



Training Module

**3-DAY TRAINING ON ADVOCACY
CAMPAIGN SKILLS FOR EFFECTIVE
LOCAL GOVERNMENTS IN KHYBER
PAKHTUNKHWA)**

(July, 2021)

by

**Centre for Governance and
Public Accountability (CGPA)**

Khyber Pakhtunkhwa

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Introduction

The Centre for Governance and Public Accountability (CGPA) is a not-for-profit, non-governmental, non-partisan, civil society organization working for the promotion of public accountability and good governance. CGPA was established in 2011, and registered in January 2012 under the Societies Registration Act, 1860. A Board of Directors, comprising of seven members, governs CGPA.

It is currently implementing a project “Advocacy Campaign for Effective Local Governments in Khyber Pakhtunkhwa” The overall objective of this project is to improve legislative framework for the Local Governments in KP and strengthen voices for holding Local Government elections in Khyber Pakhtunkhwa.

The objective of the proposed assignment is to develop a training manual for a three days training to equip the civil society organizations for effective advocacy for local governments in Khyber Pakhtunkhwa. The training manual will also equip CSOs regarding the strength and weaknesses of the Local Government Act 2013 (with amendments) and overall framework of federalism, resource distribution, districts disparities, and devolved subjects to the local governments. The issues and challenges in holding local government elections will be included in the training manual.

By the end of the training the participants will have learned:

- To equip the participants/ reps of selected Civil Society Organizations (CSO’s) for effective advocacy skills for local governments in Khyber Pakhtunkhwa.
- To enable CSOs understand the local government system-their strengths & weaknesses;
- To update knowledge of CSO’s on Khyber Pakhtunkhwa Local Government Act 2013 with focus on major amendments-2019
- To understand the legal & constitutional framework of federalism, Devolution, resource distribution, Provincial & Districts disparities, devolved Departments to the local governments.
- To understand the issues & challenges & devise strategies for holding local government elections

Outline of Training Module

Title of Module: (3-day Training on Advocacy Campaign skills for Effective Local Governments in Khyber Pakhtunkhwa)	
Content:	[Importance of Local Government System & needs for elected local Govts]
Implementing organization	<u>Centre for Governance and Public Accountability (CGPA)</u> Khyber Pakhtunkhwa
Objective:	By the end of the training the participants will have learned: <ul style="list-style-type: none"> • To equip the participants/ reps of selected Civil Society Organizations (CSO's) for effective advocacy skills for local governments in Khyber Pakhtunkhwa. • To enable CSOs understand the local government system-their strengths & weaknesses; • To update knowledge of CSO's on Khyber Pakhtunkhwa Local Government Act 2013 with focus on major amendments-2019 • To understand the legal & constitutional framework of federalism, Devolution, resource distribution, Provincial & Districts disparities, devolved Departments to the local governments. • To understand the issues & challenges & devise strategies for holding local government elections
Trainer(s):	Local Government Expert/Resource Person
Participants:	Nominees of selected Civil Society Organizations
Method of training:	Adult learning technique mixed with power point presentation, questions and answers and group work and sharing of experiences.
Training material	[Training Module, training agenda, session plans, power point presentation and training add material]
Location:	Peshawar
Duration:	3-days (detail in training session plan)
Evaluation:	<ul style="list-style-type: none"> • <i>By the training participants at the end of each day</i> • <i>By the participants at the end of the training module</i> • <i>By internal and external project M&E team</i>

Session plan

“Advocacy Campaign for Effective Local Governments in Khyber Pakhtunkhwa”

by

Centre for Governance and Public Accountability (CGPA)

July-----2021

Venue: -----

Day-1 (July----2021)		
Day-1	Session-I	
09.30 - 09.50 Registration		
10.00 - 10.15	Welcome & round of introductions	Facilitator
10.15 - 10.30	Key objectives and expected outcomes of the training workshop	Rep of CGPA
10.30 - 11.00	Federalism- Devolution of Powers to provinces & to Local Govts	
11.00 - 11.30 (Group Photo, followed by Tea Break		
Day-1	Session-2	
11.30 - 13.00	Key features of Local Government Act 2013 (as amended in 2019) composition, functions/powers, mode of elections & removal etc	
13.00 - 14.00 Lunch & Prayer Break		
Day-1	Session-3	
14.00 - 15.00	Rules, Rules of business and Bye-Laws of Local Governments	
15.00 - 15.15 Tea Break		
Day-1	Session-4	
15.15- 1600	Local Government election & Local Governments as nursery of democracy & political schooling	
16.00-1630	Devolved subjects & offices under LG Act, 2013	
16.30-1700	Wrap up and closing of day 1	

Day 2 (July----2021)		
Day-2	Session-1	
09.30 - 10.00 Recap of day 1		
10.00 - 11.00	Resource distribution Arrangement under the Constitution of Pakistan and KP LGA-2013	Facilitator
11.00 - 11.30 Tea Break		
Day-2	Session-2	
11.30 - 13.00	Issues and challenges in holding LG election in Khyber Pakhtunkhwa	
13.00 – 1400 Lunch & prayers		
Day-2	Session-3	
14.00 - 15.00	Qualifications of Candidates for LG elections	
15.00 - 15.15 Tea Break		
Day-2	Session-4	
15.15- 1600	Election procedure & Local Governments as nursery of democracy & political schooling	
16.00-1630	Role of ECP + Political Parties in the LG elections	
16.30-1700	Wrap up and closing of day 2	

