing the local bodies gets less attention from the higher ranks. On one hand the planned annual program gets suffered on the grounds of budgetary restrictions while on the other hand the already restrained promised budget is not allocated and is cut half. As a result, the performance of local bodies, while dispensing their responsibilities, is suffered inevitably.

5.6. Philosophical Findings

Thomas Hobbes' Social contract theory says that people live together in society in accordance with an agreement that establishes moral and political rules of behavior (Hobbes, 1665). The essence of this theory is that people choose a selected group of individuals among them to govern over them. This contract makes people sacrifice some of their rights for the sake of governance and security. It is a tacit agreement between the governors and the ones to be governed. This contract gives immense power to the government. Powers, that could corrupt the minds of the rulers and they may misuse it. This misuse of power causes the breach of social contract.

This research put forward an effort whether the social contract, which gives power to the local representatives under local government has been empowered the local representatives and in turn whether it is significant for the common masses at the grass-root level. The researcher has based his arguments that the idea of local government has emerged from the theory of social contract, which is basically an agreement of resource and power sharing between the rulers and the ruled. The empowerment of the local representatives is possible if the local government works under its prescribed rules.

The Khyber Pakhtunkhwa local government Act, after its analyses and research is no doubt an exemplary legislation which has significantly empowered the local representatives in decision making at grass-root level. It has also provided the local representatives with a prescribed set of regulations and some discretionary power in funds distributions which makes them independent in resource distribution. The major flaws identified, sometimes hinders the smooth functioning and inversely affect the empowerment which need to be considered in order to make the Act more efficient.

Chapter 6

Conclusion and Recommendations

6.1. Conclusion

The basic aim of this research was to find out the political empowerment of local representatives in service delivery and independency in releasing of funds. ss

The literature suggests that a strong local government works efficiently with having an independent local representatives and local bodies. The local representatives are selected by the local masses and they have the right and duties to distribute the resources among the local masses. If the local representatives are independent in their decision making and are well empowered, the distributions of resources among the masses on the local level are well managed and the needs are fulfilled in an efficient way. Moreover, the trust of the local masses on the local representatives at the grass-root level bear a fruitful relationship and the democratic values are well established.

This research tested these arguments on the local representatives of Buner to find out the results of whether the local representatives have really got empowerment in political decision making and fund distributions under the Khyber Pakhtunkhwa local government Act. The research concludes that the local representatives feel satisfactory in directing their decision making at the local level, but some major extra-legal intervention are still faced by the local representatives. Those representatives who are in a relationship with the ruling party are mostly satisfied with their decision making while those who belongs to non-ruling party possess serious grievances with their decision making. The process of funds distribution is accordingly to the rule of business, according to the local representatives but some major sanctions sometime make it hard to fulfill the needs of local people.

6.2. Key Findings

After the analyses of the primary data, collected through in-depth interviews, it was found that the Act has empowered the local representatives at the grass-root level. The guarantee of rights according to majority of the respondents are provided on the ground. The representatives are satisfied with the sufficiency of the Act and collaborations of provincial government. The formula they have been provided for funds distribution is exactly according to the rule of business.

Several loopholes were also found from the primary data. The main problem is the proper implementation and monitoring. There is no follow-up and incentives for the local representatives which can help them work efficiently.

Some of the major gaps identified in this research are;

1. The first and foremost problem is the complexity of the Act. The KP Local Act 2013 is hardly understandable for the local representatives and even a well-qualified person can hardly understand it.
2. The Local representatives are facing acute problem of extra-legal interventions from the higher authorities which hinders the independent working of local representatives. The intervention is in the form of political and cultural and institutional transgression.
3. There is no proper channel for disciplinary action against functionaries and the provided rules are very complex in nature and cannot be followed due to the pressure of higher authorities.
4. The Act has provided the local representatives with a guideline for committees and project making but the current government has never arranged any guideline for the local representatives.

5. The representatives sometimes have a problem in their fund releasing and inadequacy in their funds for their constituency which affect the plans and projects they have promised to be fulfilled on time.

