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Democracy and Public Administration in Pakistan



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Amna Imam • Eazaz A. Dar

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Democracy and Public Administration in Pakistan

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CRC Press
Taylor & Francis Group
6000 Broken Sound Parkway NW, Suite 300
Boca Raton, FL 33487-2742

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No claim to original U.S. Government works
Version Date: 20130904

International Standard Book Number-13: 978-1-4665-1156-9 (eBook - PDF)

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Preface

For the first time in Pakistan's history, peaceful transfer of power from one democratically elected government to another took place in May 2013. The Garrison State¹ after 66 years of independence was finally able to claim its place among the democratic nations. The euphoria was short lived.

Soon afterward, on June 15 and 16, the Baloch Liberation Army (BLA), struggling for separation from Pakistan, conducted three well-coordinated and well-timed attacks, in which Muhammed Ali Jinnah's (founder and father of the nation) residency in Ziarat, Balochistan, was destroyed. Also, a university's bus was blown up killing 14 female students, and later, at Bolan Medical Center where victims of the bus attack were taken, armed militants murdered the deputy commissioner (DC) of Quetta.

Pakistan first disintegrated in 1971 when East Pakistan declared independence and became Bangladesh as a direct consequence of elections in 1971. The precarious conditions in today's Pakistan raise serious questions about the viability of its new democracy, which many believe to be an illiberal democracy,² and the continued existence of the country in its present form. This book is a scholarly and pragmatic attempt to examine these issues, analyze their root causes, and indicate directions for a stable democratic future.

The idea for this book was conceived gradually as the authors gained in experience as practitioners in Pakistan, and as scholars and students in the United States and around the world. Their varied experiences instilled a kind of ethical idealism and a vision of governance truly for the sake of self-actualization of the citizens of Pakistan on purely reasonable, rational, and secular grounds.

It was then, and appropriate, that we strove to explore the role of the grassroots public administrative institution of the DC & DM (deputy commissioner & district magistrate) in a historical context for Pakistan, and its viability for a meaningful democracy and the stability of the country. The institution of DC and DM was conceptualized centuries ago when this institution was first set up in precolonial and classical Pakistan by the Persians, the Asians, and the Greeks, who became such integral constituents of the ethnic and cultural traditions of Pakistan that it is now impossible to separate one strain of civilization from the other. British

colonialists of the country expressly visualized this institution on the foundation of Plato's philosopher king.^{3,4}

While exploring the historical trends and patterns of public administration in Pakistan and the part that the institution of DC & DM could play in the stability and democracy of the country, it was imperative to have a firm theoretical hold on the issue. This was provided by the twin theories of new democracies⁵ and path dependency.^{6,7} Employing these theories, the book argues that protracted consultation provided by the institution of DC & DM led to effective instrumentation and peaceful communities, which are the core requirement of a meaningful nascent democracy. Excluding these two elements of protracted consultation and instrumentation, new democracies either succumb to foreign occupation or disintegrate into smaller parts. This book contends that Pakistan's democracy, to date lacks a firm foundation, as evidenced by the country's disintegration in 1971, violence and drugs in the 1980s, crime-infested communities in the 1990s, terrorism in the 2000s, and the current volatile situation in Balochistan and FATA (federally administered tribal areas), as well as high crime rates and the lacking sense of security among the communities of Pakistan. Therefore, it is crucial that Pakistan revisits its important public administrative institutions and devise means of revitalization of its peaceful communities in all districts of the country to not only support democracy, but also the very existence of the country.

While continuing with this scholarly labor of love, the book:

- Investigates the relationship between Pakistan's democracy and the quasi-legislative and quasi-judicial functions of its grassroots bureaucracy.
- Examines this relationship through a theoretical lens⁵ based on the twin elements of protracted consultation and instrumentation, previously applied to countries of South America and Far East Asia, but not to the new democratic countries of South Asia and not to Islamic countries.
- Provides a new conceptualization of the theory of path dependency, where it argues that instead of simply viewing path dependency as institutional inertia, it is beneficial to alternatively and complementarily construct it as a voluntary and intentional replication of best practices for public welfare and not for reasons of inertia, even when presented with the opportunity and motivation to create something new.

- Contributes by linking the theoretical framework of new democracies⁵ with concepts presented in the theory of path dependency⁷ to cater to public administration in countries that had strong public administrative traditions from their ancient civilizations.
- Adds to the theory by rigorously and painstakingly tracing the link between protracted consultation and instrumentation and by arguing that, in a country like Pakistan, it is protracted consultation that leads to improved instrumentation (and not vice versa) and, hence, to a robust participative democracy in the country.
- Provides a detailed and precise administrative history of Pakistan from ancient times to current ones, tracing the changes in the quasi-judicial and quasi-legislative functions of the DC & DM, the manner of recruitment, posting, transfer, and promotion of these officers.
- Analyzes these differences and identifies historical patterns of behavior for different kinds of rules and rulers of Pakistan.
- Quantitatively analyzes Pakistan's crime data from 1947 to 2011 to identify patterns of fluctuations in incidents of crime, in order to understand the relationship between modifications in the quasi-judicial and quasi-legislative functions of the DC & DM, and the ebbs and flows of crime. Because stability and instrumentation are strongly linked to democracy, this gauges the level of stability and instrumentation influenced by the DC & DM.
- Theoretically analyzes the logical and rational philosophical foundations of concepts and perceptions in vogue in Pakistan, such as separation of powers, generalists versus specialists, judicial autonomy as practiced in Pakistan, feudalism, and the dominant culture of DMG/PAS (District Management Group/Pakistan Administrative Services) cadre officers who manned the positions of DC & DM and who contribute the most officers to the office of district coordination officer (DCO) now.
- Critically analyzes the theoretical foundations of the reasons presented to justify the demise of the office of DC & DM. It was important because the office of DC & DM was found to be of crucial significance in maintaining protracted consultation, instrumentation, and stability in the districts, and, hence, significant for stable democracy in the country, in the quantitative analysis of this research.
- Identifies core areas at the "operational-tactical level," where improvements are needed in the structure and functions of public administrative institutions in Pakistan, and provides concrete

recommendations in the interest of a stable, secular democracy in the country.

- Supports the notions of institutional checks and balances⁸ with quasi-legislative and quasi-judicial functions of the DC & DM versus an impossible to achieve system of strict separation of powers.^{9,10} It also recommends civilian control of police in districts, as opposed to disregarding it merely as dual control.¹¹ In this context, it supports and makes recommendations similar to those forwarded by Joshua White¹² for FATA in Pakistan.

Chapter 1 begins with an introduction to the book, summarizing its contributions to the fields of theory and practice. It also provides a concise account of what to expect later in the book.

Chapter 2 provides a detailed outline of the ancient administrative history of Pakistan, and, in particular, of the institution of the DC & DM, modifications through the ages of this institution's quasi-legislative and quasi-judicial functions, as well as modes of appointment, transfers, postings, remuneration, etc. The chapter analyzes and identifies trends of administrative structures of the DC & DM through different precolonial ages of Pakistan.

Chapter 3 looks at the administrative history of the era of Pakistan after 1947. It classifies this history into seven suberas:

- The first decade of Pakistan's existence (1947–1958).
- The second subera (1959–1973) examines developments during President Ayub Khan (1958–1969) and President Yahya Khan (1969–1972), and the first year of Zulfikar Ali Bhutto's government in 1973.
- The third subera (1974–1985) discusses the situation in the aftermath of the civil service reforms of 1973, which were continued in Mohammad Zia-ul-Haq's era.
- The democratic eras from 1986 to 1996 from Prime Minister Muhammad Khan Junejo in 1985 to the repeated governments of Benazir Bhutto and Nawaz Sharif.
- The fifth subera begins after the 1996 judgment of the separation of the executive from the judiciary and continues until the introduction of the DCO, from 1997 to 2002.
- The sixth subera explores the DCOs working alongside elected local councils headed by nazims (title in Urdu of the chief elected official in a local government), i.e., the time between 2003 and 2008.

- The seventh subera researches the time period of 2009 to 2011, when local governments were dissolved and some quasi-legislative functions of the erstwhile DC & DM were assigned to the DCO.

Chapter 4 provides the theoretical framework of the book, where it borrows from the findings and literature on new democracies⁵ and also from path dependency⁶ to argue that the historically significant district level institution of an apolitical DC & DM can provide the requisite protracted consultation and instrumentation to help the country achieve a stable democracy. The chapter further considers the philosophical, Islamic, and linguistic roots of the concept of separation of powers as practiced in the near past in Pakistan, and in its stead proposes the alternative perspective of checks and balances for a healthy democracy to thrive in the country. The chapter also provides, based on its theoretical framework, an empirical framework to test its theoretical conceptualization, based also on the eras identified in Chapter 3.

Chapter 5 quantitatively tests the empirical framework provided in Chapter 4 using crime data from Sindh and Punjab provinces. It shows that violent crime tends to increase with decreases in the quasi-judicial functions of the DC & DM, and that it reached its highest after the office of the DC & DM was removed.

Chapter 6 studies the philosophical footings of the factors that led to the demise of the DC & DM despite his utility for democracy.

Chapter 7 studies the issues hampering protracted consultation and instrumentation in the country, identifies core areas of problems at the operational-tactical level, and recommends some solutions. Chapter 8 summarizes the book.

We hope that you enjoy reading *Democracy and Public Administration in Pakistan* as much as we have enjoyed researching it, discussing it, and writing it.

Amna Imam, Ph.D.
Eazaz A. Dar

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Acknowledgments

We are highly indebted to Lara Zoble, Jay Margolis, and Laurie Schlags of Taylor & Francis Group, who provided the utmost support, structure, encouragement, and flexibility to this effort. This book could not have been possible without their commitment and untiring support.

We also are very grateful to Professor Adil Najam, Rector Lahore University of Management Sciences (LUMS), for detailed discussion and valuable insights on the theoretical comprehension of protracted consultation and instrumentation and the link between these two crucial requirements for democracy.

We are very thankful as well to Shagufta Bhatti of UNICEF, Pakistan, for in-depth discussions on the issue of regulation and implementation, which helped us comprehend, visualize, and verbalize the concept in this book. We acknowledge and thank all those who encouraged and supported us in this endeavor, including the reviewers.

Amna Imam also is deeply grateful to the support rendered by her son, Zain, throughout the research and writing of this book. It could not have been made possible without his active support and understanding.

About the Authors

Amna Imam is a civil servant, teacher, and researcher. She earned PhD and MPP degrees from the University of Southern California in Los Angeles, California and a BS in computer science from the Foundation for Advancement of Science and Technology—Institute for Computer Science (FAST-ICS), now a federally chartered university named the National University of Computer and Emerging Sciences (NUCES) in Karachi, Pakistan. She has taught as a tenure-track and visiting assistant professor in the United States and in Pakistan, and has worked as a civil servant in Pakistan in the field at the sub-divisional and divisional level, and in the secretariat of various provincial departments. Currently, she is working as the Additional Director and faculty member at the Civil Services Academy (CSA), Pakistan Administrative Service (PAS) campus, Lahore, teaching public administration, training PAS probationary officers, and conducting research on public administration.

Eazaz A. Dar is a civil servant, development practitioner, and diplomat. He has studied and received training at Pakistani and American institutions and has diverse and enriched working experience with government, nonprofit, and international development agencies. He has written many articles for research-based publications. Currently, he is Pakistan's Consul (Trade & Commerce) at Los Angeles, California.

About the Cover

Returning to Pakistan after eight years of study and stay in the United States, I found the country changed, and not for the better. The spirituality that was an integral component of Pakistan's land and its society, and that had always inspired me toward learning and public service, was sorely missing from the public space. I suddenly felt rootless and in dire need of rediscovering Pakistan, and in the process rediscovering me. Teaching public administration at Quaid-e-Azam University in Islamabad, and leadership theories at the Foreman Christian College in Lahore, as well as my brief job as Director General of the Child Protection and Welfare Bureau in Punjab, offered me the motivation as well as opportunities to travel with my students to places of historic significance for governance and leadership, at least in Punjab, if not throughout Pakistan. The photographs on the cover of this book were taken during this journey of self-discovery.

Amna Imam

1

Introduction

This book breaks new grounds in investigating the role of Pakistan's grassroots public administration structures and their quasi-legislative and quasi-judicial duties in supporting democracy in the country, through a theoretical lens provided by McAdam, Tarrow, and Tilly (2001).¹ Being in the advantageous position of simultaneously working as public administrators belonging to the District Management Group (DMG)/Pakistan Administrative Service (PAS) and as scholars, the authors have been able to glean from their own insights from the field of practice as well as link the practice to theoretical scholarship rendered about public administration and new democracies. In the process, the book was able to make noteworthy contributions for scholarship and for practice.

NOTEWORTHY THEORETICAL AND PRACTICAL CONTRIBUTIONS OF THE BOOK

The theoretical framework of McAdam, Tarrow, and Tilly (2001)² argues that in order for a newly democratic country to attain stable and meaningful democracy, the country should have high levels of protracted consultation and instrumentation. The theoretical framework further argues that a nascent democracy lacking effective instrumentation and impartial protracted consultation is likely to either disintegrate or to be occupied by foreign forces.

No meticulous attempt was found in the existing literature to study the link between Pakistan's grassroots administrative structures and its budding democracy. In addition, not much work has so far been done to explore the district-level bureaucratic setup of Pakistan through any

theoretical framework; the studies, so far, have been limited primarily to applied research or, as revered in Pakistan's mediocre bureaucracy's language, the *operational-tactical level*.

Although there is some research about instrumentation and policing in Pakistan,^{3,4} it is rare to find any in-depth analysis of the trends of instrumentation observed since the country came into being in its present shape in 1947.

Similarly, little substantial scholarly work is available that explores the details of Pakistan's ancient and modern administrative history in terms of the functions of district officers, their quasi-legislative and quasi-judicial duties, or the modes of their appointment, postings, promotions, and formal relationships with other pillars of state at and above the district level.

Likewise, although scholarly literature provides some insights into the administrative history of Pakistan, and about the issues of separation of powers and generalist versus specialist debate⁵ that were discussed in Pakistan's press at length with reference to the country's administrative structures at the grassroots level, not much effort has been expended into conducting any exhaustive bipartisan analysis of these concepts independently and in the context of Pakistan.

Lastly, and very importantly, research about Pakistan, at least within Pakistan and by scholars of Pakistani origin, so far, has been fastidious in not handling and, thus, not upsetting the issues of the status quo, as well as those issues that somehow have been intentionally sanctified barring any objective inquiry into their philosophical groundwork and their modes of implementation. Issues, such as separation of powers versus a system of checks and balances, inviolability of judiciary, Islamic dictates on public administration, inheritance in feudalism, policing, hold of feudalism on Pakistan's grassroots bureaucracy and its implications for democracy in the country, and the mediocrity of Pakistan's *crème de la crème*, field-level bureaucratic officers belonging to the prestigious DMG/PAS, are hence forth not fully examined.

There was a dire need that of these sacrosanct topics, which have so far evaded serious scholarly inquiry, to be examined exhaustively, so as to at least take one noteworthy step toward secular, democratic, enlightened scholarship in and about Pakistan. This goal, up to this point, has not been projected by the scholarly community of Pakistan. In addition, it is important to discuss these issues because they have the potential to make significant scholarly contributions in the field and because these matters are crucial for the democratic and administrative future of the country.

This book makes substantial contributions both for scholarship and for practice, first and foremost by studying the role of Pakistan's current public administration's role in making a success of its embryonic democracy, which has not been done so far in great detail or through the combined perspectives of theory and practice.

In the field of scholarship, this book extends the ambit of generalized theory⁶ to its application to Pakistan. It also pushes the envelope of scholarly work in Pakistan by looking at the issue of democracy and public administration through a theoretical perspective, rather than only at the "operational-tactical level."

The aforementioned research framework⁷ had looked primarily into the new democracies of South America and Far East Asia, but has not so far investigated the countries of South Asia or any Islamic country. By investigating Pakistan's nascent democracy through this theoretical lens, this research contributes by extending the reach of the theory to a country located in South Asia and a country with a Muslim majority.

In addition, while investigating those countries, the theoretical framework⁸ had not considered the countries' ancient administrative past. This research also contributes by extending the theoretical limits to a context where the rich administrative history since ancient times has been considered. This research made the contribution of linking the theoretical framework of new democracies with the framework of the theory of path dependency.⁹ It also contributes by providing a fresh interpretation of the theory of path dependency in the context of countries like Pakistan. This new construction views path dependency not as institutional inertia, but as intentional efforts to replicate best practices of the past for the welfare of society, and not because of lack of motivation or valid opportunity.

Most importantly, while the conceptualization of new democracies contributes by specifying the twin phenomenon of instrumentation and protracted consultation,¹⁰ the theoretical framework does not explicitly detail the link between these two attributes. This research adds to it by arguing that in the case of Pakistan the grassroots protracted consultation conducted by the district commissioner & district magistrate (DC & DM) was catalytic and essential for effective regulation of instrumentation accomplished by the district head, the DC & DM. Thus, it contends that effective protracted consultation leads to effectual instrumentation, and, hence, to grassroots stability, which is decisive in charting the path for a newly democratic country.

This research further contributes to the fields of both scholarship and practice by analyzing the crime data of the country from 1947 to 2011, to look for trends associated with modifications in administrative structures of the country, in particular, with the amendments in the quasi-legislative and quasi-judicial functions of the DC & DM, through this time. This painstaking exercise has been conducted in this manner for the first time in print. Not only does it help quantitatively test the theoretical framework of this research, but this exercise also provides valuable comprehension at the practical level as to what ails instrumentation in the country. On the one hand, it shows that without the protracted consultation provided by an apolitical DC & DM using his quasi-judicial and quasi-legislative tasks, it is extremely difficult, if not outright impossible, to ensure lawful instrumentation and stability in the country, and, thus, extends the reach of the book's theoretical framework to embody the linkage between protracted consultation and instrumentation; on the other hand, this analysis carefully examines the crime data at the operational-tactical level to reveal interesting trends and identify some of the reasons (at the operational and tactical level) for the practitioners to take into consideration in dealing with issues of instrumentation.

The book further contributes by providing a concise, detailed, and focused administrative history of Pakistan from ancient to current times. It provides a detailed analysis of which types of rulers adopted what kinds of policies insofar as recruitment, training, functions, duties, quasi-legislative and quasi-judicial tasks, transfers, and postings of district heads were concerned. No such work in such a concerted effort was observed in the existing literature so far. In addition, it views this history through the lens of the theory of path dependency and, in the process, provides a new interpretation of this theory, as intentional replication rather than forced institutional inertia alone.

The book contributes even further by conducting a thorough analysis of the issues surrounding the concepts of separation of powers, generalists versus specialists, feudalism, sacrosanct religious bases of independence of judiciary, and the moral and intellectual bankruptcy of the officers of the elite cadre of the PAS. This research argues that separation of powers, justified on religious grounds, in Pakistan, is neither pragmatic nor applied anywhere else in the world, and cannot be justified on the basics of Islamic faith either. The purpose here is simply to produce a sincere theoretical and practical analysis of the issues, to simply provide a scholarly perspective to add to the scholarly literature, and provide recommendations for

the field of practice in Pakistan. This research also tackles the thorny issue of the British colonial remnant of continued feudalism and feudal mindset in the country, which frustrates all attempts at individual autonomy of thinking and self-actualization for people of Pakistan. Most importantly, it discusses the moral and intellectual void and pettiness among the officers belonging to DMG/PAS, since this group contributed the most officers to the institution of DC & DM and now to the office of DCO (district coordination officer).

The book also contributes at the operational–tactical level by clearly identifying the areas where improvement is urgently needed in protracted consultation and instrumentation so as to strengthen genuine democracy in the country. Instead of nonpragmatic strict separation of powers, this book supports the notion of institutional checks and balances with pragmatic separation of powers.¹¹⁻¹⁴ It supports civilian control and command over police to check for antisocial tendencies of an armed force.¹⁵ It also provides concrete recommendations in line with the proposals put forth by the research of Joshua White,¹⁶ of revival of the DC & DM.

What to Expect

Chapter 2 begins the book with a trip back to the past, tracing the long history of district administration in ancient Pakistan. It analyzes the eras of Persians, Far East Asians, Greeks, Guptas, Mauryas, Sultans from Arabia and Central Asia, Mughals, and finally the British. Ancient Pakistan was the melting pot of cultures, traditions, and philosophies from all over the world. It was fortunate in that it was exposed to a world of public administration philosophies and practices. The book is a labor of love and a celebration of beauty, for a country that combined the Far East Asian, the Hellen (Greeks), the Faras (Iranians), the Turk, the Central Asian, the Arab, the Indian, the Slav, and the European within the personality of an ordinary Pakistani, making him a world-roaming gypsy without ever having to leave home.

Those diverse people were able to preserve their individuality while simultaneously creating a unified culture, because of the ancient public administration structure that gave autonomy to villages to govern themselves as they saw fit, and yet installing a district head with quasi-judicial and quasi-administrative functions to thread them all together by an overarching supremacy of rule of law and ongoing process of discursive negotiations among the government and the people. This Pakistan, since

times immemorial, was democratic, participative, and diverse at heart. Fighting amongst each other, these ancient dynasties from Persians to Greeks, from Guptas to Sultans, and from Mughals to British, shared similar governance design for the district. They did disagree on some aspects of this design, and those disagreements have been carried forward into today's Pakistan, catering to the debates and disagreements of today.

Chapter 3 traces the structural modifications in the institution of DC & DM in terms of its quasi-judicial and quasi-legislative functions after Pakistan's independence from the British colonial rule in 1947. It looks at the history of this institution and its service cadre variously called the Pakistan Administrative Service (PAS) (1947–1950), Civil Service of Pakistan (CSP) (1950–1973), District Management Group (DMG) (1973–2012), and then again the Pakistan Administrative Service (PAS) (2012–to date). The institution of DC & DM was abolished in 2001 and replaced by the District Coordination Officer (DCO). The DCO had no meaningful quasi-legislative functions and no quasi-judicial tasks as far as instrumentation was concerned. Moreover, this chapter also notes that while the British colonial leaders preserved the ancient institution of DC & DM, they introduced the regressive, antidemocracy, and anti-autonomy institution of feudalism, which has since strived to survive in an environment not used to its existence and not accepting of its totalitarianism, through intrigues and agenda setting, against all institutions capable of providing it a formidable challenge, notably the institutions of (1) education and that of (2) DC & DM.

Chapter 4 presents the theoretical framework of this book. It borrows from McAdam, Tarrow, and Tilly¹⁷ to argue that a new democracy requires strong instrumentation and protracted consultation for it to enter into a zone of citizenship and sustainable, meaningful democracy. Lacking these two elements, the new country either disintegrates or is captured by outside force. This chapter argues that the institution of DC & DM ensured lingering and stable consultation with the grassroots population, which created networks of trust, irrespective of periodic electoral mandate. These networks of trust created by a DC & DM, through his quasi-legislative functions, assisted him in effectively performing his quasi-judicial function of instrumentation and enforcement of rule of law without having to regularly take recourse to use of force. The chapter reasons that politicizing the institution of the DC & DM and tinkering with his quasi-legislative and quasi-judicial functions likely caused loss of instrumentation in Pakistan and resultantly that of meaningful democracy. This chapter also

studies the concept of separation of powers as practiced in Pakistan to argue that the peculiar Pakistani version of the concept is neither practical nor desirable, and that it should be replaced with the idea of a system of checks and balances. This chapter also provides the outlines of an empirical model based on the theoretical framework that is used to test the theoretical framework in Chapter 5.

Since instrumentation is argued to be a function of protracted consultation in Chapter 4, and since it is easier to measure instrumentation objectively in quantitative form as compared to measuring protracted consultation, Chapter 5 analyzes the crime data of Pakistan from 1947 to 2011. Data from the provinces of Sindh and Punjab are used. Analysis of this data supports the assertions of Chapter 4. It shows that politicization, as well as reduced and deformed quasi-legislative and quasi-judicial functions of DC & DM, are strongly related to violent crimes and crimes against property in Sindh and Punjab. Hence, it shows that the institution of DC & DM, with its quasi-legislative and quasi-judicial functions intact and with constitutional guarantees of protection of tenure, provides the best guarantee for a blossoming democracy in the country.

Chapter 6 studies the philosophical foundations of some of the reasons that led to expedite the removal of the office of DC & DM, in spite of its utility as a peaceful means of instrumentation and democracy. This chapter contends that, first, Pakistan failed to agree on its core national values, i.e., whether the country aimed for justice or for a socialist equality for all, and, thus, no reasoned discourse on the DC & DM could take place where people were talking at cross-purpose. Without a reasoned discourse, the country was unable to decide on a reasonable method of public administration that would encourage protracted consultation and instrumentation to bolster democracy in the country. The country could not come to a conclusion as to whether justice was its core value, or equality of outcomes for all without considering the inputs, or justice through politically biased elected representatives. The feudal lords (or as commonly called, the establishment) were shrewd enough to set the agenda so as to use the values interchangeably without reason, and to employ this rhetorical technique to confuse the people of Pakistan and, therefore, to achieve the feudal lords' objective of totalitarianism and concentration of power in a few hands. Second, from the available historical reticule of options of district administration discussed in Chapter 2, Pakistan chose the easy path of use of brute force versus peaceful means to keep its territory intact, and ensure rule of law. It served some vested interests, at the cost of meaningful

participative and sustained democracy in the country. The idea of using brute force instead of participatory, peaceful mechanisms of protracted consultation used by the DC & DM was not conducive from the historical perspective and from the perspective of path dependency, and, thus, it could not have been expected to bring about the protracted consultation or instrumentation necessary for a lasting democracy. Third, the concepts of separation of power and checks and balances became mere slogans for interests in Pakistan and were never implemented in spirit. In the garb of separation of powers, a kind of system was imposed on Pakistanis that is neither participative nor democratic or conducive to protracted consultation. Hence, it cannot consolidate democracy in the country. The chapter offers some solutions for the future of the DC & DM and democracy in the country.

While Chapter 6 discusses the issues from a philosophical and theoretical perspective, Chapter 7, on the other hand, identifies core issues from the “operational–tactical level.” It identifies the core areas where improvement is needed as:

1. Colonial institution and mind-set of feudalism
2. Frequent modifications in administrative structures creating perceptions of vacuum and, hence, opportunity for adventurism
3. Quality of civil servants in Pakistan including manner of appointment, training, and postings
4. Separation of powers versus a system of checks and balances
5. Generalist versus specialist debate overlooking the regulation–implementation dichotomy
6. Disregard of significance of historical roots in public administration
7. Quality of education in Pakistan
8. Most importantly, a clear consensus and vision on values for Pakistan

The chapter tackles the thorny issues of separation of powers, generalist versus specialist bias, colonial institution of feudalism, ancient roots of the DC & DM, and feudal hold on education, which are considered either too sacrosanct to be debated or too settled to be open for debate, at the policy level. There is dire need for a thorough discussion on these subjects. This chapter caters to such needs. The chapter also provides concrete operational–tactical recommendations including reintroduction of a reformed institution of DC & DM.

Chapter 8 provides a concise summary of the book and highlights the contributions made by this study. It also indicates some directions for future research.

CONCLUSION

The book is a sincere and fresh attempt at studying public administration in Pakistan through the combined theoretical lens of new democracies¹⁸ and through path dependency.¹⁹ It has attempted to contribute both to the scholarly literature and to the field of practice, as well as to genuine, secular democracy in Pakistan.

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2

Public Administration in Historic Pakistan

INTRODUCTION

A Sikh signalman named Harbans Singh of the British Indian Army was sent on a combat mission in World War II. His father back home in India became fatally sick and the family thought that there was little hope of his survival. They sent Singh a telegram in Indianized English, “*Your Father Hopeless Come Soon.*” The British Army officer who received this telegram, responded, “*Your Son Equally Hopeless Not Coming*” (Colonel Mohammad Khan in his Urdu humorous novel, *Bajang Aamad (Compulsion of War)*), (page 87).¹ (Translation by authors.)

Pakistan’s administrative heritage—a profound amalgam of contradictions—continues to captivate today’s bureaucracy with its pulsating colorfulness. Pakistan was considered a brand new country carved out of British India in the name of Islam on August 14, 1947. However, there were long interludes in the classical period of its history during the Persian, Greek, Indo-Greek, Indo-Scythian, Indo-Parthian, Kushan, and Hun eras when the territories of present Pakistan were separate from the rest of India. The historic agreements and disagreements of opposing rulers, about the quasi-legislative and quasi-judicial functions of the district head, still haunt the policy debates of today’s Pakistan. When Pakistan came into being, the district leader was called the deputy commissioner & district magistrate (DC & DM). In 2001, along with the quasi-legislative and quasi-judicial functions, his job title was changed to district coordination officer (DCO). The question is: What are the implications of such changes for sustaining democracy in this developing country?

While providing a historical context to the study of the role of public administration in sustaining democracy in Pakistan, this chapter

challenges two widely held notions. First, contrary to the general conception that the district bureaucracy and the DC & DM are a colonial legacy, it argues that it is a legacy of the fusion of diverse cultures of classical-era Pakistan. Second, it reasons that the interpretation of path dependency as institutional inertia is limiting. It proposes an alternative (and, in some cases, supplementary) construction of path dependency as voluntary replication of best practices for the benefit of local communities, even when given the motivation and meaningful opportunity for change. This discussion will be used later in this book to support its theoretical framework.

This chapter is divided into three parts. The first part studies the path dependency theory² and analyzes the administrative history of ancient classical and British-era Pakistan in light of this theory to propose an alternative interpretation of it. It argues that contentious cultures and empires adopted each other's governance practices in classical Pakistan in spite of having the motivation and opportunity to bring change. This part further contends that, classical Pakistan was ruled by contesting emperors who, sharing the desire of good governance, chose (rather than being forced by institutional inertia) to benefit from the past practices of their foes. Path dependence, therefore, can be alternatively construed as a conscious choice to adopt the best practices of the past.

The second part examines the administrative history of the classical-, Mughal-, and British-era Pakistan. It brings forth the administrative experiments conducted by the British in India and that country's focus on meritocracy and rule of law. It examines the administrative setups of the Delhi Sultanate. It explores the district level bureaucracy of early Mughals, who combined the quasi-judicial and quasi-legislative functions within the institution of the district collector, and later Mughals' warrior bureaucracy. It examines the rule of the Mauryas and the Guptas. It looks at the administration during the eras of Greeks, Indo-Greeks, Indo-Persians, and Indo-Far East Asian kings in classical Pakistan. The purpose of this second part is twofold: (1) it provides the context to frame the issue of the role of public administration in democracy in Pakistan for later chapters of this book, and (2) it demonstrates that the district bureaucracy inherited by Pakistan in 1947 was not merely a British-era legacy.

The third section underlines the role of values, and the debates about values in determining the administrative structures. It compares and contrasts administration in all of these eras and identifies the similarities and differences between them. The basic territorial unit of administration was always a district. The consensus and semiconsensus

characteristics of administration of all historic eras of classical Pakistan were

1. Village level autonomy
2. Centralization
3. Placement of the best and the brightest as heads of district administration
4. District head combining at least two of the following functions: revenue collection, regular consultation with common people, and maintenance of law and order—the quasi-judicial
5. Dual administration
6. District head acting as the link between the central government and the district

There were some differences in the administrative styles of various eras, which were

1. Civilian versus warrior bureaucracy
2. Meritocracy, semimeritocracy, and patronage in recruitments
3. Loyalty to the state versus loyalty to the ruler
4. Form of citizens' participation in governance

It is interesting to note that while areas of historic consensus about administration have remained uncontested even today, the administrative characteristics that were fully or partially contested in the past are still debated in Pakistan. This part aims at demonstrating the need for reinterpretation of the theory of path dependency as a background for discussion about the optimal administrative setup for sustainable democracy in Pakistan.

PART 1: ADMINISTRATIVE HISTORY OF CLASSICAL AND MODERN ERA PAKISTAN AND THE THEORY OF PATH DEPENDENCY

Theory of path dependency states that historical events influence present decisions.^{3,4} The theory of path dependency usually implies compulsive organizational inertia and resistance to change. Classical path dependency theory talks about three stages. In the first stage, the field is wide

open for decisions; in this stage, one option out of many is selected. In the second stage, the decision made in the first stage is implemented;⁵ the participants of this process still have some choice. In the third and final stage, the new entrants in the field are forced to accept and implement the decisions made in the first and second stages.⁶

With a long history of Western, Far East Asian, Turk, Arab, Persian, Central Asian, and Hindu influences, Pakistan provides a very interesting vantage point to study and reinterpret public policy theories formulated in Western democratic settings. The region that is now Pakistan was once ruled by the Persians under Cyrus the Great (600–530 BCE). It then came under the Mauryas (322–185 BCE) who unified it with the rest of India. This was followed by Greeks, Indo-Greeks (180 BCE–10 CE), Indo-Scythians (1200 BCE–400 CE), and Indo-Parthians, all of whom conquered areas that roughly correspond to today's Pakistan and Eastern Afghanistan, separating it from the rest of India. The Guptas (320–550 BCE) then again created a unified empire. However, the land comprising Pakistan and Eastern Afghanistan was again separated from Indian mainland by the Huns and then the Kabul Shahis. This was followed by the Delhi Sultanate and then the Mughals and the British; all three of these empires attempted to unify India under their command, through dual administration of direct rule and simultaneous rule through vassal kings.

During this time of contested frontiers, the warring rulers had the opportunity and motivation to bring about administrative changes. The field was wide open for change, in the war-filled classical era, when the land was changing hands every two to four centuries and the new rulers were destroying the memories of the previous rulers. In spite of this, every empire of the region chose administrative structures similar to the previous ones. The key common and semicommon characteristics of all administrative structures in Pakistan included:

- Village level autonomy
- Centralized bureaucracy
- Selection of the best and the brightest to head the district
- Powerful head of the district who combined all or at least two of the following functions: revenue collection, law and order, quasi-judicial, quasi-legislative
- Duality of administration, i.e., direct rule and rule through vassal kings
- District head acting as the link between the central and district government

Also, there were four points of administrative contentions through different ages and rules:

1. Civilian versus warrior bureaucracy
2. Meritocracy, semimeritocracy, and patronage in recruitments
3. Loyalty to state versus loyalty to the ruler
4. Form of citizen's participation in governance

Another interesting pattern is that the eras in which recruitments for the district heads were made strictly on merit were also the eras in which the district head was a civilian officer. On the other hand, the empires in which the selections were made on patronage or patronage combined with merit, the district heads were warrior officers. Another significant insight in the history is that all the indigenous empires had merit as the basis of recruitment and had civilian administrations versus warrior administrations. It also is intriguing to note that the contentions of yesteryears have remained unresolved for today's Pakistan; for example, the issues of meritocracy versus patronage, loyalty to the ruler versus loyalty to the state, and that of warrior administrative heads versus civilian administrative heads.

These patterns of commonness and contentions cannot simply be dismissed as coincidences. It demands an explanation. In terms of path dependency, this can be done in two ways. First, in the traditional interpretation of path dependency theory, it can be claimed that the later entrants were forced by circumstances and the implementation of decisions made during stage 2 of path dependency to continue with the past practices. However, this claim does not appear to be very convincing considering that the competing empires made many attempts to destroy the memories of the previous eras. They had every motivation to do so. Why would they then preserve the core bureaucratic governance characteristics? This leads us to the second possible interpretation.

Centuries of governance experience had demonstrated the best practices of good governance in classical-era Pakistan under its conditions of diversity, and the fierce defense of cultural diversity by each grass-roots cultural group. Each new era had the opportunity and motivation to start anew with stage 1, i.e., the time when any decision about the administrative structure could be made and the field was wide open for change. However, every new ruler also wished to institute good governance and smooth revenue collection. Therefore, it made sense for

the new ruler to learn from the past experiences and continue with the best practices. Although part of the reason of the new ruler's decision to continue with the status quo might have been to ensure some continuity for good governance, a significant part of the explanation might have to do with a conscious choice to replicate governance's best past practices. Path dependency, therefore, can be viewed as that of past best practices for an institution, learned over a period of time, to play a significant role in new decision making, even given a valid chance and strong motivation to go back to the first stage of path dependency. Hence, path dependency is not always *compulsive* organizational inertia,⁷⁻⁹ it also can be a *choice* motivated by change. For example, the British Raj (British sovereignty) (1857–1947) in Pakistan followed the administrative structure of the early Mughals, but brought back elements of merit-based recruitment and civilian bureaucracy of the Maurya era. In addition, Pakistan of today has consensus only on those administrative features that were consensus features throughout history, and contentious issues of the past continue to be contested in today's Pakistan.

The administrative issues that were contested and semicontested in the past have remained unresolved for Pakistan. These are perhaps wicked problems¹⁰ for which a consensus solution was not found in the past due to the immense philosophical diversity of the region and due to diverging objectives of the rulers. Meritocracy versus patronage in hiring of top-flight bureaucracy is one example. The indigenous rulers invariably chose meritocracy over patronage-based recruitments. The outside conquerors mostly chose patronage or patronage combined with merit while assigning their trusted, loyal, intelligent civil servants, usually belonging to the emperor's subnational group, to high bureaucratic positions. British Raj instituted merit, but the criteria for merit were such as to strongly favor the selection of Europeans versus the local people for its apex bureaucratic service called the Indian Civil Service (ICS).¹¹

It is quite obvious that the indigenous rulers could trust the meritorious locals to be loyal officers. The outside powers, per force, had to have a mix of merit and patronage to ensure loyalty from their bureaucratic offices. However, what is interesting is that Pakistan of today is still struggling with defining the limits of patronage versus meritocracy.^{12,13} The phantom of the past lurks in its present, for more-or-less the same reasons as in the past—the desire of rulers to have a loyal bureaucracy. The apparition of *de facto* loyalty to the ruler concurrent with *de jure* loyalty to the state continues to

cast its shadow in the unresolved administrative debates of contemporary Pakistan. This is the essence of analysis into the role of Pakistani public administration in sustaining democracy in the country, the much needed clarity about the ends that Pakistan—a nation of multifarious yearned for desires and theories—aspire to achieve. In the case of the now-existing Pakistan of fused cultures, loyalty is defined more in terms of shared interests and ideologies and to some extent in terms of ethnicities. Now the contested ideologies about bureaucracy are, at least to some extent, a matter of choice, rather than simply a compulsion of path dependency.

In summary, one can argue that path dependency cannot only be interpreted as resistance to change.¹⁴ Conversely, in multicultural societies having protracted chronicles of contradictory administrations, philosophies, and ideas, the theory of path dependency also can be interpreted as *choices* where either (1) best consensus practices are replicated even when there is a valid opportunity to go back to the first stage of decision making in path dependency and start afresh, and (2) resolution of difficult issues of the past endure in the future for want of ideological and philosophical consensus.

PART 2: THE ADMINISTRATIVE HISTORY OF PAKISTAN IN THE CLASSICAL AND MODERN ERAS

The British Raj

At the time of independence, Pakistan inherited an administrative edifice from the British Raj, which was a hierarchical, cadre system of semimeritocracy having Indian Civil Service (ICS) at its apex.¹⁵

ICS was considered the steel frame for the stability of the British rule;¹⁶ it was a secular service populated with officers who were imbibed with the values of the English gentlemen. The ICS, which started out in the eighteenth century as Covenanted Civil Service by the East India Company, was initially entirely manned by European officers.¹⁷ This began to change in the mid-nineteenth century when gradually more and more Indians started to enter the service through competitive exams, designed in a way that made it difficult for Indians to compete successfully. For one thing, the exams were held in Britain and it was difficult for Indians to travel that far.¹⁸ For another, the medium of testing was in English; it also primarily assessed candidates' knowledge of Western thought, culture, and norms, all of which were far

more challenging for Raj's Indian subjects than for its European brethren.¹⁹ However, eventually, it did manage to recruit and train high-quality civil servants of Indian origin. This high quality manifested itself in their handling of issues that emanated with the birth of Pakistan.

Pakistan's partition from India and its independence in August 1947 led to one of the world's largest migrations in which massive riots between Hindus and Muslims broke out both in India and in Pakistan.²⁰ India being a long existing country and being comprised of areas that were mostly better developed than those in Pakistan as a whole, had the physical and bureaucratic infrastructure to handle such a crisis. Pakistan, on the other hand, was comprised of areas that were underdeveloped and it did not have the physical and administrative infrastructure to handle a trauma of such magnitude.²¹ Fourth, transferring Pakistan's share of assets also took time, which created immense resource challenges for the nascent state. Due to lack of resources, there was widespread apprehension that the country would fail shortly after its inception.²² Muslim ICS officers generally opted for Pakistan and their Hindu counterparts opted for India at the time of independence. However, there were very few Muslim ICS officers in 1947, which further exacerbated Pakistan's administrative challenges.²³

These few Muslim officers of the then ICS are widely credited for providing the bedrock foundation for the country to survive the tough postindependence years.²⁴ Pakistan was a democracy at that time, and it is widely claimed that this secular, Westernized, bourgeois, elitist administrative machinery inherited by Pakistan from its former colonial British rulers was the force behind sustaining Pakistan's nascent democracy. Its members worked tirelessly for the rehabilitation of refugees from India, for developing an administrative skeleton for the country, and to keep it rolling during those tedious first few years.²⁵ This sustained the nascent country and its democracy in the initial years of its existence.

The ICS started off as Covenanted Civil Service of East India Company, which ruled over major parts of India since the mid-eighteenth century.²⁶ In order to smoothly run its operations, it employed a large bureaucracy divided into two main segments: the Covenanted Civil Servants and the Noncovenanted Servants.²⁷ Covenanted Civil Service was introduced through the East India Company Act of 1793 as a service for officers of European origin, assigned to supervisory and powerful positions.²⁸ Those European officers signed contracts with the East India Company, which ensured security of tenure and conditions of service. Noncovenanted

Service carried mostly subordinate, clerical positions, open to hiring of local Indians.²⁹

Up until 1853, the positions of the prestigious Covenanted Civil Services were filled by patronage by the East India Company. The Government of India Act of 1853 abolished the patronage of the directors of the company. Under an elaborately drawn up plan advocated by Thomas Babington Macauley (1800–1859), an inaugural member of the Supreme Council of India [British Colonialist India], the first open competitive exams were held for the Covenanted Civil Service in 1855.³⁰

After taking over governance of India from the East India Company in 1857, the British Imperial Raj set itself to the task of improving the overall conditions in India and to address the concerns of their Indian subjects. One of the major concerns expressed by Indians was that of representation in the powerful and influential service.³¹ The British government responded by passing the Government of India Act of 1858. It introduced the Indian Civil Service Act of 1861, and it also introduced the Statutory Civil Service.³²

The Statutory Civil Service reserved one sixth of the posts of the Covenanted Civil Service for the Indians, which lasted for eight years from 1879 to 1887.³³ It was also a subordinate service and did not enjoy the same functions and prestige as that of the Covenanted Civil Service.³⁴ For a while, both the Statutory Civil Service and Covenanted Civil Service continued to function simultaneously. The Aitcheson Commission, formed soon after the promulgation of the Government of India Act of 1858, recommended abolishing the Statutory Civil Service.³⁵ It recommended only two cadres: the competitive Indian Civil Service (ICS) or the Imperial Civil Service of India, and the Provincial Civil Service.³⁶ The Provincial Civil Service officers were to be selected primarily from the local Indians and the ICS officers were to be selected after stringent examinations of the Covenanted Civil Service.³⁷ The officers of the Provincial Civil Service could only be posted within their provinces of initial recruitment while the ICS officers could be posted anywhere in India.³⁸ The ICS was still to be selected on a more stringent standard of merit and was to be the more prestigious service of the two. However, one sixth of the ICS posts were to be reserved for the Provincial Civil Service (PCS) officers.³⁹ The PCS officers would retain their original cadre and would not be assimilated into the ICS cadre.⁴⁰

The Indian Civil Service Act of 1861 codified competition in the Covenanted Civil Service of India and the first Indian was selected as a

Covenanted Civil Servant under the Civil Service Act of 1861 in 1863.⁴¹ Although very few native Indians could successfully compete for the exams, a trickling few managed to join the service on merit alone; the implications were evident:

There was no disclosure of massive incompetence in the Indian Civil Service parallel to that believed to exist in the departments of Home Civil Service... . In India, basic efficiency was more or less taken for granted.⁴²

The identifying characteristics of the ICS were semimerit, training of selected officers, rule of law, and loyalty to the state. During the days of the Covenanted Civil Service and patronage-based recruitments, the training was imparted at the Hailyburry College in Hertfordshire, England. With semimerit replacing patronage, the training also became more rigorous and was imparted at Oxford and Cambridge.⁴³

Once in active service, the ICS officers collected land revenue, maintained law and order, and dispensed justice, which led to their penetration into every aspect of societal life. The young ICS officer was posted in the field as an assistant commissioner & subdivisional magistrate (AC & SDM) and combined quasi-judicial, quasi-legislative, and the functions of a collector as well as supervised and controlled the police; acted as a bulwark against police excesses, which exist around the world;⁴⁴ maintained regular contacts with common man; provided relief; maintained order in his subdivision; maintained proper land record; conducted surveys; wrote reports; and collected land revenue.⁴⁵

They collected the revenue, allocated rights in land, relieved families, improved agriculture, built public works, suppressed revolts, drafted laws, investigated crimes, judged lawsuits, inspected municipalities, schools, hospitals, cooperative—the list is endless.⁴⁶

From assistant commissioners, the ICS officers were promoted to the position of deputy commissioner & district magistrate (DC & DM), who was the leading officer of a district. He functioned as the representative of the federal government at the district level, maintaining an unbiased (for the most part) protracted consultation⁴⁷ among all tiers of the government, and, through this protracted consultation, ensuring instrumentation and rule of law. He was among the best and the brightest with initiative, drive, and idealism.⁴⁸ They were generalists yet experts on various subjects⁴⁹ and

contributed immensely to the stability, progress, and development of the country. This iron frame of Indian bureaucracy resulted in the ...

... fiscal stability maintained through two world wars and a global economic depression with the unintended result that Britain ended up owing India money while the latter gained independence with a robust positive sterling balance.⁵⁰

Besides the DC & DM, the district had two important officers: the superintendent of police and the district judge. The superintendent of police also was selected based on exams and his position on the merit list from the Police Service of India, which was distinct from ICS. The police functioned under the Police Act of 1861, which assigned their overall control to the DC & DM to prevent excesses that crept in when arms were provided to an institution.⁵¹ The district judge commanded a hierarchy of various civil judges, and would hear petitions and appeals under the Civil Procedure Code and the Criminal Procedure Code of India.

To attract the best and the brightest for the important jobs, which were assigned to the ICS officers, not only were the requirements of the competitive exams stringent and training meticulous, the salaries also were commensurate with the skills, character, and responsibilities.⁵² This ensured professionalism and development of a group of officers who were ...

... hard working in a debilitating climate, incorruptible in a society riddled with bribery, celibate until middle age in a society that married at puberty. Above all they were intellectuals.⁵³

This is exactly why in the Indian Civil Service efficiency was more or less a given.⁵⁴ Rule of law untainted, for the most part, by political, patronage, and personal considerations was an established fact.⁵⁵

During the days of the East India Company and the Raj, certain significant modifications were made in the functions and authorities of the ICS. Under Warren Hastings, who assumed charge in 1774, the Covenanted Civil Servant performed the functions described above, and the DC & DM continued to be the leading officer of a district.⁵⁶ The deputy commissioner was the collector of the district and performed quasi-judicial and quasi-legislative functions. Lord Charles Cornwallis took over in 1787. He was a liberal aristocrat and believed in limiting the powers of the government. Without realizing that a lot was lost in translation of ideas from the

West to the East, that the ground realities of vibrant diversity were quite different from the more or less homogenous nation-state West, that India required its own version of limited powers of the government, and that the theory of governance for India was to be developed through its own experiences, he took steps to separate executive from the judiciary. The district judge was made more powerful than the district collector (DC & DM) and the police functioned under the district judge who still did not, and could not, have any executive responsibilities, in spite of opposition from Sir John Shore (Governor General of India, 1793–1798).⁵⁷ Civilian executive oversight of police is important to check against excesses.⁵⁸

The realization soon set in that in India government is run “from palaces not from the counting houses,”⁵⁹ which advocated a central role for the collector in district administration. When Thomas Munro in the 1790s moved into administrative position, he “rejected Cornwallis’ separation of the judge and the (revenue).”⁶⁰ Some researchers⁶¹ reason that in India, due to a history of despotic rule and the lack of individual enterprise and public spirit, it was necessary to restore the quasi-judicial functions of the DC & DM. The narrative can be considered in another way, which is that the intense diversity combined with centuries of autonomy of “the local” in India necessitated an administration that was flexible enough to ensure local autonomy, yet powerful enough to ensure effective instrumentation and order. With William Bentinck as the Governor General in 1828, quasi-judicial functions of the deputy commissioner were restored in 1829 to strengthen the collector in order to improve governance in India.⁶²

The Mughal Mansabdars

The Mughals, who created their empire of united India in the sixteenth century CE, instituted the Mansabdari bureaucracy.⁶³ “Mansab” literally means *position* in Urdu. Mansabdari, hence, was the bureaucratic practice that assigned positions in the Mughal bureaucracy. It continued with the centuries-old tradition of village-level autonomy.

