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POLICY BRIEF

Pathways to Governance
and Civil Service Reform in Pakistan:
Federal, Provincial and Local

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PATHWAYS TO GOVERNANCE AND CIVIL SERVICE REFORM IN PAKISTAN: FEDERAL, PROVINCIAL AND LOCAL

The purpose of this research is to provide a framework for dialogue on the concept of governance and issues of civil service reform in Pakistan in general, and the Provinces in particular. Governance and reform issues still remain peripheral and call for urgent attention. ***The remedy lies in a synergized top down and bottom up approach that may be pursued to induce behavioral and structural change. So the paper, therefore argues that, following the implementation of the 18th Amendment, provincial and local governments should be the pivot for improving governance and pushing the long overdue civil service reform.***

Defining Governance

Governance is a multifaceted concept generally requiring an understanding of interrelationships among social, economic, political and cultural variables and all that falls within the institutional setting of the state. The meaning that these variables bring to the governance enterprise is profound. Governance can most effectively occur when there is good understanding and knowledge of local conditions. The principal components of governance are politico-cultural, institutional, and to some degree technical (which increasingly involves imparting IT and others skills to bureaucracies) and revolve around distribution, exchange and regulation of authority and power sharing mechanisms between the state and citizens. The World Bank, however, provides a definition, which emphasizes the institutional and regulatory dimensions:

Governance consists of the traditions and institutions by which authority in a county is exercised. This includes the process by which governments are selected, monitored and replaced; the capacity of the government to effectively formulate and implement sound policies; and the respect of citizens and the state for the institutions that governs economic and social interactions among them¹.

Contextualizing Governance Dynamics in Pakistan

Given this definitional context, we may proceed to examine the dynamics of governance in Pakistan. Governance in Pakistan, like most developing countries, is a complex issue. It is like a set of concentric circles, each circle is tangled with the other – touching one means, opening the other. It is not simply an issue restricted to three Es’ – Economy, Efficiency and Effectiveness. Governance has cultural, political and institutional manifestations – that have social costs, reflected in the patronage, lack of consensus among



political leaders and various types of elites, ethnic/religious cleavages, polarized political parties, absence of continuity in policies and increasingly personalization of institutions. In short, the paradox is how to steer through centralized state institutions and fragmented societal structures? It is pertinent to remember that in the past four decades state-society relations have undergone enormous transformations, the Pakistani State has moved away from being Paternal to 'Predatory'. Citizens do not trust the state, and there is skepticism about its institutions and capacity to provide security, justice, development and human rights.

More recently, the rivalry between Benazir Bhutto and Nawaz Sharif (1989 – 1999) squandered an opportunity for party development, representative government, good governance and constitutional liberalism – respect for rule of law, protection of minorities and freedom of expression and association. Pervez Musharraf (1999 – 2008) complicated things further. We reached a point where Pakistani leaders could communicate with each other only through an 'international broker'. The successful completion (2008 – 2013) of term by one civilian government and handing over power to another party-led government (2013-2018) aroused a lot of expectations about electoral outcomes and democratic processes. However, the political outcome of 2018 elections and installation of the Pakistan Tehreek-Insaaf (PTI) government under Imran Khan has aggravated politics of confrontation and polarized the party system. The political parties and their leadership have not yet demonstrated the kind of vision and commitment that can sustain representative government and build the public's faith in the party system. Citizens have even begun to question the very purpose of the state. The state-society disconnect has reached a point that demands a re-imagining of the state itself. That said, restoring respect for rule of law and promoting compliance of law among the people is a daunting task. This is evidenced by the fact that the country has consistently been scoring low on the 'Rule of Law' dimension of governance, according to the data provided by the World Bank's World Governance Indicators (WGI). Over the past decade, Pakistan has remained in the negative range, with an average annual estimate score of -0.8 on a standard normal distribution range (-2.5 to 2.5), indicating a weak rule of law.² So the question is, is state-society rejuvenation and restoration of citizens' trust in the state achievable? The response is as follows:

Rejuvenating State and Society

First, an important function of the state is to mediate between competing interests that constantly put demands on it. Leaders at the national level appear incapable of performing this role of mediation and developing a shared vision on managing competing interests. This could only happen by restoring the respect of constitutional offices such as – the president, prime minister, leader of the opposition, chief election commissioner and chairman Federal Public Service Commission (FPSC), to name a few. This implies office holders of such positions should be persons of repute, personal integrity and pub-

lic credibility, therefore must be elected and selected through stringent public scrutiny. If the constitutional offices are not seen as independent and impartial, institutional integrity will continue to suffer. Constitutional office bearers must be seen as neutral arbiters of conflict/dispute resolution. This requires upholding the provisions of the Constitution in letter and spirit. Of course this is easier said than done, but must be said nonetheless.