Day 3 (Juy----2021)		
Day-3	Session-1	
09.30 - 10.00 Recap of day 2		
10.00 - 11.00	Advocacy strategies for holding LG elections	Facilitator
11.00 - 11.30 Tea Break		
Day-3	Session-2	
11.30 - 13.00	Available forums for raising voice for holding LG elections	
13.00 – 1400 Lunch & prayers		
Day-3	Session-3	
14.00 - 15.00	Role of CSO’s in raising voice for the LG cause	
15.00 - 15.15 Tea Break		
Day-3	Session-4	
15.15- 1600	Local Governments & SDG’s targets	
16.00-1630	Most important “take away” from the training workshop	
16.30-1700 Conclusion & Certificate Distribution		

Presentation



Training on advocacy Campaign for Effective Local Governments in Khyber Pakhtunkhwa

July 2021

Day-I



Key Objectives & Expected Outcome of the Training

- **To equip the representatives of selected Civil Society Organizations (CSO's) for effective advocacy for local governments in Khyber Pakhtunkhwa.**
- **To enable CSOs understand the local government system-their strengths & weaknesses;**
- **To update knowledge of CSO's on Khyber Pakhtunkhwa Local Government Act 2013 with focus on major amendments-2019**
- **To understand the legal & constitutional framework of federalism, Devolution, resource distribution, Provincial & Districts disparities, devolved Departments to the local governments.**
- **To understand the issues & challenges & devise strategies for holding local government elections;**

Day-I (Session # 1)

Federalism- Devolution of Powers to Provinces & Local Govts

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The Federalism-Pakistan is a Federal State

- **Preamble of Constitution of Pakistan:** “Wherein the territories now included in or in accession with Pakistan and such other territories as may hereafter be included in or accede to Pakistan shall form a Federation wherein the units will be autonomous with such boundaries and limitations on their powers and authority as may be prescribed”;
- **The Republic and its Territories (Article I of the Constitution of Pakistan):**
 - (1) Pakistan shall be a Federal Republic to be known as the Islamic Republic of Pakistan, hereinafter referred to as Pakistan.
 - (2) The territories of Pakistan shall comprise :-
 - (a) The Baluchistan, Khyber Pakhtunkhwa, Punjab and Sindh provinces.
 - (b) The Islamabad Capital Territory, hereinafter referred to as the Federal Capital; and

7 such States and territories as are or may be included in Pakistan, whether by accession or otherwise.

Majlis-e-Shoora (Parliament) may by law admit into the Federation new States or areas on such terms and conditions as it thinks fit.



The Federal Government

Article 90. The Federal Government:

(1) Subject to the Constitution, the executive authority of the federation shall be exercised in the name of the President by the Federal Government, consisting of the Prime Minister and the Federal Ministers, which shall act through the Prime Minister, who shall be the chief executive of the Federation.

(2) In the performance of his functions under the Constitution, the Prime Minister may act either directly or through the Federal Ministers."



Extent of Executive Authority of Federation.

Article 97. Subject to the Constitution, the executive authority of the federation shall extend to the matters with respect to which Majlis-e-Shoora (Parliament) has power to make laws, including exercise of rights, authority and jurisdiction in and in relation to areas outside Pakistan:

Provided that the said authority shall not, save as expressly provided in the Constitution or in any law made by Majlis-e-Shoora (Parliament), extend in any Province to a matter with respect to which the Provincial Assembly has also power to make laws.



Devolution of Powers

- **From the Federal Government to Provincial Government (18th Amendment)**
(Constitutional Domain)
- **From the Provincial Government to Local Governments'**
(Act of the Assembly)



Important Forums for running the Federation.

- Bi-Cameral Legislature (The Senate)
- Council of Common Interest (CCI)
- National Finance Commission (NFC)
- Inter-provincial Coordination Deptt
- CDWP/ECC/ECNEC

Day-I (Session # 1)

Devolution & constitutional context of local governments

What is devolution



Devolution” means conferment by Government of its administrative and financial authority for the operation, management and control of specified offices of Government to the local governments

Section 2 (d) of the KP LGA-2013

CONSTITUTIONAL CONTEXT OF LGA 2013



- **Article 32** Encouragement of Local Government Institutions as obligation and Principle of Policy
- **Article 37(i)** Decentralization of government administration on the axis of expeditious disposal of business for convenience of the public
- **Article 140-A** Devolution of political, financial and administrative authority and responsibility to elected representatives in local governments



LEGAL FRAMEWORK





Importance of Local Governments

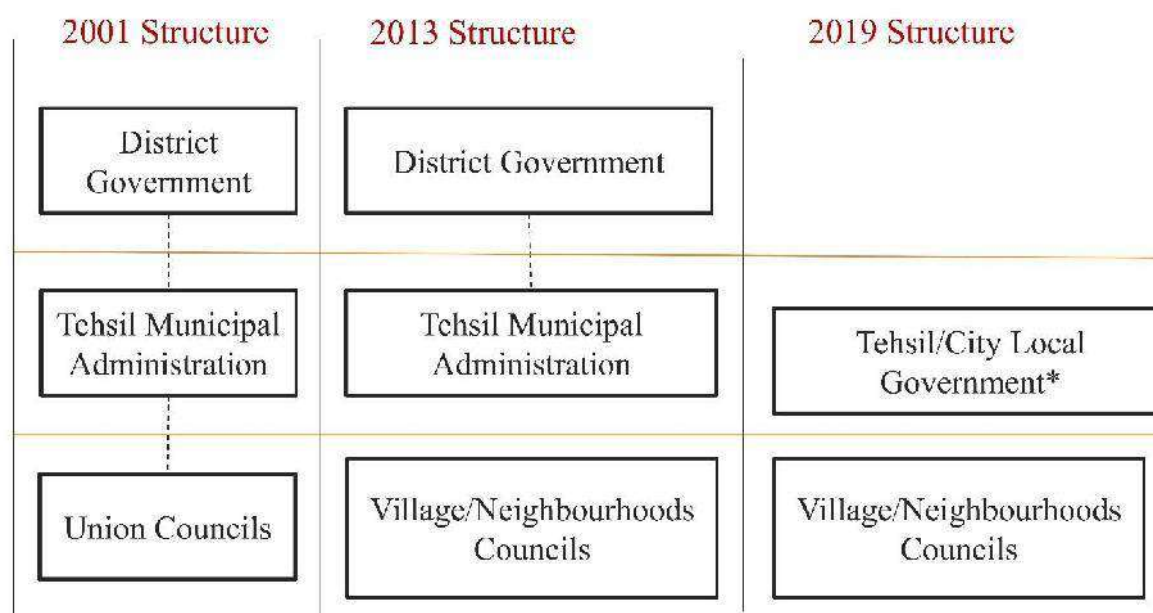
- opening avenues for public participation;
- ensuring participatory democracy;
- accountability & transparency;
- effectiveness and efficiency in service delivery;
- empowering the public in the development;
- Equitable distribution of resources (PFC)

