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Public Administration in Pakistan

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Public Administration in Pakistan

Approaches to the study of Public Administration

Meaning and Definitions

A Latin word which means “to look after or care for people”.

According to this definition almost every human activity involves administration.

Meaning and Definitions

“Organization and direction of human and material resources to achieve desired ends”

Pfiffner and Presthus

“Administration has to do with getting things done; with the accomplishment of defined objectives”.

Luther Gulick

Scope and Significance

Hardly any aspect of life that does not come in contact with government

Today life is complex:

- ❖ Size of population(43 mln)
- ❖ Improvement in quality of life
- ❖ Technology
- ❖ Shrunk globe

Scope and Significance

Are government activities confined to just administering(executing)?

1. View: all activities, from justice to provision of basic services

Scope and Significance

2. View: only execution of the policy, so policy formulation is separated from implementation

Which view do you support and why?

Scope and Significance

1. An instrument of governance: security and maintain peace and order
2. An instrument of development and change: need trained human resource for building infrastructure

Scope and Significance

3. An instrument of welfare of people:
provide basic services

Scope and Significance-Examples

- **What activities?**
- Construction of dams
- Elementary education
- Laws and security

Scope and Significance-Examples

- **What activities?**
- Health facilities
- Speedy justice
- Provision of utilities

Scope and Significance-Examples

- **What activities?**
- Funding research and development in country
- Attention to the protestants demands.
- Security of life and property of citizens

Four perspectives of Public Administration

- **Four Perspectives**
- Public administration is a multidisciplinary subject, involving people, their behavior, resources etc. therefore it can be viewed:
 1. Managerial
 2. Political
 3. Legal
 4. Fiscal

Four Perspectives

- **Managerial**
- General characteristics:
 1. A little distinction between public and private sector
 2. Merit based recruitment
 3. Apolitical
 4. Organizational structure to give efficient output emphasizes scientific method of work improvement

Four Perspectives

- Criticism on Managerial
 1. Dehumanization of Bureaucracy
 2. Rationality

Four perspectives

- **Political**
- General characteristics
 1. Public administrators give policy input, and participate in policy making
 2. Hard to measure goal achievement (effectiveness)

Four Perspectives

Political

- 3. Too many stakeholders, group
 - ❖ Muddling through in decision making



Criticism on political Overlapping functions

- ❖ Inefficiency
 - Lack of consensus

Four perspectives

Legal

General characteristics

1. Government is run by law
2. Constitution, laws, ordinances provide contours of legal framework of government

Four Perspectives

Legal

3. Rights and duties
equity

- The law must have
'due process'

Four Perspectives

Criticism on legal

Too much emphasis on
rules, regulations etc.

loosing sight of equity,
fairness and administrative
effectiveness

Four Perspectives

- **Fiscal**
- General characteristics
 1. Tax collection and expenditure
 2. Affect on economy

Four Perspectives

Criticism on Fiscal

Too much government
in economy

Government as Provider

- ❖ Provision of legal framework within which all social and economic activities occur.

Government as Provider

❖ Then the main
Provision is of
Security

1. Absence from
threats (all)

Government as Provider

- ❖ Clean environment
- ❖ Secure citizens from internal and external threats

Government as Regulator

- **Government regulation/oversight:**
 - Means a law or rule framed by government for bringing in actions of private/ public bodies in accordance with the law, which serves citizens social, political and economic interests

Government as Regulator

- In a free-economy businesses do not want to be regulated like:
 - ❖ Private schools
 - ❖ Private hospitals
 - ❖ Private television channels
 - ❖ Pharmaceutical companies

Why?

Government as Regulator

Regulatory Bodies:

- ❖ Pakistan electronic media regulatory authority ordinance 2002, Rules 2009
- ❖ Public procurement regulatory authority
- ❖ National electric power regulatory authority

Government as Regulator

Regulatory Bodies

- ❖ Drug regulatory authority
- ❖ Many other laws that regulate the functioning of private organizations

Government as Facilitator

- ❖ Regulation and facilitation can become two opposing roles because facilitation means enabling ease of doing social and economic activity

Government as Facilitator

- For example:
 - Setting up a private school
 - According to the law school must have proper building, safe playing area, teachers should be qualified to teach and so on

Government as Facilitator

- If the owner does not fulfill the conditions should not be allowed to set up school.
- But if all the conditions are met the school should be set up in due process (in all fairness) without trouble to the owner.

Government as Facilitator

- Government's facilitative role is a two-way process. The citizens must abide by the law and the government must ease the process of acquiring services.

Origin of Public Administration

Theory

- The theory and practice of public administration originates in USA, in the late 19th century.
- The causes of the development of the thought was that the system was dominated by 'spoil system'-

Origin of Public Administration

Theory

- Inefficiency, corruption and incompetence were, therefore, common in USA
- In this situation, the reformers created a movement to introduce changes in the political system

Origin of Public Administration

- This movement was influenced by Frederick Taylor's 'Scientific Management'

Origin of Public Administration

- The Reformers urged for a more interventionist state, the separation of politics and administration, the merit principle (tenured, neutral, and competent administrators), and sound financial management.

Origin of Public Administration

Theory

- The Reformers were successful in creating a career civil service (Pendleton Act, 1883), line-item budgets, and less political partisanship and corruption

Origin of Public Administration

Theory

- The Reformers built on the theory of organization. The theory espoused following principles:
- The principle of division of work and specialization.

Origin of Public Administration

Theory

- The principle of homogeneity.
- The principle of unity of command.

Origin of Public Administration

Theory

- The principle of hierarchy with respect to the delegation of authority.
- The principle of accountability.
- The principle of span of control.

Origin of Public Administration

Theory

- The staff principle (Gulick, 1937; Urwick, 1937; Mooney, 1937; Graicunas, 1937).

Origin of Public Administration

Theory

- The government activities increased, it regulated more. The theory evolved and scientific principles were applied to almost all public administration activities.

Origin of Public Administration

Theory

- These thoughts lasted till the end of 1960s and the field of public administration included classical, neo classical and political oriented thoughts.

Origin of Public Administration

Practice

- The practice of public administration has stimulated academia to study scientifically individual behavior, political and institutional side of organizations
- The gap between theory exists?

Origin of Public Administration

Practice

- The question has been that how organizations can harness human activity in most beneficial way, both to individual and organization

Origin of Public Administration

Practice

- The organizations in practice are arranged in traditional way, but influence of theory exists by way of adoption of recommendations of theory, research findings, and cultural biases

Origin of Public Administration

Examples

- No separation of politics from administration
- Favoritism and corruption still prevalent
- Financial irregularities persist

Approaches to New Public Management

Classical

- Max Weber, Taylor and Woodrow Wilson dominated public administration thought during late 19th and early 20th century.

Approaches to New Public Management

Classical

- Weber's theory of bureaucracy is the most important theoretical principle of classical model of public administration

Approaches to New Public Management

Classical

- Weber's bureaucracy is characterized by, hierarchical structure, permanent civil bureaucracy which is neutral apolitical, only implementing policy.

Approaches to New Public Management

Classical

- This model has been accepted in Continental Europe and USA

Approaches to New Public Management

Classical

- The key feature of this model is that in modern government system professional bureaucrats execute public policy while separated from political mechanism

Approaches to New Public Management

Classical

- It was departure from being loyal to king or minister or any party and thus the neutrality and merit of civil servants instead of political dependence
- Refer to topic 1 a for further detail

Approaches to New Public Management

Modern Managerial Approach

- The classical system persisted for a long time and was successful in many ways.

Approaches to New Public Management

Modern Managerial Approach

- It administered many social and economic programs, economic infrastructure like constructing power houses, highways, railways etc.

Approaches to New Public Management

Modern Managerial Approach

- The wave of rethinking in government started in USA in 1980s and 1990.

Approaches to New Public Management

Modern Managerial Approach

- Unlike European continent, USA with established corporations, was one on the initial countries to rethink government

Approaches to New Public Management

Modern Managerial Approach

- The rethinking in government was given the name “New Public Management” (NPM)

Approaches to New Public Management

Modern Managerial Approach

- Other names were, 'managerialism', 'market-based public administration', 'post-bureaucratic paradigm', 'entrepreneurial government'

Approaches to New Public Management

Modern Managerial Approach

- The citizens were called 'customers' or 'clients'

Approaches to New Public Management

Critique

- What are the strengths and weaknesses of the two approaches?
- The Weberian classical approach emphasizes the importance of structure and rules and regulations

Approaches to New Public Management

Critique

- The modern Approach attempts to reduce red-tape in government and be more like private corporation.

Approaches to New Public Management

Critique

- Creating professional culture of quality service so that bureaucrats become expert in the law relevant to his or her sphere of activity, but also a professional manager

Approaches to New Public Management

- Is New Public Management really new?

Why Transition

Background

- Increasing complexity of public organizations, caused by generations of reforms
- Dregs of reforms

Why Transition

Background

- Not only what the reforms do with the organization but also what the organizations do with the reforms

Why Transition

What is NPM?

Efficiency orientation

- The hybrid character of NPM
 - Economic organization theory
 - Centralization
Contractualism
 - Agencification
 - Managerialism
 - Decentralization

Why Transition

Key elements of NPM

- Performance management (incentives)
- From ex ante control to ex post control
- Deregulation, liberalization
- Single-purpose organizations

Why Transition

Key elements of NPM

- Separation of policy and operations
- Managerial autonomy
- Contract, privatization, market-orientation
- Customer choice

Why Transition

NPM in public sector

- Serious budget problems in public sector
- Productivity and quality of public service declined

Why Transition

NPM in public sector

- **Managerialism** was introduced which forced bureaucracy to be more responsive to needs of 'customers'

Why Transition

What is managerialism

- Reengineering: to rethink about the internal processes of providing services
- Entrepreneurialism: Managers to be leaders and should give vision to organization

Why Transition

What is managerialism

- Empowerment:
managers can
become powerful by
giving power, that
is, by decentralizing

Why Transition

Mix of private-public sector

- Concepts of private sector like 'client' or 'customer' were applied to public sector
- Decentralization concept
- Agency concept

Why Transition

Critique

- New Public Management could not deliver
 - structural devolution weakened political control, problems of fragmentation, capacity and coordination

Why Transition

Critique

- There is no proof if efficiency of services has improved
- Concern about the quality of public services and increasing social inequality

Why Transition

Critique

- NPM treats individuals as "customers" or "clients" and not as citizens. They are thus treated as economic unit

Why Transition

Critique

- The theory is dominated by market concepts, copying business management and public choice theory

Changing Practices and Needs

Changes in NPM

- NPM is almost three decades old
- Based on concepts disaggregation, competition and incentivization, its effects are reverberating in countries new to NPM

Changing Practices and Needs

- It has not increased government effectiveness
- In developed countries the NPM has reversed and is co-existing with new reforms

Changing Practices and Needs

What has been success in NPM?

- Performance measurement
- Partly competition
- And some aspects of incentivization
- But Agencification, decoupling policy from operation were the weak areas

Changing Practices and Needs

**What has been
success in NPM?**

- Not able to solve social problems

Changing Practices and Needs

- So what is new replacement to NPM?
- There will be some continuity of NPM, things that have worked better
- The current reforms move around information technology and information system

Changing Practices and Needs

- IT system have significant bearing on public administration, the first being automated data processing replacing large number of clerical staff

Changing Practices and Needs

- Office automation:
dictation, typing,
filing, telephone and
telephone
switchboard
operation

Changing Practices and Needs

- This change is called *digital-era governance* (DEG)
- It has prompted change wherein:
switchover to email
in internal and
external
communication,
websites, intranets in
organizational
information

Changing Practices and Needs

- Electronic procurement system, from paper to electronic record keeping
- Modes of informing consumer and involving them

Changing Practices and Needs

Three areas are important to understand DEG:

- Reintegration:
(reaction against NPM) To make best use of digital-era technology the disaggregated functions can be brought together.

Changing Practices and Needs

Three areas are important to understand DEG:

- Re-governmentalization of disparate activities
- Citizen-based, services based or need based foundation of organization

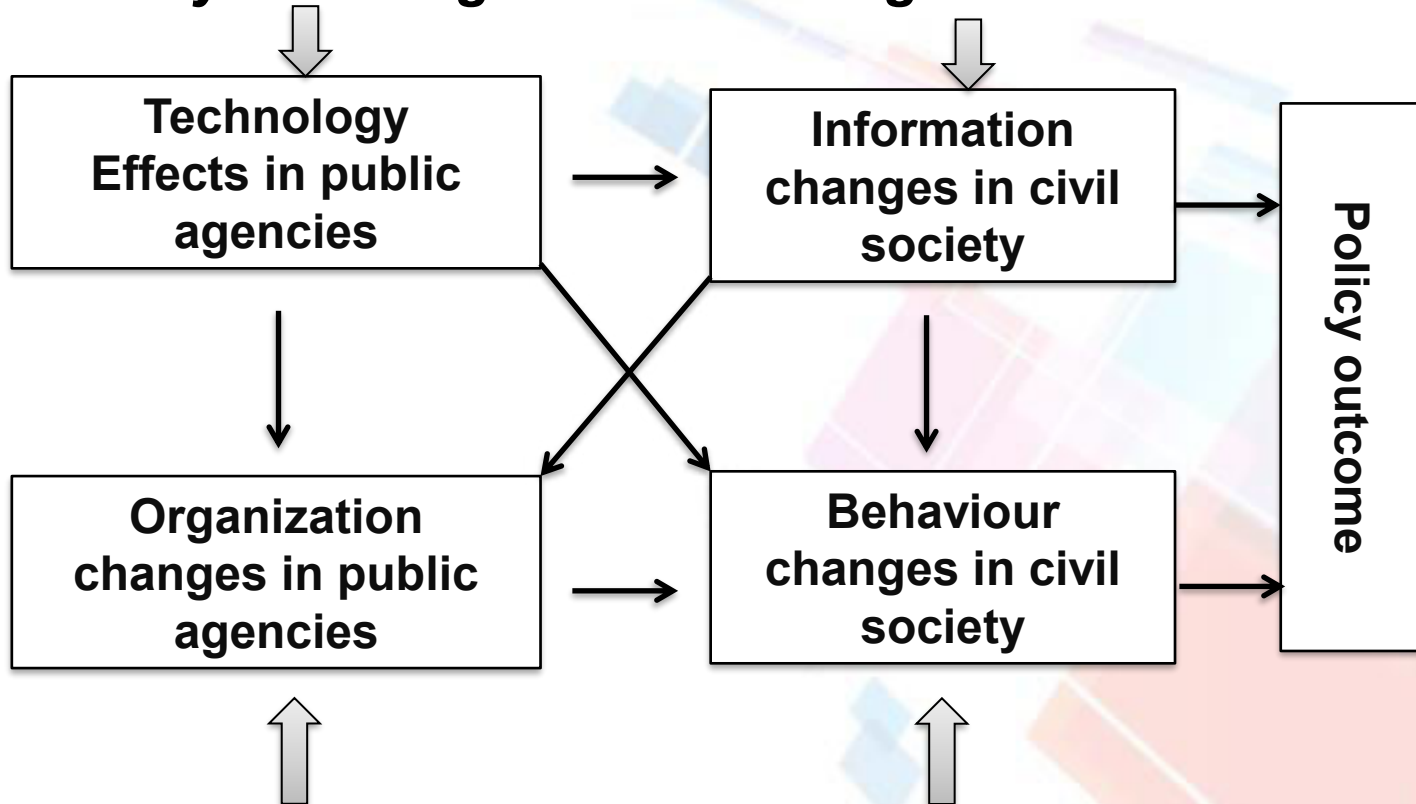
Changing Practices and Needs

- Digitization processes: Web, internet, and e-mail etc. are exaggerated to bring in efficiency. Critical to it is the change in organizational culture and behaviour

Changing Practices and Needs

Primary IT Changes

Changes in other sectors



Business sector changes

Changes in other sectors

Changing Practices and Needs

- What do you learn from the discussion?
- What are likely future reforms/ change in Public Administration?

Mughal Period

Mansabdari system

- It was a Mughal system of administration, which had Turkish and Ghenghezi influence on its structure
- Mansabdars were civil servants of Mughal Empire (governing class)

Mughal Period

Mansabdari system

- According to one view Mughal Empire was not despotic or irresponsible and all powerful autocracy
- They had to deal with Turks, Afghan and locals

Mughal Period

Mansabdari system

- They, like all rulers depended on their civil servants
- Akbar ruled for almost 50 years (1556-1605), converted a loosely knit rulers, into a powerful center ruled by a well structured bureaucracy

Mughal Period

Mansabdari system

- Some form of this bureaucracy existed up to 1948 in Hyderabad Deccan, India (Spear, 1970 in Leach and Mukherjee).

Mughal Period

Mansabdari system

- Structure: Based to raise an army during battle, but during peace time they would serve as executive.

Mughal Period

Mansabdari system

- It had 66 grades as given in the book. In practice there were 33 grades. These were from Commander of ten to Commander of ten thousands.

Mughal Period

Mansabdari system

- The highest rank was *Panj Hazari*, and only the royal sons held this rank
- *Panj hazari* or any other number of rank was a title like colonel or deputy commissioner

Mughal Period

Mansabdari system

- Besides the personal rank of Mansabdar called *zat*, there was second rank of *sawar* or horseman.
- The *sawar* rank was a rank within a rank and it meant the number of horsemen to be provided during battle

Mughal Period

Mansabdari system

- A *sawar* rank of 3000 would produce 600 horsemen
- Example: A mansabdar with a *zat* rank of 4000, a *sawar* rank (within mansab rank) of 3000 actually would maintain 600 horsemen, that is, $\frac{1}{5}$

Mughal Period

Mansabdari system

- Example: a mansabdar with 1000 horsemen would provide 300 horsemen with 3 horses each, 600 with 2 horses each and 100 with one horse each making 2200 horses.

Mughal Period

Mansabdari system

- Murad Khan, yak hazar zat, shish sad sawar, du aspah

Mughal Period

Mansabdari system

- Descriptive rolls of horses were maintained
- The horse , camels, elephants bullock carts were the means of transportation.
- These were also selected and horses were branded for their pedigree

Mughal Period

Mansabdari system

- Recruitment: Young men from abroad would present themselves in the imperial court and catch the eyes of emperor.

Mughal Period

Mansabdari system

- Recruitment: The emperor took great care in selection of mansabdar. It was based on merit and comprised of Afghans, Turks, Persians, Muslims and Hindus.

Mughal Period

Mansabdari system

- Recruitment: He would first be recruited as personal troop and if he proved his worth he would be given a 'mansab' of ten straight away.

Mughal Period

Mansabdari system

- Recruitment: heredity influence existed but was minimal.
- The titles were given to aristocracy to reduce the differences in races with a discipline of bureaucratic system

Mughal Period

Mansabdari system

- Recruitment: personal loyalty to the emperor though was very important, but talent was not ignored.
- The service gave pride and position in society

Mughal Period

Mansabdari system

- Recruitment: The men who came to service were ambitious. They bowed in humility to their ambitions, and associated themselves to powerful emperor

Mughal Period



Painting in the court of Akbar

Mughal Period

Mansabdari system

- Salary and jagirs:
Mansabdars were given salary according to their mansab and an allowance to maintain horses and horsemen. Their salaries in fact comprise a kind of monthly budget

Mughal Period

Mansabdari system

- Salary and Jagirs:
Land was the most important resource. It was assigned as:
 1. Jagirs to nobles, amirs and mansabdars as salary to maintain themselves and the horsemen, horses, bullock cart etc

Mughal Period

Mansabdari system

- Salary and Jagirs:
 2. Khalisa land: its income went to royal exchequer and
 3. Inaam: gift to religious and other scholars

Mughal Period

Mansabdari system

- The salaries could vary, because a mansabdar may be paid for 12, 9 or 6 months
- And it depended on the assignments. If assignments were reduced so were the salary

Mughal Period

Mansabdari system

- Functions: The functions of mansabdars covered whole range of government except judicial.

Mughal Period

Mansabdari system

- They were advisors or privy councillors, wazirs, governors (subedar), district officers (faujdar), revenue collectors, they commanded armies and forts

Mughal Period

Critique

- It held the empire together for more than a century and then degenerated
- A cadred service degenerated to a system of title-giving without assignments
- They were sword and pen of the emperor

Mughal Period

Critique

- It was a centralized system. Tight control by the Emperor.
- Decline in revenue led to ineffective monitoring
- It did not had *es spirit de corp*, no own persona who could exert collective influence

Mughal Period

Critique

- Aging Emperor (Aurangzeb), rising war of succession
- Jagirs became private properties, first in Bengal, and were used to raise private armies
- Emperor became weak and loyalty declined

Mughal Period

Critique

- Mansabdari system, according to Spear (1970) was a genuine elite system but of secondary type.

Colonial Period

East India Company (EIC)

- The British arrived in India in 1583 to explore the possibility of trade in India
- EIC was founded as joint stock company in 1601
- In 1640 the EIC opened its first office in Bombay.

Colonial Period

EIC

- After the death of Akbar the decline of the Mughal empire had set-in.
- The Company continued to seek concessions from Mughal

Colonial Period

EIC

- Taking advantage of the situation sought permission to establish Forts and Factories

Colonial Period

EIC

- In the guise of protecting their forts and factories raised armies.
- The Company started involving itself in local politics

Colonial Period

EIC

- The last Mughal emperor's rule lasted 22 years (1857-1859)
- His rule confined to the Red Fort
- He was dependent on the company for pension

Colonial Period

EIC

- The company rule began after the battle of Plassey in 1757 and ended in 1857 with the Mughal period

Colonial Period

EIC

- How did EIC rule?
- Structure: it comprised 1) court of proprietors consisting shareholders EIC, who elected 24 court of directors.
- 2) Court of directors, the 24 members, the work was carried out by 14 committees.

Colonial Period

- Some of the main committees were: India house committee, civil college, military college, etc. All appointments were made by the Directors.

Colonial Period

- The civil and military services were recruited from the graduate of civil and military college

Colonial Period

- 3) Board of Commissioner for Affairs of India or the Board of control. The Board comprise 6 departments, Accounts, Revenue, Judicial, Military, Secret and Political, and Foreign and Public.

Colonial Period

- The Board controlled all the territories of East Indies.
- India, for the purpose of administration was divided into 3 Presidencies: Fort William, Bengal; Fort St. George, Chennai (Madras); and Bombay castle.

Colonial Period

- Fort William, Bengal, was the seat of Governor (later made Governor General (GG)) who was appointed by Court of Directors, subject to the approval of the crown.

Colonial Period

- EIC made major changes in the land revenue system in Bengal: Converted state landlordship to private property, achieving two goals, created landed aristocracy and improved the conditions of hapless farmers

Colonial Period

- The GG was assisted by Supreme Council, consisting 4 members, 3 of whom had 10 years stay in India. The fourth one did not belong to the company. The Commander in Chief of forces in India was ex-officio member of the council

Colonial Period

- The GG was a despot in one sense. He could veto the decision of the council, he could appoint Residents to the native states, commissioners, Lieutenant Governor of Bengal, NWFP or any territory under the agreement.

Colonial Period

- In 1853 the Supreme Council was expanded to 6 members, who could only vote for framing of laws and regulation

Colonial Period

Covenanted and Uncovenanted

- The policies of EIC were implemented by Civil servants (covenanted and uncovenanted), Military, Navy and Ecclesiastical Services.

Colonial Period

- Senior employees of the EIC signed agreement with the company on the terms of their service. The agreement were called 'covenant' and were called Covenanted civil servants.

Colonial Period

- Those who did not sign agreement with EIC and were recruited were called 'Uncovenanted civil servants'.

Colonial Period

- Usually covenanted civil servants occupied higher position. Before the East India Act 1793, it was not exclusive that positions to be filled by covenanted civil servants

Colonial Period

- But as the activities of the company expanded the number of covenanted civil servants could not keep pace and Uncovenanted civil also occupied higher positions.

Colonial Period

According to Kennedy (1987), the two terms are ambiguously used, there was one cadre covenanted and other services.

Colonial Period

- After the East India Act 1793, came Report Aitcheson Commission 1883.

Colonial Period

- The situation of the sub-continent in 1857 has to be kept in mind. It was believed by some that the cause of 'mutiny' was complacency and distancing with lower rank in the company.

Colonial Period

- The EIC was dissolved by Government of India Act 1858 passed by British Parliament
- The British crown ruled India through its parliament
- Report of Aitcheson commission 1883

Colonial Period

- But it kept the distinction between covenanted and Uncovenanted service
- In response to demand to indigenization of service in 1879, especially covenanted service

Colonial Period

- The covenanted and uncovenanted distinction was to be removed
- A new service to be created, 'Imperial Civil Service' (later Indian Civil Service')
- Provincial civil service and Subordinate Civil service were recommended

Colonial Period

- As result of the recommendation the civil service was reorganized and indigenize
- In 1887 top 1000 members of Imperial civil service were British,
- By 1947 there were 322 indians and 688 British

Colonial Period

Recruitment:

- The ICS were appointed under section xxxii of Government of India Act

Colonial Period

Recruitment:

- There were 5 methods of recruitment, 1) open competitive examination in London, 2) separate exam in India,

Colonial Period

- **Recruitment**
- 3) through nomination to satisfy communal and provincial representation, 4) promotion from provincial services, and 5) appointment from bars
- Age: 19 to 23

Colonial Period

Recruitment

- After indigenization locals were educated and trained on the pattern British

Colonial Period

Critique

- The ICS was elite service like 'Mansabdars'. They were district officers, administrators, magistrates etc.
- They were ears and eyes of the British empire

Colonial Period

Critique

- Unlike Mughal bureaucracy, they saw themselves as cadered group

Colonial Period

Critique

- They had immense decision making power
- Their power originated from legal rational authority (the Act of Parliament)
- They were generalists but had vast field experience

Colonial Period

Critique

- They were in sub-continent with national interest and they served accordingly
- They were generally neutral in decision making
- They were, however, arrogant

Post Independence

1947 to 1973

- After independence Pakistan was confronted with huge problem of worlds largest migration of population

Post Independence

1947 to 1973

- The settlement of refugees was the main focus of the Government of Pakistan

Post Independence

1947 to 1973

- Pakistan, therefore, maintained the cadre system inherited from the colonial period with slight modifications.

