

Preventing Political Marginalisation of The Poor

An Analysis of Share of Women,
Peasants, Workers and Non-Muslims in
Local Governance in Punjab



Disclaimer

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FOREWORD

Democracy is more likely to develop when all segments of a society are free to participate and influence political outcomes without suffering bias or reprisal. Participation of a diverse citizenry in public and private life is a fundamental aspect of a peaceful and just society. But in many countries, like Pakistan, large portions of the populations are excluded from politics based on their ethnicity, religion, gender, age and disability.

The empowerment of marginalized groups is the most recent approach in the inclusive governance and participatory democracy. Thus, participation of marginalized people in politics and securing their access to political life has particular importance. In order to achieve this, we need to understand the barriers preventing their inclusion in democratic governance and understand that political participation is a fundamental means of addressing the social and economic inequities associated with marginalization.

In this backdrop, the Article 32 of the Constitution of Pakistan ensures political participation of marginalized groups like; women, peasants and workers in local governance and emphasizes for the guarantees to safeguard interests of such vulnerable classes in local governance. But most of these constitutional guarantees were never provided at sufficient level, ignoring the due political rights of the marginalized groups.

The major objective of local government system is to empower people through greater participation and decentralization. It provides opportunity to marginalized to participate in elections in small constituency by spending small amount and by mobilizing their communities at grassroots level. The system also provide space to marginalized sections of society by reserving seats for minorities, women, laborers and peasants.

Despite civil society efforts to help secure due political space for the under-represented groups in local governance, overall ratio of women, minorities, peasants/laborers in successive LG systems has been decreasing since 2001. It is a matter of concern for all of us, who believes in democracy and good governance.

The purpose of the study is to evaluate the role of Local Govt. systems in creating inclusive society and empowering the marginalized groups in case of Punjab. We trust that all our readers, including those involved in the practical work of democracy support and advancing marginalized people's political participation, will find this publication insightful.

Sincerely
Bushra Khaliq
Executive Director



ABBREVIATIONS

CoD:	Charter of Democracy
LGO:	Local Govt. Ordinance
LGIs:	Local Govt. Institutions
PLGA:	Punjab Local Govt. Act
PVPNCA:	Punjab Village Panchayat/Neighborhood Council Act
PPP:	Pakistan Peoples Party
PML-N:	Pakistan Muslim League – Nawaz
PTI:	Pakistan Tehreek-e-Insaaf
UC:	Union Council



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1. BACKGROUND

Local government institutions constitute one of the most important avenues for marginalized people, particularly; women, peasants/workers and minorities to participate in the development of their communities and influence the decision-making processes that are directly relevant to their lives. This system is not only key to strengthen democracy and improve service delivery at grass roots level but also imperative for improved service delivery for citizens.

The institution of local government includes the masses and marginalized elements of the society in the decision making process and ensures peoples participation, which is cornerstone of good governance. Good governance assures that the views of peasants, workers and minorities are taken into account and that the voices of the most vulnerable in the society are heard in decision-making. It is also more responsive to needs of the society. The process of local governance is a long-term collective activity, which improves state capacity when citizens can express their opinions and demands.

Notwithstanding ups and down regarding Local Governance in Pakistan it helped deepen the democratic culture at grassroots level and public participation enhanced the capacity of the poor and marginalized to participate in the decision-making process at local level. Successive military regimes since Gen. Ayub Khan and political governments since ZA Bhutto introduced various models of local govt. 1973 constitution includes Local Govt. as a non-binding issue through two articles; 32 and 37 in the section entitled, 'Principles of Policy' which set out the govt.'s position on LG system. These principles of policy remained only on paper until LG was activated under the rules of Gen. Zia-ul-Haq and Gen. Musharraf.

Although all the LG systems introduced in the past were designed/alterd according to the particular political needs of concerned ruler or political party, the representation of women, peasants, workers and minorities, though limited, was ensured at different levels. Compare to different LG systems the devolution system introduced by Gen. Musharraf in 2001 is considered as a step forward. The marginalized sections including women, peasants and workers were given highest ratio of representation under those systems. For the first time in Pakistan's history, women were provided 33 per cent of the seats in all three tiers of LG system across the four provinces.

After 18th Constitutional amendment subject of Local govt. was devolved to provinces under Article 140-A, which asks the provinces to establish local govt. system based on the elected representatives. As a result, the provincial governments developed their respective LG laws in 2013 but kept hesitating (except Baluchistan) to hold LG elections till 2015, when Supreme court of Pakistan ordered them to fulfill their constitutional compliance and install local governance systems.

In terms of representation almost all provincial Local Government laws provided for reserved seats for women, peasant/labor and religious minorities with varying numbers. The Punjab, the Sindh, the Khyber Pakhtunkhwa LG Acts additionally provide for reserve seats for the youth also. The Baluchistan's law provides reserve seats for professionals and social workers instead of youth.

The system for elections on reserved seats also varied from province to province. In Islamabad and Khyber Pakhtunkhwa these seats were directly contested at the lowest level i.e. the Union Council (Islamabad) and Village/Neighborhood Councils (Khyber Pakhtunkhwa). In the Sindh the reserved seats are to be filled on the basis of party lists. In Punjab and Baluchistan these seats were filled through indirect election. In Punjab Local Govt. Act 2013, women seats were down to around 15% from 33% under LGO 2001. While peasants/workers, non-Muslim representation was also cut to 7%.

After LG elections in 2015, the Local Govt. Institutions were practically established in Punjab in 2016. However, PTI govt. in Punjab dissolved LGIs on 30 April 2019 after the Punjab Provincial Assembly passed a new law PLGA2019 to reconstitute the Local Govt. system in the province.¹ Thus, all the local governments operating in the villages, towns and cities of the Punjab were sent packing, even though they had completed only half of their five-year legal tenure. With that powers of Local councils were transferred to districts administrations.

