Integrating Civil Service Reform with Decentralisation
A Case Study
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©BY-NC-ND Carol Mitchell / Detail of the artwork on a truck cabin, photographed in Rawalpindi, Pakistan.
Foreword

This paper is the second in our series of Working Papers, in which I invite prominent development experts and practitioners from around the world to put forward the ideas and approaches that should inform the debate on achieving the UN Sustainable Development Goals.

An effective public service is crucial to meeting the challenge of sustainable development in any country. Almost everywhere, however, reform and renewal of the public service is needed to successfully achieve the developmental goals of the 21st century.

This paper examines the integration of decentralisation and civil service reforms. Dr Munawwar Alam outlines how the 2001 Devolution of Power Plan (DOPP) in Pakistan was a transformative reform that successfully achieved simultaneous reorganization of both local government and the civil service.

While DOPP in its original form has largely been discontinued since the fall of Pakistan’s last military regime in 2008, some of its core elements have helped consolidate significant, and long overdue, local government reforms in Pakistan. One of the highlights of Dr Alam’s paper is the menu of key lessons in reform that it offers for decentralizing initiatives elsewhere.

Max Everest-Phillips
Director, UNDP Global Centre for Public Service Excellence
INTRODUCTION

Pakistan is a country of 184.35 million people, with a GNI per capita of US $ 1368, and Human Development Index value of 0.515.1 Since independence in 1947, Pakistan’s political history has been characterised by intermittent phases of military rule. There have been four2 periods of rule by martial law under different dispensations and three constitutions have been enacted in 1956, 1962 and 1973. A review of the Pakistan’s development indicates that service delivery arrangements on the ground, quality and coverage of social services and social indicators are generally unsatisfactory and significantly worse for the poor and women.

Despite a federal form of government and a substantial rural population, decentralisation of power beyond the provincial government has been largely absent in Pakistan. Local governments have traditionally been the strongest during the intermittent phases of military rule in the country when the centre experienced a vacuum of democratic power. It was also during these periods that the civil service machinery underwent major changes, as decentralisation very often demanded far-reaching changes in the structure of civil administration. Decentralisation, it appears, has acted as an instrument of civil service reform in the administrative history of Pakistan, including in the case of the 2001 reforms.

The most far-reaching changes in relation to decentralisation and within the civil service machinery of Pakistan happened as a result of the introduction of the Devolution of Power Plan (DOPP) in 2001 under the Musharraf regime. These changes led to an unprecedented strengthening of the local government institutions and a drastic reorganisation of the civil service machinery especially in tiers of local government. Despite being introduced by a military regime, researchers have observed that DOPP had a positive impact on citizen participation, gender equality, education and grassroots democracy.4

With the change of regime in 2008 and shift to a democratic government at the Centre, most changes introduced by DOPP were undone or replaced by new provisions. Fourteen years since it was launched, very few of the original changes introduced by DOPP remains. However, certain elements of the DOPP and lessons from its implementation offers crucial learning regarding the potential of decentralisation as an instrument of civil service reform.

While much has already been written about DOPP, its success in integrating decentralisation and genuine civil service reform remains largely underexplored. This discussion paper aims to bridge that gap and draw out lessons from the implementation of DOPP for future initiatives in decentralisation and civil service reform.

The paper is organised as follows: First it presents a literature review of decentralisation and civil service reforms. It then discusses the key features of the Devolution Plan of 2001 and then converges to two main hallmarks of DOPP, the civil service and police reforms. Drawing upon political economy analysis, the paper then discusses how this promising programme lost its way in later years. The concluding section captures some of the lessons learnt from the DOPP experiment.

LITERATURE REVIEW

The literature review undertaken for this paper has been broadly divided into: a) Decentralisation, and b) Civil service reform - both subsets of writing on broader public service reform. The review initially scans the wider field of international analyses and later looks at commentaries on Pakistan’s experience to enable a deeper understanding of the context of this paper.

a. Decentralisation

Decentralisation, as a theme, is widely researched and continues to be prolifically published. Francis states that for more than past three decades, a ‘silent revolution’ has taken place across the world as countries have been introducing decentralisation reforms.5 According to the UNDP, “Decentralisation is the logical application of the core characteristics of good governance at the sub-national or local levels.”6 Blair (2000) argues that democratic decentralisation, by building popular participation and accountability into local governance, can make the local governments more responsive to citizens’ choices and more effective in service delivery. According to Anwar Shah, the institutional environment in developing countries necessitates a greater degree of decentralisation than that needed for an industrialized country.7 However, Brian Smith argues that decentralisation need not be desirable in itself but depends on the political, economic and social realities of particular systems and localities.8 Similarly, there are several studies on the negative outcomes of decentralisation.

We will not expand upon various forms of decentralisation (delegation, devolution and de-concentration) here as these variants have been discussed at length in the literature. Some of the recent research on decentralisation looks at aspects such as motivations for decentralisation, its linkage with poverty reduction and accountability9, service delivery orientation10, political economy contexts, gender participation11, and decentralisation and changing role of the state.12

International context

In order to fully assess the outcomes of local government reforms it is important to analyse the reasons for decentralisation in the first place. It is evident that the reasons for decentralisation and the pace of decentralisation vary significantly from country to country. In the UK for instance, the devolution of power to Scotland was undertaken to accommodate regional aspirations.