Secondly, what are the sovereign functions of the state? Does it have legitimate ‘monopoly of coercion’? Any and all governance reform efforts should take account of the extent to which the government can effectively enforce change. For example, our defense capability required further ability for fighting the insurgency and counter insurgency and the asymmetric war the Tehreek –e- Taliban Pakistan (TTP), and other militant groups were waging against the state. It is equally disturbing to note that on occasions the state has also been suspected for nurturing militant groups. The hastily built twenty point National Action Plan-i.e; December 2014 (NAP) agenda was overshadowed by the urgency to establish military courts. This further eroded the credibility of the political leadership and cast aspersions on its capacity to establish supremacy of the parliament, which has reinforced the perception that the inadequacies of political leadership and political parties continue to perpetuate military hegemony. Delineating the police and security functions of the state could thwart this process, but the pretext of ‘extra-ordinary conditions’ continues to be used to give benefit to the military. The adoption and approval of the 21st Constitutional Amendment clearly extends the military’s role in state functions, promoting the ‘militarization’ of society instead of nourishing democratic norms, values and procedures.

Thirdly, how can policing be improved and who should manage it? Citizen security and law and order have become issues of primary concern. In this context, police reform has frequently been debated. However, it needs to be underscored that law and order is a provincial subject and redesigning the role and relationship between provincial and district governments will be of equal importance. Under the current dispensation, the provinces seem in agreement to alter the provisions of Local Government Ordinance (LGO) 2001. However, the Local Government Act (LGA) 2013 and the more recently, the 2019 version passed by the Punjab Assembly does not arouse much confidence in empowering the community and local governments³. In fact they reflect the mindset of controlling fiscal and administrative authority of the local governments. If the LGO 2001 constricted the functioning of local governments through central government, the 2013 LGAs retain that role with the provincial governments. The lower tiers of government never got functional autonomy and a chance to perform.

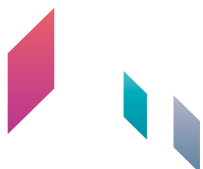
Fourthly, how is training of civil servants imparted? Training, in the first instance, is not valued in the civil services. More importantly it is designed in a manner that it focuses only on the higher bureaucracy (that is the Central Superior Services – CSS). For example, the National Management College (NMC) and National Defence University) (NDU) spend millions of rupees to facilitate senior civil servants and military officials’ training



and exposure through foreign travels, while, for the middle and lower tiers, such trainings are inadequate or absent. It is also not clear if such an expensive form of training promotes proficiency in policy formulation, improvement in delivery of services or effective and judicious policies – except that it brightens the prospect of promotion to the highest position in the civil-military bureaucracy. On the other hand, in the higher bureaucracy, a sort of class war prevails; where Police, Audit & Accounts, DMG (now PAS), Foreign Service and Office Management Group – to name a few services appear to be contesting rather than working harmoniously to pursue policy formulation. That implies careful scrutiny of role and relationships between different services, differentiation in their functions and responsibilities and assuring career progression for the budding provincial cadre. Training and skills development therefore must not be limited to the higher cadre officers, but must begin at the lowest levels of government, including ‘street level bureaucrats’ who not only act as the first point of contact between the public and the state, but also act as important agents of feedback to decision-making bodies. With their latter role, lower level government officials provide essential information on loopholes in policy implementation. For example, this can tell us why it may be challenging to implement a certain government decision in a certain area, how the local context can be incorporated into the design of a particular policy, and what the unique characteristics are at the local level that influences the outcome of each policy decision. Therefore, bottom’s up approach is necessary to induce behavioral and structural change, and improve the standing of government officials as efficient and effective service providers. This is imperative if one were to truly improve the overall ‘government effectiveness’ which falls in a low 26th percentile as of 2018, in comparison to other countries globally, according to the (WGI) provided by the World Bank.⁴