The basic unit of Mughal administration was a district called Sarkar.⁶⁴ Each Sarkar was composed of a certain number of Parganahs, which were a collection of villages.⁶⁵ A certain number of Sarkars combined to form a province called a Subah.⁶⁶

In terms of administrative leadership, a distinction has to be drawn between the early Mughals and the later Mughals. The early Mughals, and Akbar being the epitome of it, had each Subah headed by a sipah-e-salar

who combined quasi-legislative and quasi-judicial functions as well as revenue collection and policing in his office.⁶⁷ At the district level, usually one officer, the faujdar, combined all of these functions in his institution for efficient maintenance of order in the society and for effective, humane, and efficient revenue collection.⁶⁸

As the Mughal administration deteriorated and as greed, corruption, and mismanagement overruled considerations of good governance, the administrative structure also was modified by the later Mughals, especially after Emperor Aurangzeb.⁶⁹ The Subah was then headed by a governor called the subedar.⁷⁰ Working in the Subah (province) was another officer called the diwan who was in charge of collection of revenue,⁷¹ and, in many cases, a rival of the subedar.⁷² It was a warrior bureaucracy and the district was headed by a faujdar, who combined the functions of the British-era DM (but not DC) and superintendent of police; he had quasi-judicial tasks to deal with minor offenses.⁷³

Though innovations were introduced for the worse by the descendants of Akbar, the system was to some extent preserved, but with the death of Aurangzib the system thoroughly collapsed, and it required half a century for it to reclaim its recognition under administration of early British Governors-General of India. (quoting from Smith: Oxford History of India, p. 387)⁷⁴

Revenue administration, which was primarily administration of land revenue, at the district level was looked after by a malguzar (revenue officer).⁷⁵ The malguzar was directly responsible to the diwan, while the faujdar was responsible to the subedar.⁷⁶ The warrior bureaucracy of the later Mughals combined the quasi-judicial and policing functions in the person of the faujdar, while revenue administration was separated and assigned to a malguzar. The justice system at the district (Sarkar) came under the purview of the qazi-e-sarkar or district judge.⁷⁷

While the malguzar and faujdar supervised the revenue and criminal administration, at the local level, especially in rural areas, it was the nonhereditary zamindar (land holder for life only)⁷⁸ who administered revenue collection, quasi-judicial functions, and summary justice. This fiduciary office of zamindar comes as close as possible to the DC & DM of the British era. The Mughal zamindar, on the other hand:

... the zamindar acts in double capacity ... the one as collector of your revenues, the other as judge for all matters both civil and criminal, wherein the natives only, subjects of the Mogul, are concerned. He tries in a summary

way, has the power of the lash, fine, and imprisonment; and in all criminal cases proceeds to sentence and punishment immediately after hearing, except when the crime (as murder) requires the lash to be inflicted until death, in which case he suspends execution of the sentence until the facts and evidence are laid before the President and his confirmation of the sentence obtained.⁷⁹

Under the Marhatta rule, which gained in strength during the period of weakening Mughal rule, the “mamlatdar” was responsible for revenue collection and also had judicial and police functions.⁸⁰ This, almost in its entirety, was translated into the DC & DM of the British era. The British Raj bureaucracy combined the functions of malguzar, faujdar, and zamindar of Mughal era into one office of the DC & DM, as in the days of early Mughals, especially Akbar, with the caveat that the police in the British Raj, at the district level, was headed by the superintendent of police, who came under the command of the DC & DM. The DC & DM of the British era was no longer the direct commander of the police. Hence, the British bureaucracy was not a warrior bureaucracy. It was a move toward the civilian authority of the armed forces.

The Mughal army, too, was not a standing army, rather the mansabdars were required to provide soldiers, as and when needed by the emperor.⁸¹ This created many issues for the rapid deployment of the army when needed, and, most importantly, it incentivized the mansabdars and zamindars for rebellion when there was a weak Mughal emperor at the helm of affairs.⁸² The Mughal Mansabdari was a consciously fragmented bureaucracy on linguistic and ethnic lines, selected on the basis of patronage rather than pure merit.⁸³ Because it was a warrior bureaucracy, the emperor had to make sure that it remained fragmented to avoid any rebellion against the emperor.⁸⁴

In order to contain such inclinations, the British took steps to convert a warrior bureaucracy into a civilian bureaucracy, and introduced the concepts of civilian control of armed officers and forces. In addition to the control of police with the DC & DM, which was important for civilian executive oversight to control excesses,⁸⁵ the British also created a standing army under the control of civilian in charge.^{86,87}

Some authors claim that the Mughal system of justice was arbitrary,⁸⁸ while others claim that it was well organized and based on Islamic Sharia for Muslims, and customary laws for Hindus.⁸⁹ At the village level, the Panchayat (committee of five leading people of the village), which was

headed by a surpanch (literally, head of the Panchayat), resolved disputes and dispensed customary justice.⁹⁰ The decisions of the Panchayat were traditionally considered binding, long before Mughals arrived in India.⁹¹ They left the system intact at the village level and preserved village-level autonomy.⁹²

The primary difference between the dispensation of justice of the Mughals and the British was that most of the criminal offenses in the Mughal era were considered private offenses and the focus was on providing relief to the victim, rather than punishing the culprit.⁹³ Likewise, because those crimes were considered private, no *suo moto* (on its own) actions were taken in such cases either.⁹⁴ The opposite was true for the British, who considered these criminal offenses as public crimes and empowered their DC & DM and police to take *suo moto* action against the perpetrators.⁹⁵

Mansabdars were required to be men of high intellect, but, most importantly, they were men loyal to the emperor.⁹⁶ Because there was no institutionalized manner of selecting the Mansabdars, the intellectual capacity of Mansabdars depended on the intellect of the emperor. When the emperor was strong, he selected high-caliber civil servants; when the emperor was weak, weak officers were selected for important positions.⁹⁷ It also meant that since the selection and posting criteria of the bureaucracy was political, the deeply politicized, insecure bureaucracy frequently would involve itself in intrigues among groups and personalities.⁹⁸ The British bureaucracy, on the other hand, was created as an institutionalized semi-meritocracy, for the most part free from politicization, to provide good governance to the people and avoid wasteful intrigues associated with a fragmented and deeply politicized bureaucracy.

Prior to the Mughals, the Turks of Delhi Sultanate, who ruled and united India from twelfth century onward, until taken over by the Mughals, followed a similar system of patronage resulting in arbitrariness and frequent failures, and, hence, the empire had to be reconquered every two to three generations.⁹⁹

The Gupta and Maurya Bureaucracy

The Guptas, who formed the last major empire in India before Turks conquered the country in the fourth century BCE, had an intricate bureaucratic system, wherein the Empire was divided into provinces and districts. There was an elite group of officers called the *kumaramatyas*,¹⁰⁰ who were assigned to important positions in the Empire, including the position of

a visayapati (DC & DM).^{101,102} The visayapati was the chief district officer who was responsible for revenue collection, law and order, and dispensation of quick justice.¹⁰³ The visayapati was helped by a number of officers performing functions related to revenue collection, recordkeeping, and maintenance of law and order.^{104–106}

The Gupta Empire distinguished itself by its participative approach to governance, which afforded a high level of prestige and clout to trade guilds.¹⁰⁷ The representatives of these guilds were consulted in policy matters and acted as banks for philanthropic donations.¹⁰⁸ The village life and its judicial functions were left untouched and the village elders continued to manage the affairs of the village as per the local customs and traditions.¹⁰⁹ Just like the Maurya Empire that preceded it a few centuries ago (third century BCE), the Gupta Empire maintained a centralized (but somewhat decentralized)¹¹⁰ bureaucracy, which acted as a link between the district and the central government on matters of federal importance, e.g., maintenance of order, revenue collection, etc., while following a permissive policy of decentralization and respect for the diverse local cultures at the village level.¹¹¹

The Maurya bureaucracy was based on the twin pillars of merit and the concept of universal proprietorship of the emperor.¹¹² It was considered in the best interest of the emperor that the fragmented and diverse country should be run by meritorious and capable officers to provide a level of stability and maintain order.¹¹³ The officers were selected on the basis of a test, which examined the candidates in dharma (morality and law), artha (finance and worldly affairs), kama (recreation and aesthetics), and courage.¹¹⁴ Those who scored highest in all the subjects were selected for the personal staff of the emperor.¹¹⁵ Those who scored very high on dharma (morality and law) were appointed to the highest positions in district management, police, and judiciary.¹¹⁶ Those scoring high on artha (finance and worldly affairs) were selected for financial administration.¹¹⁷ Those with high scores on kama (recreation and aesthetics) were given the charge of management of brothels, musicians, etc.¹¹⁸ Lastly, those scoring high on courage were employed as the emperor's bodyguards.¹¹⁹ The dispensation of justice was arbitrary and based on the whims of the emperor.¹²⁰ But, still, the systematic, strictly merit-based recruitments gave order and stability to the empire, and it emerged as one of the world's greatest empires BCE.

The districts were headed by the district officers who combined the functions of revenue collection, law and order, and development within their

positions.¹²¹ The salaries were high and commensurate with the services rendered by these officers.¹²² The high salaries, prestige, and stable service structure ensured hiring of the best and the brightest officers for such positions among the emperor's subjects.¹²³ It ensured peace and stability for the Maurya Empire, and ensured development and patronage of art, architecture, music, crafts, and other development for the Maurya India.¹²⁴

From Rome, Macedonia, Iran, Caucus, and Far East Asia with Love: Classical Era Pakistan

The Indian conquests of Persian Acheamenids, Macedonian Greeks, Indo-Greeks, Indo-Parthians, Indo-Scythians, Kushans, and Huns separated roughly the areas that now form Pakistan from the rest of the Indian mainland. Hence, those periods of the administrative history of Pakistan have to be studied separate from such narration of India.

The Hephthalite/Hun Empire brought Far East Asian and Roman influences to the region, which is now Pakistan, as a result of the great migration wave of the Central Eurasian people.¹²⁵ Like other Nomadic people, they had a militarized bureaucracy, but also like other rulers of India, they did not touch the village life.¹²⁶ Being Far East Asian nomadic people, their administration was militaristic, and based on patronage just like the Kushans who preceded them.¹²⁷ The Huns, similar to the Greeks and the Roman-influenced Persians, were fused into the Indian society. Their remnants are still found in some of the castes of Punjab, but for the large part they have ceased to exist as a distinct entity.¹²⁸ The rule of Huns was followed by the Kabul Shahi and Delhi Sultanate.

The Kushan Empire, which ruled over present-day Pakistan from the first to the fourth century CE, was a cosmopolitan mix of Chinese, Hellenistic, Central Eurasian, and Persian influences. Following the Roman tradition, they controlled the territories through vassals or subjugated kings and princes.¹²⁹ Their chief executive officers of the districts, like those of the Mughals, commanded the military.¹³⁰ They had a dual system of administration; in the parts that they conquered from Indo-Greek rulers, they continued with their administration, and in places that were conquered from the Indians, they followed the Indian administration.¹³¹ Both administrative traditions guaranteed autonomy of the village and of the local traditions. To be appointed to a high bureaucratic position, the incumbent would have to demonstrate loyalty to the ruler and be in the ruler's good grace.¹³²

The Indo-Scythians ruled over parts of India in the first four centuries CE, which now form Pakistan.^{133–134} They used elaborate royal titles in the Persian tradition, and headed a military establishment.¹³⁵ They brought with them their own cultures and traditions heavily influenced by the Persian and Roman traditions. This meant that they, similar to the Greeks, disturbed the status quo and caste system of India before being fused in the system as Kshatriyas. They struck their own coins and influenced the economic structure of India.¹³⁶ They maintained their unique tribal traditions that implied their initial segregation from the already diverse Indian grassroots society.¹³⁷ The result was again autonomy at the village level, and independent governance of villages according to their respective traditions. Indo-Parthians, another Central Eurasian people, ruled classical Pakistan during the last part of the first century BCE and first part of the first century CE.

The Indo-Greeks and the Greeks ruled the areas comprising Pakistan through their satraps or representatives to various provinces in the last two centuries BCE.¹³⁸ Sometimes the vassal kings also were allowed to continue their rule.¹³⁹ They had a warrior administration based on patronage.¹⁴⁰ Village administration again was left to the local villagers. Just as the Greeks brought with them the concept of urbanization, they also brought concepts of democracy, participation, and decentralization as well. Cities flourished and gained new heights of culture, sophistication, commerce, and trade under their rule.¹⁴¹ The decentralization concept came into play on its own because the Greek and Indo-Greek kingdoms were rarely a consolidated empire; for the most part of history, they were scattered kingdoms ruled by different sovereigns.¹⁴² Perhaps, it was the influence of the ideas of democracy and participation that the later Gupta dynasty was increasingly participative, inclusive, and democratic in its outlook and included guilds and prominent citizens in its administrative decision-making processes, something never seen before in India.

The Greek satraps combined the judicial, law and order, and revenue collection activities within their position.¹⁴³ These same satraps later revolted against Macedonia to form their own Indo-Greek kingdoms, and, thus, retained the same bureaucracy that was maintained by them during the Macedonian rule.¹⁴⁴ Because the Greek era administration was headed by the military satraps of Alexander the Great, their district level governance was also militarized. This was further supported by indirect evidence in which the Greeks (and Indo-Greeks), along with Rajputs and Indo Scythians, were considered the foremost among the kshatriya

(warrior) cast.¹⁴⁵ The Greeks challenged the traditional caste system of India by replacing it with their own system. In the Indo-Greek kingdoms, there were only two castes: the rulers and the ruled.¹⁴⁶

The Acheamenid Empire's rule in classical era Pakistan from the sixth century BCE to fourth century BCE was a time of peace, prosperity, art, culture, education, and progress. Silver and gold coins were introduced, a centralized bureaucracy with regional autonomy was established, respect for diversity and local cultures was institutionalized, and rule of law was given suzerainty (power or domain of a suzerain (feudal lord)).¹⁴⁷ The province of Gandhara was ruled by a satrap who was a civilian head of the government responsible for dispensation of justice, law and order, and collection of revenue.¹⁴⁸ A satrap was directly responsible to the Acheamenid Emperor and was responsible to ensure delivery of revenue to the Empire's capital.¹⁴⁹ The internal rule was left to the satrap, allowing for regional autonomy.¹⁵⁰ The rule of law and tolerance of the Acheamenid Empire seeped through the administration of Gandhara and local religions and practices were respected.¹⁵¹ The art and architecture of Gandhara is demonstrative of Roman, Persian, and Greek influences.¹⁵²

PART 3: COMPARING BUREAUCRATIC TRADITIONS OF HISTORIC PAKISTAN

Various ruling traditions of classical- and British-era Pakistan influenced the region with their unique cultures, philosophies, religions, administrative perspectives, and ideas. They entered into marital alliances with the local people, transforming them, and, in the process, being transformed racially, culturally, and philosophically.¹⁵³ This unique fusion of ideas demonstrated itself in the administration of the country as well. These various rulers influenced the indigenous religions and ideologies with their particular flavor, for example, the influence of Greeks on Buddhism,¹⁵⁴ the Greek ideas of democracy, the warrior administrators of nomadic tribes, the ethnically fragmented mansabdars of the Mughals, Christian missionaries of the English, and the incorruptible ICS officers of the British. Layers upon layers of different kinds of administrations shared some core values, and contested on others. Pakistan inherited a sum total of all these layers of experiences, which are sometimes fused and at other times showed cracks.

Each governance era made significant contributions to the administrative theory of present-day Pakistan. These innovations were inspired by the values held by respective governance conventions of the region, including:

1. The Acheamenid Empire nurtured the principles of tolerance, co-existence, and respect for the local diversity. It was a consensus value for all later regimes of the land.
2. The Mauryas formally instituted merit-based administration and the custom of employing civilian officers to head their administrative units.
3. The Greeks challenged the traditional intricate caste system of India and replaced it with their own simpler system of two castes only. They also brought with them their ideals of governance and their political philosophy. Plato's philosopher king, Stoicism, and most significant of all, Aristotle, whose pupil Alexander brought Hellenism to the shores of the river Beas, significantly influenced the ideas and practices of governance, society, and values in the region.
4. The Indo-Scythians, Indo-Parthians, and the Kushans brought Central Eurasian and tribal values and warrior administrators to the realm of governance in classical Pakistan.
5. The Guptas formally instituted public participation in governance and recognized local trade guilds.
6. The Muslims challenged the traditional caste system of India and replaced it with an approach toward equality of all. In addition, Muslim philosophy had by that time through conquests come into contact and had imbibed the Greek political thought and had built upon it.
7. The most important contribution of the British Raj was the introduction of the concept of loyalty of bureaucrats to the abstract state versus loyalty to the ruler.

The melding of these cultures into some loosely described Indian culture did not create a homogenous whole. It fostered diversity based on acceptance and tolerance. The foundation of all administrations of the region seemed to be based on the twin ideas of (1) respect for the local and for the grassroots diversity, and (2) desire to consolidate (not homogenize) this diverse whole under the umbrella of a centralized administration.

This, by necessity, cultivated the principle of unity of command integrated into the person of the administrative head who had to be above the local biases and from among the best and the brightest. He was required to maintain the delicate balance among diverse local communities, and between the local communities and the central government while ensuring law and order, development, stability, and lawful collection of revenue. This was no meager task by any measure, and not a task for mediocre minds, souls, and bodies.

Based on these two shared ideas, without exception, all rulers and eras of classical Pakistan implemented some common administrative characteristics. Some of the characteristics were completely replicated through all eras of classical Pakistan, some characteristics were semicommon, and some characteristics of different administrative eras were entirely opposed to each other, e.g., civilian versus warrior bureaucracy. Based on the discussion above, the consensus, semiconsensus, and contested administrative features can be classified in the following section.

Historic Consensus Administrative Characteristics

First and foremost among the consensus characteristics was respect for village level autonomy; this translated into tolerance for the ever-increasing diversity in classical-era Pakistan's local religions and traditions. The primary challenge faced by administrators of classical and modern Pakistan was and is to maintain harmony among deeply diverse and often contentious cultures. Second, all ensured the appointment of their best and brightest officers as heads of their administrative units. This clearly underlines the significance of, and the challenges faced by, the district administrations in Pakistan. Third, all administrations were dual, having direct rule over some parts of the country, and ruling through vassal kings in other parts of the country.

Historic Semiconsensus Administrative Characteristics

The characteristics on which there was historic semiconsensus were, first, all administrations of the modern day Pakistan maintained a centralized bureaucracy (with the exception of the Indo-Greek kingdoms, which were fragmented and, thus, their bureaucracy per force was distributed). Second, the district administrators combined responsibilities of revenue collection, dispensation of local justice, and maintenance of law and

order (except the later Mughal mansabdars and administrators of Delhi Sultanate). Third, all other rulers appointed district heads directly through the central government (except for the Mughals and Delhi Sultans, and the Acheamenids). For these eras, the district heads functioned as the link between the central government and the local grassroots societies.

Historic Contested Administrative Characteristics

There were four administrative features where, historically, there was disagreement among the different rulers of classical and British era Pakistan. Those four areas were civilian versus warrior bureaucracy; meritocracy, semimeritocracy, and patronage in recruitments; loyalty to state versus loyalty to the ruler; and the form of citizen's participation in governance.

Historic Patterns of Administrative Characteristics

Very interesting to note is the fact that all empires formed by nomadic tribes, Central Europeans, and Greeks had administrations that were headed by warriors and the recruitment was based on patronage. On the other hand, all the indigenous empires of India, the British Raj, and the Acheamenid Gandhara employed civilians as the heads of their administrative units. Another interesting point to note is that the empires that appointed administrative heads on the basis of merit or semimerit also employed civilian heads of administrative units, but not necessarily vice versa. This is a very important distinction and must be kept in mind for the later arguments presented in this book. This is summarized in Table 2.1.

Providing an alternate interpretation of path dependency, today's Pakistan is not simply bound by circumstances in the third stage of path dependency to follow past traditions. Today's Pakistan carries the heritage of this rich history of administration, ideas, and cultures. Pakistan's administrative history is also a history of political ideas. Path dependency can be reinterpreted as:

1. When these ideas converged, and had consensus across ages, the best practices of their implementation were replicated by all the rulers. Certain administrative characteristics based on shared

values of all rulers of present day Pakistan continue uncontested. The value of acceptance and celebration of diversity that led to village-level autonomy is still uncontested. The value of placing the best and the brightest as the heads of districts has continued without disruption, although whether the country is able to attract the best and the brightest to man those positions has come into active discussion. The system of dual administration also stayed on in today's Pakistan in one form or the other. As a new country in 1947, it had the opportunity to replace the old order. However, since historically no serious challenge was posed for certain key values, the governance ideals based on those key values were implemented, by choice, according to the best practices of the past.

2. Simultaneously, the debate continues in Pakistan today, as a matter of choice, about administrative practices, where the region historically lacked consensus on such values. The debates about contested values also persist; patronage versus merit, warrior versus civilian, and kind of participation continues to this day.

Based on the discussion above about the reinterpretation of path dependency, it can be said that Pakistan will, in the future, tend to choose administrative structures to support its long-held value of village-level autonomy. It also will invariably choose the best and the brightest to head its administrative units. It also will maintain some kind of dual administration.

Similarly, based on the reinterpretation of path dependency, for Pakistan to create a public administration that would help sustain its democracy, there is little to choose from among the administrative options that were based on semiconsensus in the past. The primary administrative choices for Pakistan, which have the potential to influence sustained democracy in Pakistan, would be in the areas of historic disagreements—warrior versus civilian bureaucracy, merit or patronage, loyalty to the state or the ruler, and the form of public participation. Later chapters will discuss these issues in detail to present a clear picture of what kind of public administration can best sustain democracy in Pakistan in the light of the findings of McAdam, Tarrow, and Till¹⁵⁵ about protracted consultation and instrumentation.

TABLE 2.1

Administrations during Different Eras of Classical and Modern Pakistan

	Areas of Consensus through All Eras				Areas of Semiconsensus in Different Eras				Areas of Contention in Different Eras						
	Autonomy for the Village Level	District Officer of the Apex Civil Service	System of Dual Administration	Centralized Bureaucracy	yes	no	yes	no	District Head Only Combining Functions of Law and Order, and Executive Magistracy	District Head an Appointee of the Central Government or Provincial Government	Civilian or Warrior Head of the District	Loyalty to the State or the Ruler	Patronage	merit-cum-patronage	semi-participative
British Raj ICS	yes	yes	yes	yes	no	no	yes	yes	central	civilian	merit-cum-patronage	state	state	merit-cum-patronage	semi-participative
Later Mughal mansabdari and Faujdar	yes	yes	yes	yes	no	yes	no	no	provincial	warrior	patronage	ruler	ruler	patronage	no
Early Mughals	yes	yes	yes	yes	no	no	yes	yes	central and provincial	warrior	merit-cum-patronage	ruler	ruler	merit-cum-patronage	no
Delhi Sultante	yes	yes	yes	yes	no	yes	no	no	provincial	warrior	patronage	ruler	ruler	patronage	no
The Huns	yes	yes	yes	yes	no	no	yes	yes	central	warrior	patronage	ruler	ruler	patronage	no

	yes	yes	yes	yes	yes	no	no	yes	central	civilian	merit	ruler	participative
The Guptas	yes	yes	yes	(partially decentral- ized)	no	no	no	yes	central	civilian	merit	ruler	participative
Kushan Empire	yes	yes	yes	yes	no	no	no	yes	central	warrior	patronage	ruler	no
Indo-Parthians	yes	yes	yes	yes	no	no	no	yes	central	warrior	patronage	ruler	no
Indo-Scythians	yes	yes	yes	yes	no	no	no	yes	central	warrior	patronage	ruler	no
Indo-Greeks	yes	yes	yes	no	no	no	no	yes	central	warrior	patronage	ruler	no
Greeks (Yuna)	yes	yes	yes	yes	no	no	no	yes	central	warrior	patronage	ruler	no
Mauryan	yes	yes	yes	yes	no	no	no	yes	central	civilian	merit	ruler	no
Achmeanid	yes	yes	yes	yes	no	no	no	yes	provincial	civilian	patronage	ruler	no

CONCLUSION

This chapter provides a context of the administrative history of the classical era and British Raj Pakistan, for later examination of the role of public administration in achieving sustainable democracy in Pakistan. It provides an alternative and sometimes supplementary interpretation of the theory of path dependency wherein later generations make a conscious decision to learn from past best practices based on shared values to replicate those past practices as a matter of choice. They do so even though valid, meaningful opportunity and motivation exist to significantly alter previous decisions. Similarly, it argues that past administrative debates continue as a matter of choice for want of consensus on core values, partially as a matter of choice.

Exploring Pakistan's inherited bureaucratic steel frame of British Raj's fabled Indian Civil Service (ICS), the mansabdari of the Mughals, the bureaucracy of the Guptas, and the Mauryas, the Greek, Roman, Far East Asian, and Persian influences on classical Pakistan's administrative setup, it demonstrated that Pakistan's bureaucracy was not merely a British colonial legacy. It was a blend of all of the above-mentioned traditions.

It identified the consensus, semiconsensus, and opposing features through different administrative eras of the region. It was noted that a system with reasonable regional autonomy and almost complete village-level autonomy model was used in almost all eras. Such setup ensured celebration and respect for the intense diversity of the area, while at the same time ensuring broad justice and compliance with the policies of a central government. The chapter also identified some interesting patterns of administration, e.g., all indigenous administrative setups were based on meritocracy and had civilian district heads, while those governments that used patronage to employ apex civil servants employed military heads of the districts.

Based upon this chapter's proposed reinterpretation of path dependency, it identified administrative issues of historic discord, which are open to decisions. These decisions will have significant implications for the future of democracy in Pakistan.

The next chapter will discuss the administrative reforms carried out by Pakistan after its creation in 1947. It will analyze the viability of those reforms in the light of past best practices and traditions of public administration of historical Pakistan.

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3

Administrative History of Pakistan

INTRODUCTION

Pakistan Mint is maintaining its impeccable excellence with the same machinery and meticulous work routine given to it by the British rulers of India ... before the partition. The reason is *not* the attention paid to it by any ruler in the country *but a lack thereof*. (*Dawn*, August 11, 2012)¹ (emphasis added)

Since its independence from British colonialism in 1947, institutional breakdown took place at an astonishingly rapid pace in Pakistan. Politicization and narrow interests plagued the nation's institutions.^{2,3} One of those institutions was that of deputy commissioner & district magistrate (DC & DM). As seen in Chapter 2, he was the lynchpin of district administration in Pakistan at the time of the country's inception in 1947.

Protracted grassroots consultation (continual citizen feedback and participation) and instrumentation (ability to enforce writ of the state) were found to be necessary for a country to enter the zone of stability, citizenship, and democracy.⁴ According to McAdam, Tarrow, and Tilly,⁵ fragile protracted consultation and instrumentation at the local level, instead of strengthening democracy, leads either to disintegration of a country or its occupation by foreign forces.

This chapter frames the problem as centered around the role of DC & DM in creating an apt environment for authentic participative democracy to blossom in the country. It does so by tracing the history of amendments in the quasi-legislative and quasi-judicial functions of the DC & DM. Later, Chapter 4 situates this in a theoretical framework, which is quantitatively tested in Chapter 5 to investigate whether these modifications improved protracted consultation and instrumentation and, in turn, democracy or not.

This chapter is divided into seven parts according to Pakistan's various administrative interludes. The first part looks at the role of the DC & DM during the first decade of Pakistan's existence (1947–1958), when, structurally, the quasi-judicial and quasi-legislative functions of the institution were left more or less the same as inherited from the British Raj.⁶

The second part (1959–1973) examines developments during the Ayub Khan (1958–1969) and Yahya Khan (1969–1972) eras, until the initial two years of Zulfikar Ali Bhutto's government, i.e., the Law Reforms Ordinance of 1972 and his administrative reforms of 1973. This part shows politicization of the institution of the DC & DM and enhancements in its quasi-legislative ability coupled with depletion of its claims of neutrality. Pakistan was disintegrated in 1971.

The third part (1974–1985) studies civil service reforms of 1973 during Bhutto's era, and their continuation with minor changes during Zia's time, until the beginning of Muhammad Khan Junejo's elected government in 1985. Civil Service Reforms of 1973 formalized the politicization of the DC & DM, visibly and legally bringing the institution's quasi-legislative and quasi-judicial functions into the zone of partiality. This severely hampered the DC & DM's ability of impartial protracted consultation and instrumentation; lack of neutral instrumentation is a cause of injustice. Later during this period (1977–1985), Muhammad Zia-ul-Haq's government reversed some of the steps of 1973, but politicization of the service continued. Elected local councils also were present from 1979 to 1985 in the Zia era. Pakistan faced further threats of disintegration during this phase.

The fourth part examines various democratic eras from Junejo in 1985 to the repeated governments of Benazir Bhutto and Nawaz Sharif. The most significant development during this phase was the Supreme Court's judgment of 1993. As a result of this, Law Reforms Ordinance was promulgated in 1996, which significantly altered the quasi-judicial role of the DC & DM. Politicization of the institution was very visible by this time.

The fifth part explores the DC & DM during the interlude from 1997 to 2002. It was the time when the DC & DM functioned with reduced quasi-judicial authority as a result of the Supreme Court's judgment of 1993.⁷ Later, elected local governments were installed under Local Government Ordinance 2001, Police Order 2002 was enforced, amendments were made to the Cr.P.C. (Code of Criminal Procedure) 1898, and the office of DC & DM was replaced by the District Coordination Officer (DCO).

The sixth part studies the situation of DCOs working alongside elected local councils headed by nazims, i.e., the time between 2003 and 2008. The DCO was thoroughly politicized by law and under law devoid of quasi-legislative and quasi-judicial functions. Those functions were distributed among the judiciary, the nazim, and the police. Vast areas of Pakistan came under occupation of foreign Taliban during this time, especially in Khyber Pakhtunkhwa and Balochistan.

The final (seventh) part investigates the time period of 2009 to 2011, when local governments were dissolved and some quasi-legislative functions of the erstwhile DC & DM were assigned to the DCO.

PART 1: FIRST DECADE OF PAKISTAN'S EXISTENCE (1947–1958)

Existing literature argues that protracted consultation and, more importantly, effective instrumentation are the most important prerequisites for meaningful democracy to take root and thrive in such a country. Absence of effective instrumentation in such countries leads either to disintegration of the country or its occupation by foreign forces.⁸

At the time of independence of the country, only 94 members of the erstwhile British Indian Civil Service elected to join Pakistan.⁹ With their quasi-judicial and quasi-legislative functions intact (as left by the British), which in turn was based on early Mughal and ancient Indian and Hellenistic traditions of public administration, those civil servants were able to achieve the impossible—survival of the newly created country of Pakistan.

The best tribute paid to the competence of these civil servants is the fact that Pakistan did not collapse in its first 90 days.¹⁰

In the early days of Pakistan, protracted consultation by the mediating mechanism used by these DC & DMs helped sustain effective, widespread, and unbiased instrumentation.^{11,12} It helped the country successfully face serious existential challenges, and develop and attain political stability in 1968.^{13–16} This administrative arrangement had the potential to lead the country on the path of representative democracy.

The DC & DMs, during the last few years of British colonialism in India, were drawn from the civil service, which until independence was called

the Indian Administrative Service (IAS); this was changed to Pakistan Administrative Service (PAS) in 1947. As already explained in Chapter 2, officers of the PAS were selected after rigorous written tests, psychological and medical exams, and interviews.¹⁷ Their background also was thoroughly checked before appointment. In Platonic and Aristotelian traditions, an ideal PAS officer was supposed, at least in theory, to be wise, selfless, courageous, and virtuous.^{18,19} During 1948 to 1957, civil servants to the prestigious PAS were recruited through common competitive exams,²⁰ governed by the provisions of the Government of India Act of 1935 read with the Indian Independence Act of 1947,²¹ through the Pakistan Public Service Commission and an apolitical president as the appointing authority.²² The situation of the new country was too volatile to experiment with new administrative structures and modes of recruitment during this period.²³ Hence, the age-old functions of the DC & DM remained unchanged, as did the overall structure of the service.

As per ancient traditions of the land, “district” in 1947 was the administrative unit, headed by an officer, usually belonging to PAS or to its provincial counterpart Provincial Civil Service (PCS). This district officer was titled the deputy commissioner & district magistrate (DC & DM).²⁴ The core values of the system included impartiality, nonpoliticization, stability, security, efficiency, and organization.²⁵

The DC & DM performed a number of quasi-legislative and quasi-judicial functions. As DC, he was primarily responsible for revenue administration of the district, under the Land Revenue Act. As DM, he was responsible for maintenance of law and order under the Criminal Procedure Code (Cr.P.C. 1898). The title of PAS was changed to Civil Service of Pakistan (CSP) in 1950. Their salary and service structure was governed and defined separate from other types of government employees.²⁶ Most of the DC & DMs were appointed from this group of officers.

The DC & DM was assisted in his duties by assistant commissioners & subdivisional magistrates (AC & SDM) at the subdivisional (also called *tehsil*) level. A collection of a number of districts was called a division and was headed by a DC with revenue and executive roles. The commissioner’s revenue authority also rested on quasi-legislative and quasi-judicial functions. The DC & DM, however, was the lynchpin of local administration.²⁷

As per the Police Act of 1861, which Pakistan “inherited” at the time of its independence in 1947, the Act was created “to reorganize the police

and to make it a more efficient instrument for the prevention and detection of crime.” Under section 4 of the said Police Act 1861, the police were under the general supervision and control of the DM. Section 4 stated, “... the administration of police throughout the local jurisdiction of the magistrate of the district, under the general control and direction of such magistrate.” In addition, sections 13, 30(2), 33, 44 hold the DC & DM responsible to call for and inspect diaries of police stations within his jurisdiction to ensure adherence to law and optimal performance. This was important to ensure civilian executive oversight over police to act as a guard against police excesses, which happen in even the most developed countries.²⁸

The DC & DM was in charge of overall criminal administration and was chiefly responsible for maintaining law and order in the district. The Fraser Commission, created before Pakistan’s independence to study and improve the overall policing situation, in its report (1902–03) recommended that the office of inspector general should be held by a DM. The commission held that the commissioner of police, in metropolitan areas such as Bombay (Mumbai), where a “commissionerate” system of police was in vogue, should be replaced by an inspector general of police. The report further held that the practice of different manners of policing in rural and urban areas should be abolished. The commissionerate system was introduced in the Indian subcontinent by Sir Charles Napier after the annexation of Sindh to the territories of East India Company in 1843. Criticizing the commissionerate system in Bombay, the report stated:

Napier took as his model the Irish Constabulary, as the circumstances of the newly conquered province required a semimilitary rather than a purely civil force.

In 1860, the office of police commissioner was abolished in Bombay, only to be brought back again in 1902, and has sustained to this day. Except for Bombay and Madras, the rest of the country continued to follow the centuries-old system of DC & DM, and this is what Pakistan inherited at the time of independence in 1947.

DC & DM’s quasi-judicial functions included summary trials and adjudication of revenue and minor criminal cases, and general control over district police and to prevent police excesses.²⁹ He could conduct committal proceedings and section 30 of Cr.P.C 1898 proceedings for pretrial.³⁰ In addition, he adjudicated on offenses relating to public tranquility, offenses

against and the contempt of lawful authority of public servant, offenses against weights and measures, and offenses against environment decency and public morals, such as adultery, fouling water, rash driving, public nuisance, and obscene acts/songs, etc., under Chapters VIII, X, XIII, and XIV of Pakistan Penal Code (PPC). In addition, he adjudicated on more than 200 local and special laws. It is pertinent to mention here that all these quasi-judicial functions were preventive and prohibitive in nature.³¹ His quasi-legislative function included legally sanctioned field visits, personal inspections and regular contacts with local people, and the requirement to publish notices and interim orders and disseminate them in local language through posters, handbills, drum beats, etc.

Because a DC & DM was an apolitical, impartial, and unbiased public servant, he could and did engage in consultation with all segments of the society across the board, creating bonds of trust by simply performing his quasi-legislative functions.³² These bonds of trust helped him in his quasi-judicial duties of maintaining peace in the community and instrumentation. Various examples and case studies demonstrating effective application of this concept have been published.³³

However, this arrangement was seriously challenged soon after Pakistan's independence. When Pakistan's initial leaders, in their sincere, but ill-informed efforts, tried to implement the idea of a homogenous nation-state, it was perceived as a threat to local autonomy and culture and a tool for Western hegemony. Ironically, the DC & DM, the very institution that provided grassroots participation and respect for local autonomy, was painted as a colonial legacy by the opinion leaders,³⁴ eventually leading to its demise. The ancient traditional institution of DC & DM, portrayed as a colonial legacy, was to become the foremost casualty of Pakistan's anti-Western paranoia.

In addition, the first civil servants from British India who opted to join Pakistan were instrumental in the continuation of the new state of Pakistan, and because they were recruited in the service after stringent testing and had to compete with highly educated men from all over India, their quality undoubtedly was such as to induce confidence among the population and to ensure quality and competence. However, the first signs of decay became visible when the Federal Public Service Commission, as early as 1952, expressed its anxiety about the "poor" standard of candidates, low intellectual caliber, and inadequate effort by candidates to achieve reasonable standards of scholarship.³⁵

In order to address these deficiencies, the Civil Services Academy was established in 1948 in Lahore. The newly recruited officers, after obtaining six months' training at the Academy, were required to spend time in East Pakistan. They also were required to attend foreign training in England for six months.³⁶ However, if the quality of candidates for CSP was poor to begin with, it was not possible to entirely transform them into officers of substance like their predecessors. As no amount of heat and treatment can turn zinc into gold, so was it not possible to turn poor quality into good simply by training and exposure. Training and exposure did help with the polish, but the core scholarship competencies and moral compass absent from the new officers to begin with could not be created within their persons.³⁷

A combination of factors mentioned above led to the introduction of various reforms, from 1958 onward. However, none of those efforts included improving the overall human resource and quality of the personnel pool from where DC & DMs were to be recruited, and to whom the DC & DM would serve.

It is interesting to note that while the British colonial government left behind the merit-based institution of the DC & DM, with its roots in the ancient history of the country, it also introduced an alien institution of feudalism in Pakistan, which was inherently opposed to the values, history, and culture of the land.³⁷ Modeled after the British system of feudalism, large, intact, inherited land holdings, and demanding absolute obedience from its serfs and cultivators,³⁸ this new phenomenon was in direct conflict with the concept and philosophy of participative democracy that advocates equality of all before law. In the decades to come, we see this institution coming in conflict with the progressive values of the institution of DC & DM, and subverting the DC & DM through direct and indirect attacks. The institution of feudalism schemed in various ways to ensure its uninterrupted, unnatural survival. It did so, first, by inducting its members into the folds of the DC & DM; second, by thoroughly politicizing the institution of the DC & DM; third, by removing the institution of DC & DM and with it the last remnants of pliable protracted consultation and instrumentation; and, fourth and most importantly, by crippling the educational institutions of the country into producing rote learned followers and no critically thinking leaders.⁴² This will be dealt with in more detail in Chapters 6 and 7.

PART 2: FIRST MARTIAL LAW AND THE FIRST POPULAR GOVERNMENT (1959–1973)

As already mentioned, the institution of DC & DM was populated prominently by CSP officers. The quality of civil servants did not see any improvement post-1947; however, training standards were changed slightly, and after 1961,³⁹ instead of six months' overseas training, the selected officers were required to spend one year at Oxford and Cambridge for training. Apparently that also did not have any major influence on the low quality of their initial constitutions. However, the system and the legal framework of the functions of the DC & DM still enabled them and the country to maintain somewhat neutral protracted consultation and instrumentation, providing safety, security, and a sense of stability to the grassroot population.

Pakistan's very early leaders failed to ensure democracy either within their political parties, or at the local, provincial, or national level. This power vacuum was filled by military rules, and first military rule of Field Marshal Ayub Khan began in 1958. Ayub Khan was raised in the Pathan rural traditions, and later educated at Sandhurst Military Academy in the United Kingdom. Qudratullah Shahab states that he had the astute common sense of a local villager, but could not grasp the complicated concepts of economics or perceive the world independent of his personal biases.⁴⁰

After charging 13 CSP (formerly called PAS) officers with "corruption, misconduct, and inefficiency" in 1959, forcibly retiring them after a summary trial, Ayub Khan shook the confidence of CSP officers.⁴¹ This was the first serious step toward politicization, and compromise of neutrality of the DC & DM. CSP officers initially resisted such attempts of politicization, but eventually ...

... Inescapably, the practices within the civil service degenerated and civil servants became the victims of political promotions and transfer.⁴²

Another step that strongly demoralized the CSP officers was the formation of Pay and Service Commission 1959, headed by Justice Alvin R. Cornelius, who was known for his anti-CSP views.⁴³ The Cornelius Commission, in its report (1959–1962), recommended that the civil service of Pakistan should be abolished and replaced by a service drawn

from all cadres. It also proposed to make the police entirely independent of the control of the DC & DM, which is akin to giving a free hand for police excesses.⁴⁴ Similarly, the Constantine Commission report (1960–1961) advocated “separation of executive and judiciary,” or, effectively, an end to the institution of District Magistracy, while not explicitly stating the same.

Ayub Khan introduced a system of Basic Democracies at the local district level under the Basic Democracies Order 1959. These Basic Democracies were composed of elected members of local governments on three levels (subdivision, district, and division). Half of the members of Basic Democracies were elected while the other half were nominated. These members formed the electoral college of Ayub Khan and, through their votes, Ayub Khan got himself elected as the president of Pakistan in 1960.⁴⁵

At the district level, the most significant implication of Basic Democracies was that the DC & DM as well as the AC & SDM and commissioners headed these Basic Democracies.⁴⁶ However, DC & DMs were instructed to interpret their powers generously to allow for the learning process of the Basic Democracies and even to condone mistakes.⁴⁷ They had the power to overrule and suspend council decisions and orders.⁴⁸ DC & DMs supported this grassroots democratic initiative.⁴⁹ In spite of the fact that CSP’s confidence was badly shaken, the service structure allowed them a lion’s share in key posts. In 1964, CSP officers formed 89 percent of the Central Government Secretaries, 66 percent of Provincial Secretaries, 75 percent of Divisional Commissioners, and 51 percent of the DC & DM.⁵⁰ The judicial posts for the cadre were 48 in West Pakistan.⁵¹ The idea behind this system was the selection and placement of the best and the brightest in key positions, in Platonic tradition,⁵² so as to ensure that the country was in the hands of the best civil servants. In spite of their poor quality, because the mode of recruitment was pure meritocracy (hence, from within the available pool of poor standard), they were the better of the lot. They were still relatively superior to politicians and other civil servants in personal ability and experience.⁵³ However, this was not to remain the same because there were twin catches to it. First, as already discussed, the quality of recruits was inferior to begin with; not strictly adhering to the ethical and merit ideals of Plato. And, second, that an all-out effort was made to compromise their neutrality and, being ethically weak to begin with, they fell easy prey to it.

First by shaking CSP cadre's confidence and then by giving them control over local bodies, Ayub sought to have junior partners in governance.⁵⁴ They were "frightened into submission."⁵⁵ This politicization⁵⁶ enhanced the quasi-legislative functions of the DC & DM and, although he was rigorously politicized, on the face of it, extraordinary prestige was accorded to the position.⁵⁷ Between 1959 to 1968, 79 CSP officers were awarded degrees and training from British and American universities.⁵⁸ To further politicize and compromise the institution and its tradition of meritocracy, 5 percent quota for military personnel was allocated in CSP. This was, however, later abolished in 1963.⁵⁹ The DC & DM was necessarily involved in getting Ayub elected in 1960 and then again in 1965 against Fatima Jinnah.⁶⁰

Under the Basic Democracies scheme, deputy commissioners effectively became district governors that performed not only a multiplicity of functions, but also acted as political representatives for the president.⁶¹

This further fanned hatred against the DC & DM and against his service cadre, CSP. Politicization of the CSP cadre,⁶² in general, and that of the DC & DM in particular, brought it down from a once revered and respected cadre credited for saving the country to the field of contention. Contested and controversial administration is a manifestation of and, simultaneously, a cause of weak instrumentation. Officers who were to set the intellectual and moral standard within the state^{63,64} became tools of political corruption.

As the CSP came to play a political role in manipulating the Basic Democracies, which Ayub Khan made the Electoral College for the presidency, their impartiality and prestige suffered. The first serious rumblings of corruption in the higher bureaucracy and of systematic nepotism, even at the most exalted levels, began to be heard.⁶⁵

Compromised neutrality of the DC & DM resulted in compromised justice at the grassroots level. Since the DC & DM was the visible face of this civilian–military bureaucracy nexus at the district level and directly overseeing instrumentation and protracted consultation, it was natural that public anger against injustices was directed toward the DC & DM and, by proxy, toward his service cadre, the Civil Service of Pakistan (CSP).⁶⁶ Weak at instrumentation, this new DC & DM was arrogant and

whimsical⁶⁷ and because of his new found political prejudice did not enjoy people's trust. He was widely construed as unpopular and antipublic.⁶⁸ Student protests and riots in 1968 and 1969 especially targeted the bureaucracy. Doctors and engineers in these riots demanded salaries and service structures comparable to those of CSP officers. All Class-I officers signed a petition calling for radical restructuring of the service structure of Pakistan, responsible for its sorry state.⁶⁹ This led to the eventual downfall of Ayub's government.

The process of politicization of the DC & DM did not stop at this. When Yahya Khan took over from Ayub in 1969, he summarily dismissed 38 CSP officers⁷⁰ under Martial Law No. 58. Politicization and lack of confidence⁷¹ deteriorated protracted consultation and led to frail instrumentation, which meant that the country would either disintegrate or fall under foreign occupation.⁷² In 1971, the country disintegrated, with Bangladesh forming out of East Pakistan and Balochistan and Sindh also demanding secession.

The DC & DM's quasi-judicial functions also were disturbed. As early as 1969, the Cornelius Commission had recommended separation of collectorship (revenue) and magistracy.⁷³ It also was obvious that efforts were underway to abate the steel frame of bureaucracy. In Pakistan's first pay commission, Justice Muneer had declared:

The correct place for our men of genius is in private enterprise and not in the humdrum career of public service where character and desire to serve honestly for a living is more essential than outstanding intellect. We cannot, therefore, prescribe our pay scales with the object of attracting to public service all the best intellect in the country.⁷⁴

Therefore, it was not surprising that this popular sentiment was exploited to the hilt by one demagogue after another in the garb of democracy. With emotions running high against the CSP officers who were considered the bulwark of Ayub's government, it was very convenient for politicians to rally people around with political slogans of Bhutto to "break the back of bureaucracy" and that the civil service in Pakistan was inherited from the colonial British.⁷⁵ Using this, among other slogans, in 1972, Zulfikar Ali Bhutto became the first popularly elected prime minister of Pakistan. He introduced civil service reforms in 1973, as well as Law Reforms Ordinance 1972.

PART 3: IMPACTS OF CIVIL SERVICE REFORMS OF 1973, FIRST POPULAR GOVERNMENT, AND SUBSEQUENT MARTIAL LAW (1974–1985)

Noted scholar Saeed Shafqat⁷⁶ stated:

[In Pakistan] the politics of civil service reform is driven by considerations of subordinating bureaucracy and establishing the supremacy of the political and in the process governance reform, ensuring effective implementation and improving delivery of services has remained marginalized.

Properly employed, democracy with its reasonable pluralism could have been the binding force for the diverse communities of Pakistan. However, instead of genuinely attempting to improve protracted consultation and instrumentation, all efforts were directed toward “reformation” of the symbol of Western hegemony, the higher civil service,⁷⁷ and the institution of the DC & DM. Significant among those were the civil service reforms of 1973.