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2 Includes one enactment of ‘civilian’ Martial Law by Zulfiqar Ali Bhutto in the 1970s.
In others, such as Sri Lanka and Nigeria, the rationale was to avoid secessionist tendencies. National reconstruction has often been the basis for creating effective local government as in Uganda and South Africa. Decentralisation has also been used in countries such as Pakistan and India to devolve power from strong central and provincial governments. The drive for decentralisation in developing countries was also strongly supported by international agencies such as the World Bank who believed in its potential for improving efficiency and service delivery given the seeming failure of central planning.13

Decentralisation in Pakistan

Decentralisation in Pakistan has certain unique features. While it may seem ironic, grassroots democracy has often been at its vibrant best during military regimes. In this context, experts argue that attributing the origin of devolution to military is not appropriate14 and in fact hints at underlying governance issues. Two prominent studies (Ali Cheema et al, 200515 and ICG’s study of 2004, cited by Marco Mezerra et al, 2010) categorically mention that legitimization of the state control by gaining popular support at the grassroots level appeared to be the main reason behind recurring attempts at local government reform in Pakistan during military rule. According to Mohammad Waseem, the local bodies in Pakistan derive their strength from an acute dependence on the state for legitimacy and resources.16

Public administration literature on Pakistan and informal discussions with Pakistan’s senior policy makers show that decentralisation has not garnered deserved attention and is not considered important enough. Though the provincial governance is highly district-centric, improving the efficiency and responsiveness of local governments is not yet seen as a key concern. Likewise, while civil service reform frequently comes up in popular discussion, deliberations on the topic are largely absent in the corridors of power where it matters most. 17

Literature on decentralisation in Pakistan is scarce and where available, is mostly sectoral18 in focus. The Centre for Public Policy Research (CPPR) states that academic research on decentralisation in Pakistan is in its infancy and calls for more rigour and sustained effort.19

b. Civil Service Reform

A skilled, motivated and efficient civil service with professional ethos is considered a necessary condition for good governance.20 The relationship between civil service and the political system is bi-directional in that both are affected by each other.21 Rao’s work on civil service reform provides a succinct report on research findings in this critical area of development policy. His work draws attention to the need for strong domestic political leadership for successful reform, and presents a range of political economy analysis tools for understanding the reform context.22

In terms of success of reforms, most experts opine that an incremental approach is most likely to be sustainable and politically feasible and that reform models or approaches may vary depending on the country’s context. Witesman and Charles warn that where government structures are decentralised but not transparent and democratically responsive, citizens might instigate a backlash against the reform process leading to possible re-centralisation.23

World Bank literature discusses various civil service issues arising out of sectoral or decentralisation strategies. For example Bank’s 2004 study states that the civil service reform is basically a supporting strategy for decentralisation.24 Yet, another Bank’s study argues that human resource management should be seen as central component in the design of the decentralisation.25 The study also adds that the degree to which a country devolves authority for civil service management has implications for uniformity across the civil service. In its ideal form, a country’s civil services should be uniform but not unified.26 Despite the abundance of literature on civil service reforms, we still lack globally recognised conceptual frameworks and a robust and explicit theory of change.27 An IPPR study28 presents several case studies from developed countries to identify a variety of international approaches to civil service reform and highlight the challenges confronting civil services around the world.

Civil Service Reforms in Pakistan

Ziaul Islam’s work points towards bureaucratic decay especially in the elite cadre causing stagnation in development.29 Similarly, Tasneem Siddiqui has provided a detailed commentary on topical issues of governance and social development in his seminal works.30 Saeed Shafqat has provided a succinct summary of criticism and praise for bureaucracy over a time horizon of 1950s till 1999.31 He has raised a fundamental question as to what is the primary role of bureaucracy in a developing country. According

17 Author’s own interviews with several senior civil servants.
18 Most of the empirical research has been on assessments of the devolved social sector.
to Saeed, bureaucracy’s broad role is to ensure continuity of policies, political order/stability, uphold rule of law, and promote economic development and cultural cohesion. However, there can be no denying that like any other institution of society role of bureaucracy is also related to society’s own culture, its history, political maturity and state of development and modernisation. Chabal and Daloz and Reno have emphasised the deep entanglement of state with society. Many studies attribute the success of military regimes in implementing many development reforms to a strong centre devoid of political expediencies and populist pressures.

Decentralisation after civil service reform may be most ideal...[but] such sequencing is difficult... as comprehensive civil service reforms are challenging, slow and painful...

c. Decentralisation as an Instrument of Civil Services Reform

Recently decentralisation has been identified as an important pillar of public administration reform. Some key strands in the interplay of decentralisation and civil service reforms are examined below:

Mutual sequencing

Some of the key challenges in the mutual sequencing of decentralisation and civil service reform have been identified as follows:

Decentralisation before civil service reform could increase the number of relevant stakeholders so significantly that negotiation on painful reform decisions become extremely difficult. Further, the limited administrative capacity and resource constraints of local authorities make them unwilling or at best, reluctant reform partners.

Simultaneous decentralisation and civil service reform could stretch the already strained capacity of public administration in terms of ability to conceive reform policies and resources available to implement them. “Both decentralisation and civil service reforms are, by their very nature, iterative processes requiring frequent adjustments, particularly early on. If started simultaneously, both original designs and subsequent adjustments are likely to have unexpected effects on the other reform, even if conscious efforts were taken to think the issues through.”