Post Independence

- The cadre system was the result of British to maintain control and respond to demand of nationalist for self-rule

Post Independence

1947 to 1973

- Other reasons were:
- Not enough trained people (under representation)
- Not enough resources
- Bureaucratic inertia
- Assured career prospects

Post Independence

1947 to 1973

The service structure of central government at the time of independence had following cadres:

- a) All India Services (10 services)
- b) Central services
Class 1 only (11 services)

Post Independence

1947 to 1973

The service structure of central government at the time of independence had following cadres:

- c) Central services
Class I and II (7 services)

Post Independence

1947 to 1973

The service structure of central government at the time of independence:

d) Central Services
Class II only (12 services) for example,
Imperial Secretariat
Stenographer service,
Assistant Account &
Audit Officer Service

Post Independence

1947 to 1973

- All Pakistan service was equivalent to inherited British 'All India Service' under Secretary of State
- All Pakistan Service were Civil Service of Pakistan (CSP) and the Police Service of Pakistan

Post Independence

1947 to 1973

- CSP was direct descendent of ICS
- Pakistan inherited few ICS officers
- By 1950, when encadred, many officer were admitted to CSP
- Prestige, rank, multifaceted career, similar to ICS

Post Independence

1947 to 1973

- Central Services:
 1. Pakistan Foreign Service
 2. Accounts Services
 3. Pakistan Custom and Excise Service
 4. Pakistan Taxation Service, etc
 5. In all 13 services

Post Independence

1947 to 1973

- We see that cadre system developed in colonial and post-colonial situation as a result of expediency.
- Accepted with minor modification
- Dominated by elite, CSP

Post Independence

- Both systems concentrated power in one elite cadre, i.e., CSP to perform judicial and executive functions.
- According to Kennedy (1987), institutional development sacrificed due to cadre system

Post Independence

1973 Reforms

Why need for reform?

- Corruption, inefficiency, poor service delivery, lack of accountability, weak performance appraisal

Post Independence

1973 Reforms

- Termination of cadre system and introduction of Occupational groups
- Use of title 'CSP' discontinued.
- Unified pay scale
- Scrapping of reservation of posts in the Centre for elite cadre

Post Independence

1973 Reforms

- Joint pre service training
- Lateral entrant recruitment
- Provision of vertical movement of other cadre
- Service associations abolished

Post Independence

1973 Reforms

- CSP was abolished but its new incarnation, District Management Group (DMG) retained some old features
- Bifurcated in DMG and Tribal Area Group
- Currently 13 occupational groups

Post Independence

1973 Reforms

- All Pakistan Service were renamed All Pakistan Unified Group

Post Independence

1973 Reforms

- These were major reforms in the structure of government
- It weakened the influence of elite cadre
- The military government in 1979, did not reverse the reforms

Post Independence

1973 Reforms

- There were small changes here and there
- Example: army personnel induction in civil service, renaming of DMG as Pakistan Administrative Service (PAS)

Post Independence

Devolution 2001

- Abolished the positions of Divisional Commissioner and Deputy Commissioner – replacement with District Coordination Officer (DCO) at District level

Post Independence

Devolution 2001

- Separation of Police and magisterial powers from district administration

Post Independence

Devolution 2001

- The office of deputy commissioner was abolished
- Indirectly elected District Nazim head of district

Post Independence

Devolution 2001

- The bureaucracy did not accept the change
- Many DMG officers left service and joined international organizations
- Loss of power and prestige

Post Independence

Devolution 2001

- Politician opposed it (2008)
- As a result the reform was rolled back and the old system revived

Post Independence

Critique

- Since independence, more than 49 reforms commissions have been formed

Post Independence

- 1973 reforms, 2001 reforms and little modifications have not improved service delivery as much

Post Independence

Critique

- Those in position to change lack vision and are bound by vested interest
- Incompetency challenges in government exhibited through not charging the violators of law

Post Independence

Critique

- Technical personnel like in health, economists, engineers, educationist, scientists have slow promotion prospects and unattractive salary

Post Independence

- Accountability and performance appraisal weak areas
- Rent seeking, lack of transparency, absence of rule of law

Post Independence

New Public Management in Pakistan:

The sources of NPM:

- Globalization
- ICT
- International financial institutions

Post Independence

Examples of NPM in Pakistan:

- Privatization of state owned enterprises, state cement corporation, Pakistan Telecommunication, banks etc.
- Unbundling of WAPDA

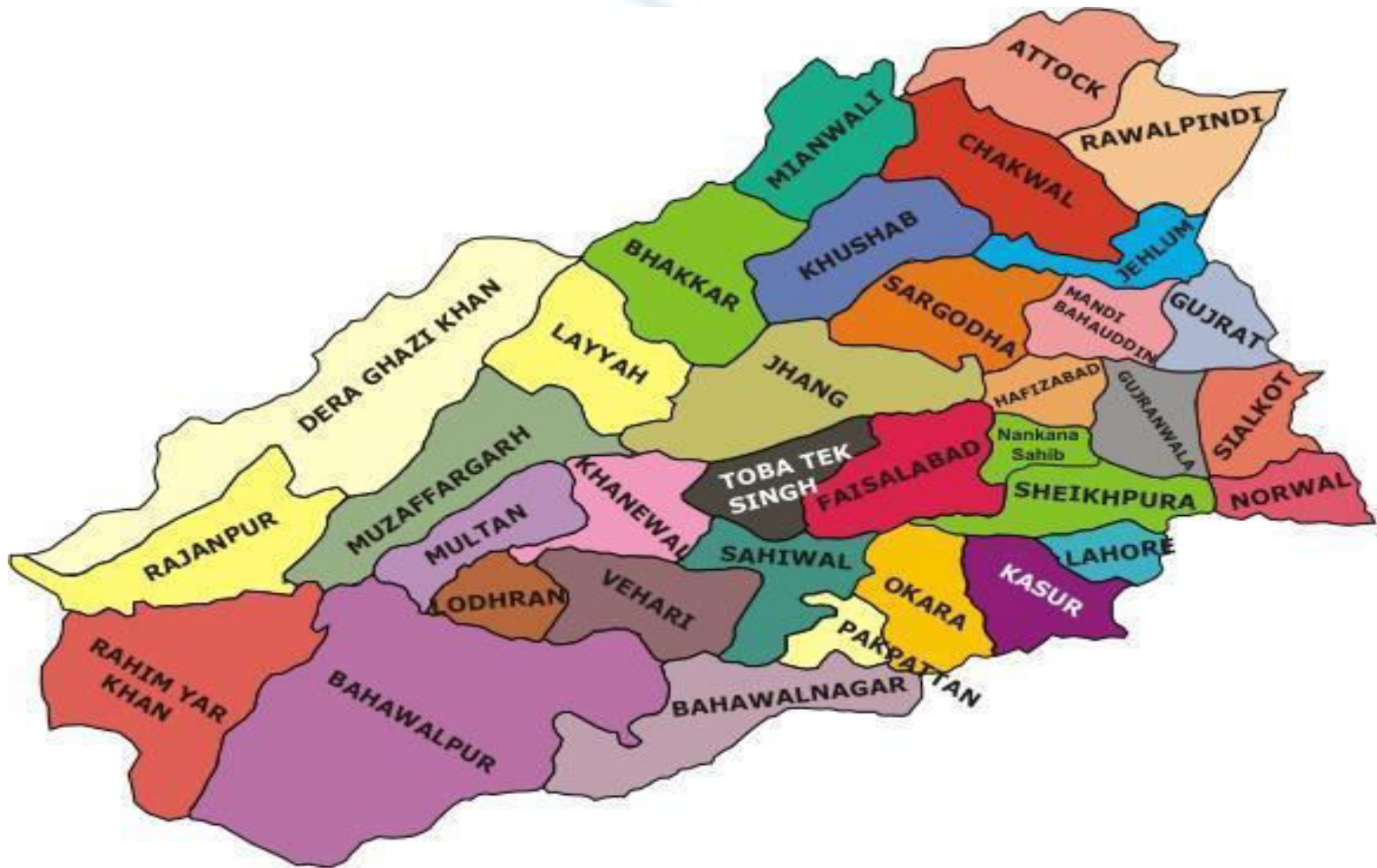
The Provincial legislature

- As a unit of province, provincial government is vested with powers to legislate
- The four provinces have their respective provincial assemblies
- The assemblies comprise elected representatives

The Provincial legislature

- Punjab 38 districts
- 369 provincial assembly members
- Balochistan 31 districts
- 65 provincial assembly members

Province of Punjab



Provincial Assembly Punjab

- 295 general seats
- 66 women
- 08 minority

Profile

- 72 MPAs are agriculturists
- 62 business persons
- 20 advocates

Provincial Assembly Punjab

Profile

- 73 members are between the age of 45-50
- 51 between 51 and 60 years
- 42 between 31-40 years
- 12 between 71 and 80

Provincial Assembly Balochistan

- 51 general seats
- 11 reserved for women
- 03 for minority

Functions of Assembly

- Legislation
- Overseeing government working
- Public money is spent judiciously and according to financial rules. Approves budget

Provincial Judiciary

- District courts in every district of the province
- In each district headquarter additional district and session judges preside the court
- Have executive and judicial powers in their jurisdiction

Provincial Judiciary

- Session court tries murder, rape, armed robbery case
- When hearing civil case it is district court. When hearing criminal cases it is session court

Provincial Judiciary

- The provincial high courts have appellate jurisdiction over lower courts
- Supreme court has jurisdiction over disputes between and among provincial government and appellate jurisdiction over high court

Provincial Departments

- 27 provincial department of Government of Balochistan

Provincial Departments

- These are police;
food; health;
communication,
works, physical
planning & housing;
environment, sports
& youth affairs forest &
wildlife; rural
development to name
few

Provincial Autonomous

- Balochistan Development Authority
- Balochistan Public Service Commission
- Water and Sanitation Authority
- Balochistan Technical Education & Vocational Training Authority

Provincial Autonomous

- Gwadar Development Authority

Local Government Concept

- Subsidiarity: Central government should have subsidiary functions, performing those functions which cannot be performed at local level

Local Government Concept

Examples

- Street light
- Garbage collection
- Maintenance of streets
- Defence
- Foreign Affairs
- Currency
- Environment
- Health

Balochistan Local Government Act 2010 (BLGA 2010)

Constitution Article 140

A:

“Each province shall, by law, establish a local government system and devolve political, administrative and financial responsibility and authority to the elected representatives of [local government]”

BLGA 2010

- Government of Balochistan promulgated Balochistan Local Government Act 2010, on 13 May 2010
- It repealed Balochistan Local Government Ordinance 2001

BLGA 2010

- Under the law **Rural Council** comprise:
 - District Council
general members equal
the number of union
council in district,
minority seats, women,
peasants, workers and
 - Union Council, 7 to

BLGA 2010

Urban Council

- Municipal Committee
- Municipal Corporation
- Metropolitan Corporation

BLGA 2010

Name of Local Governments		Number
1	Metropolitan Corporation Quetta	1
2	District Councils	30
3	Municipal Corporation	1
4	Municipal Committees	51
5	Union Councils	584

BLGA 2010

Functions

- All functions that are local in nature.
- Chapter 7, 8 and fifth Schedule of the BLGA 2010 provides in detail the functions
- The main functions, public health, water supply, drains

BLGA 2010

Functions

- Articles of food and drink
- Animal and cattles
- Education
- Public safety
- Town planning
- Building control
- Arboriculture and streets

Structure of Federal Government

The three tiers of government

- What is federation?
- Federal
- Provincial
- Local

Structure of Federal Government

Territories of Pakistan:

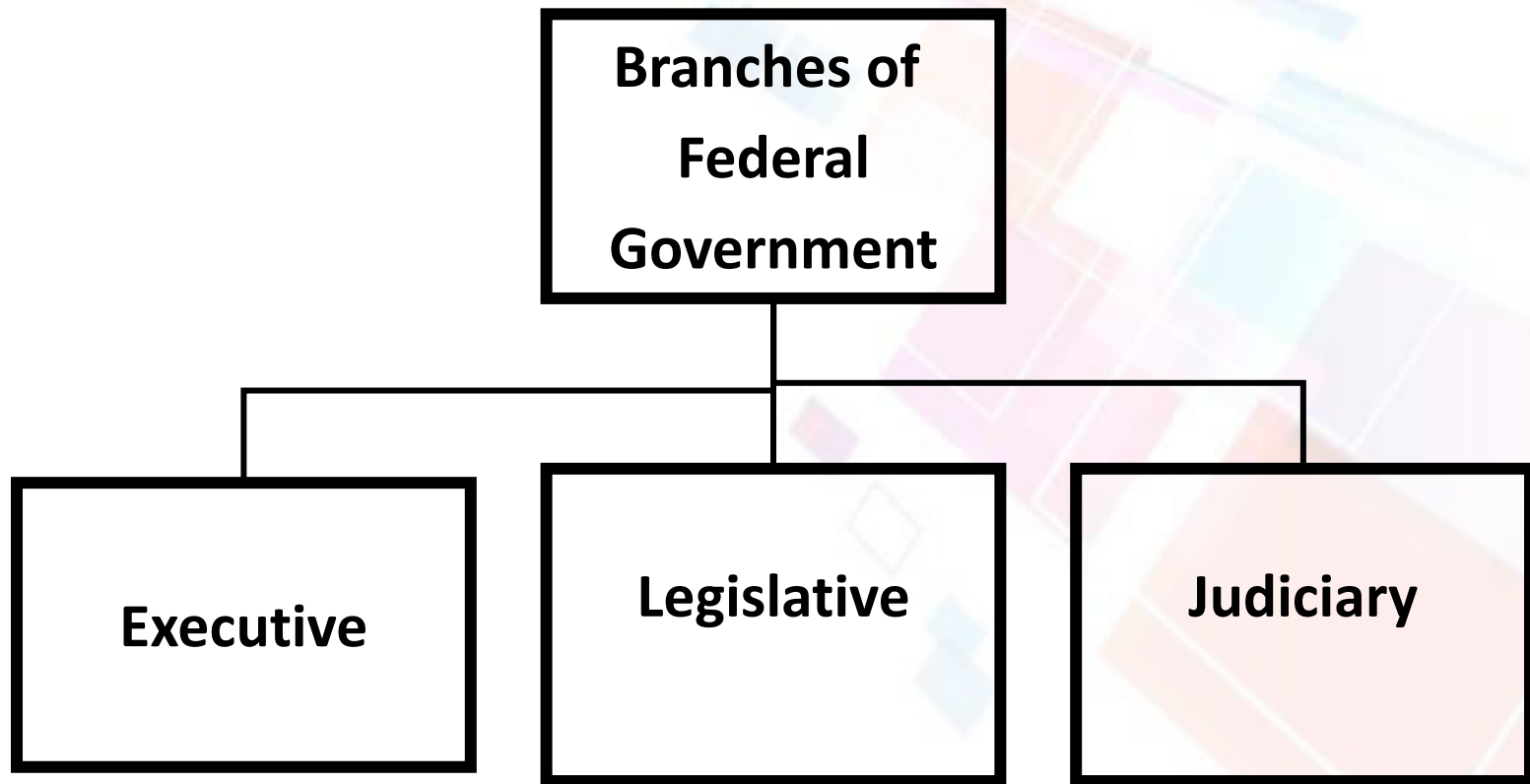
- The 4 provinces of Pakistan;
- The Islamabad capital territory;
- The federally administered tribal areas; and

Structure of Federal Government

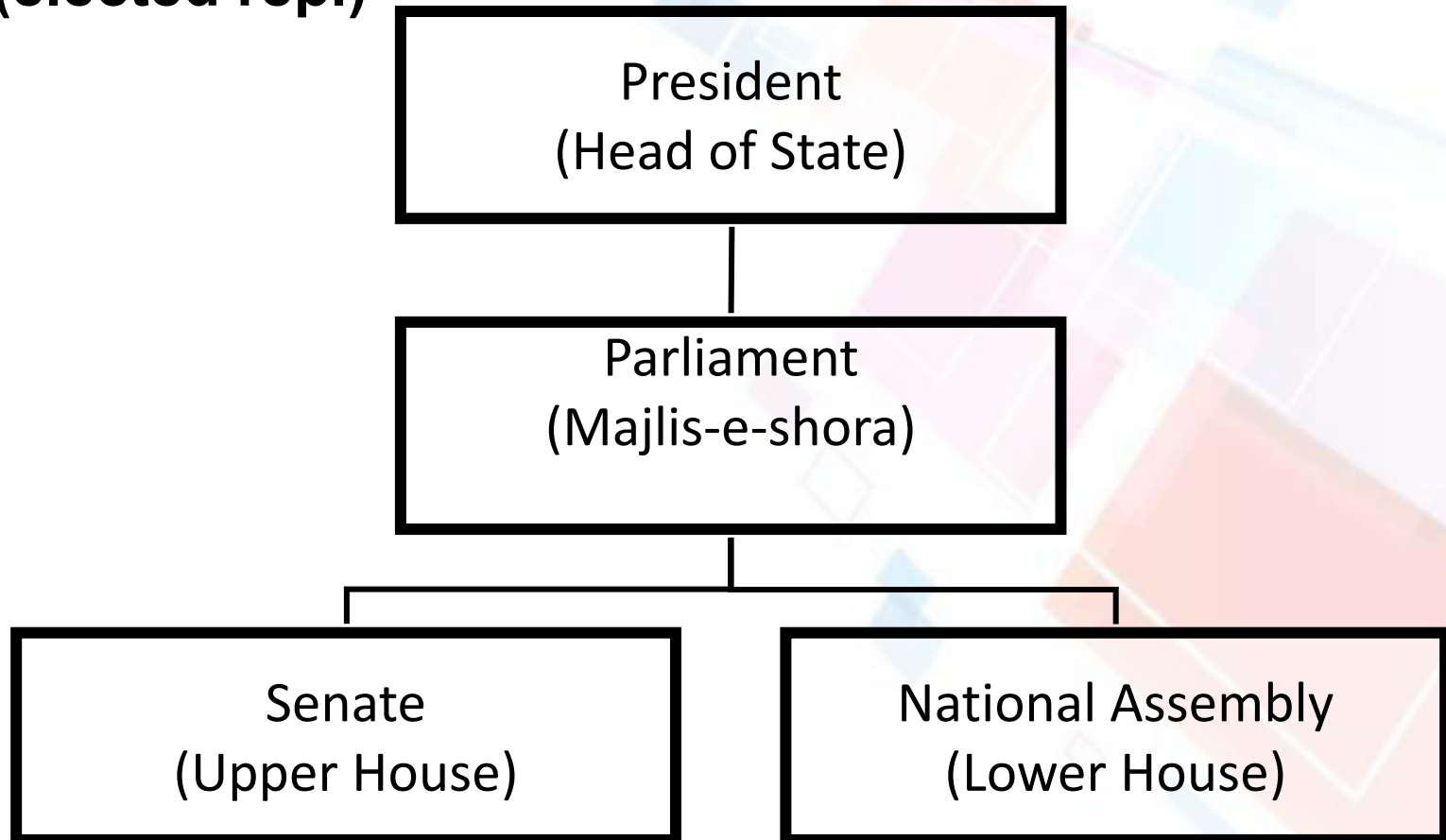
Territories of Pakistan:

- Such States and territories as are or may be included in Pakistan, whether by accession or otherwise

Structure of Federal Government



Legislative Branch (elected rep.)



Structure of Federal Government

National Assembly

- Total 342 Members
 - 272 General seats
 - 60 for women
 - 10 for non-muslims
 - General seats are filled by direct and free vote

Structure of Federal Government

Senate

Total 100 Members

- 22 from each province
- 8 from FATA
- 4 from Federal Capital
- Elected for 6 years
- 17 seats reserved for women

Structure of Federal Government

- Elected indirectly through the system of proportional representation

Structure of Federal Government

Judiciary

- It is the legal arm of government
- The Constitution provides for independence of Judiciary
- Accordingly the Courts, defend, protect and preserve the Constitution

Structure of Federal Government

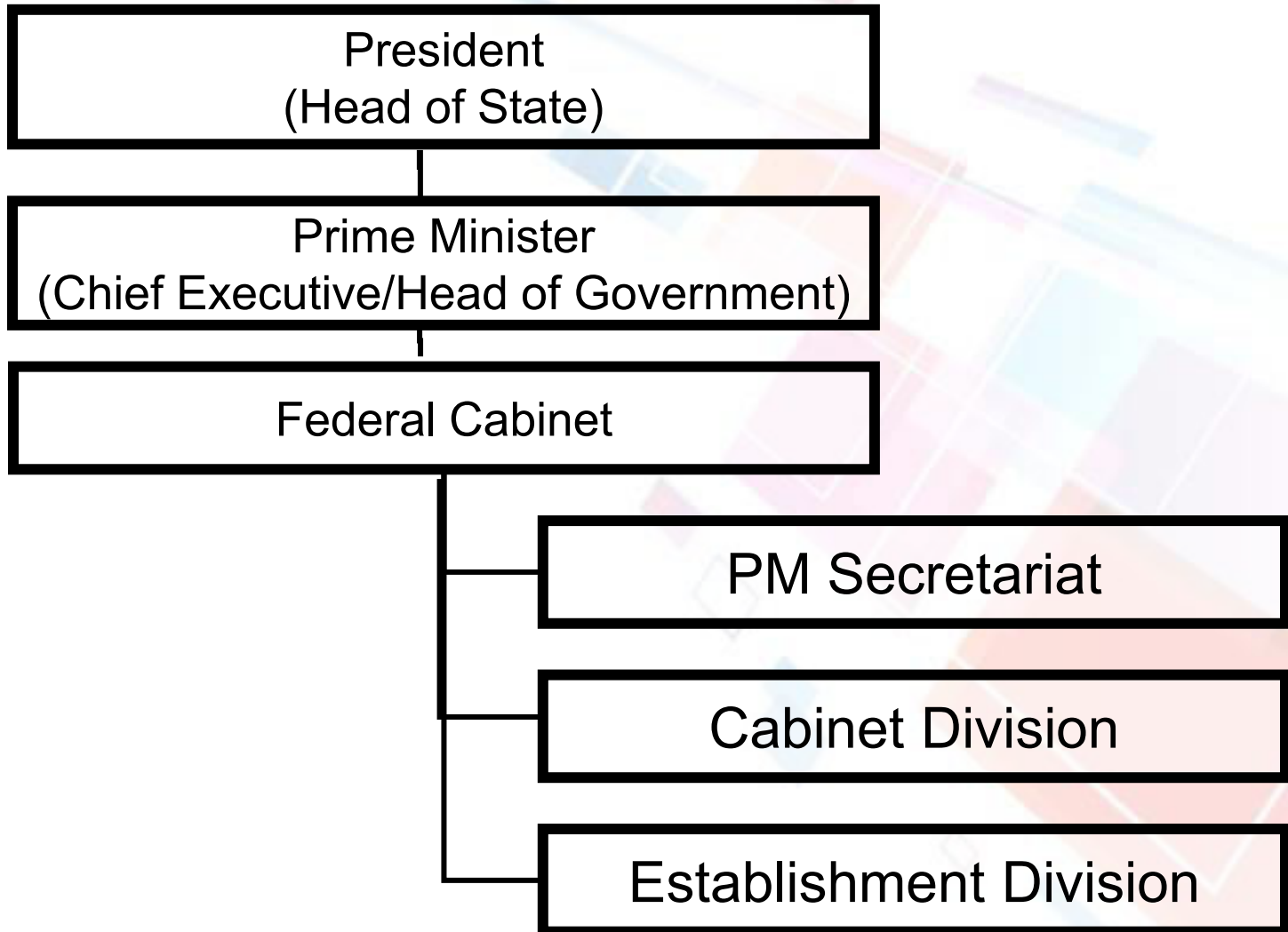
Judiciary

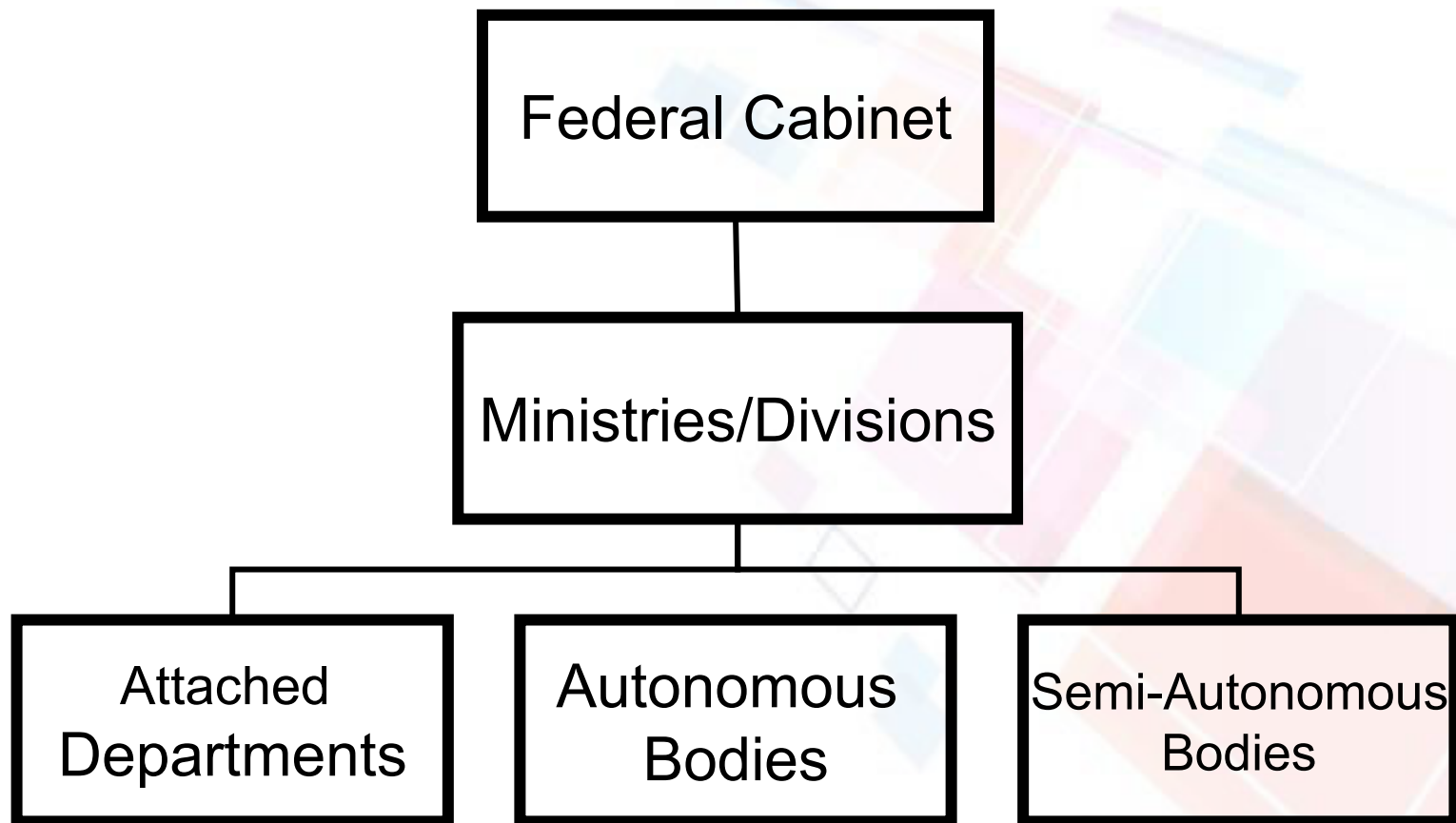
- Consists of:
- Supreme Court
- Islamabad High Court
- Federal Shariat court
- Subordinate Judiciary

Structure of Federal Government

Executive

- It is the administrative arm of government
- It is structured as:





Number of Ministries

- In 2002, 41 ministries and 48 divisions
- NCGR in 2008, recommended 23 ministries and 37 divisions
- February 2011, ministries reduced to 23 by the PM
- There are 30 ministries as given in ROB.

