Reforming Pakistan’s Bureaucracy

Will the Eighteenth Amendment Help?

SAEED SHAFAQAT

Democratic and military rulers alike must rely on bureaucracy to implement policies. However, in post-colonial societies, they are equally enthusiastic to subordinate bureaucracy, bend its “steel frame” and sparingly work on attitudinal change. In Pakistan’s case both the democratic and military rulers have attempted to subordinate bureaucracy through purges and reform. Have these patterns led to a change in the attitude, behavior, and performance of the bureaucrat and the structure of civil services in Pakistan? Policy analysts and political pundits are now debating what impact the Eighteenth Amendment will have on the civil services of Pakistan. The outcome of that process remains to be seen, but it will certainly affect Pakistan’s development prospects. The question is, will it be a positive or negative impact?

This chapter is divided into four parts. First, it provides a brief overview of the origins and evolution of the civil service in Pakistan. Second, it briefly reviews and evaluates the reports of four commissions (from 1972 to 2009) set up by the Government of Pakistan concerning civil service effectiveness. Two reports were produced under democratic regimes and two under military regimes. Each report and its findings and recommendations is understood, interpreted, and evaluated in the context of three essential factors: the prevailing sociopolitical environment, the regime type, and the ruler’s imperative. Third, this chapter explores why reform efforts have focused solely on the higher, federal bureaucracy and not that existing within the provincial governments. Finally, it assesses how the recently implemented Eighteenth Amendment is reshaping federation-province relations and the role and structure of civil services in the country. I argue that both democratic and military rulers’ reform efforts have been to subordinate the bureaucracy
rather than change behavior, improve service delivery and citizen welfare, or enhance professional skills, managerial capacity, and public accountability. Consequently, politicization, institutional decline, preoccupation with survival, and preserving the status quo have become pervasive in the civil services of Pakistan and deepened the crisis of governance.

**Historical Overview**

Colonial rule has been a potent force in influencing the political culture and bureaucratic and political institutions of Pakistan. During 150 years of colonial rule, the British Raj laid the foundations of strong centralized and effective bureaucratic institutions, in which elected public officials and parliamentary institutions had a limited role. It is understandable that the British built centralized bureaucratic institutions for revenue collection, intimidation, and control over colonized people. A number of scholarly writings recognize that Pakistan inherited "strong bureaucratic institutions" and "weak representative institutions." It needs to be emphasized at the outset that the British did not create the Indian Civil Service (ICS) with the view that they would have political bosses. They constructed an administrative structure that was not to be controlled politically by the "natives." Therefore, those who joined the ICS had considerable autonomy and discretion in performing their functions. These officers were expected to rule, uphold, and enforce the laws that the British had devised and developed to govern the local Indians. Colonial rulers were careful not to ignore the cultural sensitivities of the various regions of India. Therefore, each province had its own tradition of administration.

In Punjab, the British adopted a paternalistic model of administration. This model developed into the dominant mode of governance in areas that came to constitute contemporary Pakistan. The Raj carried out their social engineering by reinforcing the influence of the elite class who were already powerful in the traditional order and rural structure of the Punjab, such as tribal leaders and feudal landowners. The sources of this paternalistic model can be traced from the 1860s. When Indians began to compete and join the ICS and perform administrative functions with the same autonomy as British officials, local political interference was kept minimal. These factors gave the officer in the field considerable autonomy to make decisions regarding developmental work. Therefore, invariably, keeping in view the broad policy goals, the district officer simply used discretionary powers to conduct the business of the government within the broad framework provided by the Raj's rules and laws. This practice continued in post-independence Pakistan.
During the Raj, through their bureaucracy, the British provided patronage to landlords and religious and tribal elders by providing land grants, titles, pensions, and other rewards in order to co-opt them to ensure political stability. Thus, colonial rule laid the foundations of patron-client relationships. In the post-independence period, this patron-client relationship between the bureaucrat and the local elites acquired new meaning and salience in the rural setting of the districts. As the electoral process gained more legitimacy, it reinforced further the patron-client relationship and the political culture of factionalism prevalent in rural Pakistan. The bureaucrat became and was perceived to be the guarantor of security, provider of patronage, and protector of the influence and power of the local elites. Thus, a culture of politics and representation that could have allowed the evolution and development of political parties did not emerge. Patronage and reward distribution were monopolized by the bureaucrat and not by the political party. Therefore, for landlord families in the rural power structure, it became imperative to have one family member be a part of government to provide patronage, extend influence, and ensure security. This paternalistic pattern was reinforced by the military regimes through local bodies' ordinances (Basic Democracies Ordinance 1959, Local Government Ordinance 1979, and Local Government Ordinance 2001). The Eighteenth Amendment recognizes local government as a third tier of the federal structure and therefore offers political parties an opportunity to break the traditional monopoly of bureaucracy by electing public officials at the local level—thus empowering the citizen and enhancing the credentials of party representatives at the local level to legislate and govern.