Decentralisation after civil service reform may be most ideal as it helps prevent replicating a dysfunctional administrative system to lower levels. However such sequencing is difficult to real context as comprehensive civil service reforms are challenging, slow and painful. To the short-term orientation of political leaders, decentralisation with its quick political dividends appears as a more glamorous and popular option.

Impact

Despite the challenges involved in their joint implementation, civil service reform is often considered simultaneous to decentralisation as decentralisation inevitably brings drastic reorganisation in the civil service structure especially at the local government level. According to the World Bank, “when civil service functions and structures are decentralised, existing bureaucratic patterns must be reorganized as roles and accountability are shifted. Decentralisation thus intensifies the need for capable staff and increases the importance of capacity-building programs.”

d. Purpose of the Paper

Published commentary on the mutual interaction of decentralisation and civil service reform is rare. The consequences arising from the mutual interplay of decentralisation and civil service reforms has not been adequately explored especially in developing country contexts. It is possible that an analysis of this mutual interplay might open up interesting answers to the concerns regarding the limited impact of decentralisation on efficiency, innovation and accountability in delivery of services at local level.

Using the landmark 2001 Devolution of Power Plan as a case study, this paper explores the experience of Pakistan in attempting to integrate decentralisation and civil service reforms and its implications. It is hoped that this analysis will offer insights for developing countries with a strong federal structure on the key areas of focus in implementing decentralisation and civil service reforms.

34 ibid
Pakistan inherited its bureaucratic framework from the British colonial administration at the time of its independence in 1947. Before independence, while it was part of British India, a clear distinction between national and provincial services had been established with only the members of elite Indian Civil Service (ICS) and Indian Police Service (IPS) being allowed to serve across the country. At the heart of ICS was the single officer at the district level who was the focal point of all administrative powers and responsibilities at the district level holding the multiple titles of Collector, District Magistrate or Deputy Commissioner indicating the multitude of responsibilities vested in the position. Following independence, ICS and IPS became the Civil Service of Pakistan (CSP) and Police Service of Pakistan (PSP) respectively. In the turbulent decades when the country alternated between civilian and military regimes, CSP was alleged to be acting as a handmaiden to the military in consolidating power at the district level. However, the CSP did play a major role in the implementation of the 1959 ‘Basic Democracy Ordinance’ under General Ayub Khan and the 1979 ‘Local Government Ordinance’ of General Zia-ul-Haq. The PSP, while being treated as the proverbial stepchild to the all-powerful CSP, also held considerable sway with its ability to maintain law and order for the prevailing regimes.

In the intervening period between the military regimes of the Generals Ayub and Zia, the elected government of Prime Minister Zulfikar Ali Bhutto made considerable effort to reform the civil service and diminish the elite status of CSP and PSP. Bhutto also bifurcated CSP into District Management Group (DMG) and Tribal Management Group (TMG) and allowed lateral entry into these services to diminish the entrenched power structure. However, these reforms did little to diminish the elite nature of DMG/CSP and PSP. In fact with the nationalisation of private sector industries by Bhutto, the clout of the civil services actually increased.

Following Bhutto’s regime and Zia’s ascendance, TMG was merged into DMG and the DMG became a key instrument for the implementation of Zia’s Local Government Ordinance. Zia also introduced a mandatory quota for military officers in these services, building upon a window opened by Bhutto with his lateral entry scheme that had seen many military officers entering the civil service.

In the years of civilian rule following Zia’s regime, DMG and PSP largely maintained their elite status as willing partners to both the military and the civilian government. The following table summarises the civil service reforms undertaken from 1947-2001 under different regimes.

**BOX 1: Constituents of the Pakistan Civil Service**

1. Pakistan Administrative Service (PAS)
2. Police Service of Pakistan (PSP)
3. Foreign Service of Pakistan
4. Office Management Group
5. Custom and Excise Group
6. Income Tax Group
7. Information Group
8. Trade and Commerce Group
9. Accounts and Audit Group
10. Railways Group
11. Military Land & Cantonments Group
12. Postal Group
The DOPP is considered a radical departure from Pakistan’s previous decentralisation efforts, as it attempted to change the colonial governance paradigm inherited at the time of independence.

### a. Context of DOPP

In Pakistan’s political history, the twinning of military and decentralisation has been a political reality. The two earlier landmark reform initiatives in decentralisation, the ‘Basic Democracy Ordinance’ (1959) and the ‘Local Government Ordinance’ (1979), were enacted under the regimes of Generals Ayub Khan (1958-69) and Zia Ul Haq (1977-88) respectively. The

### Table 1: Summary of Civil Service Reforms Under Different Regimes

<table>
<thead>
<tr>
<th>Leader/Tenure</th>
<th>Reform Initiative</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Ayub Khan (1960s)</td>
<td>Cornelius Pay Services and Reform Commission 1962, but preceded by removal of civil servants.</td>
</tr>
</tbody>
</table>
| Zulfiqar Ali Bhutto (1970s) | Administrative Reforms Committee constituted in 1973 under Mr Khurshide Hasan Mir, a Member of the Federal Cabinet. The Committee’s major contributions were:  
  - To abolish the reservation of key posts in Federal and Provincial Governments for CSP;  
  - Replacement of the CSP cadre by District Management Group (DMG) and the Secretariat Group, in which all occupational Groups would be represented.  
  - A unified service structure with different occupational Groups;  
  - Introduction of national pay scales in Grades 1-22;  
  - Removal of constitutional guarantees for civil servants. |
| General Zia-ul-Haq (1970s and 1980s) | A Civil Services Commission was formed in 1973 under Justice Anwarul Haq, to revisit the 1973 Administrative Reforms. The Commission chose to retain the basic thrust of the 1973 reforms. However this period also saw innovations like institutionalising induction of officers of armed officers directly into the civil services at 20% of the intake. This practice is still in use. |
| General Pervez Musharraf (2000s) | Executive Magistracy abolished.  
Police Order (2002) replaced Police Act of 1861, primarily bringing police under the control of an elected mayor.  
National Commission for Government Reforms led by Dr Ishrat Hussain. A number of recommendations of the Commission were implemented later. |


### DEVOLUTION OF POWER PLAN (DOPP), 2001

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military assumed control of government, although the Local Governments Ordinance of 1979 remained in operation.