Day-I (Session # 2)

Key Features of Local Government Act 2013 (as amended in 2019)
(The composition of Local Govts)



A Comparative Analysis



*City Local Government for divisional headquarters

Key features

1. Simplified Local Governance System
2. Done away with the elected district tier
3. Direct elections for Tehsil/City Chairmen/Mayor
4. Urban/Rural divide
5. Robust Fiscal decentralization (30% of ADP)
6. Linking Tehsil Government with VCs/NCs
7. Expansion to ex-FATA
8. Effective fiscal and oversight framework

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Composition of City/Tehsil Council

S#	Category	Mode of Election
1	Mayor/Chairman	Direct Tehsil as single constituency
2	All Chairman of VC/NC in the Tehsil	Indirect
3	Reserved seats for Woman (33%), Youth (5%), Peasants/worker (5%) and minorities (5%)	Indirect from amongst the categories of women, youth, peasants/worker and minorities councilors of the VC/NC in Tehsil/City Local Government obtaining highest number of votes in percentage of their respective category of reserved seats.



Composition of VC/NC

S#	Category	Mode of Election
1	Three General Members (including Chairman)	Directly elected from free list of candidates in non-party-based elections held on the basis of adult franchise and joint electorate.
2	One Woman Member	
3	One Youth Member	
4	One Peasant or Worker Member	
5	One minority Member in councils where minorities are registered as voters	

Elected Representation in LGs under KP LGA-2013 (amended 2019)

Name of Council	Chairman/ Mayor	General	Women	Peasants/ Workers	Youth	Minority
Tehsil	129	4212	1390	211	211	211
VC/NC	4212	12636	4212	4212	4212	4212

Note:-

- 1. All categories of Tehsil Councilors (Except Tehsil Chairman/Mayor) are also members of their respective VC/NC's & their dual representation is based on the criteria provided in the law.**
- 2. All VC/NC Chairman from amongst the General councilors, obtaining highest number of votes;**
- 3. Final number of councilors on reserved seats for minority depends upon the pop of minority in a particular VC/NC or Tehsil.**



Impeachment

- Provision of no-confidence has been replaced with Impeachment
- A Chairman/Mayor can be impeached by two third majority of the total members
- Impeachment motion cannot be moved before the expiry of six months of his assumption of office and before the expiry of six months from the date such motion was moved

Day-I (Session # 2)

Key Features of Local Government Act 2013 (as amended in 2019)
(Functions & Powers)



Functions & Powers of Tehsil Chairman/Mayor

- (a) provide vision for tehsil-wide development, leadership and direction for efficient functioning of Tehsil Local Government;
- (b) formulate strategies and timeframe for accomplishment of goals regarding infrastructure development and improvement in delivery of services approved by Tehsil Council;
- (c) coordinate, where required with District Administration for district wide development and delivery of services;
- (d) ensure implementation of devolved functions and maintain administrative and financial discipline;
- (e) oversee formulation and execution of tehsil annual development programme including annual programme for development and improvement of municipal services and infrastructure;
- (f) prepare spatial plans for the tehsil including plans for land use and zoning and disseminate these plans for public enquiry;

Functions & Powers of Tehsil Chairman/Mayor



- (g) present budget proposals to Tehsil Council for approval;
- (h) present to Tehsil Council bi-annual reports on the performance of offices of Tehsil Local Government;
- (i) monitor and supervise the performance of functionaries of Government offices in the tehsil and hold them accountable by making inquiries and reports to the District Administration and relevant provincial departments for action;
- (j) call for quarterly reports from Government departments in the tehsil, other than those devolved to Tehsil Local Government, present them to Tehsil Council and forward them to District Administration and the relevant provincial departments along with recommendations of Tehsil Council and his comments for action;
- (k) through the Tehsil Local Administration regulate markets and services including cattle fairs and cattle markets, issue licenses, permits, grant permissions and impose penalties for violation thereof;

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Functions & Powers of Tehsil Chairman/Mayor



- (l) authorize officers to issue notice, prosecute, sue and follow up criminal, civil and recovery proceedings against violators of municipal laws;
- (m) co-ordinate and support municipal functions amongst village and neighbourhood councils in the tehsil and initiate their inspections;
- (n) issue executive orders to officers-in charge of devolved departments for discharge of their functions;
- (o) recommend disciplinary action against functionaries in the Tehsil Local Administration under efficiency and discipline rules applicable to the employees in tehsil local administration;

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Functions & Powers of Tehsil Chairman/Mayor



- (p) represent Tehsil Local Government on civic and ceremonial occasions;
- (q) nominate one of the members of the Tehsil Council to preside over meetings of the Tehsil Council and deputized him as Chairman during his temporary absence;
- (r) perform any other function assigned by the Government and the Department.
- (2) The Chairman, Tehsil Council shall be personally responsible for loss flowing from decisions made by him personally or under his directions in violation of any provisions of this Act or any other law for the time being in force and for any expenditure incurred without lawful responsible authority.



