

Public Administration and Sustainable Democracy: Pakistan's South Asian Experience

Abstract

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Scholarly literature has looked into nascent democracies and public administration in developing countries. However, the link between public administration institutions and sustainability of new democracies in developing countries, especially countries with ancient traditions of public administration, has not been fully explored. This paper is a theoretical attempt to respond to this lacuna. It asks the question: Whether Pakistan's current public administration set-up which commenced in 2001, referred to as devolution; or its centuries old institution of district magistracy, is better able to sustain its nascent democracy? Based on the insights gained from McAdam, Tarrow and Tilly (2001), Heller (2000) as well as the path dependency approach to public administration (Mahoney, 2000), this paper argues that the institution of district magistracy is better suited to improve the levels of instrumentation and protracted consultation in the country and hence better able to sustain its democracy (McAdam, Tarrow and Tilly, 2001).

Introduction:

“An effective democracy has two interrelated characteristics--a robust civil society and a capable state. A free and lively civil society makes the state and its agents more accountable by guaranteeing that consultation takes place not just through electoral representation (periodic mandates) but also through constant feedback and negotiation.” Heller (2000)

Pakistan is a nascent democracy. Although its bureaucracy or “establishment” has been blamed in the popular media for various failures of democracy in the country, serious scholarly efforts exploring the role of specific elements of the public administration institutions are still lacking. This research is an attempt to respond to this lacuna.

Pakistan is situated in South Asia and was a part of India until 1947. Historically the basic administrative unit in South Asia has been the “district” administered by a “district magistrate”. Very strict standards of recruitment, training, performance, and accountability were applied to the district magistrates. The district magistrate had the judicial powers of an executive magistrate and was responsible for oversight over the district police. He was also the chief revenue officer of the district. Among other things, he was responsible for public order, crime prevention, development, enforcement of the writ of the state, disaster management, provision of civic amenities, protection of the fundamental rights of the citizens, civil defense, and running the district smoothly. He was responsible for oversight on all government departments in the district. This institution of district magistracy functioned in Pakistan from 320 BC to 2001 AD. It was designed for flexibility and strength to suit the needs of the diverse population of South Asia.

It was abolished and replaced by the “devolution” plan in 2001, claiming to promote democracy in the country. In devolution, the district is headed by a district coordinating officer

who is responsible for revenue collection and provision of civic amenities. However, he has no magisterial powers and no oversight over the district police. The standards of recruitment, training, performance and accountability of the district coordinating officers (DCO) are very lax and politicized. The service structure of the new institution is not even a shadow of the previous system in terms of its regulation / instrumentation capabilities. The weak devolution system has shown itself unable to attract good candidates to serve as DCOs, and the performance of the system has been sub-par at best. The absence of the district magistrate has caused havoc with the enforcement of the writ of the state. Pakistan quickly lost its instrumentation capacity post 2001, resulting in an unprecedented increase in violence and the ever worsening law and order situation in the country (Noorani, 2011).

This paper asks the question: What is more likely to support democracy in Pakistan – the devolution or the centuries old institution of district magistracy? The paper contends that district magistracy supported by elected municipal boards can ensure sustainable democracy in Pakistan.

The theoretical framework of McAdam, Tarrow, and Tilly (2001) argues that a strong democracy requires 1 - strong instrumentation, and 2 – strong protracted consultation. “Strong instrumentation” refers to the capability of a state to enforce its writ, provide order and security and smooth service delivery to the citizens. “Protracted consultation” is the ability of the state to consistently engage citizens in decision-making. There is a significant relationship between instrumentation and sustainable democracy. A state is able to sustain democracy if it has the ability to enforce its writ and ensure at least some reasonable level of protracted civic engagement simultaneously (Heller, 2000; McAdam, Tarrow, and Tilly, 2001). However, if a state has weak instrumentation, even if it has very strong protracted consultation, then, it either disintegrates or succumbs to conquest by another nation (McAdam, Tarrow, and Tilly, 2001).

The institution of district magistracy has demonstrated better instrumentation capability as compared to the devolution system (Noorani, 2011).

Moreover, the institution of district magistracy is part of the culture, tradition, and psyche of the people of Pakistan. The path dependency theory (Mahoney, 2000) applied to this case would argue that such a strong tradition created and sustained to suit the particular culture and nature of the people of South Asia and successfully tested and applied for centuries, would have influence on the current public administration structures of Pakistan.

This paper is divided into three parts. The first part discusses the historical background of public administration institutions in the Indian South Asia. The aim of this part is to demonstrate that district magistracy contributed immensely to stability, peace and development in the Indian sub-continent.

The second part analyzes the historical developments and public administration reforms in Pakistan after independence in 1947. This part aims to show that most, if not all, reforms have been ill-informed and ill-conceived. All reforms weakened the district magistracy's institution and almost all reforms resulted in degradation of the standards of governance in Pakistan.

The third part compares district magistracy and devolution in terms of instrumentation and protracted consultation (McAdam, Tarrow and Tilly, 2001). It contends that district magistracy holds the best promise of sustaining democracy in Pakistan.

The paper concludes with a summary of its arguments and approach. It recommends further empirical research on public administration in Pakistan.