The response of civilian governments to local democracies introduced by military regimes should be viewed in the context of the type of the political system the military rulers expected to emerge through the local democracies. Experts believe that the local democracies that thrived under military regimes acted as a means to weaken the national political parties, cloak an authoritarian government at the centre and nurture loyal and elitist local politicians who had scant commitment to democracy or citizens.39 For instance, the Electoral College formed through the Basic Democracies Ordinance elected General Ayub Khan as President in a referendum with 96.5 percent vote in 1960 and re-elected him in 1965.

The ultimate loser in this political see-saw between civilian and military regimes has been the cause of local democracy which could have been a genuine vehicle for democratisation of Pakistan's grassroots institutions and building of a egalitarian political culture in the society.

Table 2: Previous Decentralisation Reform Initiatives

<table>
<thead>
<tr>
<th>Basic Democracy Ordinance, 1959</th>
<th>Local Government Ordinance, 1979</th>
</tr>
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<tbody>
<tr>
<td>Country divided into 80,000 single-member constituencies, each electing a member on a non-party basis</td>
<td>3 tiers of local government in rural and urban areas</td>
</tr>
<tr>
<td>Local councils were created at the district and sub-district levels, with roughly half their members nominated</td>
<td>Non-party elections to union councils/town committees =</td>
</tr>
<tr>
<td>These councils received state funds to perform municipal and civic functions</td>
<td>Local councils handed small-scale public welfare and development activities</td>
</tr>
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</table>

Impact on Civil Service

<table>
<thead>
<tr>
<th>Basic Democracy Ordinance, 1959</th>
<th>Local Government Ordinance, 1979</th>
</tr>
</thead>
<tbody>
<tr>
<td>District bureaucracy monopolized powerful offices, exercised complete authority over the councils, including the power to overrule or suspend council decisions and orders</td>
<td>Civil bureaucrats who served as ex-officio, non-voting members of the zila councils, retained control over general administration and law and order</td>
</tr>
</tbody>
</table>

39 ibid

The Government and international agencies work closely on recovery and reform efforts in Pakistan.

© Vicki Francis / DFID The Government and international agencies work closely on recovery and reform efforts in Pakistan.
b. Introduction of DOPP

Considering Pakistan’s history of attempted decentralisation reforms, the introduction of an initiative such as the DOPP during the Musharraf regime (1999–2008) need not come as a surprise. However, DOPP is considered the most radical reform in Pakistan’s administrative history for several reasons. Apart from the radical nature of DOPP, the dramatic impact of DOPP was also aided by the ability of a powerful military regime to implement the plan. The broad international support for the plan in the light of New Public Management reforms driven by the World Bank and IMF also acted as significant catalysts. It was one of those opportune moments when a purely internally driven reform agenda in Pakistan also found international resonance and garnered support in several quarters.

DOPP was also deemed crucial in view of the domestic realities where problems had aggravated as a result of heavy concentration of power by the federal and provincial governments on public services and infrastructure development. A centralised bureaucracy controlled crucial aspects of public service delivery without any involvement of elected politicians or citizens at the local level (the last local government elections were held in 1987). This meant that provincial and central governments did the policymaking and district authorities, with little say in decision-making, merely implemented it. Weak administrative capacity and lack of resources further hampered service delivery capabilities at local level. The situation in Pakistan precisely resonated with the World Bank’s view, that: “Building the institutions for a capable public sector is essential to enhancing state effectiveness, but is immensely difficult. Once poor systems are in place, they can be very difficult to dislodge. Strong interests develop in maintaining the status quo, however inefficient or unfair”.40 It was in this context that DOPP was launched. The key aspects of DOPP are captured below:

Table 3: Distinguishing Features of Devolution Plan, 2001

<table>
<thead>
<tr>
<th>Electoral/Social</th>
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<tbody>
<tr>
<td>• Minimum voting age reduced from 21 to 18 years to involve youth in mainstream politics</td>
</tr>
<tr>
<td>• Minimum educational qualification prescribed for Nazims (mayoral) candidates</td>
</tr>
<tr>
<td>• Manifesto made mandatory for candidates of District and Town/Taluka mayors</td>
</tr>
<tr>
<td>• Mayor made chief executive of respective local government with wide-ranging administrative and financial powers</td>
</tr>
<tr>
<td>• Training made mandatory for elected representatives</td>
</tr>
<tr>
<td>• Elaborate mechanism for recall of elected representatives prescribed under law. Similarly, officials enabled to seek recourse against motivated or illegal orders of mayors</td>
</tr>
<tr>
<td>• Seats for women enhanced to 33% in all tiers of local government</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Bureaucracy</th>
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<tbody>
<tr>
<td>• Divisional tier (between districts and provincial government) abolished</td>
</tr>
<tr>
<td>• Office of the Deputy Commissioner abolished and replaced by Senior District Coordination Officer (DCO) reporting to Mayor</td>
</tr>
<tr>
<td>• District bureaucracy to interact with the provincial government through mayor</td>
</tr>
<tr>
<td>• Executive Magistracy abolished</td>
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<tr>
<th>Police</th>
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<tbody>
<tr>
<td>• Police Act of 1861 replaced after nearly 140 years. Law and order responsibility of District Mayor, but District Police Officer responsible to his own professional hierarchy in matters of crime prevention, investigation and personnel management of force</td>
</tr>
<tr>
<td>• District Public Safety Commissions constituted, comprising of elected and non-elected members to act as safety valve providing recourse to both police officer and mayor, in case of motivated action or order on part of either parties</td>
</tr>
<tr>
<td>• Police Complaint Authority introduced to deal with serious complaints against police</td>
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</tbody>
</table>

Figure 1: Political-Administrative Organisation under LGO, 1959

Figure 2: Political Organisational structure of Local Government under LGO, 1979

AIMS OF DOPP FOR CIVIL SERVICE REFORMS

Being primarily a decentralisation plan, DOPP’s provisions in relation to civil service reform focused specifically on the DMG and PSP at the district level. The need for civil service reforms in Pakistan emerged from the perceived urgency to transform entrenched power relations and strengthen local government institutions. The key aims of DOPP in relation to these services were as follows:

1. Transforming power relations:

Pakistan’s administrative culture in general and local governance in particular has been district-centric whereby provincial governments ruled through their extensions in the form of Deputy Commissioner, who was the focal point of power and resources. This de-concentrated system of administration has been blamed for augmenting paternalism and patron-client relations leading to the perception of public service as ineffective, partisan and corrupt. Similarly the police, as a part of the elite civil service cadre and armed with insurmountable power, has been a key actor in political, administrative, governance and social contexts.

2. Combating elitism:

Pakistan’s bureaucracy has long displayed an attitude of superiority not only over the public but also the elected public representatives especially at local level. Over a period of time the perception about civil servants is of their being ‘arrogant’, ‘over-bearing’, ‘inefficient’ and ‘self-perpetuating’. Although all candidates are recruited through the same competitive process and are assigned to different groups by a margin of few points (gained or lost in the entrance exams), the elite services (DMG and PSP) maintains an unfair advantage over other ‘groups’ in the pace of promotions, prestige and control over important portfolios. The issue becomes more pronounced in the field when the DMG and PSP officers are deployed in the districts as revenue and police officers respectively and engage in a constant tussle over ‘who controls whom’ especially in law and order matters.

This insidious arrangement has contravened norms of democratic governance and the participation of people at the grassroots. It has rendered the whole public service district-centric, law and order focussed, procurement oriented and in constant firefighting mode. Also, within the broader framework of civil service, the element of superiority demotivates civil servants of other occupational groups and at the same time give rise to rivalry between fast-tracked federal/central officers and the provincial counterparts. It may be noted that having an elite civil service is not the problem as long as earns its elite status through a merit-based system, professionalism and integrity.

3. Devolution of Powers from Deputy Commissioner:

Deputy Commissioner (DC) was the extension of the provincial government and thus the focal point of power and resources at the district level. The DC performed three critical roles:

- **Executive head**: Responsible for all executive functions of the district.
- **Executive magistrate**: Invested with specific powers under law primarily to control public order. These magistrates are not controlled by high courts and may not have any legal training. They are thus liable to succumb to pressure from the executive. Besides administrative overreach, the executive magistracy negates the spirit of specific articles of Pakistan’s Constitution. It has also been argued that having a representative of the Executive dispensing justice at the District level encroaches upon the autonomy of the judiciary and violates the Constitution. It was increasingly felt that independence of the judiciary could not be secured if the Executive Magistrate system continued.
- **District Collector**: Authorized to collect land revenue.

46 The power dynamics and social status associated with the institution of Deputy Commissioner has a historical background. In 1765, Robert Clive was able to secure from the Mughal Emperor the right to collect and administer revenue in the Provinces of Bengal, Bihar and Orissa for the East India Company. This right was virtual sovereignty over the administration and was called ‘Deewan’ and the employees of the Company started exercising this right with full authority from 1772. From this date, the mercantile service assumed the complexion of an administrative service. One of the important developments of this phase of the administrative service under the East India Company was that the districts gradually became the units for revenue collection and administration. The supervisor of the district was therefore called the ‘Collector’.

47 In historical context, the executive magistracy was actually the embodiment of the colonial era’s trinity between the land revenue, judiciary and police, concentrating all authority in one individual thus making him the ‘judge, the jury and the hangman’.

48 The parts in question are Articles 143, 175 (3) and 203 of Pakistan’s Constitution. Article 17(3) of the 1973 Constitution envisaged a ‘franchise of powers shared between the three organs of the state—the legislature, executive and the judiciary.'

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41 In pre-DOPP era, the Secretary Local Government in the Provincial Government had the powers to dissolve even the largest metropolitan corporation in the country (Karachi) and get rid of the elected mayor.