From 1947 to 1971 the military governed, the bureaucracy ruled, and the political parties and their leadership dithered. During this period the military-bureaucracy nexus gained momentum and consolidated its hold on key policymaking institutions in the country. However, it was the elite service—the Civil Service of Pakistan (CSP)—that dominated the positions of policy and decision making in the country. The collapse of Pakistan in 1971 was followed by the weakening of both the civil and military bureaucratic institutions in the country. After the breakup of Pakistan, political leadership and political parties briefly emerged as powerful actors, asserting their control in shaping public policy and decision making at the highest levels of government. The Pakistan Peoples Party (PPP) under Zulfiqar Ali Bhutto assumed power and sent a clear message to both the military, by purging twenty-nine officers above the rank of brigadier, and the bureaucracy, by dismissing thirteen hundred civil service officers. Therefore, the push for civil service reform occurred under the popular perception and reality
that real power was in the hands of the bureaucrats and that this demanded structural and behavioral change. The drivers of the civil service reform effort were motivated by the belief that the people could be empowered only by cutting the bureaucracy to size and by establishing the supremacy of the elected officials over the nonelected officials. Thus, the politics of civil service reform is driven by considerations of subordinating bureaucracy and establishing the supremacy of the political and occasionally calling for change in the attitude of bureaucrats. However, in the process, governance reform, ensuring effective implementation and improving delivery of services has remained marginalized.

Content and Context of Civil Services Reform

For purposes of brevity, conceptual clarity, and historical sequencing, the four reports on bureaucratic reform under analysis here (1973 Civil Service Reforms, Anwar ul Haq Commission Report, Fakhar Imam Report, and Ishrat Hussain Report) are divided into two broad periods: 1972–2001 and 2001–9. During this span of time three salient trends in reform efforts in Pakistan can be identified. First, reform has primarily focused on reforming the federal government (that is, not the provincial governments) and its structures. Second, the 1973 and the 2001–2 Local Government Ordinance reforms (one under a democratic regime and the other under military rule) were radical departures from the existing philosophy and operational rules of governance. Therefore, both had deep impacts on the character, composition, orientation, and outlook of the higher civil services. Third, the 2007 National Commission Government Reform (NCGR) appeared to have a broader mandate to review the process of governance at the federal, provincial, and local levels, but its focus remained on civil services and not issues of governance.

Why did that happen? Has that in any way changed the direction of reform efforts? Did these reform efforts improve governance, delivery of services, or empower people? This last question remains critical and is later examined in conjunction with the current reforms resulting from the implementation of the Eighteenth Amendment.

Assessing and Evaluating Civil Service Reforms

This section reviews and evaluates the findings of four commissions set up by the Government of Pakistan between 1972 and 2009 and their reports. Each report’s findings and recommendations must be understood, interpreted, and evaluated in the context of three essential factors: the prevailing
sociopolitical environment, the regime type (democratic or military), and the ruler’s imperative.

The broad thrust of these reforms has not been reorganization, rejuvenation, and “reinvention” of the entire government machinery; instead, the primary focus has been on reforming one major segment of the federal government—the Higher Civil Services of Pakistan—the assumption being that both in perception and reality power resides there. Political reforms (for example, reform of political parties, representative government, and their linkages with the administrative machinery of the country) have remained peripheral. Therefore, another important component of government reform, defining the role of and relationship between the political and administrative components of government, has been neither considered important nor addressed adequately in these reports.

First Phase: 1973–2001

During this phase three significant reforms were formulated and two were partially implemented. As noted above, the distinguishing feature of this phase is that the reforms’ primary attention is on the federal government and on the dispersal of power from the higher civil services. In the rural power structure the political class (landlords/tribal chiefs) was overawed by the role of bureaucracy, which operated through a paternalistic model, and therefore its primary target was curbing the authority of ICS/CSP cadre. Thus, central/federal civil services emerged as key targets of reform and purges. Little attention was paid to streamlining provincial cadres, and departments and to making room for strengthening provincial autonomy, nor did these reform efforts suggest measures for improving delivery of services, empowering citizens, or providing remedies that promote citizen welfare. The primary thrust remained de-concentration of power at the highest echelons.

Democratic Regime: Civil Service Reforms Under Zulfikar Ali Bhutto

The 1973 reforms were conceived and designed in haste. The sociopolitical environment was ripe with discontent. The bureaucracy was discredited because of agitation and protests in the urban centers and the breakup of the Pakistani state in 1971. The PPP and its leadership had assumed power through popular vote. Therefore, the ruler’s imperative was to establish a superordinate-subordinate relationship between the elected public officials and the administration. The 1973 reforms struck at the very core of the elitist edifice of Pakistani bureaucracy, the CSP, which had maintained supremacy through constitutional protection, a cadre system, and exclusivity
of training. The 1973 reforms disrupted this by including the unification of the grading structure, abolition of classes among civil servants, promotions in horizontal movement, job evaluation, induction of private-sector individuals in specified fields, and a Common Training Program (CTP) for all federal services. Bhutto sought more than simple subordination of the bureaucracy; he ventured at changing the processes and structure through which the civil servants acquired norms of behavior. He conveyed the impression that behavioral change among civil servants could be achieved by changing the patterns of training, saying:

We are going to give the highest priority to training. Correct training plays a critical role in promoting efficiency, reforming the attitude of officials and inculcating a better sense of public service and probity in them. Training institutions can become a major catalyst of change and reform in the hands of government.