2. CONSTITUTIONAL PROVISIONS FOR POLITICAL PARTICIPATION OF MARGINALISED

Article 32 of the Constitution of Pakistan calls for the promotion of local Government institutions and special representation for 'peasants, workers and women' in local governments. "The State shall encourage local Government institutions composed of elected representatives of the areas concerned and, in such institutions, special representation will be given to peasants, workers and women". Thus, it ensures the participation of marginalized groups, such as women, peasants and labor in the local government elections. However, religious minorities have not been mentioned in this article as a separate vulnerable group.

Article 140/A binds all governments to devolve administrative, financial, and political powers from the federal to the provincial and from the provincial to the local governments, maintain the continuity of the elections and devolve powers to elected people. Thus, Article 140-A and Article 32 are the benchmark for promotion of Local Govt. system.

In the same way, Article 10 of the Charter of Democracy (CoD) signed between two mainstream political parties; PPP and PML-N in 2006, says that after coming into power both the parties will ensure a strong local government system in the country. However, not much genuine efforts were made by both the signatories for the preservation of political and electoral interests of the vulnerable to prevent their marginalization and to accommodate them meaningfully through reserve seats.

Since 2001, the overall ratio of special representation of women, peasants/workers and other marginalized sections has been decreasing, denying their constitutional rights in line with the Article 32 of the Constitution. The Local Government Ordinance of 2001, reserved 33% of the seats in all tiers of local government for women. As a result, 36,000 women entered local governments, filling 90% of the seats reserved. Similarly, the LGO 2001, also opened window for some 20% peasants and workers' representation in the local government system. Unfortunately, in 2005 the number of seats in UCs was reduced from 21 to 13, reducing women ratio to around 24%. The number of total seats for women were cut down from 36,000 to 24,000.

1. In fact, The Punjab Assembly passed twin but separate acts titles (i) Punjab Local Government Act 2019, and (ii) Punjab Panchayat and Neighborhood Council Act 2019. Pertinent to mention is the Neighborhood Council has no link with urban local governments, both legally and administratively.

3. LOCAL GOVERNANCE AND POLITICAL EXCLUSION OF MARGINALIZED GROUPS

Empowerment of marginalized is the most recent approach in the inclusive governance and participatory democracy. The Local Govt. system provides space to empower marginalized sections of society; peasants, workers, women and minorities by reserving seats for them in Local councils.

With regard to meaningful political participation the marginalized sections of society like peasants, workers, women and minorities particularly in poor countries has been confronting with the problem of social exclusion since long. The importance of local govt. is particularly enhanced when political parties are not performing these functions in effective manners. The Local Government provide opportunity to marginalized to participate in elections in small constituency by mobilizing their communities at grassroots level.

Local Government got more significance in modern governance processes because it has a potential to address the empowerment issue by ensuring representation, participation and including the all segments of society at grassroots level in decision making process. These grass roots level governments operated by elected representatives of local communities have the ability to preserve, develop the education, culture and traditions of diverse groups.

The provision of local government seats, though limited, for peasants and workers can, theoretically, enable otherwise disempowered segments of society to exert a degree of influence on the provision of government services. However, such goals are difficult to achieve when genuine candidates are not selected for those seats.

Following local government elections in the federal capital territory of Islamabad, one small study² found evidence that property dealers, lawyers, and landowners were nominated for many of the seats intended for peasants and laborers. Similar problems were noted under previous LG systems of 2001 and 2005, yet no effective steps seem to have been taken to address the problem of elite capture of seats intended for representatives of marginalized communities.

Under PLGA 2013, elected representatives were allowed to select candidates from marginalized segments of society on reserve seats, was in fact meant to provide a greater opportunity for the exercise of patronage and strengthening the hold of dominant political parties over the local government system instead of allowing disempowered to come to the fore. In the new law of Punjab Village Panchayat and Neighborhood Council Act 2019, the representation of peasants, workers and youth have been totally set a side in the new laws.

4. REPRESENTATION OF MARGINALIZED SECTIONS IN LOCAL GOVERNANCE

If we look at the history of local governance in Pakistan, the local govt. system has failed to provide modest space to underrepresented groups such as peasants, laborers women, religious minorities, youth, and people with disabilities. In the intermittent periods, whatever the limited spaces provided were insufficient and remained underutilized.

2. Umar Cheema, "Property dealers intrude Capital LG under garb of peasants, laborers," Geo News (Karachi), October 17, 2016, www.geo.tv/latest/117990-Property-dealers-intrude-Capital-LG-under-garb-of-peasants-laborers

4.1 Local Govt. Ordinance 2001

The 2001 system provided sufficient representation to women, workers, peasants and minority candidates in all LG tiers, indicate that the system had opportunities for empowering the traditionally marginalized segments of the society.

Under this system Women, peasants/workers and minorities were elected on special seats. As a result women represented 33% of total number of members of unions in a district or in a city district govt. Peasants/ workers and religious minorities made up 5% seats reserved for them. Similarly, in Tehsil/Town Councils, women, peasants/workers and minorities were also elected on special seats with same ratio.

