



**Public Participation in Local Governments in Pakistan: A Case Study of  
Khyber Pakhtunkhwa Local Government Act, 2013**

**Shehla Khaliq<sup>1\*</sup>**

<sup>1\*</sup>PhD Scholar, Department of Law, Faculty of Shariah and Law, International Islamic University, Islamabad. Email: [shehla\\_khaliq@yahoo.com](mailto:shehla_khaliq@yahoo.com)

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### Abstract

The public sector may provide services more effectively and efficiently locally if the public is involved in local government decision-making and development processes. In Pakistan, the Eighteenth Amendment to the "Constitution of Pakistan, 1973" mandated that each province establish its local government system. For the local government system to be successful, robust public participation may be crucial. This study aims to determine the public engagement channels that the KPLGA offers in 2013. To conduct this study, a comprehensive literature review is used to examine the concept of public participation in local governments. This study looks at public participation under the KPLGA, 2013, in the light of direct and indirect involvement. Public hearings and meetings are an important avenue for direct public participation; nevertheless, KPLGA, 2013 fails to address this mode of public participation. Voting is still one of the most important means of directly engaging the public. However, there are limitations on elected councils' and chairpersons' power that prevent them from exercising their powers without being unduly influenced by the provincial government. To enable effective public participation in local governments, the KPLGA, 2013 must be amended.

**Keywords:** Public Participation, Local Community, Vote, Voice, Access to Information, direct Participation, Indirect Participation, Local Services and Development.

### Introduction

Pakistan is a democratic State and the fifth most populated country in the world. It is a developing country based on a multicultural society. Through the Eighteenth Amendment of the "The Constitution of Pakistan, 1973," a new Article 140-A was included in the Constitution, making it mandatory for all provinces in Pakistan to establish local government systems in their respective provinces. However, neither this nor any other Article of the Constitution guides local governments' composition, duration, powers, or responsibilities. Provincial governments may establish local government systems based on their requirements and preferences. Even yet, the Constitution's Articles 140-A and 32 stipulate that these local governments must be democratic and that the people's chosen representatives shall preside over local government affairs. Following the 2013 general elections, the Pakistan Tehreek-e-Insaf (PTI) took power in Khyber Pakhtunkhwa (KP). In order to satisfy constitutional duty as stipulated in Article 140-A of the "Constitution of Pakistan, 1973," the KP government enacted the "Khyber Pakhtunkhwa Local Government Act, 2013" (KPLGA) to establish a local government system in the province.

In transitional nations, when the democratic process is erratic and brief, the democratization of civil society is just as crucial to the growth of democracy as the democratization of the State (Plostajner and Mendes, 2004: 97). Since democracy is based on popular rule, decision-making cannot be done without the participation of the people.



Citizens have obligations as well as rights in a democratic society. Citizens must have a constructive and active role in order to strengthen democracy. (EU, 2001: 10).

Over the past few decades, decentralization has become popular in developing governments. Different nations may choose decentralization for various reasons. While it is used in certain nations to circumvent central ministries' responsibilities, it is also viewed as promoting economic development in others. Decentralization is used in some other nations to mobilize local resources and gain support at the local level for national development policies (Rondinelli et al., 1983, p. 10). Decentralization increases the political legitimacy of the State by giving residents more opportunities to participate in democracy (SDC, 2001: 13).

Local governments are assumed to be an effective communication channel between the central government and local communities. They have great potential to engage local communities in development planning and management. This ultimately promotes national unity and creates a sense of responsibility in local communities toward these development projects. Representing various political, religious, ethnic, and social groups in local governments also creates political stability (Kalin, 1994: 54).

Participation by the public can be formal or casual. Legal regulations must be created to make it easier for the public to acquire information and to challenge choices made by the government legally. There are no legal regulations governing informal public engagement. For example, public events organized by Non-Government Organizations (NGOs) or Organizations of Civil Society (OCS) to share ideas, identify solutions, and jointly execute them are voluntary (Arbter et al., 2007: 6). Citizens must be educated on topics about participation in order for them to participate in public life effectively. This includes being aware of their rights and obligations. Citizens can take part in indirect elections through the representatives they have chosen. For these elected officials to effectively carry out their duties in governance, they ought to receive some basic training (Gaventa & Valderrama, 1999, p. 10).