History of Public Administration in South Asia:

During the 1992 race riots in Los Angeles, CA, Reginald Denny, a white truck driver, was taken out of his truck and beaten by the rioting mob. All the while, media helicopters

hovered over the scene of the crime, doing nothing else except reporting the incident blow by blow. The LAPD was ordered to withdraw for its safety and hence never appeared. Mr. Denny needed immediate help, which he received from an un-armed black man, Bobby Green Jr., who watched the incident on TV, rushed to the scene, rescued Denny, and took him to the hospital.

The automatic assumption of authority by Mr. Green can be attributed to his civilian status, his roots in the community and his deep concern for it. The incident is not only a classic example of the behavior of a charged mob, the media, and the police in a worst case scenario, but it also highlights the significance of an unarmed mediating mechanism within civil society to sustain its structure, character, and function.

Most of South Asia is as much, if not more diverse than Los Angeles, and most of South Asia has a population density that exceeds or matches that of Los Angeles. The districts of South Asia, therefore, required such mediating mechanisms to exist on a permanent basis to diffuse any such tensions before the flare up and to manage the situation in case of flare up. This was accomplished through the institution of district magistracy.

All effective rulers of India were cognizant of the competition among its numerous population groups and of the fact that any challenge to the customary and religious traditions of the diverse local populations would be met with stiff resistance, rebellion, and instability. The British colonial rulers had a first-hand experience of this, when large scale rebellion broke out in 1857 as a result of a perception that their Indian soldiers (Hindus and Muslims) were forced to use bullets that used fat from cows (sacred for Hindus) and pigs (prohibited for Muslims).

In this context, an institution had to be designed and established that would respect the local values and maintain the writ of the central government. This Herculean task of combining diversity-based citizen's engagement with stability was achieved through the district magistracy.

The basic administrative unit in South Asia since 320 BC was the district (Niaz, 2010). The district was headed by a civil servant who functioned as a district magistrate. This district magistrate was given various names during various dynasties of the Indian sub-continent, but his recruitment standards and methods, training, job description and powers and duties on the face of it remained more or less similar through various eras since 320 BC (Niaz, 2010). However, there were substantive differences in how the processes of recruitment, training, promotion, postings, and retirements were handled in different eras (Niaz, 2010).

During the Mauryan era starting from 320 BC, the district magistrate was selected after intense scrutiny, and strictly on merit, after passing various examinations that tested his intellect, wisdom, courage, ethics, moral conduct and loyalty to the state (Niaz, 2010). This office contained some powers from all three branches of the government - the executive, the judiciary, and the legislature. The district magistrates were also accountable to all three branches of the government. They had the authority of oversight over the local police. District magistrates had oversight over all the government departments working in the district.

The district magistrates were field officers who lived in the districts and were regularly in direct contact with the people. They had first-hand knowledge of the district and about the people. They dispensed quick justice using their judicial power of executive magistracy. They were known to and were trusted by the local population. This enabled them to perform their role as the civilian mediating mechanisms. They regularly diffused tensions among population groups through discussions and judicial decisions. They had had four main responsibilities: 1 – maintaining peace and stability, rule of law ensuring basic rights of all citizens and their protection against any excess by the state or by other citizens, 2 - collecting revenue, 3 – development, and 4 – linking the local, state, and the federal levels of governance. These duties

incorporated civil defense, disaster management, ensuring and dispensing justice, acting as the civilian mediating mechanism between the citizens and the police and between the citizens and the higher judiciary, providing relief to the local population, ensuring basic services, and disaster management (Niaz, 2010). They represented the center at the local level, while simultaneously working as a communication channel for the local to voice his views and priorities to the center.

The standards of accountability and performance were very high. They were held accountable for their performance from their immediate executive head, the central legislative head which was the king, and by the Judge appointed to the district by the king. Moreover, their ultimate accountability came from the performance of their district, the law and order situation in the district, and the level of contentment expressed by the citizens of the district, and the development in the district. Any failure, economic or law and order in the district, was attributed to them. They had to ensure that this did not happen. Their executive magistrate status allowed them to effectively manage public order, stay informed of the events in the district and to ensure justice among the citizens. India enjoyed peace, security and stability for long periods in this period. Science, philosophy, creativity, art and culture flourished in the region (of which Pakistan was a part until 1947) with immense contributions by the district magistrates.

The institution was replicated by the successive dynasties of the Guptas, the Sultans, etc. (Niaz, 2010). Starting from the Shamside (Slave) dynasty, the standards for recruitment, transfers, postings, and retirement were diminished. During the Mughal rule, the standards of recruitment and training of district magistrates based on merit were gradually replaced by the whims of the Mughal rulers. The job cadre was politicized, and hence, compromised. Although merit was still a factor in such appointments, political connections played a major role (Niaz, 2010). The institution of district magistracy, resultantly, became incapable of instrumentation

and protracted consultation. The state was weakened. This led to the general lack of stability. Such instability creates the opportunity for all adventurers to try their luck at power (McAdam, Tarrow, and Tilly, 2001).

Mughals were followed by the British colonial rule. The British ensured strict standards of recruitment, training, performance and accountability of the district magistrates (Mason, 1985). Those standards and procedures were very similar to those of the Mauryan emperors. The aspirants to the service had to undergo rigorous examination to be recruited in the elite Indian Civil Service (ICS) to serve as district magistrates. Their specialized training thoroughly groomed them for their responsibilities and their senior officers mentored them for perfection and for service to the population. Most importantly, the British ensured that the business of the government was carried out according to the rule of the law instead of the arbitrary whims of the ruler (Niaz, 2010). This had significant and overall constructive effects on the management of the state's affairs (Niaz, 2010).

