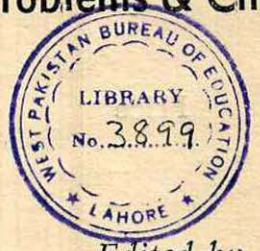
DISTRICT ADMINISTRATION IN WEST PAKISTAN

Its Problems & Challenges



Edited by

INAYATULLAH

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PREFACE

The present book has grown out of a symposium held on district administration at the Pakistan Academy for Rural Development, Peshawar on 3rd and 4th April, 1964. The papers presented at the seminar were prepared in advance in accordance with an outline circulated among the potential contributors. The outline explained the objectives of the symposium in the following words—

> This symposium is intended to discuss the concept of district administration as it was understood in pre-partition India, and its evolution before and after partition. To achieve this objective it is suggested that, in the papers presented in the seminar, attention is focussed on describing the structure of district administration as it exists at present, locating and analysing the problems in this field as far as possible and predicting the future trends of this type of administration in Pakistan. Efforts may also be made to compare the structure and function of comparable units of administration in newly developing and developed countries.
>
> The symposium is further intended to offer an opportunity for determining if a balanced blend of theoretical analysis and empirical insights can be gleaned from the practical experiences of the administrators. The aim will be to attain a fairly high intellectual level without sacrificing pragmatic interests. Hence, scholars with interest in administrative problems of the country and the administrators who are interested in translating their experiences into scientific concepts are cordially invited to participate in it.

Nearly 25 scholars and administrators agreed to write the proposed papers and by the second week of March, 1964 most of the papers were received. The symposium was held on 3rd and 4th April and was inaugurated by the then Secretary of Government of Pakistan, Establishment Division, Mr. G. Mueenuddin, CSP. In addition to the inaugural session, there were four sessions of the symposium presided over by Mr. Inayat Ullah, CSP. Director National Institute of Public Administration, Mr. Justice Anwar-ul-Haq, CSP., Syed Qasim Rizvi, CSP. Director General, Public Relations, Government of Pakistan, and Raja Muhammad Afzal Khan, the Director, Pakistan Academy for Rural Development, Peshawar. In the light of the discussions at the symposium, the contributors were requested to revise their papers.

As most of the papers deal with district administration in West Pakistan only, the book has been entitled "District Administration in West Pakistan." None of our several efforts to get papers written on the district in East Pakistan succeeded. We hope the present book will stimulate interest in East Pakistan and prepare ground for production of a book with wider scope.

I feel grateful to Raja Muhammad Afzal Khan, Director of the Academy, who not only welcomed the idea of holding such a symposium but also provided necessary help in persuading the scholars to write papers. I owe a debt of gratitude to Dr. Glynn McBride, Advisor to the Pakistan Academy for Rural Development, Peshawar from Michigan State University who was of immense help in editorial work. In fact without his cooperation the publication of this book would have taken much longer time. I am thankful to many others who helped me in organising the symposium, especially Mr. Muhammad Azim of Research Department and several typists of the Academy, especially Mr. Zaman Khan.

Much credit for keeping the book relatively free from spelling mistakes and good quality of printing goes to Mr. Zakaullah, Printer of the Khyber Mail Press, where this book has been printed.

INAYATULLAH,
Instructor
in Public Administration.

July 1, 1964.

PART I

Introduction to District Administration

This part consists of three papers which provide an introduction to the district administration. Professor Gable's paper traces the historical evolution of the district, describes its present structure and locates its major challenges and problems. The paper raises significant questions and issues inherent in district administration which then form the subject of intensive analysis of papers in subsequent parts of the book.

Mr. Kanwar Idris' paper is description of a variant of district administration known as political agency. This paper serves two purposes. It provides basic facts about the political agency for comparing it with a more advanced form of local administration — the district administration in settled areas. It also points to socio-economic development and political maturity of people as they are related to the type of their local administration.

The third paper in this part by Mr. Minhajuddin provides basic facts about the district and the deputy commissioner — the most important functionary in the district administration. The paper highlights the diversity of conditions prevailing in districts of West Pakistan. The empirical data in the paper are designed to provide scientific bases for discussions on relationship of the service experience of deputy commissioners and frequency of their transfers, to the working of district administration.

DISTRICT ADMINISTRATION: ITS DEVELOPMENT AND ITS CHALLENGES

Richard W. Gable

The fundamental unit of administration in Pakistan is the district. Policies are framed at the central and provincial levels; they are implemented in the district. In the words of S. S. Khera, district administration "is truly the cutting edge of the tool of public administration."[1] The contact and experience citizens have with the processes of government are at the level of district administration. The image which the people have of their government is the image projected by the district officer. Through them the citizens know their government. The deputy commissioner, who is in charge of the district, exercises the authority and responsibilities of government and symbolizes its power.

II

The Roots of District Administration[2]

District administration today is a direct inheritance from the period of British rule. The Mughals provided the historic base on which the British constructed their administrative system in India. The Mughal Empire was divided into provinces *(subas)* and these in turn were made up of districts *(shiqq* or *sarkar)*. The province, under the direction of a governor, was the most important unit of administration. The district did not figure prominently at that time.

The Mughals evolved a highly efficient and authoritarian system of administration. Elements of that system were adopted by the British and survive today. The main objective of Mughal administration was to collect the king's revenue in a way that would provide a steady and dependable flow of funds to the treasury while assuring a willing and reliable peasantry to supply arms and warriors in time of need. A system

1. "District Administration," *The Indian Journal of Public Administration*, 9: 1963, p. 465.
2. The earliest reference to district adminstration is in the writings of the Greek author named Magasthenes, who visited the court of Chandar Gupt, the founder of the Maurya dynasty, during the Fourth Century B.C. E.J. Rapson (ed.), *The Cambridge History of India*, Vol. I (New York, 1922), pp. 417-418.

of land revenue was developed in complex detail. All cultivable land was measured, records prepared, and an elaborate system of assessment introduced. Two of the principal features of this system—survey and soil classification—are retained today. The land revenue was assessed on the basis of these surveys and soil classification.

The governor of each province was responsible for colecting revenue through his agents and sending the proceeds to the king after deducting administrative expenses and his personal allowance. Today the *lambardar* collects land revenue for the province and keeps a portion for himself.