By the time Bhutto took the reigns of the country, the CSP cadre, from where most of the DC & DMs came, was sufficiently maligned with good and bad reasons and intentions. Some of the critique was well-founded, as on the general character and capacity of officers, though superior in merit to others (because they were selected and recruited on merit). However, many a criticism was based on bias and was ill-informed. For example, the CSP Cadre Rules of 1954, the Civil Services Academy, and the training that officers received there was found to be Westernized and antithetical to the values of citizenship, equity, and national culture.⁷⁸

As mentioned earlier, no amount of training could have corrected the inherent manufacturing defects of officers who came from an unprepared and unable-to-produce-leaders population. The best the system could do was to select the best and the brightest from this pool, which was not up to the mark, but still more capable than the rest. It was against this backdrop that, Bhutto, who, himself, was no stranger to Western lifestyle and values, derided the colonial legacy by declaring:

No institution in the country has so lowered the quality of our national life as to what is called Naukarshahi [bureaucratic rule]. It has done so by imposing a caste system on our society. It has created a class of “Brahmins”

or mandarins, unrivaled in its snobbery and arrogance, insulated from life of the people and incapable of identifying itself with them.⁷⁹

Bhutto gave a clear message by summarily sacking 1,303 officers during his first year in office⁸⁰ under Martial Law No. 14, causing loss of confidence and initiative for the DC & DMs. The fact that, after the fall of Dhaka in 1971, 117 Bengali CSP officers had opted for Bangladesh, thus, reducing the numerical strength of CSP, also did not help the cadre.⁸¹

In addition, the constitution of 1973 took away the guarantees that were provided in 1956 and 1962 constitutions against dismissal from jobs to CSP officers.⁸²⁻⁸⁴ A system of lateral entries into the service was also introduced, which meant that officers could be inducted in the service without them having to go through the competitive process. They were simply nominated by politicians. The institution of DC & DM, thus, was thoroughly politicized at the mercy of political bosses.⁸⁵ DC & DMs were transferred on political connections. Prized postings became connected with political benefits. Meritocracy, which formed the foundation of CSP, also was formally compromised.

Under civil service reforms of 1973, service cadres were replaced by occupational groups. CSP service cadre was replaced by two occupational groups of District Management Group (DMG) and Tribal Areas Group (TAG). Prior to 1973, examination, selection, appointment, and training of CSP cadre used to be held separately from CSS (Central Superior Services). CSS included occupational groups, such as audit and accounts, income tax, etc.⁸⁶

Under the reforms of 1973, both CSP and CSS were combined, and were jointly called CSS for examination, selection, and common training. Candidates selected after a rigorous process were sent to a Common Training Program.

Salary differential, which existed prior to 1973⁸⁷ between CSP as Class I officers and other cadres, also was abolished for DMG under the civil service reforms of 1973. A Unified Pay Scale ranging from Basic Pay Scale 1 through 22 was established for all public employees,⁸⁸ irrespective of whether they performed the responsibilities of a DC & DM or not. Salaries of DMG officers were no longer commensurate with responsibilities or with merit. Equality, regardless of the consequences, replaced justice to become the objective of the state. Reasonable salaries commensurate with job are deemed important for public executives.⁸⁹ Injustice breeds injustice, which, in turn, leads to decline in instrumentation.

“Lateral induction” was introduced as well under these reforms, through which 5,000⁹⁰ political appointees were inducted into the DMG cadre from 1973 to 1977.⁹¹ This, for the first time, formalized politicization of the cadre, and, at the grassroots level, that of the DC & DM.

In July 1974, an Urdu daily in Lahore identified one hundred senior civil service political appointees who were close relatives and associates of ministers in Bhutto’s cabinet.⁹²

Biased administration cannot, through any stretch of imagination, be thought of as fair in instrumentation. In addition, under Law Reforms Ordinance 1972, the quasi-judicial functions of the DC & DM were diminished. It introduced judicial magistrates at district and subdivisional levels, further impacting the quality of instrumentation in the country.

There were murmurs of regionalism and nepotism in selections and recruitments of CSP officers as early as 1949,⁹³ and not without reason. People from East Pakistan (Bengalis) were especially wary of a system that offered them far less representation in the elite service than demanded by their far superior educational system as compared to West Pakistan. Therefore, it was found expedient to introduce a quota system in recruitments. During the service reforms of 1973, extension and modifications in the quota system were introduced. DMG officers were selected partially on merit, and partially on the basis of their place of domicile and ethnicity; 10 percent quota, in appointments, was reserved for pure merit. The rest was allocated to different provinces based on their relative population in the country.⁹⁴ This decision was taken as a part of some other affirmative action programs instituted by Bhutto.⁹⁵ In addition, 10 percent quota for women to join the cadre was introduced under the Musharraf government in 2008.⁹⁶

Some of the steps under the 1973 administrative reforms were broadly lauded, e.g., removal of the legal bar for women to enter the DMG cadre, and to be posted as a DC & DM, which was not legally possible in the CSP cadre. There was previously strong resistance against appointment of women to positions of DC & DM, which was counteracted by the liberal reforms of Bhutto in 1973. However, although the number of women joining the prestigious service has increased over the years, the glass ceiling preventing them from prized field postings remains in the mind-set of even the current policy makers who belong to the earlier generation

of staunchly conservative and gender-biased, old world, which considers women incapable of physically demanding, tough assignments.⁹⁷

However, over all the negative impact that looms larger—violation of merit, dismissal of civil servants without due legal process, unwarranted political interference in postings and transfers, thus making bureaucracy docile and subservient to the politician—undermining personal and institutional integrity of the civil services.⁹⁸

With socialist equality replacing justice, and politicization replacing meritocracy, both quasi-legislative and quasi-judicial functions of the DC & DM were relentlessly compromised. Its implications for protracted consultation and instrumentation and eventually for a profound and viable democracy will be analyzed in Chapter 5. During this era, major armed operations were carried out in Balochistan to curb armed separatist elements that were vying to disintegrate the country.

Bhutto was followed by Chief Martial Law Administrator Zia-ul-Haq in 1977. Zia's government initially considered restoring some of the previous constitutional guarantees, but later abstained from doing so.⁹⁹ He annulled lateral entry only to replace it with 10 percent quota, in appointments, for members of the armed services.¹⁰⁰ Another reform was that of merging Tribal Administrative Group (TAG) and District Management Group (DMG) into just DMG. Training of DMG officers, which was halted in Bhutto era, restarted in 1980.

A Board of Conservancy was established for Karachi in 1846 and corporations were set up in Lahore and Rawalpindi in 1867 during the British colonial rule, where majority of the members were appointed by the government.¹⁰¹ The Rural Self Government Act of 1921 established district and subdivisional councils in the country.¹⁰² Another significant development during Zia's era was revival of local government elections. Elections, under the Local Government Ordinance 1979, were held in 1979, 1983, and 1987 and local councils came into being.

The Local Government Ordinance 1979 of the Zia era established town committees, municipal committees, municipal corporations, and metropolitan corporations in urban areas. In rural areas, it established union councils, tehsil or taluka councils, and district councils. The members were elected who, in turn, select the chairmen/mayor of the councils/committees/corporations.

The DC & DM did not have the power to overrule the decisions and orders of the elected council. The traditional quasi-judicial and quasi-legislative

functions of the DC & DM were left untouched. Some semblance of order was restored. However, since these elected members owed their loyalty to Zia's regime, bureaucratic neutrality continued to be seriously eroded at the district level.¹⁰³

In 1985, Zia installed a controlled democratic government headed by Muhammad Khan Junejo.

PART 4: DEMOCRATIC POTPOURRI AND SUPREME COURT'S ROLE IN ADMINISTRATIVE CHANGE (1986–1996)

Junejo's government did not make any major civil service amendments. However, with plural political interests present in the government, and civil service reforms of 1973 in place, politicization of the DC & DM¹⁰⁴ was accelerated. After Zia-ul-Haq's death in 1988, Pakistan underwent a series of elected governments by Pakistan People's Party (PPP) and Pakistan Muslim League-N (PML-N), respectively (PPP: 1988–1990 and 1993–1996; PML-N: 1990–1993 and 1996–1999).

Both political parties cultivated their loyal bureaucrats who were rewarded with lucrative postings and benefits beyond their entitlements, and their misdeeds and corrupt activities were overlooked. This clearly disturbed neutrality in both the quasi-legislative and quasi-judicial functions of the DC & DM.¹⁰⁵ Whether this had any implications for protracted consultation and instrumentation will be seen in Chapter 5.

Another significant development during this period was the reduction in quasi-judicial functions of the DC & DM. Pakistan's constitution of 1973 allows for separation of executive from judiciary. Sindh High Court, in its judgment in Constitution Petitions D-123/74 and D-801 of 1987, decided to separate the executive from judiciary by bifurcating the judicial functions of the DC & DM into two categories of executive and judicial magistracies. The Supreme Court of Pakistan, in Civil Appeals Nos. 105-K to 107-K of 1989, decided on March 31, 1993, upheld this decision,¹⁰⁶ as per the proposals of Law Reform Commission 1967–1970. This came into effect on March 23, 1996, when Law Reforms Ordinance 1996 was promulgated. The quasi-judicial functions of DC & DM were further constrained. In addition, the Honorable Court extended the jurisdiction

of judicial autonomy by deciding that the courts will have financial autonomy and will in no way be under the control of executive.

Elected local governments that were encouraged by the military rulers of Pakistan were systematically discouraged during this era.

No elections for local governments under the democratic regimes were held from 1986 to 1996.

PART 5: EXECUTIVE AND JUDICIAL MAGISTRATES (1997–2002)

Starting from 1997, DC & DM retained some of his quasi-judicial functions allowed, under the Supreme Court's order of 1993, to executive magistrates, which included district magistrates (DMs). He could adjudicate on administrative cases and on minor local offenses, for which punishment does not exceed three years.

The DC & DM could still try offenses under Chapters VIII, X, XIII, and XIV of Pakistan Penal Code (PPC). He could still conduct judicial inquiry under section 176 of Cr.P.C. 1898. He was able to pass injunctions, such as removal of nuisance (Section 133 Cr.P.C), action against apprehended nuisance (Section 144 Cr.P.C), and restoration of possession (Section 145 Cr.P.C). However, he was now directly subordinate to the High Court, whereas, in the past he was subordinate only to his executive authority. Therefore, when Musharraf came to power, in 1999, there was some pragmatic overlap of executive and judiciary in the form of scaled-down executive quasi-judicial functions of the DC & DM, who was still in charge of maintenance of rule of law and public peace in the district, and the police was still under his general supervision for enforcing the writ of the state, to check against police excesses.¹⁰⁷

His quasi-legislative functions were seriously affected by systemic politicization by the major political parties, and this had eroded the quality of his instrumentation. However, because the DC & DM had the general supervision of police, he was still able to thwart systematic threats to the rule of law and police excesses to some extent.

Local Government Ordinance 2001, given during this era, built upon the existing Local Government Ordinance of 1979 with the stated aim to decentralize power to the grassroots level. Urban–rural divide was removed in this ordinance, bureaucratic control was reduced to a minimum, financial

powers were devolved to the local level, minimum qualification for chairmen/nazim was defined, and fixed quotas for marginalized population, including women, were accorded in elected seats.¹⁰⁸ Local Government Ordinance of 2001 provided for District Administration, Town/Tehsil Administration, and Union Administration.

However, this Local Government Ordinance 2001 further politicized the bureaucracy at the district level, first, by eliminating the institution of DC & DM and replacing it with a district coordination officer (DCO), who did not have to perform the quasi-legislative and quasi-judicial functions of the DC & DM and who was directly politicized in that his performance evaluation report was to be written by the politically appointed nazim, instead of the divisional commissioner, who used to provide the performance evaluation of the DC & DM. A DCO, therefore, was neither apolitical nor autonomous and unbiased in his decisions. If he wished to have a career, he was to conduct whatever protracted consultation he had to do and whatever instrumentation he had to dispense in line with the wishes of the elected nazim, who would, of course, give due consideration to the people who voted for him, rather than those who belonged to the opposition. Most of the quasi-legislative and quasi-judicial functions of DCO also were transferred to the nazim, e.g., imposition of section 144 of Cr.P.C. This arrangement had the effect of skewed protracted consultation and deformed instrumentation in the country.

The development took place without coherent vision, and schemes were adopted in a way to reward political supporters. This fragmented development coupled with mounting corruption has done little to assuage the miseries of the common man.¹⁰⁹

As repeatedly mentioned earlier, the pool of candidates from which CSP and then DMG officers were drawn was of poor standard; however, a merit-based selection method ensured that the best from this pool would be selected for responsible positions. If the standard of the best and the brightest was so poor, one can well imagine the standard of those elected from this available pool of human resource. Although the system was introduced to replace the “colonial” bureaucratic legacy with a more democratic one ...

... Most nazims, with a few exceptions, misused their powers (which they were meant to stop) [to] set wrong development practices and indulged in

financial irregularities. The system has defeated the purpose for which it was introduced.¹¹⁰

Instead of placing checks on discretionary powers of bureaucrats, unprecedented financial powers were allocated to DCOs. It was unheard of for officers of their seniority and stature to enjoy such financial authority.

However, all was not lost as a result of these reforms. As a consequence, 6,458 local governments having 126,462 local councilors were elected in the country in 2001, of which more than 32,000 seats were held by women, which was extremely impressive for a country of Pakistan's record and leanings of gender bias.¹¹¹

Another important point to note is that it completely separated executive from judiciary, a concept that was far away from a system of checks and balances and far from the Supreme Court's judgment of 1993.

It failed to retain the interdependence among departments...¹¹²

PART 6: PERVAIZ MUSHARRAF AND HIS ADMINISTRATIVE REFORMS (2003–2008)

Police Act 1861 and Criminal Procedure Code 1898 controlled the functioning and authorities of police in Pakistan until 2001, when amendments to Cr.P.C. 1898 were introduced to make police independent of the DM, and, in 2002, Police Order 2002 was introduced, which effectively placed the police under the authority of the elected nazim, abolishing the DC & DM, removing civilian executive control from the police and removing checks against excesses that an armed force is naturally prone to,¹¹³ and placing some of the quasi-judicial functions of the former DC & DM within the hands of nazims and the police. It also assigned some of the executive functions of the former DC & DM to the judiciary. In rhetoric, it was claimed that the new system was introduced to separate executive from judiciary; in reality, it broke the fabric of an integrated system of checks and balances, replacing it with something that was neither separation nor checks and balances.

The ramblings against DC & DM had started as early as the Fraser Commission 1902–1903.¹¹⁴ In 1948, the Sindh Assembly passed a bill to reorganize police formation in Karachi to suit a modern metropolis.¹¹⁵

It was not made into law due to the sudden death of the governor general.¹¹⁶ In 1951, a committee led by Sir Oliver Gilbert Grace also suggested a new police setup for Karachi.¹¹⁷ The Constantine Commission 1960–1961 started to work on the concept, but the force fizzled out before a report could be produced due to the transfer of the capital from Karachi to Islamabad.¹¹⁸ The Cornelius Commission Report 1961–1962 also supported the concept of metropolitan police.¹¹⁹ A committee formed in 1985, and Police Reforms Implementation Committee 1990 and the UN Mission led by Vincent M. Del Buono (UN’s interregional advisor for Crime Prevention and Criminal Justice in 1995), all recommended metropolitan police for large cities of the country.¹²⁰

In 2001, during Musharraf’s era, all quasi-judicial functions of DM were eliminated and the office of DC & DM was abolished by amendments to the Criminal Procedure Code (Cr.P.C) 1898 under the slogan of separation of executive from judiciary.

In 2001, in Cr.P.C 1898, “executive magistrate” and “district magistrate” were replaced everywhere by “judicial magistrate.” Most quasi-judicial functions of the DC & DM were transferred to judicial magistrates. Police Order 2002 replaced the Police Act 1861 and transferred the general control of police from DC & DM to the elected nazim/mayor. Under Police Order 2002, some quasi-judicial functions of DC & DM went to police, while others were allotted to nazim/mayor. Some quasi-executive functions performed by judiciary remained intact. For example, the Prisons Act empowered district and sessions judges to visit jails regularly and submit their reports. It has remained unchanged today. The impacts of all of these changes started to be felt by 2003.

The office of DC & DM was replaced (through Local Government Ordinance 2001) by the district coordination officer (DCO). Local Government Ordinance 2001 empowered the district nazim/mayor to write the Annual Performance Evaluation Report (PER) of DCO. With the nazim writing the PER of the DCO, the DCO was thoroughly and formally politicized. The system was ...

... rooted in the politics of patronage, ethnicity, and caste.¹²¹

Elected local governments were installed in the following: “districts (96), tehsils or towns (337), and union councils (6,022).”¹²² Nobody could

even pretend that the DCO could be nonaligned. All quasi-legislative roles of the DC & DM were transmitted to the nazim/mayor.

The net result was that the DCO had no quasi-legislative and no quasi-judicial functions regarding law and order and no control over police. While Zia's local governments had functioned reasonably well due to a balance in duties of elected representatives and DC & DM, Musharraf rolled DC & DM and nazim into one person, which severely damaged the neutrality and credibility of the system.

Unlike the DC & DM, the DCO was no longer a link between district, provincial, and federal governments. He was a politicized district level officer.

Most civil servants interviewed for this report argued that Musharraf's devolution plan undermined administrative efficiency, compromised bureaucratic neutrality, and eroded civil service morale.¹²³

(In Chapter 5, we will analyze quantitative data to see if this arrangement helped improve protracted consultation and instrumentation or if it did not.)

Another, perhaps unintended, consequence of these steps was the loss of prestige for the service cadre DMG, from which most of the DC & DMs were drawn and from which DCOs were also posted. The cadre enjoyed immense prestige;^{124,125} DMG's ability to attract the best and the brightest received a severe blow. Prior to Musharraf's reforms, PAS' predecessors DMG, CSP, and PAS (1947–1950) used to be the top occupational group choice for 80 to 99 percent of candidates appearing for competitive exams.^{126,127} The group, therefore, was able to attract the top-most candidates to its fold. However, after Musharraf's reforms, PAS was no longer the first choice of the majority of candidates.¹²⁸ We will discuss the consequences of this depleted quality of DCOs for protracted consultation and instrumentation in Chapter 5.

PART 7: POST-MUSHARRAF (2009–2011)

Musharraf was replaced by an elected government of Pakistan People's Party (PPP) headed by Prime Minister Yousuf Raza Gilani in 2007. In 2012, the DMG was renamed as Pakistan Administrative Service (PAS). Local Government Ordinance 2001 lapsed in 2009 and elected local

councils were dissolved and administrators were appointed in districts. Khyber Pakhtunkhwa promulgated a new Local Government Ordinance in 2012 that is a reflection of Local Government Ordinance 1979. Sindh promulgated its Local Government Ordinance in 2012, which envisages two different kinds of local governments for its rural and urban areas. Most features of Local Government Ordinance 2001 are retained in urban areas, while local governments in rural areas are supposed to reflect the attributes of Local Government Ordinance 1979. There is news of Punjab restoring the Local Government Ordinance of 1979. As a consequence of these developments, some quasi-legislative functions previously held by the DC & DM were restored to the DCO. Whether this helped improve or worsen protracted consultation will be seen using quantitative analysis in Chapter 5.

Police Order 2002 remains in force in Sindh and Punjab. In Khyber Pakhtunkhwa and Balochistan, it covers only a small part of their territories. Punjab restored the offices of commissioner and assistant commissioners, but fell short of restoring the DC & DM. Sindh, for a very brief time, restored the office of DC & DM only to have it shot down by one of its political parties. Balochistan fully restored the DC & DM through an act of its elected parliament, but it was struck down by the Balochistan High Court in 2011.

While dealing with the administration of justice during the Caliphate of Hazrat Umar, one may usefully refer to the following observation of Ameer Ali, in his *Short History of Saracens*:

Justice was administered by civil judges who were appointed by the Caliph and were independent of the governors. Umar was the first ruler in Islam to fix salaries for his judges, and make their offices distinct from those of executive officers. **The title of Hakim, i.e., ruler, was reserved for the Qazis (judges).** “The judge was named and is still named,” says Von Hammer, “the **Hakim-ush-Sharaa**, i.e., ruler, through the law, for law rules through the utterance of justice and the power of the governor carried out the utterance of it. Thus, the Islamite even in its infancy proclaims in word and in deed the necessary separation between judicial and executive power. ... The administration of justice was perfectly equal and Caliphs set the example of equality by holding themselves amenable to the orders of the legally constituted judge. [Bold emphasis added.]

(Excerpted from Balochistan High Court’s judgment dated November 24, 2011, citing from The Report of the Law Reform Commission 1967–1970, chaired by Justice Hamood-ur-Rehman.)

This was cited from Balochistan High Court's judgment dated November 24, 2011, in constitutional petitions numbered 649/2011 and 202/2011 questioning the revival of the office of the DC & DM in Balochistan. The quotation is from Syed Ameer Ali,¹²⁹ who was the judge of Her Majesty's High Court of Judicature at Fort William in Bengal, Colonial India.

Conversely, in its 1914 judgment in *Rabia Umma v. Saibu* (71-D. C. Kandy, 3, 019), Honorable Wood Renton A. C. J. and De Sampayo A. J., citing Syed Ameer Ali's orders, stated,¹³⁰ and provided a clearer understanding of the term **Hakim-ush-Sharaa**:

Amir Ali, however, distinguishes between the Mutazalas and the principal schools (i.e., the Shafees and Shiahs), and says that the essential point of difference consists in the fact that, according to the Mutazalas, the order of a judge is in every case necessary to constitute a legal divorce, and that therefore "a divorce is held to be invalid until confirmed by or effected in the presence of the Hakim-ush-sharaa." The last sentence here cited appears to show that all that is absolutely required, even according to the Mutazalas, is that the divorce should take place in the presence of a judge. **Moreover, the Hakim-ush-sharaa or Kazee in this connection is not the judge of a court in the ordinary sense, but one having quasi-judicial authority among Muhammadans in matrimonial matters.** [Bold emphasis added.]

Clearly, Hakim-ush-Sharaa was an officer having Mastery of Shariat law and quasi-judicial powers to assist him with the executive function of enforcing writ of the state in matrimonial matters. The arrangement was somewhat similar to the one that instituted quasi-judicial functions in the office of DC & DM. Moreover, nobody would disagree that "Hakim-ush-Sharaa" means "Ruler of Shariat" or "Master of Shariat," i.e., having mastery over the subject of Shariat, not "ruler through law."

This was apparently not questioned during the hearing by the legal team of Balochistan government. The weak credentials of its source, Von Hammer, also were apparently not questioned. Amber Dawn on June 17, 2013, wrote:

... it is now not surprising to find references to Hazrat Ali, Hafiz, and Sheikh Saadi in judgments of the superior judiciary. ... may be aspects of a broader move on the part of the judiciary to reinvent, not only itself, but also perhaps the very institution of law in Pakistan.¹³¹

In order to avoid the appearance of conflict of interest, the parliament should have had the capacity to resolve a question of distribution of functions between the two institutions of DC & DM and judiciary.¹³²

Last, but not the least, the idea of separation of executive from judiciary should be considered in light of the concepts of a system of checks and balances.¹³³

Oscillating between poorly understood Islamic and cultural values and poorly imported Western ideals, Pakistan neither comprehends its own vernacular nor Her Majesty's Glorious English. Administrative debates in Pakistan tend to only scratch the surface of lofty ideas.

There is, most definitely, a dire need for in-depth theoretical analysis of the administrative setup of Pakistan. This book attempts to do so in the next chapter.

CONCLUSION

District is the unit of administration in Pakistan. According to McAdam, Tarrow, and Tilly,¹³⁴ in order for a nascent democracy to be maintainable, the country needs robust instrumentation (enforcement of writ of the state), and a reasonable level of protracted consultation. The deputy commissioner & district magistrate (DC & DM) was traditionally the administrative head of a district in Pakistan. Therefore, to look at protracted consultation and instrumentation at the grassroots level, it is important to look at the changing role of the DC & DM in Pakistan. The DC & DM, during the initial years of Pakistan, was selected after a tough merit-based competition. He had to perform his executive, as well as quasi-legislative and quasi-judicial, functions justly, fairly, and with concern for the people and loyalty to the state, as per law.

This chapter traced the changes to the quasi-legislative and quasi-judicial functions of DC & DM through ages. This was done to frame the issue in order to conduct quantitative analysis for the topic of this research, i.e., which mix of quasi-legislative and quasi-judicial functions was better suited for ensuing protracted consultation and instrumentation in Pakistan? Or, in other words, which mix of quasi-legislative and quasi-judicial functions of the DC & DM is better equipped to guarantee substantial representative democracy in Pakistan?

TABLE 3.1

Transformations in the Role and Functions of the DC & DM through Different Eras in Pakistan

Era	Nomenclature of Service Cadre for DC & DM	Quasi-Legislative	Quasi-Judicial	Local Governments
1947–1958 (DC & DM)	PAS and then CSP	Yes	Yes	No
1959–1973 (DC & DM)	CSP	Yes, somewhat compromised	Yes, somewhat compromised	No
1974–1985 (DC & DM)	DMG	Yes, biased	Yes, biased	Yes
1986–1996 (DC & DM)	DMG	Yes, more biased	Yes, more biased	No
1997–2002 (DC & DM and then DCO)	DMG	Yes, more biased	Decreased, more biased	No
2003–2008 (DCO)	DMG	No	No	Yes
2009–2011 (DCO)	DMG and then PAS	Yes, very biased	No	No

This chapter divided the time from 1947 (birth of Pakistan) to 2001 into seven periods, on the basis of significant transformations in the role and functions of the DC & DM. Table 3.1 summarizes those fluctuations.

Chapter 4 will provide a theoretical framework to study the issue, while Chapter 5 will analyze data according to the theoretical framework.

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4

Theoretical Framework

INTRODUCTION

An effective democracy has two interrelated characteristics—a robust civil society and a capable state. A free and lively civil society makes the state and its agents more accountable by guaranteeing that consultation takes place not just through electoral representation (periodic mandates), but also through constant feedback and negotiation.¹

A stable² mechanism of protracted consultation,³ or what Heller⁴ calls constant feedback and negotiation, irrespective of periodic mandates, was made possible in Pakistan by means of the DC & DM (district commissioner & district magistrate). What is more important is that he utilized his protracted consultation functions to complement instrumentation of rule of law,^{5,6} ensuring a capable state.⁷ Strong instrumentation and reasonable protracted consultation, in turn, warrants an effective democracy.⁸

Since the DC & DM's protracted consultation supplements his instrumentation, this chapter argues that comparing fluctuating levels of instrumentation with varying quasi-legislative and quasi-judicial functions of the DC & DM, through different time periods, will give us an idea about the best mix of the DC & DM's functions, which can guarantee optimal conditions of protracted consultation and instrumentation, for the country to enter into the zone of citizenship.⁹ When a country is securely in the zone of citizenship, it is likely to sustain meaningful, constitutional democracy.¹⁰

As demonstrated quite vividly in Chapter 3, little serious, in-depth intellectual resources were expended in Pakistan on designing or preserving the institutional pre-requisites of enduring, participative democracy.¹¹ A nation whose intellectual leaders do not feel the need or do not have the capacity to engage in civilized, meaningful, and reasoned debate about the

administration and conception of justice¹² and about the boundaries of executive and judiciary can be quite susceptible to frequent miscarriages of justice. And, since justice is the undeniable foundation of a stable state, of enforcing the writ of the state, and of instrumentation, a state that is not able to accurately conceptualize justice and implement justice is highly unlikely to enforce its authority. As a result, it is bound to be unstable. Stability being an important prerequisite for democracy,¹³ such a state might not be able to successfully implement it.

As careless as Pakistan was in settling the question of executive and judiciary, and checks and balances,¹⁴ it was equally thoughtless in determining the boundaries of politics and administration. With child-like selfishness and immaturity, Pakistan's partisan groups, institutions, organizations, and electoral alike dogmatically used self-serving, shallow slogans, not reason, to further their relative preeminence.

There is an urgent need to have an exhaustive scrutiny of the institution of DC & DM, its quasi-legislative and quasi-judicial functions with respect to separation of powers and politics-administration dichotomy, and the role of these functions in protracted consultation and instrumentation, which are vital for animated democracy. This chapter attempts to fill this hole.

In addition, although the field of research has contributed to aspects of democracy and administration,¹⁵ administrative structures and democracy,¹⁶⁻¹⁸ separation of powers,¹⁹ politics-administration dichotomy, quasi-legislative, and quasi-judicial functions of administration,²⁰ their application, procedures, and impacts are yet to be fully understood, especially for developing countries of the old world.

In addition, although scholarly literature has paid some attention to democracy in the developing world, it is quite anemic in its contents otherwise. The phenomenon is not explored in detail for developing countries; linkages between administrative setups and democracy, distribution and separation of powers in developing countries, politics-administration dichotomy, and the mechanisms of protracted consultation and instrumentation in developing countries require meticulous and exhaustive study.

This chapter attempts to fill this gap in the field of scholarship, as well as practice, as far as Pakistan is concerned. Its innovative and grounded examination of these concepts is expected to assist in better comprehension of the issues involved and possible remedies that may be employed to create sustainable and meaningful democracy in the country.

This chapter is divided into four parts. The first presents the underlying theoretical framework of this research. It is based on the work of McAdam,

Tarrow, and Tilly²¹ and Heller²²; it argues that unbiased quasi-legislative functions performed by the apolitical DC & DM of 1947 led to protracted consultation by the DC & DM, which assisted the DC & DM in implementing effective instrumentation in the district. If across-the-board, fair instrumentation was actually visible on the ground in the form of reduced incidents of all kinds of crimes, then one can contend that the original, apolitical quasi-legislative and quasi-judicial functions of the DC & DM are essential for a buoyant democracy in the country, and vice versa.

The second part of the chapter discusses the theoretical underpinnings of the concept of separation of powers in the context of Pakistan. It argues that the concept as understood in Pakistan is devoid of substance. In Pakistan, it is understood as clear-cut separation, instead of as a system of checks and balances,²³ whereas this is not practical in an integrated state and, despite hectic efforts, has not been achieved in Pakistan. All it could achieve in Pakistan was an unreasonable and poorly executed redistribution of quasi-legislative and quasi-judicial functions to offices other than that of the DC & DM, with undesirable consequences.

The third part examines the politics-administration dichotomy. It studies the theories and historical developments of the concept. It then attempts to apply it to Pakistan. It shows that this idea, too, has dynamics of its own unique to Pakistan. In Pakistan, it is generally construed as administrative partiality of the DC & DM. This hampers neutral application of law, and, hence, instrumentation in the country.

The fourth part discusses the empirical model of this research, which will be tested in Chapter 5. The chapter ends with a summary of its discussions.

PART 1: CORE THEORETICAL FRAMEWORK

The theoretical framework of McAdam, Tarrow, and Tilly²⁴ argues that a strong democracy requires (1) strong instrumentation and (2) robust protracted consultation. “Strong instrumentation” refers to the capability of a state to enforce its authority, provide order, security, and smooth service delivery to the citizens. “Protracted consultation” is the ability of the state to consistently engage citizens in decision making. A state is able to sustain democracy if it has the ability to enforce its authority and ensure protracted civic engagement simultaneously.²⁵ If the state fails in strong instrumentation, irrespective of the strength of protracted consultation,

such a developing country either disintegrates or succumbs to conquest by some other nation or nations.

Along a two-dimensional scale going from weak state to strong state on one dimension and low consultation to high protracted consultation in the other dimension, McAdam, Tarrow, and Tilly²⁶ demonstrated that the zone of citizenship or the zone of ideal democracy, or the zone of autonomy of the ordinary citizen, lies at the intersection of strong state and high protracted consultation. Their analysis showed that very few successful democratic movements followed the path of weak instrumentation into the zone of citizenship, because such states, instead of being democratized, succumb to either conquest or disintegration. The few states that succeeded featured increase in government's capacity of instrumentation. Instrumentation demonstrated a significant relationship with sustainable new democracies in the developing world.²⁷ However, a certain reasonable level of protracted consultation has to be maintained and enhanced for the state to sustain itself.

The DC & DM's quasi-legislative functions provided the lingering networks of direct contact between average citizens and the state. His role as the representative of the state in the district and his statutory control over police as an arm of the government, as well his responsibilities of preempting, preventing, and adjudicating on local conflicts, defined his quasi-judicial tasks. This chapter argues that quasi-legislative functions of the DC & DM, which were ostensibly meant for ensuring perpetual local participation and consultation in local governance, irrespective of periodic mandates,²⁸ were the intervening mechanism between command and control apparatus of the state and the general population, supporting instrumentation. Hence, the DC & DM's protracted consultation complemented his instrumentation. Effectiveness and efficiency are important in service delivery at the decentralized level.²⁹ As an agent of the state, the DC & DM effectively, and in a least-cost arrangement, delivered at the local level while maintaining politically neutral participative governance. In addition, this institution, via its quasi-legislative and quasi-judicial tasks, afforded a suitable environment for elected constitutional democracy.

Studies indicate that the DC & DM's role was preemptive and preventive.^{30,31} With its communitarian and quasi-legislative roots firmly planted in the local population since antiquity, the DC & DM was able to preempt potential threats to public order and rule of law.³² This essentially means that the quasi-legislative role of the DC & DM helped him achieve the targets of his quasi-judicial functions, i.e., instrumentation. Therefore, it can be argued that a DC & DM was only as effective, fair, and just in his

instrumentation as he was in engaging the local population in persistent and politically neutral protracted consultation. It also can be argued that the DC & DM's effectiveness in protracted consultation and instrumentation was strongly dependent on his politically neutral character. It can be logically deduced that both protracted consultation and instrumentation would be likely to suffer and cease to be just, fair, and effective in the event of the DC & DM becoming politically partial. Political mandates are partial, by their very nature. They are periodic and cannot necessarily ensure equitable protracted consultation.

An administrative layer of a neutral DC & DM at the district level filled this gap. If the DC & DM also is biased, then both protracted consultation and instrumentation will be superficial and frail. A state with weak protracted consultation and weak instrumentation is not suitable for a lasting democracy.³³ This chapter, therefore, argues that politicization of the DC & DM was likely to lead to weak protracted consultation and weak instrumentation, and, hence, unstable democracy, disintegration, and subjugation of the country.

Moreover, as seen in Chapter 3, within a short span of 65 years, since independence, Pakistan has had at least three major episodes of change in the key institution of the DM (Ayub, Bhutto, and Musharraf). This boils down to a major adjustment in the quasi-legislative and quasi-judicial functions of the DC & DM every 20 years. Frequent structural modifications shake the foundation of the society and create a perception of destabilization in the country. McAdam, Tarrow, and Tilly³⁴ argue that such a scenario creates a vacuum for adventurism. It gives a perception that there is opportunity in the vacuum for all adventurers to achieve their narrow objectives by filling in the vacuum. This leads to anarchy and the eventual downfall of the democracy and, in many cases, the state itself. This phenomenon was observed in the Musharraf era when half-baked decentralization initiatives were brought in, it appears, just for the sake of change, since all regimes bring in their trademark changes to bear their stamp, and for no meaningful reason.

The National Reconstruction Bureau in Pakistan planned a full-scale implementation without pilot programs. It made no effort to establish any monitoring system, perhaps out of the excessive hubris that it could simply dictate program effectiveness.³⁵

In Pakistan's context, as noted in Chapter 3, two major debates contributed to the frequent transformations in quasi-legislative and

quasi-judicial functions of the DC & DM.³⁶ The first debate was about a merit- or patronage-based DC & DM or, in other words, neutral or politicized DC & DM, the holy writ of politics–administration dichotomy. Clothed in terminology of responsiveness, these debates were mostly superficial. This chapter attempts to contribute by penetrating into the nuances of the issue through the lens of findings and theories of the field to comprehend the scope, gravity, and consequences of decisions about the DC & DM and his quasi-legislative and quasi-judicial roles.

The second debate was as flippant as the first, if not more so. It was about separation of powers and, more precisely, separation of executive from judiciary.^{37,38} Based on the Law Reforms Commission of 1967–1970 and enshrined in the constitution of 1972, it, on the surface, attempted to separate the executive from the judiciary. It culminated with the demise of DC & DM's institution and being replaced by a district coordination officer (DCO) with far diminished quasi-legislative experience and almost no quasi-judicial functions in maintenance of peace and everyday security of people. It achieved, among other things, a socialistic redistribution of quasi-legislative and quasi-judicial functions as well as executive functions of the DC & DM (who represented the state) among the judiciary, the elected local mayor/nazim, and the police. It assigned various executive functions to the judiciary under Police Order 2002. It was important that a threadbare debate about this important issue should have taken place in Pakistan. Since it never happened, this chapter attempts to contribute to this gap. Moreover, literature indicates three possible³⁹ arrangements of functions and powers: (1) absolute power in one person, (2) strict separation of powers with no overlap, (3) some overlap of powers in a general arrangement of separation, within a framework of checks and balances. How this arrangement is to be applied to nascent democracies has not been researched well in the field. This chapter is an attempt to participate in this debate.

PART 2: POLITICS–ADMINISTRATION DICHOTOMY

There are two primary streams of thought in the field. The first, championed by Alexander Hamilton,⁴⁰ holds that administration should be entirely neutral and free from political influences.⁴¹ The second, steered by

Thomas Jefferson,⁴² argues for comprehensive democratization of administration.⁴³ Between these two extremes there is a third opinion, expressed by Woodrow Wilson,^{44,45} which contends that there should be some pragmatic overlap between politics and administration.⁴⁶

The politics–administration dichotomy debate, although appearing to have been settled some time ago, springs up from time to time in newer forms. For instance, the tension between New Public Management (NPM) and New Public Administration (NPA); the issues of bureaucracy’s responsiveness to democratic will, efficiency, and merit versus patronage; and business-like approach to public administration, all essentially amount to deliberation about politics’ role in administration.

While for the Western world, a politics–administration relationship might stir up images of administrative responsiveness, it carries entirely different and unique connotations for Pakistan.⁴⁷ In Pakistan, it implies administrative partiality toward a certain political view,⁴⁸ with the intention to ingratiate the administrator and the politician, using morally questionable, if not outright illegal means, at the cost of general public good. Politicization, in this context, seriously compromises the legal and moral fairness of a DC & DM and, in turn, instrumentation and the welfare of people.

The politics–administration dichotomy has, since antiquity, taken distinctive inferences in Pakistan. Cultural aspects also play a major role.⁴⁹ It would not be incorrect to state that in ancient Pakistan, because the king owned the state, loyalty to the state was synonymous to loyalty to the king. The issue of politics and administration was significant for appointments and postings of heads of districts. A DC & DM of Chander Gupta Maurya would have been selected, appointed, and posted on merit,⁵⁰ while a DC & DM of the Mughal or Greek era, in addition to his administrative capabilities, also would need political patronage in appointment and posting.

From a look again at the discussion in Chapter 2, it appears that all indigenous kingdoms and empires and British Raj in ancient Pakistan appeared to have merit-based DC & DMs. On the other hand, warrior kings had a tendency for patronage-based DC & DMs. Perhaps, it can be said that those who relied on homogenization of some kind—the Mauryas (homogenization of religion and laws), the Guptas (religion and trade), the British Raj (standardization of education and laws)—preferred merit-based DC & DMs. In contrast, as seen in Chapter 2, the regimes that relied on use of force, as opposed to some form of national uniformity, were inclined toward a patronage-based DC & DM.

In this context, modern Pakistan had a choice, either to (1) politicize the DC & DM and use force for national integrity or (2) select the option of uniform, unbiased application of law to achieve the same objective. As observed in Chapter 3, modern Pakistan opted for the former. It is, even today, involved in internal armed conflicts to maintain its territorial integrity.

The issue is even more complicated. While in ancient Pakistan, through all ages, the king was the personification of the state; the government and state are two different entities for a modern state. While loyalty to the king was synonymous to loyalty to the state in antiquity, they are two different things in the modern era.⁵¹ In a pluralistic democratic society, various interests vie with each other for political share and mandate. Within this distributed governance, once a DC & DM is politicized, invariably his loyalty is placed with the government comprising a certain set of political actors, *not* with the state itself. Although this might, in some cases, also indirectly benefit the state, in general, this partiality does not and cannot have the aim of benefit of state as its primary objective. It is primarily geared toward achieving its narrow political objectives. It, therefore, can be argued that this would fade uniform application of protracted consultation and instrumentation at the grassroots district level. McAdam, Tarrow, and Tilly⁵² predict that such a scenario reduces the odds of a stable democracy.

As noted in Chapter 2, Pakistan was once a Hellenic country, greatly influenced by Greek political philosophy. Plato,⁵³ in his discussion of a philosopher king, does not embody state in the person of philosopher king and, in this manner, it is quite close to the concept of a modern state. Entrusting the state in such able hands, according to Plato,⁵⁴ ensures “*justice*” in the state. It is important to note that the primary aim of creation of a state was to ensure justice and promote wisdom and virtue. Plato’s⁵⁵ state was homogenous and philosopher kingship was not hereditary; it was strictly a meritocracy. Pakistani people, with their Hellenistic roots, still cherish this ideal of justice, in their historical psyche.⁵⁶ A DC & DM in Pakistan would only be viewed positively if he can deliver justice, and only if he is fair and impartial.

Ancient Pakistan’s diverse Hellenistic communities also were influenced by Aristotle.⁵⁷ Aristotelian philosophy classified administrations into royalty, aristocracy, and constitutional governments, which degenerate into tyranny, oligarchy, and democracy, respectively. Considering the inevitability of degeneration, Aristotle,⁵⁸ although in theory, favored

wise and virtuous and nonhereditary royalty, in practice, he argued for representative democracy. Among all the original kinds of governments, he thought that constitutional was the worst in its ability to promote justice and virtue in the society, as it was the government of the average and the mediocre. However, its degeneration into democracy was better than the other two degenerated forms, i.e., tyranny and oligarchy. Aristotle⁵⁹ argued that democracy, being the government of the poor, can become a tyranny of the majority, i.e., tyranny of the poor. Such a state, he argued, would only survive by equalizing all people to some average level. In such a state, there will be equality, but not justice. To counter such tendencies, it was important in Aristotelian philosophy to combine democracy with merit-based aristocracy, based on qualities of wisdom, bravery, and virtue. According to Aristotle,⁶⁰ positions of responsibility in a state should be assigned to people selected on such merit. Elected representatives, on the other hand, would ensure that every citizen should have a voice, and to ensure that merit-based aristocracy does not degenerate into hereditary oligarchy. Such a state, in Aristotle's⁶¹ view, would be stable and conducive to justice, virtue, and progress for all. Pakistani communities, with such cultural roots, tend to support village-level autonomy and local representation, but simultaneously:

The public-at-large yearn for a one-stop politically neutral, but legally empowered representative of the Government at the District or Tehsil level who can listen to their grievances and get them relief and justice. In case of violation of their fundamental rights or police excesses, they could approach an individual who symbolized the writ of the state. The nazim, who is an elected representative, has his strong political likes and dislikes and, therefore, is not perceived as a neutral symbol of the state power or authority.⁶²

A nascent democracy requires stability^{63,64} of strong instrumentation with protracted consultation, which, as per Aristotle,⁶⁵ comes from stable continuation of institutions of merit-based administrators. With such ideas deeply ingrained in the psyche and history of Pakistanis, it is inevitable that they would respond favorably to such a "true state."⁶⁶ It, therefore, can be contended that an apolitical, merit-based DC & DM at the grassroots level would be culturally acceptable to Pakistanis and would guarantee peace and stability as a resource⁶⁷ for democracy.

Politics-administration dichotomy is one of the most enduring issues of public administration.⁶⁸ Come the modern era, and historical scholarly

debates on ideas of Alexander Hamilton and Thomas Jefferson, set the stage for the future of public administration.⁶⁹ Hamilton's preference for the executive branch⁷⁰ was based on the assumption of a well-educated, well-trained mind with broad experience, which was quite close to the philosopher king or aristocrat or saintly king of the yore. This strict separation of politics and administration was advocated both by Goodnow (1900) and Willoughby (1936).⁷¹ Politics discusses the issues and makes policy decisions and the administration implements them.⁷² This also was based on the concept of unity of command and unity of responsibility at the national, state, and local levels. This means that there was to be decentralization⁷³ down to the local level, allowing for respect for local diversity and autonomy. This view has its own peculiar issues ...

... too often, autonomy became arrogance, insulation became isolation, and independence became caprice.⁷⁴

Pakistan faced this issue in the 1960s,⁷⁵ which caused the public to unfavorably view the DC & DM, and which eventually led to the demise of this institution. (This issue will be discussed in detail in Chapter 5.)

Opposed to it, Thomas Jefferson believed in application of democracy to all parts of the government. He argued for decentralization based on the assumption of wise and self-reliant citizenry.⁷⁶ The idea was akin to a constitutional government envisaged by Aristotle,⁷⁷ where all citizens are approximately equal in wisdom, virtue, and capabilities and take turns running the affairs of the state. This means that there was to be decentralization, but the citizenry is assumed to be similar in many respects. A dash of this democracy in administration in the form of a spoils system also had its problems.

Government was not only dispersed, but disorganized and sometimes downright even dishonest.⁷⁸

Pakistan experienced this problem, too, after the Musharraf era decentralization and departure of the DC & DM,⁷⁹ causing serious fault lines in instrumentation and protracted consultation to develop. This also will be discussed in detail in Chapter 5.

These writers, either explicitly or implicitly, were political theorists, engaged in the theoretical task of outlining a workable democratic system.⁸⁰

The debate about the relationship between politics and administration continued in the form of debate about values of government. Woodrow Wilson⁸¹ supported the idea of government to be like a business functioning with maximum efficiency.⁸² The focus was on outcomes. This was the foundation of New Public Management with its emphasis on decentralization,⁸³ efficiency, and results using business-like practices for the administration—a departure from process-based administration. If government is to be run as a business, the focus will be on results. It should be noted here that the institution of DC & DM was imbued with the values of cost-efficiency, as well as responsiveness. One officer was responsible for and performed several functions, economizing on public funds. He implemented processes in his quasi-judicial duties, yet, while employing summary trials and field work among common people, he ensured responsiveness. He achieved policy outcomes and outputs efficiently and effectively by reaching out to people and by creating networks of trust. After the termination of the DC & DM, the new decentralization scheme comprising of nazim, independent police, and the DCO turned out to be inefficient, ineffective, and very heavy on the public exchequer (treasury).⁸⁴

When scholars⁸⁵ pointed out that public employees function in a seamless web of discretion and action, and that the success of democracy cannot be dependent on active citizenry or unusual intelligence, they were, in fact, advocating for strong institutions to ensure continuous protracted consultation irrespective of periodic mandate.⁸⁶ This led to the concept of the New Public Administration (NPA) with its focus on transparent and fair procedures, and on accountability and control through procedures. The key idea behind politics–administration dichotomy was:

... “Autocracy” at work is the unavoidable price of “Democracy” after hours.⁸⁷

Those who believed in autocratic governance completely negated social and democratic values in administration.

However, the question of citizen participation was equally important. Another school of thought argued for the questions of values⁸⁸ and democratic practices in administration.⁸⁹ Waldo⁹⁰ contended for a constitutional government where “all participate both as ‘leaders’ and as ‘followers’.”⁹¹ However, the difference between a democracy and a constitutional government was clearly pointed out centuries ago by Aristotle.⁹² Scholars who favored mixing of

both, e.g., Waldo and Jefferson, assumed a purely constitutional government of equals, which in most cases is not practically possible.

There is a third stream of thought, which believes in partial overlapping⁹³ of the two,⁹⁴ in an interdependent web of discretion and action.⁹⁵ White⁹⁶ talked about executive feedback and initiative in policy-making. It was impossible to draw clear lines between politics and administration. This view held that “regardless of whether politics and administration are separated, the administration of affairs in a democracy must always adhere to democratic norms and principles.”⁹⁷ This was the foundation of New Public Service (NPS), or responsive administration whose core value is neither efficiency nor accountability (although it is not opposed to these), but its core value is service to the people.⁹⁸ Pakistan, in the future, will require structures that will both provide a stronger voice to the people and ensure administrative neutrality. (This will be discussed further in Chapter 6.)

PART 3: SEPARATION OF POWERS

Research shows that desirable policy outcomes are achieved easier using participative methods.^{99,100} One of the many mechanisms to achieve this objective is the inclusion of quasi-legislative and quasi-judicial functions within the scope of executive tasks.¹⁰¹ These “new” methods require broad and varied experiences and skills from public administrators.

Governance is not simply about elected representatives making value, policy, and tool choices that agencies implement, ...; it is crucially about the processes that public managers, citizens, and stakeholders use in determining what shape policy, its implementation, and its enforcement will take.¹⁰²

There are, however, costs and inefficiencies involved in direct citizen participation.¹⁰³ Discussing the twin amendments of Negotiated Rule Making Act (NRA) 1996 and Alternate Dispute Resolution Act (ADR) 2006, in the Administrative Procedure Act (APA), Bingham, Nabatchi, and O’Leary¹⁰⁴ argue that the quasi-legislative aspects of the law, such as published notices and inviting public comments for rulemaking, added transparency to government processes. Similarly, quasi-judicial apparatuses, such as adjudication and due process, notices, and cross examination before an

administrative law judge, and summary trials, are required so that citizens are heard before government makes a decision affecting their lives. These quasi-legislative and quasi-judicial processes share commonalities with each other, supporting each other to achieve desirable policy outcomes while democratizing the administration.