The primary powers, duties, responsibilities, and accountability of the district magistrate remained more or less the same as it had since 320 BC. The district magistrate (DM) represented the state and implemented its writ at the grassroots level. The district magistrate was supported in his functions by a small group of sub-divisional magistrates (SDMs) who performed similar duties at the sub-divisional level (Niaz, 2010). At one point in time the British experimented with removing the judicial powers from the district magistrate. The consequences were disastrous for the management of the country. The judicial magistrates were far away, the benefits accrued to people through the new system far out-weighed the costs, it threatened the continuity and stability of the society, and the overall path dependency of the institution of district management

forced a reversion back to complete district magistracy with judicial powers which sustained the colonial empire for a number of years including the first and second world wars (Niaz, 2010).

After independence from the British rule, Pakistan inherited the service cadre and changed the nomenclature of the service cadre from Indian Civil Service (ICS) to Pakistan Administrative Service (PAS).

District Magistracy in Pakistan:

Pakistan adopted the title of Pakistan Administrative Service (PAS) to replace the title of Indian Civil Service (ICS) soon after independence in 1947. In 1954, the name was again changed to the Civil Service of Pakistan (CSP), which in 1973, was changed to District Management Group (DMG) (Kennedy, 1987). The modifications in nomenclature were a reflection of the modifications in the structure of the administrative group.

In 1947 at the eve of the creation of a new country the existing ICS officers were asked for their choice to join India or Pakistan. From 1947 to the early 1960s the officers of the ICS cadre and the institution of district magistracy played a major leadership role in stabilizing a new and bleeding edge country. Although the nomenclature was changed to CSP in 1954, the service structure, recruitment standards, responsibilities, powers and accountability was more or less the same as it was for ICS. The ICS officers who opted for Pakistan became the backbone of the country. They were known for their dedication, intelligence, hard work, wisdom, courage, and sincerity.

The 1947 independence from the British colonial rule and the division of India and Pakistan was wrought with death and destruction caused by the Hindu-Muslim riots. Millions of refugees were leaving India to come to Pakistan every day. The ICS officers without resources

and even without the basic office space or stationery managed to cater to the needs of those refugees.

In addition to managing the refugees, the every-day affairs of the state had to be managed, public order had to be maintained and basic amenities had to be provided to the people. The situation was so desperate, that many had predicted the end of new Pakistan within months, if not days of its creation. Without necessary facilities for running offices, those ICS officers and the newly minted CSP officers were the key to support the fragile new state. Primarily with the leadership and management skills of these officers, Pakistan maintained public order in such difficult times and was not only able to survive, but also prosper during its initial years.

With their enterprising and innovative leadership, those ICS and CSP officers were instrumental in the development of the country. This was a time of immense political trouble and instability in Pakistan. The ICS and CSP officers provided the stability for the day-to-day affairs and development of the country. Karachi, then the capital of Pakistan, was transformed within a short span of time, from a tiny fishing village and an inconsequential port to a vibrant metropolis and a major financial hub of the region. It became known for its lights, its urban galore, its diversity, its culture, its night life, its planning, its educational institutions, its hospitals, and its philanthropy. It was called the Uroos-ul-Ballad (Bride among the cities) and Roshniyoon ka Shehr (City of lights).

Much progress was made in the agricultural sector too. New universities and hospitals were set up throughout Pakistan. Local crafts were encouraged, and export was made easy. With their leadership, Pakistan became a champion in the sports of Cricket, Hockey and Squash. Not only did the ICS and CSP officers facilitate development, they took a leadership role in

economic and urban planning. Mr. Zafar-ul-Ahsan Lari, for example, an ICS officer, after retirement, turned into a patriotic entrepreneur. He built the first Soda Ash factory in Pakistan. Before retirement he was also instrumental in setting up the Pakistan International Airlines (PIA) from scratch.

These officers were also the leaders in social work and philanthropy. Mr. Akhter Hameed Khan, a veteran ICS officer, became a world renowned celebrity, when he decided to quit his job, and dedicate his efforts to provide services to the new wave of immigrants created by the separation of East Pakistan and the creation of Bangladesh in 1971. His Orangi Pilot project was an innovative step. Instead of giving fish to the people, he managed to teach them self-reliance and self-awareness. Within the immigrant community, he taught and managed the people to use their own the human capital and whatever other meager resources they had to build a community and a new respectable life for themselves and their families. The engineers among the East Pakistan immigrants were used to help build small houses for the people; the masons made bricks and constructed walls, carpenters made the doors and the windows, etc. The community was mobilized to lay its own water and sewerage system, to help educate its children, to provide capital to each other for small businesses. Within a short span of time after 1971, and without asking for help from the government or anybody else, Orangi was a self-sufficient thriving community with a very high literacy rate (Khan, 1996). Similarly, Mr. Tasneem Noorani, another ICS officer, initiated his Khuda Ki Basti (Settlement of God) a project that changed the concept of slums in the region (Linden, 1997).