TABLE - 01

DESCRIPTION OF SEATS UNDER 2001 LG SYSTEM	
Category	Seats
General seats including reserve seats women	12 (4 women)
Reserve seats for peasants/workers, women	06 (2 women)
Reserve seats for minority	1
Nazim a nd Naib Nazim	2
Total	21

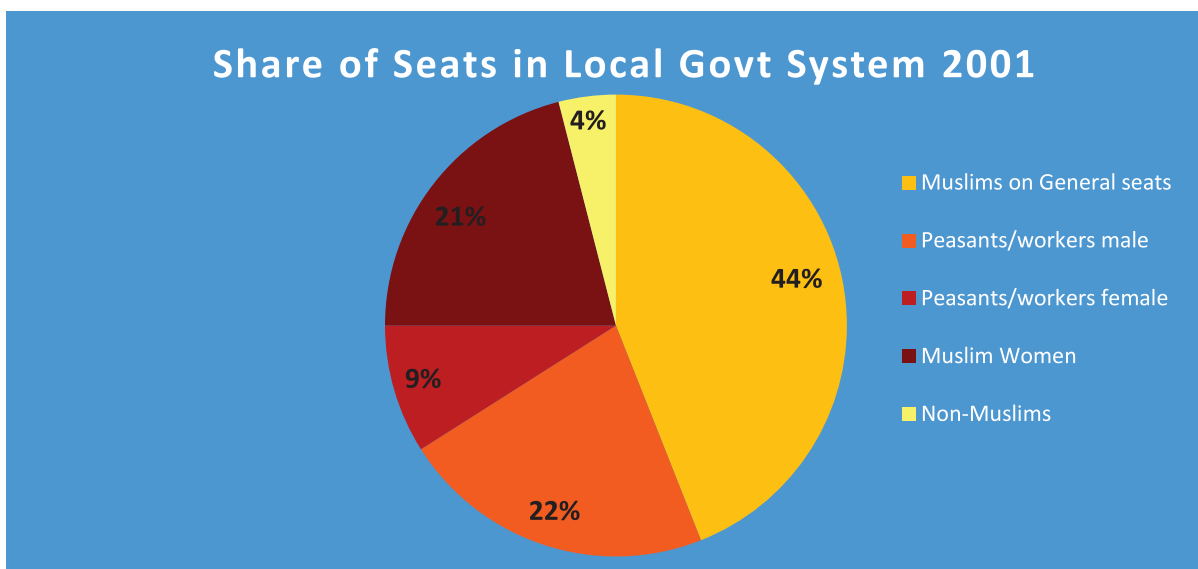
The Union Council, which comprises 21 members, was consisted of 12 Muslim members elected on general seats including 4 reserved for women, 6 members elected on seats reserved for peasants and workers including 2 reserved for women and 1 member elected on a seat reserved for minority communities.

TABLE - 02

SHARE OF SEATS ALLOTTED TO SECTIONS AND GROUPS UNDER 2001 LG SYSTEM	
Name of section/group	Share
Non-Muslims	4%
Peasants/workers female	9%
Muslim women	21%
Peasant workers Male	22%
Muslims on general seats	44%
Total	100%

Source: Election commission of Pakistan 2001

FIGURE - 01



As result of elections under LGO 2001, around 36,000 women entered local governments, across Pakistan, filling 90 % of the seats reserved for women.

4.2 Local Govt. Ordinance 2005

This silent revolution of 2001 was in fact replayed in 2005 when 156,925 women candidates contested the local elections and 98.3% of reserved seats for women in the Union Councils were filled.³ However, some major changes were made in the Local Government Ordinance 2001 through promulgation of the Punjab Local Government (Amendment) Ordinance, 2005, reducing number of seats of Union Council.⁴

TABLE - 03

DESCRIPTION OF SEATS UNDER 2005 LG SYSTEM	
Category	Seats
General seats including reserve seats women	6 (2 women)
Reserve seats for peasants/workers, women	4 (2 women)
Reserve seats for minority	1
Nazim and Naib Nazim	2
Total	13

Resultantly the number of seats in a Union Council were reduced to 13 from 21. The major reduction of seats was occurred on the Muslim general seats as their number was decreased from 8 to 4. Reserved seats for women were lowered to 4 from 6. Over all a total 24000 seats were available to women in 2005 LG system, a decrease of around 12000 seats from 2001 system. If we look at the ratio of representation in 2005 LG system, Non-Muslims were 4%, Muslim Women 22%, peasants/workers (female) 9%, see table-4

3. http://www.pk.undp.org/content/pakistan/en/home/library/hiv_aids/development-advocate-pakistan/opinion--local-governments-and-the-participation-of-women.html

4. Amendment 38 in Section 87

TABLE - 04

SHARE OF SEATS ALLOTTED TO SECTIONS AND GROUPS UNDER 2005 LG SYS		TEM
Name of section/group	Share	
Non-Muslims	4%	
Peasants/workers female	9%	
Muslim women	21%	
Peasant workers Male	22%	
Muslims on general seats	44%	
Total	100%	

4.3 Punjab Local Govt. Act 2013

The important feature of the PLGA 2013 was the right to representation for youth. As a result, over 4000 youth members up to 25 years of age entered into the LG system. However, the representation of women was significantly reduced from 33% to an average 15% at various tiers of the local governments in the Punjab. A total 9286 women represented themselves in 4244 local govt. units across Punjab. Their highest representation was 15.4% at Union council level. In upper tiers it was further down to minimum of 7.8% at Metropolitan level.

Similarly, a total 4435 workers and peasants represented themselves in 4244 LGI including Union councils, Municipal committees, District councils, Municipal corporations and Metropolitan Corporation across Punjab. Their overall representation was 7.1%, with highest at UC level 7.7% and lowest at Metropolitan level 1.5 %.

