

FUNCTIONING OF BUREAUCRATIC INSTITUTIONS IN AN EMERGING DEMOCRACY: CASE OF PAKISTAN

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Background

In recent years the scale of corruption in Pakistan, alone has risen to Rs 100 billion a year. Furthermore, the crisis of governance, corruption and mismanagement, bad governance, loot by "mafia", misery, growing poverty, malnutrition, lack of adequate education and medicare, are the hallmarks of Pakistan's political economy (Human Development in South Asia, 1999). This injurious poisonous mix of factors has rendered the whole socio-political system in shambles.

The gravity of the situation can be measured from the fact that on October 12, 1999, the military chief "unceremoniously" sacked the popularly elected Prime Minister, enjoying a parliamentary majority, on 'corruption charges'. As a follow-up, a number of senior civil servants were also arrested and others summarily suspended from their services for their involvement in unlawful political activities. This included the Inspector General of Police who was nabbed for his alleged involvement to subvert and undermine the institution of the Pakistan army by trying to kill its chief when the former disallowed chief's aircraft to land at Karachi Airport¹.

Such grave events are sufficient to conclude that there is a high degree of institutional decay in Pakistan and one repercussion of this degeneration is the virtual collapse of administrative

¹ The incidents of corruption and misuse of power by politicians and civil servants cited in this article are meant to demonstrate the gravity and magnitude of the situation. Notwithstanding the correctness of charges, these incidents decide the fate of a political government and could put the civil servants behind the bar: hence a qualitative change on the ground. The mere mention of any such incidence in this article cannot be used as an evidence of the correctness or factuality of the incident.

structures at different levels. The principle of separation of powers among various organs of the state is present in the law books and in the constitution but it does not exist in a real situation. The mechanism of checks and balance, which ensures automatic accountability, is lacking in the system. Such a set up logically undermines the operation of the rule of law and participatory governance.

At least, one logical consequence of this scheme of things is rampant and progressive degeneration of institutions - and the institution of civil service² is worst affected as it has lost its neutrality and impartiality, which are the basis of its legitimate authority and public trust. This situation has rendered the civil servants devoid of security as well as predictable and structured upward career mobility. For civil servants, there is no credible and institutionalized mechanism of judging their performance 'on the basis of merit' and competence. Rather, they are judged and rewarded (and punished) keeping in view their personal proximity and loyalty with the ruling politicians. All such factors pushed the civil servants to woo their political bosses. The resultant factor is that institution of bureaucracy has become 'partisan handmaiden of the government' (The News 27-10-1999). By indulging in power politics and partisan posture, civil servants have lost public confidence and moral authority.

The exact reason for this 'politicization of civil service' may be difficult to quantify. However like other social phenomenon, causes of the ill may lie in the unstable and weak political institution. Owing to this unsuitability, the society witnessed frequent breakdown of the constitutional institutions, crisis of credible leadership, absence of properly organized political parties,