Number of Ministries

- Number of central government ministries averages 16 on a worldwide basis, with little variation among regions from an average of 10 in the small Pacific countries to 20 in the Middle East and North Africa.

Number of Ministries

- In Africa, the number of ministries ranges from a low of 10 in Botswana to 28 in Nigeria.

Number of Ministries

- from 7 to 35 in Asia,
- from 11 to 27 in Latin America, and
- from 6 to 16 in the Pacific.

Rules of Business-1973

- Which define the function of ministries, ministers

Rules of Business-1973

- Central Secretariat:
For the proper functioning of the Federal Government there are ministries, divisions, attached departments, autonomous and semi-autonomous bodies.

Rules of Business-1973

- **Ministry**: is a division or group of divisions constituted into a ministry or it may comprise one or more divisions for the conduct of business of Federal Government in a specified sphere.

Rules of Business-1973

- Each ministry is headed by a Cabinet Minister and a Secretary is the administrative in charge of the ministry.

Rules of Business-1973

- **Division:** It also performs functions like Ministry to formulate policies and to ensure their implementation. It is headed by a Minister for State and Secretary or Additional Secretary.
- Is administrative in charge

Rules of Business-1973

- Subordinate Offices:
Each attached department has many subordinate offices, which are known as “field offices”. They are under the attached department and perform specific duties.

Rules of Business-1973

- They are responsible for the execution of all the filed activities of attached departments. They are headed by an administrator or Director.

Rules of Business-1973

- Autonomous/Semi Autonomous Bodies: Certain Ministries or Divisions have a number of autonomous, semi-autonomous bodies representing the trend of decentralization for arriving at speedy decisions.

Rules of Business-1973

Allocation of Business 3(1)

- The business of government is distributed according to Schedule II, Rules of Business
- The Prime Minister can change the distribution of business or the constitution of

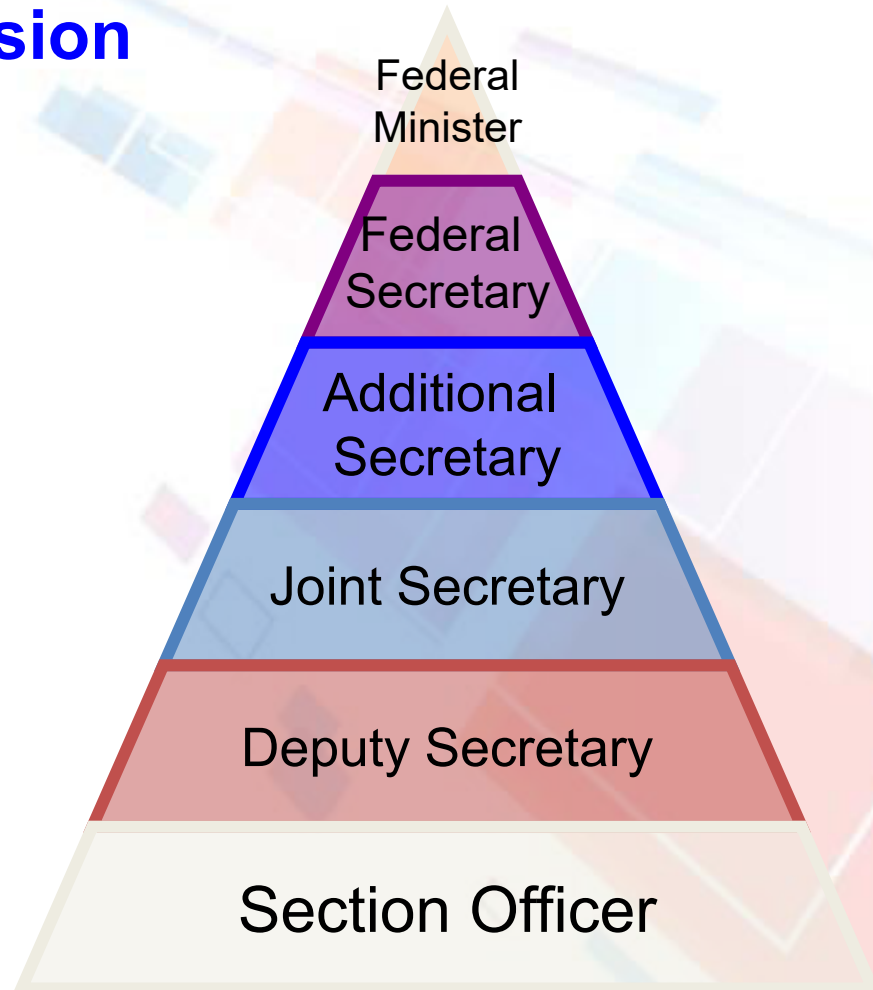
Rules of Business-1973

Allocation of Business 3(1)

Example, Business of Cabinet Division comprise, all secretarial work for cabinet, National Economic Council, and their committees, follow up and implementation of decisions of all bodies mentioned

Rules of Business-1973

Organization of division



Rules of Business-1973

Business of Government Sec. 11

- The minister-in-charge will conduct the business of the division in the Assembly

Rules of Business-1973

Conduct of business sec. 11 (a)

- Verbal orders given by functionary of the government should as a matter of routine reduce to writing and submitted to the issuing authority.

Rules of Business-1973

Conduct of business sec. 11 (a)

The section further states, if time permits seek confirmation of the order, before initiating action. However, if time is constrained, execute action and seek confirmation, submitting the report of action

Rules of Business-1973

Conduct of business sec. 12

- If any doubt or dispute arises to the interpretation of these rules or the division to which the case pertains, the case shall be referred to the Cabinet Division

Rules of Business-1973

Conduct of business sec. 13

- Additional instruction to the rules shall be issued by Cabinet Division, however, if special or general orders are required by the Division in terms of these rules it should be consulted by Cabinet Division

Rules of Business-1973

Individual and collective responsibility:

- The Cabinet shall be collectively responsible for the advice tendered to, or the executive orders issued in the name of the President whether by an individual...

Rules of Business-1973

Individual and collective responsibility:

minister or as a result of
the decision by the
Cabinet

Rules of Business-1973

Minister-Secretary relation

- What are formal relations of minister-secretary?
- Policy direction should come from minister
- Secretary should implement
- These relation could be cordial or confrontational, but

Rules of Business-1973

Minister-Secretary relation

- These could be not so cordial
- An order which is not lawful or not in the limit of reasonableness is not to be complied

Rules of Business-1973

**Video clip ‘yes prime
minister’
1.38 mins**

Rules of Business-1973

Consultation among divisions

- 8(1) when the subject concerns other division, like pollution control, the other divisions should be consulted.

Rules of Business-1973

Consultation among divisions

- In case, due to urgency it is not discussed, with the approval of PM it should be dispensed with.....

Rules of Business-1973

Critique

- The structure of government laid out in the Constitution of Pakistan
- Rules of business provide comprehensive set of conducting the business of government

Rules of Business-1973

Critique

- Despite such clear rules, why inefficiency and inadequate application of rule of law?
- Public administration is about rules?

Duties of Prime Minister

Duties

The executive authority is exercised on behalf of the President, by the federal government, consisting of PM and federal ministers who shall act through PM- the chief executive of the federation

Duties of Prime Minister

- The PM assigns ministries to ministers belonging to own party and coalition parties
- In this way he has responsibility of their efficient and effective functioning

Duties of Ministers

- The ministers assist the PM in the formulation of policy
- They are responsible for the functioning of their respective ministries and division

Duties of Ministers

- It is his duty to follow the Constitution
- Thus, the onus is on minister for any mishap or disaster

Duties of Secretary

- Assists minister-in-charge in formulation of policy
- Executes sanctioned policy
- Submits proposals to the Cabinet with approval of minister
- Keeps the Minister-in-charge informed

Duties of Secretary

- Is principal accounting officer of his division, attached departments and subordinate offices
- Responsible for observance of rules and if any material deviation from rules will inform the minister

Duties of Secretary

- The secretary organizes the division into Sections
- Example:
- Establishment Division

Minister-in charge:
Mr. Nawaz Sharif

Secretary: Civil
servant BS 22

Duties of Secretary

- Wings 7
- Wings headed by joint secretary (BS 20)
- Within each wing there are sections

Duties of Additional Secretary

- Is in BS 21 and can be in charge of division
- In that case he has all the responsibilities of secretary and directly submits the cases to the minister-in-charge

Duties of Joint Secretary

- BS 20 officer
- In charge of a wing in ministry/division
- Sometimes in charge of a division

Duties of Joint Secretary

- BS 18/19 officer
- A Deputy Secretary shall dispose of all cases with no major Policy question or
- Which under the rules or the standing orders he is competent to dispose of.

Duties of Section Officer

- Is BS 17 officer
- Shall dispose of all cases where there are clear precedents, and no question of deviation from such precedents is involved or

Duties of Section Officer

- which under the rules is competent to dispose of case in jurisdiction
- In case of doubt may seek verbal instructions from senior

Other Support Staff

- Office assistant, stenographer, naib qasid, private secretaries, personal assistant (Secretariat Instructions)

Movement of Case or File

- In practice, the channel of submission of case is vertical. The file starts from section officer and moves to the top, that is, secretary.
- If a file is read by all the officers, it sure can add value to the case

Movement of Case or File

- The officers look up to seniors for the direction or senior's intent or desire
- Thus would not give substantive views on the case

Distribution of Main Responsibilities

- 1973 Constitution provided Federal legislative list (FLL) I
- Concurrent list
- Exclusive provincial list (residuary)
- Federal legislative list II

Distribution of Main Responsibilities

- The FLL-I contained 59 subjects, such as defense, security, external affairs, communications, currency, foreign exchange, public debt, federal services, to name few

Distribution of Main Responsibilities

- The FLL-II (8 subjects) contained subjects like railways, mineral oil and natural gas, development of industries under federal law, establishments under the control of federal government, CCI

Distribution of Main Responsibilities

- The CLL contained 47 subjects) such as criminal law, criminal and civil procedure, evidence, marriage, wills, bankruptcy, arbitration, contracts, transfer of property,

Distribution of Main Responsibilities

18th Amendment

- On 20 April 2010, 18th Amendment to the Constitution, amending 102 article was done.

Distribution of Main Responsibilities

18th Amendment

- The concurrent list (with 47 subjects) was abolished and the provinces were given additional responsibilities of 17 federal ministries.

Distribution of Main Responsibilities

18th Amendment

- Subjects like Lotteries, duties in respect of succession to property and estate duty in respect of property were deleted from FLL-I and given to provinces

Distribution of Main Responsibilities

18th Amendment

- Some subjects from FLL I and concurrent list were moved to FLL II, like major ports, national planning and national economic coordination,

Distribution of Main Responsibilities

18th Amendment

- Census and extension of powers of police force to other provinces and

Distribution of Main Responsibilities

- Electricity and legal, medical and other professions
- The effect of these changes was reduction in federal government responsibilities and increased list of subjects for legislation by Provincial Assemblies

Distribution of Main Responsibilities

18th Amendment

- Increase in FLL II meant enhanced list of areas for CCI, providing a forum for Provincial Governments to voice their opinion and

Distribution of Main Responsibilities

- Greater responsibility to the Council in formulation and regulation of policies in such areas.

Distribution of Main Responsibilities

Examples



Distribution of Main Responsibilities

The devolved subjects

- Agriculture was devolved but National Food security and Research Division was created in lieu.

Distribution of Main Responsibilities

The devolved subjects

- Devolved – 09 functions and 01 department
- Wound up – 02 functions and 03 departments
- Retained – 27 functions and 08 departments

Distribution of Main Responsibilities

The devolved subjects

- Health was devolved as follows:
 - Devolved – 03 functions and 4 departments (and vertical programmes)

Distribution of Main Responsibilities

The devolved subjects

- Health was devolved as follows:
 - Wound up or merged – 03 departments
 - Retained – 12 functions and 15 departments

Distribution of Main Responsibilities

The devolved subjects

- Education was devolved
- It has been a provincial subject but 1973 Constitution made it part of concurrent list

Distribution of Main Responsibilities

Provincial resources

- Under 18th Amendment Sales tax on services was devolved to provincial governments
- Capital gains tax also came to provinces.

Distribution of Main Responsibilities

Provincial resources

- Despite that the Provincial Governments are dependent on federal transfers
- The bigger provinces created Revenue Authorities (Sindh and Punjab) for collection of provincial taxes

Distribution of Main Responsibilities

Provincial resources

- In the beginning there was skepticism about provincial human resource capacity to undertake added responsibilities
- With the passage of time however, this view is dispelled

Responsibilities of the Government

National Purpose

- “The desire of a people to order their lives according to their values and beliefs”

Responsibilities of the Government

National Purpose

- The purpose of the state was not to extend its dominion or enrich its people, but to widen knowledge, promote virtue and secure justice for all.

Responsibilities of the Government

National Purpose

- National purpose of a nation founded on six elements:
 1. Historical perspective
 2. Socio-political environment
 3. Beliefs & values

Responsibilities of the Government

National Purpose

- 4. Religious leaning
- 5. National power potential
- 6. Vision of the founding father of nation

Responsibilities of the Government

National Interest

- National interest is “the general and continuing end for which a state acts”
- Raison d’Etat (reason of state) Country’s goals and ambitions whether, economic, military or cultural

Responsibilities of the Government

Aims / Objectives

- National aims/objectives are future state of affair that is considered desirable by the government, for the achievement

Responsibilities of the Government

Aims / Objectives

- of which it is willing to spend time, effort and resources. In a democratic state, these are based on national interests.

Responsibilities of the Government

Aims / Objectives

- National policy is designed to achieve these aims/objectives, it is these aims/objectives that are:

Responsibilities of the Government

Aims / Objectives

- Promoted by the national Govt.
- Shared by an important segment of national population
- Having considerable effect upon the people of country and other nations

Fundamental Rights



Fundamental Rights

Exploitation



Fundamental Rights

Elimination of exploitation: Article 3

- The State shall ensure the elimination of all forms of exploitation and the gradual fulfillment of the

Fundamental Rights

Elimination of exploitation: Article 3

- fundamental principle, from each according to his ability, to each according to his work.

Fundamental Rights

Right of individuals to be dealt with in accordance with law, etc.: Article 4

1. To enjoy the protection of law and to be treated in accordance with is the inalienable right of every citizen,

Fundamental Rights

Article 4

1. wherever he may be,
and of every other
person for the time
being within
Pakistan.

Fundamental Rights

In particular--

1. No action detrimental to the life, liberty, body
2. No person shall be prevented from or be hindered in doing that which is not prohibited by law

Fundamental Rights

In particular—

3. No person shall be compelled to do that which the law does not require him to do.

Fundamental Rights

Right of Education: Article 25 (A)

- The State shall provide free and compulsory education to all children of the age of five to sixteen years in such manner as may be determined by law

Fundamental Rights

Equality of Citizen 25

- (1) All citizens are equal before law and are entitled to equal protection of law
- (2) There shall be no discrimination on the basis of sex

Fundamental Rights

Equality of Citizen (25)

(3) Nothing in this article shall prevent the State from making any special provision for the protection of women and children.

Fundamental Rights

Freedom of Speech



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Fundamental Rights

Freedom of Speech: Article 19

- Every citizen shall have the right to freedom of speech and expression, and there shall be

Fundamental Rights

Freedom of Speech: Article 19

- freedom of the Press, subject to any reasonable restrictions imposed by law in the interest of the glory of Islam or the integrity, security or defence of Pakistan or any part thereof,...

Fundamental Rights

Freedom of speech: Article 19

- public order, decency or morality, or in relation to contempt of Court, or incitement to an offence.

Fundamental Rights

Freedom of association: Article 17

- Every citizen shall have the right to form associations or unions, subject to any reasonable restrictions

Fundamental Rights

Freedom of association: Article 17

- imposed by law in the interest of sovereignty or integrity of Pakistan, public order or morality.

Fundamental Rights

Critique

- Why the state policies unable to incorporate given in the Constitution?
- Social structure?
- Governmental structure?

Fundamental Rights

- What are Principles of Policy?

Fundamental Rights

Parochial and other similar prejudices to be discouraged:

Article 33

- State shall discourage parochial, racial, tribal sectarian & provincial prejudices among the citizens

Fundamental Rights

Full participation of women in national life: Article 34

- Steps shall be taken to ensure full participation of women in all spheres of national life

Fundamental Rights

Protection of minorities: Article 36

- State shall safeguard the legitimate rights and interests of minorities, including their due representation in the Federal & Provincial services

Fundamental Rights

Promotion of social justice and eradication of social evils: Article 37

- a. Promote, with special care, the educational and economic interests of backward classes or areas;

Fundamental Rights

Promotion of social justice and eradication of social evils: Article 37

- b. Remove illiteracy and provide free and compulsory secondary education within minimum possible period;

Fundamental Rights

Promotion of social justice and eradication of social evils: Article 37

- c. Make technical and professional education generally available and higher education equally accessible to all on the basis of merit;

Fundamental Rights

Promotion of social justice and eradication of social evils: Article 37

- d. Ensure inexpensive and expeditious justice

Fundamental Rights

Promotion of social justice and eradication of social evils: Article 37

- e. employed in vocations unsuited to their age or sex, and for maternity benefits for women in employment

Fundamental Rights

Promotion of social justice and eradication of social evils: Article 37

f. Make provision for securing just and human conditions of work, ensuring that children and women are not

Fundamental Rights

Promotion of social justice and eradication of social evils: Article 37

g. Enable the people of different areas, through education, training, agricultural and industrial

Fundamental Rights

Promotion of social Article 37

h. development and other methods, to participate fully in all forms of national activities, including employment in the service of Pakistan and

g to j Eradication of social vices....

Fundamental Rights

Promotion of social justice and eradication of social evils: Article 37

- i. Decentralize the Government administration so as to facilitate expeditious disposal of its business to meet the convenience and...

Fundamental Rights

Promotion of social and economic well-being of the people: Article 38

- a. Secure the well-being of the people, irrespective of sex, caste, creed or race, by raising their

Fundamental Rights

Article 38

b. standard of living, by preventing the concentration of wealth and means of production and distribution in the hands of a few to the detriment of general interest and by ensuring equitable

Fundamental Rights

Article 38

c. adjustment of rights
between employers and
employees, and
landlords and tenants

Fundamental Rights

Article 38

d. Provide for all citizens, within the available resources of the country, facilities for work and adequate livelihood with reasonable rest and leisure

Fundamental Rights

Article 38

e. Provide for all persons employed in the service of Pakistan or otherwise, social security by compulsory social insurance or other means;

Fundamental Rights

Article 38

f. Provide basic necessities of life, such as food, clothing, housing, education and medical relief, for all such citizens, irrespective of sex, caste, creed or race, as are permanently or

Fundamental Rights

Article 38

g. temporarily unable to
earn their livelihood on
account of infirmity,
sickness or
unemployment;

Fundamental Rights

Article 38

h. Reduce disparity in the income and earnings of individuals, including persons in the various classes of the service of Pakistan;

Constitutional bodies

Constitutional bodies are those which the constitution mentions:

- Cabinet
- NEC
- CCI
- NFC
- Fed. Public Service commission
- Courts
- Election Commission

Constitutional bodies

Cabinet (Art. 91)

- The National Assembly meets on the 21st day after elections
- And after the election of speakers and deputy speakers, NA will elect prime minister

Constitutional bodies

Cabinet (Art. 91)

- There shall be a Cabinet of Ministers, with the Prime Minister at its head, to aid and advise the President in the exercise of his functions.

Constitutional bodies

National Economic Council

- Under Article 156 the President shall constitute a National Economic Council which shall consist of:
- Prime Minister (Chairman)

Constitutional bodies

National Economic Council

- Chief Ministers and one member from each Province nominated by CM and
- Four members nominated by PM from time to time

Constitutional bodies

Functions of NEC

- Is mandated to review the overall economic condition of the country

Constitutional bodies

Functions of NEC

- Advise the Federal and Provincial Governments in formulating plans to execute financial, commercial, social and economic policies.

Constitutional bodies

Functions of NEC

- Ensure balanced developed and regional equity guided by Principles of Policy
- Submits its report to Parliament
- The federal budget is prepared in the directions of NEC

Constitutional bodies

Functions of NEC

- Meets twice a year
- Before the budget and mid of fiscal year

Constitutional bodies

Council of Common Interest (Art. 153)

- First created in the Constitution 1973
- Most important institution

Constitutional bodies

Council of Common Interest (Art. 153)

Appointed by the President

- PM (Chairman)
- CMs (all provinces)
- 3 members from Federal Govt.
nominated by PM
from time to time

Constitutional bodies

- The CCI is the most significant forum of inter-governmental coordination
- A forum of inter-provincial dispute resolution
- It responsible to Parliament-directions

Constitutional bodies

- It regulates policies to matters in FLL-II
- Has responsibility of supervision and control over related institution

Constitutional bodies

Executive Committee of National Economic Council (ECNEC)

- ECNEC is not a constitutional body
- It is the executive agency for implementation of the policies decided by NEC

Constitutional bodies

ECNEC

- It is the highest level where Individual projects are approved.
- The composition of ECNEC along with their respective members and functions are:

Constitutional bodies

ECNEC

- Minister, Finance (Chairman)
- Ministers of the concerned Ministries and provincial governors /chief ministers are all the members of ECNEC

Constitutional bodies

ECNEC (functions)

- Development Schemes costing more than Rs. 500 million and above are submitted to ECNEC for its consideration/approval

Constitutional bodies

ECNEC (functions)

- To supervise the implementation of the economic policies laid down by the Cabinet and the National Economic Council.

Constitutional bodies

- To allow moderate changes in the plan and sectoral re-adjustments within the over-all plan allocation.

Constitutional bodies

ECNEC (functions)

- Reports asked for by the Committee in pursuance of its earlier decisions.

Constitutional bodies

ECNEC (functions)

- Any other matter referred to the Committee by the Prime Minister, the National Economic Council, the CCI or the Cabinet or raised by a member in the committee with the permission of the Chairman

Constitutional bodies

ECNEC (functions)

- To consider and approve yearly target of foreign aid, expansion of trade, export of manpower as well as to review the progress of the yearly targets.

Constitutional bodies

ECNEC (functions)

- Meeting of ECNEC is held as and when required
- Planning Division provides secretarial services to the ECNEC.

Separation of power

Presidential form

- Separation of powers is more associated with the presidential system of government.
- Each branch is elected or selected independently of the other branches (e.g., USA)

Separation of power

- In separation of powers, it is not the national legislature which selects the executive.
- The executive branch includes the office of the president and his cabinet, who are not legislators

Separation of power

- The legislative branch comprise of House of Representatives (lower house) and Senate (upper house)
- Together these are Congress

Separation of power

- Each branch of government has unique powers and is also able to influence the actions of another branch.
- The executive branch has the power of veto over the legislative branch.

Separation of power

- In a presidential system the leader of the executive branch is head of state and head of government.

Separation of power

Parliamentary form

- There is fusion of power in parliamentary system
- The elected legislature is supreme
- Other branches are subservient

Separation of power

- UK has parliamentary form of government
- when the term of the legislature ends the tenure of the executive selected by that legislature also ends;

Separation of power

- The prime minister, a member of the legislature, heads the government, while the role of head of state is assumed by president or monarch as in UK

Separation of power

Pakistan context

- Pakistan an executive dominated state
- The trend linked to Mughal and British rule in sub-continent
- The three powers were combined in one person- no Constitution

Separation of power

- Government of India Act 1858 and then
- The Government of India Council Act 1861
- The Minto-Morley Reforms of 1909,
- The Government of India Act 1919 and
- Finally the Government of India Act 1935.

Separation of power

- Governor General (Viceroy) enjoyed final political authority and the widest discretionary powers

Separation of power

- Pakistan emerged as parliamentary form
- Governor General and then president enjoyed substantial powers
- He could make all important appointments
- Successive martial laws, secession of eastern wing

Characteristics of Parliamentary Govt.

- Fusion of power:
Members of the legislature are also Members of the Executive (Cabinet).
- The prime minister choose ministers for cabinet among legislature

Characteristics of Parliamentary Govt.

- The cabinet ministers are responsible and answerable to parliament.
- As member of legislature, they are responsible for making law in the country

Characteristics of Parliamentary Govt.

- as member of executive they are responsible for enforcing law, implementing policy and also providing services to the people.

Characteristics of Parliamentary Govt.

Dual executive system

- The head of State and head of Govt. The HoS is President, King/Queen.
- Head of State is nominal executive.

Characteristics of Parliamentary Govt.

- President's role is nominal and customary as he does not exercise real power to govern the country. The head of Govt. is the real executive who exercises real power.

Characteristics of Parliamentary Govt.

Dominant party system:

The party who wins majority seats in the parliament during general elections forms the Govt.

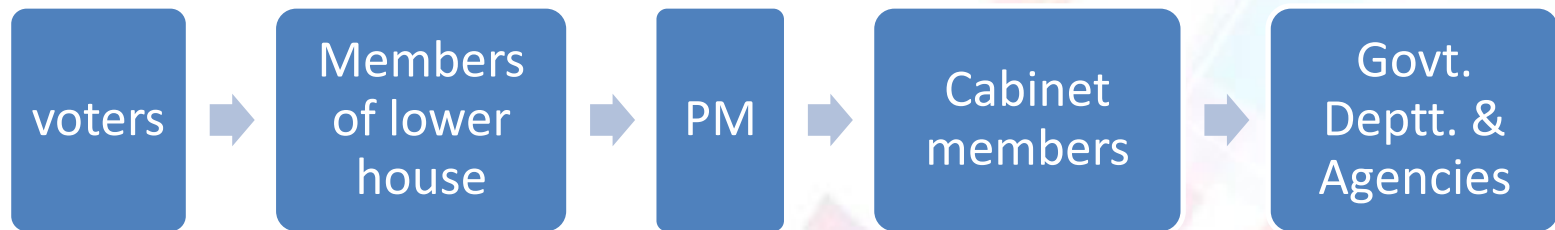
Characteristics of Parliamentary Govt.

- The voters elect the members of legislature to represent them in parliament. The leader of the winning party chooses own cabinet members, who were elected.

Characteristics of Parliamentary Govt.

- The CE is not elected directly elected
- People only vote for legislators and then legislators elect chief executive from among themselves.

Characteristics of Parliamentary Govt.



Characteristics of Parliamentary Govt.

Pros and Cons

- Has slowly devolved power from monarch to viceroy, parliament
- The prime minister can be replaced without election
- Have been able to support federal structures

Characteristics of Parliamentary Govt.

- Poor separation of powers
- Poor checks and balances
- Could become autocratic

The Election Process

Election commission of Pakistan

- ECP is a Constitutional body
- Under Article 218 of the Constitution of the Islamic Republic of Pakistan, responsible for holding free and fair elections in the country.

The Election Process

Election commission of Pakistan (ECP)

- President of Pakistan appoints the Chief Election Commissioner and four members of ECP. The Prime Minister & Leader of the

The Election Process

ECP

- Opposition in the National Assembly recommend 3 names for appointment of CEC & for each Member, to a parliamentary committee for hearing and confirmation of any one person against each post.

