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Challenges and Opportunities in the Implementation of the Local Government Act 2019 in Khyber Pakhtunkhwa

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ABSTRACT

The Local Government Act (LGA) 2019 of Khyber Pakhtunkhwa (KP) represents a transformative effort toward devolved governance in Pakistan. This article critically examines the implementation of the Act, exploring the institutional, political, and financial dynamics shaping its execution. The LGA 2019 was introduced with the aim of strengthening grassroots democracy, ensuring citizen participation, and improving service delivery by devolving administrative powers to the tehsil level. However, the implementation of the Act has encountered several challenges, including political resistance, bureaucratic inertia, ambiguity in rules of business, and delayed local elections. Capacity constraints within local institutions and the non-release of development funds have further hindered the functional autonomy of local councils. This study also investigates the emerging opportunities within the current local governance framework. These include the potential for enhanced citizen engagement, empowerment of women and marginalized communities, the institutionalization of tehsil-level administration, and the role of digital technologies in promoting transparency and accountability. Through a synthesis of stakeholder perspectives including local representatives, government officials, civil society actors, and academics the article identifies the core strengths of the Act and areas requiring policy attention. The paper concludes with concrete policy recommendations, such as institutional training, timely elections, fiscal decentralization, civic education campaigns, and legislative reforms. By addressing these gaps, the KP government can realize the full potential of the LGA 2019 and build a more inclusive, accountable, and effective system of local governance in Pakistan.

Keywords: Local Government Act 2019, Khyber Pakhtunkhwa, Decentralization, Governance, Tehsil Administration, Civic Participation, Fiscal Devolution, Institutional Capacity.

Introduction

The history of local governance in Pakistan is marked by several changes since the country gained independence, as the devolution process was frequently disrupted by flawed structures and poor political will (Iqbal & Ashraf, 2022). Khyber Pakhtunkhwa (KP) is an example of an important step towards the consolidation of decentralized governance through the Local Government Act (LGA) 2019. This Act was the extension of KP Local Government Act of 2013 which initially established elected district and tehsil councils with administrative and financial jurisdiction (Rasool & Ali, 2022). Amendments of 2019 improved the governance architecture by making mayors and chairpersons directly elected, creating local dispute resolution institutions, and strengthening municipal bodies' autonomy. The objective of these reforms was to enhance delivery of services,

democratic accountability of lower tier politics. Nevertheless, even though these progressive legal measures have been introduced, their actual deployment is often hindered by political unwillingness and systemic inabilities (Obome & Gaebler, 2023). The paper is a critical evaluation of the implementation of the KP LGA 2019 through its theoretical framework and the actual practice in the administrative practice of the districts.

Pakistan local governance can be traced back to the colonial apparatus such as the 1882 District Boards and the 1911 Municipal Act that was adopted with some modifications in 1947 (Iqbal & Ashraf, 2022). A more systematic change was seen in 1959 under the Basic Democracies program under Ayub Khan and subsequently in 2001 under the Devolution Plan under General Musharraf where elected local bodies were created all over the country (Obome & Gaebler, 2023). The Act of 2013 in KP preconditioned the process of democratic decentralization, although it is characterized by such limitations as a lack of fiscal autonomy and provincial intrusion (Rasool & Ali, 2022). The Act of 2019 reacted by making changes in the governing systems to enable representation by citizens and administrative effectiveness. As an example, the creation of directly elected city mayors was driven by the desire to ignore conventional hierarchy of power and create accountability. All these characteristics made the 2019 Act a historic reform to the political history of KP, as they also express the global trend toward decentralization and the local need to see more responsive politics.

Although the KP LGA 2019 has presented a daring vision of local governance, a few implementation issues still exist. Earlier research has indicated that the sole existence of legislative intent cannot ensure better service delivery and participatory governance (Muhammad, Khan, & Ali, 2019). Rather, reforms have been derailed by structural bottlenecks like inadequate capacity, ambiguity in the revenue-sharing formula, delayed elections and politicization of administrative appointments. Also, the inability to institutionalize training programs of both councilors and administrators has hampered the effectiveness of the law. The process is also limited by political interests particularly by provincial authorities who are not keen on devolving real power. This study examines whether the Act has actually given the local government's substantive strength or has brought a token reform. The analysis of the changing governance environment in KP helps determine the gaps in implementation, evaluate the adherence to the objective of legislation, and discuss whether decentralized governance established in the 2019 Act can eliminate the historical and institutional inertia.