The lofty ideals that Bhutto promised to introduce through training remained rhetoric and could not be developed into training policy as the situation demanded. The Administrative Reforms Policy announcement raised the expectation that reformed curriculum and course programs would be developed urgently. However, little innovation or imagination was used to create an appropriate training institution. In haste, International Hotel on the Mall and parts of the old CSP Academy were turned initially into grounds for all CSS (Central Superior Services) trainees; later the Finance Services Academy was turned into the Academy for Administrative Training (now called the Civil Services Academy). In short, an adequate and desirable infrastructure was not created to inculcate new patterns of behavior and structural changes in the services, and so only transitory arrangements for training were made. Civil service training, instead of gaining the salience and importance that Bhutto said he wanted to give to the new type of training institutions, remained elusive. Training instructions that emerged were ill conceived and weakly organized. Thus, the initial four years of the CTP were chaotic. Despite these limitations, the old pattern of exclusive training for ICS/CSP cadre was broken, and a foundation for a new kind of training institution, in which all CSS would participate, was laid. Faced with this fait accompli, the senior bureaucrats, particularly after the overthrow of Zulifkar Ali Bhutto’s government (1977), reluctantly began to accept the reality of an inadequate but new training institution. During the 1980s and beyond, gradually, through trial, experimentation, and halfhearted attempts, the new training institutions acquired a degree of continuity and stability. Thus, the training program that emerged in the post-reform period has been
inclusive, striving to integrate and give a sense of direction and coherence to all the CSS. Whether or not training at the Civil Services Academy has brought any significant change in modifying the attitude and behavior of bureaucracy toward citizens or given greater coherence to the CSS needs further research.

Important and innovative initiatives through private-sector induction or lateral entry, given the commensurate lack of transparency and violation of principles of merit and professionalism in the process, became politicized, resented, and resisted by the bureaucracy, and failed to gain legitimacy among stakeholders. While workers lost the constitutionally granted security of service that was previously the rule, the reforms importantly established the supremacy of political leaders over the policy process and somewhat diminished the role of the bureaucracy. However, the negative implications of the reform loom larger: disregard for merit and appointment through political connections; dismissal of civil servants without due legal process; unwarranted political interference in postings and transfers, making the bureaucracy docile and subservient to politicians; and subversion of the personal and institutional integrity of the civil services.

These reforms also alluded to empowering citizens through local government, but they did not develop more than a blueprint for doing this. These reform efforts also show serious gaps not only on how to improve the functioning of federal, provincial, and local governments, but also in suggesting ways to facilitate interdepartmental coordination, reorganization of individual departments, and streamlining distinct needs (for example, human resource management, management performance, capacity building, and improving the delivery of services).

*Sociopolitical Environment and Ruler’s Imperative: Anwar ul Haq Commission Report (1978–79)*

General Zia ul Haq, as the military ruler of the country, was bitterly opposed to the regime of Zulfiquar Ali Bhutto, whom he had deposed, and he was committed to reverse and defuse Bhutto’s reformist policies. To reestablish the CSP and restore its confidence, he appointed Anwar ul Haq, a former member of the CSP, to head a new commission on civil service reform. The resultant report is a critique and reassessment of the 1973 reforms. It recognizes that the restructuring done by the Bhutto reforms could not be dismantled, but it also elaborates how, through improvisation, the damaged glory of the CSP could be restored. Under the military regime the ruler’s imperative was to mend fences with the higher echelons of bureaucracy. Therefore, the report made a case for restoring constitutional guarantees at
the federal level for the higher cadres, allowing selective lateral entry, revitalizing training, respecting merit, and empowering public service commissions to ensure that recruitment is based on merit. It also recommenced fixing tenures of chairmen and members of the federal and provincial public service commissions. The important contribution of the report was that it expanded the reform domain to provincial and local government. The guidelines provided in this report continue to resonate well with the higher echelons of bureaucracy, particularly the District Management Group (DMG).

Based on its guiding principles of effective accountability, equality of opportunity, professionalism, security of service, power and authority decentralization, and continuous review and modernization of the government organization, the commission also made several recommendations specifically for the provinces. It made recommendations regarding local and district governments and provincial relations that reassured the higher bureaucracy as well as provincial political leadership. It retained deputy commissioners as the linchpin of the provincial administrative system. Local governments were restricted to the administration of justice (for example, minor criminal and civil cases); provisions of small industries; education below university level; health and veterinary services; administration of local police; modernization of agriculture, forestry and fishery fields, and construction; maintenance of roads and irrigation channels; and management of food rationing, population planning, social welfare, and community development programs. Elected officials (for example, chairmen of the district councils) were reduced to auxiliary roles.

A less noticed but important contribution was that the report gave attention to gender issues at a time when the military regime was least receptive to them. The report recommended correcting the prevailing male-female imbalance by catering to women’s training needs, providing female trainers, including women in the selection process, making part-time jobs available to women, and allowing the transfer of spouses in the event of a woman’s transfer.

The ensuing report, the Fakhar Imam (1999) Report of the Commission on Administrative Restructuring on Re-Engineering of the Federal Government Organization, endeavors to lay out a framework for an administrative restructuring of the federal government and its communication linkages with the provincial governments. This commission was constituted under Prime Minister Nawaz Sharif’s Pakistan Muslim League government.