Literature is divided into three schools of thought when it comes to separation of powers.¹⁰⁵ The first school, led by Plato,¹⁰⁶ argues for concentration of powers in the hands of philosopher kings. Even Aristotle,¹⁰⁷ while favoring democracy, noted that responsible positions should only be assigned to aristocrats. The second school considers it important that the respective powers of executive, legislature, and judiciary should be completely separate. This is impossible in an integrated state, unless the integrity of the state is challenged. The third school of thought supports balance of powers,¹⁰⁸ with some overlap in powers in a system of checks and balances.¹⁰⁹

The manner in which this debate played out in Pakistan is akin to the frivolous approach taken by the country when deciding the question of politics and administration. Sketchy debate, if any, compensated by heated, emotional slogans, marked the decision-making process. The concept of separation of powers was used as being divorced from the idea of a system of checks and balances. As already seen, it is not a practical possibility for powers to be strictly separated in an integrated state; in Pakistan, the slogan of separation of powers resulted in three distinct outcomes: (1) redistribution of quasi-legislative and quasi-judicial functions of the DC & DM to the nazim, the police, and the judiciary; (2) some executive functions assigned to judiciary; and (3) no (or faulty) mechanisms of checks and balances.

For redistribution, the quasi-judicial functions of the DC & DM under sections 62 and 144 of Cr.P.C. (Code of Criminal Procedure) 1898 were allocated to a district nazim, while his quasi-judicial functions under sections 129 and 131 of Cr.P.C. 1898 were given to police. Since neither the nazim nor the police were the neutral protracted institutions of consultation and instrumentation in the district, this redistribution could not have been expected to improve either protracted consultation or instrumentation. In addition, bestowing police with quasi-judicial functions slaughtered the very concept of justice and fairness. Stipulating quasi-judicial functions for elected and partial district nazims guaranteed prejudiced application of law in matters of public order and rule of law. As one senior police officer interviewed for this study stated:

Now when a small procession of 15 to 20 people disturbs public peace, I just stand there unable to control it with all my police force because it is headed by an elected nazim.

On being asked about why the police could not take this initiative:

... because the DC & DM, which traditionally used to take charge and was entrusted with this specific function, is no more. There is no one to give such orders. Police being entirely politicized would not dare do so on their own.

Police are an arm of the state to enforce its authority. Comparable to any armed, uniformed service, the police require a civilian general supervision, which can take command for law and order situations.

Recognizing the difficulties in enforcing its authority, the government introduced section 14-A in Cr.P.C. allowing for special magistrates who can control price, ensure payment of electricity bills, etc. However, these fell short of furnishing quasi-judicial and politically neutral status to the DCO.

The DCO retained none of the quasi-judicial functions of his predecessor, the DC & DM, in the arena of law and order, and maintenance of public peace, as well as control over police. As discussed in Chapter 3, the DCO's neutrality was severely challenged by placing him under the direct administrative control of the elected nazim/mayor. As an elected member of the Provincial Assembly in Pakistan said, "The law does not matter when it comes to her perks and privileges, and that she will determine who stays in her department and who does not, irrespective of what the law and the courts say in this context."

Despotism is no less despotic because "elective."¹¹⁰

Mixing of politics and administration in Pakistan implies a despotic hold of elected politicians over law, rules, and procedures, and, hence, a weak and meek and unjust administration. In Pakistan, the network governance works as "instrumental conjecture" where dominant interests achieve their goals through government machinery.¹¹¹ The idea on restraint on popular sovereignty does not seem to occur in Pakistan, and a "servile pliancy" of executive is still sought by many.¹¹²

With such deteriorated quasi-legislative functionality, it, therefore, can be expected that the DCO would not be effective in maintaining across-the-board, balanced, and protracted consultation. Imbalanced protracted

consultation leads to disparity in access to avenues of power and authority and, hence, in unequal and ineffective application of instrumentation. Besides, the DCO is no longer responsible for law and order in the district, and although under the Police Order 2002, the DCO is overall in charge of the district police, he has no mechanisms of enforcing this. The mechanisms lie with the elected nazim/mayor. With depleting protracted consultation and instrumentation, it is likely for the country to be less stable and, hence, less suitable for lasting democracy.

PART 4: EMPIRICAL MODEL

This helps us further refine our research question: Has the following redistribution of functions, in different eras in Pakistan, improved protracted consultation and/or instrumentation at the district level?

1. Decreased quasi-legislative powers of the DC & DM
2. Decreased quasi-judicial powers of the DC & DM
3. Abolished quasi-judicial powers of the DC & DM (increased quasi-judicial powers of police)
4. Intermixing of politics and administration at the district level

If our answer to the above question is “yes,” it improved protracted consultation and instrumentation, then this new scenario will be considered suitable for a meaningful and sustainable democracy in Pakistan. If the answer is “no,” then, as per the theory put forth by McAdam, Tarrow, and Tilly,¹¹³ if the situation does not change, it has the potential to either lead to disintegration or occupation of the country by foreign forces.

We have discussed above and in Chapter 3 that quasi-legislative functions of protracted consultation of the DC & DM complemented his instrumentation. It is quite difficult to accurately measure protracted consultation. Protracted consultation has a supportive and important role to play. However, in the framework of McAdam, Tarrow, and Tilly,¹¹⁴ dominance is accorded to a high level of instrumentation, not to protracted consultation, when measuring a developing country’s suitability for democracy.

This research, therefore, employs measures of instrumentation for its quantitative analysis. It uses crime data from Punjab and Sindh, the two largest provinces and the ones most affected by these changes to the DC &

DM, and classifies it into three categories of violent crimes, crimes against property, and riots. It also classifies seven different administrative eras of Pakistan as in Chapter 3. It then compares the three kinds of offenses during these different administrative eras to respond to its research questions.

It finds that crime, in fact, increased exponentially during the time period 2003–2008, when the office of DC & DM did not exist, and the DCO had neither quasi-legislative nor quasi-judicial functions.

In order to ascertain if this was indeed a function of quasi-legislative and quasi-judicial duties, intervening variables of (1) overall political stability in the country (since this is an important resource for decentralization,¹¹⁵ (2) whether a democratically elected or military government was in power during a particular era, (3) any kind of Afghan war was taking place during the era, (4) whether the service structure allowed for sufficient salary, (5) whether or not training of officers was conducted during that era, (6) presence or absence of elected local governments in respective time periods, and (7) the presence or absence of lateral entry, etc., are also included in the analysis.

Crimes were classified into (1) riots, (2) violent crimes, and (3) property crimes. Absolute numbers of these crimes, as well as their per capita values in Sindh and Punjab, were used for graphical analyses, as well as for regression analyses as dependent variables against independent control variables, which can be linked to crime, based on the historical analysis in Chapter 3 and theoretical analysis in this chapter.

The independent variables included in regression analyses of this chapter include:

1. *Representative Government*: Presence or absence of a representative government can intensify or diminish social injustices and inclination or need for crime. This study argues that representative government, at the federal and provincial levels, provides voice to society and, hence, reduces the disposition for crime¹¹⁶ due to frustration of marginalized sections of society, e.g., unemployed, minorities, unrepresented. Because representative government reduces disposition for crime, one group of scholars believe that representative government can reduce overall crime and bring order to the society. On the other hand, there is a group of scholars who argue that people do not always make wise choices when selecting their representatives¹¹⁷ and, thus, instead of reducing crime, representative government might actually increase it. Because Pakistani politicians enjoy

the dubious honor of employing their influence for illegal benefits, this study tends to side with the latter group of scholars and expect crime to increase in representative regimes.

2. *Political Stability*: Unstable environment provides a vacuum where adventurism and crime flourish¹¹⁸ and, hence, we expect Pakistan to have lower rates of crime during eras of political stability.
3. *Any Afghan War*: Pakistan had always been willingly or unwillingly involved in Afghan wars of any kind, whether the Soviet Afghan War or the U.S. Terrorist War in Afghanistan. Afghan war brought migrants, drugs,¹¹⁹ and weapons into the country, affecting the social structures of the country and creating an overall environment of distrust and social uncertainty,¹²⁰ which are shown by literature to be linked with crime,¹²¹ and, hence, we expect that, during eras of an Afghan war, Pakistan will have a high crime rate and vice versa.
4. *DC & DM with Very High Authority*: During certain eras of Pakistan's administrative history, the DC & DM were accorded with higher than usual authority; this increased their quasi-legislative functions and their quasi-judicial functions. Based on the core theoretical framework of this research, as discussed in Chapter 3, a politically unbiased DC & DM is in a position to ensure across-the-board protracted consultation,¹²² which assists with instrumentation. Hence, when the variable of the DC & DM with very high authority has a Boolean value of 1, we expect that instrumentation will improve and that crime will decrease.
5. *Separation of Executive from Judiciary—post-1996*: This incident, as seen in Chapter 3, reduced the quasi-judicial functions of the DC & DM. Based on the theoretical framework of this research, which argues that the DC & DM, with his quasi-legislative and quasi-judicial functions intact, provides for protracted consultation and instrumentation, which ensures meaningful democracy. Since separation reduced the quasi-judicial functions of the DC & DM, this research expects this independent variable to be related to decreased instrumentation, meaning increased crime.
6. *Politicization of the DC & DM*: Politicization implies biasness in protracted consultation and instrumentation and, thus, as seen in Chapter 3, this variable is expected to be related to an increase in crime and decrease in instrumentation.
7. *DCO with no Quasi-Legislative or Quasi-Judicial Functions*: When the institution of DC & DM was abolished, it was replaced by the office

of DCO, who had no quasi-judicial or quasi-legislative functions of the former DC & DM. As argued above, this research expects that removal of quasi-legislative and quasi-judicial functions of the DC & DM will result in decreased instrumentation and increased crime.

8. *DCO with Quasi-Legislative Functions Only*: After 7 years of no quasi-legislative and quasi-judicial functions, DCOs were given some quasi-legislative tasks in 2008 and 2009. Based on the theoretical framework of this research, it is expected that, though this might have improved protracted consultation to some extent, complete absence of quasi-judicial functions would have made it quite difficult, if not outright impossible, to ensure effective instrumentation
9. *Lateral Entry*: This variable refers to the times and years during which DC & DMs were not merely selected on merit, but inducted through the backdoor of lateral entry. It is expected that this lack of merit could not have boded well for protracted consultation or instrumentation
10. *Good Salary*: During the initial years after the creation of Pakistan, well into the late 1960s, the salary of the DC & DM afforded him a decent lifestyle. However, this changed after the civil service reforms of 1973 when their salaries were brought to par with other public servants. Since this gives peace of mind, it is expected the good salary of the DC & DM will be related to improved protracted consultation and improved instrumentation.
11. *Training*: During some administrative eras of Pakistan, the DC & DMs were not provided professional training. They needed to succeed in their chosen profession, and it is expected that eras in which training was provided to DC & DMs would have improved instrumentation.
12. *Elected Local Governments*: Pakistan did not always have elected local governments, but there were times when it did, especially during the military rules of Ayub, Zia, and Musharraf. Blair¹²³ argues for separation of executive from representative and for separation of executive and legislative functions of local councils so that they can dedicate effort and time to their local leadership role and to providing basic necessities, including instrumentation, to the local communities. It, therefore, follows that presence of local government improves the quality of protracted consultation and, hence, helps with instrumentation. This research, however, differs from this view and argues that local councils representing a majority of a certain political party represent some interests more heavily than the others,

and, thus, is skewed more in favor of certain segments of society versus the others. Therefore, this research argues that elected *legislative* local councils, if assigned with the *quasi-legislative* task of protracted consultation, suffer from the following infractions:

- a. *Unequal Protracted Consultation*: The DC & DM in his neutral capacity performs the quasi-legislative function of protracted consultation without discrimination, with all local communities, irrespective of concern about vote bank. Elected councils, on the other hand, are legislative and elected, and, thus, tend to falter over equal distribution of protracted consultation with all communities within the general society.
- b. *Lack of Continuity*: Since the fate of political parties and interests ebbs and flows with each election year, the kind of continuity of protracted consultation, provided by apolitical DC & DMs year after year and with every transfer and posting, is very difficult to provide by the local councils.
- c. *Distributed Functions*: With various functions of the government distributed among numerous government agencies, political local councils find it a difficult task to coordinate effectively¹²⁴ and engage in collective action.¹²⁵ The primary responsibility of an apolitical DC & DM, on the other hand, is to coordinate among various government departments and functions.

Although local councils perform necessary legislative functions, unless complemented by the executive and quasi-legislative functions of the DC & DM, the politics of hope and fear in an environment of one-man-one-vote tends to sap the communitarian spirit in favor of individualism, which with all its benefits, cannot be considered a replacement of collective nonpolitical effort required to prevent crime. Such protracted consultation, this research argues, is best achieved through institutions similar to the DC & DM and, hence, it expects that during eras of local governments, prejudiced protracted consultation will tend to distort instrumentation, and we can envisage increase in crime.

Research has indicated that economic factors also play a significant role in incidents of crime. Crimes against property are shown to increase with decrease in consumption and violent crime is theorized to increase with increase in consumption¹²⁶ and income inequalities.¹²⁷ Therefore, this research also will include consumption data in

its quantitative analysis. Data for income inequalities are not available from 1947. It is available from the year 1962, and that, too, for the entire country, not specifically for Sindh and Punjab whose crime data will be used for quantitative analysis of this book. For the purpose of this study, it is important that analysis be conducted from the inception of the country (1947), thus, income equalities data are not included in regression analysis.

It also should be kept in mind that most of Pakistan's economy even today is informal and family-based; whatever data are collected of formal economy, therefore, does not provide an accurate assessment of the true picture of income disparities in Pakistan. Research conducted by a group of civil service probationers at the Civil Services Academy, Lahore,¹²⁸ shows that people perceive prices to have increased, price control mechanisms to have depleted, and the law and order situation to have worsened with reductions in quasi-judicial and quasi-legislative functions of the DC & DM. This essentially implies that income and consumption inequalities in Pakistan are perceived to be a function, not cause, of crime, in particular, violent crime.

In addition to economic factors, social factors, such as childhood abuse, single parent family, family history of drug use, war, stability, etc., also play a role in crime. Some of these factors will be taken into account for the purpose of this study; others, such as types of families, weak informal social controls, childhood abuse,¹²⁹ etc., cannot be included directly in quantitative analysis, because no systematic data of such variables are collected in Pakistan. This is a limitation of this study, which cannot immediately be remedied since, as mentioned earlier, there is no present mechanism of data collection. Some data are being collected by nonprofit organizations and international agencies; however, continuous, long-term data from 1947 to 2011 for these variables are almost impossible to obtain. UNODC (United Nations Office on Drugs and Crime) has recently attempted to collect such data, but it is a recent effort and it is successful only to the extent of data collection from major cities of Pakistan. However, Afghan wars usher illegal drugs into the country and the same can be used as a proxy for drug use and social disruptions.

This book will conduct two kinds of data analyses: graphical and quantitative, using regression analysis. For graphical analysis, it will classify crime data in terms of different administrative eras of Pakistan, as follows:

- 1947–1958:** Era during which no major amendments to PAS service structure and to laws governing the role of the DC & DM were made. The service cadre was renamed as CSP.
- 1959–1973:** Ayub era, when CSP officers were allowed unprecedented powers and prestige, especially with regard to quasi-legislative tasks. This was also the era when methodical politicization of civil service started.
- 1973–1985:** Bhutto era, when civil service reforms of 1973 were introduced and implemented, and Law Reforms Ordinance 1973 was promulgated. The Zia era started in 1977; some changes were made to 1973 reforms including abolishing lateral entry, only to be replaced by lateral entry from armed forces.
- 1986–1996:** Zia era and subsequent democratic regimes of Benazir Bhutto and Nawaz Sharif, during which time no major civil service reforms or changes in structure of district administration took place.
- 1996–2002:** Separation of executive from judiciary took place in 1996, under Law Reforms Ordinance 1996, and creation of executive and judicial magistrates.
- 2002–2008:** Local Government Ordinance 2001 and Police Order 2002 replaced Local Government Ordinance 1979 and Police Act 1861, respectively. Elected governments started working in earnest. The institution of district magistracy was completely abolished and the district head was now called the district coordination officer (DCO). The DCO did not have the quasi-legislative and quasi-judicial functions that the DC & DM performed.
- 2009–2011:** Era when district nazims had finished their terms, and no new local government elections were held. The quasi-legislative functions of district nazims were given to DCOs; quasi-judicial and some executive functions of the former DC & DM remained distributed between the police and the judiciary.

Simple regression results conducted in the next chapter seem to confirm the contention that adjustments in quasi-legislative and quasi-judicial functions of the DC & DM had profound impact on instrumentation in the country. Because instrumentation is directly related to fitting conditions for democracy in the country, it can be deduced that doing away with the quasi-legislative and quasi-judicial functions of the DC & DM disturbed the balance of protracted consultation and instrumentation at the grassroots level.

The next chapter analyzes the situation in light of redistribution of powers at the district level and in light of intermixing of politics and administration based on crime data from the country and interviews from people of all walks of life.

Chapter 6 examines the reasons for expiration of the institution of the DC & DM, and Chapter 7 provides suggestions and recommendations for the future.

CONCLUSION

Major legal and structural changes in the role and functions of the DC & DM took place in Pakistan without serious academic debate. Moreover, the field of scholarship also is lackluster in explaining the role of grassroots public administration arrangements in maintaining active democracy in developing countries. This chapter attempted to contribute to these voids in the fields of practice and scholarship.

This chapter presented the theoretical framework of this research. It argued, based on the research of McAdam, Tarrow, and Tilly,¹³⁰ that the institution of DC & DM ensured proper, balanced, and politically neutral, equitable, protracted consultation at the grassroots level. It further contended that the DC & DM's role of protracted consultation complemented his instrumentation. Impartial instrumentation provides the necessary environment for a thriving democracy in the country.

The chapter maintained that tampering with these twin functions of the DC & DM created conditions opposed to those required for a meaningful democracy. In Chapter 5, using crime data from Punjab and Sindh, this chapter classified it into three categories of violent crimes, crimes against property, and rioting. Employing mitigating variables, it showed in Chapter 5, that the hypotheses put forth in this chapter stood the test of quantitative analysis.

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5

Crunching Numbers

INTRODUCTION

Eight years after the end of District Magistracy, Pakistan's leading newspaper, *Dawn*, reported:

... dozens of people publicly beat to death two young brothers, Hafiz Mughees, 15, and Hafiz Muneeb, 19, in the presence of Sialkot District Police Officer ... and eight other police officers who watched the brutal act as silent spectators. The bodies were later hanged upside down on the chowk (September 16, 2010).¹

After six years of eradication of the DC & DM (district commissioner & district magistrate), *Pak Tribune* reported:

In a shocking incident of vigilante justice, a mob in Karachi on Wednesday burnt three bandits alive near the Timber Market, venting their anger and disgust over the rising crimes (May 15, 2008).²

President Pervez Musharraf's government became the victim of its crown achievement of eradication of the DC & DM. After five years of termination of the office of DC & DM (May 12, 2007), riots in Karachi, uncontrollable by the police, heralded the removal of Musharraf's rule. CNN reported:

At least 33 people have been killed during massive clashes between progovernment supporters and opposition party members Saturday in the southern Pakistani city of Karachi, police and intelligence sources said (May 13, 2007).³

By May 2007, it was firmly established that the DC & DM no longer controlled law and order. Previously, under Police Act 1861, the DC & DM was authorized to allow or disallow a political rally. Police Order 2002 replaced Police Act 1861, and, under the new plan, this quasi-judicial function was assigned to the city police officer (CPO). CPO Karachi, who, relying on his armed police force alone without the intervention of a responsible civilian DC & DM, was powerless to prevent detrimental public rallies and to control the law and order situation once such public assemblies were already in full swing. Regarding one such tense situation, BBC wrote that city police authorities had claimed to have taken all possible measures in their security plan to prevent untoward incidents including possible suicide attacks and political clashes:

However, according to documents obtained by the BBC, these measures included the instruction that “no police personnel should carry any kind of weapon during the law and order duty with the rally” (May 15, 2007).⁴

It was unheard of that police would be instructed to not carry any kind of weapon during law and order duty.

Conspicuous by its absence was the logic behind such a decision. In our interviews with high level police officers, it appeared that the police hierarchy was concerned about disproportionate use of force by their personnel in the absence of a civilian DC & DM whose well-rounded experience and whose informal professional network enabled him to rationally make decisions about use of force, with a reasoned and proportionate approach.

Resultantly, many claim that post-DC & DM, highly visible crime took on an unusually excessive rate of occurrence. On the other hand, there are others who argue that it was only public perception that crime had increased, and that this perception was a direct consequence of the influx of newly powerful, autonomous, and energetic young media in Pakistan, and, therefore, this is only a perception and has no relevance with actual facts. No in-depth analysis of crime data was carried out to ascertain objective facts one way or the other. This chapter is an attempt to address this void.

The chapter distributes the time period since the inception of Pakistan to 2011 into important conjectures in the history of the DC & DM. It classifies it into six groups:

1947 to 1958
1959 to 1972
1973 to 1988
1989 to 1996
1996 to 2002
2002 to 2011

It also classifies crime into three categories:

1. Riots
2. Violent crimes, including murder, hurt, and rape
3. Crimes against property, such as theft, robbery, etc.

Analyzing data using bar charts and regression analysis, this chapter shows that all three kinds of crimes, and, in particular, the changes in the levels of violent crimes, are directly related to fluctuations in the quasi-legislative and quasi-judicial functions of the DC & DM. It reveals that crime increases with decrease in quasi-legislative and quasi-judicial functions of the DC & DM, and that crime achieved an unprecedented height after the institution of the DC & DM was abolished. It substantiates the theoretical link proposed in Chapter 3 that tinkering with the institution of the DC & DM results in fractured protracted consultation, which leads to faulty instrumentation, and, hence, results in an unsuitable environment for a lasting democracy. It validates that the apolitical institution of the DC & DM, with its quasi-legislative and quasi-judicial functions, was an efficient and effective mechanism of ensuring protracted consultation and instrumentation, and, thus, for meaningful democracy. This establishes that the DC & DM was vital in creating necessary conditions for a true representative democracy to take root in Pakistan.^{5,6} In the absence of the DC & DM, the resulting deficient instrumentation and protracted consultation is proving not only harmful for the democracy, but also for the very integrity and autonomy of the country.⁷

The chapter is divided into four parts. The first part explains the data collection, processing, and analysis process. Crime data from 1947 to 2011 was obtained from police departments of Sindh and Punjab provinces.

The second part analyzes crime data from Sindh using line charts and regression analysis. It conducts analyses first, by using absolute crime data, and, second, by employing per capita crime data. It establishes that kinds of crimes, namely, riots in Sindh and crimes against property as well

as violent crimes, unmistakably decrease when the apolitical DC & DM, with complete functionality of quasi-legislative and quasi-judicial tasks, is operational in reality. Conversely, crime increases manyfold when the DC & DM was either eliminated or his quasi-legislative and quasi-judicial tasks were limited or contaminated and tarnished.

Employing regression analysis and line graphs, the third part analyzes crime data from Punjab. With the exception of riots in Punjab, it shows similar patterns of crime and reaches the same conclusion as crime data from Sindh. It exhibits that the institution of DC & DM guarantees effective and across-the-board protracted consultation and instrumentation. By doing so, it provides the necessary environment for democracy to flourish.

The fourth part discusses these findings in light of the theoretical framework of McAdam, Tarrow, and Tilly⁸ and in the context of theories of separation of powers and politics-administration dichotomy. The chapter ends with a summary of its findings and discussion.

PART 1: DATA COLLECTION

Prior to 2001, the institution of DC & DM extended to the entire country of Pakistan; however, after the promulgation of Police Order 2002 and Local Government Ordinance 2001, two provinces of Pakistan, Sindh and Punjab, experienced a full-fledged impact of devolution and an end of the District Magistracy (DC & DM). Balochistan and Khyber Pakhtunkhwa provinces of Pakistan, due to their peculiar demographic, cultural, and geographical context (with the exception of few urban areas), were spared the impact. However, White⁹ has shown that in Khyber Pakhtunkhwa, in places where the quasi-judicial and quasi-legislative functions of the DC & DM were not intact or where they were nonexistent, there was a breakdown of civic life and law and order. White,¹⁰ therefore, recommends reinstatement of an institution similar to the DC & DM with its 1947 quasi-legislative and quasi-judicial functions. Moreover, the context of Balochistan and Khyber Pakhtunkhwa is also different from Sindh and Balochistan because of crime's correlation with terrorism and separatism in the former two provinces versus regular crime in the latter two. Although terrorism incidents did take place in Sindh and Punjab, these two provinces were not involved in a full-fledged war against terror from 1947 to 2011, as was the case with

Khyber Pakhtunkhwa and Balochistan. Hence, Sindh and Punjab provide data that are more relevant for the purpose of our study as compared to Balochistan and Khyber Pakhtunkhwa.

Because implications of the passing of the DC & DM faced by Punjab and Sindh were untainted by the repercussions of full-fledged war on terror or separatist movements, data commissioned from these two provinces were processed, coded, and analyzed in this chapter for comparison of instrumentation in the pre- and post-DC & DM scenario.

Crime data from Sindh and Punjab was arranged to correspond according to different eras of administrative history of Pakistan, as explained in Chapter 3.

One of the limitations of this study is that economic and financial factors related to crime are not taken into consideration; one of the foremost reasons is the unavailability of reliable data prior to 1960 and, second, that most of Pakistan's economy even today is informal and rural-based, which is not counted for in calculation of economic indicators. Hence, it was not possible to take this into consideration in regression analyses. However, since research indicates that economic factors, e.g., consumption, have an inverse relationship with crimes against property and a direct relationship with violent crimes,¹¹ effort has been made to conduct graphical analysis of crime per capita with consumption in Pakistan from 1960 to 2010.

In parts 2 and 3 of this chapter, we will analyze crime data from Sindh and Punjab using graphical interpretations and regression analysis, with the above-mentioned 12 independent variables and the three kinds of crimes as dependent variables, both in absolute terms and in per capita values to account for change in crime as it corresponded to change in population.

PART 2: INSTRUMENTATION IN SINDH

Analysis of crime data from Sindh demonstrates that the law and order situation went from bad to worse post-devolution. In this section, we look at Sindh's crime data as it relates to riots, violent crimes, such as murder and rape, and crimes against property, such as theft, etc. Data for these crimes were consolidated for each category and then analyzed graphically as well as quantitatively using regression analysis on absolute crime figures. Because absolute crime figures might be misleading due to the increase in crime may simply be a manifestation of an increase in

population, regression and graphical analysis also was conducted with crime per capita for riots, violent crime, and crimes against property.

Riots in Sindh

Looking at the riots data, it appears that the number of incidents of riots increased manifold post-devolution, as shown in Chart 5.1

Comparing riot data of 1947 to 1958 with data of 1959 to 1973, one observes little change over these 25 years. These years include Ahmedi riots of 1953 and 1969, as well as riots of Nizam-e-Mustafa in 1971 and 1972 to oust Zulfikar Ali Bhutto and force him to hold fair and transparent elections.

The overall number of riots increased during the period 1974 to 1985, after the civil service reforms of 1973, which politicized the bureaucracy and the institution of DC & DM. The quantum of riots did not increase after Zia’s civil service reforms during the period 1986 to 1996, which reversed some of the steps taken by Bhutto. Strict martial law can be one of the reasons for this; however, simultaneously, Pakistan was involved in

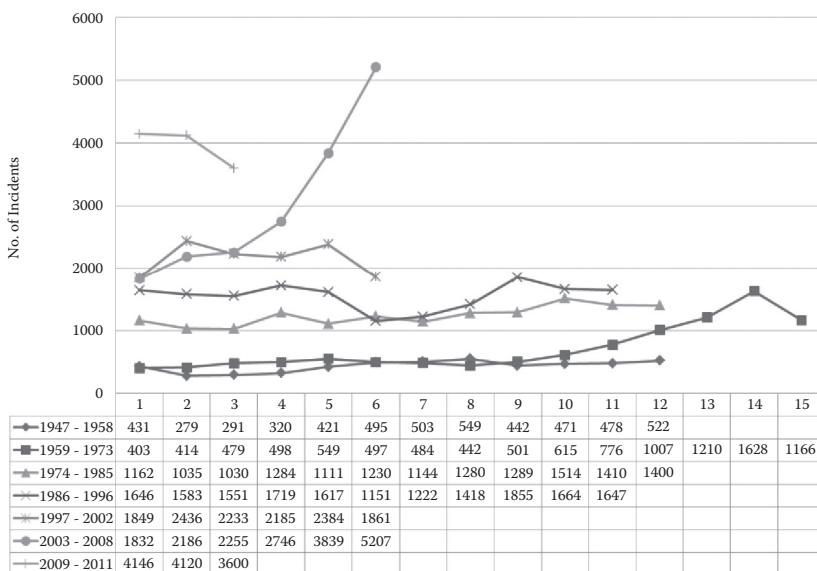


CHART 5.1

Riots in Sindh in different administrative periods. (Data from the Police Department, Government of Sindh.)

the Soviet–Afghan war, and there was every likelihood of an increase in riots on this account. The fact that riots did not increase during this time period can be attributed to the reversal of some civil service “reforms” of 1973. Regression analysis of data will throw more light on this.

In 1996, executive was separated from judiciary; the DC & DM maintained only a token amount of its past quasi-judicial functions. The number of riots increased for the first few years from 1996 onward, perhaps on the perception that the office of district magistrate was weak, but, by 2002, the number of riots came back to the 1985 level.

The worst and sustained increase in the number of riots occurred after the removal of the DC & DM, during the period 2003 to 2008, when the district head (DC & DM) was no longer required to perform quasi-legislative and quasi-judicial functions. Elected nazims/mayors and elected local governments were in power during this time period and, under the Police Order 2002, quasi-judicial functions of the former DC & DM were allocated between the police and the judiciary. Also under the Local Government Ordinance 2001, the DC & DM’s quasi-legislative functions were allocated to district nazims. In addition, some of the executive functions of the former DC & DM were allocated to judiciary as quasi-executive duties, e.g., holding of law and order meetings at the district level.

One would have expected to observe an increase in protracted consultation due to the quasi-legislative functions assigned to elected nazims and, due to this increase, an improvement in instrumentation and stability. It also was hoped that quasi-judicial and quasi-executive functions granted to police and judiciary, respectively, also would strengthen rule of law in the society. However, looking at riots data, this did not appear to have happened.

From 2009 onward, most of elected councils had finished their term, and there were no new elections. Therefore, quasi-legislative functions of the nazims were reverted back to the district coordination officers (DCOs), who were the legal heirs of the DC & DM. One distinctly observes a tapering off of riots during 2009 to 2011. Perhaps this was a direct consequence of the return of a politically neutral administrator versus a nazim who was politically elected and, hence, per force inclined toward his voters. Political inclination in protracted consultation translates into unbalanced consultation where certain segments of the society receive more attention and voice than others. Unbalanced consultation tends to marginalize nonsupporters of the elected local regime, and,

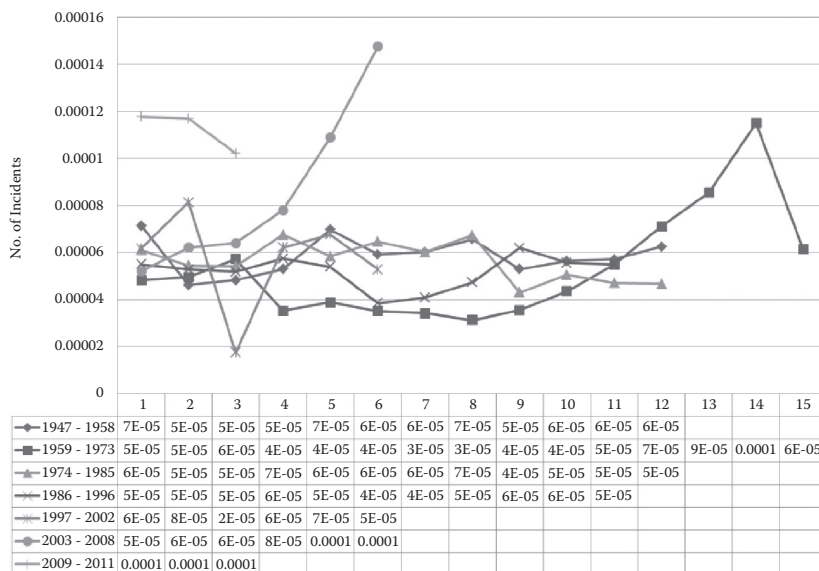


CHART 5.2

Riots per capita in Sindh in different administrative periods. (Data from the Sindh Police Department.)

thus, consultation instead of assisting with instrumentation might have hindered it with its bias.

However, because the population fluctuated as well during these time periods, it is pertinent to look at the relationship of riots per capita with the changes made to the institution of DC & DM. Chart 5.2 illustrates that:

1. Riots per capita in Sindh increased when the institution of the DC & DM was abolished during the period 2003–2008, the time when the institution of DC & DM was abolished and replaced by a DCO. Although part of that peak could have been the anti-Musharraf riots by lawyers in 2007 and riots in Sindh in the aftermath of the assassination of Benazir Bhutto in December 2007. However, the question remains: Could these riots have been avoided had there been competent DC & DMs present?
2. After 2009, when some of the previous quasi-legislative functions of the DC & DM were restored to the DCO, and the number of riots per

capita also showed a decline. Alternatively, this could have been due to social peace and quiet that followed the elections of 2008.

3. Riots per capita also seemed to peak during 1970–1971 when the country was in the grip of unrest against military rule. Again, it was also the time during which Yahya Khan had humiliated and demoralized the bureaucracy, as discussed in Chapter 3, and this might have been the reason for subpar performance.

Analysis of data, using the line chart, provided a number of significant insights; however, it is obvious that it does not help us reach a definitive or near definitive answer. The phenomenon may be illuminated further by conducting quantitative analysis.

In order to quantitatively look at the variables that impacted protracted consultation and instrumentation in Sindh and in order to see whether quasi-legislative and quasi-judicial functions of the DC & DM had any significant relationship with protracted consultation and instrumentation, we conducted two regression analyses. The first regression compared the absolute number of riots (as dependent variable) to the above-mentioned independent variables of the Afghan war, political stability, etc. The second regression analysis related riots per capita with the same independent variables as in the first regression analysis (Table 5.1).

Results of linear regression demonstrate that riots in Sindh are significantly and inversely related with quasi-legislative and quasi-judicial functions of the DC & DM. This means that during the eras when the DC & DM was authorized to perform his quasi-judicial and quasi-legislative functions, there were less incidents of riots in Sindh.

On the other hand, riots are positively and significantly related with separation of executive from judiciary, politicization of the DC & DM, and abolishment of the institution of DC & DM. The number of riots increased (1) when quasi-judicial functions of the DC & DM were decreased for separating executive from judiciary eliminating many quasi-judicial functions of the DC & DM, (2) when the institution of DC & DM was politicized, and (3) when the institution of DC & DM was abolished. This is in line with the theoretical expectations of Chapter 3. Decrease in quasi-judicial and quasi-legislative functions of the DC & DM is related to higher incidents of riots in Sindh, as a result of influenced protracted consultation, which, according to our theoretical framework, results in distorted instrumentation.

However, these increases and decreases in riots in different eras might simply be a manifestation of changes in population in Pakistan. In order

TABLE 5.1

Regression Analysis for Riots in Sindh

	Unstandardized		Standardized		
	Coefficients	Std.	Coefficients	t	Sig.
	B	Error	Beta		
(Constant)	438.812	542.917		0.808	0.423
Representative government	195.66	154.922	0.092	1.263	0.212
Political stability	-515.013	138.852	-0.243	-3.709	0.001
Any Afghan war	-123.703	387.755	-0.06	-0.319	0.751
DC & DM with very high authority	-1091.744	501.307	-0.411	-2.178	0.034
Separation of executive from judiciary post-1996	842.43	260.171	0.352	3.238	0.002
Politicization of DC & DM	1448.038	446.302	0.562	3.245	0.002
DCO with no quasi-legislative or quasi-judicial functions	845.595	311.497	0.308	2.715	0.009
DCO with quasi-legislative functions only	1270.482	369.428	0.259	3.439	0.001
Lateral entry	50.691	588.092	0.024	0.086	0.932
Good salary of DC & DM	-456.78	291.821	-0.221	-1.565	0.124
Training	9.811	331.794	0.003	0.03	0.977
Elected local governments	167.255	223.932	0.081	0.747	0.458

Source: Police Department, Government of Sindh.

Note: $R^2 = 0.873$; Adjusted $R^2 = 0.843$

to control for this factor, it would be beneficial to look at riots per capita in Sindh during different times of the administrative history of Pakistan.

Table 5.2 shows that riots per capita in Sindh increased significantly with representative government at the federal level, politicization of the DC & DM, with the abolishing of the institution of DC & DM and replacement by a DCO, even when DCOs were given quasi-legislative functions but no quasi-judicial duties, the high salary of the DC & DM, and, to some extent, separation of executive from judiciary. Most of this is in line with the expectations of this research, except the high salary. However, literature demonstrates that salary is not the most important

TABLE 5.2

Regression Analysis for Riots per Capita in Sindh

Independent Variables	Unstandardized	Std. Error	Standardized	t	Sig.
	Coefficients B		Coefficients Beta		
(Constant)	3.25E-05	0		1.823	0.074
Representative government	1.12E-05	0	0.246	2.21	0.032
Political stability	-2.20E-05	0	-0.48	-4.826	0
Any Afghan war	-1.79E-06	0	-0.04	-0.141	0.889
DC & DM with very high authority	-6.30E-05	0	-1.099	-3.833	0
Separation of executive from judiciary post-1996	1.61E-05	0	0.312	1.887	0.065
Politicization of DC & DM	6.65E-05	0	1.195	4.542	0
DCO with no quasi-legislative or quasi-judicial functions	3.54E-05	0	0.596	3.46	0.001
DCO with quasi-legislative functions only	3.01E-05	0	0.284	2.483	0.016
Lateral entry	-2.87E-05	0	-0.643	-2.998	0.004
Good salary	5.39E-05	0	1.185	2.791	0.007
Training	-2.71E-05	0	-0.4	-2.488	0.016
Elected local governments	1.52E-06	0	0.034	0.207	0.837

Source: Police Department, Government of Sindh.

Note: $R^2 = 0.707$; Adjusted $R^2 = 0.639$

motivating factor for people steeped in public service.¹²⁻¹⁴ It is possible, therefore, that high salaries attracted people to the job of DC & DM who were not a good fit with the spirit and requirements of the position, whose primary aim was not public service,¹⁵ and, thus, standards of service went down. Additional research is needed to shed more light on it.

Table 5.2 also shows that riots per capita in Sindh decreased with (1) political stability, (2) when the DC & DM were imbued with higher than usual quasi-legislative and quasi-judicial functions, (3) lateral entry, and (4) training of the DC & DM. The DC & DM, with his quasi-legislative and quasi-judicial functions, creates channels of protracted consultation with

all segments of the society and, hence, maintains instrumentation and peace in the society, which is crucial for lasting and meaningful democracy.¹⁶ Therefore, all of this, except lateral entry, is as expected in the theoretical framework of this book.

As for lateral entry, further research is needed to shed more light on it. It may be that “persons with nuisance value” are generally known to tend to engage in disrupting activities including riots when they do not get what they seek, i.e., power and authority beyond their competence level and without any regard for public service. It may well be that lateral entry provides a damper to such motivations and, hence, results in decrease in riots. However, as mentioned earlier, further research is needed.

Because difficulty of obtaining consumption data for Sindh hindered including this variable in regression analysis, the same was utilized for graphical analysis. Data for consumption were available from 1960 to 2010 from the World Bank’s Web site (www.worldbank.org). It was plotted against riots per capita in Sindh for the same time period. Chart 5.3 demonstrates the relationship.

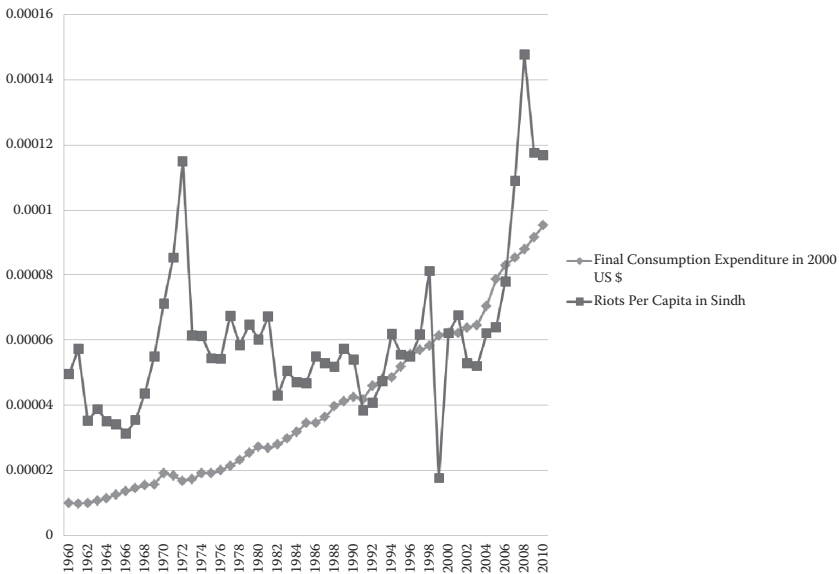


CHART 5.3

Riots per capita in Sindh and final consumption expenditure of the country. (Data from the Police Department, government of Sindh, and the World Bank Web site.)

It is obvious from the chart that riots per capita in Sindh do not seem to have a direct and significant relationship with consumption in the country. One should bear in mind that this graph suffers from the limitation that consumption data for the country are used as a proxy for consumption in Sindh. However, it can be considered as a close enough approximation, at least in terms of proportions.

Violent Crime in Sindh

Data of violent crimes in Sindh support the theoretical framework presented in Chapter 3 of this book. Graphical and regression analysis shows that violent crimes, such as murder and rape, increased with decreases in quasi-legislative and quasi-judicial functions of the DC & DM, and that violent crimes peaked during the time period 2003–2008 when the institution of DC & DM was abolished and replaced by a DCO, who had none of the legislative or judicial responsibilities of the erstwhile DC & DM. Chart 5.4 analyzes the total number of violent crimes in Sindh according to different administrative eras in the country.

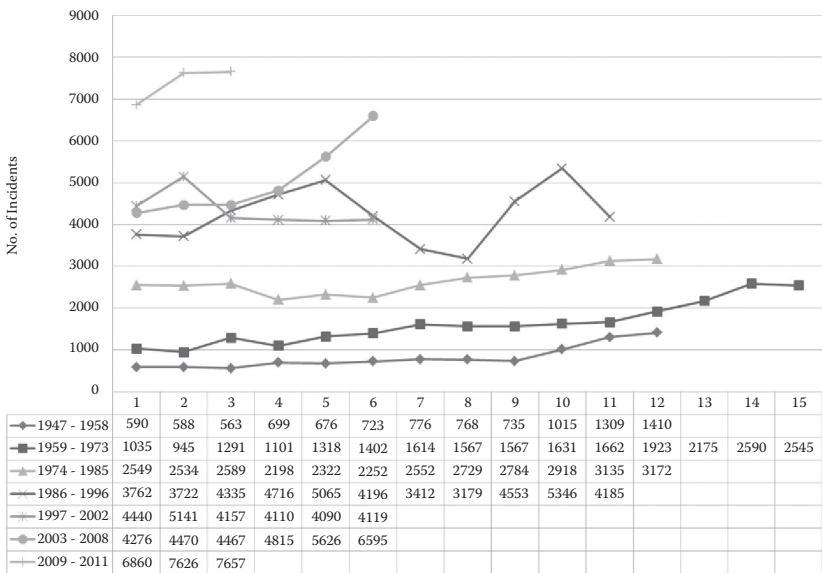


CHART 5.4

Violent crimes in Sindh in different administrative time periods. (Data from the Sindh Police Department and government of Sindh.)

Violent crime including murder, attempted murder, hurt, and rape did not increase much during the first 20 years of Pakistan's creation. It increased dramatically during the last few years of Ayub Khan, when the effects of politicization of bureaucracy and the resulting greed and excesses are very visible. This continued until 1973.

It appears that increase in violent crime slowed down after 1973, but it continued to increase nevertheless until 1985. Local government elections were held in 1980 under the Local Government Ordinance of 1979. Elected local government representatives in reality were supposed to increase the level of protracted consultation and with it the level of trust of government and resultant decrease in crime. However, this did not happen. As explained in part 1 of this chapter, a number of factors skewing protracted consultation might have contributed to it, and this is as expected by the theoretical framework of this research.

After 1986, when Muhammad Zia's reversal of some reforms of 1973 had started showing effects, e.g., renewal of training of civil servants, etc., there was a slight dip in crime. It is interesting to note that the total amount of violent crime increased sharply during the governments of PPP (Pakistan People's Party) (1988–1990 and 1992–1995), while it decreased sharply during the governments of PML-N (Pakistan Muslim League-Nawaz) (1990–1992 and 1996–1999).

There was not much of a difference after the 1996 separation of executive from judiciary. However, there was a sudden spike in violent crime immediately after the devolution of 2001 when the quasi-legislative and quasi-judicial powers of district heads were removed and the office of DC & DM was abolished and replaced by DCOs. This was somewhat stabilized after 2008 when DCOs were given quasi-legislative tasks.

As mentioned earlier, all of this simply could have been a function of increase in population; therefore, in addition to the absolute number of violent crimes, it is instructional to look at violent crime per capita in Sindh.

As per Chart 5.5, violent crime per capita increased notably during the years 1956–1958, 1970–1972, 1988–1990, 1995–1996, and 2005–2008, and then 2008 to 2009.

The years 1956–1958 were politically tumultuous times for Pakistan, as tacit popular support for Ayub Khan's regime had waned and, resultantly, the moral authority of civil servants, perceived to be the bulwark of Ayub's legacy, had been lost. The politicization by Ayub of the DC & DM by this time had been perfected, which adversely influenced their core respon-

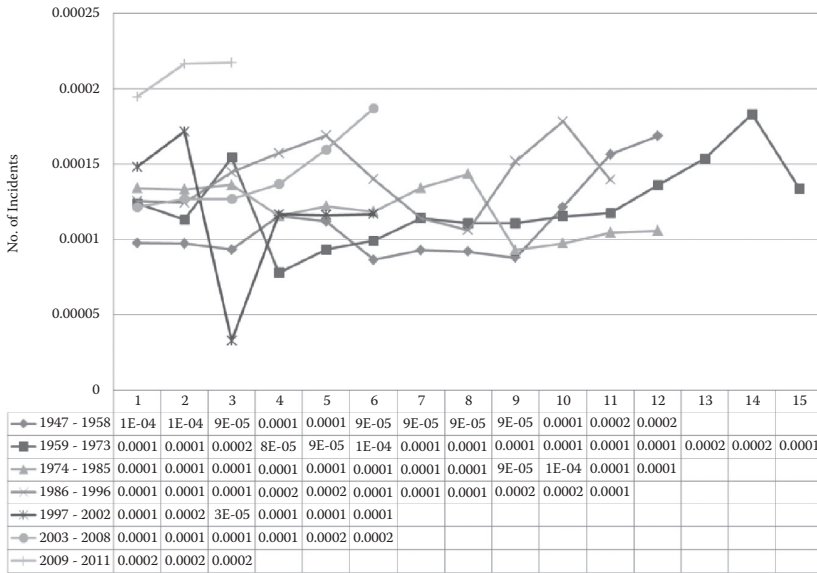


CHART 5.5

Violent crimes per capita in Sindh in different administrative time periods. (Data from the Sindh Police Department.)

sibility of protracted consultation. Therefore, it was to be expected that instrumentation would take a downturn as well.

The period between 1970 and 1972 was again chaotic. As seen in Chapter 3, it was during this time period that Yahya Khan attempted to place the entire blame of his predecessor’s failure on bureaucracy, attempting to purge and further politicize it. This, of course, impacted the protracted consultation conducted by the DC & DM. Moreover, it was a politically turbulent time period during which, in 1971, East Pakistan was separated from Pakistan and became the independent nation of Bangladesh.

The time period between 1988 and 1990 was likewise disturbing, in the sense that the tightly held Zia-era political values were giving place to newly found democracy, the politicization of the Zia era was being replaced by the politicization of Pakistan People’s Party government, and the era of perceived stability was gone. This meant that, with political freedoms, the politicized bureaucracy was under far more pressure and was far more capable of distinguishing desirable elements from undesirable ones and, hence, far more capable of tainted consultation. This might have resulted in ineffective instrumentation.