Finally, it must be put up front that no governance reform is possible without serious effort towards political system reform. The political parties are the linchpins for any representative and democratic order. Pakistan suffers not only from a credibility crisis of political leadership, but more importantly, suffers also from their inability to be democratic in their decision-making and selection of leadership. Given this trend, political system reform should be given top priority. Deepening credibility crisis of political leadership, decay of political parties, and low credence of military rule is encouraging extremist forces to capture power and provide an alternate model of Proto-State—driven by extremist religious ideology. Unless the political leadership becomes cognizant that they need to build a party system which upholds rule of law; supports respect for opposition, shows determination and seriousness of purpose to fight terrorism, combat corruption, and has the capacity to initiate institutional rejuvenation and reform, governance will not improve.

Recent recommendations on reform in public institutions suffer from the age-old dilemma of attempting to bring change in a top down manner. For instance, the recently published **‘Report on Reorganizing the Federal Government (2019) by the Task Force on Austerity and Government Restructuring’** focuses on the changes that need to occur at



the Federal level – as the title of the report suggests. It provides a detailed assessment of the 441 organizational entities (OEs) functioning at the Federal level and recommends a reorganization process through which the Federal government retains management of 324 of these while the remaining 117 are ordered into the mandate of other government bodies. Those OEs over which the Federal government retains jurisdiction are then divided into Executive Departments and Autonomous Bodies. The authors of the report argue that proposed restructuring is likely to solve issues such as duplication of responsibilities, administrative inefficiencies within OEs, wastage in financial resources and individualistic behavior of employees. They suggest that by getting rid of defunct entities, combining those with similar mandates, and regrouping them under the correct level of leadership, the Federal government can improve in the following areas:

- Efficiency in the leadership and management;
- Better defined roles and responsibilities with greater accountability;
- Distinction between the policy making, operational, implementation and regulatory responsibilities;
- The structure of the Federal government, including minimizing hierarchal systems;
- Coordination and interaction between various ministries and within them; and
- Strengthening the heads of the Division, the executing departments and the autonomous bodies.⁵

While the restructuring suggested above, sounds promising and could improve the organization of government entities at the federal level, the reform is piece-meal in nature like its predecessors. A more comprehensive and lasting reform requires attitudinal changes at all tiers of government. It entails redistribution of political, economic and administrative powers and that means commitment to achieving shared goals, promoting a people centered culture of policy formulation and implementation through efficient and professional public officials. This is the only way reform will have more sustained effects. Thus, while changes in the Federal tier of government are important, in order to reform public institutions more effectively, we need to bring change at the provincial and local tiers of government. Similarly, political system reform is a must. Now, in the context of 7th NFC Award, 18th Amendment and 21st Amendment, a paradigm shift in governance is unavoidable.

Perceived and Real Governance Issues

Governance issues can be summarized from three perspectives. One, what are the public perceptions on governance? Two, what kinds of issues are identified in the literature on Pakistan on the subject. Three how do public officials and policy makers look at the issues of governance?



In public perception, civil servants are corrupt, inefficient and arrogant. Government offices are unresponsive to public needs, procedures are tedious, and there is very little attention to people's grievances. Moreover, citizens have little or no control over policies and service-delivery, there is insufficient investment in development (particularly, housing, health, sanitation, and roads etc., people's welfare needs) and people are increasingly concerned about their personal security.⁶ Decades of a patron-client like relationship between the state and the masses has dwarfed the civil society's ability and motivation to demand change. These cultural attitudes have become entrenched into the way citizens engage with the government and as a result the citizens are unable to demand accountability, and the state in turn, has little incentive to deliver it.