Professor Akbar Ahmed, the Khaldun Chair of Islamic Studies at the American University of Cairo and a world renowned scholar of Islamic anthropology, a notable speaker, an

ambassador of inter-faith understanding, and a highly respected researcher, was a CSP officer and served as district magistrate in various districts in Pakistan.

All this was to be changed though. Through a series of “reforms” all this was destroyed by the successive political leadership of Pakistan. Politicization of the service led to the ultimate demise of district magistracy and to the demise of good governance in the country.

Mr. Tasneem Noorani in his newspaper article dated July 27th, 2011 in the daily Dawn, mentions various factors for this state of affairs, key among those is the element of jealousy felt for the PAS/CSP/DMG officer due the prestige and salaries enjoyed by them. The jealous elements demanded equality in outcomes without equality of effort - without putting in the requisite effort in earning that prestige. Mr. Noorani (2011) rightly mentions that most of the DMG officer came from hard working middle class families. Their entry in the service was always strictly merit based. This ensured the effective functioning of the institution of district magistracy. However, these officers did not wish to play politics. That was not their forte. They simply wanted to do their job and to work for the betterment of the country. In addition, law prevented them from making public statements. This made them an easy target of the hate campaign. They were blamed for the wrong-doings of the politicians, they were ostracized for being the English speakers and for being too westernized; they were insulted as elitists, and eventually, the system was destroyed (Kennedy, 1987; Niaz, 2010). From the 60s to the present time, the so-called reforms of the service weakened the governance in the country, caused destabilization, crime and violence, and reduced the quality of professional public administrators in the country (Niaz, 2010).

During the 60s rule of Ayub Khan, the politicization of the CSP cadre was institutionalized. Government’s heavy involvement in transfers and postings, and perks and

privileges harmed the job-oriented focus of the service members. Yahya Khan who followed Ayub, famously summarily removed 303 CSP officers from the service on various allegations, without due process (Kennedy, 1987). The degradation of governance and of the rule of law began during this era (Niaz, 2010).

The most significant structural modifications came during the era of Zulfikar Ali Bhutto, in 1973. The impetus for the reforms was provided by the fall of Dhaka, the separation of East Pakistan and the creation of the new state of Bangladesh. This was a catastrophic moment for Pakistan. However, the failure was conveniently blamed on the bureaucrats who were forbidden by the law to give public statements (Kennedy, 2010).

The blaming elements conveniently forgot that it was the failure of protracted consultation. It was the authoritarian rule of Ayub Khan and the ethnic discrimination displayed toward the Bengali population by the political elites of Pakistan that caused immense discontent among the Bengali people to the extent that they decided to break away from Pakistan. The treatment meted out to Moulvi Tamizuddin Khan, a highly respected and upright politician from East Pakistan by the West Pakistan is a case in point to the extent West Pakistani politicians were willing to go to achieve their objectives (Khan, 2004). It was not a failure of district magistracy; rather, it was the result of extremely low levels of protracted consultation that led to fall of Dhaka. The basis of 1973 reforms was therefore faulty and contrary to facts. The quality of instrumentation of district magistracy had also suffered because of the political influence mentioned above.

However, instead of correcting the wrong done, it was continued. Under the 1973 the steps amounted “the disbanding of the CSP, the abolishment of the cadres system of organization, elimination of training advantages heretofore enjoyed by CSP officers, the

establishment of a unified pay scale, and the introduction of lateral recruitment” (Kennedy, 1987). Nomenclature was also changed from CSP (Civil Service of Pakistan) to DMG (District Management Group). The existing CSP officers were no longer allowed to use the designation of CSP with their names. Interestingly, the nomenclature of other services like the Police Service of Pakistan (PSP) and the Foreign Service of Pakistan (FSP) were not changed and were allowed to continue to demonstrate the nature of their all Pakistan service structure (Kennedy, 1987). In addition, for the first time, women were allowed to join the prestigious cadre.

Prior to 1973, the recruitment to the CSP cadre was carried out through a dedicated and separate exam of for the CSP cadre. Recruitments for all other services, e.g. the Police Service, Foreign Service, Customs, Income Tax, Accounts, etc. were conducted through the Central Superior Services (CSS) exam. However, the 1973 reforms changed the recruitment mechanism for the CSP/DMG service, while retaining the same for other services. The recruitment of DMG officers as well as their initial training, post 1973, was also to be carried out using the Central Superior Services (CSS) exams (Kennedy, 1987). This effectively diminished the ability of the CSP/DMG service to attract the best and the brightest and to provide the best quality training to them (Kennedy, 1987).

In addition, the controversial provincial quota system in recruitment was also introduced. These reforms, especially the lateral entry, lack of secure tenure, and political interference in appointments and transfers amounted to politicization of bureaucracy. This politicization consequently led to the loss of prestige of the service which resulted in the lack of demand for the job and hence in lower quality of human resource being recruited in the DMG cadre post 1972 compared to the pre-1972 batches (Kennedy, 1987). This further led to the lowering of service and ethical standards of the cadre (Kennedy, 1987).

Zia's era (1977 - 1988) intensified the induction of officers from armed forces into DMG, resulting in further politicization and hence, diminished prestige and work standards of the cadre. This combined with the Afghan War had serious implications for governance in the country. Instrumentation and enforcement of writ of the state underwent visible degradation. Illegal drugs and weapons flooded the country, especially in the major urban and financial centers. Precious young lives were lost to drugs and violence. Most of the people interviewed for this paper report hearing about drugs like heroin for the first time in their lives during this time period. The district administration, headed by the district magistrate, appeared incompetent and unable to stop this tide of lawlessness and waste of precious human resource.