It is crucial that citizens believe their opinions matter and that they have the power to affect laws and policies in order to inspire them to take part. Because of this, it is critical that they have the freedom to speak and that the authorities give their viewpoints the consideration they deserve (Plostajner and Mendes, 2004: 97). The role of local government as an intermediary for the federal government and the populace is conceivable. Local governments have a greater chance of listening to residents' concerns and communicating them to higher authorities (World Bank, 1996: 2). This study aims to determine the many facets of public engagement in the KPLGA, 2013. This study aims to examine the various forms of participation in KPLGA, 2013, as well as their scope and efficacy.



### Objectives of the study

This research aims to evaluate the efficacy of the public participation mechanisms provided by the KPLGA, 2013, and ascertain if the choices for public engagement outlined in the pertinent law are sufficient. The study's primary goals are to:

- Identify the various methods that citizens participate in local government;
- Investigate prospects for indirect public involvement under the KPLGA, 2013.
- Ascertain explicit ways in which citizens can participate in the KPLGA of 2013.

### Research Questions

The purpose of this study is to provide answers to the following query:

- Under KPLGA, 2013, what forms of public engagement are available?
- What requirements must be fulfilled for public involvement to succeed, and are these considered in KPLGA, 2013?
- To what extent does the KPLGA, 2013 facilitate public involvement?

### Literature Review

Incorporating the public's needs, values, and concerns into formulating government policies is public participation (Creighton, 2005: 7). Good governance requires citizen participation in decision-making (Mohamed & Manaf, 2015, p. 30). Practitioners and academics typically define "public participation" as the community's or pertinent stakeholders' involvement in the formulation of public policy, the planning, and execution of development initiatives, or the pursuit of improved social and municipal services (Ali, Waris & Azad, 2021: 71). The involvement of citizens and different stakeholder groups in the decision-making process of the government is known as public participation. Individual citizens, elected or nominated representatives, youth clubs, civil society organizations, trade unions, non-governmental organizations, and lobbyists are all possible ways for citizens to get involved (Arbter et al., 2007: 6). The practice of including citizens in government decision-making, policy-making, legislation, budget-making, monitoring service delivery, development initiatives, and other governance-related issues as individuals, groups, or communities is known as public participation (Matemilola and Sijuade, 2021: 2).



### **Modes of Public Participation**

Citizens can become involved in several ways, the two main ones being voting and voicing out (Muriu, 2013: 13).

#### **i. Vote**

Voting is how people show their support for a specific politician, political party, and agenda. The right to vote must be granted and upheld by the law to guarantee political involvement. The adult franchise should grant the right to vote without regard to a person's gender, class, religion, economic standing, or any other factor (Merloe, 2009, p. 14). Secret ballot voting should be used for elections (Ndulo & Lulo, 2010, p. 168). Conducting free and fair periodic elections is crucial to increasing public confidence in the electoral system (Cincotta, 2007, p. 20).

Three factors can be used to assess how competitive local government elections are: partisan affiliation, voter turnout, and the intensity of contestation. The first two signs are apparent. The degree of "representation" of a candidate is demonstrated by the high voter turnout and the intensity of competition between two or more candidates. Election campaigns may get more intense due to partisanship. In the political system, political parties have the power to inspire the populace, especially during elections. Compared to independent candidates, political party members typically have access to more resources for their campaigns, which could influence rivalry between the candidates and increase voter turnout (Blair, 1999, p. 96).