The Election Process

ECP

- The Commission transacts its business by holding meetings. All members of the EC have equal status and say in the decisions of the Commission.

The Election Process

- Is responsible for holding free and fair election
- Prepare electoral rolls for election to NA and provincial and to revise the rolls

The Election Process

- Organize elections for Senate or any seat fall vacant or bye-election
- Appoint election tribunals

The Election Process

Organization structure of ECP

- Leadership of the ECP rests with the Chief Election Commissioner, the Secretary Election Commission manages the human and material resources,

The Election Process

Organization structure of ECP

- formulates policies and applies them in order to create conditions where the ECP is able to effectively perform its functions.

The Election Process

Organization structure of ECP

- Secretary has the support of various Joint Secretaries. In the hierarchical set-up, the Joint Secretaries are assisted by a number of Deputy Secretaries and Section Officers.

The Election Process

Organization structure of ECP

- ECP has more than 1800 staff members across the country.

The Election Process

ECP and other organization

- The National Database and Registration Authority, Pakistan (NADRA), is an independent and autonomous agency under Ministry of Interior, Govt. of Pakistan

The Election Process

ECP and other organization

- that regulates government databases and statistically manages the sensitive registration database of all the national citizens of Pakistan.

The Election Process

ECP and other organization

- responsible for issuing the computerized national identity cards, maintaining their sensitive information, and securing national identities of the citizens of Pakistan from being stolen.

The Election Process

Delimitation

- The exercise of fixing the territorial limits of constituencies is called Delimitation
- It is governed by the Delimitation of Constituencies Act, 1974

The Election Process

- Section 10-A of the Delimitation of Constituencies Act, 1974 empowers the ECP to make amendments, alterations or modifications in the final list of constituencies “as it thinks necessary”

The Election Process

Delimitation

- Delimitation of constituencies is a vital component defining representativeness of and, to a certain extent, how fair elections will be.

The Election Process

Delimitation

- ECP is responsible for fixing the territorial limits of each of the 272 National and 577 Provincial Assemblies constituencies of the four provinces.

The Election Process

Delimitation

- population census becomes available or
- if and when the number of seats allocated to each province is changed.

The Election Process

Delimitation

- Also, paragraph 21 of General Comment 25 (which is the authoritative interpretation of the ICCPR) states that the vote of one elector should be equal to the vote of another;

The Election Process

Delimitation

- the drawing of electoral boundaries and the method of allocating votes should not distort the distribution of voters or discriminate against any group and

The Election Process

Delimitation

- However, provincial legislation on delimitation of electoral units for local government elections is part of the Local Government laws, together with other aspects of the electoral processes.

The Election Process

Law of Delimitation

- All the constituencies for general seats shall, as far as practicable, be delimited having regard to the distribution of population geographically and keeping in view:

The Election Process

Law of Delimitation

- compact areas, existing boundaries of administrative units, facilities of communication and public convenience

The Election Process

Law of Delimitation

- and other cognate factors to ensure homogeneity in the creation of constituencies .

The Election Process

Voters

- Article 51 (2)
- A person, who is a citizen of Pakistan,
- Not less than 18 years of age on the first day of January of the year in which the rolls are prepared or revised

The Election Process

Voters

- Name appears on the electoral rolls
- is not declared by a competent court to be of unsound mind and is or is deemed to be a resident of an electoral area,

The Election Process

Voters

- can get himself enrolled as a voter in that electoral area. Only citizens registered on the Electoral Rolls are eligible to cast their votes.

The Election Process

Voters List

- Transparent voter list is a dream
- A lot of manipulation
- Computerized Electoral Rolls project in 2007
- International assistance
- NADRA not involved

The Election Process

- ECP went for door-to-door enumeration in 2006 instead of using NADRA database
- Computerised National Identity Card (CNIC) to be used. Old cards would also be used

The Election Process

- Data entry done
- Voters list announced
- Number of voters declined
- Drop in number due to lack of CNIC
- According to electoral rules 1974, the list to be updated every year

The Election Process

- A fresh look in 2009
- NADRA engaged, to authenticate and remove bogus list

The Election Process

Qualifications for membership of Majlis- e-Shoora (Parliament) : Article 62

- A person shall not be qualified to be elected or chosen as a member of Majlis-e-Shoora unless-
 - a. He is a citizen of Pakistan

The Election Process

Article 62

- b. He is, in the case of the National Assembly, not less than 25 years of age and enrolled as a voter in any electoral roll in--

The Election Process

Article 62

- Any part of Pakistan, for election to a general seat or a seat reserved for non-Muslims; and

The Election Process

Article 62

- Any area in a Province from which he/she seeks membership for election to a seat for women

The Election Process

Article 62

- c. He/she is in the case of Senate, not less than thirty years of age and is enrolled as a voter in any area in a Province or,

The Election Process

Article 62

- d. Is of good character and is not commonly known as one who violates Islamic Injunctions;

The Election Process

Article 62

- e. He has adequate knowledge of Islamic teachings and practices obligatory duties prescribed by Islam as well as abstains from major sins;

The Election Process

Article 62

- f. He is sagacious, righteous, non-profligate, honest and ameen, there being no declaration to the contrary by a Court of law;

The Election Process

Article 62

- g. He has not, after the establishment of Pakistan, worked against the integrity of the country or opposed the ideology of Pakistan

The Election Process

Article 62

- The disqualification specified in paragraphs (d) and (e) shall not apply to a person who is a non-Muslim; but such a person shall have good moral reputation.

The Election Process

Disqualifications for membership of Majlis-e-Shoora (Parliament): Article 63

- A person shall be disqualified from being elected or chosen as, and from being, a member of the Majlis-e-Shoora (Parliament), if--

The Election Process

Article 63

- a. He is of unsound mind and has been so declared by a competent court; or

The Election Process

Article 63

- b. He is unable to pay debt; or He ceases to be a citizen of Pakistan, or acquires the citizenship of a foreign State; or

The Election Process

Article 63

- d. He holds an office of profit in the service of Pakistan other than an office declared by law not to disqualify its holder; or

The Election Process

Article 63

- e. He is in the service of any statutory body or any body which is owned or controlled by the

The Election Process

Article 63

- e. Government or in which the Government has a controlling share or interest;
or

The Election Process

Article 63

- f. Being a citizen of Pakistan by virtue of Section 14-B of the Pakistan Citizenship Act, 1951 (II of 1951),

The Election Process

Article 63

- f. he is for the time being disqualified under any law in force in AJ&K from being elected as a member of the Legislative Assembly of AJ&K; or

The Election Process

Article 63

- g. He has been convicted by a Court of competent jurisdiction for propagating any opinion,

The Election Process

Article 63

- g. Or acting in any manner, prejudicial to the ideology of Pakistan, or the sovereignty, integrity or security of Pakistan,

The Election Process

Article 63

- g. or the integrity or the independence of the judiciary of Pakistan, or which defames or brings into ridicule

The Election Process

Article 63

- g. The judiciary or the armed forces of Pakistan, unless a period of five years has elapsed since his release; or

The Election Process

Article 63

- h. He has been. On conviction for any offence involving moral turpitude, sentenced to imprisonment

The Election Process

Article 63

- k. he has been in the service of Pakistan or of any statutory body or any body which is owned or controlled by the Govt. or

The Election Process

Article 63

- k. in which the Govt. has a controlling share or interest, unless a period of two years has elapsed since he ceased to be in such service; or

The Election Process

Article 63

- I. he, whether by himself or by any person or body of persons in trust for him or for his benefit or on his account or

The Election Process

Article 63

- I. as a member of a Hindu undivided family, has any share or interest in a contract,

The Election Process

Article 63

- I. not being a contract between a cooperative society and Govt., for the supply of goods to, or for the execution

The Election Process

Article 63

- I. of any contract or for the performance of any service undertaken by, Govt.

The Election Process

Article 63-A

- (1) If a member of a Parliamentary Party composed of a single political party in a House--

The Election Process

Article 63-A

- a. resigns from membership of his political party or joins another Parliamentary Party; or

The Election Process

Article 63-A

- b. votes or abstains from voting in the House contrary to any direction issued by the Parliamentary Party to which he belongs, in relation to--

The Election Process

Article 63-A

- election of the PM or the CM; or
- a vote of confidence or a vote of no-confidence; or
- a Money Bill or a Constitution (Amendment) Bill;

The Election Process

Scrutiny of record of candidate

- As soon as paper are submitted, these are scrutinized by ECP
- Articles 62, 63 and 63 (A)
- Data from State Bank of Pakistan, FBR, NADRA

The Election Process

- The scrutiny to be completed in 14 days

The Election Process

Electronic voting

- Electronic voting (also known as e-voting) is voting using electronic system to aid casting and counting votes.

The Election Process

Electronic voting

- Electronic voting technology can include punch cards, optical scan voting systems and specialized voting kiosks (including self-contained direct recording e-voting systems,

The Election Process

Electronic voting

- or DRE). It can also involve transmission of ballots and votes via telephones, private computer networks, or the internet.

The Election Process

Electronic voting

- In general, two main types of e-Voting can be identified: (1) e-voting which is physically supervised by representatives of governmental or

The Election Process

Electronic voting

- independent electoral authorities (e.g. electronic voting machines located at polling stations); (2) remote e-Voting where voting is performed within the voter's sole influence,

The Election Process

Electronic voting

- and is not physically supervised by representatives of governmental authorities (e.g. voting from one's personal computer, mobile phone, television via the internet (also called i-voting).

The Election Process

Casting vote

- It is individuals' responsibility
- Should not be influenced
- Use ones ID card

The Election Process

Vote counting

- There exist various methods through which the ballots cast at an election may be counted, prior to applying a voting system to obtain one or more winners.

The Election Process

Vote counting

- Manual counting
- Electromechanical and optical scan counting
- Direct-recording voting (mechanical counting)
- Direct recording electronic counting

The Election Process

The end product lack of trust

- Election results remain controversial
- Why?

The Election Process

Casting vote



The Election Process

پولنگ کا عمل

1



آپ پولنگ اسٹیشن کے باہر قطار بنا کر اس میں باری باری داخل ہوں گے۔

2



پولنگ آفیسر اصل شناختی کارڈ چیک کر کے انتخابی فہرست سے آپ کا نام اور سلسلہ نمبر بلند آواز میں

پکارے گا گی۔ پھر آپ کے انگوٹھے کے جوڑ پر امنٹ سیاہی کا نشان لگا کر آپ کا نام انتخابی فہرست سے کاٹ دے گا گی۔

3



پہلا اسٹنٹ پریزائنڈنگ آفیسر قومی اسمبلی کے سبز بیلٹ پیپر کے کاؤنٹر فوئل کو پر کرنے کے بعد اس پر آپ کے انگوٹھے کا نشان لگوائے گا گی۔ پھر بیلٹ پیپر کی پشت پر سرکاری مہر اور اپنے دستخط ثبت کرے گا گی اور اسے آپ کے حوالے کر کے آپ کو ووٹ

4



دوسرا اسٹنٹ پریزائنڈنگ آفیسر صوبائی اسمبلی کے سفید بیلٹ پیپر کے کاؤنٹر فوئل کو پر کرنے کے بعد اس پر آپ کے انگوٹھے کا نشان لگوائے گا گی۔ پھر بیلٹ پیپر کی پشت پر سرکاری مہر اور اپنے دستخط ثبت کرے گا گی اور بیلٹ پیپر اور 9 خانوں والی مہر آپ کے حوالے کر کے آپ کی رہنمائی کرے گا گی۔

5



Legislative Process I

Legislator's duty

- Assess a Bill in the Public Interest
- Participate in Committees:
- Utilize Research Support
- Consistently Invite Public Input

Legislative Process I

- When the National Assembly is summoned, the Secretary issues a notification published in Gazette, stating the starting date, time and place.
- It is sent to each Member.

Legislative Process I

- Every year the government provides calendar of session to speaker
- The President may call the session of parliament whenever on dates other than given in calendar

Legislative Process I

Types of business

- Government Bills:
Introduced by a minister
and passed by simple majority
- Private Bills: include bills, resolutions, amendments and other motions introduced or initiated by private Members.

Legislative Process I



Legislative Process I

- Constitution
Amendment Bill:
requires two-thirds
majority of both
Houses to pass it and
also that of other
Houses (in some
cases). It can
originate in either
House.

Legislative Process I

- Money Bill: A government bill dealing with matters of revenues and expenditures, and it originates in the National Assembly. It is sent to the Senate within seven days.

Legislative Process I

From a Bill to Act (13 steps)

1. Introducing a Bill: 3 copies, objectives, and reasons. A 10-day written notice to the secretary to move a bill.

Legislative Process I

2. Order of The Day:
The private members' bill is moved on Tuesday and in the Orders of the day day. Copies circulated to all Members.
3. Bills Repugnant to Islam: Such a bill is referred to Council of Islamic Ideology for advice.

Legislative Process I

4. 1st Reading -
Discussion on
Principles of Bill:
5. Motion of
Consideration: by
Member in Charge.

Legislative Process I

6. Reference to Committees: All bills except Money Bill stand referred to the concerned Standing Committee or Select Committee for recommendations.

Legislative Process I

7. Committee's

Recommendation:

May suggest minor changes in the bill, accept it as it or major amendments

8. 2nd Reading

Amendments: 1 day notice to amendment, from the day a bill is considered

Legislative Process I

9. 3rd Reading –
Debate

10. Vote: After debate,
the Speaker puts the
motion for the
decision of the
House.

Legislative Process I

11. Transmission of Bills to Senate:

Once a bill (other than Money Bill) is passed by the House in which it originated, it is sent to the other House.

Legislative Process I

12. Authentication and Submission of Bills for Assent: When a bill is passed by the National Assembly, without amendment, an authenticated copy signed by Speaker is transmitted to the President.

Legislative Process I

13. Promulgation: When the President assents a bill, the secretary immediately ensure its publication in the Gazette, declared as an Act of Majlis-e-Shoora

Legislative Process I

Types of Committee

- Standing Committees in the National Assembly equal the number of Ministries.
- The Public Accounts Committee

Legislative Process I

Types of Committee

- Functional
Committees are those that deal with the business of the House (Finance, house and library, rules etc.)

Legislative Process I

- Select Committees created on a motion passed by the Assembly to review new and amend existing legislative proposals.

Legislative Process I

- A Mediation Committee: when a bill is rejected or not passed within 90 days by the second House of the Parliament

Legislative Process I

- Committees' membership: elected by respective house from both opposition and ruling party. Minister is ex-officio member and remains accountable to committee

Legislative Process I

- Chair is elected from amongst the members. Minister-in-charge not chair.
- There is Council of Committee Chairs convened by Speakers
- Term of Committee
- Sitzings of committees

Legislative Process I

Effectiveness

- Assist in functioning of parliament
- Committees, are “mini legislatures”, can be empowered for an effective and strong Parliament.
- Can supervise ministries and divisions

Legislative Process I

- Parliamentarian generally do not understand the working and importance of committee

Legislative Process II

How many times Parliament meets?

- There shall be at least three sessions of the National Assembly every year, and not less than 120 days between two sessions

Legislative Process II

How many times it should meet?

- Provided that the National Assembly shall meet for not less than one hundred and thirty working days in each year.

Legislative Process II

What should parliament discuss?

- “Parliament is the best platform in democracy and current political situation should be discussed in Parliament.

Legislative Process II

What should parliament discuss?

- No discussion shall take place in Parliament with respect to the conduct of any Judge of the Supreme Court or of a High Court in the discharge of his duties.

Legislative Process II

What should parliament discuss?

- The states main responsibilities in light of national purpose and interest
- Current security situation
- Security of life, honor, property of people

Legislative Process II

What should parliament discuss?

- Social and economic well-being
- Agriculture, climate change

Legislative Process II

How much debate on bill/Act etc.?

- Should adhere to the 13 steps
- Depends on the magnitude of challenge that confronts the country
- Address the root cause of challenge

Legislative Process II

How much debate on bill/Act etc.?

- This could require more time than the historical longest session
- Should debate thoroughly
- Supported by research

Legislative Process II

How much debate on bill/Act etc.?

- Institutional mechanism to provide support
- It would require preparation by legislators

Legislative Process II

Attendance of the leader of the house and members.

- A moral obligation
- From 2013-14 long absence of leader of house and leaders of main parties

Legislative Process II

- Seven days attendance of the leader of the house in first year (2013-2014)
- The leader of the house and leaders of major political parties attended the longest ever session of parliament (10 consecutive days) in 2014

Legislative Process II

Examples of other countries (Bangladesh)

- Bangladesh unicameral parliament
- Study of leadership characteristics of legislators

Legislative Process II

- The study examines relationship between personal traits of legislators and legislative performance

Legislative Process II

Bangladesh

Personal characteristics included:

1. legislative experience;
2. gender;
3. education;
4. dynastic background;
5. age;
6. criminal profile and
7. professional affiliation

Legislative Process II

Bangladesh

Performance in parliament was studied with the variables:

- a. attendance in the parliament;
- b. budget speech participation;
- c. attendance in standing committee meetings.

Legislative Process II

Bangladesh

- Findings:
- 54% were businessmen in 9th and 10th parliament
- 54% and 40% MPs in 9th and 10th parliament had legal charge (shows quality of electoral scrutiny)

Legislative Process II

Bangladesh

- Businessmen with corruption charges are in majority
- That the dominant political parties accommodate individuals with undesirable track records.

Legislative Process II

Bangladesh

On the side of legislative performance the findings were:

- Strong negative association between legislative experience and attendance

Legislative Process II

Bangladesh

On the side of legislative performance the findings were:

- businessmen and legislators with corruption charges on average have lower levels of attendance.

Legislative Process II

Bangladesh

- Educated legislators' legislative performance in terms of attendance was low
- Political parties do not influence parliamentarians attendance in standing committee meetings

Legislative Process II

Bangladesh

- The opposition parties' attendance and legislative participation is low
- Therefore, the political parties lack discipline in their rank and file leading to underperformance

Source: BRAC, The State of Governance in Bangladesh Report 2013”

How Ministers are appointed?

- Subject to clauses [(9) and (10)] of Article 91, the President shall appoint Federal Ministers and Ministers of State from amongst the members of Parliament on the advice of the PM:

How Ministers are appointed?

- Provided that the number of Federal Ministers and Ministers of State who are members of the Senate shall not at any time exceed one-fourth of the number of Federal Ministers.

How Ministers are appointed?

- Provided further that the total strength of the Cabinet, including Ministers of State, shall not exceed eleven percent of the total membership of Parliament

How Ministers are appointed?

- Provided also that the aforesaid amendment shall be effective from the next general election held after the commencement of the Constitution Eighteenth Amendment) Act, 2010.

How Ministers are appointed?

(2) Before entering upon office, a Federal Minister or Minister of State shall make before the President oath in the form set out in the Third Schedule.

How Ministers are appointed?

Examples of other countries (Canada)

- Ministers (normally also members of Cabinet) are appointed by the Governor General of Canada, on the recommendation of the prime minister.

How Ministers are appointed?

Examples of other countries (Canada)

- It is expected that ministers hold a Senate or House of Commons seat. For Senate seats, the person can be appointed by the Governor General on the advice of the prime minister.

How Ministers are appointed?

Examples of other countries (Canada)

- For a House of Commons seat, the member must be elected under the single-member plurality system in one of Canada's three hundred eight...

How Ministers are appointed?

Examples of other countries (Canada)

electoral districts during each general election, or a by-election in the case of a vacancy.

How Ministers are appointed?

Examples of other countries (India)

- The Prime Minister is elected by members of Lok sabha. The Ministers are appointed by the President on the advice of the Prime Minister.

How Ministers are appointed?

Examples of other countries (India)

- Further, the President's power of dismissing an individual Minister is a virtual power through the Prime Minister. In selecting the Prime Minister, too,

How Ministers are appointed?

Examples of other countries (India)

- the President must restrict to the leader of the party in majority in Lok Sabha, or, a person who is in a position to win the confidence of the majority in that House.

How Ministers are appointed?

Examples of other countries (India)

- For all practical purposes the real executive authority is vested in the Prime Minister and his/her Council of Ministers.

Reforms

Electoral process:

- Reliable inclusive electoral roll: establish an accessible and reliable mechanism for updating and maintaining the electoral roll, in order to provide for universal suffrage.

Reforms

Electoral process:

- Transparency in the process: ECP establish working transparency mechanisms and immediate publication of all polling station results

Reforms

Electoral process:

- Effective system for election dispute resolution: set meaningful time limits for the completion of cases.

Reforms

Electoral process:

- ECP and judiciary take all possible measures to establish a clear and efficient system for complaints and appeals redressal

Reforms

Electoral process:

- Participation of women voters: The ECP immediately provide full gender-disaggregated data, recruit and train female polling staff

Reforms

Electoral process:

- Respond to instances of women's non-participation including by declaring results void.

Reforms

Electoral process:

- Neutral state administration
- Transparency and right to information
- Out-of-country voting:
The ECP determine the benefits and cost of out-of-country voting procedures.

Reforms

Electoral process:

- Use of political violence, intimidation and compulsion to be reduced involve parties, and agree on code of conduct
- Conflict Resolution mechanism adopted

Reforms

Assembly debates:

- Increase actual working days of assembly
- PM's presence in the House & PM's Question Time
- Adherence to parliamentary calendar

Reforms

Assembly debates:

- Punctually and decorum
- Reforms to strengthen the role of committees
- Reforms in the budget process
- Office space for Members

Reforms

Assembly debates:

- Increase in question time
- Televise question hour
- Greater public access & transparency

Reforms

Assembly debates:

- Encourage & facilitate greater coordination between the assembly and think-tanks
- Capacity building and orientation courses for MNA's & staff

Reforms

How to make committees effective?

Ensuring adequate committee constitution and composition: Elect Committee Chairs through the votes of all committee members so that there is no discrimination based on party affiliations.

Reforms

How to make committees effective?

- Elect Committee Chairs who possess the relevant knowledge and skills to run their committees effectively.

Reforms

How to make committees effective?

- Avoid delays in constituting committees. They must be constituted during the first session held after the general elections.

Reforms

How to make committees effective?

- Organize committees based on the following good practices:

Reforms

How to make committees effective?

- careful attention to the induction process to have the range of skills, expertise, experience & intellect.

Reforms

How to make committees effective?

- Clearly, understand the roles and responsibilities of each committee member.
- Establish well-defined, challenging and reasonable tasks

Reforms

How to make committees effective?

- Inputs from committee members (For instance, inputs on the budgetary process)
- Encourage feedback from members on budget proposals that public money is spent on priority areas

Reforms

How to make committees effective?

- Build knowledge of committee members related to the budgetary process.

Reforms

How to make committees effective?

- Encourage input from committee members and allow them to express their views freely based on these good practices
- Think tank, media and civil society
- Circulate reports for comments

Reforms

How to make committees effective?

- Publish Annual Committee Report so that past experiences and lessons learnt can be examined.
- Develop team working
- Continuous training of legislators at Pakistan Institute of Parliament

Reforms

Examples or video

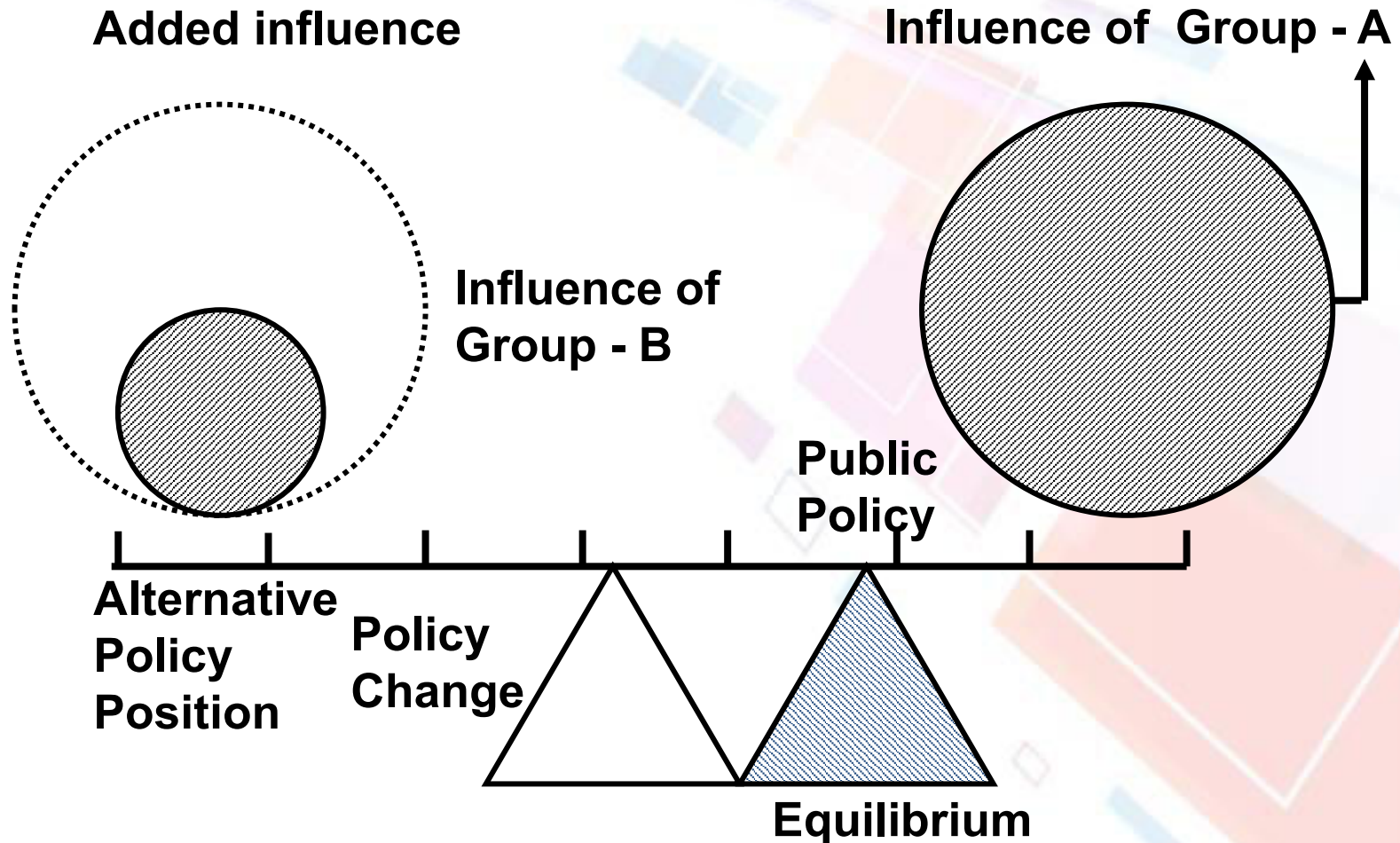


Groups influencing law making

Interest Groups

- Are groups who share common interest and collude or come together to protect their shared interests by influencing policy
- These could be economic, non-economic, political, religious or ideological

Groups influencing law making



Groups influencing law making

Interest Groups

Key Interest groups

1. Public sector:
Ministries,
autonomous bodies
2. Private sector:
APTMA, Pakistan
Automobiles, Spare
Parts and Dealers,
Farmers Associates,
Chambers of
Commerce

Groups influencing law making

3. International

Organizations: WB (\$12 bl. 2014), IMF ADB

4. Bilateral organization: , USAID, DFID, CIDA, EC

5. Non-governmental organization: Action Aid, CARE, Care Foundation

Groups influencing law making

- 6. Academic and Research:
Universities, Think-tank
- 7. Media and Citizens

Groups influencing law making

How Interest groups influence

1. Public sector influences policies that affect them. E.g., salary raise, promotion, performance measurement, etc.

Groups influencing law making

How Interest groups influence

- International organizations interact with public officials working in ministries in formal meeting
- Loans negotiations, structural adjustment programme, macro-economic reforms

Groups influencing law making

How Interest groups influence

Private sector

- Standing committees, task-forces and key decision-making organs
- Lobbying—
Individual firms/associations

Groups influencing law making

How Interest groups influence

Private sector

- - Consultations—
Round-tables,
breakfast
meetings,
workshops,
seminars
- Petitions & threats

Groups influencing law making

How Interest groups influence

- Media influences government formally and informally:
 - Discussion Forum
 - Out reach programme

Groups influencing law making

How Interest groups influence

- Media influences government formally and informally:
 - Special programme on government institutions, policies

Groups influencing law making



Groups influencing law making

Vested Interest

- 'Vested' means:
secured in the
possession of or
assigned to a person.
- Group/s parochial,
personal interests,
personal reasons to
exert influence

Groups influencing law making

Vested Interest

- Vested interest are latent intents of people working in the organizations or outside.
- They stop or hinder decision making
- Facilitate decision making if it aligns vested interest

Groups influencing law making

Vested Interest

- Example: Pakistan Olympic Association (2013)

Groups influencing law making

Lobbying

- Lobbying is the process of offering campaign contribution, bribes or information for the purpose of achieving favorable policy outcomes

Groups influencing law making

Lobbying

- Businesses contribute subtly to party of their ideological leaning
- Money is the instrument of manipulating political parties
- The composition of parliaments: agriculturists, businesses ..