The degradation of the DMG cadre and the district magistracy in Pakistan continued, giving way to lower quality of governance. Subsequent political regimes of Benazir Bhutto and Nawaz Sharif eventually promulgated and enforced the Legal Reform Ordinance (LRO) under Justice Sajjad Ali Shah in 1996, to separate the executive from the judiciary. In addition to overburdening the courts, delays, and increased corruption in prosecution, this also led to the quick deterioration of post 1996 writ of the state in Pakistan. The current judiciary-legislature showdown about recruitment and transfers in the civil service, reported in all major news sources of Pakistan, demonstrates that the legislature blames the judiciary for treading into the executive authority and the judiciary blames the legislature for not respecting the powers of the judiciary, while the DMG officer is perceived to be "between the devil and the deep blue sea" (Butt, 2011). The separation apparently failed to produce results.

In spite of all the negative consequences of the 1996 separation of executive from judiciary and instead of reversing the damage done in 1996, bad governance was again blamed on the bureaucracy and in particular the DMG cadre. They were still bound by the laws which

did not allow them to make public statements. Hence, they were the easy targets. Instead of reviving the pre-1960 system of governance and the pre-1960 institution of district magistracy which obviously produced positive results, the office of the district magistrate was completely abolished during Musharraf's presidency with the promulgation of the Police Order of 2001 and modifications in the Criminal Procedure Code. This resulted in the complete breakdown of governance, instrumentation, and writ of the state, as demonstrated by the high profile incidents of violence in major urban centers and the overall lawlessness throughout the country especially in the urban, industrial and financial centers of Pakistan.

On May 15th, 2008, The News reported¹ that, "In a shocking incident of vigilante justice, a mob in Karachi on Wednesday burnt three bandits alive near the Timber Market, venting their anger and disgust over the rising crimes." Such crimes by the collective, previously unheard of in the urban centers of Pakistan became commonplace.

There have since been calls to revive the institution of district magistracy in Pakistan. The office was revived in Balochistan in 2010 and in Sindh in July 2011 but so far, without the magisterial powers and hence, without the ability of instrumentation. All major political parties of Pakistan with the exception of Mutahida Qaumi Movement support the system of district magistracy.

Theoretical Framework:

Shafqat (1999) argues for paying attention to the cultural and social aspects in devising public administration structures in the context of Pakistan. In the context of the path dependency theory (Mahoney, 2000), it appears that the public administrative institutions and structures of

¹ Retrieved from <http://www.thenews.com.pk/TodaysPrintDetail.aspx?ID=14699&Cat=13&dt=5/15/2008> on July 29, 2011.

the countries of South Asia would be influenced by the long history of the system of district magistracy.

The institution of district magistracy ensured stability and strength of the state by having a structure and tradition of enough flexibility to adapt to the local culture, becoming the voice of the communities to the national government and implementing national policies at the local level while being sensitive to local customs and traditions. The stability also came from its ability to strike a delicate balance between regulation and flexibility, formal and informal, hard and soft force, top-down and bottom-up approaches, and revenue and non-revenue functions (Mason, 1985). The district magistrates knew that their effectiveness in enforcing the writ if the state came from service to the people, and from their efforts to rule the hearts and minds of the people (Mason, 1985). District magistracy was thus only as successful as it was participative.

Looking through the combined lens of social movements' and capabilities' literature, this paper argues that for a democratic state to be viable, it should have an enabling environment for democracy. McAdam, Tarrow and Tilly (2001) include "instrumentation", defined as the strength of means of carrying out intended policy, or simply the capacity of a state to enforce its writ, as one of the important attributes of a strong state which can sustain democracy. Along a two-dimensional scale going from weak state to strong state on one dimension and low consultation to high protracted consultation in the other dimension, they demonstrated that the zone of citizenship or the zone of ideal democracy, or the zone of autonomy of ordinary citizen lies at the intersection of strong state and high protracted consultation. Their analysis showed that very few successful democratic movements followed the path of weak instrumentation into the zone of citizenship, because such states, instead of being democratized, succumb to either conquest or disintegration. Irrespective of the level of protracted consultation, instrumentation

has demonstrated a significant relationship with sustainable new democracies in the developing world (McAdam, Tarrow, and Tilly, 2001). However, a certain reasonable level of protracted consultation has to be maintained and enhanced for the state to sustain itself.

Combining the capability perspective of Sen (1992) with McAdam, Tarrow and Tilly's (2001) approach to government capacity, we can argue that the capability of the common people to approach, trust and share valid information with civil servants, along with the capability of the civil servants to address the needs of people through all mechanisms including enforcement, can sustain democracy. An incapacitated civil service not only demonstrates a weak state, but also cannot address the needs of the people. Hence, the finding of literature that weak states either disintegrate or are conquered, but not usually democratize (McAdam, Tarrow, and Tilly, 2001).