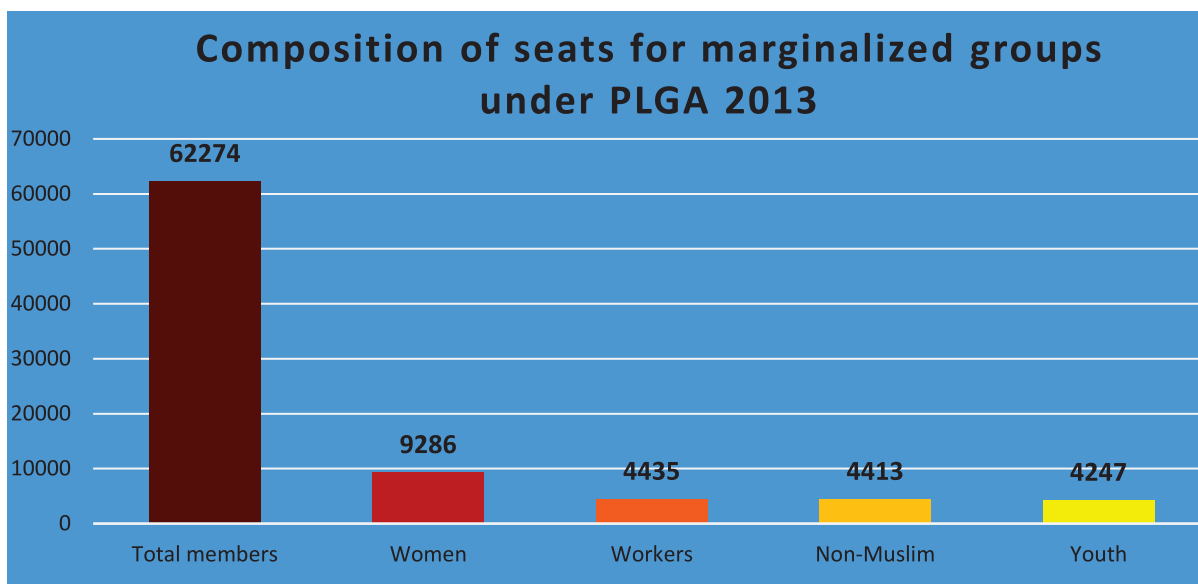
As far as non-Muslims are concerned there were total 3088 members in the entire Local system of Punjab registering an overall ratio of 4.9%. Their highest ratio of representation was registered with 5% and lowest 0.6% at Metropolitan level. Pertinent to mention is that 1325 seats of non-Muslims at UC levels remained vacant as only 2690 candidates submit their nomination papers against 4015 seats.

TABLE - 05

COMPOSITION OF SEATS FOR MARGINALIZED GROUPS UNDER PUNJAB LOCAL GOVT. ACT 2013						
Name of Local Govt.	Number LGIs	Total members	Women members	Workers, peasants	Non-Muslims	Youth
Metropolitan Corporation	1	319*	25	5	2	2
Municipal Corporation	11	693*	107	41	31	13
District Council	35	4279*	492	164	143	35
Municipal Committee	182	4833*	657	215	222	182
Union Council	4015	52195	8030	4015	4015	4015
Total LGIs	4244	62274	9286	4435	4413	4247

*total members include, general members, women, peasants/workers, non-Muslims, youth and technocrats.

FIGURE - 02



Thus, under PLGA 2013, average ratio of women representation on all tiers of local govt. institutions in Punjab was around 14.9%, followed by workers/peasants around 7.1%, youth 6.8% and Non-Muslims 4.9%. The maximum ratio of women representation was 15.4% at the levels of Municipal corporations and Union councils. While the lowest was 7.8% at level of Metropolitan Corporation.

TABLE - 06

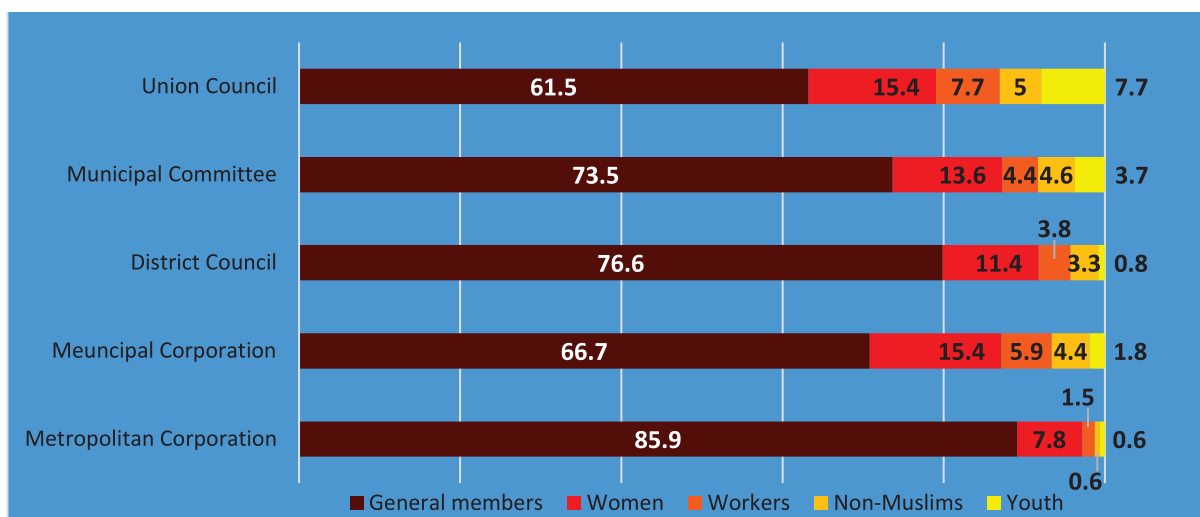
SHARE OF MARGINALIZED GROUPS UNDER PUNJAB LOCAL GOVT. ACT 2013						
Name of Local Govt.	Number LGIs	Total members	%Women members	%Workers, peasants	% Non - Muslims	% Youth
Metropolitan Corporation	1	319	7.8%	1.5%	.62%	.62%
Municipal Corporation	11	693	15.4%	5.9%	4.4%	1.8%
District Council	35	4279	11.4%	3.8%	3.3%	.81%
Municipal Committee	182	4833	13.6%	4.4%	4.6%	3.7%
Union Council	4015	52195	15.4%	7.7%	5%*	7.7%
Total LGIs	4244	62274	14.9%	7.1%	4.9%	6.8%

*2690 Non-Muslim candidates submit their nomination papers against 4015 seats in the union councils. Thus 1325 seats remained vacant at UC levels

If we look at the representation ratio of peasants and workers over all it was 7.1%. However, at UC level, it was 7.7% followed by 5.9% in Municipal Corporation, 4.4% municipal committee, 3.8% district council and just 1.5 % in Metropolitan.