The literature on Pakistan identifies governance issues as: over-centralization, lack of participation, weak political institutions, self-serving bureaucracy, ad hoc, isolated or indifferent policy formulation and corruption. There is no clear vision of the state's role; there is weak capacity for regulation and a growing gap between the state and civil society.⁷

From the public officials and policy formulator's perspective, as reflected in various institutional reform commission reports, the governance issues are: Non-adherence to procedures, absence of rule of law and accountability, departmental weaknesses, over-staffing of departments, inadequate incentives for civil servants, inter-departmental frictions, lack of adequate, authentic and timely information, and inaction on corrective reports.⁸

Redesigning the Framework of Civil Services Reform: Federal, Provincial, and Local

Given these estimates, the real test for Pakistan is to create/promote a civil service that has the skills and sophistication to manage decentralized administrative and political centers of authority. Simultaneously, it should have the capacity to comprehend the forces that influence the shaping up of an open economy. The civil service must have the ability to facilitate privatization and corporatization and also be capable of mitigating the adverse environmental impacts of such processes, much of which pertains to 'hard' governance.⁹ However, this must be complemented with 'soft' governance,¹⁰ which requires a governance capability that can create and maintain stable, yet adaptive systems of law, which can regulate a dynamic society where knowledge and its effective application become the primary tools of governance. In the contemporary world of technology, policy formulation and delivery of services both require greater reliance and proficiency in IT. Digitization of government processes and services, along with an efficient use of modern e-governance technologies can help improve public service delivery and the performance of the civil service. The case of Pakistan's Citizen Feedback Monitoring Program (CFMP) that ran from 2008-2014 is an exemplar of this. It was initiated at a district-level by Zubair Bhatti, the district coordination officer (DCO) of Jhang district in

Punjab, and eventually scaled up to the provincial level. First hand experiences of Bhatti, along with his colleagues who served as officers in the Pakistan Administrative Services (PAS), reveal how the application of modern technologies to run CFMP helped increase local citizen participation, bridge the gap between the government and citizens, and most importantly, provided a “near-real time picture of civil service performance”.¹¹ It helped identify problems, take informed decisions and in essence, improve the governance environment. This underscores the importance of the use of digital technologies, and that its application and retooling of government functionaries can no longer be further delayed. The Digital Pakistan Vision, launched in December 2019 by Prime Minister Imran Khan, spearheaded by former google executive Tania Aidrus, is a welcome development in this regard. Yet, the important question is how prepared is the bureaucracy and the civil society for a digital and technological revolution? In reality, Pakistan has no choice except to improve its governance by redefining the mission and tasks of the civil services (federal, provincial and local bureaucracy).

Federal: To achieve this goal, there is a need to evolve an integrated and holistic approach that covers reform at all levels; federal, provincial, and local. Let me reiterate that a professional and competent bureaucracy is pivotal for managing and steering change. This demands calibrating appropriate jurisdictions for governance—this makes division of power a challenge for governance. Good governance implies not simply imposing checks and balances on the State but also on the public/citizens. This paper offers a brief sketch.

At the federal level, the challenge is to build capacity in policy formulation on major macro-economic and macro politico-strategic issues. The federal bureaucracy must be recruited and trained in a way that it nourishes talent and virtue and is able to harmonize provincial interests with federal interests and is sensitive to the diverse needs of communities at the local (district/union/village) level. The Council of Common Interest (CCI) could serve as the forum for building a shared national vision and, in that spirit; the federal bureaucracy should act as a pivot of policy formulation. As the ‘Report on Reorganizing the Federal Government (2019)’ indicates, the federal level of government can be re-organized to ensure effective leadership that drives the development agenda of the country.

Therefore, at this level, the need is to build the capacity of the federal bureaucracy in four areas: first, harmonize the functioning and relationships of the federal secretariat, with the Planning Commission, Executive Committee of the National Economic Council (ECNEC) and the Council of Common Interest (CCI). Theoretically, the Cabinet Division in conjunction with the Prime Minister’s Secretariat could serve as the nucleus/brain of the federal bureaucracy and government. Second, the National School of Public Policy (NSPP), as the premier institution for the training and research production of the higher civil servants, could serve as the supporting arm for devising and developing national