As the Mughal Empire began to collapse the system of administration broke down. Land records became unreliable. Extortion, bribery, and speculation in land deprived the tillers of the soil of the use of their property. Thefts and robberies destroyed the peace of the countryside.

The British star in India was rising as the Mughal star was fading. The East India Company began as a commercial operation, but gradually it assumed political and administrative functions in India.

The British came to rule the vast sub-continent, directly and indirectly, through a handful of men. To do this successfully they built upon the Mughal system and focussed on the district as the key unit of administration. The provinces were divided into districts where all power was concentrated in the hands of district officers who replaced the *karori-faujdar* of Mughal administration. These officials of Mughal administration had little power whereas the British district officers were all powerful. The British officers became monarchs with virtually unlimited power in their districts. Subordinate persons held little power. In this way a few persons could control most of India.

The seventy years preceding the Sepoy Mutiny were the formative years for the concept of the district officer and were marked by a clash between the Cornwallis and the Munro approaches. The Cornwallis approach opposed concentration of too much authority in the hands of collectors and sought some kind of checks and balances within the district. The Munro approach was impressed by the Mughal tradition of concentration of powers in the hands of one man making him the real ruler of the district. After the Mutiny this latter approach was adopted.[3]

The British district officers have been described as the Anglo-Saxon reincarnation of *mansabdars*—the embodiment of an oriental principle

3. Haridwar Rai, "The Changing Role of the District Officer, 1860-1960", *The Indian Journal of Public Administration*, 9: 1963, pp. pp. 238-257.

of government that there should be one officer in each unit of administration who should represent the government in that area and who should be responsible for that area. This office provided means for decentralizing government. It was also a way of personalizing government for the average man. One person, not a cluster of officers, represented the government.

III

Decline of Local Government

While this decentralization brought government closer to the people, the concentration of authority in the hands of British district officers gradually weakened or destroyed local government. The collapse of local government was most evident in the two principal areas of district administration—revenue administration and maintenance of law and order. These are activities which are essential if a colonial power is to succeed in ruling a country.

At first the old revenue system was left untouched, annual sums being collected according to the existing methods of assessment and collection. Then came fact-finding officers and after them experimental methods of assessment; finally there was measurement and calculation and an established demand based on the information collected. The transfer was less obvious in Bengal because the *zamindari* system continued. The change was largely one of personnel, arising from the coming in of new men as *zamindars*, and this change was often not an improvement.

The result was the gradual transfer of authority within the village from the village elders to agents of government. In the north-west, for example, the village elders had bargained with the agents, or *amils* of government and having agreed upon the total assessment for the year had themselves divided the amount to be paid among the various cultivators and seen to its collection. Eventually revenue officers not only measured and assessed the village land but also divided the demand among the cultivators. The elders were consulted at the stages of assessment and division of demand, but not to the exclusion of the general body of cultivators. They were accorded a complimentary respect by the officials but their authority was undermined because their power over the cultivators was taken away.

The same process occurred in the law and order field. As police were organized in the districts they took cognizance of crimes which had formerly been largely left to the discretion of the village officials. The cases which arose, both revenue and criminal, were dealt with in district courts presided over by alien and often youthful officials who

employed a strange and cumbersome procedure. From the villagers' point of view, anything might come out of a case at a local court. Whereas in medieval England the royal courts attracted cases from the baronial ones by offering better justice, in East India Company India the new courts attracted cases by offering the chance of success to bad cases. "The legal process was looked upon as a lottery, and men with bad cases preferred a chance of success in a distant court to the probability of failure amongst those who knew them. In this sphere also the authority of the village elder was undermined."[4]

Thus, while the British administrators of the early nineteenth century may have sometimes desired to restore the vigour of the village community, their measures had the effect of depressing it even where it was still working well. In some parts of India the old village autonomy had already disappeared and in others only the wrecks of it were left. Where it was in health, it slowly decayed; where it was non-existent or feeble it failed to grow or revive. The basic reason was, in the case of healthy villages, the transfer of authority to new district agents, and where it was in decay, the removal of usurping authorities in favour not of the village elders but of those same district agents. Thus, in Madras the local *zamindars* and *polygars* lost their authority, not to revived village councils but to revenue, judicial, and police officials. Smith concludes: "The British hymn of praise to the traditional panchayat turned out to be a funeral dirge. Efficiency triumphed at the expense of local autonomy and organic village life."[5]

IV

The Needs of Independence

Eventually independence and partition of the sub-continent replaced British colonial rule. District administration was retained but, along with the entire administrative machine, it had to be adapted to the requirements of self-rule and national development. Even before independence the Rowlands Committee Report in Bengal pointed out: "……organizational structures and methods which were suitable enough when the activities of Government were confined to the regulatory, policing and revenue fields are quite inadequate to handle the advances on the economic and social fronts which have increasingly become the major concern of governments in progressive countries."[6]

4. Vincent A. Smith, *The Oxford History of India* (3rd ed., London, 1958), p. 635.
5. *Ibid.*
6. *Report of the Bengal Administrative Enquiry Committee, 1944-45* (Alipore, Bengal, 1945), p. 11.

Fifteen years later, well after Pakistan had established itself as a new nation, the Provincial Administration Commission asserted:

> The present pattern of administration in Pakistan is based on a system evolved by the British largely to suit their needs of ruling the country. In the very nature of things, the system was .....limited in scope and outlook. It was..... mainly concerned with the collections of taxes, and the maintenance of law and order. These still remain important obligations of the State but the emphasis has now shifted to planned action for promoting the social and economic welfare of the people.[7]

The fundamental administrative problem in Pakistan today is to adapt an inherited administrative system, one designed for the purposes of colonial rule, to the needs and requirements of nation-building and socio-economic development. District administration is firmly embedded in this inherited administrative system, authoritarian and paternalistic in character, and there appears to be a determination to continue to rely on and operate through the traditional system of district administration. Each new governmental program or activity becomes an added responsibility of the district officer—rehabilitation of refugees, settlement of evacuee property, census taking, community development, Conciliation Courts, and so forth. Even if the intent to rely on the traditional field structure is not always conscious and deliberate, the inertia of historic patterns of organization and behaviour result in continued reliance on traditional district administration. As James Fesler has pointed out: "Rarely ..... can an inherited field structure, however, anachronistic, be deliberately displaced on a determinate date by a quite different structure."[8]

However, the goals of Pakistan, an independent nation engaged in a massive program of socio-economic development, have shifted to national stability, industrialization, urbanization, expansion of educational opportunities, and related objectives. The system of Basic Democracies has been introduced to involve the people in the development process at the local level. The full responsibility for the success of local development programs and for the encouragement of Basic Democracies rests with the deputy commissioner at the district level. This paper examines the role and functions of the deputy commissioner as they have evolved during the British period down to the present. Because of the heavy reliance which is being placed on the deputy commissioner to achieve development and especially to

7. *Report of the Provincial Administration Commission* (Lahore, 1960), p. 3.
8. "The Political Role of Field Administration," in Ferrel Heady and Sybil L. Stokes (eds.), *Papers in Comparative Administration* (Ann Arbor, Michigan, 1962), p. 129.

encourage the growth of Basic Democracies, special attention is given to the relationship of district administration to Basic Democracies, local government, and decentralized administration.