While looking at the ratio of non-Muslims at various tiers, the overall average was 4.9% (even less than youth). The highest ratio 5% was registered at UC level, followed by 4.6% in Municipal committees, 4.4% Municipal corporations, 3.3% in District Councils and less than 1 % in Metropolitan.

FIGURE - 03



4.4 Punjab Local Govt. Act 2019

In April 2019, the Govt. of Punjab introduced two parallel LG laws; Punjab Local Govt. Act 2019 and Punjab Neighborhood Council and Village Panchayat Act 2019. With the introduction of these new laws, the LG system 2013 was wrapped up and since then provincial bureaucracy has been running the affairs of the local councils in Punjab.

In the new LG system women, workers/peasants and non-Muslims have been given limited representation but workers/peasants have been ignored in Neighborhood Councils and Village Panchayat. While reserve seats for non-Muslims have been linked to the population size of the minorities in the concerned area. Women, peasants/workers and non-Muslims can contest on general seats as well and Non-Muslim voter has been given the right to double vote to Muslims candidates also. Under new twin laws there would be direct election on reserve seats for women, peasants, workers and no-Muslims.

The age limit for candidates, which was earlier increased from 21 to 25 years, was decreased to 18 years through an amendment in November 2019, through an ordinance in Election Act 2017⁵. The polls under PLGA 2019 would be held on party basis to induct some 11138 to 20412 candidates; including women, peasants and non-Muslims in 455 local govt. units across the Punjab province. But for Neighborhood Council and Village Panchayat elections would be held on non-party basis. As a result, roughly 30,000 local councils are expected to be formed with nearly 200,000 elected councilors across Punjab. For better understanding, Table below (7) depicts the composition of general and reserve seats in different tiers of the local govt.

Although PLGA 2019 also gives special representation to marginalized sections of society through reserve seats but it is difficult at the moment to assess the exact number of seats for women, peasants/workers and Non-Muslims. The law talks about minimum to maximum number of seats for the marginalized sections, which would be decided according to population size in the concerned area per formula mentioned in Schedule 16 of Punjab Local Govt. Act 2019.

5. Sanghat Development Foundation, Zahid Islam www.sdf-pk.org (Local Govt Resource Center)

TABLE - 07

COMPOSITION OF SEATS AT VARIOUS TIERS UNDER PLGA 2019									
Name of Tier	Units	General members		Women members		Peasants, workers		Non-Muslims	
		<	>	<	>	<	>	<	>
Metropolitan Corporation	1	49	70	6	10	5	8	2	2
Municipal Corporation	1	35	49	4	5	4	4	1	2
Municipal Committee	1	21	28	2	3	2	3	1	1
Tehsil Councils	1	21	56	3	8	2	6	1	2
Town Committees	1	14	21	1	2	1	2	1	1

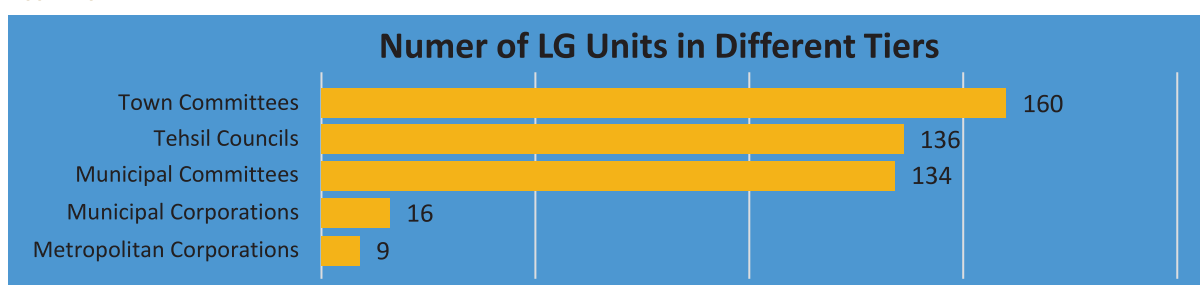
*<=minimum and >=maximum

If we calculate the total number of seats for women, peasants/workers and non-Muslims at the 5 tiers of the new local govt. system, the table below (8) depicts a clear picture. For instance; in all the 9 metropolitan corporations, there would be around 54-90 women seats, followed by workers/peasants (45-72) and non-Muslims 18 seats. Similar ratio of minimum to maximum goes down to the level of Town Committee.

TABLE - 08

MINIMUM AND MAXIMUM TOTAL SEATS FOR ALL GROUPS AT VARIOUS TIERS UNDER PLGA 2019									
Name of Tier	Units	Total general members		Total Women members		Total Peasants, workers		Total Non-Muslims	
		<	>	<	>	<	>	<	>
Metropolitan Corporation	09	441	630	54	90	45	72	18	18
Municipal Corporation	16	560	784	64	80	64	64	16	32
Municipal Committee	134	2814	3752	268	402	268	402	134	134
Tehsil Councils	136	2856	7616	408	1088	272	816	136	272
Town Committees	160	2240	3360	160	320	160	320	160	160
Total	455	8911	16142	954	1980	809	1674	464	616

FIGURE - 04



Calculating the representation ratio of different groups in 9 Metropolitan Corporations the general members have 78% to 79% representation. While ratio of women representation stands in between 9.6% to 11%, followed by peasants/workers 8% to 8.8% and Non-Muslims 2 to 3%. See table below (9).