#### **ii. Voice**

The ability of residents to monitor and assess local government's performance and influence the decision-making process is referred to as voice. The scope of voting is limited to the elections only that are held periodically after specific numbers of years as prescribed by law. In a decentralized system of government, voice is a more effective form of participation. Citizens have more opportunities to actively participate in local politics when socioeconomic and political decision-making authority is transferred from the federal government to local governments (Muriu, 2013: 13). They can take part in talks and debates hosted by Non-Governmental Organizations (NGOs), government agencies, or Organizations of Civil Society (OCSs) to voice their opinions on current affairs matters. Through their elected representatives, letters, joining any group, or participating in a nonviolent protest, citizens can provide input and proposals to the appropriate government departments (Cincotta, 2007, p. 49).

Several citizen engagement strategies fall into two categories: advanced and traditional. Voting, referendums, municipal or community assemblies, open exhibitions, and public dialogues are examples of traditional procedures. At the same time, advanced techniques could be debated online, and citizen organizing could be used to lobby to



influence governmental policy. Suppose the local government is having trouble promoting economic growth and providing services. In that case, it may survey the public or hold workshops in the affected towns and villages to learn more about the issues and requirements of the community (Plostajner and Mendes, 2004: 97-100). Participation of the public is a crucial transparency tool. Governments will act more responsibly as citizens become involved in their activities (Mcloughlin & Scott, 2010, p. 30).

### **Components of Public Participation**

According to Creighton, four crucial components comprise public participation: informing the public, listening to the public, engaging in problem-solving, and developing agreements (2005: 9). Public engagement begins with public information. The public cannot engage without it, but it does not entail public involvement in and of itself. Citizens have responsibilities and rights in a democratic society. A democratic government must ensure that its constituents have access to pertinent information, but role awareness is also necessary for citizens to participate effectively. The government may be better able to comprehend the wants and demands of the populace if citizens actively participate in various forums to either support or oppose policies (EU, 2001, p. 10). Holding public hearings is another crucial means of involving the public. Governmental organizations can use this to cooperate with individuals and consult with them on various issues (Creighton, 2005: 9). The essential component for any society's democracy to thrive is its citizens' positive role and conduct. Tolerance and respect for minority viewpoints and differences in thought are crucial in society (Eremenko, 2001: 1).

The fourth crucial component of public engagement is developing consensus on government policy, although "consensus building" and "consensus seeking" are two different things. This will vary depending on what the government agencies want to seek or develop consensus over public policies (Creighton, 2005, p. 10). Citizens must believe they have a voice and can affect government policy to be inspired to engage and show interest in civic affairs. We should give their thoughts the consideration they deserve. For this reason, they should be allowed to freely discuss any topic that is bothering them (Plostajner and Mendes, 2004: 97).

### **Prerequisites for Public Participation**

Effective public involvement in governmental activities is contingent upon the State creating a favorable climate for its citizens. In order to encourage public involvement, ICNL outlines specific key components vital in a State, such as individual safety, equality, empowerment, transparency, and redress. One by one, these components are examined in more detail (2006: 2).



### **i. Protection and Security**

It mandates that every citizen's life, liberty, integrity, security, and privacy be protected by the law (ICNL, 2006: 2). Article 3 of the Universal Declaration of Human Rights, 1949 (UDHR) explains that every person has the right to life, liberty and security while Article 6 explains that everyone has right to recognize as a person before the law. Every person living on Pakistani territory, whether or not they are a citizen of Pakistan, is guaranteed the right to life and liberty by Article 9 of the "Constitution of Pakistan, 1973".

### **ii. Equivalence**

The second principle that is crucial for creating an atmosphere that is favorable to public involvement is that all citizens should be treated equally before the law and that discrimination against any citizen should be prohibited based on any basis (ICNL, 2006: 2). According to Article 1 of the UDHR, every human person is equal in terms of dignity and the law. It is stated in Article 2 that discrimination on any basis is prohibited. According to Article 25 of the "Constitution of Pakistan, 1973," discrimination based on a person's sex is prohibited, and all citizens are entitled to equal protection under the law.