TABLE 5.3

Linear Regression of Incidents of Violent Crimes in Sindh

	Unstandardized		Standardized		Sig.
	Coefficients B	Std. Error	Coefficients Beta	t	
(Constant)	480.013	603.098		0.796	0.43
Representative government	255.693	172.095	0.069	1.486	0.143
Political stability	-685.037	154.243	-0.185	-4.441	0
Any Afghan war	-9.472	430.736	-0.003	-0.022	0.983
DC & DM with very high authority	-1340.923	556.875	-0.288	-2.408	0.02
Separation of executive from judiciary post-1996	582.041	289.011	0.139	2.014	0.049
Politicization of DC & DM	2089.114	495.773	0.463	4.214	0
DCO with no quasi-legislative or quasi-judicial functions	426.163	346.025	0.089	1.232	0.224
DCO with quasi- legislative functions only	2856.982	410.378	0.332	6.962	0
Lateral entry	-647.844	653.28	-0.176	-0.992	0.326
Good salary of DC & DM	287.442	324.169	0.079	0.887	0.379
Training	1098.061	368.572	0.2	2.979	0.004
Elected local governments	383.662	248.755	0.106	1.542	0.129

Source: Police Department, Government of Sindh.

Note: $R^2 = 0.949$; Adjusted $R^2 = 0.937$

The time period between 2005 and 2008 were the years when the institution of DC & DM stood demolished and replaced by a DCO who had none of the responsibilities of the former DC & DM. Increase in violent crime during this time period was as expected by the theoretical framework of this research.

Violent crimes are significantly and inversely related with political stability in the country. This implies that, in Sindh, violent crime goes down with increased political stability (Table 5.3). Also, violent crimes decrease with increased quasi-legislative and quasi-judicial functions of the DC &

DM. Data show that violent crime is directly and significantly related, and increases with increases in (1) separation of powers after 1996, (2) politicization of the DC & DM, and (3) with a DCO without quasi-legislative and without quasi-judicial functions working under the administrative control of a political nazim. This is all that was expected in the theory in Chapter 3. It means that reduced quasi-judicial functions of the DC & DM, increased politicization, and removal of the office of DC & DM all tend to increase violent crime in Sindh.

An enigmatic finding is that during eras of training of the DC & DM, total quantum of violent crime went up. This was not expected and further research is needed to better comprehend this phenomenon.

Estimation of the relationship between violent crime per capita and the above-mentioned factors provides a more reliable assessment of the influence of administrative amendments in the structure and functions of the DC & DM because the quantum of crime may increase due to increased population; however, crime per capita discounts for increase in crime due to increase in population.

Running linear regression with per capita violent crime as the dependent variable and the same independent variables as before, it is observed in Table 5.4 that crime per capita increased with the increase in politicization of the office of DC & DM, and when the DC & DM was replaced by a DCO with only some quasi-legislative functions, but no quasi-judicial functions. This is in line with what was expected in our theoretical framework, i.e., politicization weakens the neutrality of a DC & DM, decreasing his ability to ensure well-rounded and unbiased protracted consultation, which weakens the institution's ability of instrumentation and, thus, decreases the country's possibilities of sustaining meaningful democracy. Similarly, a DCO lacking quasi-judicial responsibilities is not duty-bound or authorized to prevent crime. In this scenario, police alone are charged with the task of combating crime. Controlling for population, Table 5.4 shows that leaving the crime-fighting function to police without the intervening influence of a DC & DM with quasi-judicial obligations, violent crime per capita tends to increase significantly in Sindh.

Moreover, it is shown as well that violent crime per capita decreased (1) when there was political stability in the country, and (2) when a DC & DM was given higher than usual assignments of a quasi-legislative and quasi-judicial nature. This is also in accordance with the expectations of theoretical framework of this book, which argued that a combination of

TABLE 5.4

Linear Regression of Incidents of Violent Crimes per Capita in Sindh

Independent Variables	Unstandardized	Std. Error	Standardized	t	Sig.
	Coefficients B		Coefficients Beta		
(Constant)	7.25E-05	0		2.41	0.02
Representative government	1.46E-05	0	0.216	1.697	0.096
Political stability	-3.26E-05	0	-0.484	-4.237	0
Any Afghan war	-3.97E-06	0	-0.061	-0.185	0.854
DC & DM with very high authority	-6.95E-05	0	-0.823	-2.501	0.016
Separation of executive from judiciary post-1996	-1.53E-06	0	-0.02	-0.106	0.916
Politicization of DC & DM	8.66E-05	0	1.058	3.503	0.001
DCO with no quasi-legislative or quasi-judicial functions	2.43E-05	0	0.279	1.41	0.164
DCO with quasi-legislative functions only	7.72E-05	0	0.495	3.77	0
Lateral entry	-1.26E-05	0	-0.191	-0.778	0.44
Good salary	5.70E-05	0	0.853	1.748	0.086
Training	-1.51E-05	0	-0.151	-0.82	0.416
Elected local governments	9.98E-06	0	0.152	0.805	0.425

Source: Police Department, Government of Sindh.

Note: $R^2 = 0.613$; Adjusted $R^2 = 0.524$

quasi-judicial and quasi-legislative functions enabled the DC & DM to maintain unbiased and protracted consultation that assisted him in maintaining across-the-board instrumentation, which controlled violent crime per capita. The fact that this variable was shown as significant clearly demonstrates the significance of quasi-judicial functions and the significance of a system of checks and balances in ensuring a stable, peaceful society in Pakistan, rather than an unattainable idea of separation of powers. This is perfectly aligned with the expectations of our theoretical framework that argues that quasi-legislative and quasi-judicial functions performed by a

DC & DM ensures protracted consultation and, hence, across-the-board instrumentation, which maintains stability and peace of the society that is vital for meaningful democracies to sustain.

Pakistan's recent efforts of conducting transparent, peaceful elections and involvement of judiciary, appointment of judicial officers as returning officers, and quasi-executive functions of the judicial body of Election Commission of Pakistan speaks volumes about the de facto acceptance of the fact that a combination of quasi-judicial, quasi-legislative, and executive functions for district officers is the best guarantee for a sustainable democracy in the country. The institution of DC & DM provided a sustained, flexible institution for the society, rather than temporary Band-Aid treatments of empowering either the judiciary or the army to perform such functions momentarily.

Table 5.4 also shows that riots per capita decrease with enhanced functions of a DC & DM and with political stability.

Data for violent crimes per capita in Sindh were analyzed graphically as well with consolidated consumption expenditure for the entire country during the period 1960 to 2010. Literature argues that violent crimes have a direct and positive relationship with consumption, i.e., violent crime increases with increase in consumption. However, our data show that there appears to be no such direct relationship as far as violent crimes per capita in Sindh are concerned. Chart 5.6 demonstrates this relationship.

Crimes against Property in Sindh

Chart 5.7 shows that crime against property increased in the first two decades (1947–1973) of Pakistan's existence, during the period when the office of DM was working with full or enhanced quasi-legislative and quasi-judicial powers. This was something not expected in the theoretical analysis of Chapter 3. It started to dip after civil service reforms of 1973 when the office of DM was intact, but without constitutional protections. The dip continued until 1996. After the separation of executive from judicial and a decrease in the judicial powers of the DM, crime against property showed a slight upward trend until 2002.

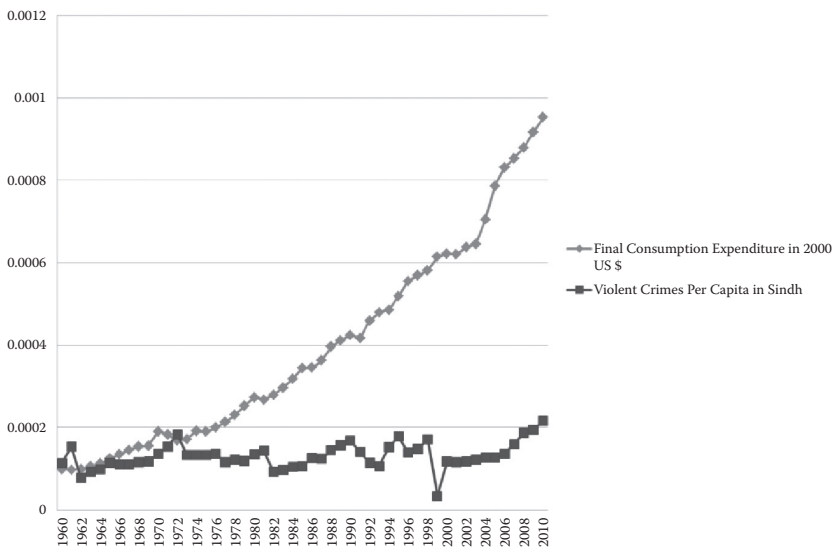


CHART 5.6

Violent crimes per capita in Sindh and consumption expenditure 1960–2010. (Data from the Sindh Police Department and the World Bank Web site.)

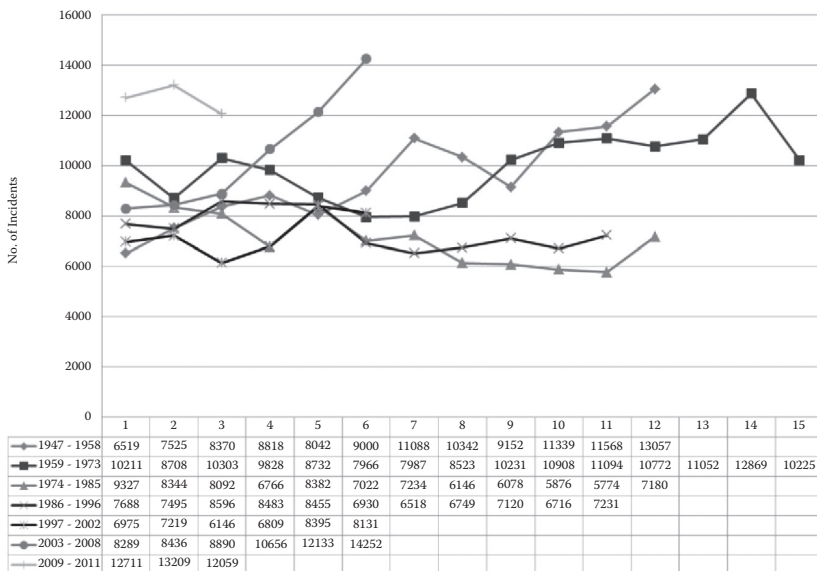


CHART 5.7

Crime against property in different administrative time periods of Sindh. (Data from the Sindh Police Department.)

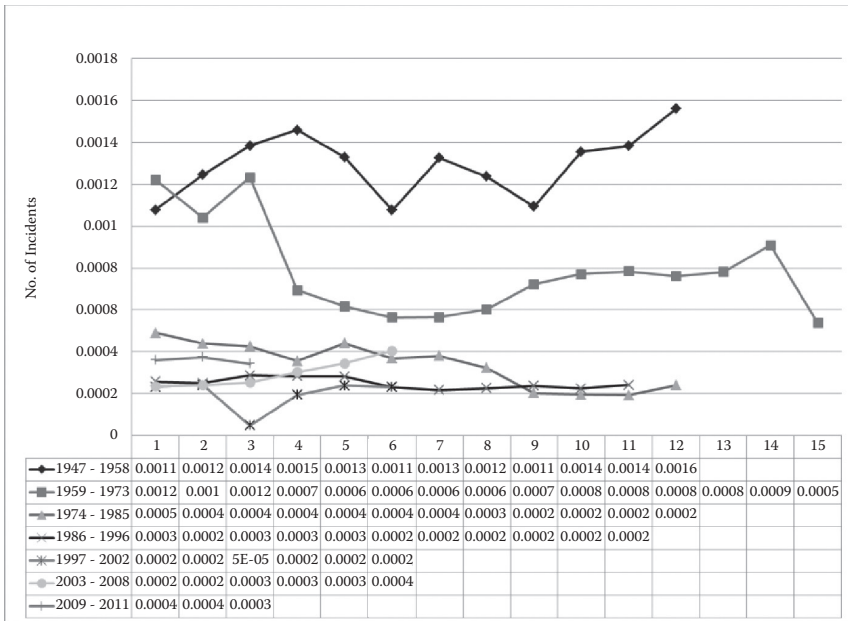


CHART 5.8

Crime against property per capita in different administrative time periods of Sindh. (Data from the Sindh Police Department.)

In post-devolution there was a sharp spike in crimes against property during the era of elected local governments and nazims/mayors with extraordinary quasi-legislative powers, powers over police, and administrative powers over district heads (DCOs). This was as expected by the theoretical framework of Chapter 3.

As expected in our theoretical framework, since 2009, when quasi-legislative functions were shifted to DCOs and when the politicization of DCOs subsided a little after the dissolution of nazims, there was a sudden drop in crimes against property in Sindh (Chart 5.8).

Per capita crime against property in Sindh seemed to be at its highest level right after independence in 1947 to 1958. It receded gradually to lower levels during 1959 to 1973. The high during 1947 to 1958 may be attributed to political turmoil and instability in the country due partially to, and in addition to, the issues of evacuee property and migration waves from India, which necessitated redistribution of property to immigrants and reassigning property of those killed during the riots of independence in 1947. The DC & DM enjoyed full functionality and responsibilities of quasi-legislative and quasi-judicial nature during

this time period. However, crime against property per capita scaled up during 1952 and 1953 and again during 1957 and 1958. There was a dip in 1959 and crime against property per capita remained more or less at a stable level until 1973.

After 1973, and the civil service reforms promulgated during the Bhutto era, there was a significant gradual decrease in crime against property per capita in Sindh until 2003. In 2003, the institution of DC & DM was abolished. Such crimes continued to rise steadily and sharply from 2003 onward until 2008. After that when some of the quasi-legislative functions of ex-DC & DM were restored to the DCO, there was a sudden dip in crime against property in Sindh.

Although the period after 2003 until 2011 corresponds to the theoretical framework of this research, the time period prior to 2002 presents an altogether different and contrary picture. Were there other causes involved, e.g., political instability in the country? Or was it due to the fact that the DC & DM was responsible for quasi-legislative and quasi-judicial duties and this somehow was one of the contributing factors toward the increase in crime?

Simple linear regression might shed more light on this. We ran simple linear regression on the total number of crimes against property in Sindh and on crime against property per capita in Sindh from 1947 to 2011.

Table 5.5 shows that crimes against property in Sindh decreased with increased political stability. These crimes also showed a downward trend with increased quasi-legislative and quasi-judicial tasks of the DC & DM. This is completely in conformity with our theoretical framework.

On the other hand, such crimes increased (1) with politicization of the DC & DM, (2) with abolishment of the institution of DC & DM, and (3) with the institutionalization of lateral entry in the selection process of the DC & DM. This was all as expected by the theoretical framework in Chapter 3. It also shows that crime against property increased when elected local governments were present in Pakistan. This was exactly as expected in the theoretical framework of this book.

Table 5.5 also shows that crime against property in Sindh decreased with any Afghan war. This was not expected in our theoretical framework and needs further research.

In order to further ascertain our theoretical framework, we controlled it for increase in population, and ran simple regression for crime against property per capita in Sindh. Table 5.6 demonstrates the relationship of

TABLE 5.5

Linear Regression for Crimes against Property in Sindh

	Unstandardized		Standardized		Sig.
	Coefficients B	Std. Error	Coefficients Beta	t	
(Constant)	6082.986	1526.172		3.986	0
Representative government	-441.104	435.496	-0.105	-1.013	0.316
Political stability	-2175.345	390.32	-0.517	-5.573	0
Any Afghan war	-2708.002	1090.002	-0.662	-2.484	0.016
DC & DM with very high authority	-5239.845	1409.202	-0.993	-3.718	0
Separation of executive from judiciary post-1996	602.027	731.357	0.127	0.823	0.414
Politicization of DC & DM	4994.756	1254.58	0.976	3.981	0
DCO with no quasi-legislative or quasi-judicial functions	2560.596	875.635	0.469	2.924	0.005
DCO with quasi-legislative functions only	4704.719	1038.484	0.482	4.53	0
Lateral entry	4920.455	1653.16	1.178	2.976	0.004
Good salary of DC & DM	-448.219	820.326	-0.109	-0.546	0.587
Training	-512.748	932.691	-0.082	-0.55	0.585
Elected local governments	1157.714	629.487	0.282	1.839	0.072

Source: Police Department, Government of Sindh.

Note: $R^2 = 0.745$; Adjusted $R^2 = 0.686$

property crimes per capita in Sindh with the above-mentioned independent variables.

Table 5.6 shows no significant relationship, with the exception of good salary, and it shows that crime against property increased in Sindh when the DC & DM enjoyed a high salary. This may be explained from the findings of the literature that argue for public service motivations as being separate from monetary motivations, thus, a high salary tends to attract those who are not fit for public service, as explained above.

TABLE 5.6

Linear Regression for Crimes against Property per capita in Sindh

Independent Variables	Unstandardized	Std. Error	Standardized	t	Sig.
	Coefficients B		Coefficients Beta		
(Constant)	0.001	0		5.391	0
Representative government	2.76E-05	0	0.032	0.604	0.549
Political stability	-3.97E-05	0	-0.046	-0.966	0.338
Any Afghan war	0	0	-0.127	-0.924	0.36
DC & DM with very high authority	0	0	-0.155	-1.125	0.266
Separation of executive from judiciary post-1996	-1.52E-05	0	-0.016	-0.198	0.844
Politicization of DC & DM	0	0	-0.351	-2.777	0.008
DCO with no quasi-legislative or quasi-judicial functions	8.21E-05	0	0.074	0.891	0.377
DCO with quasi-legislative functions only	9.87E-05	0	0.05	0.904	0.37
Lateral entry	-3.62E-05	0	-0.043	-0.42	0.676
Good salary	0.001	0	0.673	3.299	0.002
Training	0	0	-0.119	-1.539	0.13
Elected local governments	3.95E-05	0	0.047	0.597	0.553

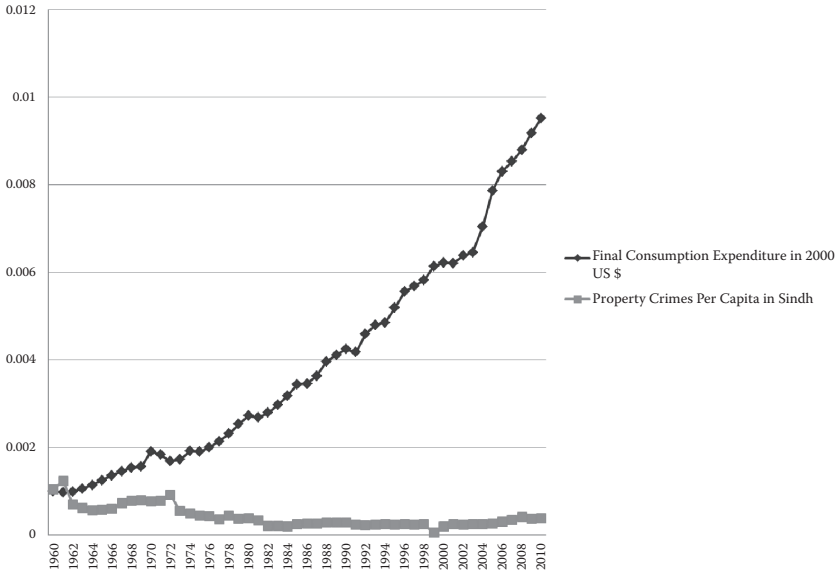
Source: Police Department, Government of Sindh.

Note: $R^2 = 0.932$; Adjusted $R^2 = 0.917$

Overall it appears that the DC & DM did not have any significant impact on crimes committed against property, such as theft and robbery.

Because economic and financial variables could not be included in the regression analysis since data for the same were not available for the years 1947 to 1959, crime against property per capita in Sindh was plotted against consumption expenditure in the country. Research demonstrates that crime against property reduces with increase in consumption and that this relationship is significant. Our data do show that crime against property decreases with increases in consumption for the country.

However, graphical analysis does not demonstrate a very strong or significant relationship. Quantitative analysis, unfortunately, is hampered by the nonavailability of relevant data for Sindh alone. However, it prompts us to recommend further research to fully comprehend this phenomenon

**CHART 5.9**

Crimes against property per capita in Sindh and consumption expenditure. (Data from the Sindh Police Department and the World Bank Web site.)

and its implications for administrative structures and instrumentation in Pakistan. Chart 5.9 demonstrates this relationship.

PART 3: INSTRUMENTATION IN PUNJAB

Analysis of crime data from Punjab, overall, confirms the assertions of theoretical framework in Chapter 3. Here, we look at the crime data of Punjab related to riots, violent crime, and crime against property in absolute values as well as per capita, and graphically as well as quantitatively.

Riots in Punjab

Riots in Punjab, unlike riots in Sindh, appear to be more a function of political instability (Chart 5.10).

Incidents of riots have continued to decrease in Punjab since 1947. It is obvious from Chart 5.10 that riots in Punjab are a function of religious

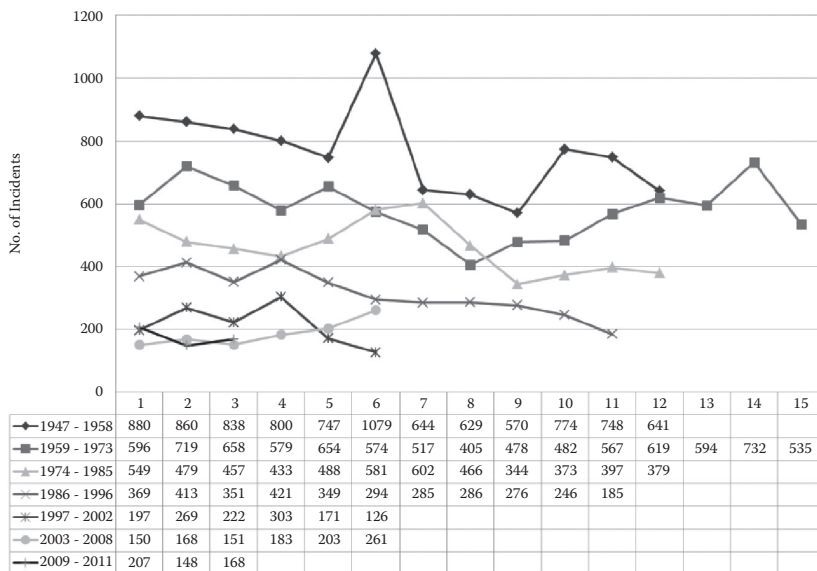


CHART 5.10

Chart showing riots in different administrative eras in Punjab. (Data from the Punjab Police Department.)

activism. Riots peaked in 1952 due to anti-Ahmedi protests and riots; they were again high during the last years of Ayub Khan (1969–1970), and the last days of Yahya Khan (1971–1972), who were both removed as a consequence of protests against them. The riots also were high in 1974 due to widespread anti-Ahmedi disturbances. Incidents of rioting seem to start to ascend during the period 2003–2008, but not to a very high level.

This neither conforms to nor rejects the contentions made in Chapter 3 in the theoretical framework of this research. It does not accurately tell us whether fluctuations in number of riots were a function merely of political instability and other extraneous factors or was it related as well to the functioning of public administration mechanisms, such as the DC & DM. In order to ascertain this and to check our arguments, we first look at riots per capita in Punjab graphically and then quantitatively test total number of riots in the province and riots per capita against the possible independent variables discussed in Chapter 3.

Chart 5.11 shows that riots per capita peaked in 1952, perhaps due to anti-Ahmedi riots, and then declined gradually until reaching another high in 1956 and 1957, perhaps again due to anti-Ahmedi riots and political

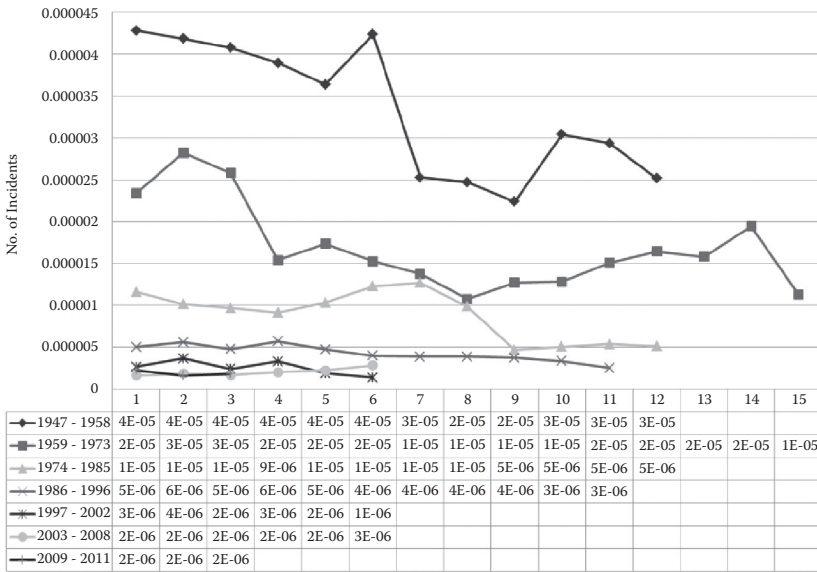


CHART 5.11

Chart showing riots per capita in different administrative eras in Punjab. (Data from the Punjab Police Department.)

turmoil in the country. After that, during 1959 to 1973, there was a gradual decrease in riots per capita in Punjab, except in 1978, 1979, and 1980, which might be attributed to riots in the aftermath of the Grand Mosque coup.

After 1973 and after the institutionalization of civil service reforms, riots per capita decreased considerably during 1974 to 1985. Riots per capita continued to decrease from 1986 to 2005, after which they increased from 2006 to 2008, maybe due to protests against the Musharraf regime.

It remains to be seen whether any of this was a function of quasi-legislative and quasi-judicial functions of the DC & DM. Quantitative analysis will improve our understanding on the issue.

Linear regression in Table 5.7 demonstrates that riots are directly and significantly related with the presence of representative democratic governments in the country. This was obvious from Chart 5.7 as well. Most protests and riots happened during democratic tenures, perhaps because during those time periods, people enjoyed democratic freedoms and were free to protest. Riots also are significantly and inversely related with training of the DC & DM, i.e., during the eras when the DC & DM was provided

TABLE 5.7

Linear Regression Analysis of Riots in Punjab

	Unstandardized		Standardized		t	Sig.
	Coefficients B	Std. Error	Coefficients Beta			
(Constant)	602.837	99.75			6.044	0
Representative government	108.817	28.464	0.241		3.823	0
Political stability	35.833	25.511	0.08		1.405	0.166
Any Afghan war	71.027	71.242	0.162		0.997	0.323
DC & DM with very high authority	-82.405	92.104	-0.146		-0.895	0.375
Separation of executive from judiciary post-1996	-38.005	47.801	-0.075		-0.795	0.43
Politicization of DC & DM	-105.708	81.998	-0.193		-1.289	0.203
DCO with no quasi-legislative or quasi-judicial functions	-56.35	57.231	-0.096		-0.985	0.329
DCO with quasi-legislative functions only	-69.543	67.875	-0.067		-1.025	0.31
Lateral entry	-109.366	53.616	-0.249		-2.04	0.046
Good salary of DC & DM	355.429	108.049	0.794		3.29	0.002
Training	-265.206	60.96	-0.397		-4.35	0
Elected local governments	42.196	41.143	0.096		1.026	0.31

Source: Police Department, Government of Punjab.

Note: $R^2 = 0.905$; Adjusted $R^2 = 0.883$

with formal training, the incidents of riots were lower. Strangely enough, higher, market-level salaries of a DC & DM are positively and significantly related to higher incidents of crimes. This is unforeseen and, therefore, it is instructional to look at riots per capita in Punjab throughout the history of modern Pakistan.

Table 5.8 shows the relationship of riots per capita in Punjab with the above-mentioned independent variables, and shows a very confusing picture, in that the presence of representative government, political stability, and high salary of a DC & DM are related to increases in riots per capita in Punjab. This means that riots increase significantly during representative

TABLE 5.8

Linear Regression Analysis of Riots per Capita in Punjab

Independent Variables	Unstandardized		Standardized		t	Sig.
	Coefficients B	Std. Error	Coefficients Beta			
(Constant)	2.56E-05	0			5.773	0
Representative government	7.34E-06	0	0.3		5.791	0
Political stability	4.49E-06	0	0.184		3.952	0
Any Afghan war	4.13E-06	0	0.174		1.303	0.198
DC & DM with very high authority	5.34E-06	0	0.174		1.303	0.198
Separation of executive from judiciary post-1996	-2.73E-07	0	-0.01		-0.128	0.898
Politicization of DC & DM	-2.02E-05	0	-0.68		-5.534	0
DCO with no quasi- legislative or quasi- judicial functions	6.64E-07	0	0.021		0.26	0.796
DCO with quasi- legislative functions only	-7.30E-06	0	-0.129		-2.416	0.019
Lateral entry	-3.70E-06	0	-0.155		-1.551	0.127
Good salary	1.11E-05	0	0.456		2.302	0.025
Training	-8.87E-06	0	-0.245		-3.269	0.002
Elected local governments	3.05E-07	0	0.013		0.166	0.868

Source: Police Department, Government of Punjab.

Note: $R^2 = 0.936$; Adjusted $R^2 = 0.921$

governments, during eras of political stability, and when the DC & DM are paid a high salary. As explained earlier, the phenomenon of a high salary can perhaps be explained from theory that assigns motivations other than money to public servants and argues against assigning positions of public service to people who love money.¹⁷ However, it is difficult to explain the presence of representative government and political stability as contributing to riots. It might be that political and representative governments tend to skew protracted consultation in their favor, and, in combination with politicization of the DC & DM, might contribute to riots. Alternatively, there might be a different explanation related entirely to extraneous factors like the attack on the Grand Mosque or the Ahmedi movement. Future research is needed to shed more light on it.

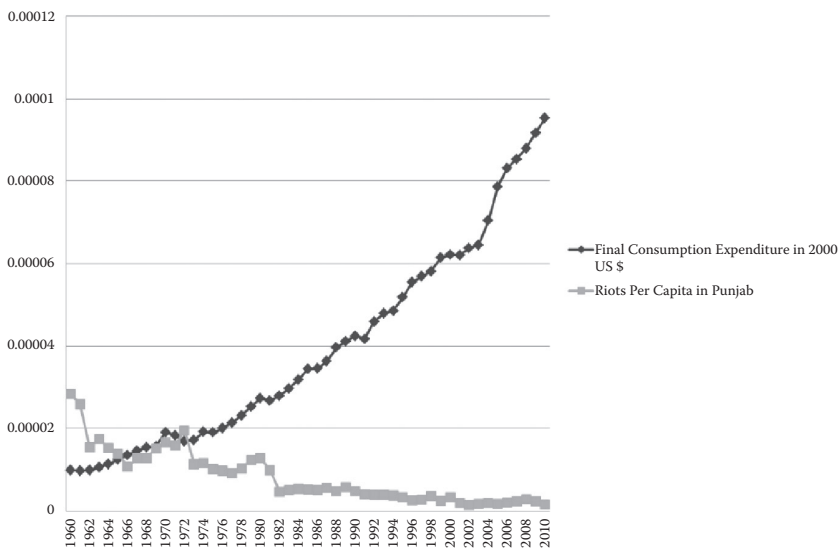
**CHART 5.12**

Chart showing riots per capita in Punjab and consumption expenditure in the country. (Data from the Police Department, government of Punjab, and the World Bank Web site.)

On the other hand, politicization and training of the DC & DM are related to decreases in riots. While the theoretical framework argued for training as supporting instrumentation and protracted consultation, it was unexpected to find politicization of the DC & DM as related to decrease in riots. Yet again, a possible explanation might be that politicized DC & DM could have been the result of inductions or retentions that are not based strictly on merit and, hence, relate to and represent people with nuisance value who engage in riots. A presence of one of their own kind helps mitigate the motivation for riots. Alternatively, there can be another explanation of it based entirely on extraneous factors. Further research is needed to explore this.

In addition, because economic variables could not be included directly in regression analysis, as explained above, a graphical analysis of consumption data from 1960 to 2010 for the entire country with riots per capita in Punjab was conducted to comprehend the influence of this factor on instrumentation in Punjab. Chart 5.12 demonstrates this relationship.

The chart shows that riots per capita in Punjab decrease with increase in consumption. Since consumption for the country was used as proxy

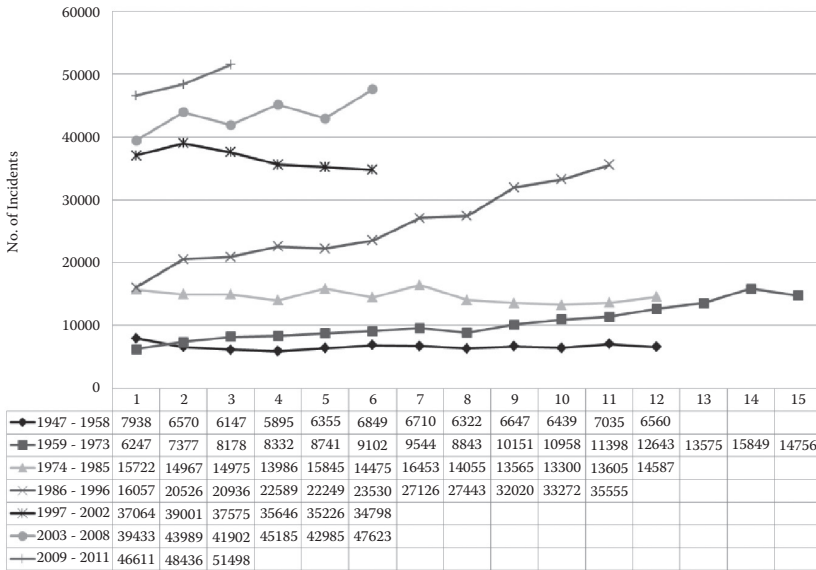


CHART 5.13

Chart showing violent crime in different administrative eras in Punjab. (Data from the Punjab Police Department.)

for consumption in Punjab, we cannot be entirely sure about this relationship, but it does present a close approximation. Future research will benefit from using this variable in quantitative analysis.

Violent Crimes in Punjab

Violent crimes in Punjab clearly demonstrate an upward surge with decrease in quasi-legislative and quasi-judicial functions of the DC & DM. The incidents peaked from 2003 to 2008 during the tenure of a DCO who had practically no quasi-legislative or quasi-judicial assignments.

Chart 5.13 above shows that violent crime increased greatly in Punjab during the era of 1986 to 1996. It tapered off and stabilized slightly during 1997 to 2002, but did not reduce significantly, and then again increased pointedly in the years between 2002 to 2008, and continued increasing until 2011. This is in accordance with the expectations of the theoretical framework of this research. During the time between 1986 to 1996, political governments were in power in Punjab and, as explained earlier,

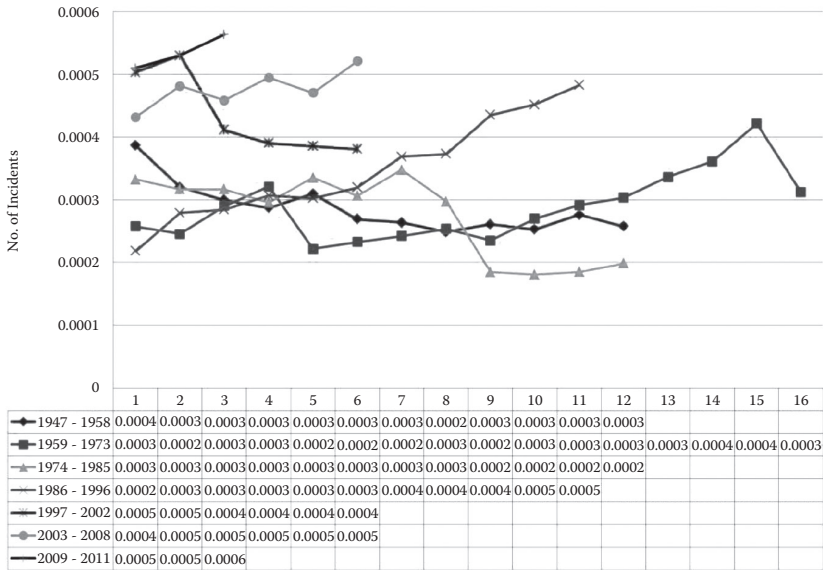


CHART 5.14

Chart showing violent crime per capita in different administrative eras in Punjab. (Data from the Punjab Police Department.)

the politicization of the DC & DM might have played a part in slacking protracted consultation and instrumentation.

There was a slight dip between 2000 and 2003 after the military government of Pervez Musharraf took charge, and politicization, at least for the initial few years, gave way to meritocracy in appointments and postings. However, after 2003 and the demise of the DC & DM, violent crime is continuously on the rise. It did not recede even after some of the quasi-legislative duties were given to DCOs.

In order to obtain a clearer picture and to see the control for increase in population, it is important to look at crime per capita in Punjab.

Chart 5.14 shows that violent crime per capita continued to decrease from 1947 to 1958 when the institution of DC & DM was more or less intact with its quasi-legislative and quasi-judicial functions. Violent crime per capita started to increase slowly but surely after 1963 and reached its peak in 1971 and 1972, during the period of high politicization of the DC & DM during Yahya Khan's era. It stabilized during 1974 to 1978, then increased a little in 1979 and 1980, before dropping considerably between 1981 and 1985 in Zia's era when politicization and some of the

effects of 1973 civil service reforms were reversed. Once politicization restarted in earnest in 1986, we see a sharp increase in violent crimes per capita in Punjab between 1986 and 1996. This continued until 1999, after which violent crime per capita dropped significantly until 2002 in Pervez Musharraf's era and the short while when meritocracy was promoted as opposed to politicization. However, all of this changed after the institution of DC & DM was abolished and we see a sudden pointed increase in violent crime per capita in Punjab from 2003 to 2011.

All of this fits neatly with the theoretical framework of this research. However, other factors, such as Afghan wars, political turmoil, etc., might be playing their roles. In order to have more well-defined comprehension, it would be useful to conduct a quantitative analysis.

Regression analysis with violent crime per capita as the dependent variable and the other 12 independent variables described above, shows, as expected, that incidents of violent crimes increased during political turmoil and Afghan wars, be it the Soviet–Afghan war, or the Taliban–U.S. war. The incidents of violent crimes are significantly and strongly related to separation of powers, i.e., the more the separation, the more the violent crimes. These also are significantly and positively related to lateral entry and politicization. More lateral entry and more politicization imply more violent crimes. This clearly indicates and confirms the expectations of the theoretical model of this research, that tempering with the quasi-legislative and quasi-judicial functions of the DC & DM, including politicization, results in diminishing rule of law and decreased levels of instrumentation. This environment, as shown by theory, is not suitable for truly participative and liberating democracy. As a matter of fact, as demonstrated by the theoretical framework, this has the potential to cause the country to either disintegrate or get occupied by foreign forces.

Table 5.9 shows the relationship of violent crime per capita in Punjab with the other independent variables.

Table 5.10 demonstrates that per capita violent crime in Punjab tends to increase with the presence of representative government, and with the demise of the DC & DM and his replacement by a DCO who had to perform no quasi-legislative and no quasi-judicial functions. Any Afghan war and separation of executive from judiciary also are significant, but with coefficient values of 0. This is all as per the expectation of theoretical framework of this research presented in Chapter 3, except representative government, but, as explained earlier, representative government in many

TABLE 5.9

Linear Regression for Violent Crimes in Punjab

	Unstandardized		Standardized		Sig.
	Coefficients B	Std. Error	Coefficients Beta	t	
(Constant)	1206.378	3583.314		0.337	0.738
Representative government	1619.469	1022.504	0.057	1.584	0.119
Political stability	-2113.735	916.437	-0.075	-2.306	0.025
Any Afghan war	6663.157	2559.226	0.243	2.604	0.012
DC & DM with very high authority	-2586.722	3308.679	-0.073	-0.782	0.438
Separation of executive from judiciary post-1996	11339.675	1717.16	0.356	6.604	0
Politicization of DC & DM	9846.949	2945.64	0.287	3.343	0.002
DCO with no quasi-legislative or quasi-judicial functions	8098.144	2055.912	0.221	3.939	0
DCO with quasi-legislative functions only	4402.443	2438.265	0.067	1.806	0.077
Lateral entry	4670.307	1926.052	0.17	2.425	0.019
Good salary of DC & DM	2174.392	3881.47	0.078	0.56	0.578
Training	3115.548	2189.874	0.075	1.423	0.161
Elected local governments	-2473.901	1477.978	-0.09	-1.674	0.1

Source: Police Department, Government of Punjab.

Note: $R^2 = 0.969$; Adjusted $R^2 = 0.962$

ways attempts to influence protracted consultation in Pakistan and this might have led to this finding.

Table 5.10 also shows that training of a DC & DM and presence of elected local governments also decreases the incidents of violent crimes per capita in Punjab. Although it was expected by the theoretical framework of this research that training of the DC & DM will help with protracted consultation and instrumentation, presence of local government was thought

TABLE 5.10

Linear Regression for Violent Crime per capita in Punjab

Independent Variables	Unstandardized		Standardized		Sig.
	Coefficients B	Std. Error	Coefficients Beta	t	
(Constant)	0	0		3.048	0.004
Representative government	6.07E-05	0	0.306	3.975	0
Political stability	-2.40E-05	0	-0.121	-1.75	0.086
Any Afghan war	0	0	0.548	2.769	0.008
DC & DM with very high authority	-4.43E-05	0	-0.178	-0.895	0.375
Separation of executive from judiciary post-1996	0	0	0.547	4.781	0
Politicization of DC & DM	0	0	0.507	2.785	0.007
DCO with no quasi- legislative or quasi- judicial functions	6.75E-05	0	0.262	2.196	0.033
DCO with quasi- legislative functions only	-6.29E-06	0	-0.014	-0.173	0.864
Lateral entry	1.18E-05	0	0.061	0.411	0.683
Good salary	0	0	0.955	3.249	0.002
Training	-8.94E-05	0	-0.304	-2.734	0.009
Elected local governments	-4.66E-05	0	-0.24	-2.109	0.04

Source: Police Department, Government of Punjab.

Note: $R^2 = 0.859$; Adjusted $R^2 = 0.827$

to be leading to distorted protracted consultation and, hence, decreased instrumentation.

However, considering this finding with the finding that demise of the DC & DM results in higher violent crimes per capita presents a scenario of elected local governments on the pattern of Local Government Ordinance 1979, where elected local councils perform their legislative functions without tainting the quasi-legislative protracted consultation tasks of the DC & DM. Such a scenario, Table 5.10 shows, improves instrumentation by decreasing violent crime per capita in Punjab. This is in accordance with the expectations of theoretical framework of this book.

In addition, violent crime per capita in Punjab was plotted against consumption expenditure for the country for the years 1960 to 2010 in order to control and check for the influence of economic variables. It shows no significant relationship between the two. Chart 5.15 demonstrates this.

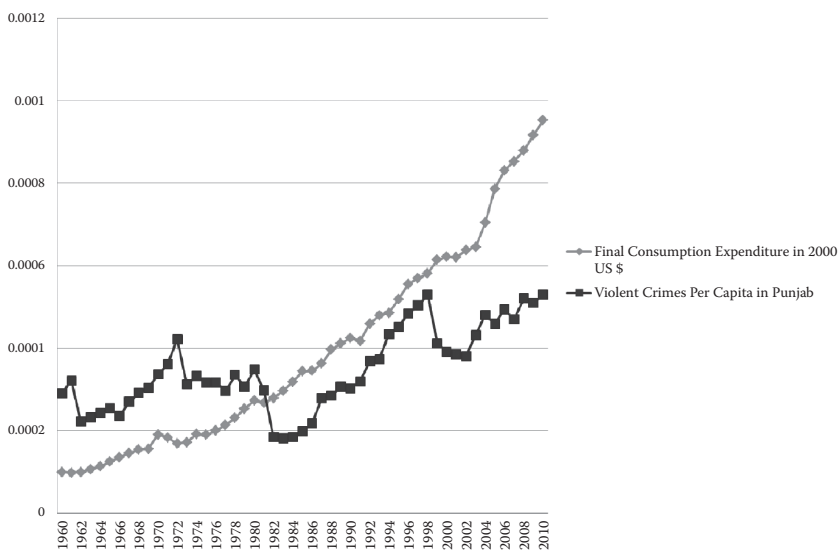
**CHART 5.15**

Chart showing violent crime in different administrative eras in Punjab. (Data from the Punjab Police Department, and the World Bank Web site.)

Although the chart shows some direct relationship between violent crimes per capita in Punjab and consumption expenditure in the country, it does not show a straightforward, direct relationship. As stated above, further research is needed to fully comprehend the role of consumption expenditure in increasing or decreasing violent crime per capita in Punjab.

Crimes against Property in Punjab

Chart 5.16 shows that the total number of crimes against property in Punjab surged with increasing politicization and declining quasi-legislative and quasi-judicial functions of the DC & DM. As seen in the chart, crimes against property rose suddenly after 1989 when the political process started in the country and an elected government started functioning in Pakistan. Both major political parties of Pakistan cultivated their own chart showing that crime against property in Punjab increased sharply during 1989 to 1996, when politicization of the DC & DM reached its peak. It slowed down a bit from 1999 to 2002 when

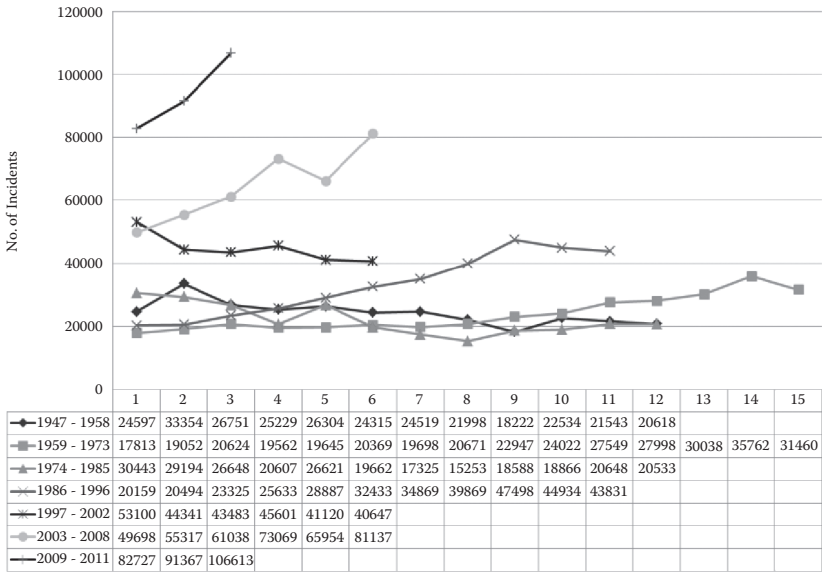


CHART 5.16

Chart showing crimes against property in different administrative eras in Punjab. (Data from the Punjab Police Department.)

appointments and postings of the DC & DM were generally made on merit rather than on political considerations. During this period, two significant events had happened: first, separation of executive from judiciary, and then some meritocracy. This slowing down of violent crime against property might have been due to a combination of these two events or due to one of these. However, right after the demise of the DC & DM, despite the fact that separation of executive from judiciary was still in force and the Musharraf government still aspired for meritocracy, crime against property still managed to ascend to unprecedented heights, thus supporting our earlier claim that the deciding factor could have been the abolishing of the DC & DM (Chart 5.17).

Let us now look at crime against property in Pakistan while controlling for population changes from 1947 to 2011.

Chart 5.17 reveals that crime against property per capita decreased steadily between 1947 to 1958, during which the institution of DC & DM was intact and had its quasi-legislative and quasi-judicial functions well defined. It rose during the Yahya era of 1971 and 1972 when bureaucracy was thoroughly demoralized and politicized. Crime against property per

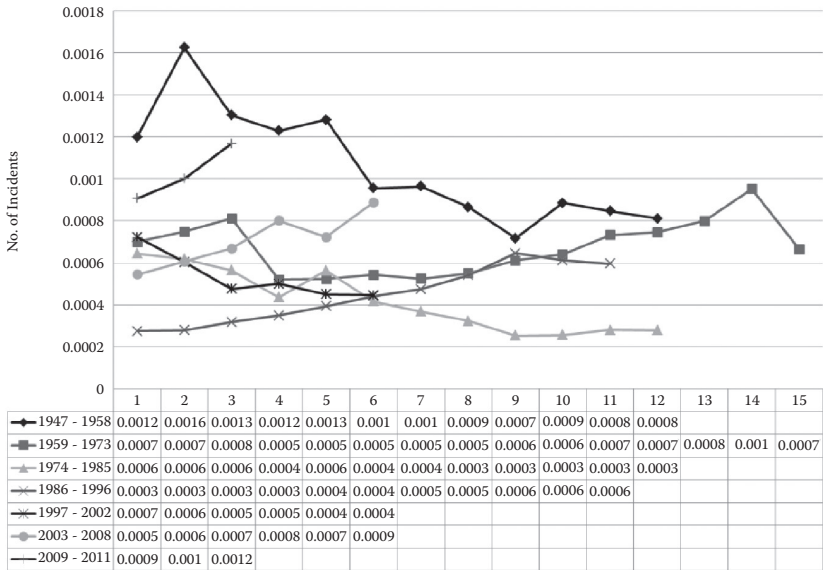


CHART 5.17

Chart showing crimes against property per capita in different administrative eras in Punjab. (Data from the Punjab Police Department.)

capita started to decline after the civil service reforms of 1973 and continued this descent even after some of those reforms were reversed and the DC & DM was made less politicized until 1985.