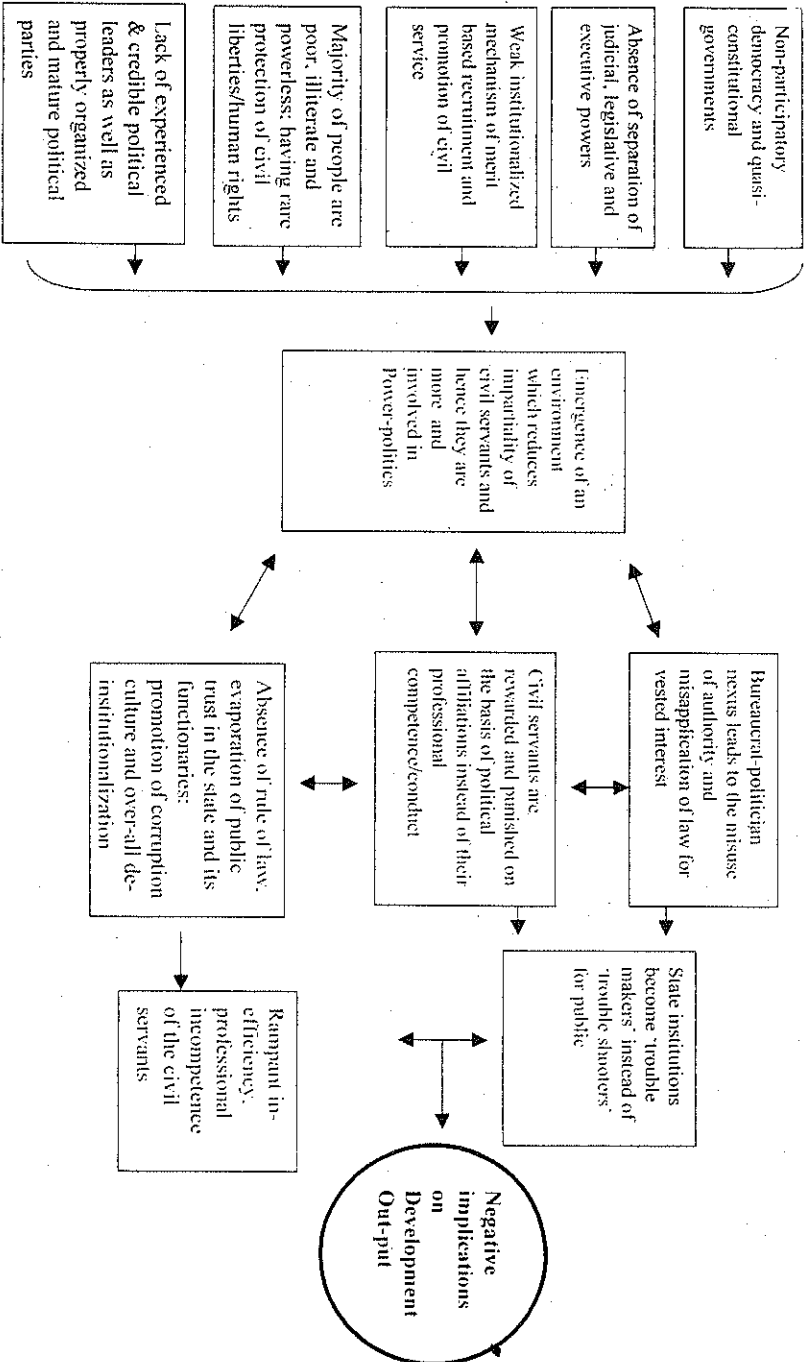
² Here civil service does not exclude the military bureaucracy, which frequently involves in the civil structures. At various levels and frequent occasions serving military officials of various cadres are assigned tasks in the civil departments ranging from checking the absentee school teachers to electricity power theft or to 'curb corruption in some notoriously mismanaged organizations. Sometimes serving or retired senior military officers are appointed on some high profile positions like Federal Secretary or a Vice Chancellor of a politics ridden University with a mandate to put the house in order.

weak basis of democratic norms and disregard for human rights and civil liberties. Extensive rule of military further promoted the milieu, which was not conducive for the development and growth of civil society and its essential institutions.

Such a set up has various unpleasant offshoots. It hits the civil society in multiple and cyclical ways. By the degeneration of vital institutions like civil service, judiciary and effective legislative, the vulnerability of common person is increased and power is concentrated in the hands of rulers with ineffective mechanism of accountability. It further reduces the participation of 'common man' in the political process and the gap between the power elites and the citizens widens. Consequently the 'common man' never learns to participate in the state affairs. Citizens remain passive recipient of the services and never involved in the conceptualization, design and delivery of services (Kardar 1999). In the absence of such an environment, the civil servants become masters as there is no public check on them. They make decisions which suit them. At public level their authority is rarely challenged. The situation has been schematized in figure 1.