6.3. Policy Recommendations

The Khyber Pakhtunkhwa local government Act, according to the results and conclusion, is one of the best and exemplary Act, but some major modifications and recommendations should be considered by the policy makers and implementers of the Act. Some of them are as under;

1. A proper monitoring team should be arranged to monitor the working of the local representatives. This will help in evaluating the service delivery to the local masses and performances of local representatives and incentives and rewards should be provided to the local representatives for their encouragement to work efficiently.

2. The local government should be considered a simple system. There are many twists in this system. The local government is a replica of the federal and provincial governments at the local level. Like these two upper tiers of government, people are elected to local council through electoral process. The officials of local councils are also empowered to exercise political administrative and financial authorities, but the complex nature of the Act is a huge barrier in the way of local representatives to exercise their rightful responsibilities in a better way.

3. The number of councilors in the village, tehsil and District level should be reduced because it was observed that the number of local representatives is almost high which has created a complex whole.

4. The delimitation of constituency of the districts under KP LGA 2013 is still based on the previous Pakistan land revenue Act of 1967 and 1998 census of Pakistan. This has created a problem in inaccurately determination of population of a locality. The delimitation for local

government should be based on the recent census and land revenue Act to ensure accurate representatives and service delivery.

6.4. Limitation of Research

The major limitation was time and financial issues due to which the researcher was bound to take a sample size of only a single district i.e. “Buner”. Collecting data from a single district cannot justify and evaluate the whole process of the local government and its efficiency but apart from time and financial limitation the researcher had tried his best to dig out the exact problem and further highlight the issue to the future researcher.

Chapter 7

Policy Implications

As the idea of local government is an integral part of human political life where he can achieve his basic and fundamental political rights. Since the local government guarantee the rights of the local representatives, it also in return, demands from them in term of basic service deliveries to the local people. Therefore, the local government is a two-way process of service delivery if the local representatives are independent in political decision making as well, they deliver the necessities to the local people.

After the in-depth analyses of the KP Local Government Act 2013, the results of the research suggest that the local representatives are still facing huge barriers in their decision-making process, which adversely affects their contributions at the local level. It is also investigated from the results that the local representatives face political intervention and the Act has also been influenced with institutional transgression. As Local representatives have somehow found independency in their decision making in term of fund distributions, they further need support in political decision making to make them further independent.

If the suggested recommendations are truly applied by the policy makers, the policy implications would bear fruitful results on the ground. The arrangement of the monitoring team for the surveillance of the local representatives would present the regular outcome of the responsibilities assigned to them and it would make the Act more effective. Another recommendation related to the complexity of the Act, if considered by the policy makers would in turn help the local representatives know the Act and would easily access the clauses. Another recommendation suggests that due to the large number of local representatives at the local bodies, the local government system has created a complex whole and if these recommendations are truly

considered by the policy makers, would provide an ease for the local representatives. The last recommendations which is related to the combination of the Act based on old census which if considered would make the Act effective and can help in assigning the resources to the people at grass-root level.

Appendix 1

Interview Guide

Q.1. Whether the local administration consider problems mentioned by you about your constituency?

Q.2. Any extra-legal intervention while embarking on your duty by a third party? Like MNA, MPA, AC, DC?

Q.3. Being the executive authority of the district government, the business of the district government is carried out in accordance with this Act and other laws for the time being in force?

Q.4. Do you possess the authority to take disciplinary action against functionaries in district government under efficiency and disciplinary rules?

Q.5. Whether the representatives are provided with a guideline for long- and short-term development projects and committees?

Q.6. How much control LG has over Tax collection/Revenue Generation?

Q.7. Whether the authenticated fund is sanctioned by the concerned authorities?

Q.8. Do you get the due financial share of your respective constituency?

Q.9. Whether you have the choice to spend the received amount in any of your constituency project?

Q.10. Whether the provided fund is adequate to meet the functions assigned in your constituency?

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