After 1985, the process of politicization of the DC & DM sped up and we also see crime against property getting higher on the chart until 1996. After separation of executive from judiciary, when the DC & DM still had core quasi-judicial duties intact, crime against property per capita dropped suddenly in 1998, and then stabilized during the Musharraf era until 2002 when the DC & DM was for all intents and purposes far less politicized than it was earlier.

With separation of executive from judiciary still intact, crime against property per capita showed a sudden spike from 2003 onward until 2011. With separation of executive from judiciary and Musharraf’s rule held at constant, the only change that had happened was that the institution of the DC & DM was abolished in 2002. This sudden spike in crime against property per capita in Punjab can be attributed to the demise of the DC & DM, which agrees with our theoretical framework. However, until we conduct quantitative analysis, it will be very difficult to claim anything

TABLE 5.11

Linear Regression for Crime against Property in Punjab

	Unstandardized		Standardized		
	Coefficients B	Std. Error	Coefficients Beta	t	Sig.
(Constant)	11818.253	8531.604		1.385	0.172
Representative government	7852.852	2434.506	0.198	3.226	0.002
Political stability	-3841.144	2181.967	-0.097	-1.76	0.084
Any Afghan war	737.603	6093.325	0.019	0.121	0.904
DC & DM with very high authority	-4079.167	7877.717	-0.082	-0.518	0.607
Separation of executive from judiciary post-1996	13844.576	4088.43	0.309	3.386	0.001
Politicization of DC & DM	10516.103	7013.35	0.218	1.499	0.14
DCO with no quasi-legislative or quasi-judicial functions	19513.958	4894.972	0.379	3.987	0
DCO with quasi- legislative functions only	27147.388	5805.327	0.295	4.676	0
Lateral entry	3126.864	4585.786	0.081	0.682	0.498
Good salary of DC & DM	6563.389	9241.489	0.167	0.71	0.481
Training	2852.548	5213.925	0.049	0.547	0.587
Elected local governments	-2300.746	3518.956	-0.059	-0.654	0.516

Source: Punjab Police Department.

Note: $R^2 = 0.910$; Adjusted $R^2 = 0.890$

with reasonable confidence; therefore, simple linear regression with crime against property per capita as the dependent variable was performed.

Linear regression showed a direct and significant relationship between presence of representative government in the country and crimes against property. This was to be expected considering the general repute of politics in Pakistan, which, as discussed in Chapter 3, far from being selfless and charitable, exists for immoral financial gratification of dominant interests.

Table 5.11 shows that post-1996 and post-Law Reforms Ordinance 1996 period when executive was separated from judiciary, separating executive

from judiciary is directly and significantly related to increase in crime against property in Punjab. Similarly, the DCO period without quasi-legislative and quasi-judicial functions (2003–2008) and the period when the DCO had some quasi-legislative functions (2009–2011) are strongly and directly related with increases in crimes against property in Punjab. There is clear indication of support of our theoretical framework, which predicted decreased instrumentation with decreased quasi-legislative and quasi-judicial functions of the DC & DM. Instrumentation reached an all-time low after the institution of the DC & DM was abolished. Such environment, theory predicts, is not suitable for democracy, at least for genuine democracy to last.

Table 5.11 did not control for increases in population, which might be attributed to an increase in crime. In order to do so, Table 5.12 shows regression coefficients and results of analysis with property crimes per capita in Punjab as the dependent variable.

None of the independent variables tend to have any significant relationship with property crimes per capita in Punjab that would have a coefficient value greater than 0. Does this mean that the institution of the DC & DM played no role in increasing or decreasing crime against property per capita? It will be too early to say so. We first will have to look at data for consumption expenditure.

Chart 5.18 demonstrates the relationship between crime against property per capita in Punjab and consumption expenditure for the country for the time period 1960 to 2010.

Contrary to the expectations of the literature,¹⁸ Chart 5.18 shows that there is probably a strong, direct, and positive relationship between consumption expenditure and crime against property per capita. It shows that crime against property increases in similar proportions as consumption expenditure increases. Future research should look into this independently to ascertain the extent of influence of administrative structures and forms on property crime per capita in Punjab.

PART 4: DISCUSSION OF FINDINGS

Table 5.13 summarizes the findings of this chapter, and clearly demonstrates that our empirical findings tend to confirm the expectations of our theoretical framework, especially in the case of Sindh. It shows that

TABLE 5.12

Linear Regression for Crime against Property per Capita in Punjab

Independent Variables	Unstandardized		Standardized		t	Sig.
	Coefficients B	Std. Error	Coefficients Beta			
(Constant)	0.001	0			4.196	0
Representative government	0	0	0.51		6.485	0
Political stability	6.25E-05	0	0.107		1.521	0.134
Any Afghan war	4.03E-05	0	0.071		0.351	0.727
DC & DM with very high authority	7.46E-05	0	0.102		0.503	0.617
Separation of executive from judiciary post-1996	0	0	0.229		1.955	0.056
Politicization of DC & DM	0	0	-0.396		-2.127	0.038
DCO with no quasi- legislative or quasi- judicial functions	0	0	0.325		2.662	0.01
DCO with quasi- legislative functions only	4.36E-05	0	0.032		0.399	0.692
Lateral entry	-6.19E-05	0	-0.109		-0.717	0.477
Good salary	0	0	0.596		1.982	0.053
Training	0	0	-0.17		-1.493	0.142
Elected local governments	-7.39E-05	0	-0.13		-1.115	0.27

Source: Punjab Police Department.

Note: $R^2 = 0.853$; Adjusted $R^2 = 0.819$

decrease in quasi-judicial and quasi-legislative functions of the DC & DM is significantly and positively related to increase in riots and violent crimes in Sindh and Punjab. However, decrease in quasi-judicial and quasi-legislative functions of the DC & DM was not shown to be related to property crimes. It is apparent that the armed force of police is predisposed to excesses even in developed countries,¹⁹ and, thus, a civilian executive check on those excesses is important to control crime, as exemplified by Bobby Green (see Introduction in the next chapter) in the case of Los Angeles, and as experienced by Sudhir Venkatesh as a gang leader for a day.²⁰

One of the limitations of these analyses was that due to the lack of province-level consumption data from 1947 to 2011, we were not able to

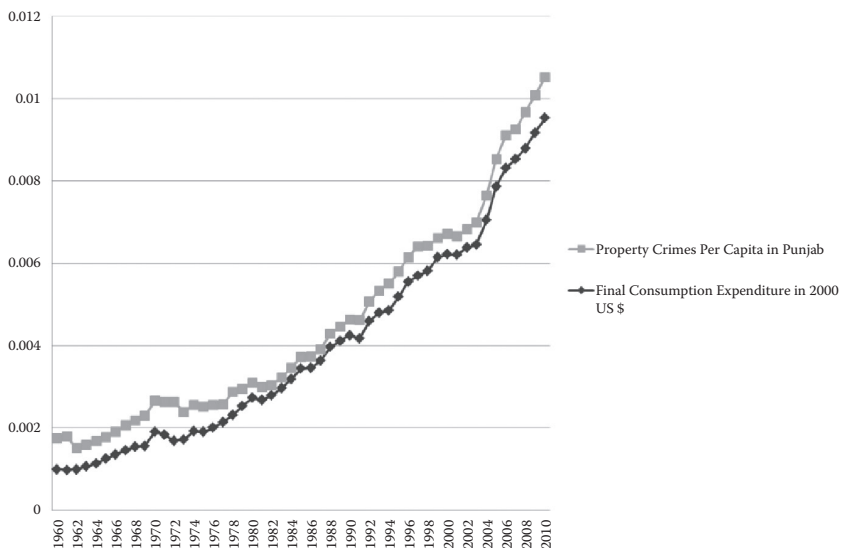
**CHART 5.18**

Chart showing crimes against property per capita in Punjab and consumption expenditure. (Data from the Punjab Police Department and the World Bank Web site.)

include this variable in our regression analyses. The data were available from 1960, however, since significant changes in the makeup of the DC & DM had occurred between 1947 and 1960, it was imperative that this time period should be included in our analysis and, therefore, we were forced to let go of the consumption variable.

However, the variables of political stability and Afghan wars, which are related to economic performance of a country, were included in regression analyses, which, to some extent, provided proxies for economic variables. In addition, graphical analysis of per capita crime data with consumption data for the entire country also provided some valuable information.

Table 5.13 shows that per capita crime in Sindh bore no relationship with consumption in the country. However, there is somewhat of a significant relationship between consumption in the country from 1960 onward and crime in Punjab. As predicated by the literature, the graphical analysis showed that violent crime increased with increase in consumption in Punjab. However, contrary to the prediction based on literature, property crime increased with increase in country-wide consumption. This requires further study.

TABLE 5.13

Table Summarizing the Findings of Relationship between Per Capita Crime in Sindh and Punjab and Quasi-Judicial and Quasi-Legislative Functions of the DC & DM

		Relationship between Decrease in Quasi-Judicial and Quasi-Legislative Functions of DC & DM and Per Capita Crime (1947–2011)	Relationship between Total Country Consumption and Per Capita Crime (1960–2010)
Sindh	Riots	Significant: Decrease in functions leads to increase in riots	Not significant
	Violent crimes	Significant: Decrease in functions leads to increase in violent crimes	Not significant
	Property crimes	Not significant	Not significant
Punjab	Riots	Significant: Decrease in functions leads to increase in riots	Somewhat significant and negative
	Violent crimes	Significant: Decrease in functions leads to increase in violent crimes	Somewhat significant and positive
	Property crimes	Not significant	Significant and positive

However, even with the limitations of this research, we can, looking at the tables above, state with considerable confidence that decrease in quasi-judicial and quasi-functions of the DC & DM is significantly related to increase in riots and violent crimes in Sindh and Punjab. Hence, the findings affirm most of the contentions made in the theoretical framework of this research from the theoretical lens provided by McAdam, Tarrow, and Tilly²¹ and Heller,²² in Chapter 3 of the book.

The theoretical framework argued that being politically neutral administrators with quasi-legislative and quasi-judicial functions, DC & DMs provide anchoring for reasonable, all-encompassing protracted consultation, which in turn assists in maintaining lawful, fair, and just instrumentation. A combination of the high level of protracted consultation and high level of instrumentation, according to theoretical framework,²³ culminates into peaceful, stable communities and societies, which are fundamental for budding democracies to blossom into meaningful, participative, stable governments. Absence of these two key elements of protracted consultation at grassroots level and instrumentation results in the

burgeoning democracy either disintegrating into smaller components or occupation of the new democracy by foreign forces.

In the theoretical framework, explained in Chapter 3, it was argued that the DC & DM's duties of quasi-legislative nature, such as publication of notices, public meetings, field work, etc. established networks of enduring consultation with the grassroots population. These connections of trust supplemented his quasi-judicial duties of maintenance of law and order, public peace and conflict resolution, and assisted him in instrumentation. Instrumentation, therefore, was selected as the dependent variable to be measured against varying degrees of quasi-legislative and quasi-judicial work that a DC & DM was required to perform during different historical time periods of the country.

This chapter conducted analysis of crime data from Sindh and Punjab at two levels: first, at the level of absolute quantum of crime, and, second, at the level of crime per capita. It looked at three types of crime (riots, violent crime, and property crime), and conducted simple graphical analyses of these crimes in Sindh and Punjab in absolute numbers and per capita. It conducted regression analyses with all of these crimes as dependent variables and various degrees of quasi-legislative and quasi-judicial functions of the DC & DM through ages, governance, and its stability in Pakistan, external factors that could contribute to crime, etc. The regression analyses were repeated with each of these crimes measured per capita against all the above-mentioned independent variables.

Invariably all analyses and, in particular, analysis with respect to violent crimes both in Sindh and in Punjab, fitted in with the theoretical framework. They all showed that the institution of the DC & DM was directly and positively related to low incidents of crime only when its quasi-legislative and quasi-judicial functions are intact. Reduced quasi-legislative and quasi-judicial functions or the removal of the office of the DC & DM were both quantitatively related to higher incidences of violent crime.

Because we had argued that protracted consultation leads to instrumentation for the DC & DM, strong quantitative relationship of instrumentation with quasi-legislative and quasi-judicial function of the DC & DM can be used to infer that these functions also are related to protracted consultation, although it could not be as reliably measured as instrumentation.

And, since protracted consultation and instrumentation lead to strong, viable, sustainable democracy for young developing democracies, it is inferred that the public administration setup of Pakistan inclusive of the DC & DM at the district level, with its quasi-legislative and quasi-judicial

functions intact and apolitical, meritorious, and properly trained, as well as full of public spirit, leads to the kind of social stability that is vital for a young democracy to prosper. Also the finding that shrunken quasi-legislative and, especially, subsided quasi-judicial duties of the DC & DM were positively and significantly related with increased incidents of riots and violent crimes, both in Punjab and in Sindh, provides strong support for our theoretical framework, as discussed in Chapter 3.

It must be emphasized as well that, true to the argument of McAdam, Tarrow, and Tilly,²⁴ reduced instrumentation and protracted consultation for a new democracy either results in disintegration of the country or occupation of the country by outside forces. With declining neutrality, increasing politicization, and diminishing meaningful quasi-judicial and quasi-legislative role of the DC & DM, disintegration of Pakistan became a reality in 1971, when the country lost its eastern wing, which became Bangladesh. Moreover, gradual but assured decline and politicization of the very institution of the DC & DM, which was the bulwark against crime and anarchy in the country, has brought Pakistan to the point where the country is currently at war with itself against the separatists in Balochistan, and foreign Taliban occupiers in Khyber Pakhtunkhwa.

The theoretical framework in Chapter 3 argued for separation of politics from administration for effective instrumentation and continuous consultation. Data analysis showed that politicization of the DC & DM was related to higher incidents of crimes. Hence, politicization is shown to negatively impact instrumentation. The theoretical framework had argued that politicization results in biased and partial consultation and prejudiced application of law, which results in weak instrumentation. Weak instrumentation provides fertile ground for adventurism, disintegration, and occupation. Such conditions are not conducive to genuine participative democracy. Data also showed increase in crime and decrease in instrumentation during representative governments. This supports the claim most Pakistanis make that even when the country has elected democracy it is rarely authentic and sincere. Pakistani politics is about interest-seeking for the dominant group. Apolitical DC & DM was the sense-making and order-making institution within this chaos.

Theoretical framework in Chapter 3 also had contended that strict separation of powers, besides being infeasible, is injurious to the very integrity of a state, and that this is not, in essence, a system of checks and balances. In Pakistan, whatever was achieved in the name of separation of

powers was a mere redistribution of powers; complete separation of executive from judiciary could not have been achieved and a system of checks and balances is the only pragmatic and ethical solution available,²⁵ and was not realized. However, what it accomplished was the end of the DC & DM, replaced by a thoroughly politicized DCO with no autonomous quasi-legislative functions and absolutely no quasi-judicial functions to enforce instrumentation. Data demonstrated that this contributed to increased incidents of crime in the country, i.e., decreased instrumentation. Increased crime indicates faulty instrumentation, and faulty instrumentation does not lead to valid democracy,²⁶ but to disintegration and occupation by foreign forces.

The next chapter shall discuss the reasons that led to the demise of the DC & DM, the implications of this departure for democracy in Pakistan, and a proposed way forward.

CONCLUSION

This chapter quantitatively analyzed crime data from Sindh and Punjab, informed by the theoretical framework presented in Chapter 4. The analysis verified the contentions made in Chapter 4, i.e., that a weak and diminished and politicized DC & DM is likely to have biased and weak consultation and weak instrumentation. A crime-ridden society is not in the best interest of a thriving, true democracy. It leads to disintegration of a new democracy and its occupation by foreign forces. Therefore, palliating this institution will amount to robbing people of their accurate representation and mandate of a constitutional democratic government.

The next chapter will discuss the reasons for alterations in the institution and will point the way forward.

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6

Conceptual and Philosophical Foundations of Arguments That Led to the Demise of Apolitical Protracted Consultation and Instrumentation in Pakistan and Its Implications

INTRODUCTION

During the 1992 civil unrest in Los Angeles, Reginald Denny, a white truck driver, was forced from his truck and beaten by a mob. During this time, media helicopters hovered over the scene of the crime, reporting the incident blow-by-blow. The Los Angeles Police Department (LAPD) was ordered to withdraw for its safety and, thus, could not come to the rescue of Denny. He was saved by an unarmed black man, Bobby Green, who watched the incident on TV, rushed to the scene, rescued Denny, and took him to the hospital.

Automatic assumption of authority by Green was a function of a number of attributes, including his civilian status, his roots in the community, his deep concern for the community, and his fingers on the pulse of the community. The incident is not only a classic example of the behavior of a charged mob, the media, and the police, but it also highlights the significance of the existence of an unarmed mediating mechanism within civil society to sustain its structure, character, and functions.

The institution of DC & DM (district commissioner & district magistrate) in Pakistan was designed and functioned as such a mediating mechanism for a long time. However, as time went on, its quasi-legislative and quasi-judicial functions were curbed, and it was finally abolished in 2001. It was replaced by a DCO (district coordination officer) in the Musharraf

era's devolution plan aimed at promoting democracy in Pakistan. Our analysis in Chapter 5 demonstrated that in a post-devolution Pakistan, community relations, protracted consultation, and violence are worse than the predevolution situation, and the ground situation, instead of being supportive of a veritable democracy, has become contrary to it.

Analysis in Chapter 5 revealed that, in fact, (1) politicization of the DC & DM, (2) separation of executive from judiciary, (3) demise of the DC & DM's office, and (4) distribution of the DC & DM's executive, quasi-legislative, and quasi-judicial functions among police, nazim, and judiciary are quantitatively related to an increase in crime and a decrease in instrumentation in the country. This jeopardizes the country's stability and, thus, the survival of meaningful democracy; it encourages anarchy and despotism, and portends a country's disintegration and foreign occupation.¹

The question now arises: If a DC & DM with quasi-legislative and quasi-judicial duties was clearly more viable for a meaningful, sustainable democracy, why was the institution abolished in Pakistan?

This chapter attempts to respond to this question. It is divided into three parts. The first part examines the precision of Pakistan's national values and goals. It shows that Pakistan has failed even to achieve a unified vision on its national values. Pakistan has yet to decide on the question of blind equality versus justice. With confusing values, Pakistanis reason with each other at cross purpose. The debate about the institution of the DC & DM also was relegated to the realm of irrelevant arguments about its Western colonial heritage, instead of substantive pragmatic issues.² If Pakistan was unambiguous about this point of national values, there might have been a logical discourse on the institution of DC & DM.

The second part is related to the first part; it questions Pakistan's perspective on rule of law. As seen in Chapters 2 and 3, all ancient regimes of Pakistan that attempted to maintain territorial integrity using peaceful means did so by homogenizing some key social elements. They were careful enough to respect local indigenous cultures and practices, but had some means of linking all people through a common thread, be it religion, law, or education. Ancient governments that did not use such connecting fiber relied on use of force to retain territorial integrity. In modern secular governments, for a country as diverse as Pakistan, rule of law is the only practically possible bonding theme. However, Pakistan has almost always, perhaps due to lack of original intellectual thought and leadership in the country, reverted to applying its martial arm instead of peaceful means of law and negotiations, to preserve its geographical integrity, be

it East Pakistan, Balochistan, federally administered tribal areas (FATA) in Khyber Pakhtunkhwa, or Sindh. If actions speak louder than words, then Pakistan's over-reliance on arms demonstrates a lack of political will for ensuring uniform application of law; instead it appears to prefer arbitrary applications of force. In a child-like, immature, and unsophisticated manner, Pakistan's political leadership lacks the foresight, intellect, and vision to handle delicate issues by means of legal procedures and peaceful give-and-take. Hence, in all likelihood, the existing mental framework in Pakistan's top echelons would revolt against an institution, such as the DC & DM, which can act as a civilian, peaceful, mediating medium among countless assorted communities of Pakistan.

The third part studies the inadequacies of the DC & DM, which led to public dissatisfaction, which was held as one of the key reasons that led to the liquidation of the institution. Some of those reasons were politicization of the institution, which, interestingly, was the cause and also the effect of the downfall of the DC & DM, duality of command over police, deficiencies in character and morals of the DC & DM, lack of institutionalized mechanisms of enforcing standards of service, a dearth of intellect and scholarship within the DC & DM community, linkages of DC & DM with feudalism, and overall mediocre performance of the DC & DM. Duality of command over police, as already seen in Chapter 4 and Chapter 5, was necessary. Therefore, this part, in particular, focuses on the twin malice of feudalism and mediocre to low quality of DC & DMs, to argue that while the DC & DM was not a colonial invention, the institution of feudalism as it exists in Pakistan today, was, in fact, a colonial innovation in the subcontinent inconsistent with the norms of the country.³ Prior to this, the country was used to a system of vicegerentship of land or revenue farming⁴ when it came to large land holdings. Prior to the British colonialism, the Mughal DC & DM (mansabdars) held lands only in order to assist him in better performing his official duties, as a nonmonetary compensation for his services and for collection of land revenue.⁵ The land was given out temporarily, in the time honored tradition ...

... wherein short-term rights to tax-collection were sold to the highest bidder (p. 4).⁶

The land was held during the term of service only, and it was not transferable to the offsprings of the officer.⁷ In order to gain local allies, to

maximize tax collection, and to colonize newly irrigated land so as to earn more revenue, the British colonial government created large land holdings with property rights at throw-away prices⁸ or as reward for services.⁹ It was ...

... just another quasi-feudal response of a weak state ... which depended on inherited institutions (p. 66).¹⁰

This research argues that when this new phenomenon was combined with a system of empowered civil service and a DC & DM, the institution of DC & DM was apt to become a tool to perpetuate feudalism and large inheritance. The inherent insecurity of the feudal owing, first to his want of historical roots and second to Islamic laws of inheritance (which, based on a philosophy similar to that of U.S. tax laws, discourage future generations from relying on large inheritance) in a predominantly Muslim Pakistan, led the feudal lord to extend his unnatural survival by propagating his goals through the DC & DM. Feudal lords ensured either that their offsprings join the service and become a DC & DM or that they “oblige” the DC & DM to an extent so that he works for their preservation. In either of these situations, the DC & DM, instead of being public spirited, became merely a tool for feudalism in the long run. This also contrived to immortalize the downward spiral of low standards of education and leadership, and absence of freethinking, further deteriorating the low quality of new entrants to civil service.

The fourth part of this chapter studies the implications of the removal of the DC & DM, in particular, the deficiency in structural checks and balances. The quasi-legislative and quasi-judicial functions of erstwhile DC & DMs and some executive functions were thought, with the demise of the DC & DM in 2001, to be suitable for distribution among the police, the nazim, and the judiciary. This created confusion and lack of accountability for those functions. The DC & DM was subjected to a large number of built-in mechanisms of accountability. However, it was difficult, if not outright impossible, to create and implement similar accountability criteria and mechanisms for distributed executive, quasi-judicial, and quasi-legislative functions of the DC & DM among the politicians, the judiciary, and the police.

Of these institutions, only police, to some extent and a very minor one at that, came within the ambit of formal accountability mechanisms, but not for quasi-legislative functions. Similarly, judiciary cannot be held

accountable for executive functions as such and even less so by any outside body. Nazims did not have many functional parameters and accountability structures to work within.¹¹ The DC & DM, on the other hand, was exposed to a number of accountability mechanisms from the executive, the legislature, the judiciary, the constituents, and the audit.

The fifth part summarizes the insights gained from the previous four parts and from analysis of reasons of the demise of the DC & DM gained in the first four parts of this chapter to propose some steps for moving forward. It proposes a logical, rational, and reasonable debate on the issue and a possibility of revival of the DC & DM.

PART 1: EQUALITY OF ALL OR EQUALITY OF ALL BEFORE LAW?

As observed in Chapter 3, under the reforms of 1973, responding to a long-standing demand,¹² all government employees were brought under the umbrella of a unified pay scale. This was done to achieve equality of reward.

As early as 1969, the Cornelius Commission, as well as Pakistan's first pay commission, had recommended mediocrity for the service cadre of the DC & DM and that it may be populated by mediocre people.¹³ Such arguments, Aristotle contended,¹⁴ tend to support the tyranny of demagogues and prolong their despotic tenure. Aristotle reasons that a despot tries to purge competition to his hegemony by equalizing, as much as possible, all segments of the society, especially those that can pose a valid threat to him. If the despot is unable to cut them to size to equalize, he simply eradicates them.¹⁵ The DC & DM, being a highly qualified and experienced officer representing the state and imbibing rule of law, was one such challenge to feudalism and, hence, was exterminated on the pretext of "equality."

While this socialist parity in 1973 was justified using the value of "equality," it also was considered important to pay homage to justice by including independence of judiciary and separation of executive from judiciary as important ideals in the constitution of 1973. Pakistanis received mixed signals; on the one hand, the benefits of egalitarianism were extolled by equalizing the DC & DM with any other public employee, while not considering equality of effort and equality of capacity, which was not defensible on the argument of justice. On the other hand, the government also

showed its preference for justice by respecting the judiciary. No meticulous analysis was carried out about the ethical dilemma involved, in the perplexing conflict between the two values of socialist egalitarianism and justice, for the institution of DC & DM.

If the state were to be sure about its purported value of “justice,” then justice demanded that rewards should be commensurate with capability and nature of job; these cannot be merely “equal.” Under no circumstances can the job of a DC & DM be considered as a regular basic pay scale 18 job (public sector jobs in Pakistan are classified into Basic Pay Scales to describe the salary each person is entitled to. Gazetted/officer/management cadre jobs start from Basic Pay Scale 17 and go until Basic Pay Scale 22. Not rewarding effort and intellect commensurate with capability is not fair or just. It also demotivates the intellect and talent from exerting itself, because the rewards are equal irrespective of labor and ability. Justice would have required as well that, as a result, all service cadres be considered unique and treated as such. Outcomes for public servants should have been, in justice and fairness, in consonance with the nature of job, the faculties expended in carrying out that job, and the aptitude of the civil servant. The position of a DC & DM required diverse aptitude, quick decision making, uprightness of character, clear sense of justice, and an inherent ability to manage and learn quickly about the various nuances involved in all public sector duties. Therefore, it made sense to have a separate cadre, with promotion and transfer rules and salary packages for this cadre, as was present in 1947.

Surrendering to doctors and engineers who protested in 1968 and 1969 demanding equality with CSP (Civil Service of Pakistan) officers¹⁶ was not justice, but tyranny of the majority. At any given point in time, the number of CSP officers, who were selected in very small batches of about 25 to 30 officers per year, could not have exceeded the number of doctors and engineers combined. These large numbers potentially translate into votes and, hence, larger numbers were given preference irrespective of the demands of justice. It was clear that it was not the value of “justice,” but that of “majority’s tyranny,” which was valued when dealing with a DC & DM and his cadre, CSP.

However, things were not as well defined as this. On the one hand, justice was ignored when dealing with the DC & DM; on the other, respect for justice was exhibited by guaranteeing judicial autonomy and separation of executive from judiciary in the constitution of 1973. Concrete steps also were taken in this direction in the form of Law Reforms Ordinance

1972. However, this, in essence, eventually derided the DC & DM of his quasi-judicial functions. “Heads you win, tails I lose.” This was the condition of the DC & DM. He could no longer be defended on any ground, not on justice, because there was to be egalitarianism and not simple justice; and not on justice, because he should not have any quasi-judicial functions, as the executive should be separate from the judiciary in the interest of justice. This principle of justice, of course, also was applied while ignoring the requirements of a system of checks and balances. There was no value consensus—no principle on which to rely and on the foundation of which Pakistanis could have a principled and reasoned discourse.

It is pertinent to note that this ambiguity about justice seeped down to the lowest level of Pakistani society, providing ample space for Taliban to enforce their own brand of “justice.”¹⁷ But here again, there was a value mismatch. While the government implemented equality in outcomes of all government employees, it did not enforce equality in the inputs they contributed to their jobs and the outputs they produce. Job outcomes were the same for everybody irrespective of effort. There was no concept of equality of effort and equality of capacity in promotions as far as the civil service reforms of 1973 were concerned. This not only violated the principle of equality, but also that of justice and fair play. While there was no accord on values that might be employed to argue for and against a certain type of national institution, it was impossible to have a rational, coherent, logical articulation about the DC & DM institution. No anchoring core concepts were agreed upon that can be used for a concrete debate by all on the two sides of the aisle. Whatever served the interests of powerful feudal groups was decided upon and implemented and there was no need to provide logically integrated justification. Values were being shrewdly used at cross purpose.

This chaotic environment was not fitting for a reasoned conversation about the quasi-legislative and quasi-judicial functions of the DC & DM. For a dialogue to be mutually satisfying and for it to reach to a principled decision, the core principles on which to base the decision had to be very clear. This clarity was sadly lost in the mystification of interest groups with totalitarian inclinations.

Under such a climate, the only criterion for winning this debate was empty rhetoric. Decisions were taken on slogans, not on systematic, methodical analysis. Those interest groups that could shout the loudest could drown every other voice and become the dominant interests. It was a game of

numbers, and it was what Aristotle¹⁸ called the tyranny of the majority. Equal and principled application of rules and laws was not a priority.

Equal application of rules requires clarity and uniformity of values that lead to clarity of interpretations; it provides a plain playing field for all interests to understand and communicate with each other with equal potential power of argumentation. However, interchanging, mercurial values corresponding to personal interests cannot foster principled discourse.

There was no space for rule of principled laws or for laws as such, and, hence, there was no space for an impartial DC & DM to fill in an environment where people could not articulate a clear basis of interpretation of law. Under this haze, interpretation of law in itself was subject to suiting dominant interests. The institution of DC & DM, among many others, was a victim of such circumstances. Being the custodian of rule of law, it was impossible for a DC & DM to compete on such twisted grounds with no well-defined, well-established rules. The DC & DM and public democratic interest were made to lose in the circuitous maze of puzzlement.

PART 2: TERRITORIAL INTEGRITY—USE OF FORCE OR STANDARDIZED LAW? SHOULD STANDARDIZED LAW BE APPLIED BY GENERALISTS?

The points of disagreement among different empires of ancient Pakistan, as seen in Chapter 2, have been carried forward to current times. One such issue is whether to use force or standardized law to administer the grass-roots level of the country.

In ancient Pakistan, all empires of the land, which ensured territorial integrity relying primarily on peaceful means, ensured a merit-based DC & DM of sorts, in ...

... empire of laws and not of men (vol. 1, p. 336).¹⁹

They all had ensured well-defined laws and procedures, well-defined interpretations of law, and more-or-less equal application of law; while those past empires, which were sure of their military strength, could afford arbitrariness in mostly favoring patronage combined with merit-based DC & DM (politicized) and the king's word as law. In such cases, although laws existed to some extent, they were, along with procedures,

ambiguous. Ambiguity in laws and core values of interpretation of laws tend to create administrative voids, which open the door for adventurers to step in and try to fill the vacuum.²⁰

From its initial years after independence from Britain, Pakistan has shown a tendency to deal with issues of territorial integrity by using force. Consequently, it also has shown a tendency toward a patronage combined with merit-based DC & DM, or a patronage combined with merit-based administrative skeleton at the grassroots level. Applying path dependency theory,²¹ in taking this trail of utter mindlessness, instead of other possible options from the inventory of past experiences of institutional inertia,^{22,23} Pakistan deliberately exposed itself to arbitrariness and adventurism.

It was inevitable, then, that the country showed a partiality toward equality of outputs with inequality of inputs, and generally demonstrated a national psyche of shortsightedness. It is the tendency of a romanticized gypsy from *A Thousand and One Nights* tales who wakes up one day to suddenly find himself as the king with the minimum of effort, or no effort at all. Even in *A Thousand and One Nights* tales, this turns out to be a farce, a mere illusion or a deception—not so in Pakistan.

A rigorous and definite procedure of selection, appointment, posting, and a lifetime of very hard work, leading to some, but not outrageous, rewards, does not fit in with the unrealistic worldview that unfortunately Pakistan adopted in its laziness from an array of available choices from the past and from reason,²⁴ and which could have as easily been socially acceptable. Lateral entry was one of the openings that created space for such escapades.

If it led to ambiguity about rules of the game, it was all the best to gamble on chance rather than precisely calculate the odds of winning or losing on the basis of talent and effort spent. Of course, lateral entry led to anarchy, and whenever constituting units in their adventurism tried to secede, coercive methods were used as a last resort to maintain territorial integrity. The fact that this strategy failed in 1971, and (as our quantitative analysis showed in Chapter 5) a large part of it was due to politicization of the DC & DM, should have been enough to jolt the nation up from the slumber of its never-ending *One Thousand and One Nights*. But, this did not happen.

Pakistan's demagogues appeared to be up for grabs, anytime, anywhere; rule of law was the barrier they had to break in their desire for despotism. Because the institution of DC & DM represented the state, personified the rule of law, and peacefully negotiated settlements through protracted

consultation, it was with utmost urgency that they took steps to rid themselves of it. Literature shows that the most frequent argument employed to sway public opinion against the DC & DM was that it was a colonial legacy that creates obstacles for democracy. Quantitative analysis in Chapter 5 strongly demonstrates the impotence of this argument. Quite the contrary, the data make evident that the institution of DC & DM guarantees the conditions for a meaningful democracy. The argument of it being an “obstacle for democracy,” in all likelihood was a euphemism for “obstacle for despotism,” for Pakistani politicians, who, with the exception of very few, are known for their fiery, emotionally arousing speeches, and nothing more. At any given session of the Assembly, one almost always finds mostly empty seats, while their occupants are busy in adventurous pursuits of profitable ventures elsewhere.

Whether this penchant for adventurism was in the best interest of the country or not, we see it taking place since 1947, and we list it as one of the reasons that made the demise of the DC & DM possible. Preference for use of force over dialogue and over rule of law is a penchant with despotism. Despotism feeds on chaos and absence of rule of law. Pakistan’s demagogues are well known for their corrupt practices and their ad hocism, which negates the very values that the DC & DM stood for, public spirit and stability in protracted consultation and instrumentation, and, hence, the DC & DM had to depart.

The debate about a generalist DC & DM²⁵ being incompetent and inappropriate to provide general leadership and application of law to specialist departments and groups, such as health, education, sanitation, water supply, public works, etc., was also part of this tirade of negating the peaceful negotiating philosophy of the institution of DC & DM. The idea that specialists should not and could not effectively manage large departments and units was a negation of the concept of separation of regulation from implementation and of all principles of management. It was conveniently ignored that implementing departments and specialists generally have a peculiar perspective loyal to their professions and limited to their professions above all else. It induces a certain bias of familiarity in their administrative practices, and a loathing for all regulation that they consider, rightly or wrongly, as hindrance to their personal professional advancement. Regulation, as represented by the DC & DM, separate from implementation helps to provide a broader perspective regarding various issues of public significance and integrates them into the fold of larger district level and national level perspective. However, with brute force and

the number game reigning supreme, voices of reason for regulating the actions and decisions of specialists who are in large numbers, and bringing them into compliance with regulations in the interest of the country at large, were and are opposed in a country where brute force and adventurism is preferred to rigorous exercise of logical thinking.

The way forward might include a revival of some similar administrative mechanism at the grassroots level. White,²⁶ in his recent research about law enforcement and authority of the state in embattled northern Pakistan, suggested an administrative framework that closely resembles the system of district magistracy (DC & DM) with elected municipal boards.

PART 3: INHERENT CAUSES OF THE DEMISE OF THE DC & DM

As discussed above, the reasons that led to deterioration in standards of service of the DC & DM, according to this research, have their roots in (1) feudalism and (2) low quality of initial hires to civil service.

Feudalism in its totalitarianism and control of human and other resources, as it exists in Pakistan now, was implemented and introduced during the British colonial rule.²⁷ This is not to say that property rights did not exist in historic Pakistan, but only to contend that generational transfer of integrated, consolidated parcels of land without any entrepreneurial or labor intensive effort by the inheriting generations was unheard of.

Ever since ancient Hindu times, there was no distinction between the state and the king;²⁸ land was the property of the king, to be given as a reward, or as compensation for services rendered as collector of land revenue or in military as Jah-girs (later named as Jagirs),²⁹ for the lifetime of an awardee or until he rendered services, whichever came first.³⁰ This concept of temporary land ownership was practiced since ancient times in India,^{31,32} with few exceptions,³³ one of them being land given to priests for religious purposes,³⁴ and later the Taluqdari system.³⁵

However, beginning from the seventh century onward, private property rights were recognized in ancient Hindu India,^{36,37} but this was in conjunction with the property rights of inheritance of the entire Hindu undivided family.³⁸

... in which moieties of the property left behind by a deceased person should be enjoyed by those near and dear to him according to individual claims, ultimately leaving the king to enjoy it in case of the failure of proper persons to share it (p. 71).³⁹

This effectively meant that property passed on to an extended family or a community, and *could not be handed down generation after generation in consolidated, large parcels of land*; hence, no long-term hereditary feudalism could be created without renewed effort by the following generations of the family.

Islam was introduced formally in the region in the eighth century CE. Islamic law legalizes and enshrines the concept of individual ownership of property and right of inheritance of all legal heirs,⁴⁰ *irrespective of gender or order of birth* of the original owner's children.

Besides, there is no hereditary peerage in Islam (p. 8).⁴¹

This necessarily divides and subdivides land into smaller parts with each succeeding generation. However, due to Islamic laws of inheritance, which parse land into small and yet smaller pieces generation after generation, land was not and could not be transferred through inheritance in consolidated, integrated, huge parcels, generation after generation,⁴² and such large amounts of land could not be retained by future generations unless with continuous effort and entrepreneurship.

Based on a philosophy quite identical to U.S. inheritance tax laws, Islamic laws of inheritance discourage large land holdings.⁴³ Once the first owner passes away, the property is to be divided by his numerous offspring as individual owners of their share of land, not leaving much to cater to large feudal estates. This effectively means that the region now called Pakistan did not witness institutionalized feudalism before the advent of British colonialism.

The DC & DMs of the Mughal period were given land grants only for the period of their service or until their death, whichever was shorter.

The property which was accumulated by the exertions of an ambitious and diligent nobleman reverted to the State at his death (p. 8).⁴⁴

The undisputed right of the Government as the sole proprietor of the soil was recognized throughout India prior to the advent of the British Government (p. 68).⁴⁵

The precolonial Pakistani society was self-dependent or was a free peasant society⁴⁶ with exceptions of feudalism in the form of religious grants of administrative rights of land.⁴⁷ The feudalism as it exists in today's Pakistan was established by the British colonialists, where peasantry is entirely dependent on feudal lords who hold large tracts of inherited and inheritable lands. British colonialists introduced new methods of irrigation bringing uncultivated land under cultivation. This required new settlements to be created. In addition, the British, being completely foreign rulers who, unlike their predecessors, did not assimilate with the local population,⁴⁸ had to create colonies of loyal subjects to collect revenue efficiently while keeping revolting tendencies and disquiet of local population at a minimum. Thus, the concept of inheritable individual ownership of land was introduced and implemented.⁴⁹ Although sporadic examples of land ownership existed in ancient India/Pakistan in the Malabar/Travancore peninsula,⁵⁰ the idea of absolute ownership of agricultural land, which can be sold and bought *and passed on to the next generation in large feudalistic parcels*, took shape in its present form during the British colonial rule.⁵¹ This created a group of large land holders or feudal lords in Pakistan, which the country inherited at the time of its independence from the British, along with a system of civil service.⁵²

During the British era, the local feudal lords were subordinate to the foreign rulers. Because the British had no other method of ensuring a uniform, consolidated rule over integrated India, by the rule of law, the foreign British rulers were more likely to discourage unlawful interference of the feudal lords, while encouraging feudalism as such, but not in law, as in the lawful actions of the DC & DM. This minimized the feudal lords' direct interference in matters of governance and instrumentation. However, they were the first among those who were allowed to vote and who entered into politics in colonial India and attempted to wield power through this instrument.⁵³ In this way, the British colonial leaders introduced the contradiction of a merit-based DC & DM regulating the British law and absolute power-wielding⁵⁴ feudal lords disinterested in merit loyal to the British rulers.

After independence, the aura of a foreign ruler was lifted from the psyche of feudal lords. Now they had to deal either with their own fellow politicians or with the DC & DM, who was also a local-born, brown-skinned son of the soil. The psychological barrier of the Paramount Power, which had "granted" them their feudal landholdings, and which also enforced law whether through British or Indian DC & DMs, was removed. The DC

& DM was still trained in the British public administration tradition of supremacy of law, but was local born and had no foreign paymasters.

The all-in-all feudal lord found this new brown DC & DM, trying to implement rule of law, hard to digest. The feudal lord was under no obligation from this nonwhite DC & DM; he was not part of the ruling elite and he had not granted them lands. With his army of Rayiat (peasants, landless farmers treated as personal servants, little short of slaves) and his landed financial autonomy, he now wished to exert his authority.

More powerful than the wish to exert authority was another strain of emotion that compelled him to bring the DC & DM and the law itself under his command. That particular strain was the “sense of insecurity” that was born as a result of wedlock of no historical roots of the institution of feudalism in Pakistan and the Islamic laws of inheritance enshrined into law, which, if implemented, would deprive the family of its power and prestige as feudal lords. They wished to prolong their existence, which was not possible without historical roots and enforcement of Islamic civil laws of inheritance.

These two strains of drunkenness with power and insecurity born out of a wish to propagate and immortalize feudalism, resulted in systematic efforts to control the instrument of enforcement of law at the grassroots level, i.e., the DC & DM. Being trained in the tradition of sanctity of law, the DC & DM could not easily be tamed. In order to do so, Pakistani feudal lords used a two-pronged approach: first, to try to induct their family members into the service through whatever means possible, and second, to bring the institution of DC & DM directly under their command.

Both of these steps had the effect of (1) politicizing the service and (2) lowering the quality of new entrants in the service. The quality of new entrants sank when the kith and kin of feudal lords were inducted into the service through whatever means possible. As discussed in Chapter 3, this was evident as early as 1950. Inductions, through whatever means necessary, and politicization also dropped the prestige and merit of the service, and opened the recruitment process to criticism, all of which discouraged high-quality entrants from joining the service.⁵⁵⁻⁵⁷

Feudalism thrives on lack of original thought and leadership, thus, standard of education also was purposefully kept depressed,⁵⁸ which contributed as well to drop in quality of new entrants to civil service. It is quite obvious by then that the service was politicized. The civil service and the DC & DM were by then not full of public spirit, but with a burning desire to serve the feudal lords, and to become one using whatever means

possible. To become a feudal lord is to control the people for instrumental reasons, not to serve the people; therefore, the DC & DM lost his public spirit. We saw in Chapter 5 that politicization of the DC & DM was one of the consistent factors leading to reduced instrumentation. Theoretical and logical analysis of circumstances and driving motivations also point in the same direction. How could there be unbiased protracted consultation and instrumentation when the DC & DM himself was biased and self-serving? However, it must be said that owing to his public obligations, the DC & DM was still, to a large extent, publically unbiased and neutral at least until 1973.

However, the overall quality of service had deteriorated and the public image of the DC & DM was already tarnished; some of this image deficit was due to the relentless efforts of those who could not force some of the DC & DMs to dance to their tunes, but a large part of this image deficit owed its existence to the behavior and general working standards of DC & DMs, according to PAS/DMG officers. Their professional quality had declined progressively from 1947 onward. It can be said without a doubt that most DC & DMs were not focused on providing relief to the people; they lacked out-of-the-box thinking, they lacked initiative in the direction of public service, and were more or less individualistic with not many management skills. The focus had shifted, due to politicization, from serving the people to obliging a few key individuals who could help the DC & DM further his personal and professional goals.

Having said that, it is pertinent to mention that, in spite of all this decay, core instrumentation, protracted consultation, and sense of stability remained intact at the district level, thanks to the preservation of some of the institutional traditions of the DC & DM, at least until 1973. Up until that time, the DC & DM had constitutional protection and guarantees of tenure, which meant that those DC & DMs who wished to stay above-board and to not get themselves involved in illegal or immoral acts could do so without serious career repercussions. However, after 1973, when those constitutional guarantees were withdrawn from them, they became even more susceptible to politicization for the sake of their career.

This also meant that high-quality candidates with autonomous thinking could not consider this service as their choice of career. Resultantly, lower-quality candidates willing to sacrifice their autonomy for meager gains were in line for entry into the service, further reducing the quality, and further inducing corruption in the service, resulting in worsened

protracted consultation and instrumentation, and depreciated public image and public confidence.

However, even with this scenario, the mere presence of the DC & DM and the compendium of tradition behind him, there was a reasonable level of unrestricted protracted consultation and instrumentation ground in reality, although continuously on the decline.

With Muhammad Zia's Islamization and religio-philosophical indoctrination that dwindled the secular professionalism (which was the hallmark of the DC & DM since ancient time), there also came a short period of stability and professionalism for DC & DMs. Professionally, things improved slightly for him on one front of stability, while waning on the other front of secularism. During the alternate periods of rule by Pakistan Peoples' Party (PPP) and Pakistan Muslim League-Nawaz (PML-N) in the 1990s, the office of DC & DM, lacking constitutional guarantees, was thoroughly politicized. In 1996, executive and judiciary were separated, giving unprecedented autonomy, not only judicial, but also financial and administrative, to the judiciary never before seen anywhere in the world. While it was lauded by some, others claimed that this also had the effect of removing checks and balances from the system and some were critical that it opened the door for the kind of judicial activism that Human Rights Watch has described as judicial over-reach.⁵⁹

This meant that new aspirants to the position of DC & DM were now those who were willing to make any compromise for their personal gain, and who had no qualms about autonomous thinking. The service was no longer attractive to people of public spirit and independent thinking. The moral and intellectual quality of the DC & DM further subsided.

This low quality of the DC & DM was predestined to usher in officers who had no moral qualms or intellectual, ethical leanings. The practice of writing diaries and notes for future officers was abandoned in favor of "diplomacy" by such officers. Officers would no longer write negative comments about SHOs (Station House Officers or officers in charge of a police station) or SSPs (senior superintendents of police in a district) or Patwaris, knowing that they would need the services of these officers in furthering their personal feudal causes. Officers would no longer write treatises, papers, or books to guide the future generation of officers to improve the standards of service, to provide relief to common man, to improve protracted consultation and instrumentation at the grassroots level, to creative cohesive integrated policies, and to provide moral justification

for the service. With dearth of intellectual activity and creativity in the service, its doom was inescapable.

Just as feudalism abhors invention, initiative, change, and leadership, Pakistani civil service, prostituted by feudalism, failed to change and take a leadership role in the direction of public service. While India successfully abolished feudalism in the first decade of its independence, Pakistan, on the other hand, not only failed to do so, it also presented this institution as integral to and indigenous of the local society and customs. The fact, however, is otherwise.

During the early decades of Pakistan's existence, DC & DMs, trained in rule of law, were ridiculed as "Brown Sahibs," which were the remains of British colonialism. It was claimed that until and unless Pakistan gets rid of these remains of British colonialism, the country would not be independent in a real sense. No serious scholarly effort was done to sift fact from perception; the civil servants were too busy warding off regular attacks against them, too weak to engage in any meaningful intellectual effort, and too preoccupied with their personal gains to bother about such trivialities, which could have, and did have, a profound effect on the democratic future of the country.

Mediocrity became the defining feature of civil servants of Pakistan, not excluding those belonging to the elite Pakistan Administrative Service (PAS)/District Management Group (DMG). Very few people we spoke to among the PAS/DMG were aware of their professional history, its philosophy, or the values it incorporates.

They were unable to provide any moral or public justification of the service, and were concerned only with the powers, perks, and privileges they currently enjoy or have lost over time. The low quality evident from their focus on short-term goals as opposed to long-term vision for the society, evident from their interest in obtaining foreign degrees for the sake of only enjoying the life and facilities in the developed world, and evident from the wealth most of them had amassed since their entry in the service was testimony enough of the claims of declining moral and intellectual capacity of officers who could become a DC & DM, made by senior officers during our qualitative interviews with them.