Functions & Powers of Tehsil Council

- (a) approve taxes, fines and penalties proposed by Chairman, Tehsil Local Government;
- (b) approve bye-laws for delivery of services devolved to Tehsil Local Government;
- (c) approve annual budget and appropriations for Tehsil Local Government;
- (d) approve long and short term development plans proposed by Chairman, Tehsil Local Government;
- (e) elect Standing Committees of Tehsil Council for municipal offices and tehsil based offices and sub-offices of devolved functions to oversee matters and service delivery obligations assigned to these offices and report to the Tehsil Council their findings on efficiency, responsiveness, service delivery standards and performance of the respective offices for review;
- (f) elect Finance Committee of the Tehsil Council for examination of tax and budget proposals;



Functions & Powers of Tehsil Council

- (g) elect Tehsil Accounts Committee to scrutinize the accounts showing appropriations of sums granted in the budget for expenditure of Tehsil Local Government, audit reports, statement of income and expenditure and such other matters as the Chairman, Tehsil Local Government may refer to it;
- (h) elect a Committee on Conduct of Business to consider matters regarding procedure and smooth conduct of business in the Tehsil Council;
- (i) elect a Code of Conduct Committee to oversee the observance of code of ethics by the members;
- (j) review the reports and recommendations of Tehsil Accounts Committee; and
- (k) review the performance reports presented by the Chairman, Tehsil Local Government.



Functions & Powers of Chairman VC/NC

- (a) provide leadership for council-wide development and preparation of budget;
 - [(a-i) present annual budget for approval of the village council or neighbourhood council, as the case may be;]
- (b) organize management of municipal infrastructure with in the area of respective village council or Neighbourhood council;
- (c) chair panels of members constituted for amicable settlement of disputes;
- (d) report to [District Administration and Tehsil Local Government] in respect of:
 - (i) encroachment on state and local government property;
 - (ii) violation of land use plans, building codes, rules and bye-laws;
 - (iii) sale and trade of dangerous and offensive articles;
 - (iv) adulteration of articles of food; and
 - (v) breach of public water courses with in the area of the village council or Neighbourhood council.
- (e) prepare and send quarterly reports on the performance of functionaries of all offices located in the area including education, health, public health engineering, agriculture, livestock, police and revenue to [District Administration and Tehsil Local Government].



Functions & Powers of Village Council/NC

- (i) carry out village level sanitation and conservancy functions in village councils only;
- (iii) identify development needs of the area for use by Tehsil Local Government in prioritizing development plans for the tehsil;
- (iv) register births, deaths, marriages and divorces;
- (v) consider and approve annual budget, including scheme-wise annual development programme and provision for other functions performed by the local council;
- (vi) organize and sponsor village and neighbourhood level sports and cultural events;
- (vii) organize village level cattle fair and shows in its area;
- (viii) elect an Accounts Committee and review its recommendations on the annual statement of accounts and audit reports;



Functions & Powers of Village Council/NC

- (ix) monitor the performance of service providers including education, health, agriculture, water and sanitation and revenue through a Monitoring Committee constituted by it. The Monitoring Committee shall send its report to the respective Chairman, Tehsil Local Government for consideration and action through the respective Assistant Director, Local Government and Rural Development;
- (x) organize watch and ward in the area including protection from stray animals and animal trespass;
- (xi) collect, prepare, maintain and update basic data on social indicators;
- (xii) facilitate Tehsil Local Government in performance of its functions; and
- (xiii) perform any other task assigned by Government or Tehsil Local Government.



Approval of Budget

- Due to direct election of Chairmen/Mayors, budget approval has been simplified
- Budget will now be passed with simple majority of members present and voting
- This will allow the directly elected heads of local governments room to easily get their budget proposals approved
- Chairmen/Mayors will not be de-seated if he fails to get his budget approved

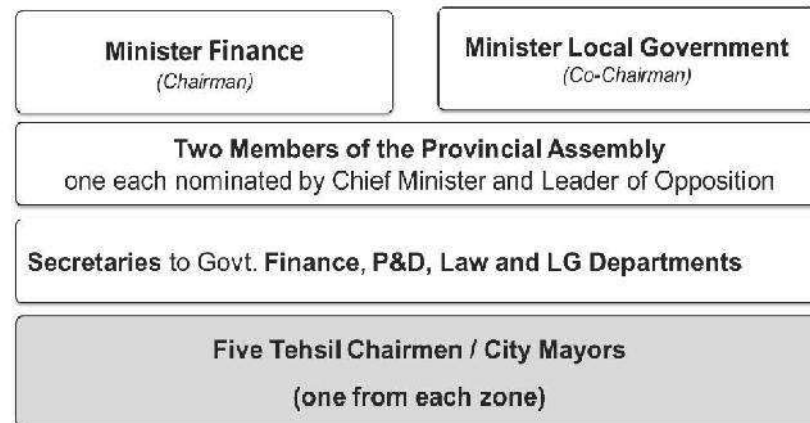
Day-I (Session # 2)

Key Features of Local Government Act 2013 (as amended in 2019)
(Local Governments Oversight Forum)