TABLE - 09

RATIO OF WOMEN, PEASANTS, WORKERS AND NON -MUSLIMS IN METROPOLITAN CORPORATION									
Total members		General members		Women members		Peasants, workers		Non-Muslims	
<	>	<	>	<	>	<	>	<	>
62	90	49	70	6	10	5	8	2	2
100%	100%	78%	79%	9.6%	11%	8%	8.8%	2%	3%

The ratio of general members in Municipal Corporations stands between 79.5% to 81.6%. Women have in between 8.3 % to 9 %, followed by workers/peasants 6.6% to 9% and minorities 2% to 3% (see table -10).

TABLE - 10

RATIO OF WOMEN, PEASANTS, WORKERS AND NON -MUSLIMS IN MUNICIPAL CORPORATION									
Total members		General members		Women members		Peasants, workers		Non-Muslims	
<	>	<	>	<	>	<	>	<	>
44	60	35	49	4	5	4	4	1	2
100%	100%	79.5%	81.6%	8.3%	9%	6.6%	9%	2%	3%

The ratio of general members in Municipal Committees stands around 80%. While women have in between 7.7 % to 8.5 %, followed by workers/peasants with almost same ratio of 6.6% to 9% and minorities 2.8% to 3.8% (see table -11).

TABLE - 11

RATIO OF WOMEN, PEASANTS, WORKERS AND NON -MUSLIMS IN MUNICIPAL COMMITTEE									
Total members		General members		Women members		Peasants, workers		Non-Muslims	
<	>	<	>	<	>	<	>	<	>
26	35	21	28	2	3	2	3	1	1
100%	100%	80%	80%	7.7%	8.5%	7.7%	8.5%	2.8%	3.8%

The ratio of general members in Tehsil Councils stands around 77%, followed by women 11%, (workers/peasants 7.4% to 8.3% and minorities 2.7% to 3.7% (see table -12).

TABLE - 12

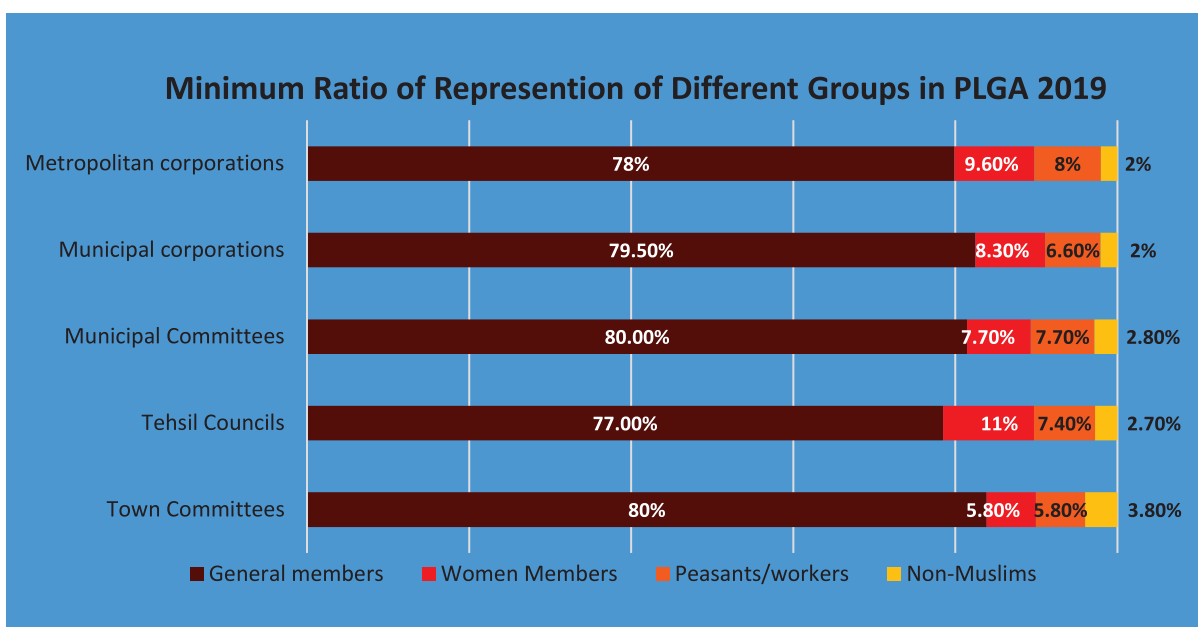
RATIO OF WOMEN, PEASANTS, WORKERS AND NON -MUSLIMS IN TEHSIL COUNCIL									
Total members		General members		Women members		Peasants, workers		Non -Muslims	
<	>	<	>	<	>	<	>	<	>
27	72	21	56	3	8	2	6	1	2
100%	100%	77%	77%	11%	11%	7.4%	8.3%	2.7%	3.7%

In Town committees, the ratio of general members stands in between 80-82%, followed by women and peasant/workers with same ratio of 5.8% to 7.6%, non-Muslims 3.8% to 5.8%. (See Table-13)

TABLE - 13

RATIO OF WOMEN, PEASANTS, WORKERS AND NON -MUSLIMS IN TOWN COMMITTEE									
Total Members		General Members		Women Members		Peasants, Workers		Non - Muslims	
<	>	<	>	<	>	<	>	<	>
17	26	14	21	1	2	1	2	1	1
100%	100%	80%	82%	5.8%	7.6%	5.8%	7.6%	3.8%	5.8%

If we look at the overall ratio of representation at all the tiers of 455 LG units including 9 Metropolitan Corporations, 16 Municipal Corporations, 134 Municipal Committees, 136 Tehsil Councils and 160 Town Committees, the table below (11) depicts a clear picture of under representation of marginalized sections of society. Calculation shows women get around 8.5% to 9.7% which means below 10%. The peasants and workers share was around 7-8% and non-Muslims are expected to 3-4% seats.