44 The elitist philosophy deeply ingrained in the system is aptly captured by the following quote: “All civil servants are public servants, but not all public servants are civil servants.” We tried to investigate this little further and found that legally civil servants are the ones governed by Federal and Provincial Civil Servants Acts, while the definition of public servant is provided in Section 21 of the Pakistan Penal Code (PPC). If semantic matters, it is interesting to note that federal and provincial civil service commissions are known as the ‘Federal Public Service Commission’ and the ‘Provincial Public Service Commission’, not as ‘Civil Service Commissions’. Similarly, there is a conceptual differentiation between an ‘Official’ and an ‘Officer’, the former is a junior, non-gazetted while later is a gazetted officer mostly directly recruited. In the past, there have been a number of attempts by previous regimes to tackle this issue of elitism. For example, the Bhutto’s Administrative Reform of 1973 disbarred use of title of “CSP” with the names of the civil servants.

4. Eliminating Centralisation tendency:
Similarly, the district bureaucracy acted as extensions of provincial governments in the districts and presented a classic model of deconcentrated system albeit with overarching powers over local councils.

5. Managing Perception:
Besides over-centralisation of functions, the negative perception about bureaucracy was one of the reasons that the outcry for civil service reform has always been felt and attempted time and again. Like any other developing country, paternalism and patron-client relations exist in Pakistan too, and the civil service’s vulnerability to political influence has often led to formation of a nexus between politicians and civil servants. A recent survey by PILDAT\(^49\) indicates a dismal score of negative 21% for the effectiveness of Pakistan’s bureaucracy.

It is evident that the Deputy Commissioner’s position was a highly generic, administrative post that performed a coordinating function in the district on behalf of the provincial government. The following extract from The Dawn, the highest circulated English newspaper in Pakistan, suggests that a Deputy Commissioner is seen as performing mundane administrative tasks with no input into policy making: “The Prime Minister [has been] reduced to a deputy commissioner-type character who will deal with the day-to-day running of the country…”.\(^50\) Similarly, police in Pakistan is regarded as one of the most poorly managed organisations in the country and has long been described as ill-equipped, poorly trained, deeply politicized and chronically corrupt.\(^51\)

The flagrant violations of human rights, use of pressure tactics and threats for political manoeuvring, has meant that police is a symbol of political power and an instrument of oppression rather than an independent institution with a distinct professional capacity.\(^52\)

6. Eliminating Nepotism:
Though civil service generally denotes the federal or central administrative cadre, there are provincial civil service cadres (PCS) in all four provinces. Entry into PCS is through competitive examination conducted by the Provincial Public Service Commission. The Chief Minister of the province from time to time can “nominate” handpicked officials, especially Private Secretaries to Ministers and induct them directly into the PCS cadre, by taking the posts “… out of the purview of the Public Service Commission” without the appointees going through a competitive recruitment process. After induction they are subsumed into the mainstream cadre. This therefore causes serious de-motivation among career PCS officers, recruited through due competitive processes. The “nominees” mostly lack professionalism and necessary educational qualifications, but above all have political affiliations to their ‘mentors’. Therefore, this system of nomination not only makes the PCS murky but also seriously affects the morale of the other officers.

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\(^51\) Shoaib Suddle, 2001 traces the challenges of reforming the police machinery back to colonial era. As British Civil servants (District Magistrates) ran the districts, control of policing was also vested in British officers following the 1857 uprising. This dual control was enabled through the Police Act of 1861 facilitating discretionary use of police and interference by the colonial bureaucracy, on the grounds of public safety and maintenance of law and order, but in reality on political expediencies. The paramount concerns of the colonial administration were collection of land revenue and maintenance of law and order primarily to stabilise the regime [in the aftermath of the uprising]. The model of policing instituted by the British was that of the Irish Constabulary, that meant to place the police under the control of executive authority (District Magistrate) who acted as the agent of colonial government. For this and other reform challenges to reforming Pakistan’s Police Service, also see Abbas (2011).

KEY CHANGES INTRODUCED TO THE CIVIL SERVICE BY DOPP

The devolution reform of 2001 was also a bold attempt to transform an over-centralised bureaucracy and especially, its elite cadres. A change not only in terms of structure but also governance of districts, as district is the political unit for action, analysis, administration and development in Pakistan. The following section gives a brief description of the key changes introduced by DOPP:

- Abolishing Executive Magistracy and the office of Deputy Commissioner: Through DOPP the system of Executive Magistracy was abolished. With the abolition of Executive Magistracy the DMG officer’s mandate shifted to core revenue work as the District Officer (Revenue), a new nomenclature drawing strength from Land Revenue Act. At functional level, the implementation of DOPP changed the name of the post from Deputy Commissioner to the District Coordination Officer (DCO).

- Devolution of power to elected officials: Under DOPP, the elected Zila Nazim (District Mayor) was empowered with relevant legal powers previously exercised by the erstwhile Deputy Commissioner.

- Moving sectoral functions to district level: For the first time, several sectoral functions handled at the federal/provincial level were moved to the local government level. This ensured that functions, functionaries and to a certain extent moved from the centre and provinces to the local government level. The following figure captures the new structure at the district level on account of these shifts:

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**Figure 3: New Administrative Structure at the District Level following DOPP**

Regional Experiences

In India the Police Act of 1861 of the colonial times is still in practice. Although some states like Maharashtra, Gujarat, Kerala and Delhi have enacted their own Acts, these still resemble the archaic Act of 1861 (See: Daruwalla, Joshi & Tiwana, 2005). Similarly, Bangladesh has partially changed the 1861 system of policing in Dhaka, Chittagong and Khulna by means of reform undertaken in 1976, 1978 and 1987 respectively (Shoaib Suddle, 2001).