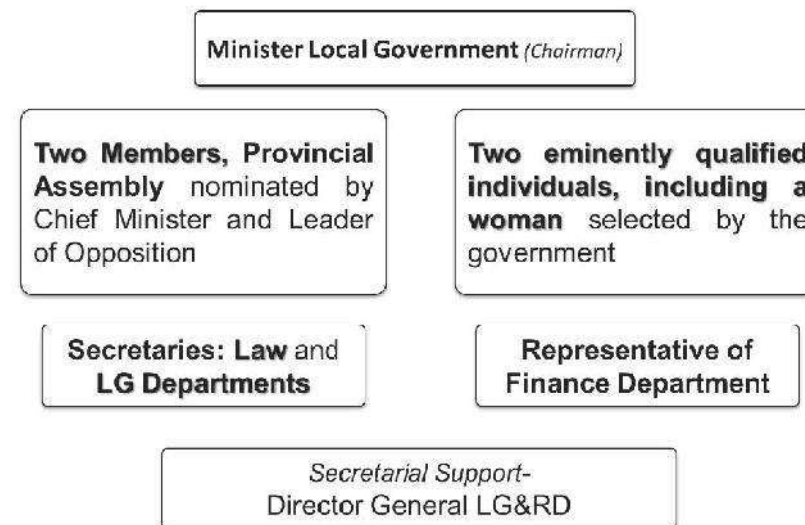


Commissions

Provincial Finance Commission



Local Government Commission



FUNCTIONS OF PFC



1. Amount of grant for LG out of proceeds of Provincial Consolidated Fund, in addition to Octroi and Zilla Tax.
2. Formula for distribution of grants among LG, determined on the basis of population
3. Amount of special grants for LG with conditions to access the facility.
4. Matters related to LG finance.
5. Poverty, population, lag in infrastructure and revenue base of LG are factors formulating its recommendations.

FUNCTIONS OF LGC



1. Conduct annual and special inspections of LG.
2. Conduct financial audit and as third party performance of any or all LG.
3. Conduct inquiry in any matter concerning LG on its own initiative, reference by CM KP or Department.
4. Resolve disputes between LG
5. Submit annual report to CM KP.
6. Take cognizance of violations of laws and rules by LG

Day-I (Session # 2)

Key Features of Local Government Act 2013 (as amended in 2019)
(Alternate Dispute Resolution)



Alternate Dispute Resolution (ADR)

- Mediation Council for out of court:
 - mediation,
 - reconciliation,
 - arbitration and the
 - amicable settlement of disputes of civil naturein each village/ neighborhood and in case of Newly Merged Areas, sub-division
- Rules for composition and functions of the mediation council being framed

Day-1 (Session # 3)

Local Government

-Rules of business

-Rules

-Bye-Laws



Rules and Rules of Business

Government shall prescribe rules of business for local governments notifying structure and working of local government administration, groups of offices, allocation of business, appointment, posting, promotion and transfer of officers and officials, performance evaluation, channels of communication, coordination of local council business, consultation between offices and incidental matters for smooth and efficient disposal of official business

(Reference Section 5 (4) of KP LGA-2013)



Rules and Rules of Business

Rules.---(1) Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

- (2) In particular, and without prejudice to the generality of the fore-going power, such rules may provide for all or any of the matters specified in Part –I of Seventh Schedule.
- (3) The rules made under sub-section (1) shall be subject to previous publication in the official Gazette and shall meet the following considerations:-
 - (a) consistency with the provisions of this Act, democratic decentralization and subsidiarity;
 - (b) enhancement of welfare of the people;
 - (c) fairness and clarity; and
 - (d) natural justice and due process of law.



Bye-laws (section 113 of KP LGA-2013)

Bye-laws.---(1) A [local council] may, in their ambit of responsibilities, make bye-laws to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such bye-laws may provide for all or any of the matters specified in Part -II of the Seventh Schedule:

Provided that the Government may make model bye-laws on any, some or all of relevant subjects for the sake of uniformity.

Day-1 (Session # 4)

Local Governments Elections and LG's as nursery of democracy & political schooling



Local Governments Elections

- **Franchise, Wards and Electoral College.---**(1) Save as otherwise provided, election of members of village council, neighbourhood council and Chairmen, Tehsil Local Government shall be held on the basis of adult franchise and joint electorate.
 - (2) Each tehsil shall be a single ward for the election of Chairman, Tehsil Local Government.
 - (3) Members to fill seats reserved for women, peasants and workers, youth and minorities in the Tehsil Council shall be elected in the manner indicated in [Part-I] of Eleventh Schedule.
 - (4) Elections of Chairman, Tehsil Local Government shall be held on party basis and a political party shall be eligible to obtain an election symbol for contesting these elections.



Authority for Local Council Elections

- **Authority for Local Council Elections.---(1) Election to the local councils shall be held by the Election Commission of Pakistan, hereinafter referred to as Election Commission.**
- **(2) The Election Commission may require any person or authority to perform such functions or, render such assistance for the purpose of elections, including preparation of electoral rolls and disposal of election petitions and other disputes under this Act as deemed fit.**
- **(3) The Election Commission may authorize any of its officers to exercise any of its powers and to perform any of its functions under this Act.**
- **(4) It shall be the duty of all executive authorities in the province to assist the Election Commission in the discharge of its functions.**

Local Governments as nursery of democracy & political schooling



- **Encouraging the Local Leadership at grassroots level;**
- **Opportunities for youths (Male & Female);**
- **Political awareness amongst the people;**
- **Local innovative solution & good governance model;**
- **Empowering the communities;**