Groups influencing law making

Example

- USA
- Pakistan: Social structure political executive relations
- Relations kinship, biradari, clan, tribe, culture matter in formal organization

Groups influencing law making



Groups influencing law making



Appointment to the Service of Pakistan

- Article 240 (a) of the Constitution: that matters of the Federation and All Pakistan Services will be governed by an Act of Parliament
- 240 (b) says, similarly the services of a Province and posts in the matters of province by an Act of Provincial Assembly

Appointment to the Service of Pakistan

- Therefore Civil Service Act 1973
- Civil Servants Rules 1973
- Khyber Pakhtunkhwa Civil Servants Act 1973
- Khyber Pakhtunkhwa Civil Servant Rules 1989

Appointment to the Service of Pakistan

- Punjab Civil Servants Act 1974,
- Punjab Civil Servants Appointment, and Condition of Service Rules, 1974
- Sindh Civil Servant Act 1974
- Sindh Civil Servants Rules 1974

Appointment to the Service of Pakistan

- Balochistan Civil Servants Act 1974
- Balochistan Civil Servants Rules 1974

Occupational groups

- Foreign Service of Pakistan,
- Pakistan Administrative Service,
- Secretariat Service,
- Police Service of Pakistan,
- Office Management Service,
- Postal Service,

Occupational groups

- Economists and Planners,
- Pakistan Audit and Accounts Service,
- Pakistan Custom Service,
- Pakistan Railway Service,
- Inland Revenue Service,

Occupational groups

- Military Land and Accounts,
- Commerce and Trade

Other

- Those not recruited through competitive examination are excadared

Occupational groups

Definition of civil servant

- Civil Servant in Section 2 (b)

Occupational groups

- A person who is a member of an All Pakistan Service or of a civil service of the Federation or who holds a civil post in connection with the affairs of the Federation including defence, but does not include.

Provincial Services

- Before independence
Islington Commission
(1912) proposed
- Lee Commission
1923, 20% locals
recruited from
provincial services
- Provincial services
were forest service,
medical service,
Engineer service
(irrigation)

Provincial Services

- Each province has its service, e.g.,
- Balochistan Civil Service (Executive) and Balochistan Secretariat Service.
- The former are inducted as DCOs and the latter in the Provincial Secretariat.

Provincial Services

- KP provincial service comprise:
- Khyber Pakhtunkhwa Civil Service (Executive), and
- Khyber Pakhtunkhwa Secretariat Service.

Human Resource Management Concept

- Employees are asset
- Effective organizations recognize employees have value
- They increase the value of organization
- They are source of sustainable competitive advantage

Human Resource Management Concept

- Source of employee value:
 - Technical knowledge
 - ability to learn and grow
 - decision making
 - motivation
 - commitment

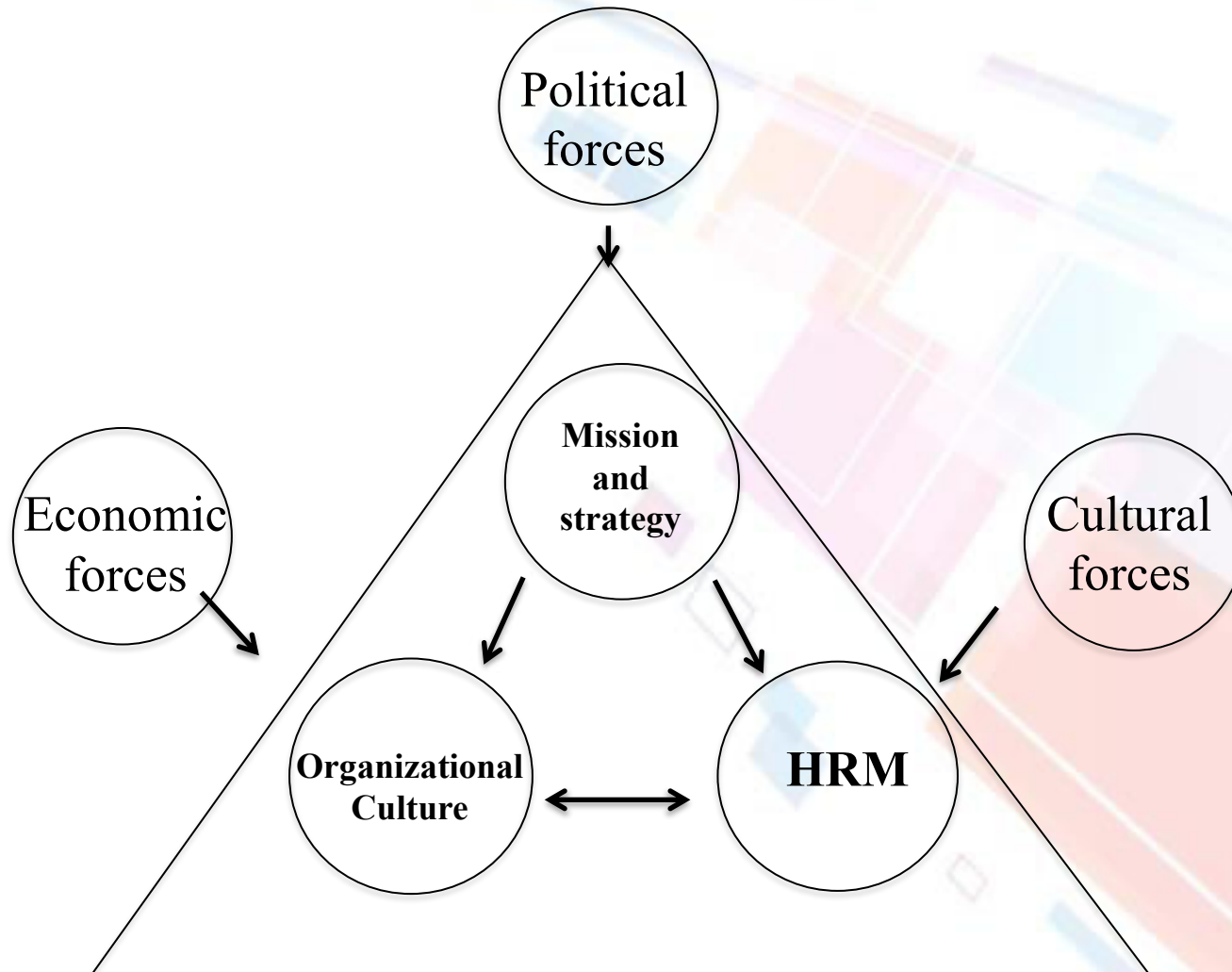
Human Resource Management Concept

- Source of employee value:
 - team work
(interpersonal skills and leadership ability)

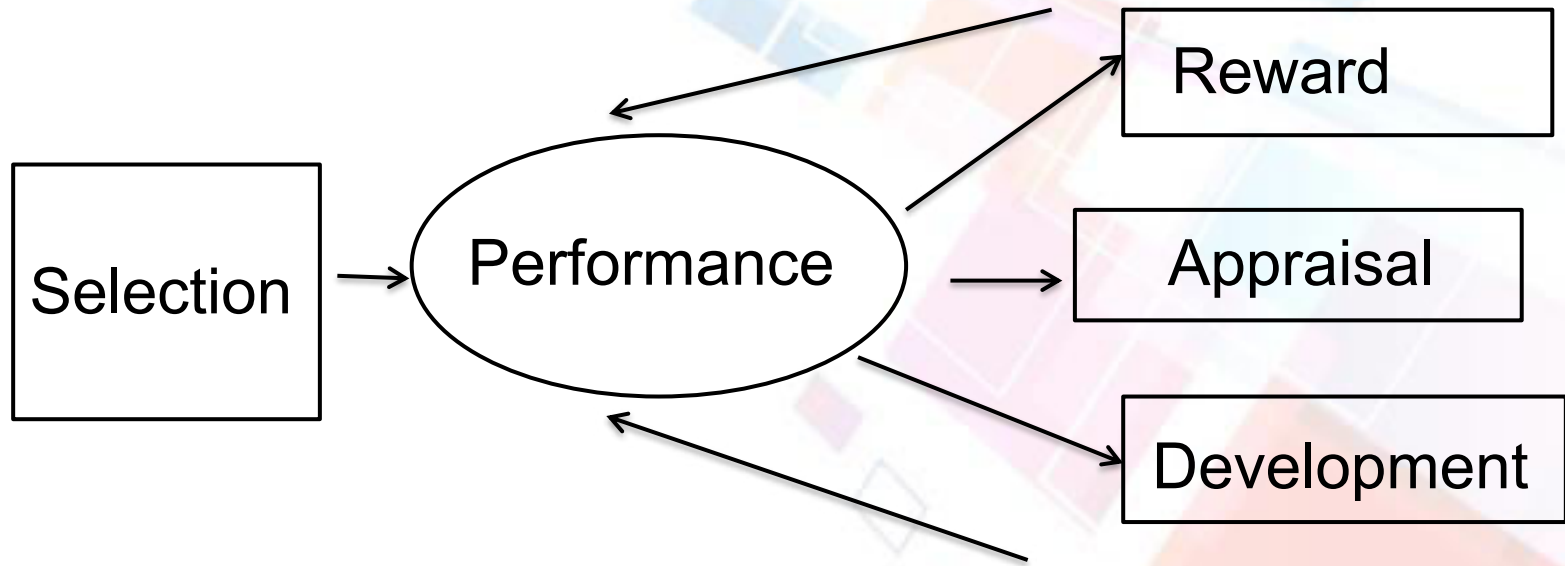
Human Resource Management Concept

- Failure to investment in HR leads:
 - Inefficiency
 - Loss of competitive advantage

Strategic Human Resource Model



Human Resource Model



Recruitment

- Recruitment to the federal services/posts is regulated by Civil Servants (Appointment, Promotion and Transfer) Rules, 1973; and
- Federal Public Service Commission (FPSC)(Functions) Rules, 1978

Recruitment

- These recruitments are done on regional/provincial quota
- FPSC recruits InBS-17 and above, all occupational groups
- For 10 federal government organizations BS 11 to 15

Recruitment

- Other than this Rule 4 states creation of Departmental selection Committees for recruitment in BS 1-16
- Direct induction of military officers
- National Testing Service

Recruitment

- Like wise under Provincial Civil Servant rules and Public Service Commission rules, employees are recruited
- Provincial Selection Committees

Recruitment

- Provincial Public Service Commissions recruit employees of autonomous semi autonomous bodies

Recruitment

- Provincial Public Service Commissions recruit employees of autonomous semi autonomous bodies
- All posts are advertised

Selection

- Of thousands of young men and women who apply for federal service posts through FPSC, a few hundred get selected
- Examination
- Interview
- Psychological testing
- Other than FPSC no examination

Selection

- The marks obtained by candidates in the written evaluation tests are added to the marks obtained in the viva voce tests/interview
- Combined marks determine the final order of merit of the candidates.

Selection

- The provincial public service commissions recruit BS 16 and above
- The Rules state that the qualification, age and regional quota must be adhered
- Departmental selection committees select BS-1 to 15

Training/Induction

Federal employees training

- Once candidates are finally selected, in BS 17 in different occupational groups.
- They undergo common training at Civil Service Academy (CSA), Lahore
- For 6 months

Training/Induction

Federal employees training

- The National School of Public Policy (NSPP) is umbrella organization for training of civil servants.

Training/Induction

Federal employees training

- Excluding CSA, which is autonomous, training of BS 17 to 20 is done at the various institutions of NSPP

Training/Induction

Federal employees training

- NSPP constituent units are 4 National Institute of Management for BS-18 officers mandatory training

Training/Induction

Federal employees training

- Integral units are National Management College: conducts National Management Course (for BS 20)

Training/Induction

Federal employees training

- And Senior Management Course (for BS-19 officers)
- Other integral units
National Institute of Public Policy,
Executive Development Institute

Training/Induction

Federal employees training

- After common training at CSA in Lahore, the candidates undergo specialized training in respective specialized training institute

Training/Induction

Federal employees training

- Example: Directorate of Training (Inland Revenue Service), Foreign Service Academy

Training/Induction

- Six months specialized training at DOT
- PAS specialized training 10 months
- Officers are under training for one year (military attachment)

Training/Induction

- Audit and Account Training Institute
- Pakistan Railway Academy (established in 125)
- Directorate of Training and Research (Custom)
- National Police Academy (specialized training to ASP and in-service training)

Performance Evaluation

Goal Setting

- Why have goals?
Goals are most effective in producing high levels of motivation and performance
- Enhance both intrinsic motivation and extrinsic motivation

Performance Evaluation

Characteristics

S – Specific

M – Measurable

A – Achievable

R – Result oriented

T – Time bound

Performance Evaluation

Specific, difficult goals affect motivation and performance by:

- giving attention to goal-specific activities

Performance Evaluation

- Creates higher levels of effort
- Engender action plans to achieve goals
- Inspire to persist in face of obstacles or difficulties

Performance Evaluation

However, condition when challenging goals will not results in motivation and performance:

- When employees lack the skills and abilities required to perform at a high level and,

Performance Evaluation

performance =
ability*motivation*support

- Goals to be specific, challenging, set by anyone
- Show confidence to juniors and give feedback
- Before assigning challenging task, make sure employee have gained mastery

Performance Evaluation



Key Performance Indicators

- An Indicator is an evidence about the achievement of planned impacts, results and activities
- A yardstick
- A comparable information
- Measurable and tangible signs

Key Performance Indicators

- Are essential part of monitoring and evaluation
- Indicators are either qualitative or quantitative criteria
- Quantitative indicators to be in number or percentage, ratio
- Data is required for this

Key Performance Indicators

- Qualitative indicators
 - qualitative statement
 - measure perception
 - measure attitude, behaviour

Key Performance Indicators

Development Goal:

Increase average rural households income by 25%

Indicators

- Increase in number of enrolled children from rural households
- Decrease in incidences of malnourishment

Key Performance Indicators

Project objectives:

increase in yield of small farmers using relevant crop production methods

Indicators:

- fertilize and fence their land.
- plant and harvest a more diverse range of high grade vegetables.
- sell meat, milk, and vegetables in the local markets

Steps Key Performance Indicators

Step 1

- Identify the situation that is to be improved: it could be economic, social or organizational

Steps Key Performance Indicators

Step 2

- Have a vision. How you would like to see
- What will tell you that things are according to vision
- Some signs

Steps Key Performance Indicators

Step 3

- Develop your process of how you want to achieve things:
- Participation

Steps Key Performance Indicators

Step 4

- Develop indicators for effectiveness
- Compare indicators with baseline
- This will show change
- This will give outcome and output

Steps Key Performance Indicators

Step 5

Develop indicators for efficiency targets

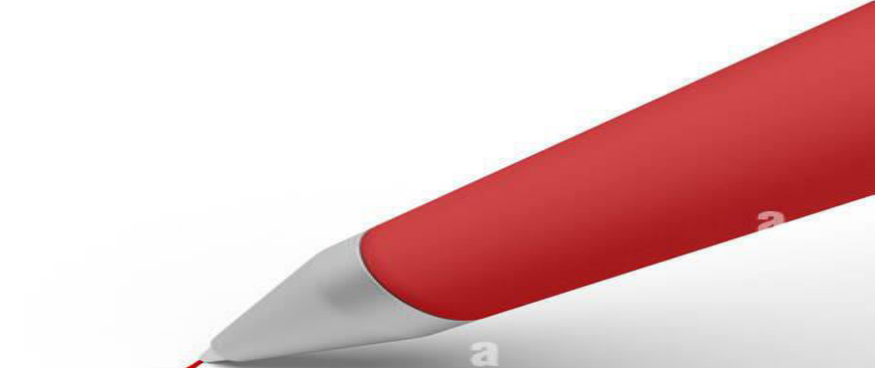
- Indicators of time management
- Resource utilization

With these steps you are in a position to monitor and evaluate efficiency

Feedback

- Feedback is a critical part of working with others.
- Giving and receiving feedback are core skills for those who work in teams.

Feedback



A red pen is shown in the upper right corner, with its tip touching the top-right corner of the first checkbox, which is marked with a red checkmark. The pen is angled downwards and to the left.

Excellent	☒
Very good	☐
Good	☐
Average	☐
Poor	☐

Feedback



Feedback

Giving Feedback:

- Timings
- Environment
- Clarity of the subject
- Focus on performance indicators
- Dialogue
- Encourage reflection
- Two or three key messages and summary

Feedback

Receiving Feedback

- Listen
- If necessary, request to repeat
- Take it as constructive
- Ask for clarification
- Stay positive
- Respect and thank

Employees Performance Appraisal

- Achilles Heel



Employees Performance Appraisal

- Why appraise employees?
- From organizational and employee perspective
- For former, the achievement of goals of organization.

Employees Performance Appraisal

- The latter for employees, it is:
- Compensation
- Promotion, transfer, dismissal
- Training
- Research (assess the validity of test)

Employees Performance Appraisal

Basic Performance Appraisal Process

Conduct a Job Analysis (e.g., specify tasks and KSAs)



Develop Performance Standards (e.g., define what is superior, acceptable, and poor job performance)



Develop or Choose a Performance Appraisal Approach

Employees Performance Appraisal

- Job Analysis: job description and specification
- Description: duties, responsibilities, most important contribution and outcomes qualifications and reporting relationships

Employees Performance Appraisal

- Job specification:
qualifications
knowledge, skills
required to perform a
job.

Employees Performance Appraisal

Method of Appraisal

- Self-evaluation
- 360-degree evaluation

Employees Performance Appraisal



Employees Performance Appraisal

Subjective appraisal method:

- Behavioral methods (use of critical incidents; examples of good and poor job behavior collected by job experts over time)

Employees Performance Appraisal

- Example given in the video therefore advised to listen video.

Performance Appraisal in Government

- Performance management is one of the weaker areas.
- <http://www.establishment.gov.pk/gop/index.php?>
- Forms for BS 19 and 20
- It is an annual exercise and PRs written in January

Employees Performance Appraisal

- The following link gives how PER should be written:
- <http://www.fab.gov.pk/images/pdf/PEGuide.pdf>

Employees Performance Appraisal

- Outstanding 10
- Very Good 08
- Good 07
- Average 05
- Below Average 01
- Poor 0

Employees Performance Appraisal

- No agreement between reporting and reported employee on goals/targets to be achieved
- Mainly subjective
- Though Job Descriptions are prepared, these are not updated nor consulted

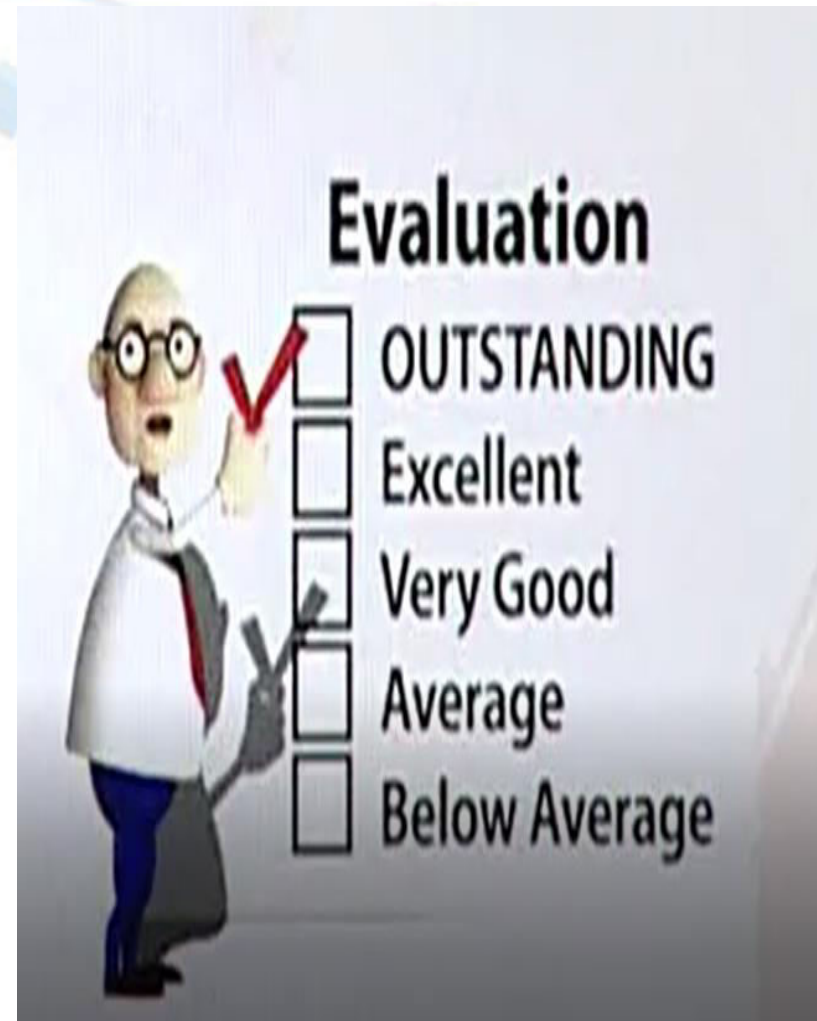
Employees Performance Appraisal

- Asks for knowledge but not attitude
- Asks for strengths and weakness
- There is no institutional mechanism to train reporting officers

Employees Performance Appraisal

- Relationship between boss and junior
- PER writing is an annual fruitless exercise because these are only used for promoting officers and not for performance management

Employees Performance Appraisal



Compensation theory

- Compensation comprise:
- Basic pay
- Incentives
- perquisites

Compensation theory

Exchange theory

- Pay is in lieu of efforts
- Tacit Social Contract
 - Beliefs about mutual obligations
- Temporal Quality
 - Amount of time in job and career

Compensation theory

Pay, benefits,
opportunities, etc.

$\frac{\text{OUTCOME}}{\text{INPUTS}}$

effort, ability,
experience etc.

the same
more or less

$\frac{\text{OUTCOME}}{\text{INPUTS}}$



A person assesses fairness by comparing
ratio with others.

Compensation theory

- Employees compare compensation
- If unequal they make effort to bring equity
- They may reduce effort
- Try to get raise
- Try and find new job or others psychological adjustments

Compensation theory

Internal equity

- Comparison of jobs
- Jobs worth to the employer
 - Similarities and differences in work content
 - Relative contribution to organization objectives

Compensation theory

Internal equity

- Accomplished through job evaluation

Compensation theory

External Equity

- Job value to labour market assessed through surveys

Individual Perspective

- Relative pay between individuals doing the same job effects motivation

Compensation theory

Organizational Perspective

- A pay system which is fair
- Fits its strategy
- Creates incentives
- Commitment
- Performance management system

Compensation (Government)

سرکاری ملازمین کی تنخواہوں میں اضافہ کا چارٹ				
زیادہ سے زیادہ اضافہ	زیادہ سے زیادہ تنخواہ	کم سے کم اضافہ	کم سے کم تنخواہ	گریڈ
930/-	9,300/-	480/-	4800/-	گریڈ 1
1000/-	10,000/-	490/-	4900/-	گریڈ 2
1105/-	11,050/-	505/-	5,050/-	گریڈ 3
1210/-	12,100/-	520/-	5,200/-	گریڈ 4
1320/-	13,200/-	540/-	5400/-	گریڈ 5
1430/-	14,300/-	560/-	5600/-	گریڈ 6
1540/-	15,400/-	580/-	5800/-	گریڈ 7
1650/-	16,500/-	600/-	6000/-	گریڈ 8
1760/-	17600/-	620/-	6200/-	گریڈ 9
1900/-	19,000/-	640/-	6400/-	گریڈ 10
2040/-	20400/-	660/-	6600/-	گریڈ 11
2200/-	22,000/-	700/-	7000/-	گریڈ 12
2400/-	24000/-	750/-	7500/-	گریڈ 13
2630/-	26300/-	800/-	8000/-	گریڈ 14
2950/-	29500/-	850/-	8500/-	گریڈ 15
3400/-	34,000/-	1000/-	10,000/-	گریڈ 16
4000/-	40,000/-	1600/-	16,000/-	گریڈ 17
5000/-	50,000/-	2000/-	20,000/-	گریڈ 18
6300/-	63,000/-	3100/-	31,000/-	گریڈ 19
6890/-	68900/-	3600/-	36000/-	گریڈ 20
7640/-	76,400	4000/-	40000/-	گریڈ 21
8570/-	85,700	4300/-	43000/-	گریڈ 22

یہ اضافہ 2011ء کے سکیل پر کیا گیا ہے۔ اس کے بعد سے سکیل ریج اڑتیس ہوئے جبکہ گریڈ 1 سے 15 تک ملازمین کو نئے بہت کے مطابق مینجنگ نیکل الاؤنس میں 10 فیصد اضافہ بھی ملے گا جو 1000/- روپے 1100/- روپے ہو گیا ہے۔

Promotion and Transfers

- Under the Civil Servants (Appointment and promotion and transfer) Rules 1973:

Promotion and Transfers

- Promotions and transfer to posts in basic scales 2 to 18 and equivalent shall be made on the recommendation of the appropriate Departmental Promotion Committee (DPC) and

Promotion and Transfers

- Promotions and transfer to posts in basic scales 19 to 22 equivalent shall be made on the recommendation of the Central Selection Boards (CSB)

Promotion and Transfers

- BS 17,18 and 19 are non selection posts
- From 17 to 18, Marks as per qualification of PERs are 50 and 5 years service
- For promotion to BS 19 marks are 60 and 12 years of experience

Promotion and Transfers

- BS 20 and above are selection posts,i.e., fitness is criteria. Marks required is 70 and 17 years of service.
- BS 21, 75 marks and 22 years of service
- In addition successful completion of mandatory courses

Promotion and Transfers

Transfers

- According to rules transfer should be based on relevant experience and knowledge
- Should not be posted out before 3 years
- For all Pakistan Service should serve in other provinces

Bureaucracy's Role

Policy Input

- composed of many Institution and departments

Bureaucracy's Role

Policy Input

- composed of many Institution and departments
- These are permanent structures
- And civil bureaucracy is the steel frame

Bureaucracy's Role

- Though these institutions and Civil Servants exert control and authority to achieve welfare
- In a democratic system it is the responsibility of legislators to give policy direction

Bureaucracy's Role

- Bureaucracy provides policy input
- As a permanent structure its role is significant in policy formulation
 - ❖ are important Advisors
 - ❖ prepare policy draft

Bureaucracy's Role

- Are knowledgeable data and information reserve
- Bureaucrats at BS 20 and above have more than 25 years of experience on the average
- astute and clever

Bureaucracy's Role

- Effective working relations bureaucrats with politicians are of over compliance
- Protecting their interest to stay in power
- those who advise in public Interest are shown the door

Bureaucracy's Role

- Though all the administrative and financial powers are with bureaucrats get week
- But despite that minuscule part serves and does thing right

Bureaucracy's Role

Implementation:

- Task of implementation remains attributed to the bureaucratic machinery which forms the lifeblood of Administration.
- BS 18 And below are responsible for operationalizing/ executing policies, programme, projects

Bureaucracy's Role

Example

- Board of Revenue: chairman Board of Revenue, senior member, member I and Member II
- Under senior member BOR is the Director land record and at tehsil is tehsildar, naib tehsildar, kanungo, gardawar, and patwari.