plans and long-term goals and agenda for 21st century challenges and opportunities. This could be done through close coordination with the Institute for Strategic Studies and Analysis (ISSRA) and the National Defence University (NDU). Third, given that in this age of globalization, specialization and professional expertise is becoming a common currency for management, administration and delivery of services, there is an urgent need to synchronize the Generalist and Specialist features of the federal services. Lateral entry of professionals increasingly enhances the skills of the bureaucracies improving its capacity and competence with respect to policy formulation and management. In that spirit, the higher bureaucracy can be steered into four generalist-specialists streams of career progression; First macro-economy, social sector, infrastructure development (Engineering, Transport, Communications, Agriculture, Resource mobilization etc.). The second area includes security (including police and counter-terrorism), defense (including counter-insurgency and cyber/intelligence gathering), third, foreign policy, soft power and commerce/trade; fourth, finance, planning and foreign investment & trade thus, developing strategic thinking and innovation in policy formulation. Towards this end, a strategy could be devised to produce a critical mass of 250-350 officers who have expertise and competence in the above-mentioned areas. The focus ought to be officers between BPS 18-20 from across the services, professionals and the private sector. It is at this level that retaining competent officers in the federal civil service is emerging as a serious challenge. If immediate and appropriate policy measures are not devised to retain officers in this grade bracket, we could face a serious dearth of competent officers in the coming five years, and the provinces would be more adversely affected. That means carefully re-designing of the recruitment process and strengthening the autonomous status of the Federal Public Service Commission (FPSC). Fourth, this clearly calls for changing the character of trainings. The recent 'Civil Service Reforms' approved by the Prime Minister in February 2020 attempt at addressing this issue. However, it is yet again, not a comprehensive but piece-meal reform, and more importantly, suffers from ambiguities in policy implementation. What needs to be understood is that much more can be achieved simply by effectively utilizing the excellent infrastructure facilities, and by pooling resources that exist with the training institutions (such as NMC, National Institutes of Management (NIMS) and Management and Professional Development Department (MPDD)... the training institute for the Provincial cadres. Finally, collaboration among academia, think tanks and practitioners could help in designing the training programs that enhance the professional needs and skills of the civil servants. Together, all these four capacity-building reforms can help achieve, what Merilee S. Grindle terms, "good-enough governance," whereby at least some of the more important, if not all, governance deficits are overcome.¹²

Provincial: A second level of reform has to take place at the provincial level, where policy formulation and implementation capacity needs to be redesigned and strengthened. For the provincial governments, the key issue is: how to provide security, justice, and protection of life to the citizens, besides sound and judicious socioeconomic policies.

The prevailing Coronavirus pandemic has particularly exposed the inadequacies of the provincial governments. It is at the provincial level that the functioning of bureaucracy has been most adversely affected by recruitment through patronage, arbitrary postings, transfers and lack of accountability –all of which constitute “bureau-pathologies”.¹³ At this level, several steps are recommended; first, currently, the Provincial Public Service Commissions (PPSC) serve as a dignified elevation spot for the retired civil servants with a sprinkling of retired generals, there is a need to open it up and redesign and strengthen the PPSC, so that recruitment both at the officer and subordinate levels is merit-based, transparent, and competitive. Simultaneously, younger officials need to be recruited and allowed a smooth and effective transition to higher decision making positions so that novel ideas and fresh approaches are brought into the policy framework. Pinning promotions to stringent grade levels and age-brackets can reinforce the negative inertia the policy-design framework is suffering from. Importantly, gender balance need to be achieved across all sectors of the bureaucracy, not only to maintain equity in terms of gender but also to allow women to take on policy arenas they have proved to be more efficient/responsive at.¹⁴ Similarly, other marginalized groups, and religious minorities also need space and regulations that must protect them. Though quota exists, yet they remain largely excluded from key positions.¹⁵

In all above-mentioned areas of a critical mass, there is a need to select and integrate officers from the provincial services, so that the benefits of professionalism and expertise are equally distributed among the provinces. Secondly, in the provinces, provincial training institutions need to be refurbished in terms of manpower, skills and professional competencies. Thirdly, while traditionally in the provinces the office of the Chief Secretary (mostly from the federal cadre and invariably a nominee of the federal government—in recent years some consultation is done with the provincial government) has been the pivot of provincial administration and management, in the past three decades the symbolic and real authority of the Chief Secretary has declined. The Inspector General Police (IGP), Chairman Planning and Development and Chairman, Board of Revenue have acquired equality of rank, prestige and authority. In addition, the Chief Minister’s Secretariat (CM Secretariat) has become intrusive and, on occasions, demands subordination from all the other above- mentioned key offices. Thus, disarray and functional overlaps hamper effective management and delivery of services in the provinces. For planning, management and efficient implementation of provincial administrative agendas and policies, an effective coordination mechanism is needed. This demands a re-designing of the top echelons of provincial administration for effective coordination and implementation of departmental needs and provincial policies. Finally, following 18th Amendment and for incentivizing, ownership and career progression of the Provincial bureaucracies, these positions must be driven by competition, merit-based selection and not patronage.