For Pakistan to enter into the zone of stable citizenship (McAdam, Tarrow, and Tilly, 2001) or sustained democracy, therefore, both the protracted consultation and the state would have to be strengthened. Simultaneously, the capabilities (Sen, 1992) of the common man to have access to and interact with the civil servants have to be enhanced to increase the level of protracted consultation. The structures of both the civil service and the protracted consultation have to be intact with internal integrity; when one tramples upon the other, we end up either with anarchy or with an authoritarian state. When both the state strength and protracted consultation are high, we can reasonably expect to be in a stable zone of citizenship and democracy.

We are now in a position to argue that a strong civil service ensures government's capacity and hence provides the enabling social and cultural milieu for protracted consultation and democratic capabilities to common man. In the case of Pakistan, as already discussed, this strong civil service was that of pre-60s district magistracy. However, there can be variations in district magistracy too, especially with regard to protracted consultation. We have already seen

that district magistracy enhances instrumentation, but what kind of variation in district magistracy, or in combination with district magistracy can help to increase protracted consultation? It would be instructive to discuss some alternatives.

Based on the experiences of Pakistan, this paper suggests four possible alternatives, 1 – no district magistracy, elected municipality, and no democratic control over police, 2 – no district magistracy, elected municipality, and democratic control over police, 3 – district magistracy and no elected municipal boards, and 4 – district magistracy and elected municipal boards.

Since instrumentation deals with the enforcement of the writ of the state, incidents of crime and violence can be used as proxies to understand the level of instrumentation in the country. This paper classifies crime under three categories of, 1 - crime against the individual which would include individual murders, etc., 2 - crime against the collective, which include suicide bombing attacks, and 3 - crime by the collective, which includes mob violence. Increase in either category of crime is an indication of loss in instrumentation capability of the state.

The paper also looks at the level of protracted consultation respectively under the four possible alternative systems of public administration in Pakistan. It categorizes protracted consultation into, 1 – minimum consultation, which means little to no contact between government officials and citizens, 2 – permissive consultation, which means that the citizens can approach the government officials and freely express their opinion but there is no outreach, 3 – outreach consultation, where state entities actively seek feedback from citizens.

Let us look at each category of public administration now:

1 – No District Magistracy, Elected Municipal Boards, and No Direct Democratic Control over Police:

This scenario corresponds to the new system of devolution. The current Police Order of 2001 abolishes the institution of district magistracy, provides for elected municipal boards but does not provide for direct democratic oversight of the day-to-day affairs of the police force and civilian support to the police. This function was formerly performed by the district magistrates. As seen above, in the new devolution plan, the lack of oversight and civilian support to the police, as expected, has resulted in deteriorated the law and order situation of the country particularly in the major urban centers of the country, which entails immense negative implications for the economic and social development of the country. Although most developed countries are not known to have much direct oversight over the police, every culture is unique and the culture and traditions of Pakistan as well as the traditional path dependency (Mahoney, 2000) public administration structure of Pakistan dictates otherwise. The lack of mediating civilian mechanism in the devolution plan at the local level was expected to decrease the local nature of public administration in Pakistan (Cheema, Khwaja, and Qadir, 2005).

The diversity of Pakistan requires a neutral and dedicated district magistrate to understand and work with the local population, customs, traditions and religion. The high handedness of the armed police, which, incidentally, also has a long history and tradition, was mediated and suppressed by the district magistrate (Mason, 1985). Moreover, the district magistrate was also the key civilian mediating mechanism which maintained order in the district using negotiations and dialogue. This, in the context of Pakistan, has never been, nor is likely to be accomplished, by the armed police which are still viewed with great suspicion by all local population groups.

Several incidents of police brutality can be quoted even from the highly developed societies which do not have direct oversight over the police. A mediating civilian mechanism

between such a force and the local population, having the power of oversight over the armed police force to such an executive, prevents indiscriminate and abusive use of force on the weaker elements of the local population. The institution of district magistracy does just that. District magistrates are also citizens and cannot be expected to be completely politically neutral, however, being professional public administrators, therefore, political interests and favors would not be their first priority in most cases – provided that the administration is kept divorced from the politics.

Protracted consultation: In this scenario elected municipal boards can ensure protracted consultation. Theoretically people would feel comfortable approaching their representative as compared to approaching a government appointed district magistrate. However, this theoretical approach ignores the ground realities and path dependency of traditional political and administrative structure of Pakistan. Pakistan is still very diverse and politics are still violently divisive and very ethnically charged. Applying path dependency theory to public administration (Mahoney, 2000), we can argue that it would be futile to imagine that Pakistani politics would break completely free from its ethnic base any time soon.

The elected representatives in Pakistan generally attempt to consolidate their respective ethnic vote banks instead of wasting resources on outreach to other communities, who are not very likely to change camps. People belonging to the ethnic groups of the elected representatives feel free to approach them, but not much outreach effort is conducted by the elected representatives to attract new voters. Hence, this increases permissive consultation for some ethnic groups in the district, while decreases the outreach consultation for others. The district magistrate who was legally required to conduct extensive and un-biased public outreach had the ability to balance the biased and divisive nature of democratic consultation.

Instrumentation: As already explained, lack of oversight over police in the Pakistani society is not expected to assist in instrumentation or enforcement of the writ of the state. All three kinds of crimes, mentioned above, viz. 1 - crime against the individual which would include individual murders, etc., 2 - crime against the collective include suicide bombing attacks, and 3 - crime by the collective which includes mob violence, are on the rise in Pakistan since the Police order of 2001 came into force.