Here is the dangerous point. When civil servants 'rule' and indulge in politics and policy making, they enter the arena of politicians. Now, practically, they are not 'servants' nor they could maintain partiality or 'neutrality' in their conduct; the hallmark of the institution of civil service. They are in fact, in power politics; hence loose their "safe havens" like "job security and predictable structure of promotion and upward mobility". When they enjoy political power and proximity of politicians, they have to confront what the politicians are encountered with. And in developing countries especially in Pakistan, when government changes, the "dethroned" politicians go to jail and sometimes to gallows. Their favorite bureaucrats are also with them behind the prison bars.

Figure 1: Politicization of Civil/Public Service and its Impact on Development Output



Concept and Approach of this Paper

The central assumption of this study is that the ruling politicians, in the absence of any institutionalized mechanism of governance and accountability, use civil service as a tool to get things done according to their own interests which may clash with public interests and prevailing law of the land. Further, the politicians (and some times military elites who usually occupy also political slots) use the state power, resources and wealth to serve their personal ends. Frequent news in the press regarding huge kickbacks to the tune of millions of dollars from government contracts may serve to clear the point. To do this in relatively safe manner, the rulers need the "technical cooperation" and "good offices" of civil servants. Civil servants may be tamed by the attraction of their share in the kickbacks or possible punitive action if they "disobey" the "legitimate political authority". Both push and pull factors significantly suck the significant number of civil servants in this "political activity". Who ever is familiar with the Pakistani system knows that laws and rules rarely could create 'hurdle' for the politicians and bureaucrats, be they civil or military (as most of the times military is actively involved in civil affairs) to get the things done. They can readily amend the constitution, laws and rules accordingly and conveniently. They may also crackdown on the institutions if there is some fear of their accountability³.

Relentless assaults on the integrity and vitality of the institution of civil service) and its politicization by successive governments have left the bureaucracy in shambles and its morale has hit rock bottom. Shuffling the pack of bureaucrats to deck it according to the likes and dislikes of the rulers has become a norm and every government tends to treat civil servants as personal retainers. As a consequence the once elite institution of bureaucracy has been reduced to a mere tool in the hands of

³In 1998, some political workers attacked the Supreme Court of Pakistan and tried to physically throw out the Judges from their offices. The reason behind the attack was that the 'political workers' were unhappy as corruption charges against the ruling Prime Minister were re-opened for hearing by the Lord Chief Justice. It may be noted here that the Chief Justice subsequently lost his job as a consequence of his confrontation with the ruling Prime Minister.

whatsoever rules the roost and serves at the whims of the
Government of the day (The News: 1999)

In the preceding pages, it was noted that the institution of civil service has become an instrument in the hands of ruling politicians and in case of military rule are subservient to the military high command. It reflects that there is some very serious defect in the overall system, which is adversely affecting the institutional network of the society and civil service.

How to make things better? From the prevailing situation, it seems that the solution lies in changing the role of ordinary people from passive recipients of services to the active participants in the conceptualization, design and delivery of services i.e. by empowering them. This will have to be achieved through restructuring of the government, reduction of the centralization of power and political economic and service delivery system be made more responsive to the common citizen's demand.

Civil Service in the Sociopolitical Context

As stated earlier, the basic norms of public service are neutrality, impartiality, accountability, representativeness, responsiveness, equality, justice, integrity and commitment which provide the institution rational and legitimate authority in the state power structure (Haque 1998). In Pakistan, if one looks at the rules and laws governing the affairs of civil service, one would find similar language, phrases and institutions there. For instance, theoretically, they are recruited on merit based on the competitive examination held by constitutionally autonomous Public Service Commission. On paper, civil servants have secure jobs and good opportunities for upward mobility based on performance and competence. They cannot be sacked arbitrarily and get the full opportunity to defend themselves. Superior courts are there to intervene if there is some executive authority to infringe their rights. However, the ground realities are different. It seems that laws and rules have been drafted and promulgated without

considering the social realities and system imperatives which in fact provide a pragmatic context for the functionaries to operate. Existence of laws and rules in the law books, does not constitute a "real system" on the ground unless they are implemented by the political authority with true political will and commitment. It is observed as follows:

Rewriting constitutions, laws, and regulations is the easy part. Far reaching institutional reform, also necessary, is arduous and slow. The primary obstacle to such reforms are not technical or financial, but political and human. Rule of law reform will succeed only if it gets at the fundamental problem of leaders who refuse to be ruled by the law. Respect for rule of law will not easily take root in systems rife with corruption and cynicism, since entrenched elite cede their traditional impunity and vested interest only under great pressure (Carothers 1998: 95-96)

As a part of the system, the institution of civil service intricately interacts with other social and political systems which determine the role of bureaucracy and provide a context for its functioning. What is happening in Pakistan? It seems that institutions are imported which have little or no relevance with the indigenous norms of governance and political culture. Owing to weak tradition of institutionalized decision making and participatory decision making, decisions are made by the powerful personalities on the basis of their personal understanding and interests. Institutions are then asked to put a rubber stamp on these decisions.

There is a tendency among the ruling elites to control every institution and interfere in the institutionalized decision making through influencing the public functionaries.

Asian Politicians focus on the regular, efficient application of law but do not stress the necessity of government subordination to it. In their views law exists not to limit the state but to serve its power. More accurately characterized as rule *by* law rather than rule of law, this narrow conception is built into what has become known as Asian-style of democracy (Carothers 1998: 97)

Theoretically, civil servants are supposed to judge the case in accordance with the laws and rules as well as keeping in view the public interest, but practically, in Pakistani set up, they are constrained to do so. For example, in the regime of Prime Minister Nawaz Sharif, one billion dollar motorway construction project was launched without making any 'feasibility study' or its financial viability (whether a developing country really needs this or not?) No expert opinion was invited from hundreds of senior civil servants sitting in the ministry of finance or in the ministry of planning and development. Every rule and procedure was stamped by a "directive" issued from Prime Minister House (Burq 1999).

Here, the role of civil servants seems to be non-existent. They are presented with a choice; either, to ignore or get themselves transferred (or even suspended services) if they choose to be 'objective' and 'neutral' in their official conduct⁴.

At this level civil servants seem 'powerless' and subservient to political authority and their role is reduced to just a rubber stamp. A note of caution here. One should not jump to the conclusion that politicization of civil service is double-edged sword. It may curtail the legitimacy and rationality authority of bureaucracy. But civil servants may in other domains get even more powers than their professional mandate. For instance, parliament's legislative role is nominal. Probably the parliamentarians are not "interested" or they cannot find time to concentrate on law making. Or simply they may not have training, competence or aptitude to do so. They may find more attraction in executing 'development schemes' in their constituencies or to supervise the local bureaucracy to 'get the work done'. In such a

⁴ Security of tenure of a civil servant at a particular position is not guaranteed by the law. Hence a bureaucrat, notwithstanding his seniority, suitability or competence to a particular position, may be transferred to some distant places even five times in a month. Hence transferring a civil servant of all cadres is an exclusive prerogative of the ruling politicians. Consequently "transfer" is considered a major stick to punish a "disobedient guy". Over the years, it has been an effective instrument in the hands of politicians to "sideline" a person who does not obey them and appoint a person of their own choice to get the things done smoothly.

situation parliament makes just sketchy laws and the civil servants interpret the laws. Here they are the virtual lawmakers. They tend to write the policies in a manner that even a highly professional member of society cannot understand. The lower government functionaries interpret them depending upon the personal benefit derived (Khan 1999).

To understand the actual role of civil service in Pakistan, one must first look at the real politic of the country. Civil servants do not function in a vacuum; they are part of the civil society and interact with the whole institutional network. Any dysfunctioning in other institutions especially in the polity and economics correspondingly influences the functioning of bureaucrats. The point here is that the institution of civil service cannot play its due role (in the language of Max Weber 'ideal role') unless all the normative and institutional structures of society harmoniously uphold and strengthen the norms of civil society and democratic dispensation for which the values like rule of law, equality before law, equal protection of law, freedom of expression and other civil liberties are of fundamental importance. And above all participatory democracy and stable political government with credible and honest leadership provide an automatic mechanism of accountability for civil servants. In short the role and status of civil servants are not determined by a set of laws and rules, but by the whole socio-legal and institutional structures of the society. Keeping in view the Pakistani setup, some areas are being identified where civil servants can exploit the institutional imbalance in their favor.