Local: The third tier of administration is the local government, and that is the most crucial. At this level, the need is to radically restructure the administrative set-up. Every



government in power has attempted to pass some form of legislation that empowers the local government. However, these plans are short-lived and do not have a sustained impact on the effective functioning of the local tier of local tier of government officials and elected representatives. The Local Government Act 2013 provides little room for empowering citizens and the local government. Similarly, its successor, the Local Government Act 2019, while hopes to improve the role of the elected officials, raises questions over its implementation. It does provide greater room for administrative and financial autonomy at the local level by empowering the tehsil council level. However, there is apprehension over how power and authority will be shared between the local bureaucrat and the elected official as previous attempts at devolution have resulted in ill-will and conflict between the bureaucracy and the elected representatives. Reforms within political parties and in the lower tiers of bureaucracy, that builds partnerships and understanding between these agents of change, can help create a professional environment that prioritizes the people over personal gains.

The local level of government affects the citizens the most, but the present system is in disarray, and enforcement of rule of law is ineffective. Police is seen as an instrument of extortion and oppression, rather than protection of the citizens and enforcement of law. Civil/Criminal Magistrates lower courts are perceived to be weak, even corrupt and politicized. Thus, reform of the subordinate structure of judiciary and administration remains illusory. Likewise, elected officials base their agendas on the party in power and are motivated by personal gains and the need to appease the government. Their primary objective is not service delivery for the people of their constituency, and therefore public opinion scarcely drives their programs. A recent Local Government Policy Consultation arranged at the Centre for Public Policy and Governance (CPPG) at the FC College (A Chartered University) in July to October 2019, in collaboration with Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), indicated a large gap between elected officials at the local (union) level and the bureaucracy. Representatives were dismayed by the little influence they have in informing government policy and the excessive control of public officials at that level. Furthermore, the consultation revealed that accountability mechanisms and feedback loops were absent when development projects were being implemented at the local level. These findings reinforce the understanding that reform in the civil services must be focused at the street-level bureaucrat, where a people-centered approach to service delivery is inculcated in their programs.¹⁶

The performance appraisal of subordinate government functionaries is rarely done. The people form an opinion about the government based on how these public officials perform their duties. Revenue collection, speedy and fair justice, citizen security (policing), prevention of crime/detection and maintenance of law of order are operational areas of public concern and reform that are emphasized. If these public officials fail to show good behavior, the charge of corruption, inefficiency, ineffectiveness will continue to hold. The arrogant and coercive behavior of the Subordinate Public Officials is an equal contribu-



tor in bringing a bad name to the bureaucracy, as has been the ineffectiveness of senior bureaucrats to control and regulate the behavior and performance of their subordinates. Therefore, performance appraisal mechanisms must be built into the system for all the levels of the bureaucracy.

As noted above, ideally, reform efforts must be holistic and take place at all levels of the government. The political parties must be cognizant of their roles in strengthening institutions of democracy and public service delivery. However, there seems to be a serious lack of will, vision and commitment at the political level. That goal should not be abandoned and efforts must continue to bring to the attention of political leadership that political reform is in their enlightened self-interest and that administrative and management reform is a large and important component of that process.

Summary Conclusion: Pivot Province for Reform

The Chief Minister and Chief Secretary (inclusive of Inspector General of Police and departmental secretaries) do govern the province, for all practical purposes, but, it is the street-level bureaucrats, who play a critical role in delivery of services. Hence, they not only rule but also display and exercise authority that reflects the face of the State. The 18th Amendment has further enhanced the authority and power of the Chief Minister, who, in turn, has become more dependent on the office of the Chief Secretary. Although, Chief Ministers, increasingly govern through the CM Secretariat, yet for overall supervision and coordination they find the Chief Secretary as the nerve of the Centre for provincial administrative control. To combat terrorism, promote development and empower citizens, the responsibility-sharing mechanisms between provincial and local governments must be redesigned constitutionally, politically, administratively and fiscally. The 18th Amendment provides a clear direction on these matters. In the existing arrangements of governance, we need to review the recruitment, conduct and training of 1 – 16 grade public officials, with particular focus on 7 – 16 grades.