On Tuesday, September 16, 2010 Pakistan's leading newspaper, Dawn, reported, "On Aug 15, dozens of people publicly beat to death two young brothers, Hafiz Mughees, 15, and Hafiz Muneeb, 19, in the presence of Sialkot District Police Officer Waqar Chauhan and eight other police officers who watched the brutal act as silent spectators. The bodies were later hanged upside down on the chowk"²

This and many such examples clearly indicate that Pakistan has almost hit rock-bottom in maintaining public order, post devolution. We can therefore say that in Pakistan, in a system of no district magistracy and no direct democratic control over police but with elected municipal boards, permissive protracted consultation can increase, but the instrumentation is expected to be very low.

2 – No District magistracy, Elected Municipal Boards and Direct Democratic Control over Police:

In this scenario, there would not be any district magistracy, but there will elected municipal boards and direct democratic oversight over the police by the members of elected municipal boards. As discussed above, due to highly divisive and ethnic nature of Pakistani

² Retrieved from [http://news.dawn.com/wps/wcm/connect/dawn-content-library/dawn/news/pakistan/provinces/99-judicial-remand-extends-in-sialkot-lynching-case-ik-03 - retrieved on11/28/2010, at 7:20 pm Eastern Time\),](http://news.dawn.com/wps/wcm/connect/dawn-content-library/dawn/news/pakistan/provinces/99-judicial-remand-extends-in-sialkot-lynching-case-ik-03 - retrieved on11/28/2010, at 7:20 pm Eastern Time),)

politics, which owes its existence to the high level of diversity of the country, this can be devastating for the local districts. Every political party in Pakistan has a distinct ethnic vote bank, which is not expected to shift at the local level. Local municipal elected leaders, therefore, do not generally see any benefit in trying to attract other voters. They mostly focus their effort on consolidating their ethnic vote bank. Benefits given to their ethnic group can translate into solid votes. Members of other ethnic groups are always open to suspicion, at least at the local level. With control of armed police in the hands of ethnically biased representative, this system is expected to be biased and high handed against ethnic minorities in the local districts. It is an open secret in Pakistan that whenever local politicians could influence the police they tend to be high handed with other ethnic groups. This system strongly politicizes the police resulting in the overall reduction of the instrumentation capability of the state. Police is used for achieving personal political benefits by the local elected municipal leaders. The state can longer guarantee equal protection and rule of law for all citizens and its writ is weakened.

Protracted Consultation: As was the case in the previous scenario, in the ethnically charged political environment of Pakistan, a system comprising of elected municipal boards and no district magistrate is likely to increase the level of permissive consultation for certain groups with bare minimum, if at all, outreach consultation for other groups.

Instrumentation: With a highly biased and politicized police, there is a slim chance, in this scenario, that there would be high levels of instrumentation. As explained above, such a system with its divisive approach is likely to increase injustice and hence, lower instrumentation and state's writ at the local level.

The elected representatives, being mindful of their ethnic vote bank, would tend to protect the interests of their collective interests. Since the police, in this scenario, is used a political

tool, it is not expected to make much effort to reduce individual crime. The elected representatives might try to prevent violence against their collective ethnic groups, to some extent, to prove their worth, but they are not expected to go so far as to waste time on futile efforts like reducing individual crime, since this is not expected to have any influence on the viability of their ethnic vote banks.

In a system of no district magistracy with direct democratic control over police, both protracted consultation and instrumentation are expected to be weakened.

3 – District Magistracy, No Elected Municipal Boards:

This system assumes a district magistracy that existed prior to the 1960s. This means that politics and administration would be separate and the district magistrate would have oversight power over the police. Oversight of police by such a district magistrate would not involve any political interest, and hence could ensure equitable dispensation of justice and relief for all residents of the district irrespective of their ethnicity. Personal biases of district magistrates cannot be ruled out, but they would not be the defining criteria and priority as would be the case with democratic oversight.

Historically, such a district officer was a field officer who stayed primarily in the field with the local people. He used to dispense justice and make decisions in the field with minimal time spent inside the office. This ensured systematic protracted consultation. The Criminal Procedure Code of Pakistan, which enshrines the idea of district magistracy, mandates civic engagement and feedback from the public by the district magistrate.

Protracted Consultation: The pre-1960s district magistrate in this scenario is expected to be in tune with the local community and trusted by the local community, which would increase outreach consultation. However, people feel more comfortable approaching their elected

representatives as compared to a government appointed official, hence, in the absence of elected municipal boards, permissive consultation is not expected to be very high for this scenario.

Therefore, in this scenario, the level of permissive consultation might be reduced, but the level of outreach consultation would increase.

Instrumentation: A politically neutral professional district magistrate, selected after a rigorous recruitment process is expected to have the capacity and the will to enforce the writ of the state. All three kinds of crimes are expected to be reduced in this scenario. This is because a neutral and professional district magistrate whose performance evaluation depends on maintaining public order and on development in the district, and who is professionally competent and un-biased, would leave no leaf unturned to enforce the writ of the state in his district.

District magistracy without elected municipal boards is expected to have outreach consultation and effective instrumentation, but not much permissive consultation.

4 – District Magistracy, Elected Municipal Boards:

This scenario assumes a district magistrate similar to the one described above in scenario 3. Such a district magistrate would balance the biased and politicized consultation approach of the elected representative. Simultaneously, such a system of professionally competent and politically neutral district magistrate bears higher possibility of effectively enforcing the writ of the state and providing constitutional rights equally to all citizens.