### **iii. Empowerment**

For citizens to participate in public life, they must be informed, capable, and aware of their rights. In order to foster an atmosphere that is favorable for citizen participation, every citizen should have the freedom of speech, assembly, and association formation. The right to free speech, expression, and opinion is guaranteed by Articles 19 of the UDHR, 19 of the ICCPR, Article 10 of the European Convention on Human Rights, Article 13 of the American Convention on Human Rights, and Article 19 of the African Human Rights Charter and Peoples Rights. Articles 20 and 23 of the UDHR, Article 21 of the ICCPR, Article 11 of the European Convention on Human Rights, Article 15 of the American Convention on Human Rights, and Articles 20 and 23 of the European Convention on Human Rights provide the freedom of assembly. The Islamic Republic of Pakistan's 1973 Constitution acknowledges the fundamental rights of freedom of assembly (Article 16), speech (Article 19), and association formation (Article 17) as the cornerstones of citizen engagement.

### **iv. Openness**

Public engagement and information availability are the two instruments of transparency (Sharma, 2007, p. 31). Government officials and elected representatives behave differently when there is transparency. They are more thoughtful when choosing economic and development strategies and projects because they are aware that the public is aware of their actions and decisions (McClougdlin and Scott, 2010: 30). Article 19 of the UDHR, Article 19 of the ICCPR, Article 13 of the American Convention on Human Rights, and Article 10 of the European Convention on Human Rights all recognize the right to





information as a fundamental human right. Every person in Pakistan has the right to receive information on all subjects of public significance, according to Article 19-A of the Constitution.

### v. Remedies

Tolerance of differing opinions is essential for upholding citizens' rights and fostering their trust in the democratic process. Minorities' opinions should be respected, and no one should be prejudiced against them. The State shall guarantee access to justice and offer adequate remedies if a participant's right is violated (ICNL, 2006: 2).

### Public Participation in Pakistan's Former Local Government Systems

The military imposed three local government systems in Pakistan prior to the most recent local government regulations. General Ayub Khan declared martial law for the first time in 1958. In order to create a comprehensive political system and give citizens the chance to participate in local government affairs through their elected representatives, he established the Basic Democracies System (BDS). In order to achieve this, he released the "Basic Democracies Ordinance, 1959" (BDO) on October 27, 1959, which established a structure for local governments with a clear hierarchy (Quddus, 1981, p. 69). Other than the election of BD Council members, this law does not offer any avenues for direct engagement. The government nominated half of the council members, with the other half chosen by popular vote. The BD system allowed for very little indirect public participation through elected representatives who were prevented from effectively participating in local government affairs by the presence of council representatives who had been nominated.

General Zia-ul-Haq reinstated martial law in Pakistan 1977 after toppling the PPP government. Two years later, to quell opposition to martial law and eliminate calls for fresh general elections, Gen. Zia enacted the "Local Government Ordinance, 1979" (LGO, 1979) (Cheema, Khwaja and Qadir, 2006: 389). In actuality, all powers were exercised by the central government through civil and military bureaucracy, despite the LGO of 1979 theoretically eliminating the function of bureaucracy in local governments. Additionally, it has been demonstrated that this statute offers good chances for public involvement. To resist the increasing pressure from political forces, alternate leadership was created by elected members of local councils (Malik & Rana, 2019, p. 30).

Following a military takeover in 1999, General (R) Pervez Musharraf toppled the Nawaz administration and became leadership of Pakistan. The Local Government Ordinance, 2001 (LGO, 2001) was introduced by the Musharraf government (Waseem, 2006: 69). Compared to the prior local government systems, this one was far superior. For the first time, it offered a variety of avenues for public participation and institutionalized it. The public engagement mechanisms made available by LGO, 2001 are briefly covered here;





## **i. Citizens Community Boards**

Almost every local government council established a Citizens Community Board (CCB) organization. CCBs were independent, officially recognized non-profit groups comprised of citizens who cooperated voluntarily with local governments while not being elected. CCBs kept their books, which government organizations examined. Its mandate was to raise funds for several projects through various methods, such as grants, donations, and gifts. With permission from the appropriate local government, CCBs were entrusted with motivating the community to begin development and service delivery projects for their region. 10% of the total cost of a project that CCBs started had to be provided. Ninety percent of the project's expenses are covered by local governments, who also assist them with all administrative duties.