This low quality is a direct consequence of the downward spiral of feudalism and politicization of the service, which obstructed the service from attracting quality candidates into its folds. With mediocrity reigning supreme, as advocated by various commissions earlier,⁶⁰ this appears to be inescapable and purposed.

After the demise of the DC & DM in 2001, as seen in Chapter 5, quality of protracted consultation and instrumentation plummeted in the districts of Pakistan. District Management Groups (DMG)/Pakistan Administrative Service (PAS), which used to be the top-most choice of candidates appearing for civil service exams, was relegated to second, third, and even fourth positions,⁶¹ Prior to 2001, the best candidates among the overall low-quality applicants for civil service used to opt for and were hired in the DMG/PAS group, which is the group that provided most DC & DMs. Therefore, although quality of officers had declined before 2001, DC & DMs were still the best among all government officers. However, after 2001, this changed. The demise of the DC & DM relegated DMG/PAS to lower positions in merit, thus, allowing people with far lower merit positions to join the group and that, too, not as a passionate first choice, but as the second or third choice. This was evident in the quality of instrumentation post-2001. In addition to the structural changes in the quasi-legislative and quasi-judicial functions of the DC & DM, the low quality of new entrants might also have contributed to it. Data analysis in Chapter 5 revealed that instrumentation was at its weakest after 2001, and even after some of the quasi-legislative functions of DC & DM were returned to DCO, the situation did not improve much.

The linkage of this key institution with feudalism has now been established by this research; feudalism's focus on demanding absolute obedience, its despise of innovation, its repulsion of initiative, and its absolute dislike of individuals' autonomy were all manifested in what happened to the institution of DC & DM. From a symbol of merit, diligence, honesty, hard work, nobility, and compassion, the DC & DM was consigned to a position of inefficiency, negligence, corruption, indolence, pettiness, and disinterest. Along with the downward movement of quality of the DC & DM came reduction in instrumentation and protracted consultation, and, hence, conditions necessary for a meaningful democracy were compromised.

With decreased instrumentation, the DC & DM underwent severe image deficit and, finally, when he was removed in 2001, he went away without a whimper, without any protest from the public. It was hoped that placing his successor, the DCO, directly under an elected nazim would ensure responsive public administration.

However, this further politicized the DCO, resulting in off-center, protracted consultation and weak instrumentation throwing the country at the mercy of violence and crime. As seen in Chapter 5, violent crime, not

counting terrorism, took a quantum leap after 2001. Under these circumstances, the state was and is unable to provide security or stability to its citizens. Conditions necessary for a true, representative democracy did not and do not exist in the country. Although, for the first time in the country's history, there has been a peaceful transfer of power through elections in 2013, many believe that criminal elements have once again managed, engineered, and doctored the election results, with or without sophistication, and that this is at best an illiberal democracy,⁶² not conducive to meaningful participation.

Meaningful democracy, based on peaceful and fearless deliberation, remains a distant dream for Pakistan. Incidents, such as passage of near unanimous bills in the lame duck sessions of out-going assemblies, and granting life-time perks and privileges to state ministers and ministers from Sindh and from the National Assembly,⁶³ speak volumes about the deliberative processes in Pakistan. Assemblies in Pakistan present a pathetic picture of an unacceptable quorum while the representatives occupy their time indulging in profitable personal ventures and petty transfers and postings. Serious deliberations on issues of national, provincial, and regional significance take a backseat in the scheme of preferences.

A look at the proceedings of the provincial assembly of Punjab from 1897 to 2011 reveals a focus on achieving individual prestige for elected members rather than deliberations on issues of importance.⁶⁴ More importantly, although issues of individual importance occupied most of the time, even in 1940, it is instructional to see that at least larger chunks of time were allocated to important public issues in 1897⁶⁵ as compared to 2011. However, this changed at about the same pace as decay in public administration structures in Pakistan.⁶⁶ As the feudal mind-set gained ascendance in power corridors of Pakistan, and as their philosophy influenced the service structure of the DC & DM and politicized the position, with the passage of time, we observe even a lesser amount of time being allocated to important issues in the representative Assemblies. Punjab Assembly is a case in point. Its record of proceedings from 1897 to 2011 reveals visible reduction in energy and time on deliberations.⁶⁷ Important bills pertaining to social sector reforms involving welfare of children and women were passed in the Punjab Assembly from 2005 to 2012, through summary proceedings alone.⁶⁸ We were unable to find any detailed debate, discussion, or any thread-bare analysis of sections of those laws. Punjab has the reputation of best governed province in Pakistan; the situation in other provinces and federal government was even worse. Even the

much-touted 18th Amendment bill of Pakistan's National Assembly, which granted the much-awaited autonomy to all provinces and decentralized most state functions, was conducted in a haphazard manner with no consideration as to how the provinces will be able to deal with it and whether the provinces have the required capacity to handle these responsibilities, subsequently, causing confusion in provinces as well as at the center. Pakistan was unable to have even a façade of protracted consultation in its highest elected bodies at the center and in provinces.

As Pakistan bore with this façade of democracy, and as its protracted consultation and instrumentation faded, it disintegrated and it was occupied by nonstate actors. It is evident that if Pakistan is unable to maintain protracted, uniform consultation in its highest elected institutions, it also is unable to maintain it at the grassroots level. Just as progressively, protracted consultation weakened and feudalism strengthened in Pakistan, at the same pace the institution of the DC & DM dwindled in Pakistan and was eventually subsided, and with it the last remnants of meritorious protracted consultation and instrumentation in Pakistan.

In 1971, Pakistan disintegrated when East Pakistan declared independence as Bangladesh. Similarly, we see continuous separatist movements in Balochistan, which are usually managed by the government of Pakistan by use of force. We see similar discontentment in Sindh, both urban and rural; that nonstate actors in Khyber Pakhtoonkhwa and Southern Punjab hold the state hostage, and that many among those nonstate actors are individuals of foreign origin is also a well-known secret. This is exactly as the theory had predicted;^{69,70} missing protracted consultation resulted in wanting instrumentation, and lack of both of these key factors resulted in absence of security and stability in Pakistan. Because these are necessary conditions for a stable democracy, theory predicts that in their absence a new democracy either disintegrates or is occupied by foreign forces.

Unlike India, Pakistan failed to dispense with feudalism. Feudalism in Pakistan, in its battle for survival, blew away the very structures of public administration and that of merit that could, and that did, guarantee protracted consultation and instrumentation in the country. The ensuing democracy of this nascent country remained cosmetic. It could neither provide deliberation, protracted consultation, stability, territorial integrity, nor protection from nonstate actors.

PART 4: STRUCTURAL IMBALANCES

Let us now discuss some structural imbalances.

Each part of the people had its corresponding part in the legislative to care for their shared interest. Nothing less would do to guard against the despotic use of power.⁷¹

Means available to a branch of government to defend itself should be balanced in comparison with such means available to other branches.⁷² The erstwhile DC & DM and his successor, the DCO, were subject to a number of accountability mechanisms as executive public officers. He was governed by civil servant disciplinary laws, e.g., the Establishment Code, as well as a plethora of numerous provincial and local disciplinary laws. His duties and responsibilities were clearly prescribed, he had no constitutional guarantees of protection of tenure post-1973 (as discussed in Chapter 3), and if he wavered from his functions, or attempted to as much as purchase a house without first seeking permission from the government, action could, in theory, be initiated against him. He could not directly speak with the media or give statements, and he could not form unions and pressure groups. Although, in practice, such rules were not applied too strictly, they continued to potentially limit the scope of his actions and freedoms.

Politicians were among the other groups among which DC & DM's quasi-legislative and quasi-judicial functions were distributed in 2001. Although they too are potentially covered under anticorruption laws, the ruling nazims were not subjected to any formal, regular, administrative accountability mechanisms⁷³ in the same way as DCOs are now. There were no establishment codes to regulate the actions of nazims. It is then nothing less than surprising that they were made the administrative bosses of DCOs. The only accountability mechanism for them was the electorate, but, with the presence of political cartels in the field, it was extremely difficult if not outright impossible for new entrants to run the rounds. Hence, the electorate was usually left with no option but to vote for the known corrupt candidate. With a low percentage of literacy and even lower quality of education,⁷⁴ the electorate, deficient in civic education,⁷⁵ is gullible to emotional political slogans. Hence, in reality, there is no tangible accountability mechanism for politicians.

The judiciary in Pakistan has complete and absolute administrative, financial, and professional independence; the only accountability mechanisms applicable to it seem to be operational only for lower echelons of the cadre, and that too from within the cadre. The higher echelons are neither financially nor morally or procedurally answerable to any human institution, outside of judiciary. *Dawn*, on December 14, 2012,⁷⁶ reported that the Supreme Court had prevented its registrar from appearing before the Public Accounts Committee (PAC) for an audit of courts' accounts, because it was outside the judicial cadre. The DC & DMs were bound to appear before audit committees.

Police are subjected to rules and laws, but after the promulgation of Police Order 2002, it has become virtually independent of administrative controls of the government. Moreover, the quasi-legislative and quasi-judicial functions given to it after 2001 could not come under the regular scope of remaining controls over police. Developing such control mechanisms without the previous dual control over police is next to impossible, without relegating judiciary in the realm of executive; but, then that would violate the principle of separation of executive from judiciary.

Police in Pakistan are well known for their convoluted methods and internal and external bribery. It was imperative for such a force to be subjected to civilian oversight that could check its excesses, as the DC & DM used to do, through a system of dual control.⁷⁷ Considering that Pakistan took the path of relying on force of arms instead of properly binding the people through standardized laws, it was logical that police were to be used to maintain the territorial and corrupted status quo. Being a uniformed armed force, the police were vital to such an arrangement to maintain themselves; it was obvious that they would not be subjected to objective, legal scrutiny or forced to discipline themselves to respect the rule of law. Police, being a disciplined cadre of the state, initially suffered from politicization as well. Once their responses were muted, the pronouncement of Police Order 2002 removed most external civilian administrative checks from them. Bruised and disfigured, the police survived and managed to obtain some quasi-judicial and quasi-legislative duties of the former DC & DM in 2002. A DC & DM with quasi-legislative and quasi-judicial functions of the nature of ...

... juries of one's peers who judge of both fact and law without need for the guiding intelligence of a professional judge (vol. 1)...⁷⁸

... was vital for the benefit of a peaceful, self-regulating society, respecting the rule of law.

Establishing the rule of law took a backseat in this new scheme of things, and the DC & DM was removed. His quasi-judicial powers were first crippled by politicization and later completely removed. An officer like a DC & DM present in reality and enforcing logical law under strict and well-defined conventions, posing a threat to absolutism, could not be allowed to exist.

Removal of the DC & DM in Pakistan is sometimes viewed as a clash of institutions among police, judiciary, legislative, and executive. However, the root of the conflict lies in the conceptualization of the state and in the understanding of political life, citizenship, and views about life and achievements. If Pakistan decides to move forward in a different trajectory, then it would have to rethink those issues.

PART 5: WAY FORWARD

Pakistan has to make a decision one way or the other. If the country wishes to continue on its path of drunken, merry amusements and spoils, then there is no need for genuine political discourse about the dynamics of state and citizenship and the responsibilities and tough discipline it demands. Pakistan is safely on the path toward anarchy (if not already there) and is severely lacking in instrumentation and protracted consultation,⁷⁹ and for that matter, anything protracted, continuous, and stable. It has already disintegrated and parts of it are already under Taliban occupation. With conditions as violent as they are in Balochistan, Karachi, and the FATA (federally administered tribal areas), Pakistan seems closer to the dire predictions of theory for new democracies, which lack protracted consultation, instrumentation, and stability.⁸⁰ An arena of no instrumentation and no protracted consultation has the potential to carve a brand new medieval Europe in Pakistan, sending it into an even darker dark age than the one it's currently in.

On the other hand, the communities of Pakistan still yearn for the kingdoms of justice, peace, and progress that are a part of their collective memory, heritage, and wisdom.^{81,82} It is still not a completely lost cause; it can unlearn its current dominant state and political life, and can, instead, rely on other, intellectually richer aspects of political and administrative history.⁸³

In concrete terms, if Pakistan is to change its direction, and if it wishes to move on the track of sustainable democracy, territorial integrity, stability, and progress, it must seriously and sincerely engage in productive dialogue and discourse about its core national values. This demands a punctilious debate on ethical trade-offs and options best suited to the needs of a modern, very diverse old state, with a multihued governance history. It has the opportunity to be a leader in democratic innovation, by engaging in this imaginative exercise of exploring new avenues for a lively and exciting democracy for the East.

Second, Pakistan has to consciously decide about ways and means of preserving the integrity of its ethnically diverse territory. If Pakistan wishes to move on the path of democracy, then it would have to leave its track of militaristic enforcement of integrated territory and instead focus on achieving the same by standardized laws and standardized and equal application of law on all. Not only will it link the entire country in a single stream, but it is the only guarantee for lasting justice in a society regulated on unbending terms of law. Justice, as already discussed in Chapters 3 and 4, forms the core of a state.⁸⁴ If the core of the state is strong, then there is a higher probability for the state itself to be strong and stable and suitable for democracy.

Third, if Pakistan wants to take the road of democracy or, better still, sustained democracy, then it would have to replace the adventurous structural imbalance into a system of checks and balances in a way that “each must have its voice, but neither could unqualifiedly have its way.”⁸⁵ Pakistan would have to utilize its adventurism in appropriate employments. Governance is not a place for such enthusiasm if a country aims to be stable, progressing, democratic, and respected.

The solution, according to White,⁸⁶ is to revive a structure similar to the DC & DM.

Expand the resources and discretionary authority of the RCO, and see to it that they can serve as a focal point for decision making on law and order issues, as well as a point of liaison in the field between civilian and military/paramilitary leaders (p. 5).

Regional coordination officers (RCOs) are the counterparts of DCOs in northern areas of Pakistan. White⁸⁷ is essentially arguing for a system of district magistracy without using the term. He contends that (1) magisterial and judicial powers be provided to the regional coordination officers

(RCOs), (2) discretionary powers for the RCOs, (3) posting of qualified and quality officers as RCOs, (4) provision of resources to RCOs, and (5) the role of RCOs as buffering forces enjoying trust and respect of the local communities. This administrative setup closely resembles the DC & DM of the past—responsible for his protracted consultation based on his quasi-legislative duties, and his instrumentation as a function of both his protracted consultation and his quasi-judicial functions.

The institution of DC & DM, with its quasi-legislative and quasi-judicial duties, was an efficient mechanism for ensuring protracted consultation and effective instrumentation, as seen in Chapter 5. His networks of trust in the local communities by his protracted consultation ensured that he was able to maintain public peace, law and order, and rule of law using mediation more than command and control.

Therefore, it is very important that a reasoned debate on this topic should ensue on a plain playing field where rules of the game, as well as the underlying values, are crystal clear and mutually agreed upon.

CONCLUSION

This chapter discussed the underlying philosophical, intellectual, and structural reasons for lack of stability and instrumentation in the country, which are closely linked with the disturbances caused to quasi-legislative and quasi-judicial duties of the DC & DM, and eventually to the end of the institution.

It argued that Pakistan is not clear about its national core values. Pakistan has not decided whether it would prefer “socialist egalitarian equality” or “justice.” Second, Pakistan has a dominant streak of adventurism, which abhors rule of law and stability and which creates spaces for watershed gambling benefits. This is in contradiction to stability and rule of law, both of which are prerequisites of stable democracy. Third, there are serious structural imbalances in the system of checks and balances that support adventurism and watershed of unearned benefits. It contends that these reasons led to the ruin of the institution of the DC & DM and to prospects of meaningful democracy in the country.

However, there is hope in Pakistan’s indigenous wisdom and historical traditions of stable and law-abiding governance.⁸⁸ If this is what Pakistan wants to achieve via a stable democracy, then it would have to have an in-depth debate on its core national values, its mechanisms of maintaining

national and territorial integrity, and its system of checks and balances, and perhaps bring back the DC & DM with appropriate quasi-legislative and quasi-judicial duties.

The next chapter discusses core issues of the country that lead to imperfect and problematic protracted consultation and instrumentation and to instability and instrumentation, which in turn are detrimental to the cause of participative, meaningful democracy. The next chapter also provides some concrete recommendations for dealing with those issues and for strengthening of democracy in Pakistan.

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7

Identifying Core Areas of Improvement and Recommendations for a Lasting Democracy in Pakistan

INTRODUCTION

Balanced or mixed government implies simultaneously a distinction from its frequent associate, the separation of powers, and a rejection of its opposite, simple government (vol. 1, p. 336).¹

The institution of the DC & DM (district commissioner & district magistrate) is the harbinger of small government, not simple government; at the same time, it does not aim to achieve the impossible task of separation of powers. It signifies balanced government. The institution of DC & DM not only ensured balance of power, it also provided the backbone for a system of checks and balances.

This chapter summarizes the findings of Chapters 1 through 6. Based on those findings, it identifies the core areas where improvement is needed in order to enhance implementation and protracted consultation, and it provides recommendations in each of those seven key areas. The important avenues of improvement include:

1. Colonial institution and mind-set of feudalism
2. Frequent modifications in administrative structures creating perceptions of vacuum and, hence, opportunity for adventurism
3. Quality of civil servants in Pakistan including manner of appointment, training, and postings
4. Separation of powers versus a system of checks and balances

5. Generalist versus specialist debate overlooking the regulation–implementation dichotomy
6. Disregard of significance of historical roots in public administration
7. Quality of education in Pakistan
8. Most importantly, a clear consensus and vision on values for Pakistan

The chapter recommends abolishing feudalism, the reintroduction of depoliticized and merit-based DC & DM with constitutional guarantees, improvement in quality of education to encourage grounded critical thinking, rectification of the loss of regulation–implementation dichotomy that has resulted as a consequence of antigeneralist bias, and serious deliberation on core national values as justice versus equality without consideration for effort expended.

Since ancient times, “district” was the unit of administration in Pakistan. This book explored the link between Pakistan’s age-old institution of DC & DM and meaningful and sustainable democracy in the country. Using historical and quantitative analysis, it found that DC & DM’s institution, with its reasonable quasi-judicial and quasi-legislative duties, is well suited to provide dependable, protracted consultation and instrumentation, both of which are of vital significance if a democracy is to survive and thrive in a developing country.²

One of the major innovations introduced by the British colonial government in the region was the institution of feudalism. The idea of individual and absolute ownership of feudal land, though not entirely new, was still somewhat alien to the Indian subcontinent. Previously, ownership resided with the king or the emperor,³ while tilling and revenue collection rights were bestowed on individuals during the term of their specific service to the king.⁴ With the advent of the British era, in order to cultivate influential individuals, loyal to the British Crown, large tracts of land were awarded as rewards to services to the Paramount Power.⁵ With the passage of Colonization of Government Land Act 1912, and award of low-cost agricultural land to anyone willing to cultivate it, further impetus was given to the movement of large land holdings. Finally, with voting rights assigned on the basis of land ownership, based on the then Westminster Model, the newly emerging feudal lords, as *homo politicus*,⁶ tasted a power they had never known before. Not only were they secure in the ownership of their vast lands, these lands also gave them the power to make important decisions about the common people of the country by representing them in the legislature.⁷

Irrespective of what Islamic law of inheritance dictates in terms of division of property, the institution of feudalism was not to lose its hold on power, and, thus, division of property and introduction of land reforms failed utterly in Pakistan. Feudalism stood for absolute, indivisible ownership; unchanged continuity; abhorrence to change and progress; and absolute submission and repugnance of individual autonomy. It was not a surprise then that it resolutely battled against any individual or institution that posed a threat to its outdated existence. The institution of DC & DM being composed of autonomous-minded leaders selected on the basis of merit was one such entity standing for self-actualization of common people and against the feudal mind-set. Feudalism employed various means to fight this challenge, and in the end proved successful.

Ironically, while the British colonialism promoted merit-based governance at the district level, and promoted the well-being of the people, simultaneously, it also encouraged feudalism and feudal thinking. The result was that soon after independence, these two institutions, which stood ethically and philosophically at tangent with each other, came to challenge what each stood for. The manner of appointments, transfers, and posting of DC & DM was soon to be overshadowed by the interests of feudalism. Under the powerful influence of feudalism, after Pakistan's independence from British Raj, major modifications in the quasi-legislative and quasi-judicial functions of the DC & DM took place. The process of politicization of and lowering of moral and intellectual standards for DC & DM in Pakistan started in earnest in 1958. The most significant structural amendments took place under the civil service reforms of 1973, in which DC & DM's quasi-legislative and quasi-judicial functions were undermined and his politicization formally sanctioned. In 1996, his quasi-judicial functions were further restrained. All this also led to the declining moral and intellectual quality of civil servants and the DC & DM. Eventually, the institution was abolished in 2001, and DC & DM's quasi-legislative and quasi-judicial functions were distributed among the elected nazims, police, and judiciary.

In the end, what Pakistan achieved in the name of separation of executive from judiciary and in the name of civil service reforms was politicization of bureaucracy. Instead of creating balance of powers in a system of checks and balances,⁸⁻¹⁰ it crafted grave structural imbalances throughout the 1970s, 1980s, and the 1990s, which made it even easier to discard the institution of DC & DM and replace it in 2001 with a limp district coordination officer (DCO). The change to DCO, instead of heralding in an era of

peace, prosperity, justice, stability, and progress, brought in dissatisfaction and injustice:

It is well known that in places, such as the Swat valley, discontent with the government has been driven in large part by the failure of the local judicial system to provide timely resolution of disputes—particularly over land and inheritance questions (p. 2).¹¹

Minor quasi-judicial matters, such as land and inheritance issues, as well as minor local summary trials were dealt with by the DC & DM in an efficient and satisfactory manner employing both his quasi-legislative and quasi-judicial functions. Data analysis in Chapter 5 showed that, with his jettison, crime intensified to unprecedented limits during the tenure of the DCO (2003–2008), until it started subsiding a little after 2009 when some quasi-legislative duties of the DC & DM were restored to the DCO. Chapter 5 clearly indicates that politicization of the DC & DM and its eventual dispensation created adverse conditions ground in reality for a true democracy.

Another intellectual challenge to the institution of DC & DM and to civil service was provided by the arguments for specialization and systematic bias against the generalists,¹² such as the DC & DM especially during the late 1980s and the 1990s. The morally and intellectually weakened DC & DM provided the perfect backdrop for such accusations. What these accusations failed to comprehend was the distinction between regulation and implementation. While specialists are best suited for some aspects of implementation, management, administration, and leadership require vision and considerations beyond the narrow confines of a field of specialization. Generalist public managers possessing good moral and intellectual grounding are far better suited for an overall implementation process as compared to the specialists. Moreover, implementation has to be separate from regulation. The task of a DC & DM was that of a dispassionate regulator over all services provided in the district without getting directly involved with issues of funding and implementation. He was best suited to ensure that services were regulated as per law and in the best public interest.

The book began by tracing the origins of this institution from as far back as the Mauryas and the Guptas, to the district administration of Hellenic Pakistan, various Muslim dynasties, and the British. It was revealed that the quasi-legislative and quasi-judicial functions of the DC

& DM remained similar throughout these centuries. There were minor changes in the institution through different dynasties, the most prominent of which were related to the philosophy and mechanisms behind the manners of appointments and postings of the DC & DM. Indigenous regimes and those which attempted to maintain their territorial integrity using mostly peaceful means preferred to install a DC & DM who was selected and posted on the basis of merit. Contrary to this, ancient regimes that relied on coercion and use of force to keep the territory intact used arbitrary patronage combined with merit-based mechanisms of appointments and postings. This book argues that quasi-legislative functions of a merit-based DC & DM complemented his quasi-judicial tasks in ways that allowed him to maintain protracted consultation with local communities and build networks of trust, which helped him to enforce rule of law and maintain public peace, guaranteeing instrumentation. Crimes were shown, by this research in Chapter 5, to increase proportionally with decreasing quasi-judicial and quasi-legislative functions of the DC & DM. Crime also increased with the increase of neglecting the significance of the historical context and path dependent role of DC & DM.

The system of education in Pakistan, similar to the institution of the DC & DM, posed serious challenge to the institution of feudalism. As discussed earlier, feudalism demanded absolute, unconditional submission and detested autonomy of thinking. Therefore, it is understandable that education in Pakistan was confined to transfer of selective knowledge based on the rote system, rather than procuring and instilling a love for learning, critical thinking, and leadership. This suited the interests of feudalism. The feudal mind-set could now decide on agenda setting for the public sphere and move the country so as to preserve its interests. Most importantly, it had the devastating consequence of the country producing intellectually and morally low-quality human resources. Intellectual and ethical mediocrity, therefore, became the norm, even in civil service and for the posts of the DC & DM, which traditionally had attracted the best and the brightest among the available pool of skilled human resources in the country.

In addition, as seen in Chapter 3, Pakistan's inability to decide about its core national values and about the conflict between a crudely understood conception of "equality" and equally deficiently demarcated "justice" resulted in an unfair and unreasonable debate about the role of the DC & DM. There were no firm rules of the game, and application and interpretation of laws became subjective due to lack of consensus on core

perspectives. Pakistan's inability to unite the country on the basis of uniform laws applied without discrimination has proved harmful for reasonable and fair protracted consultation and instrumentation. It potentially endangers the country's very existence.¹³ Pakistan, for the most part of its existence, has shown an inclination to govern itself through brute force. Tracing the history of civil service reforms in Pakistan and of the DC & DM, the thread of this inclination becomes obvious. The changes were quick, not well thought out, and favored brute force over meaningful dialogue. Protracted consultation was not thought of as having any significance for instrumentation, while force of arms alone was considered necessary for effective instrumentation. The mediating institution of DC & DM was of little use to such conviction; it was expediently removed.

This chapter attempts to provide some recommendations for the future public administrative structures of Pakistan. It builds upon the reasons of the current sorry state of affairs in the country presented in Chapter 5, as well as throughout when discussing the history of public administration in Chapters 1 and 2, in addition to the reasons highlighted in quantitative analysis in Chapter 5. It is divided into seven parts as explained earlier, specifying the core areas at an "operational-tactical level" where improvement is needed to improve protracted consultation and instrumentation in the country for a solid, lasting democracy.

PART 1: COLONIAL INSTITUTION OF FEUDALISM—A MIND-SET

As discussed in Chapter 6, instead of the DC & DM being the colonial legacy that it was portrayed as, it was the institution of feudalism that was brought in and perpetuated in its present form by the British colonialists.¹⁴ Feudalism introduced elements completely foreign to the history and culture of Pakistan. Although the concept of individual ownership of land existed in precolonial Pakistan,^{15,16} no historic roots existed for such huge family inheritances to remain a source of family power for generations. The region had roots in concepts of the Hindu undivided family where the entire family jointly inherited and held property or business and the entire family labored jointly for the property.¹⁷ With increase in family size, the power exerted through joint property also dispersed unless the family ventured into other innovative enterprises. Similarly, the region also has roots

in the concept of Islamic laws of inheritance, which likewise tend to disperse landed power through division among sons and daughters in each successive generation.¹⁸ The concept of large fiefdoms nominally owned by an individual, but in reality, owned by a family, was neither present in ancient nor in Muslim Pakistan.¹⁹ The power accorded to it by the British colonialists through intact transfer of large agricultural lands generation after generation, and allowing voting and seats in the House based on the amount of property owned,^{20,21} gave it a taste of power that it was loathe to forego. As a result of these powers, it demanded and was accorded absolute obedience and submission. It experienced absolute unbridled autonomy, with no checks and balances, tethered only to its absolute loyalty to British colonialism.²² It could not absolve itself of such a privileged existence.

Owing to its unnatural existence in a habitat not culturally or religiously suited for its survival, and owing to the fact that the institution did not have any pedigree in the region, feudalism manifested its sense of insecurity through aggressive political maneuvers to preserve its life. Owing also to the fact that existence of feudalism could not be defended on any moral, ethical, philosophical, economic, cost-benefit, or patriotic grounds, it was important that it used its powers to set an agenda that would draw attention away from it and toward its formidable foes who could offer serious moral and intellectual challenges to it.

Those political maneuvers that were employed by practitioners of feudalism included not only the policy of dividing the country on ethnic lines, gaining political influence by using its authority over population living in its fiefdoms, but also, and more importantly, by weakening all institutions that could have the intellectual, moral, and legal authority to pose any challenge to the power and authority of feudalism. Educational and administrative institutions were the primary target, as both of these could pose serious challenges to the feudalism. Most important of those institutions was a merit-based, broad-minded bureaucracy and the DC & DM.

As early, as the 1960s, Qudratullah Shahab, then secretary of education, had warned of the consequences of neglecting the educational sector of the country.²³ Concurrently, as early as the 1960s, General Muhammad Ayub Khan had broken the confidence of civil service of Pakistan through summary dismissals from service and through politicization of the DC & DM.²⁴ The foundation for ensuring and perpetuating the existence and strengthening of feudalism was laid.

A system of education that emphasized rote learning rather than individual, autonomous thinking fulfilled the colonial need of feudalism to

prevent the society from questioning its existence. This was achieved through a dual effect of, first, creating a less than autonomous society, and, second, initiating a pool of poor-quality aspirants to civil service and to the institution of DC & DM. Resultantly, neither the society, nor the administrative structures were able to pose any credible challenges to feudalism.

The consequence of this failure was a highly hierarchical, parochial, immature, dependent society, unable to develop, mature, and grow to become fully autonomous and self-reliant. Protracted consultation, if at all, was bound to be skewed in such a strongly dependent and hierarchical society. And, when protracted consultation is misguided, as argued in the theoretical framework of this book (Chapter 3), instrumentation also will become ineffective. This is precisely what happened to Pakistan, once the decade of the 1960s, in which the foundation stones of incapacity were laid, gave way to the 1970s.

In 1971, the then united Pakistan disintegrated into Bangladesh and Pakistan, as predicted by the theory.²⁵ Feudalism forcefully attempted to destroy all persons and institutions that gave any challenge to it. A case in point is the electoral challenge of Fatima Jinnah to President Ayub Khan in the 1965 presidential elections. Ayub's success in those elections is attributed to (1) indirect elections through Basic Democrats; (2) politicized bureaucracy (including DC & DM), which gained benefits from Ayub Khan and, in turn, ensured him the support of Basic Democrats; (3) disorganized opposition; (4) insufficient financial resources of the opposition; (5) exploitation of religious sentimentalities of Pakistanis by Ayub who claimed, with the help of his loyal group of Muslim scholars, that a woman could not become the head of a state; (6) student unions and media were given incentives by allowing for favorable policies without due deliberation; and (7) exploitation of ethnic differences between Pathans (Ayub's ethnic group) and Urdu-speaking Muhajirs (Jinnah's ethnic group).^{26,27} It is interesting to note that Ayub's government offered no resistance to feudalism; he preserved the core value of the totalitarianism of feudalism; he was opposed to direct elections and adult franchise, while allowing the right to only a select group of hand-picked Basic Democrats. Jinnah's progressive stance and views, on the other hand, were obviously directed toward self-actualization of the masses, which was, quite obviously, offered a viewpoint and ethical constructs that opposed the values held by feudalism.

What is interesting to note is that as long as feudalism and feudalistic mind-set could prevail, there were no limits to its imagination—it

politicized the bureaucracy, it used immoral practices of abusing power to gain political clout, and it actively engaged in dividing Pakistan along religious and ethnic lines.

Politicization of the DC & DM and, subsequently, of the DCO did not simply occur at the structural level, it also occurred at the basic operational level when a large number of seats of DC & DM and then DCO were distributed among members of feudal families who not only perpetuated the aims of feudalism, but also brought a certain degree of genuine acceptance of feudalism among the cadre of the DC & DM.

In parts of Pakistan, where feudalism had not taken root, i.e., Gilgit-Baltistan and Kashmir, the age-tested institution of DC & DM is still functional.

All vital functions of the state, including education and administration, the process of self-actualization of citizens, and the very idea of justice were sacrificed for the rule of totalitarianism and feudalism. The roots of feudalism were so strong that, even after democracy was brought in the country in 1972 through the government of Zulfikar Ali Bhutto, his government further enhanced the benefits to feudalism. Business and commerce, which were encouraged by the Ayub government, were nationalized in the socialistic spirit of Pakistan People's Party (PPP), sapping the country of its entrepreneurial rigor and enforcing the feudalistic mind-set of total control over all of the country's resources.

It was no surprise then that the same Bhutto, who stood for equality for all and for his socialistic ideals, was abortive in bringing in agricultural reforms and failed to end feudalism in spite of his slogan of labor rights. It also was no surprise that the same Bhutto government's miscarriage of civil service reforms further politicized it and brought it directly under the thumb of the feudal lords, again in spite of his slogan of socialism. Lastly, it was no surprise that Sindhi-Urdu ethnic differences were further catalytic in dividing the population of Sindh on ethnic lines. This not only diverted attention from the core issues of power imbalance in favor of feudalism, promoted feudalism, but also ensured ethnicity-based voting patterns that have since then, predictably, benefitted the feudal lords and feudal mind-set holding politicians in both the rural and urban Sindh. Therefore, it was no surprise that Bhutto's civil service reforms created a legal framework that broke the back of bureaucracy and rendered it incapacitated to dispute the illegal and immoral authority of feudalism.

Muhammad Zia's totalitarian government, then, could not be expected to move the nation forward on the path of self-actualization. This particular government made good use of the general public's dissatisfaction with the socially liberal policies and practices of Bhutto to sink the nation further deep into the abyss of ignorance and slavish character. Employing his version of Islam, the Zia era attempted to brainwash the new generation of Pakistanis, through effective use of state-owned media and state-controlled educational curricula, into submitting to a set of predefined values, rendering them unable to question illegal authorities and illogical social constructs. A nation, such as this, would never and did never question feudalism and, in reality, bowed its head to the inevitable. The civil service and the DC & DM also had to do the same, and again it was not a surprise. Zia also further politicized the civil service by inducting officers from military into the cadre. The inducted officers usually came from influential military feudal families. This further cemented the hold of feudalism in Pakistan and ensured its survival. Moreover, this ensured the rapid transformation of the value of the DC & DM as a neutral officer functioning for the welfare and betterment of the entire society, into a standard holder for feudalism, totalitarianism, suppression, and despotism.

Zia's rule was followed, in quick succession, by alternative governments formed by the PML-N (Pakistan Muslim League-Nawaz) and PPP, both of whom strengthened the hands of feudalism and further weakened the DC & DM, who could still pose some challenge to despotism, suppression, and feudalism. The separation of executive from judiciary took place in 1996 and, simultaneously, the DC & DM was forever sent to the hollows of political dependence; so much so for the confused values in Pakistan.

The government of President Musharraf, following these alternative regimes, and claiming to be progressive, did little to modify this context. It finished the agenda of the PML-N government that ended in 1999 to dispose of the institution of DC & DM, rendering the police independent of any checks and balances, and further assigning the quasi-legislative and quasi-judicial functions of the DC & DM to the police, the nazim, and the judiciary, hence, not achieving the impossible task of separation of executive and judiciary, but merely dividing it into less manageable and less accountable particles. The DCO, who is the successor of the DC & DM, was brought directly under the political control of politically elected nazim, thus finishing the myth of neutrality of administration once and for all. This resulted in lop-sided protracted consultation, as discussed

earlier, which led to disjointed instrumentation and overall instability in the country. Although Musharraf successfully granted autonomy to the media and brought long-awaited reforms in higher education, both of which could have played important roles in the progress of the country, almost all of these reforms have been hijacked by the superior resources of feudalism. Both media and higher education sectors in Pakistan are still controlled by powerful consortiums with feudal financing and feudal mind-set, encouraging preservation of current values, and discouraging independent minds from joining their cadres and influencing the future course of the nation.

Later, Asif Ali Zardari's government was weak and played according to the rules of powerfully established feudalism to survive for five years. PML-N, which is set to form the next government in May–June 2013, being pro-business, might provide entrepreneurial opportunities, but time will only tell whether these opportunities will be based on merit or on patronage, in the tradition of feudalism. It is not expected to challenge the established feudalism to bring meaningful reforms in education or in the administrative structure and it is not expected to depoliticize the DCO.

It is interesting to note that while feudalism was busy preserving itself at the cost of instrumentation and protracted consultation, once the die was cast for division of Pakistan along ethnic²⁸ and religious lines in the 1960s, there was no end to it. Pakistan, since then, had been voting on ethnicity. Recent elections of May 2013 are a testament to it, where Punjab voted for the Punjab-based PML-N, Khyber Pakhtoonkhwa for the Pakistan Tehreek-e-Insaf (PTI) based in its territory and for religious parties, Sindh voted respectively for the rural Sindhi-speaking PPP, and urban population voted for the Muhajir-dominated Muttahida Qaumi Movement (MQM). Feudalism has replaced federalism in Pakistan. If nothing else, this voting pattern guarantees that, as long as people continue to prefer ethnicity over core national issues, there will not be a formidable challenge to feudalism. It was this exact thinking of skewed protracted consultation that led to the disintegration of the country in 1971. This also demonstrates the viability of the theoretical framework of the research presented in Chapter 3 that, devoid of effective instrumentation and protracted consultation, a new democracy either disintegrates or is occupied by foreign force.²⁹ Those with this same mentality were revolted at the idea of a morally and intellectually independent DC & DM who could provide proper and just instrumentation and protracted consultation at the grass-roots level and challenge the undue influence of feudalism.

Recommendations

Depoliticized, strictly merit-based recruitments, appointments, training, transfers, and postings of a system of the DC & DM with his quasi-legislative and quasi-judicial functions intact should be reintroduced in order to provide effective instrumentation and protracted consultation necessary for a meaningful democracy. Because an armed force is naturally prone to excesses even in developed and civilized societies,³⁰ it is important, therefore, that civilian executive control of the DC & DM be restored over police control. Moreover, similar to what was done in India, feudalism in Pakistan should be abolished and important result-oriented land reforms should be introduced in the country. The country should adopt policies to encourage initiative, innovation, and entrepreneurship in earnest. Lastly, agenda setting should be carefully democratized to include real issues of power imbalances, services, and progress of the people; and no feudal power should be allowed to transform it to its own interest.

PART 2: FREQUENT MODIFICATIONS IN ADMINISTRATIVE STRUCTURES CREATING PERCEPTIONS OF VACUUM AND, THUS, OPPORTUNITY FOR ADVENTURISM

As a new country, it was natural for Pakistan to undergo rapid administrative changes. However, the pace of changes, as demonstrated in Chapter 3, was too fast for any form of stability to be perceived in the country. It was said during the 1950s through the 1970s that people would go to sleep with one president and would wake up with another on the seat.³¹

Not only this, but as evidenced from seven different administrative eras in the 65 years of postcolonial Pakistan, the administrative setup was changed with a frequency of less than 10 years. Such rapid changes create perceptions of vacuum and encourage adventurism in nascent democracies.³¹ Such adventurism causes society to cease to perceive the state and its infrastructure to become vulnerable to disintegration and occupation.³² In Pakistan's case, not only has this engendered a sense of void, but it also has been very difficult for common people to quickly grasp new systems and new laws and act according to these laws. It is impossible for average human beings to learn and relearn about new systems and new laws that change at such a speed.

This further destabilizes the society and renders it even more difficult to establish a lasting and meaningful democracy. The cause and consequence of this vicious cycle has been that Pakistan's democracy has so far been of the "illebral"³³ variety, which does not create the kind of participation and citizenship that promotes human development and self-actualization of the population. This neither promotes meaningful democracy nor creates stable mechanisms of protracted consultation and instrumentation to prevent the disintegration or occupation of a new democracy.

These frequent changes have happened despite the fact, as clearly demonstrated in Chapter 5, that the institution of DC & DM, as it existed in 1947 with a reasonable level of quasi-legislative and quasi-judicial functions, provides the best opportunity for creating conditions in the country conducive to a meaningful and lasting democracy. It is clear that the modifications made since 1947 in the administrative structure of Pakistan at the district level have done little to promote the society, develop the communities, or promote participation among the population. The best that those changes have managed to achieve is that they have wasted a large amount of public resources while weakening the communities in such abrupt and frequent amendments, without careful study or analysis.

Recommendations

The institution of DC & DM (as it existed in 1947), though not perfect, was still the best guarantee for a stable democracy in the country. Thus, instead of further experimenting with and wasting precious national resources in forever modifying and creating new systems, it is suggested that those modifications be dismantled in a reasonable manner to go back to a simpler, yet effective system of checks and balances of the DC & DM of 1947, and that no frequent changes to the system be made whimsically.

PART 3: QUALITY OF CIVIL SERVANTS IN PAKISTAN INCLUDING MANNER OF APPOINTMENT, TRAINING, AND POSTINGS

Inasmuch as feudalism's banner bearers are to be held responsible for the death of the institution of DC & DM, the character and moral bearings of the officers are proportionately liable for its demise as well. While

exercising influence promoting the role and values of feudalism, the institution of DC & DM, which was to be the leader in innovation, moral uprightness, evenness, political neutrality, autonomy, self-actualization, lofty ideals, and public service, became the very notion of a self-serving group compromising their dignity and all moral principles to become equal partners in the crime of usurping the goals of justice and self-actualization from the citizenry and placing it in the lap of feudalism.³²

As much as Ayub demoralized the bureaucracy and later co-opted them to extend his rule and the feudal values, the DC & DMs were more than willing to become his enthusiastic partners. While Ayub enriched himself and his family and supporters, the civil servants, including the DC & DMs, were not far behind in their pursuit of ill-gotten wealth and all that accompanies it, and became powerful partners in power.³⁴ Most of them were unable to demonstrate moral fiber in such pressures. The last resorts of idealistic officers were usually the training institutions; officers such as Akhter Hamid Khan opted for such options and later resigned from service to devote their lives to the service of mankind.³³ However, such was not the case with most officers, whether they chose to become financially corrupt or not, as they did not present any challenge to the core values of the regime; they remained more or less placid in the face of burgeoning corrupt practices, violations of codes of ethical behavior, and imposition of totalitarianism in the country.³⁴

They became willing supporters of feudalism. First, because it offered them a chance of benefits that they could not have obtained otherwise. Second, because, as discussed in Chapter 6, their quality had already deteriorated due to the lack of a credible pool of morally upright candidates applying for civil service. Third, complementing the decline in moral fiber of the candidates, their intellectual capacity was also in question manifested by the decline in the practice of writing informative and thought-provoking journals, notes, and diaries to provide analyses and guide for other officers; the officers had no sound guidance. Fourth, because feudal families had ensured a large number of entrants from their folds in the prestigious civil service who came with a clear head to protect their families' interests alone and not to bother about irrelevant moral values. And, fifth, because Ayub made a conscious effort to politicize the bureaucracy so that survival in the service was not linked any more to merit, hard work, independence of mind, and public spirit, but to political patronage.³⁵

In spite of the last two of the above-mentioned reasons being extraneous to the civil servants, the first three were inherent to them. They had neither

the intellectual capacity to understand the moral dilemmas involved in their actions nor the moral fiber to stand for what is right or to stand up to wrong.³⁶ An institution composed of such individuals and yet claiming of moral superiority is bound to diminish. The service was created in the tradition of the philosopher king;³⁶ however, it became a service by and for court jesters instead of serious-minded, highly intellectual leaders.

Rotten from inside, the institution was to soon decay away from existence. The manner of recruitment and trainings also left a lot to be desired. The method of recruitment, though, by and large transparent, could not attract high-quality intellectuals to its folds, first, because the educational system of the country was unable to produce candidates well-versed in the English language as well as possessing depth of autonomous thinking and analysis.³⁷ Second, because there lacked political as well as bureaucratic will to improve the quality of education in the country, which prolonged the entry of feudal lords into the service because they could afford to send their sons to premier institutions of learning in England, and could be well-versed in English language, if not in moral and ethical thinking. Third, because the service gradually lost its prestige and moral authority, which was instrumental in the initial years to attract the best and the brightest to its folds.^{37,38-39}

Whatever quality of officers was recruited through this process was not vastly improved by the training process. While being trained in legal and administrative aspects of public administration in Pakistan, there was not a single subject, research work, or thesis involving thoughtfulness, in-depth probe, philosophy, or ethical exploration. Mediocrity ran the roost in the service, philosophy and ethics were bantered, and all social values were openly jested upon in the Civil Services Academy.³⁹ Officers primarily learned the rules and modes of socialization in the service at the Civil Services Academy, which while instilling in them the norms and etiquettes of moving in the society of civil servants and behaving in certain dignified manner,⁴⁰ showed them the life of glamour associated with wine, women, and, in many instances, of debauchery, but little was inculcated in the way of principles, values, ethics, philosophies of public spirit, and service.⁴¹

Postings likewise were dependent on socialization; well-connected and networked officers won prized postings. These connections were usually built on mutual interests and, as it is said in the service, “clarity of thinking,” which implies clear goals of self-enrichment and protection of the feudal lords.⁴² The stronger and the clearer the thinking, the stronger are the network connections that lead to prized postings. If this was only

true partially in the 1960s when Ayub was at the helm of affairs, with the passage of time, this concept gained in lucidity, and, as for now, exists as the one and the only manner of obtaining gainful survival in the service. Idealism was lost to the necessities of clear thinking and so-called “pragmatism.” Therefore, most DCOs, in this age and time, are known to survive either by being a part of this network or, at best, by closing their eyes to crimes against morality, ethics, and public interest.⁴³ This cannot be expected to improve the quality of protracted consultation in the country, bring stable instrumentation, and strengthen democracy in Pakistan.

With declining morality, character, integrity, and intellect of officers, the role of DC & DM, as a politically disinterested guarantee of equitable, protracted consultation and instrumentation, underwent massive decline. Officers today engage in petty politics among each other, leg pulling, and competing for lucrative postings.⁴⁴ There is not much to engender public service and not many, if any, intentionally engage in such abstract notions. Philosophy, ethics, integrity, and ethical thinking are considered abstract and denounced by the civil service of today. “Clarity of mind,” which implies clear notions of illegal and immoral self-gratification and support for the established feudal group, is celebrated and rewarded by the present civil service of Pakistan at the cost of instrumentation and protracted consultation.

The service failed, with few exceptions, e.g., Akhter Hamid Khan, to provide genuine moral and intellectual leadership to future officers, who were perhaps not even inclined to gain from such leadership. Even Khan had to resign from the official position in order to most effectively serve the people through the Orangi Pilot Project, which is the beacon of protracted consultation in the country. With this intellectual and ethical decline, the moral justification for existence of the institution of DC & DM also floundered, and eventually succumbed to internal putrefaction and external pressures of feudalism. Most officers, who previously had worked as DC & DM, quietly capitulated to the death of the institution and to the opportunities of any ill-gotten financial gains presented by the financial powers assigned to the office of the DCO because it served the purposes of feudalism and not of democracy.

Recommendations

There should be an effective, scientific mechanism for testing the candidates for the positions of DC & DM, for qualities such as public spirit,

autonomous thinking, moral fiber, leadership, creativity, and initiative. In addition, the interview panel for selection of candidates should be comprised of intellectual, psychologically, emotionally, and ethically sound and secure individuals so that they are able to select candidates with similar personal qualities. Training of selected candidates should be such as to provide greater exposure of and empathy for life of the common people of Pakistan, and to enable the selected officers to think and critically analyze the ethical issues of various scenarios and decisions. Lastly, constitutional guarantees of protection of tenure, etc., should be extended to the DC & DM in order to prevent politicization of the institution and to ensure unhindered, impartial protracted consultation and instrumentation to support a stable and meaningful democracy in the country.

PART 4: SEPARATION OF POWERS VERSUS A SYSTEM OF CHECKS AND BALANCES

As early as the nineteenth century, Justice Amir Ali was elucidating about the little-known concept of Hakim-ush-Shara, and translating it as “Ruler through Law.”⁴¹ As misleading as it is in its mistranslation and clear misinterpretation of the term, the inability and unwillingness of the morally and intellectually weak institution of DC & DM to confront and respond to it is equally disturbing. The literal translation is “Master of Sharia,” as an educational qualification, such as master of public administration.

While, on the one hand, this inability demonstrates serious lack of intellectual capacity of the DC & DM, on the other hand, it demonstrates a society that is so deficient in intellectual understanding that it primarily tends to follow the general drift rather than utilize the mental functions to sift truth from fiction. The existence of such a society, in turn, also was owed to the twin phenomena, discussed above, of feudalism and its supporters among the civil service of Pakistan, including the DC & DM.

Therefore, it was no surprise that when separation of powers was advocated gradually, first by Justice Cornelius⁴² and later by others in Pakistan, the general population, as well as the highly intellectual DC & DM, waned in the face of this obvious conflict of interest. Most importantly, the institution of DC & DM, on its part, failed to produce any intellectual work worth mentioning that could not only counter such claims, but also provide ethical and pragmatic guidance to junior officers in the cadre of

DC & DM. These officers were busy enjoying prestigious and powerful postings, which in training institutions and scholarly organizations were considered as below-average positions for those not competent enough to compete for and bag the positions involving ethics-interest trade-offs.