The very composition of this commission clearly indicates that the political leadership and the ruling party took a serious look at governance issues facing the country and aimed to review and reform the structure of
the administrative setup in Pakistan. As in earlier endeavors, the primary focus was on the administrative structure of the federal government and not on the provincial government.

The commission’s agenda was administrative restructuring, but the “Terms of Reference” were enlarged to include a civil service reforms package. When it comes to the question of federal-provincial relationships, the commission recommends transfer of power to the provincial governments in some specified areas, but at the same time, favors maintenance of the federal government’s interference in the provinces. Ironically, it recommends that the prime minister personally oversee the process of restructuring and reengineering civil service reforms and the government. This report suffers from limitations and myopia similar to those in the 1973 reforms, notably of establishing superordinate-subordinate relations with the bureaucracy, a nightmarish enterprise without first consolidating representative institutions and institutionalizing the political party system.

It made salient recommendations that could streamline provincial departments regarding reorganization and transfer of bureaucrats from federal to provincial departments. It recommended that those ministries on the “concurrent list,”¹⁰ where the federal government’s role was confined to coordinating and obtaining foreign assistance, might be appropriately provincialized through consultation with the respective provincial government for smooth transfer. The list appropriately included the Ministries of Environment, Forestry, Agriculture, and Livestock; Health; Education; Local Government and Rural Development; Social Welfare Development; Population; Welfare; and Special Education. In 2011, per the Eighteenth Amendment of the Constitution, nearly all of these ministries have been devolved to the provinces. In addition, the Ministries of Culture, Tourism, Sports, Youth, and Women also stand devolved.

*Ishrat Hussain Report, National Commission on Government Reform (2007)*

The NCGR Report, like the earlier *Report of the Commission on Administrative Restructuring on Re-Engineering of the Federal Government Organization*, focuses extensively on the federal government, though it also provides considerable support and insight on provincial and district government reform.¹¹ Constituted under the government of Pervez Musharraf, this commission attempted to integrate local, provincial, and federal tiers of the civil services.

The report proposes four tiers of services: All Pakistan Service (Grades 17–22 Occupational Groups, Grades 20–22 National Executive Service), Federal Civil Service (Grades 17–22), Provincial Civil Service (Grades
17–22), and District Civil Service (Grades 1–16). Further, it suggests combining the District Management Group (PMG) and the Police Service of Pakistan and renaming the new entity the Pakistan Administrative Service (PAS). It transforms current and future positions in the federal and the provincial Secretariats Group into the National Executive Service (NES) for Grades 20–22 with recruitment being made directly through the Federal Public Service Commission. The NES would consist of four specialized cadres: finance and economic management; social sector management; regulatory management; and general management. It also groups together the positions of tehsil/town municipal officers (Grade 17), executive and district revenue officers, district planning officers, district finance officers, district coordination officers, and other relevant positions at the level of the provincial and federal government under the PAS and shares them with the DMG. The Provincial Civil Services shall consist of five components: Provincial Management Service (PMS); Provincial Executive Service (PES) and Provincial Technical Services; cadres such as irrigation, communications, education, health, police, and so forth; Provincial Judicial Service (PJS); and subordinate employees (Grades 1–16).

The PMS would fill in the positions at the tehsil (county), district, and provincial government levels, all of which are of a general nature, such as a tehsil municipal officer (TMO), deputy district officer (DDO), executive district officer (EDO), and district officer (DO) in revenue, finance, planning, and community development departments. The PES would be constituted on the lines of the National Executive Service.

At the district level, district cadres (posts 1–16) may be constituted only for the departments in which there is minimal critical strength and a viable progression structure. Teachers and health workers are to be appointed on a contractual basis, and the post of district coordination officer would be redesignated district chief operations officer.

The report addresses the relationship between the federal and provincial governments by outlining a multi-year development plan for the provinces and delineating the responsibilities to be undertaken by the district governments. It formulates an overall provincial policing plan, while asking district police officers to develop district policing plans within this framework. It also establishes the overall procedures for financial management and reporting and personnel management to be adhered to by local administrations. With regard to personnel management, it develops procedures and processes for arbitration and review of employment disputes. Finally, it ensures the establishment and effective functioning of the District Public Safety Commission, Zila Mohtasab (district ombudsman), Musalahati (consultative)
committees, monitoring committees, and others under the Local Government Ordinance.

The report also strengthens the institutional infrastructure, expands the scope of in-service training opportunities for the majority of officers working outside the cadre services, and upgrades the quality of training institutions. The Provincial Management Academies would expand their activities for the training of their newly inducted generalist officers under the same guidelines as the federal government. As the majority of the officers of these governments and district governments are in the field of education, health, police, agriculture, engineering, and municipal services, the professional training of these officers was proposed to be made mandatory and linked to their promotion.

All training institutions should be autonomous bodies with their own boards of directors consisting of eminent persons in their fields. The board should enjoy the financial, administrative, and operational powers to manage the training institutions in an effective manner. The report gives two options: first (O-I) is to establish a centralized training division under Services and General Administration that will be responsible for accessing training needs, tracking the training needs of officers, advising the training institutions, and coordinating all public-sector training institutions. The second (O-II) is to establish a decentralized training system in which each department in the provincial government is responsible for training officers under its control.