Police Order 2002: A comprehensive package of police reforms was introduced in the form of the Police Order 2002, replacing the Police Act of 1861. Police reform of 2001 was integral to the DOPP and perhaps for the first time had a developmental orientation. For the first time in country's history, inter alia, devolution re-defined the relationship of district police with elected mayor and also with the District Coordination Officer (DCO), the successor to the Deputy Commissioner. The Police Order 2002 abolished the executive magistracy and with it, complete bureaucratic control over policing at the local level. This necessitated amendments in the Police Act of 1861 and Criminal Procedure Code (Cr PC).

As stated in the preamble of the Police Order 2002, the new legislation aimed to make the police function according to the Constitution, law, and democratic aspirations of the people. Such functioning requires it to be professional, service-oriented, and accountable to the people. It also incorporated a number of international good practices. The salient features of the police reform that have bearing on governance are listed below.53

Commenting on the police reforms the public administration expert, Paul Petzschmann, said: “...The most ambitious and comprehensive security sector reform package designed in South Asia to date, are interesting not because of what they tell us about the state of policing, but because of what they reveal about the nature of the state”.54

INTEGRATING CIVIL SERVICE REFORMS WITH DECENTRALISATION: LESSONS FROM DOPP

In the seven years since the end of the Musharraf regime, subsequent civilian governments have annulled most changes introduced by DOPP. In this sense DOPP mirrors the fate of similar reforms introduced under previous military regimes. Civil service reforms (especially executive magistracy and police) were mostly nullified by varying its pace and manifestations in the different provinces. This was despite the November 2011 judgement of the Balochistan High Court declaring the executive magistracy to be inconsistent with the Constitution. In the meantime, the 18th amendment to the Constitution passed in 2010 marked a paradigm shift from a heavily centralized governance system to a predominantly decentralised federation. The amendment not only empowers the provincial governments but also grants substantive powers to the lower tiers of local government.

The DOPP had a more profound impact on Pakistan's political and administrative structure compared to most of its predecessors. It sought to impart fundamental structural change to a governance system that was anchored since 1947 on an obsolete colonial administrative model conceived in the late 1850s. It was also one of the boldest and most comprehensive reform attempted in Pakistan's history given its effort to reform local government and civil services in tandem. In view of its enormous mandate and the results it achieved, the following section analyses the key lessons that DOPP holds for similar efforts elsewhere.

a. Key Lessons from DOPP

Sequencing of Reforms: Mutual sequencing of decentralisation and civil service reforms can have major implications for the success of reforms. Some experts recommend that decentralisation be undertaken after civil service reforms to minimize the strain on the bureaucracy and make the number of stakeholders manageable.55 However, DOPP implemented decentralisation and civil service reforms simultaneously.

Legitimacy of the regime: Despite having several transformational elements, DOPP's future was clouded by the reality that it was introduced and implemented by an authoritarian regime. While the dominant nature of the regime ensured strong regime backing for the broad-based changes required, it had negative consequences for the sustainability of the reforms.


54 See Petzschmann (2010)

Window of Opportunity: DOPP’s success in implementing the reforms was also influenced by its ability to exploit a window of opportunity that opened up at the turn of the century. DOPP was introduced at a time when international donors and financial institutions were supporting devolution of power from the centre in search of better fiscal discipline, representation and service delivery efficiency in line with the NPM principles. DOPP was able to align with this thinking, prevalent in international development, and garner sufficient international support towards the comprehensive reform package.

Similarly, the police reforms found support in the context of international and domestic security environments (post-9/11) as Pakistan attempted to combat terrorism within the country. Recently, there have been debates about the role of police at the community level as part of counter-terrorism campaigns in Pakistan.

Some experts have deduced important commonalities between the insurgencies in FATA and KPK and those in Malaya and Cyprus in the 1950s: “In Malaya, a key element in turning the situation to the government’s favour was the program to reform and retrain the police and make it a more professional body that could interact with the civilian population more effectively (and thus gain good intelligence), and act efficiently on the intelligence it received.”

Box 5: Implications of the 18th Amendment

Functions of the 17 federal ministries were devolved to the provinces and thousands of federal officers were deputed to the provinces. The 18th amendment has provided much awaited autonomy to the provinces including the mandate to hold local government elections. While DOPP has been discarded, all four provinces have embarked on making new local government laws. Unfortunately, the provincial laws seem to excessively favour the provincial government and bureaucracy and against the spirit of the 18th amendment. There was also pressure on the provinces to hold elections to the local government. Balochistan held local government elections in December 2013, and Khyber Pakhtunkhwa followed in May 2015. Elections are expected in Punjab and Sindh in September 2015.

Figure 4: Political-Administrative Organisation Structure under DOPP, 2001


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57 Federally Administered Tribal Areas (FATA) and Khyber Pakhtunkhwa (KPK)
**Incentivising Reforms:** DOPP reforms curtailed the power of the bureaucrats at the district level who held multiple positions. The powerful executive magistracy function was devolved from the post of Deputy Commissioner, and was made into a District Coordination Officer (DCO). However, this emasculation was balanced by empowerment of a DCO’s remit with responsibility for several sectors (e.g. health, education, etc.).

The federal and provincial bureaucracies also capitalised on this opportunity for rapid promotions due to a large number of vacancies created due to formation of devolved district governments.