Bureaucracy's Role

- Patwari BS 5
- Gardawar BS 7
- Kanungo BS 11
- Naib Tehsildar BS 14
- Tehsildar BS 16
- Land Record
- Management Information System (LRMIS) responsible for computerizing land record.

Bureaucracy's Role

- Data entry of almost all districts completed.
- Getting land ownership documents is a difficult task.
- The computerization and revenue branch are not helpful

Bureaucracy's Role

- People have to pay bribe to get fard
- They are asked to go revenue department to get fard and from there to computer section

Bureaucracy's Role

- Service provision is victim to resistance to change and vested interest of lower level government functionary
- Take the example of police: junior ranks of police: SHO (BS16), sub inspector (BS 14), ASI (09), Constable (05)
- The junior officers in revenue and police come in direct contact with citizens.
- Show how much government interested.

Bureaucracy's Role

- Though all the administrative and financial powers are with bureaucrats get week
- But despite that minuscule part serves and does thing right

Reforms

- Government effectiveness is noticed from the aggregate non economic and economic indicators
- Human Development Index 146 out of 186
- 8 Millennium development goals 7 relate to quality of human life

Reforms

- Out of which 3
important Universal
primary education
eradicate poverty
reduce child
mortality

Reforms

- 58% literacy, 12.4% live below poverty line, and the target on child mortality. 52/1000 U5 death death. U5 89, infant mortality 74 (2012-13)

Reforms

- Figures are highlighted to critically appreciate governance and service provision
- More than 39 reports on reforms
- Written by retired Civil Servant, judges, generals and politicians

Reforms

- Improvement in pay structure, accountability, clarity of goals/objectives to be achieved, and training of human resources (Nairang, 1957).
- Improvement in organization and methods (O & M)

Reforms

- Hussain Report (1960) examined reconstitution of administrative division and district, decentralization, elimination of Unnecessary tiers
- 2015, policy-performance gap is widening

Reforms

- The structure is like Patwari, SHO, meter readers need to be redefined and powers replaced with technology
- But technology is not enough. change in behavior through incentive and disincentives

Reforms

- Recruitment merit based. existing rules revisited and political interference reduced. culture of Sifarish, patronage and clientelle monitored
- Performance appraisal weak area, which results in weak accountability

Reforms

- Compensation have improved
- Greed has also increased
- Corruption, conflict of interest, Collusion and inefficiency have increased
- Which needs to be checked through institutionalized accountability.

Mughal Justice System

- Legal system is constructed to resolve disputes both Civil and criminal in a society
- Create justice and fairness

Mughal Justice System

- It has behavior modification affect
- Create justice and fairness

Mughal Justice System

- The Mughal created an organized system of administration of Justice all over the country
- There existed courts at each level of the administrative division.

There was a system of panchayat (Council of Elders), which decided small disputes of civil and criminal nature.

Mughal Justice System

- Qazi-e-Parganah presided town level, courts
- At the district (Sarkar) and provincial (Subah) level, courts of Qazis existed.
- The highest court at the provincial level was Adalat Nazim-e-Subah.

Colonial Justice System

- The East India Company was authorized by the charter of 1623 decide the cases of its English employees.
- The complete therefore established its own courts. The Governor and Council of the company decided all cases of civil or criminal nature

Colonial Justice System

- The charter of 1661, allowed the Governor and Council to decide the cases of the company employees and those residing in the settlement
- The Governor and the Council applied the English laws
- As the character of the company changed from one of a trading to a territorial power, additional courts what is established

Colonial Justice System

- The administration of justice was initially confined to the presidency of Bombay, Calcutta and Madras
- Gradually, separate Courts for Presidency towns and mufussil Areas were constituted. main courts for the towns were Supreme Courts and recorders Courts.

Colonial Justice System

- The courts consisted of English judges who applied English laws
- Supreme Court of Calcutta was established under the regulating act 1773
- The core consisted of a chief justice and other judges, exercising both Civil and criminal jurisdiction

Colonial Justice System

- The high court act 1861 abolished the supreme courts as well as the the Sadar Adalats and in their place constituted the high court of judicature each Presidency term

Colonial Justice System

- This court consisted of a chief justice and such other members of judges, not exceeding 15.
- introduction of the Anglo Saxon law was gradual
- It codified Law and displaced many indigenous laws.

Post Independence-Judicial System

- Pakistan Penal Code originally prepared by Macaulay in 1860
- Majority of laws colonial
- Some Islamic laws introduced
- But court structure is colonial
- Cases take much long time

Colonial Justice System

- Population, especially rural affected, with court system
- Dysfunctional at the lower court level.
- Please see topic 22 (b)

Types of Offence

Offence,

- Defined in the code, any act or omission made punishable by law for the time being enforced. It also includes any act in respect of which complaint is made under sec 20 of Cattle Trespass Act 1871

Types of Offence

Bailable & nonbailable:

- A bailable offence is one, in which, bail is a matter of right, and non bailable offence is one, in which granting of bail is discretion of the court.

Types of Offence

Bailable offence:

- It may be either given by a police officer who is having the custody of Accused or by the court.
- Accused may be released on bail, on executing a bond, know as "bail bond", with or without furnishing sureties.

Types of Offence

Bailable offence:

- The "bail Bond" may contain certain terms and conditions:
 - The accused will not leave the territorial jurisdiction of the state without permission of court or police officer.

Types of Offence

Bailable offence:

- Accused shall give his presence before police officer every time, he is required to do so.

Types of Offence

Bailable offence:

- Accused will not tamper with any evidence whatsoever, considered by police in the investigation.

Types of Offence

Examples of Bailable offence:

1. Being a member of an unlawful Assembly (142)
2. Rioting, armed with deadly weapon (148)

Types of Offence

Examples of Bailable offence:

3. Public servant disobeying a direction of the law with intent to cause injury to any person (166).

Types of Offence

Examples of Bailable offence:

4. Wearing Garb or carrying token used by public servant with fraudulent intents (171).
5. Bribery in relation to elections (171 H).
6. False statement in connection with elections (171 G).

Types of Offence

Examples of Bailable offence:

7. Refusing oath when duly required to take oath by a public servant (178). Not arrest without warrant
8. Obstructing public Servant in discharge of his public functions (186).

Types of Offence

Examples of Bailable offence:

9. Giving or fabricating false evidence in a judicial proceeding (193).

Types of Offence

Examples of non-bailable offence:

1. A non-bailable offence is one in which the grant of Bail is not a matter of right. Here the accused will have to apply to the court, and it will be the discretion of the court to grant Bail or not.

Types of Offence

Examples of non-bailable offence:

- Promoting enmity between different groups (153 A)
- Inducing students to take part in political activity (153 B)

Types of Offence

Examples of non-bailable offence:

- Disobedience to lawful orders given by civil servants, and if the disobedience causes damage to other persons lawfully employed (188)

Types of Offence

Examples of non-bailable offence:

- Counterfeiting or performing any part of process of counterfeiting Pakistani coin (232)
- Public servant voluntary allowing prisoner of state or war to escape (128)

Types of Offence

Cognizable & non-cognizable:

- According to Pakistan Cr. P. C 1898 an offence in which a police officer, in accordance with the schedule II or under any law for the time being in force, arrest without warrant

Types of Offence

Cognizable & non-cognizable:

- Non-cognizable offence, an offence, where a police officer can arrest only with a warrant.

Types of Offence

Cognizable offence:

1. And such cases, after arrest has been made, the accused will be produced before a magistrate, and he may require the police officer to investigate the matter.

Types of Offence

Cognizable offence:

2. After investigation, if the case is made out, i.e. charge sheet filed goes against accused, the magistrate can order for arrest.

Types of Offence

Cognizable offence:

3. During the pendency of trial, bail application can be moved before the concerned magistrate.
4. Such offences are both bailable, and non-bailable.

Types of Offence

Examples of Cognizable offence:

1. Offences of waging or attempting to wage war, or abetting the waging of war against Pakistan (Sec. 121), not bailable

Types of Offence

Examples of Cognizable offence:

2. Wearing the dress or carrying any token used by a soldier, sailor or airman with intent that it may be believed that he is such a soldier, sailor or airman (141),
bailable.

Types of Offence

Examples of Cognizable offence:

3. Rioting armed with deadly weapon (148).
4. Hiring, engaging or employing person to take part in an unlawful assembly or taking part in self (150).

Types of Offence

Examples of Cognizable offence:

5. Public servant taking gratification other than legal remuneration in respect of an official act (161), bailable.

Types of Offence

Non-cognizable offence:

- Non cognizable offences are those, where a police officer cannot arrest without a warrant.

Types of Offence

Non-cognizable offence:

- In such offences for arrest, all the steps have to be followed like
 - Filing of complaint/F.I.R.
 - Investigation
 - Charge sheet,

Types of Offence

Non-cognizable offence:

- Charge sheet to be filed in court
- Trial
- Final order of arrest if case has been made out.

Types of Offence

Examples of non-cognizable offence:

1. Owner or occupier of land not giving information of riot etc.
2. A public servant disobeying a direction of the law with intent to cause injury to any person (166), bailable.

Types of Offence

Examples of non-cognizable offence:

3. A public servant unlawfully engaging in trade (168),
Bailable.
4. Bribery during election (171 H).
5. Making any false statement in connection with an election (171 G,).

Types of Offence

Examples of non-cognizable offence:

6. Absconding to avoid service of summons or other proceeding from a public servant, like where summons or notice require attendance in person etc, in a court of justice (172),
Bailable.

Types of Offence

Compoundable offence:

- Compoundable offences are those offences where, the complainant (the victim), enters into a compromise, and agrees to drop charges against the accused.

Types of Offence

Compoundable offence:

- Application for compounding the offence shall be made before the same court before which the trial is proceeding, as if, the accused has been acquitted of the charges.

Types of Offence

Compoundable offence:

- Section 345 code of criminal procedure states compoundable offences

Types of Offence

Examples of Compoundable offence:

1. Uttering words etc, with deliberate intent to wound the religious feelings of any person causing hurt. Sec. 296 of PPC

Types of Offence

Examples of Compoundable offence:

2. Criminal or house trespass. Sec 447 & 448
3. Criminal breach of contract of service. Sec. 490, 491 & 492

Types of Offence

Examples of Compoundable offence (where permission of Court is required):

- Qatl-i-amd Sec 302, compounded by heirs of victim
- Hurt by rash or negligent driving Sec 337 G, the person to whom caused

Types of Offence

Examples of Compoundable offence (where permission of Court is required):

- Wrongfully confining a person for three days or more. Sec. 346 of PPC, compounded by person confined

Types of Offence

Examples of Compoundable offence (where permission of Court is required):

- Dishonest misappropriation of property. Sec. 403 of PPC, compounded by whose property was misappropriated

Types of Offence

Non-compoundable offence:

- Some offences, which cannot be compounded. These can only be quashed.
- Because the nature of offence is grave and criminal cannot go free
- State is involved

Types of Offence

Non-compoundable offence:

- All those offences, which are not mentioned in the list under section (345) of CrPC, are non-compoundable offences.

Types of Offence

Example

- Public servant taking gratification other than legal remuneration in respect of an official act
- Sec. 161, non cognizable, non compoundable, Bailable

Types of Offence

Example

- Public servant disobeying law, with the intent to cause injury to any person
- Sec. 166, non cognizable, non compoundable, Bailable

Types of Offence

Cognizable and non cognizable:

- According to Pakistan CR. P.C 1898 an offence in which a police officer, in accordance with the schedule II or under any law for the time being in force, arrest without warrant

Types of Offence

Cognizable and non cognizable:

- Non cognizable offence, an offence, where police officer can arrest only with a warrant

Types of Offence

Cognizable offence:

1. And such cases after arrest has been made, Vicky used will be produced before a magistrate, and he mainly required the police officer to investigate the matter.

Types of Offence

Cognizable offence:

2. After investigation, the case is made out, i.e. a charge sheet filed against the accused, the magistrate can order for arrest.

Types of Offence

Cognizable offence:

3. During the pendency of trial application can be moved before the concerned magistrate

4. Search of Princess are both bailable and non bailable

Types of Offence

Examples of cognizable offence:

1. Offences of waging attempting to wage war, what abetting the waging of War against Pakistan (Sec. 121), not bailable

Types of Offence

Examples of cognizable offence:

2. Wearing the dress or carrying any token used by a soldier, sailor or airman with intent that it may be believed that he is a soldier, sailor or airman (141), bailable.

Types of Offence

Examples of cognizable offence:

3. Rioting armed with deadly weapon (148)

4. Hiring, engaging or employing person to take part in an unlawful assembly or taking part in self (150)

Types of Offence

Examples of cognizable offence:

5. Public servant taking gratification other than legal remuneration in respect of an official act (161), bailable.

Types of Offence

Non-cognizable offence:

- In such offences for arrest, all the steps have to be followed like
- filing of complaint/
F.I.R
- Investigation
- Charge sheet

Types of Offence

Non-cognizable offence:

- Chargesheet to be filed in court
- Trial
- final order of arrest if case has been made out

Types of Offence

Example of Non-cognizable offence:

1. Owner or occupier of land not giving information of riot etc.
2. A public servant disobeying attraction of the law with intent to cause injury to any person (166), bailable.
3. A Public servant unlawfully engaging in trade(168)

Types of Offence

Example of Non-cognizable offence:

1. Bribery during election (171 H)
2. Making any false statement in connection with an election (171 G)
3. Absconding to avoid service of summons or other president from a public servant, like there's some months or notice required attendance in person etc, in a court of Justice(172), bailable

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Types of Offence

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- Wrongfully confining a person for three days or more. Sec. 346 of PCC, compoundable by person confined
- Dishonest misappropriation of property. Sec. 403 of PPC, compounded by whose property was misappropriated

Types of Offence

Non-compoundable offence:

- Some offences, which cannot be compounded. These can only be quashed.
- Because the nature of offence is grave and criminals cannot go free.
- State is involved
- All those offences, which are not mentioned in the list under section (345) of CrPC, are non-compoundable offences.

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Example

- Public servant taking gratification other than legal remuneration in respect of an official act
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- Sec.161, non cognizable, non-compoundable , Bailable

Types of Offence

Example

- Public servant disobeying law, with intent to cause injury to any person.
- Sec.166, non cognizable, non-compoundable , Bailable

Criminal justice system

- Pakistan has inherited colonial legal good from the British and later the addition of Islamic injections and interpretations of shariah,

Criminal justice system

The legal framework:

- The constitution
- PPC 1860
- Cr.PC 1898
- Evidence Act 1872

In addition a wide range of laws dealing with different aspects of society

Criminal justice system

- The criminal justice system is the set of agencies and was established by government to control crime and impose penalties on those who violate laws

Criminal justice system



Terrorism/crime/
Breaking law



Police



Investigation



Prosecution



Trial



Prison/Acquittal

Criminal justice system

- The laws, in certain cases are outdated or do not respond to changing needs of the society and does making criminal justice system ineffective
- During colonial period much consideration was given to understand social conditions and their effects on criminal law
- As such, the law addressed cultural conditions.

Criminal justice system

Lodging FIR:

- It is generally complaint lodge with the police by the victim of a cognizable offence or who knows about crime by someone on his/ Her behalf, in the police station where crime occurred.

Criminal justice system

Lodging FIR:

- A police officer who comes to know about a cognizable offence can file and FIR himself/ herself.
- usually it does not happen

Criminal justice system

Lodging FIR:

- FIR is a very important document as it sets the process of criminal justice in motion. Police takes up investigation of the case only after the FIR is registered in the police station.

Criminal justice system

Lodging FIR:

- After FIR the SHO tasks the Asstt. Sub. Inspector or other junior officer to conduct investigation and prepare a report (challan)

Criminal justice system

Lodging FIR:

- Registrant FIR determines crime rate in an area.
- One of the reasons not register crime is this
- The police station culture is intimidating for the public.
- Influential areas especially rural.

Criminal justice system

Example Lodging FIR:

In 2003 in village Setharaja (Balla) district Khairpur, Sindh, a group of criminals supported by an influential, attacked a family in which a young person lost his eye, an aged person got his arm fractured and other six injured. Those assaulted filed an FIR No. 97, dated 7 Nov. 2003, PS Ranipur against affected persons, because of their influence and money. In this case senior officers were aligning themselves with influential. The dispute was resolved through intervention of public jury.

Source: Sahito I. Hussain (2009) The Criminal Investigation in Pakistan: Trends and Reality, *Pakistan Vision*, vol. 10, no. 10

Criminal Justice System

Investigation:

- After registering of FIR police must conduct an investigation without fear or favour the investigator must not and get influenced by anyone
- Complete in 14 days

Criminal Justice System

Investigation:

- The SHO , according to the law must, without the order of magistrate can arrest and investigate a cognizable offence
- In case of non cognizable offence, The police officer will have to sent for warrant to Magistrate, for making any arrest.

Criminal Justice System

Investigation:

- The nature of crime determines the techniques or process of Investigation
- Reaching Crime scene
- Collect all evidence before it is lost (like a detective)

Criminal Justice System

Investigation:

- Record witness statements(not necessarily signed)
- Variety of Investigation methods, but police still use force and torture
- Modern and scientific ones include CCTV, forensic science (Murder, forgery, hand writing and typed) DNA testing, fingerprint, footprint, etc.

Criminal Justice System

Investigation:

- National forensic science agency is established to improve Crime Investigation and detection techniques among police personnel
- Except for Punjab province other provinces do not have Forensic labs

Criminal Justice System

Investigation:

- Inadequate and scientific methods of Investigation result in low conviction rate in Pakistan
- Conviction rate is less than 10%

Pakistan Criminal Justice System

Prosecution Issues:

- Criminal action, proceeding instituted and carried on by due course of law, before competent Tribunal, for the purpose of determining the guilt or Innocence of a person charged with crime.

Pakistan Criminal Justice System

Prosecution Issues:

- Public Prosecutor
Examines the report/
chala submitted by
investigating officer (
police)

Pakistan Criminal Justice System

Prosecution Issues:

- Return it in 3 days, in case it finds shortcomings in the investigation report to remove it and submit it to the Court of jurisdiction.

Pakistan Criminal Justice System

Prosecution Issues:

- Once the offender of crime is arrested and FIR registered, within 24 hours the challan has to be submitted to the prosecutor.
- Nepali cuta Mein asked investigator the reason for the delay in submitting the sun

Pakistan Criminal Justice System

Prosecution Issues:

- Lengthy process of prosecution
- People face agony of delay
- For poor and hapless registering FIR is extremely difficult
- False cases
- Accused maltreated in police custody

Pakistan Criminal Justice System

Prosecution Issues:

- Evidence destroyed
- investigation is unscientific and done by poorly trained human resource

Pakistan Criminal justice system

Trial:

- After examination of the case by the prosecutor the case is sent to the court for trial.
- Both Civil and criminal cases take very long to be decided.

Pakistan Criminal justice system

Trial:

- Civil disputes which take much longer to decide, turn into criminal disputes

Pakistan Criminal justice system

Trial:

- The cases remain in court for a variety of reasons:
- Lacunae's in law itself.
- Lawyers are bought my opponents.
- Judges may not hear the case

Pakistan Criminal justice system



Criminal Justice System

The state of prisons:

- Pakistan's prison system, like the rest of its criminal justice sector, is inadequate in keeping pace with rising crime and other critical security challenges, as the spread of violent extremism/ terrorism

Criminal Justice System

The state of prisons:

- All four provinces have significantly more prisoners than their capacity

Criminal Justice System

The state of prisons:

- The failure of prison authorities to convey hearings schedule.
- Inadequate Legal Aid for those who cannot afford to pay for it.
- Too few properly trained trial lawyers.

Criminal Justice System

The state of prisons:

- Increasing reluctance of the Judiciary to accord bail for even petty offences.

Criminal Justice System

The state of prisons:

- And the inability of many prisoners to post bail even when it is available. The largest province. Punjab, has over 53000 inmates against a total authorized capacity of 21.527.5

Criminal Justice System

The state of prisons:

- In Sindh, the prison population has been reduced considerably since 2009, from over 20,000 to 13,282., but remains well above the authorized capacity of 10,450.

Criminal Justice System

The state of prisons:

- In Khyber Paktunkhawa (KPK) There are 8450 prisoners against the total capacity of 8000 and while in Balochistan there are 263 against a capacity of 2481.

Reforms in Criminal justice system

- The weaker the CJS greater is crime in society
- Reforms are needed At various level
- amendment in loss
- Professionalization of police (de-politicization and misused)

Criminal justice system

Major proposed reforms:

- Improve investigation
- Better management and coordination between investigation and prosecution
- Improving prosecutions
- Case pendency in court
- Prison conditions to be improved

Criminal justice system

Major proposed reforms:

- Federal and provincial governments initiatives in reforming CJS
- Access to Justice Programme

Criminal justice system

Reform in Law:

- Need to amend The Criminal Procedure Code to ensure witness, investigators, prosecutors and Judges protection in major criminal cases, particularly terrorism.

Criminal justice system

Reform in Law:

- Need to amend existing law enact new laws to require judges unless reasonable basis To believe the prisoner would abscond and comment for the offences; and

Criminal justice system

Reform in Law:

- Reform, sentence structure for petty crimes include alternative to imprisonment, maybe fine, probation ETC.

Reforms in Criminal justice system

Police Reforms:

- De- politicization, elite force to be used for the purpose for which it is created
- Investigation branch should comprise of detectives trained for the purpose(all levels)

Reforms in Criminal justice system

Police Reforms:

- Police station environment to be reformed
- Simplification genuine FIR and cancellation of false one without involving courts

Reforms in Criminal justice system

Police Reforms:

Community policing:

- DPO or CCPO as the case may be, ensure that SHO communicate with community

Reforms in Criminal justice system

Police Reforms:

- Strong accountability mechanism
- Use of technology in digitizing crime record, fingerprints, database of guests in hotels, inns etc.

Reforms in Criminal justice system



Reforms in Criminal justice system



Reforms in Criminal justice system

Investigation:

- Investigation is crucial to prove or disprove guilt or Innocence of a person who starts with offence.
- There is effort to modernize investigation, however, its place is slow.

Reforms in Criminal justice system

Investigation:

- Investigation service to be separated at the federal level, like in some countries and provincial government may acquire services

Reforms in Criminal justice system

Investigation:

- The service should have its own structure with trained specialist detectives (homicide, kidnapping, cyber crimes, counter terrorism)

Reforms in Criminal justice system

Investigation:

- Police officers/ officials trained in investigation should be assigned the task and relieved from other responsibilities.
- Posting of relevant personnel and on merit
- Police station to have trained investigators

Reforms in Criminal justice system

Prosecution:

- Prosecution service is relatively new service
- There is need for well trained prosecutors investigators
- Good coordination and teamwork between investigator is and prosecutors

Reforms in Criminal justice system

Prosecution:

- Advise investigators to have evidence in investigation which is admissible in court and according to law

Reforms in Criminal justice system

Prosecution:

- Based on crime patterns assess the gaps in investigation and prosecution with the purpose to identify resources required training of personnel, at the national provincial and district levels

Reforms in Criminal justice system

Prosecution:

- Strengthen the criminal prosecution services Police prosecutor coordination by:
 - Security of tenure to prosecutors.
 - Empowering them to reject weak cases, and should be Specialists.

Reforms in Criminal justice system

Prision:

- Over-crowding can be addressed by:
 - Enforcing existing bail laws;
 - Holding to account any trial judge failing to set bail where required by law.

Reforms in Criminal justice system

Prision:

Rights of all prisoners granted under remand by:

- a) ensuring that prisoners are transported to quotes on defecated time and date for hearing.
- b)Providing free Legal Aid to remand prisoners who cannot afford counsel.
- c) Prison security: follow SOPs of prisons to ensure safety of prisoners.

Reforms in Criminal justice system

Court:

- Over-crowding can be addressed by:
 - Enforcing existing bail laws;
 - Holding to account any trial judge failing to set bail where required by law.

Reforms in Criminal justice system

Court:

- At district level appointment of judicial staff increased

Reforms in Criminal justice system

Court:

- National judicial policy(2009 amended and 2012) aims to reduce the backlog of cases at district and Higher Judicial level
- Reduced corruption at district level

Government functions and Finances

Public Finance:

- Government provide public goods, with which are non rival and non excludable, e.g. infrastructure, defense, law and order
- Government provides Other goods and services, like education, health, welfare.