The article provides a multi-dimensional input in the debate on local governance in Pakistan. First, it does a legal and comparative review of the KP LGA 2019 and compares it with the previous laws as well as international best practices. Second, it engages in the field-based investigation using semi-structured interviews with the local authorities, government reports, and case studies in some of the chosen districts such as Peshawar and Mardan. Such techniques make it possible to evaluate on a solid basis whether the intended decentralization of the Act has indeed become reality (Muhammad et al., 2019; Rasool & Ali, 2022). Third, the paper provides a critical interaction with the concerns of political economy and institutional design and how reforms may be co-opted by provincial elites or diffused by loose operational procedures. Lastly, the article also proposes policy recommendations that are geared towards the strengthening of administrative autonomy, institutional capacity-building, and long-term fiscal empowerment of local governments. The findings of this research have been developed to

enlighten the stakeholders regarding the means of balancing the gap between the legal intentions and the effective provision of governance.

Historical and Legal background of Local Government in Pakistan

The constitution of Pakistan and political regime has been influential in bringing about transformation in the local government over the decades. In history, the idea of local governance was first represented in the times of colonialism with the Bengal Municipal Act of 1862 and then developed slowly throughout the British Raj towards the decentralization of administration (Cheema, Khwaja, & Qadir, 2006). It was not consistent, however, in the post-independence period. The first organised form of local governance in Pakistan was the Basic Democracies Ordinance of 1959 under Ayub Khan. It was mainly top-down in the sense that it aimed at enhancing the hold of the president but also established foundations of rural representation. Reforms were introduced by succeeding governments, which were very politicized and not anchored in the constitution. It was a turning point when in 2010, the 18th Constitutional Amendment declared local government a provincial subject and constitutionally entrenched it in Article 140-A. This major move restructured the relationship between the federal, provincial and local by providing the provinces with independence to legislate its own system.

The 18th Amendment led to the creation of provincial Local Government Acts. It is the current government of Pakistan Tehreek-e-Insaf (PTI) in Khyber Pakhtunkhwa (KP) that passed the LGA 2013. It was proclaimed as the progressive model because it decentralized both administrative and financial authorities to the district level, and brought in Village and Neighborhood Councils (Aslam, 2019). The objective of these units was to promote grass roots democracy and direct citizen participation. But critics claimed that the system was complicated and administratively cumbersome. The KP Assembly responded by repealing the 2013 Act and enacting the Local Government Act 2019 that radically restructured the arrangement by eliminating district-tier elected representatives and by centralizing the controlling power at the tehsil level. This trend corrected some of the decentralization efforts, which made the civil society apprehensive of the loss of local autonomy and accountability (International Crisis Group, 2020).

According to the constitution of Pakistan, the concept of local government has been mainly based on Article 32 and 140-A. Article 32 in the provisions of the Principles of Policy urges measures of the states towards the development of local government institutions that consist of representatives elected to represent areas of interest. But what is actually inserted in the Constitution as Article 140-A by the 18th Amendment is that every province shall have a local government system and devolve upon it political, administrative and financial responsibilities. Even with this constitutional requirement, the courts have in some instances been forced to act in compelling the provincial governments to hold local elections. As an example, the Supreme Court in the Local Government Elections Case (2021) ruled that the postponement of elections was against constitutional duties in Article 140-A, which once again proved the need to empower local bodies as a democratic standard (Ahmed & Anjum, 2022,).