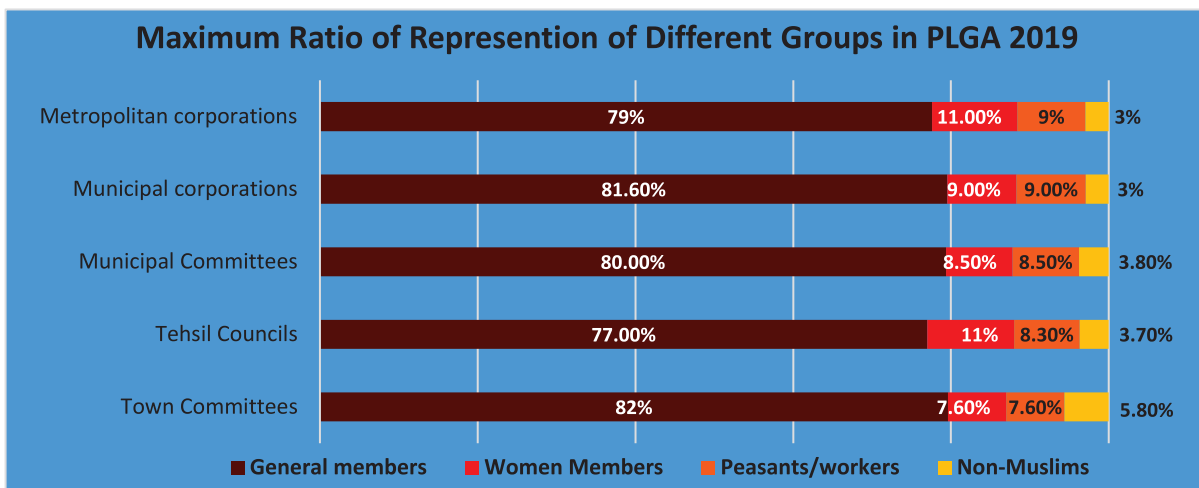
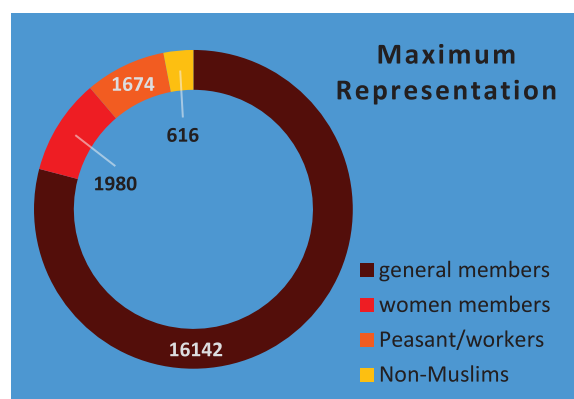
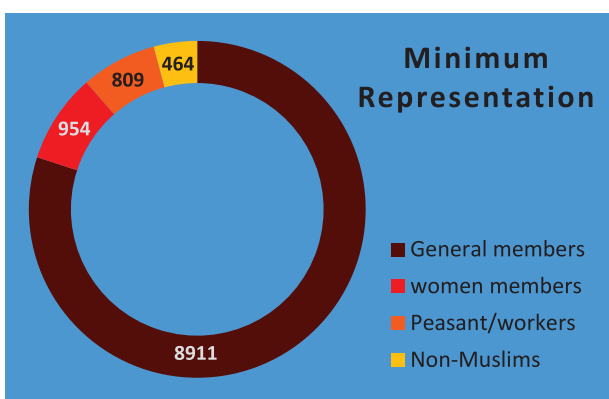


TABLE - 14

OVERALL RATIO OF WOMEN, PEASANTS, WORKERS AND NON -MUSLIMS UNDER PLGA 2019									
Total members		General members		Women member s		Peasants, workers		Non-Muslims	
<	>	<	>	<	>	<	>	<	>
11138	20412	8911	16142	954	1980	809	1674	464	616
100%	100%	79%	80%	8.5%	9.7%	7%	8%	3%	4%



Heads Cabinet: Under PLGA 2019, the elected heads will form his/her cabinets, and has the prerogative to nominate half non-elected members in this body; In Metropolitan Corporation 4-5 members can be picked from outside (for details about qualifications of such members ref PLGA2019, Schedule 16). In Municipal Corporation 3, Municipal committee 2 and in Town committee 1 member would be picked from outside.

TABLE - 15

NUMBER OF NON - ELECTED MEMBERS IN HEADS CABINETS			
Name of Tier	Number of non -elected members in each Unit	Number of Total Units	Total # of non -elected members in each Unit
Metropolitan Corporation	4	9	36
Municipal Corporation	3	16	48
Municipal Committee	2	134	268
Town Committee	1	160	160
Total		319	512

Thus, overall 512 persons would be inducted through selection into the 319 Local Govt. Institutions. The law does not guarantee representation of women, peasants/worker and minorities in these important fora of heads cabinets.