To strengthen the monitoring and oversight functions of the provincial governments, the Board of Revenue should post limited staff in regional headquarters and assign these staff members the powers to inspect eight to ten district governments each year in order to ensure that the policies, standards, rules, and regulations are being observed. They will invoke the participation of potential beneficiaries and, by reflecting the priorities of the communities, attract their participation in the implementation and monitoring of the projects. Instead of provincial or federal governments, local governments are provided with funds to engineer and execute their own development projects.

The four reports demonstrate a broad consensus on retaining and reinvigorating the three essential elements of regulating the behavior and conduct of bureaucrats through merit-based recruitment by strengthening federal and provincial public service commissions and upgrading the respective recruitment systems by developing job specifications. The reports also advocate the importance of continuing training, but there are few suggestions about how to enhance training academies and needs. Finally, there is little attention
paid in the reports to on-the-job training, and it is left to the bureaucracy to develop its own on-the-job training procedures.

Generational Shifts in Bureaucracy

Following the breakup of Pakistan, the democratization of the state affected recruitment, training, and development in the civil services. The years following 1971 were tumultuous, to say the least. In light of the 1973 reforms, the first group of trainees endured a very difficult training period—in fact, during the first five CTPs, there was almost no training because there was serious resistance to the very idea of the CTP. Those who were introducing changes were neither skilled enough nor fully prepared but, more important, they lacked the vision to redirect the character, the orientation, and the value structure of the services from the colonial mode to a focus on the welfare of the people. The transformation from a paternal to a transparent, open, and welfare-centric bureaucracy could not be inculcated in this way. Instead, the CTP training was to downgrade the CSP and treat all as equal. For example, all service positions did not receive equal training with only the CSP, police, and foreign services receiving combined training. Also, members of the CSP were the only ones sent abroad for education—so from their point of view the very concept of common training was degrading.

The first five batches of CTP recruits did not receive adequate training as the modules, facilities, and directing staffs were poorly equipped. Ironically, for the first two batches of CTP recruits, the director continued to be a CSP officer, and for the next few years officers of the Audit and Accounts Services and Education headed the departments. The CSP, suffering from benign neglect, never really owned the new DMG. This neglect did not allow the bonds of service that were previously the hallmark of the CSP to develop. The first generation of CTP wallas (graduates) gained maturity and could aspire to positions of joint secretary and beyond in the late 1990s, but such promotions gained momentum only around 2001 and 2002 when the Local Government Ordinance (LGO 2001) was being launched. However, by then former employees of the CSP were on the last leg of their service journey, and by 2007 most would retire. The Local Government Ordinance created a sense of unity among the retiring CSPs and the ascending DMG cadres. The two reluctantly banded together to fight the assault on the powerful office of the deputy commissioner, which the LGO aimed to disrupt and dismantle. Despite this attack, the architects of the LGO could not anticipate that within the provincial government (particularly in the Provincial Secretariat), the DMG wallas were emerging as a formidable force. Effective enforcement of the LGO could not happen if they were not neutralized.
Despite the resultant frustration, demoralization, and erosion of power, the LGO also served as a catalyst for the DMGs and ignited a sense of unity, allowing them to venture slowly and methodically to reconnect with the political leadership in the provinces. The year 2004 marked the ascendance of the DMG wallas at both the provincial and federal levels. Five years later, in 2009, the first three batches of the DMG were retiring.

The second generation (1978–88) of CTP wallas entered the service in the post-1978 period. This generation, serving during the regime of General Zia ul Haq (1977–88), underwent training during Zia’s Islamization program, which occurred during this period. The Civil Services Academy revised its curriculum to include Islamic studies. The conduct of training as well as the overall environment induced changes in attitudes and conduct, and the very notion of public service was expected to conform to Islamic rituals and symbolism. During this period great effort was made to change the image, conduct, and behavior of the Pakistani bureaucracy. A visible manifestation was the new dress code instituted for civil servants; the model civil servant changed from someone who wore Western garb to someone who wore the local shalwar kameez (long shirt and baggy pants) and was expected to pray in the office.

This generation of officers gained maturity and attained policymaking positions at the federal level in the last phase of General Musharraf’s rule. By 2006, they were ready to replace the CSP. The rise of this generation also coincided with the emergence of a civilian and democratic regime in the country. Currently, this is the generation that is at the helm of leadership at the federal and provincial levels.

The third generation (1988–99) entered the civil service in the post-Zia period. During the decade of 1988–99, the country underwent a phase of political liberalization accompanied, however, by resistance to the ideas of liberalism. Once again, the civil services were compelled to adapt to a dramatically changed political environment. This generation now serves at the middle tier of government. For this generation, the post-9/11 environment opened up new opportunities for training, particularly at universities in the United States and U.K. The U.S. Educational Foundation of Pakistan and the British Chevening programs, providing scholarship for master’s degrees abroad, offer a unique opportunity to the members of higher civil services—particularly for this generation—to compete for and secure scholarships. In the decade since 2002, approximately two hundred civil servants have availed themselves of these opportunities.