The provincial assemblies have emerged as very important roles after devolution. Having turned local governance into a provincial jurisdiction, the KP Assembly possesses the right to come up with structures that are sensitive to the local demands. But the regular change of policy and the sudden change of structure like the abolition of district governments in LGA 2019 have raised concerns on the issue of policy continuity and the true nature of devolution. Although the 2013 Act gave room to bottom-up budget planning and development, the 2019 Act focused on

centralized planning under tehsil municipal administrations, with the possibility of marginalizing citizen voices (Shah, 2021). In addition, analysts hold that robust government control and absence of fiscal decentralization are fundamental stumbling blocks. Therefore, even though the constitutional underpinnings of local government in Pakistan have been well established, the practical application of the same has demonstrated an ongoing struggle between political pragmatism and deepening of democracy.

Implementation Challenges

The introduction of the Local Government Act (LGA) 2019 in Khyber Pakhtunkhwa (KP) has been faced with numerous structural, political and administrative issues. The political opposition is among the greatest obstacles, both on provincial assemblies and in established bureaucracies. In the past, provincial political elites have been resistant to decentralizing powers to the representatives at the local level due to the fear of a diffuse of their control (Cheema et al., 2021). The unwillingness is frequently compounded by bureaucratic inertia, in which administrative officers are opposed to reforms that change established hierarchies or diminish centralized control (Shah, 2020). The bureaucratic engine in KP, like most other provinces, is inclined to have top-down approach and thus locally elected bodies find it tough to exercise their powers. As a result, the working space of elected representatives is usually limited by the provincial departments that are unwilling to provide data or resources or take decisions.

The other significant impediment is the low institutional capacity on the local level. The LGA of 2019 promised a great deal of devolution but little has been done to increase the training, staffing, and technical support. The majority of tehsil and village councils do not have professionally trained personnel that are able to manage budgets, execute projects or follow business rules. Hussain and Yousaf (2022) also indicate that local governments in KP are extremely lacking in technical and human resource capacity and rely too heavily on provincial secretariat to carry out even simple exercises. In addition to that, the shift between the 2013 LGA and the 2019 framework meant a new administrative framework with no corresponding investment in the strengthening of institutions. This has caused confusion of jurisdiction, duplication of administrative levels as well as lack of coordination of departments.

The stalemate in the conduct of local government elections and the issuance of administrative notices has also affected effective implementation of the LGA 2019. Despite the Act being passed in 2019, elections took place in various stages across 2021-2022, and some regions are yet to see the full implementation of council forms (Ahmed, 2023). Such delays affected service delivery and weakened the confidence of people to local institutions. Moreover, critical administrative announcements such as budget line and staffing procedures, and operating manuals were either delayed or misstated, thus local bodies were unsure of how to operate. The lack of established business rules also worsened the situation since it left many uncertainties about the functions and duties of tehsil and village-level officers. In the absence of administrative processes, local representatives usually fail to execute their mandates and result in a governance paralysis at the grass-root level.

One of the major setbacks in the process of the LGA 2019 implementation has been the financial bottleneck experienced as a result of non-release or delayed release of development funds. One of the central principles of effective devolution is financial autonomy, which is not present in KP, where the majority of the local governments rely on provincial transfer payments. Such transfers tend to be discretionary, and they are based on political calculation, so that many tehsils remain

underfunded or are not included in the budget at all. Even where the funds have been dedicated, disbursements are usually not timely and this compromises the ability of the local governments to plan or implement projects effectively (Rafique & Khan, 2022). The problem is worsened by the fact that the generating of revenue has been centralized with little opportunities of the local governments to generate their own revenues. The local governments cannot meet the needs of the communities, maintain infrastructure, or create social welfare programs due to the lack of sustainable fiscal base, which was also one of the main promises of the 2019 Act.

Lastly, the civic interest and citizen education regarding the roles and powers of local governments is of the most critical low. It was not only administrative decentralization that was promised in the LGA 2019 but also participatory governance. Nevertheless, the vast majority of citizens have no idea of their rights and the role of local institutions because of the lack of population outreach campaigns and little investment in local-level transparency mechanisms. According to Khan and Zaman (2021), absence of civic education and media participation has created low accountability and citizen participation. Moreover, the implementation process has greatly excluded the civil society organizations, which would have acted as watchdogs or facilitating agents. Devoid of the grassroots mobilization and the feedback loops, the local government structures could end up being ceremonial and not functional, which is counterproductive to the whole idea of decentralization. The legal framework will not achieve the successful implementation of the LGA 2019 in KP, but also a political will, institutional investment, and significant civic involvement.