Local Governments as nursery of democracy & political schooling



- **Sense of accountability;**
- **Nursery for provincial & national level leadership;**
- **Opportunities for low income group;**
- **Inclusive approach**

Day-1 Session # 4

Devolved subjects & offices under LG Act, 2013

What is devolution



Devolution” means conferment by Government of its administrative and financial authority for the operation, management and control of specified offices of Government to the local governments

Section 2 (d) of the KP LGA-2013



Devolved Functions/Offices

- Primary & Secondary Education;
- Social Welfare;
- Sports and Youth Affairs;
- Agriculture (Extension, Livestock, OFWM, Soil Conservation, Fisheries);
- Population Welfare;
- Municipal Services including water and sanitation;
- Rural Development;
- Public Health Engineering;
- Coordination, Human Resource Management, Planning, Development, Finance and Budgeting functions for the devolved offices;
- Any other office



Day-2

Day-2 Session # 1

Resource distribution Arrangement under the Constitution of Pakistan and KP LGA-2013

National Finance Commission Award



The National Finance Commission is constitutionally established by the Constitution which laid the foundation of equal distribution of revenues between the federal and four provincial governments of Pakistan. The Constitution grants powers to President of Pakistan to constitute the program in five consecutive years. The Constitution further stated:

1. The share of the Provinces in each Award of National Finance Commission shall not be less than the share given to the Provinces in the previous Award.
2. The Federal Finance Minister and Provincial Finance Ministers shall monitor the implementation of the Award biannually and lay their reports before both the State Parliament and Provincial Assemblies.

Within six months of the commencing day and thereafter at intervals not exceeding five (consecutive) years, the President shall constitute a National Finance Commission consisting of the Minister of Finance of the Federal Government, the Ministers of Finance of the Provincial Governments, and such other persons as may be appointed by the President after consultation with the Governors of the Provinces.

— Article 160–165A: Finance, Property, Contracts and Suits; Part-VI, Chapter:1 Finance, source: The Constitution of Pakistan[6]

FUNCTIONS OF PFC



1. Amount of grant for LG out of proceeds of Provincial Consolidated Fund, in addition to Octroi and Zilla Tax.
2. Formula for distribution of grants among LG, determined on the basis of population
3. Amount of special grants for LG with conditions to access the facility.
4. Matters related to LG finance.
5. Poverty, population, lag in infrastructure and revenue base of LG are factors formulating its recommendations.

Day-2 Session # 2

Issues and challenges in Holding LG elections in KP

Issues and challenges in Holding LG elections in KP



-
- Amendments in the Khyber Pakhtunkhwa Local Government Act, 2013 (Sept 2018 to April 2019)
 - Framing of Delimitation Rules & Elections Rules in consultation with ECP
 - COVID-19 factor & decision of the Cabinet;
 - Developing political consensus on LG elections;
 - Cases of other provinces-no LG elections
 - Any others----(task for group work)

Day-2 (Session # 3)

Qualifications of Candidates for LG elections



Qualification of Candidates;

- (a) is a citizen of Pakistan;**
- (b) is at least twenty-one years of age;**
- (c) is enrolled as a voter in the electoral rolls of the relevant ward or a council;**
- (d) is of good character and is not commonly known as one who violates Islamic injunctions; has adequate knowledge of Islamic teachings and practices, obligatory duties prescribed by Islam as well as abstains from major sins; provided that these qualifications shall not apply to a person who is a non-Muslim, but such a person shall have a good reputation;**
- (e) has not been declared by a competent court to be of unsound mind;**
- (f) is not in the service of the federal, a provincial or a local government or, any statutory body or a body which is controlled by any such government or, in which any of such governments has a controlling share or interest, except the holders of elected public office and part-time officials remunerated either by salary or fee; provided that in case of a person who has resigned or retired from such service, a period of not less than six months has elapsed since his retirement;**



Qualification of Candidates;

- **(g) has not been dismissed, removed or compulsorily retired from public service on the grounds of moral turpitude, unless a period of five years has elapsed since his dismissal, removal or compulsory retirement;**
- **(h) does not possess assets which are inconsistent with his declaration of assets or justifiable means, whether held in his own name or of the dependents or any other person or corporate body in whose name assets are held in trust or under any other formal or informal arrangement whereby the de-facto control of such assets including their sale, transfer or pecuniary interest, is retained by him;**
- **(i) has not been adjudged a wilful defaulter of any tax or other financial dues owed to the federal, a provincial, or a local government or any financial institution, including utility bills outstanding for six months or more;**



Qualification of Candidates;

- (j) has not been convicted by a court of competent jurisdiction on a charge of corrupt practice involving moral turpitude or misuse of power or authority under any law for the time being in force, unless a period of five years has elapsed since his released;
- (k) has not been sentenced to imprisonment for more than three months for an offence under any law and, a period of not less than five years has elapsed since his release; and in case of a member or a holder of a public office, has not been sentenced to imprisonment;
- (l) has not failed to file the required return of election expenses or is not convicted for exceeding the limits of election expenses prescribed under the electoral laws and rules;
- (m) has not been declared an un-discharged insolvent by any court;
- (n) does not engage in any transaction involving pecuniary interest with the local government of which he is a member



Qualification of Candidates;

- **(o) does not absent himself without reasonable cause from three consecutive meetings of the council of which he is a member; provided that a member shall not be disqualified if the absence was necessitated by a national emergency or force majeure;**
- **(p) does not fail to attend a mandatory training course as required under this Act;**
- **(q) has not been and is not involved, in activities prejudicial to the ideology, interest, security, unity, solidarity, peace and integrity of Pakistan and its people, and the good order and harmony of society; and**
- **(r) has not used, directly or indirectly, for his election the platform, flag, symbol, affiliation and financial or material resources or support of an ethnic or sectarian or proscribed party, formation or organization.**



Qualification of Candidates

2 Whoever-

- (a) is found by the Election Commission to have contravened the provisions of sub-section (1) shall stand disqualified from being a candidate for election to any office of the local governments for a period of three years; or
- (b) having been elected as a member of a local council or a holder of an elective office of the local government is found by the Election Commission to have contravened the provisions of sub-section (1) shall cease forthwith to be an elected member or to hold the office of such member and stand disqualified from being a candidate for election of a local council for a period of three years.