Two contradictory trends emerged during this period. First, the LGO 2001 had a demoralizing effect on the DMG; while serving as a morale booster for the police, other services remained largely indifferent to its
existence. Second, as the post-9/11 environment gave new salience to governance and security, improving the skills and human resource capacity of the Pakistani bureaucracy became a local and global priority. It also coincided with another important development whereby the federal government conceded that donors could directly approach the provinces for development projects, which included civil service reform and building the capacity of provincial governments.

This generation appears to be the most dynamic, highly qualified, and vigorous in moving toward project management; significant numbers of these officers have also eventually chosen to opt out of government service. Decisions to opt out of government service have produced a crisis of retention. A significant number of officers from this generation have taken extended leave or left government service to join the World Bank, the Asian Development Bank, USAID, DFID, UNDP, and other international organizations. The resultant shortage of well-educated, competent, motivated, and professionally qualified officers at the mid-career level has emerged as a serious challenge for Pakistan's bureaucracy.

The most recent generation of government civil servants (2000–2010) entered the bureaucracy at a time when a “reversal” of Pakistan's transition to democracy (1999) had begun. This generation acquired training under critical political conditions. The 2001 LGO's immediate and most visible impact was that the police emerged as the preferred service of the new entrants, and the DMG was relegated to a secondary preference. This separated merit from the CSP/DMG and demolished the mystique of the district/deputy commissioner. In addition, in the wake of the infamous 9/11 World Trade Center attacks, policing, intelligence gathering, and law and order gained global salience. A combination of local and global circumstances encouraged this generation increasingly to opt for police service. New entrants joining the civil services began to see more promising career prospects in the police service as compared to other services. Therefore, an unanticipated consequence of the LGO 2001 has been the opening up and expansion of the number of police officers and administrators in Pakistan's districts. While the office of deputy commissioner was eliminated, the positions of district coordination officer, district revenue officer, and others created new vacancies for the DMG. Similarly, the division of the police into investigation, administration, and other areas multiplied openings for new entrants in this service. Thus, by default and not necessarily by design, the DMG and police wallas have emerged as the primary beneficiaries of the LGO 2001. This is the generation currently working in the field and holding positions in the districts or as deputy secretaries in the Provincial Secretariats. However, the overall impact of recent reforms, generational
shifts, and foreign training opportunities has been that retaining qualified and professionally competent bureaucrats in government service has become a serious challenge.

Civil Services Reform, Constitutional Architecture, and the Eighteenth Amendment

While the focus of the various commissions and reports was the federal civil service, each report in a marginal way built connections across federal, provincial, and local governments. The reports also take into consideration the issue of provincial autonomy and building the capacity of provincial civil service, but both issues remained peripheral in analysis and possible improvements. Thus, provincial autonomy and improving governance emerged as critical constitutional and policy concerns under General Musharraf’s regime (1999–2008). Under his rule three decisions—first, the LGO 2001; second, the Seventeenth Constitutional Amendment; and third, the Provisional Constitutional Order on Judges and eventual removal of the chief justice of the Supreme Court of Pakistan—widened the gulf between the federation and the provinces. To curb such excesses and restore balance between the federation and federating units, the Eighteenth Amendment has recently emerged as a landmark piece of legislation that could bring a paradigm shift in Pakistan’s mode of governance and constitutional architecture.

The Eighteenth Amendment has been promulgated as a legislative tool to facilitate a power-sharing mechanism. On President Asif Ali Zardari’s initiative, in April 2009, the National Assembly and the Senate of Pakistan adopted all-party motions. In pursuance of these motions the speaker of the National Assembly established a Parliamentary Committee (with twenty-six members) comprising all political parties represented in the two Houses. The committee elected Senator Mian Raza Rabbani of the Pakistan Peoples Party Parliamentarians as chairperson of the committee; it held seventy-seven meetings over a period of one year and adopted ninety-seven amendments to the Constitution of 1973. The Houses passed the Eighteenth Amendment Bill in June 2010. The major thrust of the Eighteenth Amendment has been evolving power-sharing mechanisms and enhancing provincial autonomy. Arend Lijphart, a leading exponent of federalism, argues that such a mechanism, when formulating a constitutional design for a federal system, “denotes the participation of representatives of all significant communal groups in political decision making, especially at the executive level.”

Therefore, I assert that the Eighteenth Amendment has implications beyond the domain of provincial legislatures. It is having an impact on the very structure of the federal and provincial civil services.
Before we discuss the nuances of these implications, we must examine the political system and the existing institutional arrangements within it. Over the years, despite serious hiccups, the aspiration to maximize provincial autonomy within the ambit of the federal system continued to persist. The Eighth and Seventeenth Amendments (the first seven amendments also need to be kept in mind) undermined the very spirit and foundations of the 1973 Constitution. The Eighteenth Amendment is an attempt by the democratically elected government to rescue and resurrect the federal spirit and revive the principle of provincial autonomy as embodied in the 1973 Constitution.