Government functions and Finances

Public Finance:

- Through its fiscal policy(Public Finance)
- government: efficiently allocates resources, distributes income and creates macroeconomic stability

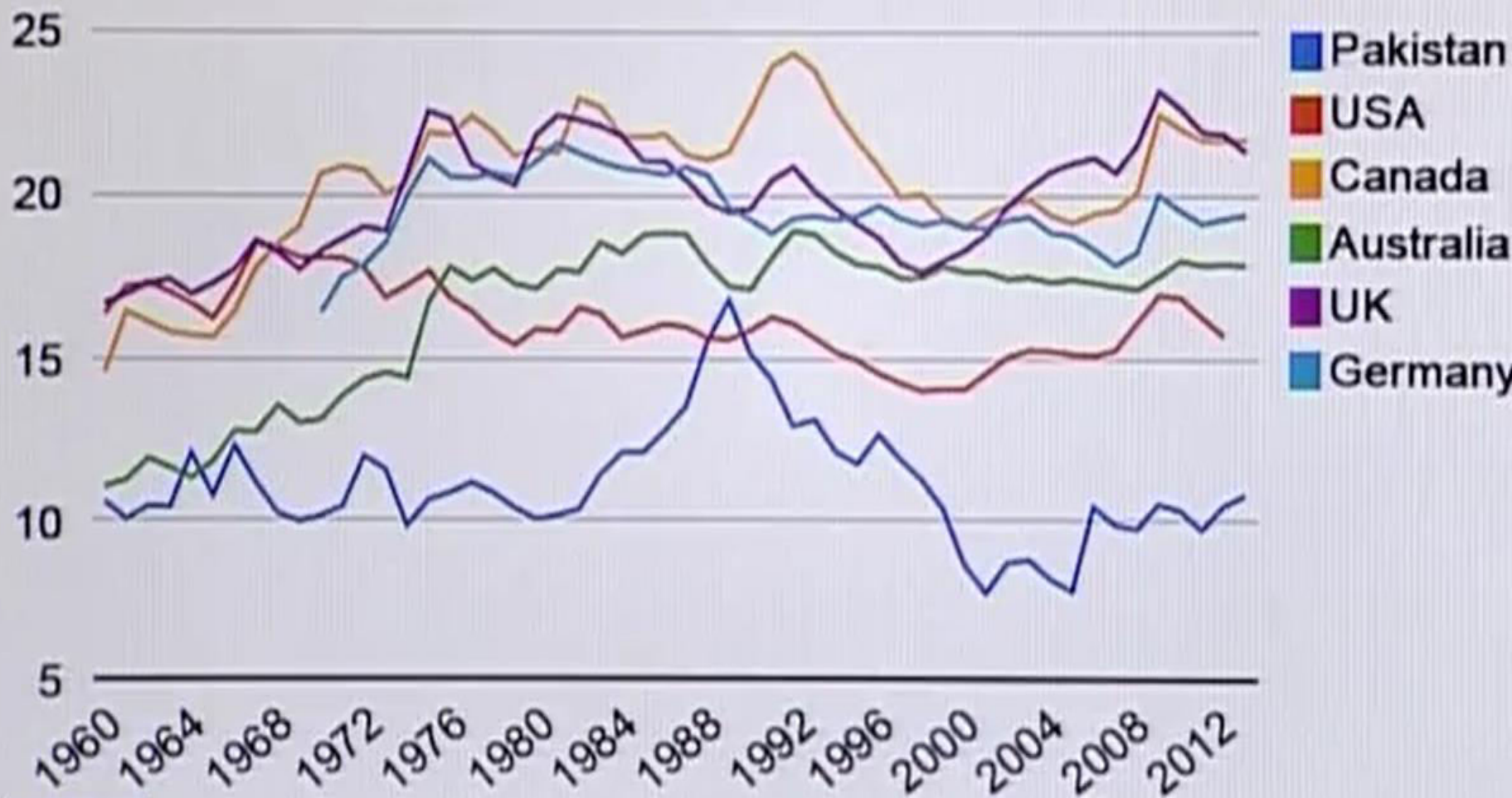
Government functions and Finances

Public Finance:

- Government role is to regulate so that market function
- Tips on size should stay small?

Government functions and Finances

Pakistan Government spending, percent of GDP:
Compare to other countries



Government functions and Finances

Public Finance:

- For all expenditures of government it needs money
- Which it takes from the citizens in the form of Taxes, fine, borrowings (internal and external), and together means

Government functions and Finances

Public Finance:

According to article 77 of the constitution:

“ No tax shall be levied for the purpose of the Federation except by or under the authority of act of Majlis-e-Shoora (Parliament)”

- Government has to tax in a fair and just manner and achieve the sustained growth

Government functions and Finances

Public Finance:

- Meeting its application through balanced budget as well as possible and
- Better financial management

Federal Revenues and Expenditures

Federal Taxes:

- Federal government responsibilities are given in the fourth schedule of the constitution.
- It also outlines taxes that the government can levy.

Federal Revenues and Expenditures

Federal Taxes:

- The revenue receipt comprise, direct taxes indirect taxes and non tax receipt

Federal Revenues and Expenditures

Federal Taxes:

- Direct federal taxes are:
Income tax, workers
Welfare tax, tax capital
- indirect taxes: sales tax,
Federal excise tax
, customs and others

Federal Revenues and Expenditures

Federal Revenues (non-tax):

- Property and Enterprise, civil administration, miscellaneous

Federal Revenues and Expenditures

Revenue Expenditure:

- The current day to day expenditure or debt servicing, defense, civil administration, grants, subsidies, social, beneficial

Federal Revenues and Expenditures

Capital Expenditure:

- Create material assets which produce the production potential of the country.
- It is generally met from revenue surplus(from and revenue expenditure), capital receipts and borrowings.

Federal Revenues and Expenditures

- Tax revenues have increased over time (both direct and indirect tax)
- Realized estimates are always lower than budget estimates

Federal Revenues and Expenditures

Federal Revenues

Rs. billion

	2009-10	2010-11	2011-12	2012-13 ^B	2012-13 ^R	2013-14 ^B
Tax Revenue	1483.5	1679.4	1946.00	2503.00	2048.5	2598.00
Non Tax Revenue	568.2	556.00	478.00	730.00	726.00	821.00
Less transfer	655.00	997.00	1089.00	1458.00	1215.00	1502.00
Net Revenue receipts	1396.7	1238.00	1334.00	1774.00	1560.00	1917.00

Federal Revenues and Expenditures

- How government raises its revenue from other sources:
- Internal Resources:
Public debt, recoveries, loans, debt and public accounts are also included
- External Resources:
Loans (project aid and program loans) and grants

Federal Revenues and Expenditures

Rs. billion

	2009-10	2010-11	2011-12	2012-13 ^B	2012-13 ^R	2013-14 ^B
Revenue receipt	1396.70	1238.20	1334.30	1774.90	1560.30	1917.70
Internal resources	375.00	520.00	527.00	541.00	442.00	734.00
External resources	381.18	131.90	128.650	93.597	(1.676)	130.458
Others	166.70	572.02	674.38	637.75	1446.31	1077.28
Total	2320.21	2462.40	2664.89	3047.42	3447.30	3860.06

Source: Government of Pakistan (2014) State Bank of Pakistan

Federal Revenues and Expenditures

Expenses of government:

- Revenue Expenditure: Day to day expenses (bills, salaries, fuel consumption etc)
- Capital Expenditure: To run office daily (to develop additional unit (office) or investment). Amount left from the revenue expenditure will be used for the capital expenditure

Federal Revenues and Expenditures

Federal Expenditure

Revenue	2009-10	2010-11	2011-12	2012-13 ^B	2012-13 ^R	2013-14 ^B
Current	2017.26	2295.92	2209.32	2611.94	2803.62	3196.08
Development	316.45	202.66	380.42	360.28	430.30	495.50
Capital						
Current	115.42	61.00	23.72	63.31	413.20	241.40
Development	127.90	118.60	180.17	230.80	178.60	293.86
Total	2577.03	2678.18	2793.63	3266.30	3825.70	4226.82

Source: Government of Pakistan (2014) State Bank of Pakistan

Federal Revenues and Expenditures

Main components of Federal Expenditure

As % of GDP

Year	Total exp.	Current exp.	interest	Defence	Dev. Exp.	Non Int. Non Def.	Fiscal deficit	Rev deficit/surplus
2010-11	18.9	15.9	3.8	2.5	2.8	12.6	6.5	-3.5
2011-12	19.6	15.6	4.4	2.5	3.7	12.7	6.8	-2.8
2012-13								
2012-13	21.4	16.3	4.4	2.4	3.5	14.6	8.2	-3.0
2013-14 ^B	20.4	15.2	4.4	2.4	5.1	13.5	6.3	-1.2

Source: Economic Survey of Pakistan 2013-14

Federal Revenues and Expenditures

Revenues and Expenditure

Federal revenues(%) of total resources(to 2014- 15)

• Net revenue receipts	53
• Bank borrowings	27
• Net capital receipts	14
• Net external receipts	05
• Estimated provincial surplus	01

Federal Revenues and Expenditures

- Federal expenditure (%) of total resources(to 2014- 15)
- Interest payments 32
- Defence 17
- Federal PSDP 15
- Grants and transfer 09
- Running of civil government 08
- Subsidies 07
- Military pensions 04
- Development expenses 05
- Civil pensions 01

Federal Revenues and Expenditures

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- Running of civil government 08
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- Military pensions 04
- Development expenses 05
- Civil pensions 01

Federal Revenues and Expenditures

- Net revenue receipt (2014): Rs . 1917.00 bln.
- Total resources Rs.3860.06 bln.
- Total expenditure:. Rs 4226.82 bln.

Provincial Revenues and Expenses

- The contribution of provincial taxes is $\frac{1}{2}\%$ of GDP.
- Direct Taxes: Land revenue, urban immovable property, tax on transfer of property, agriculture income tax, capital gain tax, tax on professions, trade, and callings.

Provincial Revenues and Expenses

- Indirect taxes: stamp duty, motor vehicle tax, entertainment tax, provincial excise duty, sales tax on services, other duties (cotton duty etc.)

Provincial Revenues and Expenses

	FY11-12	FY10-11	FY09-10	FY08-09	FY07-08	FY06-07
FBR	94%	95%	95.5%	96%	96%	96%
Provinces	6%	5%	4.5%	4%	4%	4%

Provincial Revenues and Expenses

billion Rupees

	Punjab		Sindh		KPK		Balochistan		All Provinces	
	FY13	FY14	FY13	FY14	FY13	FY14	FY13	FY14	FY13	FY14
A. Total revenue	506.1	549.6	326.2	358.1	181.3	212.3	111.8	128.0	1125.3	1248.0
Share in federal revenue	416.6	460.9	236.4	280.4	146.0	168.8	94.2	107.6	893.2	1017.8
Taxes	56.1	69.0	49.8	56.1	2.9	9.0	0.8	2.0	109.6	136.2
Non-taxes	22.0	15.5	16.9	3.9	6.4	11.5	3.7	3.8	49.0	34.7
Federal loans & transfers	11.4	4.1	23.1	17.7	26.0	23.0	13.1	14.6	73.7	59.4
B. Total expenditure	473.8	486.6	272.1	299.5	149.5	158.7	90.9	86.3	986.3	1031.1
Current	374.2	397.8	212.9	228.8	110.1	130.0	69.1	74.8	766.3	831.4
Development	99.6	88.8	59.2	70.7	39.4	28.7	21.8	11.5	219.9	199.7
Overall balance (A-B)	32.3	63.0	54.1	58.6	31.8	53.6	20.9	41.7	139.1	216.9

Source: Ministry of Finance

Regressive and Progressive Tax

Regressive tax:

- Take a greater percentage of tax from the income group.
- It is applied uniformly.

Regressive and Progressive Tax

Regressive tax:

- Example: if a person has Rs.100 income and pays Rs.1 , this constitutes.01 percent of income.
- If Rs. 200 income it will be .005%

Regressive and Progressive Tax

Regressive tax:

- Indirect taxes are regressive because these take greater percentage of income of low income group
- Share of indirect taxes is higher, especially withholding tax
- Withholding taxes constituted almost 70%

Regressive and Progressive Tax

Progressive Tax:

- Indirect taxes are regressive because these take greater percentage of income of low income group
- Share of indirect taxes is higher, especially withholding tax
- Withholding taxes constituted almost 70%

Regressive and Progressive Tax

<u>Income tax bracket</u>	Fixed amount	Rate (%)
• 400,000	0	
• 750,000	0	05
• 1,400,000	17500	10
• -		
• -		
• -		
• 10,000,000,000	1,425,000	30

Regressive and Progressive Tax

- 60.6% taxes are indirect, which are usually regressive
- 39.4% are direct taxes, which are usually progressive
- India:
 - ✓ Direct: 55.7%
 - ✓ Indirect : 44.23%
- Overall taxation structure is regressive

Tax Gap

- Tax gap is the difference between tax code and tax collected or paid or
- The difference between potential and actual text revenue
- The potential tax is what the government would like to collect where everybody filed returns according to the law

Tax Gap

- This is due to non filing and under reporting
- Examinations and statutory regulatory orders of government (Customs, sales tax, income tax)
- Narrow tax base

Tax Gap

Description of Taxes Unpaid in FY 08	Gross Tax Gap (Rs. In Billion)	Share of tax gap (%)
Direct Tax Gap	588	74
Income tax on salaried individuals	31	4
Business Income Tax	557	70
Indirect Tax Gap	208	26
Sales Tax	113	14
FED	63	8
import duty	32	4
Total Tax Gap	796	100

Source: World Bank, 2009

Domestic and Foreign Debt

- Deficit financing: government meeting expenditures through borrowing
- Borrowings undertaken to make up for the revenue shortfall
- Debt: Amount owed for borrowed money

Domestic and Foreign Debt

- Debt:
- Public
- Private

Public Debt

- Publicly guaranteed:
comprised of loans,
bonds deposit etc
- It is an foreign and local
currency

Domestic and Foreign Debt

- Domestic debt: foreign currency in Financial Institutions, treasury, bonds, Bank borrowings, etc.
- Is debt bad? Debt is not bad if it is invested in creating assets in the economy
- It is bad if it is used to meet current expenditure

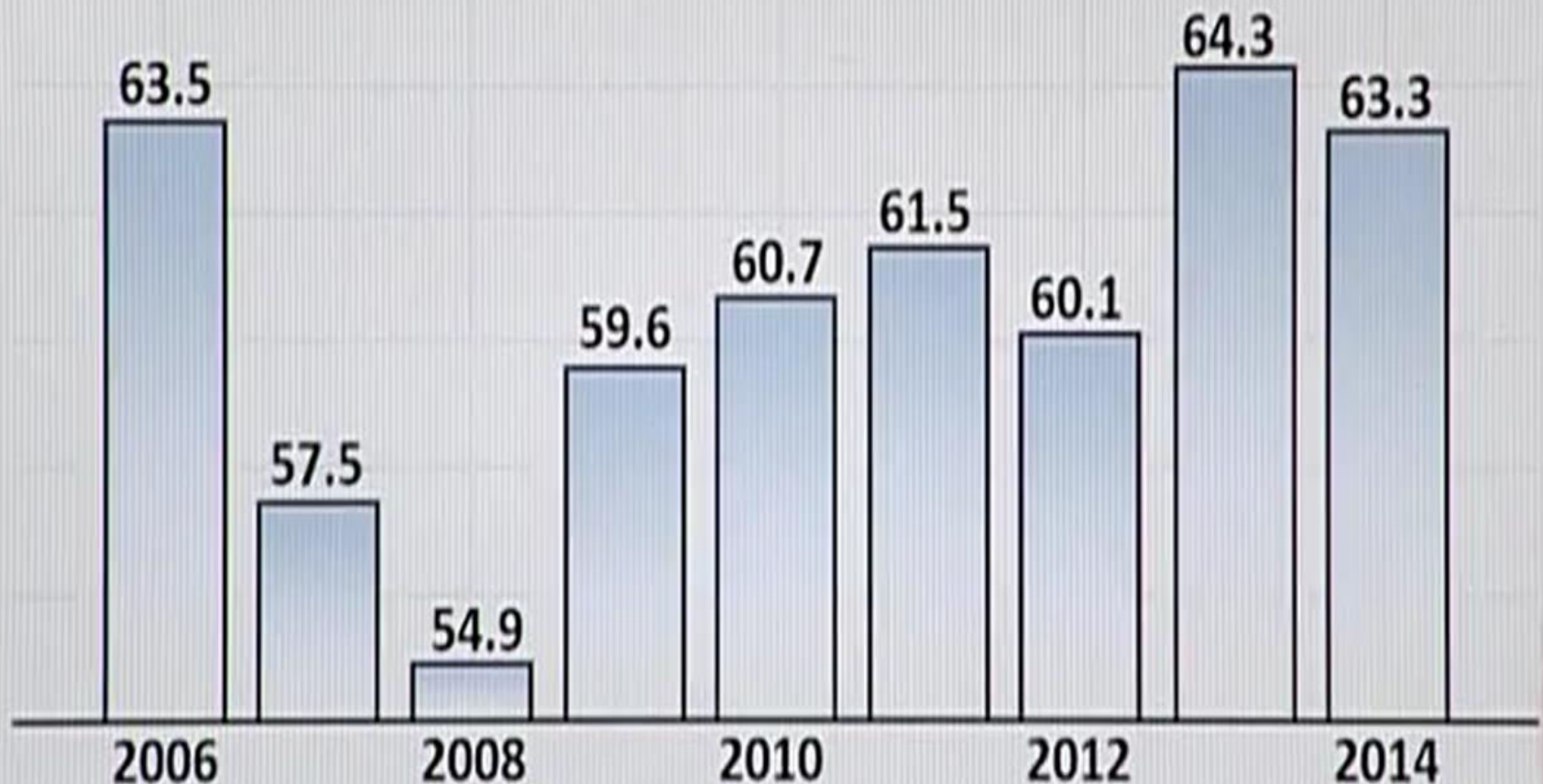
Domestic and Foreign Debt

(billion Rupees)	Absolute Change						
	Stocks		Jul-Mar		FY14		
	13-Jun	14-Mar	FY13	FY14	Q1	Q2	Q3
Public debt	14,574.7	15,882.1	937.5	1,307.4	1,052.7	-23.1	277.9
Public domestic debt	9,520.9	10,820.0	1,162.3	1,299.0	634.0	72.7	592.3
Public external debt	5,053.7	5,062.2	-224.8	8.4	418.7	-95.8	-314.4
Government external debt	4,311.1	4,373.4	-60.3	62.3	361.1	-34.3	-264.4
Debt from the IMF	434.8	356.6	-172.4	-78.2	6.5	-61.9	-22.7
External Liabilities	307.8	332.1	7.9	24.3	51.1	0.4	-27.3

Source: State Bank of Pakistan

Domestic and Foreign Debt

PAKISTAN GOVERNMENT DEBT TO GDP
PERCENTAGE OF THE GDP



SOURCE: WWW.TRADINGECONOMICS.COM | CENTRAL BANK OF PAKISTAN

Domestic and Foreign Debt

- Debt carrying capacity for sustainability is measured by countries ability to repay external liabilities without resorting to debt rescheduling.
- According to IMF if it is higher than 35% then there is likelihood off default

Domestic and Foreign Debt

- Inflation and declining foreign exchange may make repayments difficult
- The rescheduled debt payments were due in 2014

The issues and Fiscal Policy

- Inability of government to collect tax(administrative)
- Too many examinations
- Revenue generation through indirect taxes, especially withholding tax
- Narrow tax base, increasing tax rates.
- Leading to low tax to GDP ratio (Rs. 26 trillion GDP), causing pressure to borrow from SBP and banking sector and crowding out private sector

Domestic and Foreign Debt

- Major resources go in interest payments on loans
- A few funds left for social sector
- Need for broadening the tax base
- More rigorous audit and investigation of business accounts
- Little prudence applied in financial management, knee jerk reaction to problems, e.g., energy water, flood

National Finance Commission

Constitutional Provision:

- Article 160 (1) after every 5 years the president shall constitute National Finance Commission (NFC)
- Comprise Federal and provincial finance ministers and any other person nominated by the president after consultation

National Finance Commission

Constitutional Provision:

- The commission shall distribute between the provinces net proceeds of taxes(income tax, corporate tax, sales tax export duties on cotton, duties of excise.

National Finance Commission

Constitutional Provision:

- Or such taxes as specified by the President
- The Recommendation of the commission shall be placed before both the houses and Provincial Assemblies

National Finance Commission

Fiscal Federalism:

- It is the division of functions and finances among different levels of government
- Which functions and Taxes should be centralized and which decentralized

National Finance Commission

Fiscal Federalism:

- What is the relationship between different level of government, in such a way that each has its uniqueness and cooperation with other in an overall political system

National Finance Commission

- **Fiscal Federalism:**
 - Each government it maximizes social welfare at its respective level.
 - Fiscal decentralization and fiscal equalization is achieved.

National Finance Commission

Federal Consolidated Fund:

- All revenues received, all loans raised, grants, aids.
- Divisible pool: comprise income tax, corporate tax, sales tax, export duties on cotton, duties of Excise

National Finance Commission

In addition to divisible pool:

- The net proceeds of Federal excise duty on natural gas Levied at well head, and royalty collected by Fed govt. Shall be paid to the province

National Finance Commission

Federal Consolidated Fund:

- Likewise, net profits and by Fed govt. or any undertaking set up by Fed govt. from the bulk generation of power at hydro electric station shall be paid to the province

National Finance Commission

1. Government of India Act, 1935 and 1956 Constitution- Resource sharing was on the basis of Federal, Provincial and Concurrent lists.
2. Borrowing Power was given to the Provinces.
3. The Constitution of 1962 restricted it to Central lists only. Borrowing was conditional to the permission of the Federal Government.

National Finance Commission

1. The Constitution of 1973 had a Federal and Concurrent list.
2. Borrowing power is restricted.
3. Government of India Act, 1935 envisaged an independent and neutral Finance Commission.

National Finance Commission

Fiscal Federalism:

- Departure was made in 1956 and subsequent constitutions. India continued with the tradition and legalized it.

Topic No. 177
National Finance Commission

National Finance Commission

NFC formula and Concerns of provinces:

- Resource distribution federal and provincial government
- Sales tax federal tax?
- Population: a criteria for resource allocation between provinces
- 62.5%: 37.5% 5th NFC
- 52.5%: 47.5% 2006

National Finance Commission

- Population: a criteria for resource allocation between provinces
- 62.5%: 37.5% 5th NFC
- 52.5%: 47.5% 2006

Topic No. 178
National Finance Commission

National Finance Commission

7th NFC Award

- Collection of Charges reduced from 5% of Divisible Pool to 1%
- Provincial share enhanced
- Multiple Criteria accepted
- GST Services devolved
- Revision in Computation of GDS

Formula

Indicator	Weight
Population	82.0%
Backwardness/Poverty	10.3%
Revenue Collection/ Generation	2.0%
Inverse Population Density (IPD)	2.7%

Formula (Vertical Sharing)

	Federal	Provincial
5 th NFC Award (1996-97)	62.5%	37.5%
Distribution Order (2006)	52.5%	47.5%
7 th NFC Award (2009-10)	44.0%	56.0%
2010-11	42.5%	57.5%
2011-12/2014- 15		

Horizontal Distribution

Indicators	Punjab	Sindh	KP	Balochistan
1. Population	57.36	23.71	13.82	5.11
2A. Area	26.74	18.35	9.70	45.21
2B. IPD	4.32	7.18	6.51	81.99
3. Poverty/ Backwardness				
4. Tax Collection/ Generation				

Poverty Determination

	Punjab	Sindh	KP	Balochistan
UNDP HDI 2003	23.4%	24.3%	25.9%	26.5%
GBS HDI 2008	21.1%	26.2%	23.2%	29.5%
Poverty (1998-99)	25.0%	19.8%	34.4%	20.8%
Average Poverty	23.2%	23.4%	27.8%	25.6%

Tax Collection

	Punjab	Sindh	KP	Balochistan
Total Taxes excluding Islamabad	27%	70%	3%	1%
Electricity	63%	28%	7%	2%
Total Taxes 50%+ Electricity 50%	44%	50%	5%	1%

NFC RELEASES TO PROVINCES DURING F.Y.2013-4

(Rs. In Billion)

Province	Divisible Pool			Streight Transfers			Other Grants (Under NFC)		
	B.E.	Release	%	B.E.	Release	%	B.E.	Release	%
Punjab	701.7	637.06	90.8	7.054	9.202	131			
Sindh	332.9	302.28	90.8	67.13	81.687	122	* 9.000	8.13	90.3
Khyber Pakhtunkhawa	222.1	201.64	90.8	29.73	32.76	110			
Balochistan	123.3	123.27	100	18.71	17.097	91			

* Grant in lieu of Octroi & Zilla Tax (Article:7 of Presidential Order No. 5/2010)

Topic No. 179
Local Taxes and Expenditures

Local Taxes and Expenditures

- Local government are the third tier of government
- Historically the taxes of local government were collected by Excise & Taxation Department on the basis of inadequate capacity
- There used to be revenue sharing arrangement between provincial and local government, which comprised property tax and betterment tax.
- Major portion of these taxes were transferred to relevant councils.

Local Taxes and Expenditures

- In Punjab, Sindh, and Balochistan 85% of tax was transferred to local council, in KP 95% was transferred.
- From ordinances in 1980s and 2001, the local governments have found constitutional position in 2010.
- It is binding on provincial government to hold local government elections.

Local Taxes and Expenditures

- The local government taxes are enumerated in 3rd Schedule of local Government Act 2013, KP
- These are for district city district government, tehsil municipal administration and village neighborhood council.
- Historically local government had a little administration structure to collect taxes and these functioned under the federal and provincial umbrella.

Local Taxes and Expenditures

- The main local tax, octroi (60-65%), was taken away and in its place grant was provided.
- Resources between provinces are shared through Provincial Finance Commission.
- In case of KP the funds are allocated to the local councils on the basis of population

Topic No. 180
Power Relations

Power Relations

- Power is basic to different stakeholders in state functioning.
- It is, therefore, the ability or capacity to change other people's condition by dispensing or restraining resources or punishing to achieve goals.
- There are different stakeholders who influence decision making process in government.
- Those who hold political or other power are elites in society.
- They play important function molding/ shaping public opinion.

Power Relations

- The use power for selfish motive or benevolent motive (McClelland, 1973)
- Mosca: “Political class” usually have “a certain material, intellectual, or even moral superiority”
- Pareto: They consist of talented and deserving individuals within truly unrestricted social mobility. In practice, elites use force and persuasion, enjoy advantages: inherited wealth and family connections

Power Relations

- Mitchels: Power becomes concentrated in the hands of few who initially became organization leaders and experts for creating efficiency.
- Weber: Political action is always determined by the superior maneuverability of small groups.

Power Relations

- Seeks to explain power relations in contemporary society
- Small (economic, policy-making networks, etc.) hold the most power
- Majority rule is impossible

Based on two ideas:

- Power lies in position of authority in key economic and political institutions
- Elites are resourceful, have intelligence and skills, and a vested interest in government; others are incapable of governing themselves; elites have the most to lose if government fails.

Topic No. 191
Political Parties Order 2002

Political Parties Order 2002

- The Political Parties Order 2002 was amended twice, 2004 and 2011
- Political parties Rules 2002

Section 19 of Order, 2002:

- The Election Commission may, with approval of the President, make rules for carrying out the purposes of this Order.