The citizen's initial contact with the government is through three functionaries of the Province, i.e., the Station House Officer (SHO) of the Police, the Patwari (Revenue Collector), and the lower courts – Session and Civil (Judiciary). These three officials have enormous power in the perception of the public and in reality as well. They have also been blamed for corruption, misrule and abuse of authority. The provincial government operates through these functionaries and whose authority is ingrained in the minds of the public. Over the years, these offices are known to have become oppressive, anti-people, providing little relief to citizens. The redressal of grievance against these offices has also become weak over the years. The democratically elected governments since 1985 – 1999, 2002 – 2008, and 2013 have made large scale patronage appointments in the bureaucracy and lower judiciary ignoring rules, merit or imparting any beneficial training. Thus, over the past 30 years, some of these political appointees have attained



mid-management positions. A large number of these appointees have become Tehsildars, Police Inspectors, Deputy Superintendent of Police, Extra Assistant Commissioners and officers in other smaller branches of government. The result is that the subordinate bureaucracy is not only politicized but also inadequately trained, ill mannered, and incompetent. Therefore, as argued earlier, the need is to adopt a bottom up approach to introduce reform at the grass root level so that the ordinary citizen is able to see the benefits of reform clearly and convincingly.

Here we may consider three options. One option is, through community participation, to develop oversights to monitor and regulate the functions of these subordinates. Increasingly social media is emerging as the platform for grassroots democracy. Social media networks in concurrence with state functionaries could provide an effective platform to inform, share ideas and mobilize people. Such a partnership could improve trust between the citizens and the government. A second option is to improve mechanisms through which they can be monitored effectively. Third is to replace them, which would mean first developing an alternate office. It would also mean rethinking the district as a unit of administration. However, short of replacing them by effective, efficient, and adequately trained functionaries, good governance is unlikely to emerge. Devolution of power, without radically transforming the character and power of these three subordinate offices is not likely to bring much relief to the people. The devolution process (LGO 2001 and subsequent amendments) has stumbled because the provinces never owned it; today they are resisting change and want to reverse devolution with vengeance, not reason. This demands and invites innovative and constructive thinking on province-district government relationships. This means that the focus of reform has to shift to the province and district levels. That is where power resides and that is where the re-engineering and rearrangement of local and provincial relations is occurring. As noted above, that means redistribution of political power, economic resources and social capital. Re-designing and reform of power sharing mechanisms at the province – district level could open up a window of opportunity to combat terrorism, improve governance and delivery of services and empower the citizens. This demands re-organizing the Provincial Finance Commissions, merging Population and Health departments and streamlining coordination with the Social Welfare and Local Government departments. In short, this paper is pleading for what Berggruen and Gardels call ‘Intelligent Governance’. According to them, “Government should be smart, but also as lean as possible—strong but limited. The issue is not big or small government but good governance in which power is decentralized and distributed where appropriate and authority is delegated where competence dictates.”¹⁷ Thus, the onus is on the prudent role of the State and Societal responsibility and obligations, if the two act in concert ‘Intelligent Governance’ becomes achievable. Through policy dialogue, civic engagement and further actionable policy research, some of the above mentioned findings and recommendations could be pursued. Indeed, a fresh research agenda can be designed so that the Provincial Governments serve as a model of governance and reform for opportunities that the second decade of 21st century offers to Pakistan.