To better understand the nuances of the legislative relationship between the federation and the provinces in their present structural form, we need to view it in a general historical context (tracing it back to the Government of India Act, 1935) and then pay particular attention to the effects of the Eighth and Seventeenth Amendments, which necessitated the Eighteenth Amendment. For example, the Eighth Amendment altered Article 48 to give the president power to act at his sole discretion and to ensure that the validity of any action thus performed cannot be questioned on any grounds whatsoever. This should be read with the insertion of Article 58(2)(b), under the aegis of the same amendment, which gave the president discretionary powers to dissolve the National Assembly. This power was removed by the Thirteenth Amendment but reinstated by President Pervez Musharraf through passage of the Seventeenth Amendment. In a restorative attempt, the Eighteenth Amendment again took this power away from the president.

Alterations were made to Article 90 by the Eighth Amendment that vested all executive authority of the federation in the president (powers very similar to those exercised by the governor general under the 1935 Act). The president was to exercise these powers either directly or through subordinate officers. The Eighteenth Amendment has subsequently reversed this. Executive authority of the federation is now exercised by the federal government in the name of the president (the federal government is not limited to the president but extends to the prime minister and the federal ministers).

Discretionary powers were granted to the president under the Eighth Amendment with respect to the appointment of the prime minister under Article 91. Furthermore, the prime minister held office “during the pleasure of the president.” The Eighteenth Amendment, though, makes the post of the prime minister elective by the members of the National Assembly—not by the president—thereby ensuring a more democratic process. The Eighth Amendment had brought the appointment of provincial governors (under Article 101) uncannily close to how it was first conceived in the 1935 Act;
the Eighteenth Amendment, in an attempt to devolve some of the powers away from the center, has awarded advisory powers to the prime minister in this regard.

After passage of the Eighth Amendment, a provincial governor had considerable powers with respect to the dissolution of the Provincial Assembly (again similar to the 1935 Act), and under Article 105 the governor could appoint a caretaker government at his discretion. Following the Eighteenth Amendment, the governor is required to act “on and in accordance” with the advice of the provincial cabinet and the chief minister. The power to dissolve the Provincial Assembly by a governor was concretized by the Eighth Amendment and later by the Seventeenth Amendment (Article 112). This discretion has been since curtailed by the Eighteenth Amendment.

Article 270A not only inserted the name of General Zia ul Haq in Pakistan’s constitution, but also used the constitution as an engine of retrospective validation for all previous military orders while granting the general the right to exercise this power in the future as well. The Eighteenth Amendment has removed General Zia ul Haq’s name from the constitution. The Seventeenth Amendment was drafted along similar lines as the Eighth Amendment and expanded the powers of President Musharraf. For example, it inserted two extra clauses in Article 41, which describes the powers of the president and deems him to be elected if there is a referendum passed in his favor. The Eighteenth Amendment has deleted this undemocratic clause. This is a pertinent and important change because through the Eighth and Seventeenth Amendment the federal bureaucracy was brought under the president, while the Eighteenth Amendment brings it back to the prime minister. The assumption is that elected governments are accountable to the electorate and conscious of citizen welfare; therefore, bureaucracy would not only implement government’s policies efficiently but be equally responsive to public needs. However, this assumption does not hold up in Pakistani reality, where military interventions undermine the rule of law and bureaucrats’ neutrality and politicians’ attempts to subordinate bureaucracy promote politicization—and that breeds misgovernance.

Pakistan’s colonial history left undeniable imprints on the constitutional, political, and administrative architecture of the whole system of government. It was manifest through constant interference with the democratic machinery by the military, but more important, through the grammar of the 1956 and 1962 Constitutions. The current constitution, drafted in 1973, has also had a rather tumultuous past. Persistent praetorian interventions robbed the government/constitution of its initially intended parliamentary form and lent it presidential characteristics, especially through the aegis of the Eighth and the Seventeenth Amendments.
A presidential form of government, while being just as democratically inclined as its parliamentary counterparts, does have certain inherent problems that make it less attractive to and, more important, impractical for post-colonial societies like Pakistan. These issues include “frequent executive [and] legislative stalemates,” stemming from the fact that all power vests in the center with the office of the president and “the rigidity of presidential terms of office.” Conversely, parliamentary forms of government have more potential for power sharing as they have a cabinet which “offers the optimal setting for forming a broad power-sharing executive,” and they do not have presidential elections, which introduce “a strong element of zero sum game into democratic politics with rules that tend toward a ‘winner-take-all’ outcome.” An additional advantage of such a structure is that minorities get a proportional share of the “pie” as opposed to being relegated to a voiceless periphery.

**Conclusion**

This chapter has attempted to contextualize the deterioration in bureaucratic conduct within the broader parameters of colonial history, reformist efforts, the sociopolitical environment, and the imperatives of democratic and military rulers, particularly in the last four decades. Pakistan’s bureaucracy has lost its pre-1971 coherence and elitist character; it has become fragmented, dysfunctional, dispirited, and politicized. The Eighteenth Amendment offers an opportunity for redefining the politician-bureaucrat relationship by relying on a rule-based, merit-driven, and professionally trained bureaucracy. This can best be understood and pursued by examining the power-sharing spirit that the amendment invokes between the federation and the provinces. This power-sharing spirit does not evoke an equally supportive response from the federal bureaucracy because it implies curtailing the bureaucracy’s power and allowing provinces more say in matters of financial allocation, resource management, and self-governance.