V

Traditional Functions and Roles of the Deputy Commissioner

The major functions of district administration today are a continuation of the functions performed by colonial district officers in British India. These functions will be described briefly. In addition to his formal authority, the deputy commissioner has influence and prestige growing out of the political and social roles he plays. These roles will also be characterized.

Functions of District Administration

Collection of Revenue.— The oldest function in the district is the collection of revenue. Until recently the deputy commissioner, especially in the Sind, was called the collector and, even though he is now called deputy commissioner, he still performs the functions of a collector. These functions include registration and recording of all proprietory rights in land and changes in land use and holding, assessing and collecting land revenue and other taxes, adjudication of cases arising from the above activities and those arising from tenancy disputes, acquisition of land for governmental and public use, and management of the land and accounts of the land under the President's land reform program.

To perform these functions, there is a hierarchy of officials extending down from the deputy commissioner through the *tehsildar* and the *kanungo* to the *patwari*. In East Pakistan, because of the historic reliance on the *zamindar*, the organization is not as extensive.

Law and Order.—The maintenance of law and order involves both executive and judicial functions. The police are the executive arm of the district responsible for maintaining law and order. The superintendent of police in each district is in direct command of the police force. However, the deputy commissioner, in his capacity as district magistrate, is the head of the police and is responsible for preventing crime and maintaining peace. The superintendent of police reports to the inspector-general of police on all internal departmental matters and is independent of the deputy commissioner in these regards. For the general maintenance of law and order, the superintendent of police is responsible to the deputy commissioner as district magistrate.

The power to grant permits and licenses, such as gun licenses, permission to use loudspeakers, operate cinemas, etc., is another law and order function which rests with the deputy commissioner. The deputy commissioner regularly reports to the provincial government on the criminal and political condition of the district. He also appoints the public prosecutor and has a supervisory role over prisons in his district.

The administration of Justice in many nations of the world is usually performed by a separate and independent Judiciary. However, at the district level in Pakistan the district magistrate—i.e., the deputy commissioner—is responsible for applying the Criminal Procedure and Penal Codes and, in certain areas, the Frontier Crimes Regulation. The district magistrate and his subordinates hear a broad range of judicial actions.

The fact that executive and Judicial functions are not separated should be qualified by a realization that the deputy commissioner does not really perform too many judicial functions pertaining to substantive law. He allocates work to magistrates and he hears appeals only in respect of the preventive sections of the Criminal Procedure Code and sometimes in cases of minor substantive offences. In most substantive law cases the appeal lies to the district judge.

General Administration.—Technical administrative departments gradually came into existence in British India. When the operations of these departments became so extensive that they required field representatives, the agents who were sent into the districts inevitably absorbed some of the duties the deputy commissioner used to have. For this reason as well as because of the magnification of his responsibilities he began to spend more of his time at headquarters. Sir George Campbell, Lieutenant-Governor of Bengal made the deputy commissioner the general controlling authority over all the departmental representatives in the district. Although many technical aspects of departmental operations lay outside of his authority and competence, the deputy commissioner continued to act as the general representative of the government in the field. Even after the Montague-Chelmsford reforms of 1919 which gave more authority to the legislative councils and local politicians, the deputy commissioner was still responsible for maintaining the "fabric of Government."[9]

Today the deputy commissioner is over-all administrative head in the district and is ultimately responsible for all that goes on there. Many departments, such as the Departments of Agriculture, Irrigation,

9. Raj, *op. cit.*, p. 244.

Building and Roads, Health, and Education, now have their own representatives in the district. He must be aware of all work going on in his district but he does not have a hand in the actual administration of their programs. However, he does have a responsibility for co-ordinating the work of these and other responsibilities. The Provincial Administration Commission explained:

> To discharge the essential role of co-ordinator, the district officer/commissioner should become the captain of a combined operations team of district/divisional officers of various departments operating within their respective jurisdictions. It will not, however, be for them to meddle in technical aspects of a program or the internal administration of other departments.[10]

A few examples might help in understanding this activity. The deputy commissioner's co-ordinating functions might include:

a) Making a decision to reconcile overlapping functions; e.g., deciding whether the local municipality, District Council, or the Building and Roads Department should undertake the construction of a particular road linking a town to nearby highway;

b) Harmonizing the efforts of several agencies to lessen delays on a project; e.g., the colonization of new lands requires the harmonized efforts of the Irrigation, Revenue, Agriculture, Building and Roads, and Colonization Departments and the whole program may be paralyzed if any one of these agencies delays its work;

c) Elimination of duplication; e.g., dealing with a situation where three agencies were engaged in supplying water to a city and four agencies were maintaining the roads;

d) Arbitrating disputes between different agencies; e.g., the refusal of the Irrigation Department to permit the District Council to build a bridge over a canal, or the refusal of the Food Department to pay the District Council for the use of storage space;

e) Soliciting co-operation for a task involving several departments; e.g., getting Buildings and Roads, Labor, Revenue, and Irrigation to cooperate to build a dam;

f) Mobilizing manpower and resources to cope with a disaster, such as floods, locusts, fires, or canal breaches.

10. *Op. cit.* p. 90.

Many deputy commissioners report that their coordinating activities are assuming more and more importance and take up much of their time. Nevertheless, they are among their least regularized activities. No codes or manuals exist to guide the deputy commissioner and his subordinates in this work as they do in the revenue and law and order fields. This is partly because the British legacy did not include them, partly because firm decisions have not yet been made about how to proceed, but largely because this is not the kind of work which can be easily regularized. As a result, the persons engaged in these activities in the district get little or no training, either at induction or subsequently, to prepare them for general administrative tasks.