Qualification of Candidates

(3) If any question arises whether a member of a local council has become disqualified from being a member, the [Chairman], unless he decides that no such question has arisen, shall refer the question to the Election Commission within fifteen days and should he fail to do so within the aforesaid period it shall be deemed to have been referred to the Election Commission.

(4) The Election Commission shall decide the question within ninety days from its receipt or deemed to have been received and if it is of the opinion that the member has become disqualified, he shall cease to be a member and his seat shall become vacant.

Day-2 Session # 4

Election procedure & Local Governments as nursery of democracy & political schooling



Election of Local Governments;

Article 140A. Local Government. Each Province shall, by law, establish a local government system and devolve political, administrative and financial responsibility and authority to the elected representatives of the local governments.

(2) Elections to the local governments shall be held by the Election Commission of Pakistan.

Number of village and neighbourhood councils, Delimitation and Principles of Delimitation



- (1) The total number of Village and neighbourhood councils in every district shall be such as provided in Ninth Schedule.**
- **(2) The Election Commission of Pakistan shall delimit village and neighbourhood councils.**
- **(3) A Village Council shall be an area comprising one or more muaziat or, in the case of an area where revision of settlement under the law has not been taken, one or more census villages.**
- **(4) In the case of an area with urban characteristics, a neighbourhood council shall be an area comprising a whole number of population census blocks as delimited for the purpose of last preceding census or a combination of whole number of census blocks and a whole number of muaziat, notified as such under the relevant laws.**
- **(5) Village and neighbourhood Councils shall, as far as practicable, be delimited having regard to the distribution of population in geographically compact areas, existing boundaries of administrative units, facilities of communication and public convenience and other cognate factors to ensure homogeneity in the creation of village and neighbourhood councils:**

Number of village and neighbourhood councils in every district



S#	District	Councils		Total
		Village	Neighbourhood	
1	Abbottabad	195	14	209
2	Bajuar	120	7	127
3	Bannu	111	5	116
4	Battagram	79	11	90
5	Buner	105	0	105
6	Charsadda	126	20	146
7	Chitral Upper	39	0	39
8	Chitral Lower	56	5	61
9	Dera Ismail Khan	150	36	186
10	Hangu	50	12	62
11	Haripur	155	25	180
12	Karak	57	4	61
13	Khyber	130	17	147
14	Kohat	84	23	107
15	Kohistan	62	1	63
16	Kohistan Lower	47	0	47
17	KolaiPalas Kohistan	52	0	52
18	Kurram	67	14	81
19	LakkiMarwat	94	7	101
20	Lower Dir	182	16	198

Number of village and neighbourhood councils in every district



21	Malakand	67	15	82
22	Manshera	174	20	194
23	Mardan	178	53	231
24	Mohmand	58	7	65
25	North Waziristan	75	6	81
26	Nowshera	129	24	153
27	Orakzai	42	4	46
28	Peshawar	227	130	357
29	Shangla	105	0	105
30	South Wazistan	[91]	15	[106]
31	Swabi	133	27	160
32	Swat	170	44	214
33	Tank	67	11	78
34	Torghar	39	1	40
35	Upper Dir	117	5	122
Total		[3633]	579	[4212]



Composition of City/Tehsil Council

S#	Category	Mode of Election
1	Mayor/Chairman	Direct Tehsil as single constituency
2	All Chairman of VC/NC in the Tehsil	Indirect
3	Reserved seats for Woman (33%), Youth (5%), Peasants/worker (5%) and minorities (5%)	Indirect from amongst the categories of women, youth, peasants/worker and minorities councilors of the VC/NC in Tehsil/City Local Government obtaining highest number of votes in percentage of their respective category of reserved seats.



Composition of VC/NC

S#	Category	Mode of Election
1	Three General Members (including Chairman)	Directly elected from free list of candidates in non-party-based elections held on the basis of adult franchise and joint electorate.
2	One Woman Member	
3	One Youth Member	
4	One Peasant or Worker Member	
5	One minority Member in councils where minorities are registered as voters	

Day-2 Session # 4

Role of Election Commission of Pakistan and Political Parties in the LG elections

Role of Election Commission of Pakistan under the constitution of Pakistan



Article 140A. Local Government. Each Province shall, by law, establish a local government system and devolve political, administrative and financial responsibility and authority to the elected representatives of the local governments.

(2) Elections to the local governments shall be held by the Election Commission of Pakistan.

LOCAL COUNCIL ELECTIONS

Franchise, Wards and Electoral College



Section 74 (1) Save as otherwise provided, election of members of village council, neighbourhood council and Chairmen, Tehsil Local Government shall be held on the basis of adult franchise and joint electorate.

- (2) Each tehsil shall be a single ward for the election of Chairman, Tehsil Local Government.
- (3) Members to fill seats reserved for women, peasants and workers, youth and minorities in the Tehsil Council shall be elected in the manner indicated in [Part-I] of Eleventh Schedule.
- (4) Elections of Chairman, Tehsil Local Government shall be held on party basis and a political party shall be eligible to obtain an election symbol for contesting these elections.