The most conspicuous contribution of the Eighteenth Amendment toward restoration of the originally intended form of government is found in the alterations it makes to Articles 141 through 144, whereby the concurrent list is abolished and the provinces now have autonomy to determine their own internal affairs. Furthermore, under Article 140A, considerable powers have been devolved to the provinces with respect to local governments, which also have an increased level of autonomy now. The provinces have been given ownership of their own resources, paving the way for financial self-sufficiency and augmentation of their provincial autonomy. It is this broad thrust of the Eighteenth Amendment that has created a legal
framework paving the way for enhancing provincial autonomy. However, a combination of factors—inept federal government, the so-called Establishment (military, bureaucracy, a group of politicians)—is creating hurdles in the implementation of Eighteenth Amendment.

The Eighteenth Amendment is not only responsible for reducing the provinces’ dependence on the center but has also been instrumental in creating an environment conducive to power sharing, the other fundamental tenet of federalism. For instance, it has galvanized the Council of Common Interests (CCI) into action (Article 153 to be read with Articles 154 to 156). This measure will have a twofold effect. First, it will reinforce the parity of provinces with respect to matters that the federation still retains (through the Federal Legislative List). Second, it puts all provinces on equal footing—irrespective of their geographical, economic, and other disproportionalities—by ensuring their presence in CCI.

Power sharing is further facilitated by the Eighteenth Amendment through the aegis of the National Finance Commission award process, which has rearranged the annual fiscal structure of the distribution of financial resources among the provinces by the federal government. This has not only assuaged previous grievances lodged against certain provinces for usurping the lion’s share of funds to the detriment of others, but it has also increased the sense of ownership of the smaller provinces while promoting a consensus of power sharing.

In addition to these specific examples, the general tenor of the Eighteenth Amendment is to ameliorate the power-retentive effects of the previous amendments and to minimize the feeling of distrust that the provinces have been harboring for one another in the absence of any form of power-sharing and autonomy from the center. This is obvious from the fact that the chief ministers of all the provinces have been granted consultative powers with respect to any decision that is made by the center pertaining to their respective provinces. Enhancing provincial autonomy and empowering chief ministers implies power sharing between the federation and federating units, and that also furthers the principle of political supremacy over bureaucracy. However, that does not automatically lead to better accountability of provincial bureaucracy or improvement in delivery of services to the people. This is a major inadequacy of the Eighteenth Amendment and puts onus on provincial leadership to build the capacity of provincial bureaucracies and also monitor their performance on delivery of services.

A distinguishing feature of post-colonial states is that they are often a conglomerate of military and bureaucratic institutions that not only assume a dominant role at the federal level, but also, owing to a powerful historical tradition, can mediate with the political classes. Pakistan is no exception,
though its case has been exceptional, in the sense that despite displaying a consistency with post-colonial institutional practices, the military has invariably adopted a more overtly disruptive role in democratic and electoral processes as compared to the bureaucracy. Civil society, on the other hand, has consistently displayed a rather vigorous preference for a “democratic parliamentary system and through popular mass movements demonstrated disapproval of military dictatorships.” This situation is not unique to Pakistan; political systems in a large number of post-colonial countries have exhibited strong democratic aspirations yet are saddled with a deficit insofar as the rule of law is concerned due to the fragility of pro-democratic groups and political parties. However, this popular aspiration for democracy, coupled with several acquisitions of power by democratically elected governments, has not been able to achieve the requisite concretization it should have by now, primarily due to the ineptitude of the elected political leadership. Thus, mismanagement, politicized bureaucracy, corruption, and disrespect for the rule of law and merit have deepened the crisis of governance in Pakistan.

Theoretically, the legal and political framework that the Eighteenth Amendment offers in redefining federation-province relations augurs well for building the capacities of provincial bureaucracies and improving delivery of services along with provinces taking ownership over decision making. As noted above, incompetence of politicians and resistance from higher echelons of military and bureaucracy could hamper effective implementation of the Eighteenth Amendment. To counter these moves and to take advantage of what the Eighteenth Amendment offers to provinces, the provincial governments could take several steps: first, streamline and strengthen their provincial public service commissions for recruitment of provincial cadres; second, modernize and upgrade provincial services training academies; third, award postings and transfers based on merit and institute three-year tenures; fourth, link pay with performance and the delivery of services; fifth, for citizen empowerment and effective local government, explore possibilities of district service; sixth, minimize political interference in the workings of provincial bureaucracy to improve governance; and finally, strengthen and streamline provincial legislative committees for adoption of comprehensive, judicious, and pro-public welfare laws. The Eighteenth Amendment is a step in the right direction to develop mechanisms for not only power sharing but also building blocks for democratic governance and developing pro-poor policy choices. However, ensuring its success will depend upon concerted action and partnership among political parties, the bureaucracy, and civil society.
Notes


6. Z. A. Bhutto, Civil Services Reforms (1973), 1–45.


10. The 1973 Constitution of Pakistan had two lists—federal and concurrent. The Eighteenth Amendment abolished this.


13. Ibid., 102.


15. Ibid.