Local government.—As has already been noted, local government declined in British India as district administration was established and strengthened. In the 1860s the British began importing some of her local government institutions into India, but the idea of local self-government took hold in only a few localities in the next twenty years. Calcutta was one of the few cities in Bengal where local institutions found a welcome reception. In time other cities developed local government. Some municipal committees were representative in character and enjoyed a fair amount of autonomy. Their activities were supervised by Departments of Local Government in the provinces and the deputy commissioners had certain limited powers over them. Big cities like Karachi, Lahore, Bombay, Calcutta, Madras, and Delhi enjoyed a greater freedom and even the chief executive officers were elected by the corporation members. The performance of some of these city governments was quite successful before independence.

In rural areas in West Pakistan, elected District Boards were established in some areas and, in East Pakistan, the Union Boards came into existence. Many advances were wiped out during World War I and after the war the surge of nationalism focussed most attention on the central government. By the time of partition local self-government was weak and in many ways suffered a further decline after independence.

In 1959, President Mohammad Ayub Khan established the system of Basic Democracies to assist the people of Pakistan develop the ability to deal with their own problems and possibly to learn to govern themselves. The deputy commissioner figures prominently in this scheme and his functions in relation to Basic Democracies are some of the most important new functions he has taken on since partition. (Basic Democracies and the responsibilities of the deputy commissioner in regard to them will be described in more detail below). The deputy

commissioner has another responsibility for all municipalities, except a few of the largest, for receiving and forwarding all correspondence from the municipalities to the commissioner.

Miscellaneous Activities.[11]—The deputy commissioner, his office, and his subordinates undertake numerous and varied functions entrusted to them by the government from time to time. For example, they organize the various censuses, carry on locust control programs, organize and conduct elections, perform refugee rehabilitation work, etc. In case of some crisis or calamity, such as canal breaches, floods, cyclones, fires, epidemics, etc., the deputy commissioner is responsible for relief operations.

The deputy commissioner is said to be the "eyes and ears of the government" and constantly keeps in touch with the people. Since he represents the government and, for most people, is the only accessible representative of the government, he endeavours to remove and redress grievances and sufferings of the people as they are brought to his attention. He spends a great deal of his time in *mulakats* (interviews) with the people.

The Roles of the Deputy Commissioner[12]

Political Role.—One of the most important roles a politician plays is to provide a link between the people and their government. His representative function is to convey to the government the desires and needs of the people. In a representative democracy the members of the legislature ordinarily perform this function. Another task is to explain to the people the policies of the government and secure their acceptance and support of these policies. Ordinarily the political leaders of the government also perform this task.

The deputy commissioner, from the days of British rule, has been used to performing this important political role. In his fortnightly reports, his special reports, his talks to dignitaries, and by other means he pressed the demands of the people of his district on the government. He fought to secure for his district roads, bridges, culverts, civil supplies, seeds, fertilizers, cooperative banks, etc. Similarly, the task of explaining changes in government policies, allaying apprehensions, and responding to critics and agitators was a continuing responsibility.

11. This section is based on S. A. W. Moini (ed.), "The Deputy Commissioner as Coordinator of Government Activities in the District" (Unpublished paper prepared at the National Institute of Public Administration, Lahore, 1962).

12. This discussion of political and social roles relies on Masihuzzaman, "A Political Analysis of the Deputy Commissioner in India and Pakistan" (Unpublished manuscript, 1963), pp. 44-53.

When royalty or dignitaries visited his district he received them, arranged public and other meetings, assured a large and receptive audience, approved addresses of welcome, and generally did what a local political leader would do when a guest came to his jurisdiction.

When the British introduced partially representative legislative councils based on restricted franchise the deputy commissioner approved the candidates for the council and occasionally helped them to secure votes. A member of the legislative councils would probably not win a seat over the opposition of the deputy commissioner. In a sense it could be said that the British deputy commissioner was not choosing his political boss but rather was training his successor.

That tradition of involvement in political activities continued after independence. One might expect the politicians of the new State of Pakistan to act as the channels for receiving the grievances of the people, but they tended not to concern themselves with local problems, preferring to concentrate on national and international issues. The deputy commissioner continued to represent the people before the government. Whatever their needs—a school, a hospital, assistance in coping with floods or locusts—the deputy commissioner is the spokesman. He sponsors the proposal, he fights for its acceptance, and then he executes the scheme.

His coordinating responsibilities, especially of a political rather than simply administrative sort, became even more important. As Fesler explains, programs of economic and social development typically demand intensive mobilization of manpower and revenues, the disturbing of vested interests and cultural habits, and the coordinating of competitive high-priority activities.[13] The specialist representatives of the various welfare and development departments in the field need the generalist district officer as coordinator, facilitator, influencer of public opinion, and sanction-invoking representative of the State. Since specialists are in short supply, the programs often must depend on the field generalist as direct agent for their achievement. Fesler also points out that in many developing countries, localism or provincialism prevails, the sense of belonging to a nation is weak, and consequently impulses to separatism and autonomy threaten both stability and the realization of social and economic development programs. This situation, to a degree, prevails in Pakistan. Hence, the deputy commissioner has a major political role to play in bridging social, cultural, and economic gaps in society.

13. *Op. cit.*, pp. 135-136.

Another important political role is the allocation of resources and values. In representative democracies, the political parties ordinarily decide the values which they will seek to introduce in the society and the resources which will be allocated to various programs. In Pakistan today it is the deputy commissioner who performs this function to a large extent. His influence with the voluntary and welfare organizations in the district helps him support certain policies and programs. His authority as a deputy commissioner, especially if he is a member of the Civil Service of Pakistan (CSP) advocating a scheme before a fellow member of the CSP aids him in gaining support from government.

The deputy commissioner is also able to perform the political function of establishing the priorities of government in his district. He has so wide a range of responsibility that it is impossible for him to fulfil all of his obligations. Therefore, he must choose what programs he will implement with vigour, what programs he will support with less enthusiasm, and which he will largely ignore.