First, given the massive illiteracy and absence of organized political parties, a majority of parliamentarians in Pakistan are semi-literate and not trained enough to properly understand the technical affairs of the government departments, even if they get a cabinet slot. Usually ministers have little knowledge of the areas covered by the department. As a result, civil servants have a vast opportunity to exploit the "ignorance" of a minister and reduce him to just a figure head of the Department.

Second, given the Pakistani political milieu, ministers have other commitments ---in parliament and their constituencies, for example. They therefore have less time to devote in decision-making. Time and again even the most powerful politicians have observed that the real decision-makers are the bureaucrats. Maik Amir Muhammad Khan, a Governor of the Punjab, used to say "*Iqtadar* (power) lies in the file and the file is with the secretary (a civil servant)". Since the civil servants hold and maintain files, write notes, interpret and apply rules and laws, cite precedence, make recommendations for approval and write 'draft for approval'---a web of intricate procedures which is usually beyond the comprehension of a minister who does not have an exposure or training for such a business. And worst, in case when a minister does not have proper college education. For this reason, the minister relies on the experience and administrative expertise of the civil servants. Often this advice is shaped by the internal culture of the department. While explaining the powers of bureaucracy, a section officer in a provincial secretariat observed:

We (bureaucrats) understand politicians. Notwithstanding their rhetorical claims, they cannot control bureaucracy. Though they wish every things should be done with their approval, but lack sufficient skills to do so. They don't have ability and competence to understand what is going on 'in the files'. Bureaucracy has thousands of 'tricks' in its bag: if one does not work, it uses another. Ultimately bureaucrats are successful to tame the minister, even if he/she happens to be well educated and experienced politician. *System favors the bureaucracy.*

Third, civil servants, especially those belonging to the cadre of District Management Group (DMG) have strong social capital and net work of colleagues and maintain internal solidarity. Usually they occupy top "strategic" positions in various provincial and federal departments as well as important public sector organizations. They are considered 'jack of all trades'; ranging from district magistracy to foreign diplomacy. These power elites are well wired with other powerful groups of society especially the politicians and feudals usually through matrimonial, cast or ethnic relations. It is widely reported that 'DMS class' protects its

collective interests and favor their colleague in case when they are in the “danger of accountability”. Due to this internal cohesion, politicians usually avoid to have unnecessary confrontation with these people.

Further bureaucracy has some other ways to maintain its grip on power despite the fact that minister or other ruling politicians try to move the things according to their wishes. In a complex decision making process, where a series of officers like section officer, under secretary, deputy secretary, additional secretary etc., give their “expert opinion” on the subject, it is difficult for a politician to go against this institutional advice unless the minister has strong personal interest in the ‘case’. So the common culture in the corridors of power is that “cases of minister’s interest” are decided “as desired by the worthy minister”. In this manner the “routine cases” are decided in accordance with the laid down procedures, nevertheless as ‘desired by the bureaucracy’. Understandably, both parties accommodate each other’s interest very skillfully.

Fourth, civil servants often outlast ministers and can use various tactics to avoid having to implement a policy they do not like. According to Norton (1998) there are three ways in which civil servants can reverse a minister’s decision. They can wait for a change of minister—new minister may be open to advice they are offering. In Pakistan, this tact is most effective as political governments frequently fail and even within the tenure of a particular government, ministers are frequently changed. Given the political instability in Pakistan and frequent down fall of political governments, the job of a minister is highly volatile and to a great extent insecure. And the bureaucracy knows this fact very well. Keeping this fact in view, minister usually avoids confrontation with the civil servants and tries to accommodate their desires.