The idea of separation of powers, as discussed earlier, was neither realistic^{43,44} nor had antecedents in the past practices of either Pakistan or the world. In its stead, the concept of a system of check and balances had gained supremacy around the world.^{45,46} However, in Pakistan, feudalistic strains manifest in strange forms of absolutism and totalitarianism, with no mechanism of checks and balances. Judges today are forced to get involved in executive functions outside of the court, and are forced to speak through the media. An analysis of headlines of Pakistan's largest Urdu daily newspaper *Jung* for the year 2012 showed that 80 percent of the days in the year, i.e., 290 days out of 365, the main headline contained some statement of either the chief justice of Pakistan or a chief justice of one of the High Courts of Pakistan. Although the general public perceives the current judiciary in general as reformed and as providing relief to people, some members of the judiciary are perceived as insulting and abusive. A case in point is the demonstrations and protests by the teachers in the aftermath of the 2013 elections, where returning officers belonging to judiciary were alleged to have been rude, humiliating, and insulting with members of higher education.⁴⁷ Bringing members of honorable judiciary within the realm of executive duties opens the institution of judiciary to ridicule and disrespect, adversely effecting its effectiveness.

It was clear from day 1 that such an absolutist notion of separation of powers was impossible and unrealistic to achieve. It resulted in a number of things. First, it resulted in some of the quasi-judicial functions of the DC & DM being assigned to the police. Second, some quasi-judicial functions of the DC & DM were assigned to district nazims. Third, many executive functions of the DC & DM were assigned to the judiciary. Fourth, absolute financial, administrative, and judicial powers were awarded to the judiciary with no system of external checks. And, fifth, civilian executive control was removed from the police, rendering the people exposed to police excesses, which tend to happen naturally within armed forces, even in the most civilized societies.⁴⁸ Hence, there is a strong need to have such civilian executive checks over police. None of this presents a scenario conducive to across-the-board protracted consultation, effective instrumentation or stability, and, thus, stable democracy in the country.

It is important to combine quasi-judicial functions with some executive functions in the office of DC & DM in order to effectively administer the state and the district. This was evident when, during elections in May 2013, the judicial magistrates were given various executive functions,⁴⁹ for example, to take pictures of violations of code of conduct during elections and convey those to DCOs to take corrective actions. However, it is more dangerous to involve the honorable members of the judiciary in executive functions than it is to allow some quasi-judicial functions to the DC & DM, with judicial oversight, as decided by the Honorable Supreme Court of Pakistan in 1993.

Similarly, on May 19, 2013, daily Urdu newspaper *Jung* reported a statement of the chief justice of Peshawar High Court that consumer courts will be established in 28 districts.⁵⁰ Price checking was a routine task performed by the DC & DM through his subdivisional magistrates (SDMs) and magistrates. Establishing special courts and paying for them heavily from the national exchequer (treasury) for a simple job well done by the erstwhile DC & DM does not pass the test of reason or respect for public resources. This, and many such executive functions, have been slowly, but gradually adopted by the judiciary on a need basis. The idea behind separation of powers, namely, to have an absolutely neutral judicial officer deciding cases on merit based on whatever is presented inside the court room, had turned out to be nothing but a myth. In reality, what has happened is that, in the void created by the demise of the DC & DM, the judiciary has progressively been forced to adopt the executive role of the DC & DM in matters pertaining to maintenance of law and order, to the detriment of judicial functions and judicial sanctity.⁵¹

There has been some examination of this phenomenon. Human Rights Watch of Pakistan in its 2013 report⁵² indicated and critiqued what it called “judicial over-reach.” Similarly *Dawn*, Pakistan’s most esteemed English newspaper, in a recent editorial⁵³ discussed this issue. However, by and large, the issue remains unattended at an intellectual level. In addition, the extent of reported and unreported police excesses⁵⁴ also has not been examined in detail.

As discussed earlier, the logic of separation of powers that was built up in support of this current scenario had no roots in Islamic history or the culture of Pakistan or in the tradition of public administration. In fact, it serves a purpose that is radically different from the Islamic objectives of checks and balances, which denies absolute powers to any one institution.

This scheme of things, in the long run, could only perpetuate absolutism and totalitarianism in the country and tarnish the image and professionalism of judiciary, while bogging it down with executive duties. Without any civilian executive checks on police, and the tendency of armed force of police to commit excess,⁵⁵ Pakistani citizens also suffer and, as seen in Chapter 5, crime increased to unprecedented levels.

Pakistan is inhabited by citizens, most of whom appear to form their opinions on the basis of news channels and talk shows without any in-depth analysis of issues. This is the direct consequence of the failure of Pakistan's educational institutions to instill curiosity and critical thinking in its citizens. Under these circumstances of public perception and lack of capacity among public servants, the judicial responsibilities have increased to an unsustainable level contrary to the concept of separation of executive from judiciary. The decrease in level of instrumentation, increase in violent crime, increase in police excesses,⁵⁶ decreased professionalism as far as instrumentation is concerned, and overall more difficult everyday life for Pakistanis became a common phenomenon post-2001.

Some objective studies conducted on the topic reveal the situation as problematic and uncomfortable for the masses. A study by the probationers of Civil Services Academy in 2013 demonstrates that the general public perceived instrumentation to have declined, violent crime to have increased, and price control to have slacked, in the past 40 years of Pakistan's existence after the demise of the DC & DM.⁵⁷ As argued in the theoretical framework of this research, instrumentation is strengthened by protracted consultation, and the institution of DC & DM could achieve it.

Protracted consultation was indirectly shown to have improved when instrumentation improved in the country during the time periods when the institution of DC & DM was functioning in the country, as shown in Chapter 5. Despite its many drawbacks and despite the low quality of civil servants who joined the cadre of DC & DM, the strength and rigor of the system maintained itself for a long time providing the conditions necessary for a stable democracy. Post-DC & DM, the realities changed for the worst. As seen in Chapter 5, instrumentation declined very sharply to an all-time low after 2001, dispelling the legend of separation of executive and judiciary as the all-in-all solution to the social ills of the country. *The solution lies not in separation, but in a system of checks and balances*, which was amply provided within the institution of DC & DM, who was accountable to his own hierarchy, to the judiciary, to the legislature, and to the

general public (see Chapter 3). Creating institutions accountable to none could only degenerate the society from within. The solution also lies in civilian executive accountability and checks over police excesses,⁵⁸ which was provided continuously all 365 days of the year by the DC & DM.

Recommendations

A reintroduction of the system of checks and balances to replace the unattainable ideal of separation of powers should be established. DC & DM was accountable to the people, his own hierarchy, the judiciary, and the legislature. Thus, reintroducing this institution will place a check on the powers and functions of the executive, legislature, and the judiciary, while simultaneously it will be under a mechanism of checks and balances by all three pillars of governance. In addition, and, most importantly, it will check police excesses and will be useful in reducing crime and increasing instrumentation, which is a vital prerequisite for liberal democracy.

PART 5: GENERALIST VERSUS SPECIALIST DEBATE OVERLOOKING THE REGULATION– IMPLEMENTATION DICHOTOMY

One of the key arguments presented against the institution of DC & DM was that of generalist versus specialist.⁵⁹ It was argued that new entrants to civil service of Pakistan do not require stringent educational qualifications beyond simple graduation, with the result that once selected they supervise specialized government departments, such as health, education, manufacturing, energy, etc., and, in the case of DC & DM, all of these departments, without having the requisite qualifications to understand the workings of these departments.⁶⁰ It was further argued that the specialists working in such departments and sectors are usually far more knowledgeable and educationally qualified than the civil service leaders appointed to supervise them, and, therefore, it makes no logical sense.⁶¹

The debate, as usual, was conveniently one-sided. Owing to its lacking intellectual capacity and mediocre mind-set, the civil service, DMG/PAS, and DC & DM were unable to offer any redoubtable rebuttal to the arguments. Irrespective of the interest group argumentation of specialists versus the generalists in the cadre of DC & DM, the actual debate about this

serious management issue and its implications for instrumentation and protracted consultation and, hence, for democracy, was never seriously dialogued in the public sphere. The effected monologue was characteristically antibureaucracy, anti-DC & DM, and anticivil service. Although this argument was not able to remove the generalists from the service, it managed to create serious doubts about the credibility and utility of civil service in general and DC & DM in particular, thus contributing to its demise.

Fact of the matter, however, remains that while specialists implemented specialized public services, they cannot simultaneously achieve the objective of regulating those services.⁶² DC & DM had, and civil service in general, has the responsibility of ensuring instrumentation or compliance with laws, rules, regulations, and public policies in order to achieve desirable policy outcomes; in the case of this book, the outcome of a vibrant democracy through ensuring instrumentation and protracted consultation. Only a generalist administrator, leader, and manager can realistically ensure all of this, because she/he is not usually influenced by the internal political dynamics and professional biases of the specialists.⁶³

The recent upheaval and frequent strikes in the public health sector of the country. Punjab is a case in point.⁶² Having allowed maximum autonomy to specialized health institutions headed by health sector specialists, the entire nation witnessed the disorientation and turmoil caused by the internal schisms, adventurism, politicization, and greed of these medical specialists. Dozens of innocent lives were lost as a result of frequent and unreasonable refusal of young doctors working in the public sector to attend to the patients.⁶³ It was clearly visible that generalists were, indeed, required to lead the specialized health institutions. Similarly, this argument influenced the removal of the DC & DM, who was not directly involved in provision of civic facilities, such as education and health care, but he was responsible for regulating these facilities for the betterment of common people.

The DCO, who replaced the DC & DM in 2002, is directly responsible for implementation in sectors such as education, health, infrastructure, sanitation, etc., and he is simultaneously the regulating authority. The consequences of this arrangement includes lack of accountability for public funds and public works, in as much depth and detail as a DC & DM was able to achieve. In addition, delinking the DCO from the crucial function of regularization of maintenance of public peace, law, and

order in the society has resulted in dramatic increase in crime, as seen in Chapter 5.

Recommendations

Systematic questioning of antigeneralist bias in the new public administrative structure of Pakistan, and removal of such biases, is necessary. In addition, it is recommended to separate regulation from implementation in the provision of core services of health, education, sanitation, communication, law and order, etc., by reintroducing the institution of DC & DM who should be overall in charge of law and order, health, education, sanitation, water supply, etc.; not in the capacity of implementer, but as the overall regulator of those services, on the same lines as in 1947 to 1950 in Pakistan.

PART 6: SIGNIFICANCE OF HISTORICAL ROOTS IN PUBLIC ADMINISTRATION

The theory of path dependency^{64,65} was discussed in detail in Chapter 2. Historical roots play a significant role in any present scenario, and very importantly in the public administration structures of a country that has a history as long as the civilization of the world.

Therefore, it is pertinent that the current public administrative structures and functions are created to be mindful of the systems that have penetrated deep into the psyche, culture, and history of the land and the people. In trying to incorporate new institutions and structures, it is important that only those may be introduced that correspond to the core structures and values of the people; institutions involving values that clash with the core values tend to, as seen in the context of Pakistan, create more issues of stability and justice, and, thus, adopt the best practices of the past (see Chapter 2).

The core values of Pakistani society are founded on the concepts of communitarianism, tribalism, tribal autonomy, diversity, and a unified and neutral local public administrative leadership. This is in grave opposition to the values of totalitarianism, homogeneity, submission, hierarchy, and politicized public administration that are endorsed by feudalism.

Historical roots of Pakistan endorse the concepts of Faujdar, Walee, Subedar, DC & DM, etc., as discussed in Chapters 1 and 2. We saw in

Chapter 2 that patronage combined with merit-based head of a district, employed by the Mughals, was not as viable an option as a merit-based neutral head of a district as assigned in ancient Pakistan and during the British colonial era. It was observed in Chapter 2 that ancient indigenous empires of Pakistan favored merit-based head of a district, while empires headed by people of foreign origin engaged a patronage-based DC & DM for obvious reasons. British colonialists, as seen in Chapter 2, perhaps learning from history, initially employed the patronage combined with merit-based system of hiring a DC & DM, but soon replaced it with open merit and allowed local Indians to compete for the positions. However, the foreign institution of feudalism prefers a patronage combined with merit-based and politicized system.

It is clear that a DC & DM recruited purely on merit and functioning as an unbiased public servant commanding a district is best able to have the flexibility of policy implementation, to tailor it as per the requirements of local culture and people and to ensure local autonomy in day-to-day affairs. He also is best suited because, as a link between the federal and district government, he influences federal policy making to cater for the unique local circumstances of his district. Hence, a DC & DM is competent and fitted to satisfy the innate tenets of Pakistan's society, i.e., diversity, local autonomy, communitarianism, tribal autonomy, and a unified district leader accepted by virtue of his impartial approach and nonaligned protracted consultation with all local communities.

Feudalism, on the other hand, relies on hegemony, despotism, homogeneity, complete submission of local population, and hierarchy, which necessitates subjective and prejudiced district leadership. Such a leadership, as provided by the DCO who replaced the DC & DM, and who was, as per law, directly under the bureaucratic control of an elected nazim and, thus, thoroughly predisposed to the contemporary political order, was not able to provide safety, security, protracted consultation, and instrumentation (see Chapter 5). It encouraged a kind of protracted consultation that, in mildest terms, can be described as majority tyranny, but not meaningful and open democracy.

Comparing the two institutions of DC & DM and DCO, one can easily discern two key facts. First, as per the theory of path dependency, it is imperative that the institution of DC & DM would continue to influence the present decisions regarding public administration at the district level. Second, that the institution of DC & DM is befitting the core values of Pakistani society in general. And third, that the values espoused by the

institution of DC & DM are more appropriate for a free, autonomous, self-reliant, and self-actualizing society. It is because of these reasons that, not only is the institution of DC & DM the paramount choice for Pakistani society, but it is also the worthiest guarantee for a truly democratic society.

However, as explained above, the depressing quality of education has transformed Pakistani society into a group of followers who tend simply to follow the arguments of public intellectuals who speak through the media. Pakistan's remaining intellectuals, on the other hand, do not appear to demonstrate strength, rigor, or force of conviction, if any. Their considerations appear to lack depth, philosophical examination, and thread-bare scrutiny. The result being that instead of realistically evaluating Pakistan's options about public administration in light of the theory of path dependency, Pakistan's social and cultural milieu, and the need of a free and open Pakistani society, the issues are simply evaluated in light of the contemporary influential interest groups. A cursory glance at dominant groups throughout the history of Pakistan since 1947 makes it amply clear that those groups attained influence only after making peace with and supporting feudalism, totalitarianism, and absolutism, which have no roots in the long history of Pakistan.

Recommendations

Police excesses are well known in Pakistan and around the world,⁶⁶ and it was apparently known to all civilizations of Pakistan, which was why police were checked in this region by a civilian executive officer. It is important, therefore, to restore the civilian executive control over police by the DC & DM. Since the institution of DC & DM is seeped deep into the ancient as well as more recent history of Pakistan, reintroducing the institution will help remove some of the contradictions within the current public administration of Pakistan. For this very reason, it will be more acceptable to the people of Pakistan and, thus, will be conducive to operative instrumentation and protracted consultation, which are deemed necessary for profound democracy.

PART 7: QUALITY OF EDUCATION IN PAKISTAN

Quality of education has been discussed in detail in the previous paragraphs and chapters. What led to this sorry state of affairs? What made

an essentially diverse and free-thinking society into a band of followers? What caused this rote learning? What was the reason for discouragement of systematic critical thinking?

A close look at the intellectual history and heritage of Pakistan exposes a land nurtured by intellectual waters of Greeks, Romans, Persians, Arabs, Turks, Central Asians, and local indigenous philosophers and scholars of Hinduism. The diversity of the people living peacefully together, in itself, rendered the population predisposed to learning from other traditions and cultures. Mughals, who preceded British colonialism, were known for their broad-mindedness, learning, intellect, patronage of arts and sciences, tolerance, and overall secularism. Scholars from afar traveled to the Mughal cities like Thatta and attended the Mughal court. Thatta, a small town in Sindh, was a center of learning during the Mughal period boasting of a large population of Central Asian scholars. Similarly, Taxila, in northern Pakistan, had an illustrious history of being the center of Buddhist learning, sciences, and arts. Peshawar was a city known for its scholars, flowers, and fruits. Katas Raj in the Chakwal district of Pakistan had a prestigious Hindu university from the ancient times. A country that, from Khyber to Karachi, was spotted with universities, seminaries, and research organizations, ever since and even before the times of Mahabhart, could not have easily rendered itself to ignorance. What then caused this burning fire of curiosity to extinguish? What caused this philosophical decay?⁶⁷ Where did those people go who could go out of Plato's cave, see the light, and illuminate others?

Analyzing this question deeply, one is bound to place the responsibility (1) on the mighty shoulders of the last Mughals who ignored systematic learning, (2) on the British colonialism, (3) on the materialistic less-than-intellectual of Pakistan, (4) on Pakistani feudal and politicians, and (5), but very significantly, on the philosopher king bureaucracy of Pakistan, including the DC & DM. Let us look at each and every one of the factors individually.

Learning was coveted and honored at the Mughal courts, and this gave impetus and incentive to philosophical learning, translations, universities, seminaries, intellectual migrations into India, and creation of knowledge especially in the fields of mathematics, engineering, architecture, geometry, astronomy, rhetoric, philosophy, and medicine.⁶⁸ Later Mughals, especially starting with Jahandar Shah in the early eighteenth century, shifted the focus from intellectualism to court entertainments. Jahandar Shah is known for shocking the court with promiscuous court frivolities, supported by his dancing girl turned queen consort, Lal Kunwar.⁶⁹

He was followed by Farrukhsiyar, who was known for his indecisiveness and weakness of character, as well as for his lack of learning. This affected the stability of the country. The vacuum of power provided by the weak emperors, as well as the constant court intrigues, encouraged adventurous individuals to raise arms against the central government and declare independence. This was bound to have the trickle-down effect, and the society likewise was bound to shift away from learning and toward a power struggle, as learning cannot prevail in an environment of regular upheavals.

Once the Mughal Empire gradually came to an end, the replacement process by the British colonial government also involved not only the gradual replacement of the structures of governance, but also the replacement of educational institutions, curricula, and values. Most importantly, it involved a brand new social construction of education and knowledge. This replaced vibrant informal and semiformal institutions of education within mosques and seminaries and within close-knit social groups by formal institutions of learning. Accountancy, English, and law, whose expertise was of immense use to East India Company and was a source of gainful employment as clerks for local Indians, replaced learning in philosophy, medicine, architecture, literature, and rhetoric. The definition of education changed from learning of sciences and philosophy to the ability to learn sciences while able to understand, read, write, and converse in English, and obtain formal degrees from formal institutions. Those formal institutions were entirely different from any formal institutions and classrooms with which the local people were familiar. The stress of learning a new language in order to imbibe understanding of new subjects was added to the matrix of the new definition of education. The focus of this new form of education for Indians was neither creativity nor critical thinking, philosophy, or creation of knowledge; the core idea seemed to revolve around employability, and employability in those changing times emphasized order and submission, not leadership and autonomous thinking.

While the powerful established feudalism was vociferous in its critique of the institution of the DC & DM as a remnant of the colonial era, their criticism of the system of education was far more muted. This system of education preferred followers over leaders; it emphasized correct diction, sounds, pronunciation, and grammar, but not the intricacies of rhetoric or the cultural anthropological underpinnings of the English language. With the passage of time, even this concentration on correct semantics ebbed away slowly after a few years of independence.

Such a system of education was not expected to generate good-quality human resources, and, thus, it failed to trigger the entry of public spirited, morally, ethically, and professionally worthy DC & DMs in civil service. This system of education failed to instill any sense of patriotism, humanity, and curiosity among its literates, which directly led to a leadership crisis in the country, which manifested itself in the form of uncharacteristic DC & DMs with questionable histories, giving fodder to the rhetoric probing the necessity of the institution.

While the civil service was strong, had constitutional guarantees, and was manned by creditable officers, those administrators were able to at least maintain some standard of education, whatever goals it had, as left by the British. However, as rhetoric against DC & DM grew louder, as standards of DC & DM degenerated, and as DC & DM was politicized, the system of education also was caught in this vicious cycle and it continued to fall off. As educational standards went down, the quality of all officers and, of course, the DC & DM went down even farther, providing impetus to the free fall of quality of education and learning in Pakistan. Original research almost came to a standstill in Pakistan by the late 1960s. The unbecoming treatment meted out to Pakistan's first Nobel Laureate Professor Abdul Salaam is as clear an indication as possible of the petty and rotten politics of the higher educational sector of the country. There was hue and cry led by the professors of the country (who were the pillars and innovators of Mrs. Bhutto's power), that since Mr. Salam was an Ahmedi, which according to them was not a Muslim, hence he should not be allowed entry into the country. At the base of this argument was severe insecurity which had led to professional jealousy. It really was nothing, but professional jealousy robed in religious sentiments. What is truly disturbing is that it succeeded in its objectives.

With such educational institutions and teachers, there was little hope for the country. These very same teachers and doctors rose in large, organized numbers to protest against the service structure of the DC & DM and to demand the same, in the late 1960s.⁷⁰ Part of their lamentations were based on facts; the DC & DM was thoroughly politicized by the Ayub regime and the institution worked to strengthen Ayub's hold on power. However, their allegations about the institution of DC & DM itself, its selection and appointment procedures, and its training institutions being responsible for this sorry state of affairs was not entirely true. The educational and training institutions were responsible to some extent for the corrosion and decomposition of all professions in Pakistan, but it was not

specifically the training institutions of the Civil Service of Pakistan (CSP) cadre that produced the largest number of DC & DMs, who were liable for the political decisions that converted a once coveted, hardworking service that prided itself in working for the state to a service that became a servant to the political government.

The lacking standards of education had decayed all professions in Pakistan, and had introduced spiteful, narrow-mindedness in all. However, CSP still being the prime civil service of Pakistan was able to attract the best and the brightest⁷¹⁻⁷³ to its folds. While the CSP cadre also was gravitating toward mean-mindedness, being the premier service, the level of mean-mindedness was somewhat less than that of other occupations fashioned by the out-dated educational system of the country.⁷⁴ As seen in Chapter 3, the professional resentment and protests of doctors, engineers, and teachers in the late 1960s were catalytic in bringing down the edifice of covetous civil service and the institution of the DC & DM.⁷⁵ Hence, civil service reforms were introduced in 1973 that removed constitutional guarantees from the DC & DM and made him dependent on the will of the politicians. This meant that the institution of DC & DM lost its ability to take initiative and to bring about any improvement in the educational sector.

With the quality of education declining, the quality of DC & DM declined as well, until it was finally removed from the map of public administration in Pakistan. In 2001, with the introduction of DCO and decentralization of vital governance functions, primary education also was decentralized, and came directly under the ambit of the DCO. The DCO, being neither as capable nor as politically autonomous as his predecessor in the DC & DM of the 1950s, was unable to make a marked difference in the inherent quality of education either in Punjab or in Sindh. The country failed to produce independent thinkers and leaders.

In addition, during this time period, various incentives were offered to the higher education sector in the form of funding for research, scholarships for foreign education, higher pays, and pay scales for appointments of quality teachers. However, the old system of feudal controls and a feudal mindset was as strong as ever. Senior faculty who were to hire new teachers could not absolve itself of self-interest and, thus, was unable to hire new lecturers and professors who were superior in quality to the previous generation.⁷⁵ Similarly, despite a large number of scholarships being awarded for study abroad and foreign aid being given to this end, the selection of students as recipients of such scholarships remained subjective due to the presence of

the old guards in selection panels, who chose more on the basis of politics, their personal interests, and affirmative action rather than on the basis of capability and merit.⁷⁶ Pakistani universities, therefore, remained unable to produce original research and autonomous, critical thinking.

Recommendations

Quality of education in Pakistan will have to improve for it to become a truly participative democracy. The core goal of a state (and to which all its functions of maintenance of peace, security, standard of life, etc., are geared) is to assist its citizens to achieve their potential through self-actualization. Self-actualization cannot be achieved by a nation that does not have the capacity of critical, autonomous thinking. The education system of Pakistan emphasizes rote over understanding and analytical inquiries. Such a system, in broader terms, is detrimental to achieving self-actualization by its citizens, and in narrower terms unable to provide capable and conscientious public administrators. Without capable administrators, the ideal of instrumentation and protracted consultation leading to consequential democracy will not be easy to achieve. The educational curricula and institutions of Pakistan should be revamped on scientific lines, while keeping in view the cultural, traditional, and path-dependent structures and values of the region, encouraging the students to become independent thinking leaders, not simply followers.

PART 8: MOST IMPORTANTLY, A CLEAR CONSENSUS AND VISION ON VALUES FOR PAKISTAN

Pakistan was a culturally diverse country to begin with in 1947; however, although culturally diverse, it had few competing ethical values, at least initially. The country could not reach a consensus on framing a constitution until 1973, due to power struggles of competing values. While, on the one hand, feudalism wished to maintain its unnatural control over the resources of the country, on the other hand, liberal forces wished to steer the country toward representative democracy. While, on the one hand, there were those like Ayub Khan who favored capitalism and equal opportunity of competition, justice, and fair play, on the other hand, Bhutto's socialist agenda advocated for and implemented the values of socialism

and socialist egalitarian equality, implying equality of all irrespective of their ability to compete in all sectors, including education, employment, and business.

The upshot of the conflicts of these extreme values, insofar as the DC & DM was concerned, was the recurring civil service reforms, where once upon a time meritocracy ruled the roost, was replaced unceremoniously by a civil service reliant on direct inductions and political patronage. The idea of equality for all sapped the system of education and competition for civil service of its vigor, ensuing lower quality of competitors and entrants into the service, both ethically and intellectually. Contrariwise, it provided the downtrodden of Pakistan with opportunity to experience a socioeconomic uplift. However, this uplift came at a price. It was achieved along with the perception that political connections, connivance, and cunning in Pakistan have replaced justice, intellect, hard work, and capacity. The perception further reduced the prestige of the DC & DM and civil service in Pakistan. The combined result of civil service reforms of 1973, media's war against DC & DM and the civil service, public perception of politicization of the DC & DM, and replacement of merit and justice by equality was that slowly and gradually the quality of entrants to civil service went down the hill. The top-most students of Pakistan, who had once strived to join the civil service, started to leave the country for better and fairer educational and career opportunities in the West. Those in the second tier, who were not as capable, aspired to become civil servants in Pakistan. However, in spite of this, up until the early 1970s quite a large number of highly intellectual people competed for and joined the civil service. But, after the reforms of 1973, this quality further deteriorated. While prior to 1973, the quasi-judicial functions of the DC & DM were part and parcel of the requirements of the job, the competing values post-1972 questioned those functions. As a result, executive was separated from judiciary in 1996, resulting in reduced checks over police excesses by the DC & DM. The conflicted institution of DC & DM was now unable to provide integrated services to the people or check against police excesses, its effectiveness was reduced, and, hence, its prestige was reduced as well. Resultantly, the quality of aspirants to civil servants post-1973 witnessed a sharp decline and the PAS (Pakistan Administrative Service) group is no longer the prime choice of Central Superior Services (CSS) aspirants.⁷⁶

The government of President Musharraf, while advocating for a system of justice, reduced justice and quasi-judicial functions to the office of an elected and obviously politically biased nazim. While earlier dispensation

of quasi-judicial functions was entrusted to “selected” officers based on merit, in 2001 through a complete flip of values it was entrusted to locally elected representatives who had no training or inclination to administer unbiased justice. This contradiction of values further reduced the quality of service provided now by the DCOs. Moreover, for the first time in Pakistan, the top-most position holders in civil service exams preferred service groups other than District Management Group (DMG)/ PAS.⁷⁷ Not just the top position holders, but other successful candidates too, who traditionally indicated their first choice of service as DMG/PAS, now preferred other service groups, such as police, foreign service, and customs to DMG/PAS.⁷⁷ All of this led to the ultimate decline in the moral and intellectual quality of people who became DC & DMs and then were chosen as DCOs. All of this happened under the slogan of fair play, good governance, and justice for all.

It is very rare to find, if any, threadbare, objective, clear, and in-depth analysis of the conflicting values that were and are being promoted in Pakistan. The nation has so far been unable to come to a consensus on key conflicting national values, i.e., whether it prefers equality for all or justice for all or dispensation of justice through politically elected representatives. As long as this remains unresolved, the country’s civil service reforms will remain chaotic and muddled. Without a clear value-oriented goal in sight, the restructuring of civil service in Pakistan cannot be expected to bear the fruit of effective instrumentation and meaningful, across-the-board protracted consultation.

Recommendations

The country requires a clear consensus on core, if not all, values that it strives to uphold. A clear, concise, objective, to-the-point, informed, and critical debate at the highest forums of the country, involving serious intellectuals, is the need of this day as much as it was 60 years ago. The continuous swinging and chanting of competing and hypocritical values does not bode well for the democratic future of the country. Most importantly, it is perplexing in terms of agreeing on a public administrative structure of the country. The country has to have solid argumentation and discourse about whether it expects justice, merit, and fair play within and from its public administrators, or does it want equality for all irrespective of the effort expended by each, within and from its structures of public administra-

tion, or does it prefer obviously partial justice administered by politically elected representatives.

CONCLUSION

This chapter built upon the history of public administration in Pakistan as discussed in Chapters 1 and 2, quantitative analysis of crime data in Chapter 5 and its interpretation, and some of the reasons that led to the sorry state of affairs in Chapter 5. Most importantly, however, is the theoretical framework of this book, as discussed in Chapter 3, examining the critical areas where improvement in public administration is needed, so that the country achieves the desired level of instrumentation and protracted consultation in order to have meaningful, inclusive, representative, and lasting democracy.

The chapter identified the following critical regions:

1. Colonial institution and mind-set of feudalism
2. Frequent modifications in administrative structures creating perceptions of vacuum and, hence, opportunity for adventurism
3. Quality of civil servants in Pakistan including manner of appointment, training, and postings
4. Separation of powers versus a system of checks and balances
5. Generalist versus specialist debate overlooking the regulation–implementation dichotomy
6. Significance of historical roots in public administration
7. Quality of education in Pakistan
8. Most importantly, a clear consensus and vision on values for Pakistan

The chapter investigated all of these areas in light of insights from the first five chapters and presented its recommendations for advancement in public administration so that it can warrant instrumentation and protracted consultation and, thus, sustainable democracy. It recommended that the depoliticized and merit-based institution of DC & DM, which has its roots in the long history of Pakistan, should be reintroduced; feudalism should be abolished, land reforms should be introduced and implemented; entrepreneurship should be encouraged. It further recommended that quality of education in the country be enhanced to instill

love of learning and critical autonomous thinking in its citizens. In place of separation of powers, a system of checks and balances should be introduced and antigeneralist bias that tends to ignore the important distinction of regulation and implementation should be removed. Lastly, the nation's intellectuals should pay attention to achieving national integration by focused deliberation and discourse to reach a consensus on core values of the nation.

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8

Conclusion

Today's Pakistan is not what it was envisaged to be at the time of independence and is indeed a dream gone sour. A promising country in its nascent years, blessed with all kinds of resources and passion, took off well despite initial daunting challenges. But predatory leaders, perverse governance, weak institutions, inconsistent myopic policies, ruthless vested interest, and intermittent coups subjected it to such disastrous trials and tribulations so mercilessly over the years that it has instilled only despair and despondency amongst its citizens.

Why has a newly independent country in 1960s, seen as a model of development in Asia, lagged behind and performed so poorly? Why has it disintegrated? Why was it used and occupied by foreign nonstate actors? These perplexing questions—instead of just leading to vitriolic, impractical, putative, and emotional drawing room discussions—should attract the serious attention of researchers, scholars, and practitioners from all intellectual disciplines, particularly those belonging to politics, economics, public policy, and public administration.

Pakistan today is confronted with grave issues and challenges, i.e., faltering economy, persistent poverty, energy crisis, natural disasters, rising radicalism, terrorism, the tearing of social fabric, increasing corruption, deteriorating law and order, increasing crime rate, a quickly dilapidating infrastructure, burgeoning population, increased urbanization, low human development indices (HDIs), diminishing writ of the government, poor governance, lack of capacity, and weakening institutions, just to name a few. This tale of tragedies has to end before it is too late.

The current challenging and chaotic state of affairs needs an urgent in-depth, rational analysis and democratic debate from all possible angles to find a viable way forward to put the country on the right track. This very need and desire coupled with the authors' deep love and concern for the

homeland has been the reason and driving force behind this endeavor; their civil service background and diverse international academic and hands-on experiences helped provide the needed insights for the study.

Needless to say, the causes of Pakistan's malaise and myriad of complex problems emanate from a variety of dimensions, such as social, cultural, political, economic, historical, religious, militaristic, ethical, etc., and there is no single panacea or blanket solution for resolving all of those at once. This study, however (keeping in view its restricted scope in terms of academic discipline, resources, and authors' relevant scholarship) attempts to examine the problems through the lens and linkages of democracy and public administration. It is an effort to bring a fresh perspective into the on-going public policy narrative and governance debate in the country and add to the existing body of knowledge on the subject.

Although academic literature is available on the subject, i.e., linkages of democracy and public administration and effective civil service and development, it is generally lacking in the case of Pakistan and its peculiar specifics. This study attempts to fill that gap and brings forward an argument based on modern theory and practice of public administration for further debate and analysis on national, as well as international, development agenda. Most scholars and practitioners agree that the relationship between democracy and public administration can best be described using the theoretical and conceptual framework and practices adopted in a country. That is what has been attempted in this Pakistan-specific study.

There is no gainsaying the fact that lean, efficient, and well-compensated bureaucracy is the institutional apparatus for effective service delivery and development in any country. The examples include the erstwhile civil service of Pakistan in its initial years and many other countries, such as the United Kingdom, Germany, France, Japan, Australia, and Singapore, which is now the most quoted example of modern and efficient civil service after reforms in 1996, and Pakistan must look at its model for its civil service reforms. Even the United States, despite having its traditional spoils system, has its Senior Executive Service (SES).

Because a district is a self-contained basic administrative unit in Pakistan, headed by a district officer, the office and role of its institutional head, i.e., the deputy commissioner & district magistrate (DC & DM) being lynchpin of administration, has been discussed and analyzed in detail for revival, improvement, and reforms. It is a crucial link with meaningful democracy in the country because its contribution is critical

to strengthening government's writ and good governance leading to social and economic development and growth.

This book traces the roots and origins of Pakistan's public administration system as it is deeply embedded in history, particularly its age-old DC & DM's basic mold, through its historical legacies and evolution so as to dispel some misconceptions that it is merely a British colonial legacy. The exploration revealed that district head's quasi-legislative and quasi-judicial functions have been more or less similar spanning centuries, starting from Guptas, Mauryas, and Mughals to British and current Pakistan as it mainly derived its strength from indigenous circumstances, such as local culture and norms, peoples' psychology, and local wisdom.

The book then looks at some major modifications of DC & DM's quasi-legislative and quasi-judicial roles with a history of ill-conceived and failed civil service reform attempts and found that most were biased and based on vested political motives rather than on sincere, forward-looking national developmental aspirations. This ended up in politicizing the DC & DM with compromised neutrality ultimately leading to its demise in 2001.

While examining its linkages with the concept and practice of democratic dispensation, this book argues and validates that quasi-legislative and quasi-judicial functions of DC & DM were well suited to maintain protracted consultation with local communities and strong instrumentation to build trust needed to enforce the writ of the government and maintaining order, which ultimately strengthens and sustains democracy.

The study then views Pakistan's pivotal administrative institution of DC & DM through the prism of the modern public administration theories and practices, such as "theory of path dependency," the theories stressing need for "protracted consultation" and "strong instrumentation"¹ for nascent democracies such as Pakistan (which, in the case of Pakistan, was amply provided by the institution of the DC & DM).

It also discusses the tensions and need for balance between new public management (NPM) that mostly exhorts adoption of market techniques versus new public administration (NPA), which cares for public good and public services. It includes discussion on politics-administration dichotomy theory and "separation of powers," particularly in Pakistan's perspective, then tests it through field-based evidence and indicative data to prove and establish the direct, proportional, and interdependent link between the democracy and public administration system in Pakistan.

The analysis found that crimes increased exponentially and proportionally with the decreasing quasi-legislative and quasi-judicial powers and increased politicization of the DC & DM. Some other supplementary findings include decreased protracted consultation and weak instrumentation, which is necessary for sustaining democracy, led to weakened writ of the government; and decreased development activities that led to low local socioeconomic development and ultimately increased corruption and confusion at district level. Besides regular crimes, this institution's efficacy in terms of mitigating terrorism also can be analyzed and studied further from the data to help scholars and practitioners comprehend and tackle the issues well.

Additionally important, but usually an overlooked and mostly unappreciated, aspect of the DC & DM has been its immense contribution to local socioeconomic development over the years. Numerous district public schools, hospitals, dispensaries, community centers, sports clubs and parks, etc. in various districts across the length and breadth of Pakistan even today stand as living proof of the DC & DM's contribution to socioeconomic developments at the local level. A few representative examples of that were witnessed during the field-based research, such as the district public schools (DPS) in Faisalabad, Jhang, and Khushab; this was duly reinforced during interviews with the local people and officers, who lauded and testified that these projects were the single-handed efforts of the then DC & DMs of those districts.

The centuries-old, traditional, formal, and, more importantly, informal authority enabled the DC & DM to be deeply involved with local communities, be an inspirational role model, provide leadership, and use his formal and informal authority to envision and implement various development projects with the help and partnership of local communities.

Likewise, besides the DC & DM's legal, rational authorities mentioned throughout this book, his traditional informal authority and role as political agent (PA) is commensurate with the local centuries-old customs and cultural traditions that had helped him and the government keep peace and order in the tribal areas of Pakistan,² which now is infested with terrorism. One of the major reasons for weakened government writ in tribal areas is the weakened role of the DC & DM (called Pas) in tribal areas, which was well positioned for being aligned with the centuries-old local traditions and culture. This has been destroyed with a wrong policy of increased militarization in the area.

Lastly, the study discusses the reasons for demise of the DC & DM, pointing to:

- Lack of consensus of national core values
- Vested political interest
- Flawed reform narrative
- Attempts to break misperceived elitist office of the DC & DM
- Unwarranted, illogical, misunderstood socialist egalitarian approach
- Tendency to resort to force, i.e., militarism instead of finding democratic solutions through standardized application of law and democratic rule
- The acute need for rule of law
- Deficiency in structural and institutional checks and balances
- Concept of accountability
- Finally, proposes a way forward for a dispassionate debate for finding pragmatic solutions in a holistic manner

This study concludes that it duly supplements the theoretical argument put forward by McAdam, Tarrow, and Tilly³ and Hellen⁴ that a strong democracy definitely requires (1) a strong instrumentation (state's capability to enforce its writ, provide order, security, and smooth service delivery to citizens) and (2) a robust protracted consultation (state's ability to constantly engage citizens in decision making). And, this critical role was inbuilt in the very design of the public administration system of Pakistan for centuries in the form of the DC & DM.

After years of research and experience, most scholars and practitioners agree that weak and perverse institutions are one of the main causes of poverty, underdevelopment, and chaos in any country. This study also corroborates the same and comes to a similar conclusion that weakened institutional apparatuses of democracy and civil service in Pakistan is one of the fundamental reasons for its drastic decline and decay, and only their due and urgent revival and strengthening by adopting pragmatic systems approach can ensure the cherished goals of development and progress in the country.

Stable and strong democratic institutions and wise and visionary leadership provide clarity concerning national goals and policy objectives, and steel framework of modern development-oriented bureaucracy implements the policy and ensures smooth service delivery. Therefore,

synergistic and integrated ideological and strategic national agenda and policy framework is a must for national peace, progress, and prosperity.

The sooner Pakistan realizes the urgent need for

- national soul-searching;
- determining and redefining core national values;
- setting national development agenda and goals;
- having long-term vision of building and reforming institutions;
- practicing merit-based good governance;
- ensuring rule of law;
- strengthening of institutions, especially the vital civil service;
- modernizing the archaic rules and systems governing civil services;
- depoliticizing the bureaucracy;
- investing in human capital and development through universal education and training;
- bringing the best and brightest to man critical executive civil service positions;
- setting clear institutional roles and responsibilities with due checks and balances;
- introducing across-the-board transparency and accountability with due rewards and punishments;
- correcting the chronic civil–military imbalance; and
- correcting the militaristic mind-set of finding solutions through force and demilitarizing the public civil institutions;

the better it is, because these are the prerequisites for any strong, proactive, responsible, and development-oriented progressive society.

Although the current scenario in Pakistan is that of gloom and doom, it is about time that Pakistan wakes up to reality and turns the tough challenges into opportunities of progress, as even a cursory glance at its positives and inherent strengths keeps the hope alive that it is resilient enough to come out of such crises. Needless to say, seemingly complex problems of Pakistan can be resolved with sincerity of purpose and all it takes is the strong national will, setting national direction, strengthening the crucial institutions, infusing the spirit in people, and sincerely working to achieve the goals. This is no Pythagorean theorem or an irresolvable mystery.

Pakistan is endowed with such immense natural resources, a young enterprising population, indigenous wisdom, and rich historical traditions that it just needs the leaders and the people at large to candidly debate and

set the national goals, define core national values, take a step in the right direction, strengthen the crucial institutions for execution, and work sincerely to achieve these goals, and it will be on the right path to cherished destination as other nations have done.

The caveat is that, if we still as a nation do not realize this and take due urgent actions, the problems will only continue metastasizing, which will ultimately endanger the country's very survival.

Despite coping with numerous responsibilities in pursuance of their public service careers, it is a moment of relief and joy for the authors to present this discourse as a contribution to fostering an environment of trusted, rational, and evidence-based debate over governance issues and challenges being faced by Pakistan.

The modern-day dynamic and electronically overconnected world has moved on from traditional definitions of public administration to include concepts such as “democratic governance,” “people centric approaches to governance,” and “development-oriented bureaucracy,” etc. There is a need for us to explore a wide range of emerging issues and topics for improving governance and public administration in Pakistan so as to foster democracy and development in the twenty-first century. In this context, the role and functions of elected representatives, the DC & DM, judiciary, and police, especially police excesses⁷ and increase in crime post-2001, also may be studied from the perspective of structural imperatives for balances of powers and checks and balances, for developing countries, particularly Pakistan.

This book provides certain recommendations for providing appropriate protracted consultation and instrumentation at the ground level, which includes reintroduction of the institution of the DC & DM.

As a way forward, it is suggested that given the historical efficacy of the office of DC & DM in indigenous circumstances, its merits and defects and need to modernize it through due reforms according to the changing times, should be studied and debated in-depth further amongst all stakeholders from a purely professional, unbiased angle. Strengthening fragile institutions and systems is the only way out of impending breakdown. Considering, debating, and analyzing in detail the option of reviving the institution of DC & DM, along with executive magistracy, will lead to informed public policy decisions and can help the country regain its lost steel frame for protracted consultation and strong instrumentation, which, in turn, would support and sustain healthy democracy enabling the country to tap its full developmental potential.

We hope the readers, i.e., the students, scholars, public policy practitioners, and decision makers alike, will enjoy and benefit from this humble attempt and this will spur a further healthy debate and discourse on democracy and public administration issues in Pakistan from different academic and practical angles for finding viable solutions to make Pakistan strong, progressive, and prosperous.

Going forward, it would be advantageous to consider the question of this institution's efficacy, especially in dealing with the question of terrorism. Although literature indicates that the DC & DM was instrumental in keeping terrorism under check,⁸ further detailed examination and analysis of data will contribute to scholarship and will aid in the comprehension of the issue for the assistance of practitioners.

In addition, the role and functions of elected representatives, the DC & DM, judiciary, and police may be studied as well from the perspective of structural imperatives for balance of powers, and checks and balances, for developing countries with long administrative and governance histories.

In summary, the book contributes to theory and practice in the following ways:

1. It, for perhaps the first time, studies in detail the relationship between Pakistan's democracy and its grassroots-level bureaucracy's quasi-legislative and quasi-judicial functions.
2. It explores this relationship through a theoretical lens previously applied to countries of South America and Far East Asia, but not to the new democratic countries of South Asia and not to Islamic countries.
3. It contributes by linking the theoretical framework of new democracies with concepts presented in the theory of path dependency, so as to better comprehend the requirements of stability for democracy in new democracies with ancient civilizations and histories.
4. It further adds to the theory by meticulously tracing the link between protracted consultation and instrumentation and by arguing that, in a country like Pakistan, it is the protracted consultation that leads to improved instrumentation and, hence, to improved survival chances for democracy in the country.
5. It provides a clear, concise, and precise administrative history of Pakistan from ancient times to current including the changes in quasi-judicial and quasi-legislative functions of the DC & DM, and the manner of recruitment, posting, transfer, and promotion of officers.

6. It gives a fresh perspective on the theory of path dependency by arguing that instead of simply viewing historical repetition of decisions as institutional inertia, it can be constructed as a conscious choice even when provided with the opportunity of stage 1 of change, i.e., a field wide open for change, to replicate the best practices of the past, as far as public administration is concerned, for the purpose of service to the people.
7. It analyzes those differences in the historical context and identifies patterns of behavior for different kinds of rules and rulers of Pakistan.
8. It, for the first time, analyzes Pakistan's crime data from 1947 to 2011 to identify patterns and to understand the relationship between modifications in the quasi-judicial and quasi-legislative functions of the DC & DM, and the ebbs and flows of crime—in particular violent crime and its relationship to stability and democracy in the country.
9. It contributes by, perhaps for the first time, deeply analyzing the logical and rational philosophical foundations of the concepts such as separation of powers, generalists versus specialists, judicial autonomy as practiced in Pakistan, feudalism, and the debauchery of the culture of DMG/PAS cadre officers who manned the positions of DC & DM and who contribute the most officers to the office of DCO now.
10. It critically analyzes, perhaps for the first time, the theoretical underpinnings of the demise of the office of DC & DM, which was found to be of crucial importance in the quantitative analysis of this research.
11. It identifies core areas where improvement is needed and provides concrete recommendations in the interest of a stable, secular democracy in the country.
12. It suggests concrete measure to improve the situation for the better for democracy in the country. In this regard, it endorses the proposals set forth by Joshua White⁹ regarding revival of a system similar to the DC & DM, to (not just in Federally Administered Tribal Areas (FATA), but throughout Pakistan) check against excesses committed by police that come naturally to an armed force, even in developed and civilized countries.¹⁰
13. It further proposes a reasoned approach of a system of checks and balances versus strict and unrealistic separation of powers¹¹⁻¹³ that is not strictly present anywhere in the world.

The book raises more questions than it answers, for example, the role of social factors in instrumentation, quantitative analysis of the book's construction of path dependency in public administration, etc. Further research is needed to respond to those questions.

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Democracy and Public Administration in Pakistan uses the theoretical framework informed by the work of McAdam, Tarrow and Tilly (2001), which argues that new democracies which lack in instrumentation and protracted consultation, are prone to disintegration and occupation by foreign forces. It argues that the protracted consultation provided by the institute of District Magistrate generated better, humane, and civilized instrumentation, and that the demise of this institution in 2001 was detrimental to protracted consultation and instrumentation, and hence for democracy in the country.

The authors argue, looking through the historical and quantitative lenses, that instead of simply viewing path dependency as institutional inertia, it can be constructed as a voluntary and intentional replication of best practices for public welfare, and therefore become an instrument for creating beneficial policies. The book looks at the long history of District Magistracy from antiquity, the times of the Greeks, the Persians, the Central Asians, the Mauriyas, and the Guptas to the creation of modern-day Pakistan in 1947.

It quantitatively examines data from 1947 to 2011 to demonstrate that there is a link between the gradual weakening of the institution of District Magistracy in the country and the disintegration and lawlessness of Pakistan. The authors contend that Pakistan's democracy to date lacks a firm foundation, as evidenced by the country's disintegration in 1971, violence and drugs in the 80s, crime-infested communities in the 90s, terrorism in the 2000s, and the current volatile situation in Balochistan and FATA, as well as high crime rates and a lack of security among the communities of Pakistan. The book further contends that various and frequent major shifts in the administrative structure of the country created vacuums which encouraged adventurous elements to enter into the arena, further complicating the situation for a meaningful democracy to take roots in Pakistan.

Democracy is not merely elections. It is about the people creating their own narratives and applying their own reasoning to make their own decisions peacefully and in a civilized manner. For Pakistan to achieve this dream, it has first debate and define its national core values and then to get down to the grassroots level to simultaneously empower its people and provide an environment conducive to such democratic pursuits. Peace, stability and security at the grassroots level is a must for this ideal to be achieved, and hence the role of vibrant, dynamic and people-centric public administration which uses protracted consultation rather than brute force to ensure instrumentation.



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ISBN: 978-1-4665-1154-5



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