Finally, the deputy commissioner performs a public relations function which is normally the activity of politicians. Every important function in the district is inaugurated by him. He bestows the awards and prizes. All welfare activities require his blessings. He presides over most social activities. He is the chairman of the managing committee for the local school, the Red Cross Society, the local Gymkhana, and the stadium. He cuts the tapes and wears the garlands. Without his presence, assistance, and support many activities in the district might falter.

Social role.—The social role of the deputy commissioner supports his political role and together they strengthen his official position in the district. Originally his social pre-eminence was a result of the British effort to establish their superiority so that they were better able to control the country. The size and location of his house, how it was furnished, the number of servants he employed, and the clubs he belonged to all enhanced his social position. Often he was able to conduct business in a social setting. Other members of the administration were honoured to have social relations with the deputy commissioner. Therefore he would use these occasions to suggest a course of action, point out a problem to be solved, or solicit support for a scheme he was advocating.

The fashions, mannerisms, caprices, and idiosyncracies of the deputy commissioner were often carefully studied and discussed. Some people imitated him in the belief that this would win his favour. In one way or another, much of the social life in the district revolved about him or focussed on him. Wanting his attention socially, people were often willing to bow to his political and administrative wishes.

During the visits of the Governor General and governor to a district all of the district officers stood in line to receive them. The exact place in the line occupied by any officer was determined by his status. These positions were carefully regulated by a "warrant of precedence." An officer could lose his esteem in public if he were assigned an inferior position in the line. The deputy commissioner's right to assign positions gave him tremendous social power.

Similarly the deputy commissioner decided the order in which the Governor General or governor would interview officers or members of the public. He decided which people would be invited to the lunch, which to the dinner, and which to the garden party given for the distinguished visitors. He decided the seating arrangement for people at the dinner table. These were significant decisions that sometimes had consequences for the course of administration in the district.

Eventually the British were replaced by Pakistani district officers. However, many of the patterns of behaviour which were rooted in the past persist. Social life in the district in many ways continues to reflect they ways of the past. The pattern is changing; but its persistence must be noted.

VI

Basic Democracies:
A New Function of District Administration

The system of Basic Democracies was not intended to be a political system, a representative form of government, or a new type of democracy. It was not designed to provide for control by the people over their government, except in a very limited way. As conceived, Basic Democracies were to be primarily local administrative systems which brought the management of the affairs of government closer to the people and gave them an opportunity to be more involved in the working of government, especially in the field of development. A.T. Rafiqur Rahman explained:

> The Basic Democracies scheme was planned primarily to assist the government in development and only secondarily to develop autonomous local bodies..... The work of these Councils should be evaluated then, not in terms of their development as governing bodies, but in terms of their capacity to help Government to execute their regular programs and development projects effectively.[14]

14. *Basic Democracies at the Grass Roots (Comilla, 1962)*, p. 15.

Comparing the Union Councils which have been established under Basic Democracies to their predecessors under British rule, Rahman also says, "It appears to the author that the Union Board was conceived by its proponents to be primarily a local government agency whereas the Union Council was designed to be primarily an administrative agency at least initially and only gradually a local government institution."[15]

Although Basic Democracies were designed as an aid to development and local administration, because their tax resources are meagre, their development activities have been confined largely to limited efforts of the rural uplift type. Moreover, there is a tendency among many Basic Democrats to emphasize more and more their political functions. The Basic Democrats formed the electoral college for the first election of the President and the members of the Provincial and National Assemblies. This arrangement is apparently going to be used again in the next election against the recommendations of the Franchise Commission. This involvement in national and provincial politics has diverted the Basic Democracies somewhat from their local administration and development functions and the image of this new system has changed in the minds of many people. This shift in emphasis is probably the result of two factors. There is a natural preference for involvement in politics at the national and provincial level rather than merely being occupied with the problems of local jurisdictions. Also, as will be noted below, most of the Basic Democrats lack the necessary expertise and training for effective development planning and execution and tended to avoid this work.

In spite of these tendencies, if the Basic Democracies succeed in giving real impetus to the development of Pakistan and serve to reform local administration, it is possible that they could provide a framework on which a stable and democratic political order might be built. They could become instruments of local autonomy and popular self rule. To succeed the Basic Democracies are dependent upon district administration.

As the officer in charge of the district, the deputy commissioner has a key role to play in Basic Democracies organization. He is the chairman of the council at the district level, which has a wide variety of government and taxing functions. In West Pakistan he is the controlling authority for the important Union Councils, with all the appointing and

15. *Ibid.*, p. 33; see also, Masihuzzaman, "What is Basic Democracy", in Aziz Beg (ed.), *Grass Roots Government* (Rawalpindi, 1962), pp. 22-30.

supervisory powers assigned to the controlling authority. (In East Pakistan the controlling authority for Union Councils is the sub-divisional officer.)

As the officer in charge of the district, the deputy commissioner has a number of legal and formal responsibilities in regard to Basic Democracies. In addition, he can exert great influence on Basic Democracies because of the many other powers, official and unofficial which he exercises. Basic Democracies are characterized by a four-tier structure of councils in both East and West Pakistan.[16] The councils operate, in ascending order, at the level of unions, or groups of villages; *tehsils* (in West Pakistan) and *thanas* (in East Pakistan); districts; and divisions. In urban areas there are Town Committees and Union Committees in place of Union Councils.[17]

The most important operating units are the Union Councils at the bottom level. The Union Councils represent groups of villages, usually with a population of about 10,000, but varying between 4,000 and 15,000. Their elected members are supposed to represent a constituency of approximately 1,000 people. In addition to the elected members there are appointed members, not to exceed more than one-half of the total number. Actually the appointed members have numbered about one-third of the total.

There is no direct election to any of the levels above the union level. The representative members of the Tehsil and Thana Councils consist of the chairmen of the Union Councils and Town Committees. Additional persons are appointed but must not outnumber the representative members. The District Councils are composed of the chairmen of the Thana or Tehsil Councils, chairmen of municipal bodies, vice-presidents of Cantonment Boards, and representatives of various government departments in the district. In addition to these official members there are members appointed, half of whom must be chosen from the chairmen of the Union Councils and Town Committees. At the divisional level the councils consist of the chairmen of District Councils (deputy commissioners), representatives of government departments, municipal bodies and Cantonment Boards, all of whom are official members—and an equal number of appointed members. Twenty five per cent of these appointed members must be chairmen of Union Councils.