Social Structure and Bureaucracy

The preceding discussion shows that the institution of bureaucracy in Pakistan is in paradox. Bureaucrats have to cope

with various pressures and structural handicaps. In a given situation they may, by virtue of their technical knowledge, have the ability to get the desired decisions approved by the political authority. However, at the same time, the institution lacks 'protective custody' of rules and organizational environment which encourages and ensures their 'ideal functioning'. If one uses cricket lexicon, civil servants in Pakistan has to come out of crease to play, thus facing very high volatility---to get clean bold or to have a sixer. Whereas the bureaucrats by their professional mandate are not trained to take any risk; they must play the game of their career with high degree of certainty. The administrative structure in Pakistan may not provide such an environment to the bureaucracy.

Further, non-participatory democracy, absence of democratic norms and protection of civil rights further makes the environment non-conducive for the ideal-bureaucracy. Worst, the concentration of unfettered political power in the hands of political elites without having any tradition of constitutionalism further aggravate the situation. In such an environment, the political elites develop a tendency to stampede any institution which prove hurdle in the fulfillment of their "wishes". They may share an iota of political power (and looted wealth) with them, but in this power sharing game, they loose their status and professional standing along with very high risk of going to prison on corruption charges⁵.

However this paper does not argue that only the politicians are responsible for sucking the 'innocent' bureaucrats into power-politics. A careful analysis of the present situation shows that both politicians and bureaucrats find it 'profitable' to "cooperate" with each other for their vested interests. Politicians try to implement their agenda with the help of civil servants by getting 'legal cover'

⁵Bureaucratic circles are expressing their serious dismay over the fact that they are less secure and more vulnerable when political government changes. Corrupt politicians, having strong political clout has the power to by pass the accountability process. While the bureaucrat having no political force behind become the scapegoat for potential victimization

and procedural legitimacy to the acts and wishes.⁶ Understandably the bureaucrats are “rewarded” for their ‘competence’, loyalty and cooperation. And this reward may be in the form of appointment to ‘lucrative positions’, out-of-turn promotion in some cases allotment of precious plots of land or straight percentage in the kickbacks. Hence this dove-tailing of polity and bureaucracy make them so powerful that conventional channels of accountability fail to check their activities and consequently politicians and bureaucrats become the virtual masters of the society.

The main interest if these power groups has been to keep a hold on power and exploit it for the purposes of amassing wealth through whatever means. In most of the cases the economic and political leaders have been influencing the administration of policy rather than making of policy decisions. They have been interested in the distribution of contracts, issuing import licenses, administration of industrial relations and acquiring business facilities. The means employed by them have, by and large, illegitimate. So the small powerful group, who has the means to corrupt the system, took advantage of the situation and offered rewards to government servants directly and indirectly (Anwar 1991:592)

Over the years, there is growing evidence of ‘informal relations’ between politicians and bureaucracy. In the Pakistani context, to be a government servant means an officer⁷; a symbol of power and society expects that he/she should use power in his and his/her peer’s advantage. This is what the society expects. Since there is hardly any viable channel of accountability or an effective institution to confine the role of civil servants in their domain, they

⁶ For the last ten years new vocabulary has been introduced in offices and there are some novel ways to convert the straight illegal act into a legal one. For example various directives issued by bureaucrats start with sentences like “The Prime Minister/competent authority is pleased to relax the rules and orders in favor of Mr. XYZ”. In such cases bureaucrats argue that they are innocent as they acted on the instructions of ‘political authority’ and on the other hand the ‘political authority’ may shun its responsibility by arguing if it orders were illegal then the civil servants should not have implemented them. Hence there is no fixation of responsibility nor any chances of accountability whatsoever.

⁷ In the indigenous culture, the word officer has different connotation. At popular level, an officer is largely supposed to be above the law, having unbridled authority and power to get the things done and help the people without any regard to the rules or laws.

see positive reason to 'overstep' from their jurisdiction. Such acts are hardly condemned at the social level as the norms like due process of law, equal protection of law and equality before law could be there in the law books but have weak social rooting. Hence to acquire rational-bureaucratic authority and to use it for one's own advantage is very much institutionalized and therefore a cultural goal set for most of the young people who aspire to be civil servants.