Political Parties Order 2002

Constitution

- According to section 4, of Order, existing and new parties will formulate their constitution,
- It shall state its aims and objectives, structure at federal;, provincial and local levels, as the case may be

Political Parties Order 2002

- Criteria for membership, Membership fee, qualification & tenure of party leader, party ticket, dispute resolution etc.
- A copy of the constitution has to be given to Election Commission

Membership

- Every citizen can be member of a political party, provided he/she is not in the service of Pakistan
- Will not hold office if not qualified or disqualified to under Article 63 of the Constitution

Political Parties Order 2002

- The Bachelors degree qualifications for member of parliament does not apply to office bearer
- Not be member of more than one political party.

Political Parties Order 2002

Elective offices

- Political parties will select, through transparent and democratic process the members for elective offices and also for parliament and provincial assemblies.

Functioning

- Every party will have general council at federal, provincial and local
- Should meet once a year

Topic No. 192
Political Parties Order 2002

Political Parties Order 2002

Election within the party

- The democracy must begin at the party level, to set an example for democratic practices, like free and fair elections, right to information and freedom of expression.
- In addition, to cultivate merit based appointment of office bearers, rather promote dynastic elements.
- According to section 11 every political party will elect its leader and office bearer, as given in the respective constitution of political parties
- Elections to be held every 4 years

Political Parties Order 2002

- All members (federal, provincial and local) of a political party will constitute electoral college
- *Do you think the political parties are democratic in the appointment of party leaders and office bearer?*

Topic No. 193
Political Parties Order 2002

Political Parties Order 2002

Certification & Party

- The Party leader within 7 days have to certify the party elections at all levels to Election Commission of Pakistan (ECP)
- The certificate must contain all information about election, the names, address etc. of party leader and office holders
- The sources of party, fund, income and expenditure & assets and liabilities, auditor's report within 60 days of the close financial year.
- Accurate financial position to be certified.

Political Parties Order 2002

Dissolution of Party

- A political party is dissolved, when it is confirmed that it is foreign funded, working against the sovereignty and integration of Pakistan, or engaged in terrorism.
- It shall be notified in office Gazette.
- The matter is referred to the Supreme Court, whose decision is final.

Forms (I-IV)

- Form 1- *Rule 4*: Form for submission of statements of accounts
- Form II- *Rule 7 (1)*: Certificate for intra-party elections
- Form III- *Rule 8*: Certificate regarding intra-party elections for General Elections, 2002
- Form IV- *Rule 9*: Certificate regarding intra-party elections held before the commencement of Political Parties Order 2002

Political Parties Order 2002

Exceptions and Qualifications

A state employee can neither form a party nor become a member of any political party	Reasonable restrictions imposed by law in the interest of sovereignty or integrity of Pakistan, public order or morality	No political party shall promote sectarian, ethnic or regional hatred	Every political party shall account for the sources of its funds	Every political party shall hold intra-party elections to elect its office bearers
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Topic No. 194
Political Development

Political Development

Framework I

- Political development has significant bearing on administration
- The degree of development reflects effectiveness and efficiency of bureaucracy
- The late 1950s and 1960s period of decolonization.
- Political and social scientists tried to understand political, social, & institutional development of decolonized countries

Political Development

- In 1965 Lucian Pye wrote a seminal concept of Political Development
- Ten definitions or meaning.
Political development as:
 1. Prerequisite of economic development
 2. Politics of industrial societies
 3. Political modernization
 4. The operation of nation-state
 5. As admin and legal development
 6. As mass mobilization

Political Development

- 7. As building democracy
- 8. As stability and orderly change
- 9. Mobilization and power
- 10. As multi-dimensional process of social change

Topic No. 195
Political Development

Political Development

Framework II

- Later scholars determined 3 processes of political development:
 1. Creation of 'viable autonomous state' list (Pye's 4,5, & 9)
 2. Creating political order (5 and 8 of Pye's list)
 3. Political development meant process leading to democracy (7, 8 and possibly 9 of Pye's list)

Political Development

- “*How capable is the government in coping with the environment and satisfying the demands and needs of citizenry?*” (Sidney Verba 1971).

Political Development

Huntington's theory:

- Government capability to meet demands depends on the success of constructing institutions that are capable of dealing with demands, needs.
- This determine political order or disorder
- He takes into account participation and institutionalization
- Participation: how much organized political parties to mobilize

Political Development

Political institutionalization: four concepts

- Adaptability, complexity, autonomy, coherence of organizations and procedure
- Increase in growth of participation without institutionalization leads to political disorder
- 'Civic' and 'Praetorian' societies
- The later disorderly, corruption, bribe, riots
- Need authority to bring order

Topic No. 196
Political Parties Reforms

Political Parties Reforms

Issues/Background

- Powers given to constituent assemblies post-independence to evolve democratic political culture
- Parties could not agree upon a consensus formula due to problem of their internal working
- Objectives Resolution (1949) and 1956 abd 62 Constitution guaranteed fundamental rights and existence of political parties and public representation, respectively

Political Parties Reforms

- There was problem of lack of institutional profundity and chronic defection due to Martial Law in 1950s
- 1973 Constitution provided parliamentary sovereignty and federal form of government-articulated fundamental rights
- Article 17 empowers every citizen of Pakistan, the right to form association or union

Political Parties Reforms

4 terms of democratic rule (1947-58; 1971-77; 1988-99; 2008 – present)

33/67 years of democratic rule

34 years of military rule dictatorship or quasi democratic period

9/13 national legislatures dismissed prematurely

2 elected governments could complete their term

Undemocratic regimes de-politicised political parties



Limited functional space for political parties



Topic No. 197

Reasons: Low Political Development

Reasons: Low Political Development

Internal

- Political parties failed to modernize and professionalize their structures
- Lacked democracy within
- Dynastic approach

External

- Ban on political parties and witch-hunt of politicians leadership to operate under structural constraints

Reasons: Low Political Development

Parochialism in Politics – “Beradri Based” politics as opposed to broader based public policy/national issues

Non-institutional approach to politics

Political community factions: All major parties have more than one faction; affecting national integration and political stability

Defection, corrupt campaigning practices and non-transparent (unaccountable) office holder activities: wealthy party patrons vs. fund raising campaigns

Reasons: Low Political Development

No tradition of periodic and transparent elections in parties: keeps democratisation process away from fresh leadership

Political parties not equipped with in-house training and research facilities to their law-makers

Absence of hierarchical pattern political leadership formation from district to provincial to national levels

Ruling party denies legitimate space to opposition parties, unless power brokers from establishment strengthen it by putting pressure

Topic No. 198
Proposed Reforms

Proposed Reforms

- Regular and transparent public funding of political parties to include weak and under-funded parties to develop inclusive political culture.
- Parties should devolve authority from headquarters to local branch offices to improve decision making process and accountability of constituents
- Develop modern and professional political parties by providing training, research and information skills

Proposed Reforms

- Parties should institutionalize measure to promote ethical conduct among members, leaders and candidates and punish accordingly.
- Civil society as a watch dog for party development

Topic No. 199
Regional Perspective of Political Parties

Regional Perspective of Political Parties

- Regional perspective of South Asian countries; India, Sri Lanka, Nepal, Pakistan and Bangladesh
- Party systems have not evolved within the legislatures as in some western countries
- Countries have been involved with liberation from colonial effect of problems of unstable political developments
- “externally created parties” or “creatures of systematic political crisis... their emergence creates crisis for the system”

Regional Perspective of Political Parties

Examples

- Indian National Congress (INC) (1885)- first achieved independence, then converting into political institutions to run governmental systems

Regional Perspective of Political Parties

- Nepal Congress- instrumental in achieving democracy and develop country through democratic norms
- Pakistan People's Party (PPP)
- Pakistan Tehreek-e-Insaf (PTI)
- Jatiyo Dal (JD)
- They are creation of charismatic leaders and/or authoritarian dictators to combat political crises or for insuring regime stability to pursue own goals

Regional Perspective of Political Parties

Nature of Political Parties

- South Asia is a multi-ethnic, multi-religious, multi-caste and multi-class region
- Political parties follow the same suit (tribal, regional, sub-national and religious diversity)
- Polarise into specific groups promoting aggregated interests of each other

Regional Perspective of Political Parties

Examples

- Caste domination- India and Nepal
- Family and community determine the genesis and continuity of parties- Sri Lanka and Nepal
- Landed aristocracy feudal and moneyed class- Pakistan
- Religious fundamentalism played an important role in determining ideological orientation of parties, more recently- Pakistan and Bangladesh

Topic No. 200
Regional Perspective of Political Parties

Regional Perspective of Political Parties

Degree of success in integration

- Competing struggles to gain greater political support in the South Asian region
- Limited degree of success of assimilation among different groups in society
- India- large number of social formations at the lower rungs of socio-economic hierarchy
- Sri Lanka, Pakistan- assertiveness of people at large in ethnic mobilization and to redress the elite-mass gap (little success)

Regional Perspective of Political Parties

Cases of Party Decline

Party	Country
Indian National Congress (INC)	India
Pakistan Muslim League (PML), PPP	Pakistan
United National Party (UNP)	Sir Lanka
Awami League (AL)	Bangladesh

Regional Perspective of Political Parties

- All have lost initial mass appeal
- Ideological content has mostly eroded
- Cannot be sustained in the long run

Regional Perspective of Political Parties

Some Reasons for Reform

- Simple structures of party organizations
- Corruption and misconduct in party funding and governance
- Lack of direction and coherent policies with frequent defections

Topic No. 201
Governance and Democracy

Governance and Democracy

Governance

- Governance is the ability of government to use economic, political, legal and administrative power to manage country's affairs at all levels (UNDP)
- Governance is difficult to define, as it may be perceived in different way by people
- But research studies agree on the capacity of bureaucracy to deliver outcomes

Governance and Democracy

- Bureaucratic institutions capacity depends on professionalization
- Autonomy, with no micromanagement by politicians (only broad guidelines)
- A principal-agent relation

Governance and Democracy

Democracy

- It consists of mechanisms, processes and institutions, through which citizens and groups articulate their interest and exercise legal rights to meet obligations and resolve conflict (UNCP)
- Democracy is a means through which citizens participate collectively to make decisions. The collective behavior is bound by set of agreed rules and policies and all members enjoy equal rights (Beetham David, Liberal Democracy & Limits of Democratization, Political Studies Special issue, vol. 40 1992, p. 40)

Governance and Democracy

- No democratization occurs when political development is not fairly satisfactory, i.e., existence of state, secondly, a situation in which rate of political participation exceeds degree of institutionalization and procedures
- And a situation where is lack of authority,
- Leads to political disorder and return of authoritarian regime

Topic No. 202
Governance and Democracy

Governance and Democracy

Table A: Pakistan's HDI trends based on consistent time series data, new component indicators and new methodology

	Life expectancy at birth	Expected years of schooling	Mean years of schooling	GNI per capita (2005 PPP\$)	HDI value
1980	57.9	3.6	1.8	1,320	0.337
1985	59.4	4.2	2.1	1,543	0.367
1990	60.7	4.4	2.3	1,689	0.383
1995	62	4.4	2.8	1,795	0.403
2000	63.1	4.4	3.3	1,826	0.419
2005	64.1	6.5	4.5	2,190	0.485
2010	65.2	7.3	4.9	2,505	0.512
2011	65.4	7.3	4.9	2,526	0.513
2012	65.7	7.3	4.9	2,566	0.515

Governance and Democracy

Table B: Pakistan's HDI indicators for 2012 relative to selected countries and groups

	HDI value	HDI rank	Life expectancy at birth	Expected years of schooling	Mean years of schooling	GNI per capita (PPP US\$)
Pakistan	0.515	146	65.7	7.3	4.9	2,566
India	0.554	136	65.8	10.7	4.4	3,285
Bangladesh	0.515	146	69.2	8.1	4.8	1,785
South Asia	0.558	—	66.2	10.2	4.7	3,343
Low HDI	0.466	—	59.1	8.5	4.2	1,633

Governance and Democracy

Table C:

Table E: The most recent MPI figures for Pakistan relative to selected countries

	Survey year	MPI value	Headcount (%)	Intensity of deprivation (%)	Population			Contribution to overall poverty of deprivations in		
					Vulnerable to poverty (%)	In severe poverty (%)	Below income poverty line (%)	Health	Education	Living Standards
Pakistan	2006/2007	0.264	49.4	53.4	11	27.4	21	37.9	30.8	31.2
India	2005/2006	0.283	53.7	52.7	16.4	28.6	32.7	35.7	21.8	42.5
Bangladesh	2007	0.292	57.8	50.4	21.2	26.2	43.3	34.5	18.7	46.8

Topic No. 203
Governance and Democracy

Governance and Democracy

Six aspects of governance (WB)

- Voice & Accountability,
- Political Stability and Absence of Violence/Terrorism,
- Government Effectiveness,
- Regulatory Quality,
- Rule of Law, and
- Control of Corruption.

Governance and Democracy

Characteristics of governance (UNDP)

- Participation
- Rule of law
- Transparency
- Responsiveness
- Equity
- Effectiveness and efficiency

Governance and Democracy

- Accountability
- Strategic Vision

Topic No. 204
Governance and Democracy

Governance and Democracy

Democracy, governance and development

- Social, political and economic development is the responsibility of government and people
- Governance, not necessarily, better in liberal or parliamentary or other democracies?
- Theoretically speaking democracy nurtures participation and with the responsible electronic media and ICT governance should improve.

Governance and Democracy

Governance and Democracy

Percentage and Absolute number of Democracies According to four surveys

	1990	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Freedom House	39%	45%	44%	46%	46%	46%	46%	47%	47%	46%	46%	45%	45%	46%	45%
	65	86	85	89	88	89	89	90	90	89	89	87	87	90	88
Polity IV	39%	50%	52%	53%	53%	56%	58%	58%	57%	58%	57%	57%	59%	58%	57%
	56	80	83	85	84	90	93	95	92	95	93	93	96	94	94
Economist Intelligence Unit	–	–	–	–	–	–	–	49%	–	48%	–	47%	47%	47%	47%
	–	–	–	–	–	–	–	82	–	80	–	79	78	79	78
Bertelsmann Index	–	–	–	–	–	–	55%	–	64%	–	62%	–	61%	–	59%
	–	–	–	–	–	–	65	–	76	–	74	–	72	–	70

Source: Levitsky, S and Way, Lucan, 2015, "The Myth of Democratic Recession",
Journal of Democracy, 26 (1)

Governance and Democracy

- • From the developed countries perspective democracy should better the capability of government and better capability should mean improvement in social, political and economic indicators
- But the equation is not that simple??

Governance and Democracy

- First hard to measure capability. For example, measuring merit based recruitment, autonomy, accountability, efficiency etc.
- Outcomes of government can be normatively explained
- For example: quality of justice. It is not just number of cases dealt in given time, it is also justice being done
- Number of post graduate students pass out of a university, it is quality of education

Topic No. 205
Governance & Democratic Practices

Governance Democracy Relationship

Governance Democracy Relationship

- Is governance better under democratic dispensation?
- Is there a cause-effect relation?
- Is it correlated?

Governance & Democratic Practices

- One method of determining democracy in the country is that elections are held every 5 years
- Other is quality of democracy
- Quality parameters could be democracy and governance within political parties
- A comparison of democracy and governance within political parties (PIDAT Report, Dec. 2014)

Governance & Democratic Practices

- Developed a score card. According to the score on democracy within political party:
- JI 56%, PTI 49%, ANP 46 %, JUI-F 43%, NP 43%, MQM 42%, PPP 34%, PML (N) 32%

Topic No. 206
Governance & Democratic Practices

Governance Democracy Relationship

Governance Democracy Relationship

- Another opinion survey was done in September 2014
- Views on performance of federal and 4 provincial governments, on 22 governance indicators were gathered

These were:

- Law and Order
- Poverty alleviation
- Education
- Healthcare

Governance Democracy Relationship

- Transparency
- Energy production and management
- Anti corruption
- Investment friendliness
- Tax collection
- Utility bill collection
- Development programme
- Quality and independence of civil service
- Merit based recruitment and promotion

Topic No. 207
Governance & Democratic Practices

Governance Democracy Relationship

Governance Democracy Relationship

- Governance Democracy Relationship
Overall results:
- Punjab net performance rating (NPR) +33. 65% rated as good to very good
- KP -14. 37% rated as good to very good
- Balochistan NPR- 19. and 33% rated as good to very good
- Sindh NPR – 29 and 30% rated performance as good to very good

Governance Democracy Relationship

- In Punjab the incumbent CM is in office for the third time.
- Single dominant political party
- Management style centralized and micromanaged organization
- In Sindh the incumbent governor holding office for almost 13 years. The CM is in office for the third consecutive time.
- Coalition of political party

Governance Democracy Relationship

- Management style accommodative, sacrifice standards, patron-client relation
- KP and Balochistan government is new setup. The incumbent governor and CM holding office for the first time.
- Coalition of political party
- Management style participatory, some give and take. On the upward trajectory.

Topic No. 208
Governance & Democratic Practices

Governance and Democratic Practices

Challenges to Governance

- Challenges to Governance Largely the institutional incapacity of civil bureaucracy
- Its incapacity to deliver is slow.
- Low grade training of civil officers, compared to training of military officers

Governance and Democratic Practices

- This leads to subordination to other institutions
- Absence of will of political parties and bureaucracy to build capacity
- Majority bureaucrats lack innovativeness, creativity and to put in hard work

Topic No. 209
Governance & Democratic Practices

Governance and Democratic Practices

Nature of democracy

- The nature of democracy in Pakistan can be understood as dominated by a particular ethnic group, or low degree of participation
- Does 'voting' means democracy? It is a necessary condition but not enough

Governance and Democratic Practices

- According to Jean Elshtain thin democracy is where people vote, regular alteration of power and minimal civil decency.
- People disappear or political opponents are jailed and fundamental rights are violated.
- • Thick democracies are pluralistic, tolerant towards diverse communities and religions
- It requires vote, and a genuinely competitive elections

Governance and Democratic Practices

- A genuine respect for human dignity, justice, equity and fairness
- *What is the nature of democracy in Pakistan?*

Topic No. 210
Governance & Democratic Practices

Mehran Bank Case (Asghar Khan Case)

- A case was filed in 1996, for giving money to senior politicians and political parties. 1990-1994, at the behest of the President and Intelligence agencies.
- The money was collected from business community. Rs. 140 million were distributed (as reported)
- From this money a political party named Islami Jamhoori Ittihad (comprised of 9 political parties) was created to influence 1990s elections
- Major parties: PML, National Peoples Party, Jamaat-e-Islami

Mehran Bank Case (Asghar Khan Case)

- Verdict of the supreme court:
- Proceedings against the then Head of Inter service Intelligence, and the then Army Chief, as individuals and not the institution
- Federal Investigation was directed to criminal investigation against politicians

Topic No. 211
Governance & Democratic Practices

Does media improve governance

- Lot of information around.
- Media: social media (Facebook, twitter, Flickr, LinkedIn, Instagram etc.) electronic and print media
- Pros: Quick information dissemination, updated, instant
- A watch dog which can only raise voice
- Highlights inside working and decisions of the government
- Shows injustice of institutions
- Shows positive actions of government
- Does it matter to government?

Does media improve governance

- Cons: can over play an event which is not so important?
- May not be objective
- Too much negativity
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Topic No. 212
ICT and Governance

Importance

- ICT incorporates the utilization of technology for the automation of procedures
- Achievement of cost savings and to streamline bottom-line performance
- Technologies used for facilitating government operations and public administration

ICT and Governance

Examples

- Use of computers for typing and documentation instead of typewriter
- Use of internet and ICT for seeking information

ICT and Governance

E-Government

- E-government means the use of the internet for providing government services
- The application of ICTs by government agencies to increase access to information and operational transparency,
- To improve service quality and delivery, and to raise social welfare.

Topic No. 213
E-Government- Objectives

E-Government- Objectives

- Three main objectives of e-government are:
 - Restructuring administration functions and processes;
 - Overcome barriers to coordinate and cooperate within the public administration;
 - Monitor government performance
- A crucial aspect is the way in which the relationship between state and citizens is expected to change.

E-Government- Objectives

- Requires a cooperative interaction between the citizen and public administration
- Organizational re-design of government's departments and agencies
- E-government is not applied in isolation (integrated approach)
- It is supposed to deeply affect the way in which a country is governed

E-Government- Objectives

- Online College Admissions System (OCAS)
- Discussion points;
 - Benefits to citizen (client)
 - Extent of facilitation to Decision-making
 - Level of Transparency for Colleges and Government
 - Decision Making Possibilities for monitoring and policy-making

Topic No. 214
Understanding Corruption

Understanding corruption

Corruption in public service

- How corruption is defined?
- How is corruption measured?

Understanding corruption

- It is defined as misuse and abuse of the given power, for selfish and personal gain
- Use of public office, largely, for private benefits (jobbery)
- Doing private business using public office
- Doing nothing
- Rent-seeking in purchase of goods and services
- Nepotism

Understanding corruption

- The term is a short-hand reference for a wide variety of dysfunctional behaviors:
- Types of illegal behavior range into hundreds
- Vary markedly in scope, sophistication and number of collaborators
- Single transactions or many transactions stretching over years

Understanding corruption

Corruption in public service

Corruption = Monopoly + Discretion-
Accountability (Robert Klitgaard)



Topic No. 215
Corruption: How much?

Corruption: How much?

- It is hard to measure it
- Based on combination of qualitative and quantitative tools
- So needs to be taken as indicative degree of the phenomenon
- Analyze some figures:

Corruption: How much?

Countries	CPI	Score	Rep paying bribe (%)	Ineffec tivenes s(%)	% Increas e in corrup tion (2007- 10)
Pakistan	126/175	-	49	73	77
China	100	6.5	9	35	46
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Transparency International, 2015. <http://www.transparency.org/>

Corruption: How much?

Comparison of Most Corrupt Institutions on a scale of 1 to 5

Institutions	Pakistan	China	India	Bangladesh
Political Parties	4.1	3.4	4.2	3.8
Parlia. & Legislature	4.0	3.4	4.0	3.1
Civil Bureaucracy	4.2	3.4	3.5	4.0
Police	4.5	3.4	4.1	4.4
Military	2.8	2.7	2.8	1.9
Education	3.1	3.0	3.4	2.6
Religious Institutions	2.8	2.8	2.9	1.8

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Corruption: How much?

- Corruption could be a major obstacle in the process of economic development
- In a survey of 150 senior officials from 60 developing countries, in 1998, it was recognized as a major obstacle in economic development

Topic No. 216
Ethics for Public Service

Ethics for Public Service

Ethics defined:

- Ethics is a standard of conduct
- These standards of behaviour/ attitude are applicable to persons, groups, society, organization
- These standards are reflected in behavior
- Ethics sets a balance between selfish interests and collective interest
- Ethics is a balance between 'right' and 'wrong'
- Judgment to choose the 'right' way

Ethics for Public Service

Determinants of ethics in public service

- With regard to civil servants are:
- Ethical decision making skills
- Attitude Virtues and
- Professional values
- Clear accountability
- Cooperative arrangements
- Conflict and disagreement mechanisms and
- Participation methods (weekly meetings, monthly meetings etc.)

Topic No. 217
Ethics for Public Service

Ethics for Public Service

Professional Ethics

- Civil servants act as individuals and the behaviour can be explained:
- Rational approach and Religious basis
- But all social behaviour is determined by values, belief, and aptitudes

Ethics for Public Service

Professional ethics

- According to rational approach, civil servants should decide or act in public interest, efficiency and effective
- Should work towards achievement of goals of organization

Ethics for Public Service

Professional ethics

- Strong institutional mechanism should be established, for example, rules to be adhered and accountability mechanism should be in place
- A sound compensation system

Ethics for Public Service

According to Religious morals the use of power should be for collective good

- It should be to help weak and deserving
- The power of elite should be to make society just
- General characteristics of ethical behaviour:
- Trust, honesty, integrity, dependability, justices, truthfulness, hard work
- Movie clip '*trust and integrity*'

Topic No. 218
Code of Conduct

Code of Conduct

- A code of conduct or ethical code is a set of agreed rules of behaviour and action for people working in organizations (public or private)
- It sets out organization's values, ethics and objectives and responsibilities
- These could be written or unwritten
These will be different for different organizations
- Examples: treating employees with respect, ethical standards on confidential information,

Code of Conduct

Examples:

- Conflict management,
- Conflict of interest,
- Gift and gratuities

Topic No. 219
Building ethical capacity

Building ethical capacity

Administrative Capacity

Corruption = Monopoly + Discretion – Accountability

- This equation is helpful in designing administrative system and capacity to reduce corruption
- In a system monopolies to be reduced (again it is subtle) or carefully monitored

Building ethical capacity

Examples:

- The head of an autonomy body has the authority to hire. He constitutes a committee to short list candidates.
- And verbally mentions to one of the member not to include certain names. In this way he gets the work done and himself absolved.
- Committees are not always absolutely transparent in working and therefore a means to keep away the responsibility. So close monitoring is essential

Building ethical capacity

- “Corruption is a crime of calculation and not passion”
- Therefore, clarity discretion, make systems transparent
- The penalty of corruption for both the giver and taker be same
- Punish the big fish

Building ethical capacity

- Capacity Incentivize system and not merely controlling through laws
- Leaders (political and administrative) to have will to develop corruption free system

Topic No. 220
Building ethical capacity

Building ethical capacity

Standard Operation Procedures

- The SOPs are processes, describe operations necessary to accomplish a task
- The purpose is to carry out task correctly and in the same manner by all employees
- No discretion
- Example, purchase of goods and services, maintaining official vehicle, personal protective equipment
- Example, extraction of acid with pipette or eye dropper (Task). SOPS are
- Eye protection Safety glasses must meet the ANSI Z 87.1

Building ethical capacity

- Example,
- Safety glasses with sideshield or chemical safety glasses
- Procurement procedures are laid down, however, these are circumvented because they are not caught
- Enforcing SOPs are ethical measures for human safety, both for employees and user of service
- Procurement procedures assume that by following, unethical behaviour will reduce

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Topic No. 221
Building ethical capacity

Building ethical capacity

Manuals

- Secretariat Instruction Government of KP lays down instructions on
 - Punctuality
 - Leave
 - Recruitment

Building ethical capacity

- General Financial Rule
- 5.5 “Every officer authorized to incur expenditure from public fund should observe high standards of financial propriety which are:
 1. Every public servant is expected to exercise the same vigilance in respect of expenditure from public money, as a person of ordinary prudence would exercise in respect of expenditure of his own money”
 2. Expenditure should not more than the occasion demands
 3. Should not be for personal benefit

Building ethical capacity

Civil servants Conduct Rules

- On receiving gifts
- No government servant indulge in nepotism, parochialism, provincialism
- Shall not live beyond means
- Shall not bring outside influence, that of politician, directly or indirectly, looking for any support
- Buying or selling of property, shall seek permission
- Approach foreign mission or aid giving agency for training abroad.