16. See Basic Democracies Order, 1959, in *Gazette of Pakistan*, October 27, 1959 (Karachi: Manager of Publications, 1959).

17. Urban areas with a population under 14,000 have Town Committees and urban areas with more than 14,000 have Union Committees. The larger urban areas are divided into unions so that there may be several Union Committees in a large urban area.

The deputy commissioner has full power to appoint the non-elective members of the Union Councils and Town Committees. He appoints members of Tehsil Councils with the previous approval of the commissioner. He is the chairman of the District Council and the members are appointed on his recommendation. He can remove any of these appointed members.

As already noted the deputy commissioner in West Pakistan is the controlling authority for the Union Councils, with all the supervisory authority assigned to a controlling authority, while in East Pakistan the controlling authority for Union Councils is the sub-divisional officer.[18] Specifically, the deputy commissioner has full powers to conduct the election of chairmen of Union Councils. He appoints the secretary and one or more principal officers to be servants of a Union or Tehsil Council. He can modify a budget prepared by a local council. He can have a budget prepared and he can certify it if a local council has failed to prepare or sanction its budget on the dates due. He can determine the liability of a member, official or non official, for any loss, waste or misapplication of any money or property belonging to a local council. He can direct the persons having custody of the local fund to say such amount as may from time to time be possible from the balance of the local fund.

He can quash the proceedings, suspend the execution of any resolution passed or orders made by a local council, or prohibit the doing of anything proposed to be done. He has the power to direct any action as he sees necessary to carry out the purposes of the Basic Democracies Order of 1959. He can hear appeals from orders passed by local councils or their chairmen including appeals under the Family Law Ordinance and Conciliation Courts Ordinance.

In addition, the deputy commissioner appoints the members of the village police force which has been provided for under Basic Democracies. He determines the remuneration of the members of this force. He can take disciplinary action against the police force which includes removal and dismissal of members of the force. He can specify the manner in which the village police fund shall be administered and regulated. Finally, he can order that all or any of the able-bodied male residents of a union should be liable for patrol duty.

18. This discussion is based on Abdul Qayyum "The Role of the Deputy Commssioner in Basic Democracies", M.R. Inayat (ed.), *Perspectives in Public Administraton* (Lahore 1962) pp. 136-137.

VII

CONCLUSIONS

Challenges for the Future

There is a great concentration of authority in the hands of the deputy commissioner, more than he can effectively exercise according to many commentators. At the same time, there is a fuzziness, perhaps purposeful, in his relationship with the superintendent of police and his authority for coordinating the technical departments in his district is not clearly specified. As Dwarkadas puts it, he has an "unclassified and un-consolidated diffused responsibility."[19] He has to be the agent of government for literally every activity carried on in his district and he must be "all things to all men." The Rowlands Committee put the problem aptly: the deputy commissioner combines "the seemingly incompatible functions of a police man and a tax gatherer with the beneficent activity of promoting the welfare of the people."[20]

Although he is charged with countless tasks, in the development field, which are most important to Pakistan, he has played but a minor role according to Bernard Gladieux.[21] Furthermore, and perhaps the most serious problem, "The district officer idea, both in concept and to large degree still today in current practice, contains authoritarian and paternalistic elements which are contrary to the theory of government responsible to the people and responsive to its will."[22] The presence of authoritarian and paternalistic elements is understandable as a heritage of colonialism. It is also important to recognize that Pakistan is basically a traditional society that is just beginning to undergo socio-economic change. Authoritarianism is a common characteristic of traditional society and an administrative system tends to reflect the society of which it is a part.[23]

The Basic Democracies scheme has been inaugurated to give impetus to the development of Pakistan and as a means of involving the people in local administration. If Basic Democracies are successfully established throughout the nation it is possible that they might provide a framework on which a democratic political order could be built and they might be instrumental in stimulating a transition from traditionalism.

19. *Role of Higher Civil Service in India* (Bombay, 1958).
20. *Op. cit.*, p. 38.
21. *Reorientation of Pakistan Government for National Development* (Unpublished manuscript presented to the Pakistan Planning Board, (1955), p. 81.
22. *Ibid.*, p. 80.
23. See Everett Hagen, *On the Theory of Social Change; How Economic Growth Begins* (Homewood, Illinois, 1962), Ch. 4.

Not enough time has elapsed for Basic Democracies to fulfill their objectives. Many Union Councils have made progress toward achieving development goals. Compared to the needs, however, the progress is slight and problems have been noted: Union Councillors come from the older, possibly more conservative, segments of society; there are conflicts with the younger secretaries; tax collections are slow so that many schemes provided in the budget are not executed; the local tiers are often dominated by government Union and District Councils are not doing an effective planning job.[24]

Other problems have been noted in a report based on a study in Bahawalpur Division.[25] The administrative work of most Union Councils is suffering because their chairmen do not reside in the union areas. They spend most of their time in towns where they are engaged in business. Because they usually have another principal occupation, they give insufficient time to Basic Democracies. The Conciliation Courts have not functioned well because of inadequate training of the chairmen. Corruption is reported to have taken roots in the Union Councils and Union Committees. The duties entrusted to Basic Democracies are coming to be regarded "as too many for no appreciable reward." Audit checks have revealed a "very sad and sorry state of affairs" in the Councils.

It is within the power of the deputy commissioner to correct most, if not all, of these shortcomings. More training for Basic Democrats and their staff can be provided. Technical assistance can be provided to improve planning. Absentee chairmen can be removed. The excessive and unnecessary tasks assigned to the Councils can be reduced. With determination, corruption can be controlled. Excessive domination by government could be gradually curtailed.

Here lies the greatest challenge that ever faced district administration—while at the same time here lies a threat to Basic Democracies. On one hand, traditional authority operating through the district in the past has not encouraged and, in fact, has opposed the development of local government. Even though the government of Pakistan is now independent and the days of colonialism are gone, there is much of the authoritarian past which persists. Even some of the most nationalistic government servants are conservative and defensive of the

24. See Tariq Siddiqi, *An Analysis of the Working of Basic Democracy Institutions in East Pakistan* (Dacca, 1961); A.T. Rafiqur Rahman, *Basic Democracies at the Grass Roots* (Dacca, 1961); Inayatullah, *An Analysis Of Functioning of Seven Union Councils in Peshawar Tehsil* (Peshawar, 1961); *Study of Union Councils in Nowshera Tehsil* (Peshawar, 1961); *Study of Selected Union Councils in Rawalpindi Division*, (Peshawar, 1962).