When a CCB dissolved or deregistered, its accounts were given to local governments, who utilized them to finish ongoing projects or benefit the relevant council (Saleem & Ahmed, 2013, p. 4). 50% of the development funds were to be reserved for initiatives started by CCBs, according to Section 119 of the LGO, 2001 (Anjum, 2001: 885). Although the CCB was a good idea, the district administration, local representatives, and the powerful elite in the area abused it. It was employed as a corrupting instrument. Corrupt individuals created fictitious committees with ten members, and then they arranged 10% of the funds for proposed projects. They later received 90% of the funding for these projects from the local government, which they subsequently utilized for their benefit (Saleem & Ahmed, 2013, p. 4).

## **ii. Village and Neighborhood Councils**

By LGO, Village Councils were formed in 2001 in rural regions and Neighborhood Councils in urban areas. These councils had five to eleven members and served as a conduit between grassroots residents and municipal government. These councils' primary duties included organizing public participation in playgrounds, cemeteries, parks, water storage, canal upkeep, and voluntary work to raise money for development initiatives. They also helped the local administrations with surveying and revenue collection (Mezzera et al., 2010, p. 14).

## **Methodology**

This study is being carried out using a qualitative research technique. In order to get a conclusion on the research, descriptive, comparative, and analytical techniques from the qualitative approach are employed to discuss various research elements. This study aims to identify the prerequisites for public participation in the local government system that global experts establish. Books, journals, and studies have all been thoroughly



examined and scrutinized for that reason. The types of public engagement offered under the KPLGA, 2013 are examined in light of these criteria.

### **Public Participation under KPLGA, 2013**

"Indirect participation" refers to including residents in a process through representatives or agents, whereas "direct participation" describes circumstances in which citizens participate directly and actively in the process (Nabatchi and Amsler, 2014: 3). Citizens can take part in the policy-making process directly or indirectly. While people in major cities may participate indirectly through their elected officials, vigilante groups, and social/political associations, residents of small towns may participate directly through town meetings or referendums (Gildenhuis et al., 2002, p. 56). Voting in national and local elections, referendums, seminars, debates, nonviolent protests, marches, and sit-ins organized by the government, NGOs, CSOs, trade unions, political parties, and numerous other associations and organizations are examples of public participation. They can also write articles, letters, and emails to elected representatives and government officials recommending policies and ongoing projects (Bhargava, 2015: 5). The KPLGA, 2013's analysis of public involvement takes both direct and indirect participation into account.

#### **1. Indirect Public Participation**

According to KPLGA, 2013 local governments in the province will consist of elected representatives. Citizens will choose their representatives who will be governors with mutual consultation—This part of the research discusses citizens' indirect participation in KP local government.

##### **i. Participation in Legislative, Budgetary, and Development Affairs**

Although they cannot directly engage in legislation, budget planning, or the design and implementation of development projects under the KPLGA, 2013, they can do so indirectly through their elected representatives. They can communicate their wants and needs to local elected officials so they can speak for them in local governments. Tehsil/city councils are empowered to authorize taxes and fines [Section 25(a)(b) of KPLGA, 2013] and have legislative jurisdiction over topics included in the First Schedule of the KPLGA, 2013.

According to Section 25(d) of the KPLGA, 2013, it must approve the extended- and short-term development plans that the Chairman of the relevant council proposes and presents. According to Section 25(c) of the KPLGA, 2013, it must adopt the annual budget that the chairman presents within thirty days of the start of the fiscal year, and the council must decide whether to approve it or not within ten days. Members can propose suggestions for a better budget to the local council or send them to the chairperson. Section 25(e) to (i) of the KPLGA, 2013 states that one of the council's other primary responsibilities is to elect committees, such as the "Code of Conduct Committee," "Committee on Conduct of



Business," "Finance Committee," and "Standing Committees." It holds local administration accountable through the monitoring and review of the recommendations and reports of the "Tehsil Accounts Committee" as well as the performance reports of the respective local governments, which are supplied by the chairman [Section 25 (j)(k) of KPLGA, 2013].