Protracted Consultation: This system ensures effective and representative protracted consultation. It includes the elected representatives as well as the district magistrates. District magistrates encourage equal outreach consultation to all but not permissive consultation, and

elected representatives catalyze permissive consultation but not outreach consultation. The lacking elements of protracted consultation in one are balanced by the other in this system. Therefore, this system is expected to enhance both outreach and the permissive consultations. *Instrumentation*: White (2008), in his recent research about law enforcement and writ of the state in embattled northern Pakistan, suggested an administrative framework which closely resembles the system of district magistracy with elected municipal boards.

Joshua White (2008) blames the current unrest among local communities on the lack of civil structures enforcing the writ of the state. He blames the political influences in the appointment of DMG officers as administrators in those regions. Without the system of district magistracy, “It is well known that in places such as the Swat valley, discontent with the government has been driven in large part by the failure of the local judicial system to provide timely resolution of disputes — particularly over land and inheritance questions.” (White, 2008, pg. 2).

White (2008) goes on to state, “At the end of the day, counterinsurgency is essentially a contestation over the political legitimacy of a given government. The legitimacy of the Pakistani state and its institutions is therefore an important factor in its ability to counter localized insurgencies in the frontier” (pg. 8). Regional Coordinating Officers (RCOs) existed at the time of his research instead of the district magistrates, which are the provincial equivalents of District Coordination Officers, the post-devolution administrators. White’s (2008) solution is to “Expand the resources and discretionary authority of the RCO, and see to it that they can serve as a focal point for decision-making on law and order issues, as well as a point of liaison in the field between civilian and military/paramilitary leaders.” (pg. 5)

White (2008) is essentially arguing for a system of district magistracy without using the term. He contends that 1 – magisterial and judicial powers be provided to the RCOs, 2 – discretionary powers for the RCOs, 3 – posting of qualified and quality officers as RCOs, 4 – provision of resources to RCOs, and 5 – role of RCOs as buffer enjoying trust and respect of the local communities. In essence, what White (2008) is arguing for is a return to pre-reform, pre-Ayub era CSP public administration structure of Pakistan to ensure lasting peace and democracy in the embattled regions of Pakistan.

The same can be applied to all areas of Pakistan, all of which have seen significant rise in all kinds of crimes and violence. The scenario of district magistracy working alongside elected municipal boards, therefore, has the highest possibility, among our set of alternatives, to effectively enforce the writ of the state and to provide equal constitutional protection to all citizens in the district. This scenario, based on the discussion so far, is expected to reduce all three kinds of crimes.

District magistracy with elected municipal boards is expected to enhance permissive and outreach consultation and reduce all kinds of crime.

Table 1 below summarizes the discussion about all these four alternative systems of district magistracy in Pakistan.

[Insert table 1 here]

It is clear from the discussion and table 1 above that the last alternative of district magistracy combined with elected municipal boards is most likely to raise the level of protracted consultation and instrumentation, and hence, per the arguments of McAdam, Tarrow and Tilly (2001), can ensure sustainable democracy in Pakistan.

Conclusion:

This research asks the question of whether the age old institution of district magistracy or the newly formed devolution system can ensure sustainable democracy in Pakistan. It provides historical background of the public administration structures in South Asia and in the Indian sub-continent of which Pakistan was a part until 1947. The paper then discusses the public administration reforms and modification in Pakistan and how they have hampered the stability, progress and democracy of Pakistan.

The paper discusses four possible public administration scenarios in Pakistan. They are: 1 – No district magistracy, no elected municipality, and no direct control over police, 2 – No district magistracy, elected municipality, and direct democratic control over the police, 3 – District magistracy and no elected municipality, 4 – District magistracy and elected municipality. Informed by the research of McAdam, Tarrow and Tilly (2001) and the theory of path dependency, this paper discusses these four scenarios and their implications for protracted consultation and instrumentation in the state.

It classifies three kinds of protracted consultation, 1 – no consultation, 2 – permissive consultation, and 3 – outreach consultation. It defines instrumentation in terms of three types of crimes, 1 – individual crimes, 2 – crimes by the collective, and 3 – crimes against the collective. Once again informed by the research of McAdam, Tarrow, and Tilly (2001) and the theory of path dependency (Mahoney, 2000), this paper argues that the district magistracy system combined with elected municipal boards has the highest likelihood of ensuring high levels of protracted consultation and high level of crime prevention and instrumentation. Therefore, this scenario is most likely to support the nascent democracy in Pakistan. This system can be

achieved by rolling back all the futile administrative reforms since 1960 and bringing back the pre-sixties, non-politicized Civil Service of Pakistan.

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Table 1: Protracted Consultation and Instrumentation in the Four Alternative Systems of Public Administration in Pakistan:

	Protracted Consultation			Instrumentation		
	Minimum consultation	Increase in permissive consultation	Increase in outreach consultation	Decrease in individual crime	Decrease in crime by the collective	Decrease in crime against the collective
No district magistracy, elected municipal boards, no direct democratic control of police		X				
No district magistracy, elected municipal boards, direct democratic control of police		X				X
District magistracy, no elected municipal boards			X	X	X	X
District magistracy, elected municipal boards		X	X	X	X	X