25. *The Civil & Military Gazette, August* 13, 1962.

status quo. Intentionally, or perhaps without awareness of the consequences of their actions, they sometimes discourage change and the growth of democratic institutions if these developments appear to diminish their authority and power.

Furthermore, there is a tendency to constantly add to the general administrative responsibilities of the deputy commissioner when new functions are taken on by government. Certainly, in the field of development, more work is constantly falling to the district. Certain limitations on the power of the deputy commissioner, especially in regard to coordinating the technical departments in the district, have been noted. If any action is taken to improve his ability to coordinate, his powers will probably be further strengthened. Thus, the tendency in the area of development is to enhance the power of the deputy commissioner.

On the other hand, the policy of government is to establish and strengthen Basic Democracies. Appointed members are to be abolished. Other changes could take place as the Basic Democrats become trained and equipped to assume larger responsibilities. The future of the Basic Democracies is dependent largely on the deputy commissioner. If the tendency to strengthen the deputy commissioner's power in the development field is continued, Basic Democracies might not be able to fulfil their promise and objective. However, if the government, operating through the deputy commissioner, makes a firm decision to strengthen Basic Democracies and move more and more development activity into this new administrative scheme, then district administration as it is practiced today would probably begin to wither.

Already many deputy commissioners have accepted the challenge of making Basic Democracies succeed. If they can adjust to the new needs of an independent, developing country and reject the pattern of authoritarian and colonial administration they can help this scheme of local administration succeed. Fortunately, the deputy commissioners are being given every encouragement to support Basic Democracies from the highest level in the government, a situation which is significantly different than was the case under Village-AID.

AN INTRODUCTION TO THE ADMINISTRATIVE SET-UP IN A POLITICAL AGENCY

Kunwer Idris

An agency in the Tribal Area is the counterpart or equivalent a district in the settled area. It is an administrative unit with a tribe or number of tribes, geographically contiguous and culturally homogeneous, as its constituents. As in the case of the districts, the agencies vary widely in land, area and population but, in view of their generally hilly terrain and absence of natural resources, they are sparsely populated.

The political agent is the administrative head of an agency and provides the liaison between the tribes under his control and the higher formations of the government. His post is inter-transferable with that of a deputy commissioner and other equivalent posts under the Provincial or the Central Government. Like the districts, agencies form part of a division and the commissioner has the same functions and responsibilities vis-a-vis an agency as a district. The Home Department of the Provincial Government is the administrative department for the tribal area, but the matters relating to the Civil Armed and Levy Forces are dealt with by the Central Ministry of States and Frontier Regions either through the Provincial Government or through the commissioner.

The staff subordinate to the political agent—the assistant political agent, assistant political officer, political tehsildar, political naib tehsildar and lower field officials — is comparable to the staff in district administration though the designations and functions vary. This, in brief, is the official machinery responsible for conveying the policies and intentions of the government to the tribes and then ensuring their implementation with the consent and cooperation of the tribes in whose supreme interest they are conceived.

Tribal Set-up

It is beyond the scope of this introductory paper to discuss at length the tribal hierarchy and its internal organisation. Further this hierarchy has no uniform or standard pattern common to the entire tribal belt. It will, however, discuss policies and dealings of the government.

As I have already pointed out an agency usually comprises a number of tribes whose numerical strength and political importance may vary greatly. The political importance of a tribe is generally determined by its fighting capacity and the strategic position of the territory occupied by it which in turn is closely linked with proximity to the Durand Line. A tribe is divided into sub-tribes, sections, sub-section and families or houses. The main tribes living in the Mohmand Agency, for instance, are: Mohmands, Safiz and Utmankhels. The Mohmands, who outnumber the rest combined comprise a large number of sub-tribes but to enumerate them or to dilate on their individual importance would not sustain the interest of the readers. The Safiz though now equal partners in the tribal and administrative set-up of the agency, were originally a vassal tribe who lived at the sufferance of the Mohmands. The Utmankhels, on the other hand, are included in the agency for administrative convenience. The main body of this tribe is in the Malakand Agency under the political and administrative control of the political agent Malakand.

Each tribe, sub-tribe and section has a defined territory for the affairs of which it is responsible to the political agent and through him to the government. All these tribal tiers have a number of elders or *maliks* who, to a varying degree, act as intermediaries between the political authorities and the people. The structure is, however, not as monolithic as it may appear. Under the impact of modern democratic ideas and spreading education, individuals at all levels are asserting their independence and voicing demands and grievances in their own right. This assertion of individual importance and approach is adding a new dimension to tribal administration making it more humane and direct. But the transformation, though gradual, is not without complications. The contact of the political agent and his staff has to be wider and backed by his own personality and democratic administration he represents. A time, however, can be envisaged when his contacts and media of administration would be governed by a body of laws and rules.

Tribal Allowances

All the tribes living this side of the international frontier with Afghanistan have been assured protection by the Governments of British India and Pakistan, subsequent to which they have executed agreements of loyalty to the country and its government. In these agreements the tribes have declared their territory an integral part of the country and subject to its sovereign control. The agreements are accepted by the supreme executive authority of the land, and the tribes given certain allowances by the government in token of its protection and control. These allowances are not uniform and their nomenclature changes from

agency to agency. The principal allowance, called *moajib* is, however, common to all. It is an allowance given to the whole tribe and is fixed on the basis of men in each tribe capable of bearing arms. It is equally distributed on all households and no individual or house, howsoever influential otherwise, can claim a major share in it. The amount and ratio of moajib to be given to various sections, is worked out in consultation with the tribal representatives and, once fixed, is not altered unless the demand for it is unanimous or the circumstances leave no other choice. Periodic adjustments and redistributions can, however, be made within a tribe or its sections.

In addition to the collective allowance, there are also allowances given to individuals. They are variously termed as *malikana* and *lungis* which may or may not be hereditary. The influence and following of an individual are the criteria for the grant of these allowances. As a rule these allowances are also not changed or withdrawn unless the circumstances eminently justify it.

