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HIGHLIGHTED HANDOUT

MGT513

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
 - o According to the law school must have proper building, safe playing area, teachers should be qualified to teach and so on

Government as Facilitator

- o If the owner does not fulfill the conditions should not be allowed to set up school.
- o 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

Technology

Effects in public

Policy outcome
agencies

Organization
changes in public
agencies

Changes in other sectors

Information
changes in civil

society

Behaviour
changes in civil
society

Business sector changes

Changes in other sectors

Source: Dunleavy et al.,(2005). New public management is dead- long live digital era governance JPART

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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

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 to gather 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 have spirit de corps, 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 (1857-1858)
- 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

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

Branches of
Federal
Government

Executive Legislative Judiciary

Legislative Branch
(elected rep.)

President
(Head of State)

Parliament
(Majlis-e-shora)

Senate
(Upper House)

National Assembly
(Lower House)

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:

President
(Head of State)

Prime Minister
(Chief Executive/Head of Government)

Federal Cabinet

PM Secretariat

Cabinet Division

Establishment Division

Federal Cabinet

Ministries/Divisions

Attached
Departments

Autonomous
Bodies

Semi-Autonomous
Bodies

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 Federal

Minister

Federal
Secretary

Additional
Secretary

Joint Secretary

Deputy Secretary

Section Officer

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, steno

typist, 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
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

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.

Members	Govt.
Cabinet	
voters of lower PM	Deptt. &
members	
house	Agencies

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

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

- **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.

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
- Sittings 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
- Televisе 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

Added influence Influence of Group - A

Influence of
Group - B

Public
Policy

Alternative
Policy Policy
Position Change

Equilibrium

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

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

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 ex-cadared

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

Reward

Selection Performance Appraisal

Development

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 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

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:	Indicators
Increase average rural households income by 25%	<ul style="list-style-type: none">• Increase in number of enrolled children from rural households• Decrease in incidences of malnourishment

Key Performance Indicators

Project objectives: Indicators:
increase in yield of small • fertilize and fence
farmers using relevant their land.
crop production • plant and harvest a
methods 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

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

- .

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

- 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

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

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

- 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)

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
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 things 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 things 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

2% 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, known 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 process from a public servant, like there's some months or notice required 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 will 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 the deliberate intent to wound the religious feelings of any person causing hurt. Sec. 296 of PPC
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 COURTS 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 injury is caused

Types of Offence

- Examples of Compoundable offence (WHERE PERMISSION OF COURTS IS REQUIRED):
- 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.

Types of Offence

Example

- Public servant taking gratification other than legal remuneration in respect of an official act
- 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 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

- 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

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

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, and 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 aur 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 quates 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

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 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

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 Revenues and Expenditures

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

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

• Interest payments	32
• Defence	17
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• Grants and transfer	09
• Running of civil government	08
• Subsidies	07
• 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 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

Provincial Revenues and Expenses

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

- 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 tax 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

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

- 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

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.

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

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
5th NFC Award (1996-97)	62.5%	37.5%
Distribution Order (2006)	52.5%	47.5%
7th 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	23.4%	24.3%	25.9%	26.5%
HDI 2003				
GBS HDI	21.1%	26.2%	23.2%	29.5%
2008				
Poverty	25.0%	19.8%	34.4%	20.8%
(1998-99)				
Average	23.2%	23.4%	27.8%	25.6%
Poverty				

Tax Collection

	Punjab	Sindh	KP	Balochistan	
Total Taxes excluding Islamabad	27		70%	3%	1%
Electricity	63	28%	7%	2%	
Total Taxes 50%+	44		50%	5%	1%
Electricity 50%					

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.

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

- 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.

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

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

- 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

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.

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 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

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 and 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

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

Reasons: Low Political Development

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), Pakistan PPP	
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

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)

- 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. 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

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.

- • 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??

- 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
- Too much confusing information for citizens

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

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?

Countr CPI Score Rep Ineffec %
ies paying tivenes Increas
bribe s(%) e in
(%) corrup
tion

(2007-
10)

Pakista 126/17 - 49 73 77
n 5

China 100 6.5 9 35 46

India 85 7.5 54 44 74

Transparency International, 2015. <http://www.transparency.org/>

Bangla 145 - 70 22 46
desh

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	2.8	2.8	2.9	1.8

Transparency International, 2015. <http://www.transparency.org/institutions>

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

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.)

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**

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'

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,
- Safely 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

Topic No. 211
Governance & Democratic Practices

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Corruption in public service

- How corruption is defined?
- How is corruption measured?

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- Based on combination of qualitative and quantitative tools
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- Analyze some figures:

Corruption: How much?

Countr ies	CPI bribe s(%) (%) tion (2007- 10)	Score paying e in corrup	Rep tivenes	Ineffec Increas	%
Pakista n	126/17 5	-	49	73	77
China	100	6.5	9	35	46
India	85	7.5	54	44	74

Transparency International, 2015. <http://www.transparency.org/>
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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	2.8	2.8	2.9	1.8

Transparency International, 2015. <http://www.transparency.org/institutions>

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

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**

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'

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,
- Safely 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

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.