### **ii. Representation of Women, Minorities, and Other Marginalized Groups**

According to Article 32 of the Constitution of Pakistan 1973, the government should provide exceptional representation to women, peasants, and workers. In "Hayrbayar Domki vs. Returning Officer, Municipal Committee Sibi/Additional Deputy Commissioner," Baluchistan High Court observed that;

Reserved seats, including those for peasants, are meant to secure the representation of downtrodden and deprived segments of society in the lowest tier of government, to have their voices heard, to encourage them to participate in local matters that affect them, and to alleviate their deprivation (2014 CLC 1490) partly.

Section 12 of the Baluchistan Local Government Act, 2013, provides reserved seats for professionals and social workers. Baluchistan High Court declared this provision unconstitutional and against the letter and spirit of Article 32 of the Constitution;

...by Taking away reserved seats of workers and peasants and giving them to social workers and professionals was discriminatory, illegal, and violated Article 25, read with Article 32 of the Constitution and protection and special status according to peasants and workers (PLD 2014 Bal. 206).

Although this article does not explicitly address special seats for minorities, practically all provincial governments offer special seats to minorities in local governments. Achieving successful minority participation in public affairs requires adequate representation of minorities. By averting political confrontations, such involvement may benefit society (Protsyk, 2010, p. 3). KPLGA, 2013 allocates reserve seats for women, minorities, youth, peasants, and workers to fulfill their constitutional obligations. Youth reserve seats are assigned for the first time (Khan, 2016: 80). Section 27(4) of the KPLGA, 2013 defines youth as an individual under thirty.

In order to determine these communities' requirements and create development plans and objectives that suit them, local communities must be involved in the local government's decision-making process. Since they make up half of the population, women play a critical role in the success of the decentralization process. Women should have more opportunities to participate in decision-making through decentralization (UN, 2005, p. 1). For gender equality and long-term socioeconomic development, women must effectively participate in political decision-making. In a democratic society, it also strengthens the voice of women (Ali, Zatoon, and Sardar, 2021: 54). For the first time, enough women



became active in local governments when the "Local Government Ordinance, 2001" was passed, giving women 33% of the seats in all levels of local government. This was a game-changer. In a conservative nation like Pakistan, the move to empower and involve them in local politics was commendable (Sethi, 2009, p. 37).

In comparison to the provinces of Punjab and Sind, the society in KP is relatively more conservative. A woman finds it challenging to leave her house without a male family member. One of the main objectives of the KP government's women empowerment policy is to promote equal political participation and increase the representation of women in all elective bodies (Social Welfare, Special Education & Women Empowerment Department and Provincial Commission on Status of (Women, Khyber Pakhtunkhwa, 2017: 5). KPLGA, 2013 does not set a defined percentage or number of reserve seats for women. The KP government reserves specific seats in various tehsil/city local governments before each election (<https://pakvoter.org/wie/women-and-lg-system/>).

Despite making up 43% of the province's total population, women's representation is inadequate given their demographic makeup (KPK, [https://kp.gov.pk/page\\_type/message/page/welcome#:~:text=The%20total%20area%20of%20the,literate%20province%20of%20the%20world](https://kp.gov.pk/page_type/message/page/welcome#:~:text=The%20total%20area%20of%20the,literate%20province%20of%20the%20world)). Not a single woman has been elected to a general seat in KP's local government elections, nor has a woman been elected to the position of Chairman of the Tehsil or Village/Neighbourhood Local Council. Most of the women elected on reserve seats cannot perform their function or take an active part in problems of local governments owing to a lack of education and political awareness. Compared to men, female representatives are not granted the same access to committee membership. Regarding suggested policy ideas in local governments, elected women's influence remained minimal. Due to a lack of female councilors, women with strong educational and political backgrounds cannot effect any change (Latif Ullah & Khalil Ahmad, 2020, p. 80).