The corruption by public servants is an institution in itself. If a public servant regards his public office as a business, then he may try to maximize his income. In extreme cases the ethical values of work and public trust may not be able to compete with the cultural goals of maximal gain and thereby the public servant abuses his monopoly position for the exploitation of the public as a means to attain his goals. Due to non-availability of alternative source of service, unless one opts for going without, the public has to submit to the undue demands of the public servant. Meeting his undue demand amounts to corruption...(Anwar 1991:593).

The crux of the above discussion is that the whole sociocultural and political context contribute to the indulgence of civil service into power politics. Once civil servants are involved in this power game, they lose their *locus standi* and privilege of security of job and immunity of rules. They by involving in politics, may gain political power and sometime limelight, but at the same time they are open to the fire of public criticism, in press and judicial trial especially when their political masters are out of power. Additionally they lose trust of the public and people associate them with the politicians. This virtual degeneration of the institutions of civil service hits the society from its roots. It renders the very existence of civil society in a jeopardy. The collapse of civil services compel the people to seek recourse from innovative channels which are usually unknown to the laws of the land. One outcome of this situation could be the growth and establishment of parallel institutions: one is legal and other is semi-legal (or straight illegal). And sometimes within the state institutions, informal mechanism is developed "to get the things done smoothly". Such

development seriously undermine the very purpose of the governmental departments/institutions. The absence of any stable, properly functioning and trust worthy institutions leads to the creation of highly volatile and chaotic environment. This environment further undermines the functioning of state institutions and the situation has cyclical and multiplying effect. It gradually erodes the very fabric of society and irreparable damage to the various layers social system. The resultant factor is massive social unrest and civil war⁸.

The point here is that when state institutions, especially bureaucracy and polity, overstep their mandated jurisdiction, it cause corruption and inefficiency. These institutions gradually loose their relevance and public trust. A stage comes when, people have no more trust in these institutions nor they consider them as troubleshooter or mediator of the fundamental functions of the public institutions of a civil society. After disappointed by state institutions, people try to fulfil their needs by using their own resources (usually power) and whatever other channels they have at their disposal. This stage is called, an end of civil society and beginning of a civil war. Societies like Afghanistan, Zaire and Rwanda could provide ample empirical evidence to this theory.

Conclusions

This paper attempts to delineate various politico-legal, socio-economic and structural realities which intricately interact with the institution of civil service in Pakistan and determine its *locus standi*. Through a comprehensive stock taking of the contemporary history, this paper identifies that incentives and constraints that

⁸During the last two decades, there has been phenomenal increase in the incidence of sectarian violence, growth of well organized and armed militant groups and massive proliferation of arms and drugs. Law enforcing agencies visibly lack potency and institutional capacity to control these "extra-legal entities/activities". Normal channels of dispensation of justice frequently prove "ineffective and redundant" and there are credible reports that police is involved in extra-judicial killings on the behest of highest political authority to restore "instant peace and order". Hence law is stampeded by the both parties: by the criminals as well as by the state machinery itself. The logical consequence to this "double set back" to the rule of law is civil war and massive social unrest.

impinge upon the civil/public servants to discharge their duties. The politicization of bureaucracy in Pakistan has been explained by tracing the wide gape between the 'written rules' and markedly different 'indigenous political culture' and ethos of power politics, which frequently and ruthlessly trample with the rules and the laws. Hence, existence of rules and laws meant to restrict the role of bureaucracy may not necessarily have any bearing of their actual conduct; as the rules are frequently ignored in ruthless power struggle. When civil servants enter in the political arena and become the contenders of political power, they (civil servants) may lose many things: the public trust, job security, legitimate expectancy of due promotion, predictable career and permanency. In lieu thereof, they may have gains as well which include attainment of political power, 'patronage' of powerful politicians, immunity from accountability and out-of-turn rapid promotion or posting to a lucrative and 'profitable' position and last but not the least a fair share from 'looted national exchequer'.

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