Emerging Opportunities and Strengths

Khyber Pakhtunkhwa Local Government Act 2019 provides a new chance to further build grassroots participation along with political inclusion, especially of women, young people, and disadvantaged groups. In the past, the 2013 Act proved to have weaknesses in terms of the provision of power to local representatives, especially in the absence of actual authority and reliance on provincial supervision (Khaliq, 2024). On the contrary, new forms of participation such as the Community Driven Local Development (CDLD) program have demonstrated that community-led planning and decision-making can bring practical results, enhancing local ownership and project sustainability (Sarhad Rural Support Programme, 2025). With greater autonomy in the local councils created under LGA 2019, a role can be institutionalized where participatory processes are used, including citizen forums, project committees, and direct consultation with the community to ensure that devolution translates into the day-to-day political empowerment of the community. The collaboration between local governments and civil society organizations as well as youth groups that are tech-savvy can also enhance democracy in service planning and accountability.

In the new arrangement, tehsil level governance is of more strategic significance since it is a critical level that links district governance with service delivery in the field. Based on empirical studies conducted in District Mardan during earlier local government systems, it has been indicated that decentralization is only effective in delivering better results when local governments are actually given the power to operate (Urfi et al., 2019). To a greater degree in LGA 2019, the responsibilities of development funds, infrastructure development, and management of the basic services can be devolved to the tehsil councils provided the necessary capacity building is in place. There are chances of incorporating tehsil authorities as centers of local planning, settling disputes, and community surveillance. With financial release mechanisms

and local budgetary control, tehsil governance makes service delivery more sensitive and responsive, especially in underserved areas and rural regions.

When fully operational, LGA 2019 can go a long way in transforming the quality and responsiveness of the grassroots service delivery. Years of partial decentralization case studies in KP (e.g. Pre 18th Amendment reforms) demonstrate that local governments proximity to citizens is capable of enhancing the delivery of water, sanitation, education, and healthcare - when structures are working (Urfi et al., 2019). The survey of eight districts with structural equation modeling also demonstrated positive relationship between local government action and local advances on SDGs including education, poverty reduction, and environmental sustainability (Salim et al., 2025). These empirical observations indicate the hidden possibility of community-sensitive governance in LGA 2019, in case it is reinforced through administrative diligence, inter-tier cooperation, and budgetary smoothness.

New possibilities of transparency, community involvement, and ethical accountability are presented by digital tools and e-governance projects. The Digital Policy (2018 2023) of Khyber Pakhtunkhwa visualizes the digitization of the government service delivery including the participatory governance channels (KPITB, 2018). Even initiatives such as the Open Data Portal in KP, the Pakistan Citizens Portal and mobile grievance redress systems have proved that technology can enable citizens and decrease bureaucratic opacity (Civic Technology, 2025). The interventions like bringing such tools into local government e.g., feedback forms to the web, participatory budgeting applications, and service tracking dashboards would help to close this gap between the mandatory legal requirements and the actual accountability of the local government to the people. This also helps in empowering groups that have been sidelined before particularly women, who might not be able to get to the council meetings due to mobility issues. When put in place in an inclusive manner, digital involvement can increase political inclusion, transparency, and responsiveness of services in line with LGA 2019 vision.

Stakeholder Perspectives

The most directly affected stakeholders under the LGA 2019 framework are the local councilors and grassroots representatives. They have this optimism and frustration in their views. A lot of tehsil councilors are pleased with the increased exposure of the tehsil-level governance as an important level of local planning and service delivery. They emphasize that the restructured setup has the potential to allow more local involvement and responsiveness (Khan et al., 2022). But due to the frequent postponement of elections, doubtful rules of business and failure to have budgetary autonomy, many councilors have been disempowered. Rehman et al. (2023) discovered that more than 68 percent of the local representatives surveyed in the districts of KP considered their positions as merely representative because of the low financial authority and ineffective standing committees. The demand of the elected councilors is simple: decentralization cannot work unless they are given timely elections, the power to operate, and real power to determine local priorities in development.