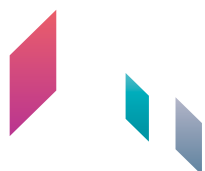
Notes

- ¹ Info.worldbank.org/governance-wgi/index.asp. Worldwide Governance Indicator Project (WGI), 2013
- ² 'Rule of Law' is one of six dimensions of governance, collectively referred to as the Worldwide Governance Indicators (WGI), developed by the World Bank. These indicators are based on the definition of 'governance' provided by the World Bank, also presented at the outset of the paper. An average annual estimate score of -0.8 for the time period 2008-2018 on the 'Rule of Law' indicator was calculated using figures obtained from the WGI Data Set in the World Banks' DataBank.
- ³ Saeed Shafqat, "Local Government Acts 2013 Province – Local Government Relations," *Development Advocate Pakistan* Volume I, Issue 1, January 2014, pg. 4-9.
- ⁴ 'Government Effectiveness' is one of six dimensions of governance, collectively referred to as the Worldwide Governance Indicators (WGI), developed by the World Bank. Figure for the percentile rank for the year 2018 was obtained from the WGI Data Set in the World Banks' DataBank.
- ⁵ *Report on Reorganizing the Federal Government by The Taskforce on Austerity and Government Restructuring* (Institutional Reforms Cell, Prime Minister's Office, 2019), 7.
- ⁶ Fakhar Imam, *Report of the Commission on Administrative Reconstructing on the Re-engineering the Federal government*, (February 1999).
- ⁷ Charles H. Kennedy, *Bureaucracy in Pakistan*, Oxford University Press, 1987. And also see, "Pakistani Bureaucracy: Crisis of Governance and Prospects of Reform", *The Pakistan Development Review*, 38:4 Part II (Winter 1999), pp. 995-1017.
- ⁸ Ishrat Hussain, Report NCGR website: www.ncgr.gov.pk. For a discussion on other civil-service reform commissions and 18th Constitutional Amendment, see, Saeed Shafqat, "Reforming Pakistan's Bureaucracy: Will the 18th Amendment Help?" in Anita M Weiss and Saba Gul Khattak(Ed), *Development Challenges Confronting Pakistan*(Sterling, VA: Kumarian Press, 2013) pp 99–119.
- ⁹ Meredith Edwards, John Halligan, Bryan Horrigan, and Geoffrey Nicoll. "Dimensions of Governance for the Public Sector." *Public Sector Governance in Australia* (ANU Press, 2012), 23-24.
- ¹⁰ Ibid.
- ¹¹ Mohammad Omar Masud, "Calling Citizens, Improving the State: Pakistan's Citizen Feedback Monitoring Program, 2008-2014", *Innovations for Successful Societies* (Princeton University, 2015), 15.
- ¹² See the scholarly work of Merilee S. Grindle. For example, "Good Enough Governance Revisited", *Development Policy Review*, 2007, pp. 553-574. Grindle explains "good enough governance" to be a phenomenon whereby not all governance issues can, or need to be resolved all at once. Reforms for politico-economic developments consequently, must be prioritized, contextualized and made apt to the circumstances of individual countries.
- ¹³ Gerald E. Caiden, "What Really Is Public Maladministration?" *Public Administration Review* Vol. 51, No. 6 (Blackwell Publishing, 1991), 490-492.
- ¹⁴ Chattophadyay, Raghobendra and Esther Duflo, "Women as Policy Makers: Evidence from a India-Wide Randomized Policy Experiment." *Econometrica* 72, 5 (2004): 1409- 1444.
- ¹⁵ For details pertaining to the problems faced by the minority communities, especially in terms of political participation and recruitment in the civil service in Pakistan, see the research report authored by Asif Aqeel (CPPG), Forman Christian College Univeristy, 2020. *The Index of Religious Diversity and Inclusion in Pakistan*, ed. Asher John (Lahore: Centre for Law and Justice, 2020).
- ¹⁶ Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), Consultations and Research on Local Governance in Punjab: Implementing Local Government Act (PLGA) 2019: Lessons Learnt from the Implementation of PLGA 2013. The CPPG conducted these consultations on 1st & 2nd July, 18th & 19th September and 20th October 2019; on 18th Amendment & Local Government, see, Saeed Shafqat (2013) pp 113-116.
- ¹⁷ Nicolas Berggruen and Nathen Gardels, *Intelligent Governance for the 21st Century: A Middle Way Between West and East* (Cambridge: Polity Press, 2013) p.107

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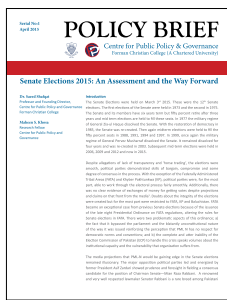
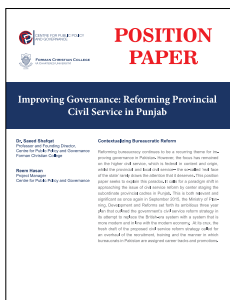
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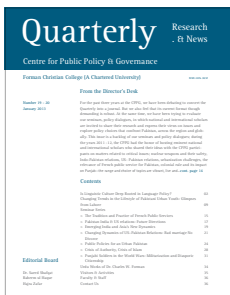
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