Role of Political Parties under the Election Act, 2017



Explanation: For the purpose of this section:

- (a) the term “Political Party” shall have the same meaning as assigned to it in the Election Act, 2017 (Act No. XXXIII of 2017) and the provisions of the said Act, shall mutatis mutandis apply to political parties contesting election for Chairman, Tehsil Local Government; and
- (b) the term election symbol shall have the same meaning and connotation as assigned to it in the Election Act, 2017 (Act No. XXXIII of 2017).]

Day-3

Day-3 Session # 1

Advocacy strategies for holding LG elections:



Advocacy strategy for LG elections

- Identifying the key stakeholders;
- Preparing multi-pronged action plan
- Choosing the best suited methodology;
- Reaching out to each of the key stakeholders
- Team work and work distribution
- organizing seminars, conferences, dialogues, talk shows etc;
- Meetings with political parties & political leadership;
- Meetings with Government in office
- Inter-provincial meetings and conferences around LG elections;
- Professing the election manifesto of political parties

Day-3 Session # 2

Available forums for raising voice for holding LG elections:



Forums for raising voice for holding LG elections

- **Linking Local Governments to Constitution of Pakistan;**
- **Restoring the trust of Political Parties in LG system;**
- **ECP to play its constitutional role**
- **The role of the Local Council Associations;**
- **Building the case of LG system on the election manifestos of political parties;**



Forums for raising voice for holding LG elections

- **LG is the tools for breaking the traditional power centers for positive socio-political change;**
- **Projecting the Local Government hero & champions;**
- **Obtaining citizen's signature campaign for effective LG's;**
- **Using the print & electronic media to promote the LG cause**

Day-3 Session # 3

Role of CSO's in raising voice for the LG cause:

Group work: Action plan of CSO's in raising voice for the LG cause



S. NO	Proposed action/ activity	At what level / by whom	Proposed strategy	Monitoring indicators

Guiding instructions:

- Participants are divided into 3 or 4 sizeable mixed group.
- All the groups are briefed on the guidelines for undertaking this exercise;
- Every group has to discuss theme of the group work & different activities, their level, proposed strategy and than what monitoring indicators to track the activity(s);
- The final outcome of the Group work discussion is charted down on flip chart or power point presentation as per format given above;
- Every group lead is invited one by one to share their group work in the plenary session
- Participants give suggestions and feedback at the end of each group work presentation to further refine their action plan.
- The group work/action plan is made part of the final workshop report for further dissemination amongst the wider audience

Day-3 Session # 4

Local Governments & SDG's targets:

Role of Women Councilors in LG system

Women are Equal members of the local councils at all level

Women councilors- Gender balanced development plans & Vision

Pro-active role in council committees & Pre-budget consultations .

Special development programs for women against 5% of the ADP

Understand the functions and duties and there lie the powers.

Sustainable Development Goals



17 Goals

- Universal (all countries)
- Integrated (social-econ-enviro)

SDG -6 : Ensure water and Sanitation for ALL

6.1: *By 2030 achieve universal and equitable access to safe and affordable drinking water for ALL*

6.2: *By 2030, achieve access to adequate and equitable sanitation and hygiene for all and end Open Defecation, paying special attention to the needs of women and girls and those in vulnerable situations*

Key takeaways from the LG Training:



- Local government system has a constitutional cover in view of better addressing the convenience and requirements of the public
- The provincial government considers the local government as an important tool to effectively address local development issues.
- Involvement of local representatives and citizens from VC/NC to Tehsil setups in decision making, planning and implementation is the spirit of LG Amended Act 2019.
- Effective local government necessitates people engagement and making peoples' choices central to planning and policy making processes
- Devolved functions exhibits the key SDGs, which requires localized development planning in consultation with public for ensuring ownership and sustainability of the development outcomes
- Local representatives of Village/Neighborhood and Tehsil/Town Councils are the key office bearers for bringing in voices of the marginalized segments and general public onto the planning and decision making processes
- The local government system, to be effective, essentially requires adopting participatory approaches for development planning and developing the associated capacity of office bearers at Tehsil/Town and Village/Neighborhood levels

85



Before & After comparison of NMA's

Description	BEFORE	AFTER
VC/NC	NIL	712
Staff	NIL	1424
TMA's	3 MC's	25 TMA's
TMA's staff	Nominal in 3 MC's	600+
Sanitation Vehicles	Nominal	50
Sanitation Containers	Nominal	625



THANK YOU



Training Evaluation Form

for *participants* Advocacy Campaign for Effective Local Governments in Khyber Pakhtunkhwa” by Centre for Governance and Public Accountability (CGPA)

Date: _____

Title and location of training: _____

Trainer: _____

Instructions: Please indicate your level of agreement with the statements listed below in #1-5.

S#	Statement	1	2	3	4	5
1	The objectives of the training were clearly defined.					
2	Participation and interaction were encouraged.					
3	The topics covered were relevant to me.					
4	The content was organized and easy to follow					
5	The materials distributed were helpful.					
6	This training experience will be useful in my work.					

S#	Statement	1	2	3	4	5
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7	The trainer was knowledgeable about the training topics.					
8	The trainer was well prepared.					
9	The training objectives were met.					
10	The time allotted for the training was sufficient.					
11	The meeting room and facilities were adequate and comfortable					

12. What did you like most about this training?

13. What aspects of the training could be improved?

14. How helpful this training was to achieve your targets as CSO?

15. What additional trainings would you like to have in the future?

16. Please share other comments or expand on previous responses here:

Thank you for your feedback!



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