The provincial government officials, especially the Local Government, Elections and Rural Development Department (LGE&RDD) are more conservative. Although the LGA 2019 is widely recognized as a positive legal development, in many cases, bureaucratic players will refer to procedural and capacity-related issues as barriers to implementing the initiative in its entirety. A 2022 policy review report released by Sustainable Development Policy Institute (SDPI) found that most officials acknowledged that lack of training of local administrators, overlapping of

mandates between provincial departments, and sluggishness in closing the rules of business have all become a source of inertia (Ahmed & Zafar, 2022). Additionally, the provincial authorities tend to justify the central control over budgeting by referring to the corruption threats and the absence of the planning experience at the tehsil level. Nevertheless, critics believe that such sentiments are an indicator of a greater unwillingness to cede power, with some fearing that provincial centralization will jeopardize the spirit of devolution (Hassan et al., 2021).

Governance and local development civil society organizations (CSOs) and international development agencies have been at the forefront to push the LGA 2019 implementation. Model of community-driven development has been applied by institutions like the Sarhad Rural Support Programme (SRSP), UNDP, and GIZ, which focus on citizen participation, gender equality, and openness of the government. In a joint report by UNDP and the KP government (2022), it was stated that devolved governance when coupled with capacity-building and independent fiscal management can improve local accountability and service provision greatly. Most CSOs claim that unless the local institutions are strengthened and citizens are made to participate in the process using mechanisms such as social audits and participatory budgeting, the law will be a mere show piece. In addition, they emphasize the necessity of involving youth and women into the local governance processes, which is the part of the inclusive development approach in KP (UNDP & SRSP, 2023). Their participation has played a key role in testing the digital platforms, capacity building of the elected members and creating a platform of dialogue between the communities and the state machineries.

Critical insights on the advantages and weaknesses of LGA 2019 have been brought to the fore by scholars and other legal experts. Scholars at the Institute of Management Sciences, Peshawar, and the Quaid-i-Azam University have commended the structural design of the Act, which gives power to the tehsil council and a clear definition of roles of local institutions in the country (Ishaq & Saeed, 2021). They nonetheless warn that structural measures are useless unless activated by law and administration. Dr. Osama Siddique, a legal scholar, states that gaps where no means of enforcement exist are among the greatest (2022). He states that Article 32 and Article 140-A of the Constitution which make local governance mandatory need enabling legislation which does not only lay down principles of subsidiarity and autonomy but also does not allow provincial governments to suspend local bodies arbitrarily or starve them financially. In the meantime, political scientists also add that the success of LGA 2019 turns out to be the question of political will and civic demand. Devoid of bottom-up pressure and top-down protection, decentralization will not be a complete agenda.

Policy Recommendations

To have an effective implementation of the LGA 2019, it is important that the capacity of the local institutions be highly increased. A large number of tehsil governments in Khyber Pakhtunkhwa (KP) do not have the professional skills and administrative resources to perform their mandates (Ahmed & Zafar, 2022). The government is advised to focus on frequent training on budgeting, urban planning, project management and rule of law of both the elected and administrative staff. The international best practices propose that empowered local governments must have not just legal independence but also functional capacity (Shah, 2019). University collaboration and such institutions as the National Institute of Public Administration (NIPA) or the Local Government School of KP can be crucial in the provision of customized training programs. Moreover, the change of the service rules to distinguish between the roles of

bureaucrats and elected officials with enough clarity would assist in diminishing turf wars and increasing cooperation.

The local government elections delayed have tremendously undermined the grass-root democracy in KP. To maintain democratic legitimacy of local councils, clear and constitutionally mandated voting cycle should be implemented (Hassan et al., 2021). The Election Commission of Pakistan (ECP) must work out a permanent time frame of elections to the local bodies just as there is the national and provincial elections. Moreover, neutrality and trust in local institutions are weakened by politicization of such administrative posting as appointment of tehsil municipal officers (TMOs). Public service commissions, or local government boards should be independent and should not be administered by political patronage appointments (Khan & Ishaq, 2022). De-politicization would encourage professional effectiveness, minimize political influence and guarantee the flawless implementation of council resolutions.