Any analysis of political economy issues relating to civil service reforms usually identifies room for manoeuvre, especially highlighting which part of reforms are strongly resisted, and how appropriate sequencing can pave way for successful implementation.

**Aligning reforms with Rules of the Game:** One specific component of DOPP that has outlasted most resistance is the abolition of the Executive Magistracy. The rationale offered by DOPP that Executive Magistracy assumed by the Deputy Commissioner violated key articles of the Constitution, stemming from the November 2011 judgement of the High Court of Balochistan that declared that revival of executive magistracy is in violation of constitution.

**Using empirical evidence to counter criticism:** The critics of the DOPP argued that it changed the power equation between the elected representative and the bureaucracy and hence demoralised the public service. DOPP reforms were alleged to have made the civil service an unattractive profession for talented candidates. However, data from the Federal Public Service Commission to determine whether the DOPP had any impact on the number of applicants to coveted civil service posts shows an increase in applicants to the civil service during the period when DOPP was operative, with the number of applications reaching a new high in later years.

![Figure 5: Number of Candidates that Appeared in CSS Examination during 2001-14](image-url)

59 FPSC data from 2010-2014 is available online: www.fpsc.gov.pk, while for remaining years figures were obtained from the FPSC Annual Reports available in the Commission’s library in Islamabad.
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<tr>
<th>Elements</th>
<th>Strengths</th>
<th>Weaknesses</th>
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<tr>
<td>Simultaneous Sequencing</td>
<td>An organic fit between the decentralised structure and its staff requirements can be achieved.</td>
<td>Potential for chaos if there is no adequate capacity to handle devolved functions. E.g. The abolition of Executive Magistracy is blamed for worsening law and order situation in certain areas of Pakistan as the elected Mayors often could not rise to the challenge of the changed circumstances.</td>
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<td>Dominant Regime</td>
<td>Implementation efficiency: The power of an authoritarian regime ensures swift and effective implementation of reforms with minimal resistance from the stakeholders.</td>
<td>Dubious legitimacy: If the legitimacy of the regime is suspect, even well-meaning reforms do not last beyond the regime’s lifetime. The sustainability of the reforms is strongly influenced by the legitimacy of the implementing regime.</td>
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<tr>
<td>Window of Opportunity</td>
<td>Support from multiple stakeholders for difficult reforms comes by rarely and when available such opportunities must be seized.</td>
<td>The narrow window of opportunity may close too soon with the change in political conditions. Waiting for alignment of perfect conditions may result in failure to implement positive, incremental reforms.</td>
</tr>
<tr>
<td>Incentivising reforms</td>
<td>Counterbalances far-reaching reforms by empowering affected officials through meaningful incentives and motivation that might minimize resistance and ensure sustainability of reforms</td>
<td></td>
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|                               |                                                                                             | - Tendency to offer perverse incentives to carry through reforms can result in unintended consequences.  
|                               |                                                                                             | - It may not be possible to incentivise all affected stakeholders of reforms. Identifying the affected stakeholders, prioritizing the incentives and aligning them with reform priorities is important.  
| Aligning reforms with rules of the game | Ensures sustainability of the reform so that implementation can continue even after regime change | In the expediency of reform, the tendency to bend rules to suit reform interests or uphold redundant rules need to be guarded against. |
| Using evidence to counter resistance | Offers valid grounds for reforms and ensures support from policy experts as well as citizens | Most reforms do not start out with sufficient baseline data to before-after comparisons. Moreover, certain reform results may not be amenable to quick evidence analysis. |
CONCLUSION

As emphasized by some experts, the central processes of government are in a complex relationship with the deeper institutions in society, and interventions in these processes must therefore be considered with that complexity in mind. Decentralisation, whether in Pakistan or elsewhere should only be examined alongside analyses of reforms in other public sector institutions such as civil services, electoral and judicial systems. In fact the public sector is itself an interdependent system embedded within wider systems of politics, economics, society and culture. The governance issues and complexities of public administration at national level tend to deepen at district, where it is not only the administrative unit but also a service delivery outlet.

Presently, the civil service in Pakistan has critical roles of supporting the government, in its transition to democracy and catching up with socio-economic development, while coping with critical challenges such as terrorism. In order to shape the future of Pakistan, it will also have to recharge itself to meet the Post-2015 Sustainable Development Goals and reduce poverty. Administrators will need to deliver development from scarce public resources and determine new relationships between the public and private sectors. This might necessitate performing tasks that are not only daunting and complex, but also politically sensitive. Thus reforming public service should be internalised in the continuum of public policy rather than as an one-off agenda of a particular regime.

Decentralisation is underway in different countries for a range of reasons. However, good governance, better service delivery and enhanced accountability remain common goals across contexts. There are many examples from developing countries where public sector reforms have not always been successful either in terms of implementation, impact on governance, quality of devolved services or poverty reduction. There seems a general consensus in the development community that understanding and tackling political economy issues of governance is a necessity for enhancing the impact of the reforms. While it can be said that decentralisation is usually successful when implemented with political will and a sound strategy, there are lessons to be learnt from international experiences. To this effect, Pakistan’s experience provides valuable policy lessons, especially for countries that share same traditions of public administration (e.g. India, Bangladesh and Sri Lanka) and elsewhere in Asia, Africa, Latin America and the Middle East where integrating public service reforms with decentralisation is crucial for delivering sustainable development.

61 It needs to be clarified that municipal services are mostly provided a level below that of the district, i.e., ‘Tehsil/Taluka’.