5. VILLAGE PANCHAYAT / NEIGHBOURHOOD COUNCIL ACT 2019

The Punjab Village Panchayats and Neighborhood Councils Act 2019 envisages the creation of village and neighborhood councils⁶ through adult franchise, and the whole area of the council constitutes one multi-member ward for the election of all members. The candidates for general seats securing highest votes in the descending order will stand elected one by one till all seats earmarked for general members are filled. Interestingly, at this level political parties are barred from using their platforms. However, the Local Government Act 2019 that deals with higher level of local governance i.e. metropolitan, municipal corporations, town committees and tehsil councils allows political parties to use their platforms.

In total, roughly 30,000 local councils will be formed which will have nearly 200,000 elected councilors across Punjab. Moreover, under the new law, every village and neighborhood council have to convene at least two general meetings of common assembly (consisting of every person of the respective area) every year. This provision empowers citizens to make their elected representatives.

TABLE - 16

MINIMUM/MAXIMUM RESERVE SEATS UNDER VILLAGE PANCHAYAT/ NEIGHBORHOOD COUNCIL ACT 2019									
Name of Tier	Units	General members		Women members		Peasants, workers		Youth	
		<	>	<	>	<	>	<	>
Village Panchayat/ Neighborhood Council	1	4	8	1	2	0	0	0	0
Total	22000	88000	176000	22000	44000	0	0	0	0

6. <https://tribune.com.pk/story/1978610/6-returning-powers-back-people/>

Though definition of peasant and worker has been made more stringent by adding “whose annual income does not exceed prevailing poverty line”, but their quota has been completely abolished from the village/ neighborhood councils. The number of women through reserve seats is in between 22000 to 440000.

If we look at the non-Muslims representation, it would be maximum 22000 @ 1 member in each village panchayat/neighborhood council. But since non-Muslims seats have been linked with presence of a certain limit of registered voters in the area, their ratio of representation is expected to go down. But at the moment we cannot assess the ratio of their minimum or maximum representation. Earlier in 2013 system non-Muslims representation was equal in all Ucs.

TABLE - 17

RATIO OF RESERVE SEATS OF WOMEN, PEASANTS, WORKERS AND NON -MUSLIMS UNDER VP/ NC ACT 2019							
Total members		General members		Women members		Peasants, workers	
<	>	<	>	<	>	<	>
110000	220000	88000	176000	22000	44000	0	0
100%	100%	80%	80%	14%	16%	0%	0%

If we look at the estimated ratio of women representation in Panchayat and neighborhood councils, it makes in between 14-16%. While ratio of non-Muslims representation is difficult to assess at the moment.

Local Govt. Boards: The Punjab Village Panchayats and Neighborhood Councils Act 2019 envisages the formation of local govt. boards for monitoring of the Panchayats and councils. This board will comprise three members. Women representation is not ensured in these boards.

6. CONCLUSION

The Constitution, ensures the political and electoral participation of marginalized groups in local governance and emphasizes for the guarantees to safeguard the interests of the vulnerable classes in the systems of local governance. But if we glance the history of the local governance in Pakistan, not much genuine efforts were made for the preservation of political and electoral interests of the vulnerable to prevent their marginalization through reserve seats.

The ratio of representation of women, peasants and workers in the LG systems have been decreasing over the time. If we glance the Punjab Local Govt. Act 2019, the women representation ratio is now reduced from 33% in 2001 to less than 10% in the new LG system. For non-Muslims it is reduced to around 2-3 % from 5% in 2001. This gradual decrease negates the govt. commitments under SDG# 5, national policies and action plans devised for the political empowerment of women. While refusing special representation for peasant/labor in the Neighborhood Councils would lead to further marginalization of the vulnerable sections of society.

Thus, current provincial LG laws hardly serves the true purpose of "prevention of marginalization of the vulnerable. The new Local Govt. Act 2019 offers little to women for their political participation. By reducing the ratio of their representation, the marginalized sections are further deprived of due democratic rights. The increasing trend of marginalization of the vulnerable in Local Governance could not be prevented, unless political parties realize its importance and use their free political will for this purpose.

7. RECOMMENDATIONS

- The ratio of women representation must be ensured at least 33% on all LG tiers and levels.
- Both the laws; PLGA2019 and PVPNC Act 2019 do not ensure women representation in the heads cabinet. At least 33% ratio of women representation in the cabinets is must.
- The reserve seats of youth have been abolished in the new LG system, depriving a big chunk of young population secure their due representation. Reserve seats for youth should be restored.
- Appropriate quota for workers/peasants should be ensured in neighborhood councils through reserve seats in purview of Article 32 of Constitution.
- The word 'Panchayat' is controversial and may add to confusion on account of its conventional meanings. Therefore, words like 'Panchayat' should be replaced with more appropriate expressions like; Village council.

NOTES

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4. "Local Government Women Councilors' Caucus launched," press release, The Nation (Lahore), April 21, 2017, www.nation.com.pk/21-Apr-2017/local-government-women-councilors-caucus-launched.
5. For details, see the Pakistan Bureau of Statistics website: www.pbs.gov.pk.
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14. https://www.usip.org/sites/default/files/2018-03/sr_422_mohammad_ali_final.pdf
15. The Punjab Local Government Act 2013
16. The Punjab Local Government Act 2019 <http://punjablaws.gov.pk/laws/2736.html>
17. The Punjab Village Panchayat & Neighborhood Councils Act 2019 <http://punjablaws.gov.pk/laws/2735.html>
18. Constitutional petition against PLGA 2019, filed in LHC by Senior Advocate Qazi Mobin <https://tribune.com.pk/story/1978610/6-returning-powers-back-people/>
19. The new Local Govt. System 2019 in Punjab (Zahid Islam - Local Govt. Resource Center) <https://www.facebook.com/Local-Government-Resource-Center-LGRC-954258848004612/>

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