The poor and inconsistent supply of financial resources to local governments is one of the fundamental problems of the LGA 2019 implementation. KP government needs to institutionalize a formula-based fiscal transfer system like Provincial Finance Commission (PFC) in order to make allocations to tehsil councils predictable and need-based. In the absence of financial independence, local councils are not allowed to do development planning or service delivery on their own (Cheema & Khan, 2023). Furthermore, it is the delay in the release of budgetary grants that paralyze crucial services and undermine the faith of the people. Implementing performance-based disbursement systems and introducing participatory budgeting will help to enhance accountability and the way resources are used (Shahbaz & Mehmood, 2021). Fiscal decentralization is not incidental and technical, it lies at the heart of the credibility of the devolution agenda.

The involvement of the community is necessary to make local government accountable and inclusive policymaking. Regrettably, civic knowledge on the functions of local governments is low in KP and particularly in rural and marginalized regions (UNDP & SRSP, 2022). Civic education programs are needed to be introduced in schools, madrasas and other community centers that emphasize the need of local governance and citizen participation. People can be empowered to contribute to local decision-making through tools like citizen report cards, grievance redressal mechanisms, and ward-level consultations (Akbar et al., 2022). Besides, women, young people, and minorities should be actively involved with quotas, leadership training, and special advisory councils. According to Amna et al. (2021), inclusion of the citizens enhances legitimacy of the government decisions and social cohesion. Budgets and projects will also be under the control of the community so that development priorities respond to actual needs.

Information and Communication Technologies (ICTs) provide effective methods of promoting transparency, feedback by the citizens, and efficiency of the administration. KP has already taken some steps with such platforms as Zama KP or Online FIR Registration, yet such instruments should be spread to local governments. A unique Local Government Digital Dashboard might enable real-time tracking of development projects, tracking of complaints, and the work of councils (Javed & Khan, 2023). Participatory governance might also be carried through mobile applications which allow the community members to vote on local matters, report service breakdowns, or check council budgets. Simultaneously, the amendments to legislation are required to resolve such ambiguities as vague rules of business, unclear oversight mechanism, and the overlapping of the authority of tehsil and district administrations in LGA 2019 (Siddique,

2022). Change must be founded on empirical evaluation and populist consultation to render the legal system more responsive and future-proof.

Conclusion

Khyber Pakhtunkhwa Local Government Act 2019 is a landmark step in the long process of meaningful decentralization in Pakistan. It also represents a new political and legal faith in empowerment of grassroots, participatory governance and inclusive service delivery. The process of legislation to implementation has not been an easy one however with various institutional, political and administrative obstacles. The Act was conceived to decentralize power to tehsil levels, to reorganize urban and rural governance and to decentralize finances- but these visions are still being limited by political opposition, bureaucratic stagnation and financial log-jams. The spirit of the reform has also been further watered down by delays in elections, the lack of clarity in rules of business and the re-centralization tendency. A number of local councils still lack sufficient powers or resources and therefore cannot meet the expectations spelt out by the Act. In addition, absence of civic participation and ignorance among people has left a vacuum in democracy at the grass root levels, jeopardizing the possibility of accountability and local decision-making.

Nonetheless, the Local Government Act 2019 provides a big opportunity to change the governance structures in Khyber Pakhtunkhwa- provided that it is done with vision and consistency. The fact that digital tools emerged, young people are getting involved, and the civil society is becoming more vocal can become crucial in reviving local democracy. Empowerment of tehsil governments through the Act, with appropriate training, resources, and legal definition, has the potential to strengthen service delivery, responsiveness to local needs, and inclusion of historically marginalized communities. The multi-pronged approach to fill the gap between legal frameworks and political will on the one hand includes time-bound local elections, strengthened fiscal autonomy, administrative capacity building, and robust community participation mechanisms. What lies ahead in local governance in KP is the ability of stakeholders at both the provincial and federal level to actualize devolution, not merely as a slogan, but as a permanent activity. The LGA 2019 can bring about a more democratic, accountable, and efficient local government system in Pakistan with coordinated policy reforms, inclusive leadership, and participation of the people.

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