## 2. Direct Participation

Different forms of citizen involvement, such as voting, referendums, municipal or community assemblies, public exhibitions, and public conversations, can be categorized as direct participation in which residents are personally and actively involved (Plostajner and Mendes, 2004: 97). The following is a discussion of direct public engagement under the KPLGA, 2013:

### i. Vote

Since it is impractical for all citizens to participate in government affairs actively, they elect representatives as their agents, create laws and regulations, and make decisions regarding all significant State issues (Beetham, 1998, p. 23). Voting is a crucial tool for participation that is only used during elections. Thus, it is essential to hold free and fair



elections regularly. Election laws must be codified to ensure free and fair elections. For citizens to effectively participate, they should be required to vote for the most deserving candidate in elections or to voice their ideas in a referendum. Before making judgments about government actions and policies, citizens should be obliged to assess them critically (Chikerema 2013: 87).

Article 17 of “the Constitution of Pakistan, 1973” guarantees the freedom to form and join a political party. The Lahore High Court noted in the matter of "*Arshad Mehmood vs. Commissioner/Delimitation Authority, Gujranwala*" that;

Article 17(2) of the Constitution includes a broad sweep of political rights, such as the right to participate in the political life of the nation, the right to contest elections, the right to vote, the right to one man, one vote, the right to have a vote that is equal in weight as that of another citizen, the right to fair representation, the right to electoral equality, the right to elect a leader freely, and the right to go to the polls... (PLD 2014 Lah 221).

In "*Workers Party Pakistan vs. Federation of Pakistan*," the Supreme Court of Pakistan (SC) observed that the "*right to form or to be a member of a political party guaranteed under Article 17 of the Constitution subsumed the right to participate or contest in the election*" (PLD 2012 SC 681). In "*Dr. Farhat Javed Siddique vs. Government of Pakistan*," SC held that as per Article 17 of the Constitution, overseas Pakistanis have the right to vote and should not be deprived of this right (PLD 2018 SC 788). The Constitution put an explicit bar to contesting election as a candidate on dual-nationality holder (Article 223 of "the Constitution of Pakistan, 1973"). Every citizen of Pakistan of 18 years of age is entitled to be enrolled in the electoral roll (Section 26(2) of "the Election Act, 2017").

The KPLGA, 2013, contains comprehensive laws about election-related topics, such as candidate eligibility and disqualifications. The tenure of a local government office in KP is four years (KPLGA, 2013, Section 79(1)). On May 30, 2015, KP held its first local council elections under the KPLGA, 2013. The provincial government dissolved these municipal governments two months before the four-year mark in 2018.

As per the Elections Act of 2017, Section 219(4), new elections must be held within 120 days following the previous local government's expiration. However, elections of local governments in KP were delayed for two years at the request of Prime Minister Imran Khan through the "Khyber Pakhtunkhwa Epidemic Control and Emergency Relief Ordinance, 2020" promulgated on May 12, 2020. The KP government was not in agreement to hold local government elections. Thus, the Election Commission of Pakistan (ECP) objected to the delay of the local council elections through the aforementioned Ordinance because it does not comply with the KPLGA, 2013 and the Elections Act, 2017. After ECP brought the matter before the Supreme Court, the Court ordered that a second



round of local government elections be held in 17 districts in 2021–2022, completed in two phases. PTI won 45 seats, while JUI (F) came in second with 35 seats (IFES, 2015).

### **ii. Public Hearings and Town Meetings**

Conventional public engagement events include hearings and public meetings (Nabatchi and Amsler, 2014: 4). These are incredibly powerful local forums for direct citizen participation, allowing people to voice their preferences, grievances, and suggestions for improving local service delivery. Town hall meetings and public hearings are beneficial in learning about the demands and complaints of residents concerning local administration and government (Muriu, 2013: 14). The KPLGA, 2013 does not specify how mandatory public hearings and meetings are to be held in order to get input from the public and learn about their needs and issues.

### **iii. Community Involvement**

Community involvement in service delivery might be management committees and service implementation. In order to deliver public goods, the public may contribute financially or by giving labor, materials, and knowledge (Muriu, 2013: 14). The establishment of CCBs under the LGO in 2001 is a prime example of community involvement in local development projects in Pakistan; however, the KPLGA of 2013 does not provide any such institution or organization. The KPLGA, 2013 does not currently have a system to guarantee people's engagement in local government matters (Janjua, 2022, p. 15).

### **iv. Supply of Information**

Information sharing is the first step towards public participation. For citizens to make informed decisions and effectively influence local government, decision-making must be open and transparent (World Bank, 1996: 2). However, the values involved in specific circumstances are not always evident; public engagement procedures are required to clarify this area. Therefore, openness and public engagement are closely related: substantial public involvement cannot occur without procedural transparency, and transparency necessitates public involvement. Thus, citizen participation is equally important if we want decisions to be made with the highest political and social awareness (Andersson and Konsult, 2001: 59).

According to Section 34(7) of the KPLGA, 2013, all local governments must provide biannual reports on the execution of their budgets on their websites or the websites of their departments on December 31 and July 31, respectively. Interestingly, though, few local governments have their websites. Section 37(3) of the KPLGA, 2013 mandates that every tehsil local government publish its annual audit report for public information. However, neither this section nor any other section of the Act specifies the publication





medium for these reports, stating that they must be published in newspapers or the official gazette, which has not yet been established, or on local government websites.

### **Conclusion and Recommendations**

Citizens elect their representatives to manage local government activities on their behalf because it is not feasible for them to engage directly in these decisions. By casting their votes, they choose these representatives. To ensure that representatives of the people may independently administer local matters by the wishes of the local people, local government autonomy in politics, finances, and administration is essential. In KP, local councils, chairpersons, and administrative officers form the basis of local administrations. The people choose the chairman and members of councils, but the provincial government appoints administrative staff. In subjects permitted by the KPLGA, 2013, the chairman and local councils have the authority to enact laws, levy taxes, create and approve budgets, and plan and carry out neighborhood development initiatives. However, these authorities come with several restrictions. Sections 60 and 64 of the KPLGA, 2013 give the Chief Minister the authority to rescind any instruction from the Chairman or a local council resolution. These clauses directly interfere with local government authority by allowing the Chief Minister to intervene in internal matters.

Public hearings and meetings are the best means of encouraging public participation at the local level. These elected officials provide a direct line of communication with the demands and complaints of the surrounding towns. However, the KPLGA of 2013 does not establish a system for town meetings or public hearings. The leader of the local government is the chairman or mayor. He serves as the local government's leader in Tehsil. He ought to inform the locals about the welfare and development initiatives currently underway in the area. As a result, it is advised that KPLGA, 2013 include a structure for conducting mandatory public hearings or meetings, known as "Khuli Kacheris," with the mayor or chairman serving as the facilitator.

A key idea regarding the representation of women, peasants, and workers in local governments is explained in Article 32 of the Constitution, which stipulates that they shall be given special seats. In KP, a conservative community, many are wary of seeing women in positions of governmental authority. Official statistics indicate that women comprise 46% of the province's population, although their representation in local administrations does not reflect this. No single woman has been elected to a general seat on any local council throughout the province. The proportion of women in the population is incredibly low. In the KPLGA (2013), women were granted less than 15% of reserve seats, although in the LGO (2001), which included all local government levels, the percentage was 33%. Furthermore, the provincial government or non-governmental groups should prioritize preference for women in training programs frequently held for local government members.





Neither through Neighborhood Councils nor Citizens Community Boards, the KPLGA, 2013 provides as successful a means of community engagement as the LGO, 2001. Any citizen may request information about any local government office not covered by the KPLGA, 2013, by Section 137 of the LGO, 2001. It stipulates that all departments and councils must make audit reports and reports on departments' overall performance public; however, it does not define the publication medium to be used, as local councils do not have their websites or Facebook pages. Every tehsil/city local government should have a website/Facebook page where the public can learn about their everyday activities. It is also recommended that citizen advisory committees be established in each local government.

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