The allowances are paid annually or at shorter intervals in open *jirgas* (conventions) held separately for a tribe or a group of tribes. The political agent usually presides over these jirgas, but the officers subordinate or superior to him may also perform this duty. At these jirgas, those among the tribal maliks who may have done some extraordinary service to the government or promoted the welfare of the tribe, are given *kharcha* (gratuity) and the jirga as a whole paid *rukhstana* (farewell) to cover the expenses of travel and stay.

At this stage it may also be mentioned that in addition to the above allowances which are budgeted and audited, some amounts are also placed at the disposal of the political agent and the commissioner for the entertainment of the tribal elders and rewards to them during the course of the year. The entertainment amount is paid to those maliks who call on the political agent or commissioner for official or community work. The most important and useful among them are also given *salamis*. These grants are discretionary and a tribute to the recipient for his personal example and efforts in orientating tribesmen to the enlightened concepts of administration and development.

To remove any misgivings about the object of giving these allowances to the tribes collectively and to elders individually, it may be clarified that the allowances are given and taken as a token of mutual respect and understanding. Their value is more sentimental than financial. Their payment and acceptance has become a ritual of tribal life and administration. They have assumed a sanctity which far outweighs their utility. Hence, to construe them as a bribe or price for allegiance would be unreal. No doubt, at first sight, it all appears

irrational and outmoded, but, as with practices which have roots in history and tradition, these allowances should not be judged by the touchstone of reason alone.

Tribal Privileges

In view of the economic backwardness of the tribal areas and their long isolation from the main stream of national life, the government had conferred certain privileges and given weightage in development, trade (including imports), industry and services connected with them. Competition from outside is reduced or barred altogether depending on the socio-economic state of a particular tribe. These concessions are given to the tribes through the political agent. Giving a concrete instance, the contracts and imports are through nomination rather than through tenders or on grounds of business acumen. Competition is, however, gradually being introduced when it is felt that the tribes would be able to endure it and benefit from it.

Functions of Government Departments

Historical background, internal, organisation of tribes, constitutional provisions and natural circumstances circumscribe the role and extent of the activities of the government departments in the tribal areas. For many years, and till very recently, the political agent was the only representative of the government in the agencies. He symbolised the desires and might of the government to the tribes. His job was restricted to maintaining an equation between the Imperial Power and the tribes—an equation based mostly on mutural fear and occasionally on mutual respect. His job was more political and diplomatic than administrative or developmental. A chasm of incomprehension and suspicions divided the two and a successful political agent was one who could throw a bridge across whenever the gulf became so wide as to cause open hostilities. The moral or social welfare of the people, which should be the principal concern of all governnment agencies, was alien to the concept of political administration. Even today in the popular mind, the role of a political agent is associated with verbal jugglery and manoeuvers designed to make capital for the government by promoting conflicting interests within the tribe.

These conditions and concepts, however, have been changing fast and today not only the role of a political agent has changed but also the other government departments, especially those classified as nation-building, are making a significant contribution in bringing the advantages of a welfare state to the tribes. The activities of these departments are to a considerable extent channelised by the political agent because of

the inaccessibility of areas and barriers which divide the tribal society. The development is now proceeding at a pace which makes up for the lost time. The so-called apathy of the tribes to the development endeavour has ended and their participation in it is complete and whole-hearted in spite of exhortation to the contrary from some foreign hostile elements. The realisation has dawned on them that empty slogans of freedom could not justify their brutish existence.

Administration of Law and Order and Justice

Article 223 of the constitution of the Republic of Pakistan lays down that the Central or Provincial laws would not apply to the tribal area unless so specifically directed by the President or the governor. Because of this constitutional exception most of the laws of the land are not applicable to the agencies. This thinking on the part of the framers of the constitution signifies the faith of the government in the soundness and efficacy of the tribal way of life and its internal organisation. It is the avowed policy and intention of the government not to replace the time-honoured customs, usage and unwritten code of the tribes unless the circumstances make it imperative or the demand for it comes unanimously from the tribes themselves. In view of this position the civil, revenue and criminal laws of the country, which figure so prominently in district administration, do not form part of tribal administration. Most of the disputes falling in these categories are resolved by mutual consultations or, failing that, through arbitration by impartial parties. Not too infrequently intervention of the political authorities is sought. In such cases the *locus standi* for the intervention of the political agent or his subordinates is the consensus of the parties. The offences against the state and the community or the offences which tend to disturb peace are taken cognizance of under the Frontier Crimes Regulation. The political authorities may also intervene if a dispute between two parties assumes proportions which disturbs tranquility of the area and when it becomes clear that the interest of the parties and the tribe so demands. In such cases a truce is placed between the parties and its maintenance is guaranteed by the government. Violations of the truce are punished in accordance with the terms incorporated in it. Another deterrent to the creation of disturbance is the displeasure of the political authorities which may result in the suspension or withdrawl of political privileges, allowances and other concessions. The incidence of crime and the dispensation of justice in the tribal area leave little doubt as to the wisdom of the policy in this respect.

The maintenance of law and order on the roads and other points and installations of direct interest to the government are the responsi-

bility of the Civil Armed and Levy Forces. The Civil Armed Force, also known as Scouts or Militia, is raised locally but commanded by officers on deputation from the Pakistan Army. The levy or *khassadar* force, on the other hand, is exclusively local and is commanded by the political agent himself. Both these forces are to assist the political agent in maintaining law and order and ensuring the implementation of his orders. The size of these forces in an agency varies from a few hundred to a few thousand depending upon the area, law and order problems, and the extent of the network of communication and other government installations. The law and order in the interior is ensured through the elders and their representative councils, who also guard against subversion and sabotage engineered by foreign agents.

Because of the strategic and political importance of the tribal area, a continuous and strict vigil has to be kept on any nefarious move launched from across the border. The important task is primarily the responsibility of the political agent and his staff, though a national agency, independent of their control, also operates usefully and effectively. The information gathered from these two diverse sources is analysed at higher level before taking counter-measures.

New Concept and Outlook

As pointed out earlier, the premises, scope and values of tribal administration have changed greatly since Independence and the process is continuing. Manoeuvering, deceit and filibuster which were the hallmark of this administration have been replaced by mutual confidence, consultation and skills of human relations and administration. The role of the political agent, however, remains pivotal and all-embracing. His burden is gradually being shared by other government agencies and personnel but his personality continues to dominate the scene and will continue to do so for years to come. He is an officer of the government but the tribes also look up to him as a guardian of their interests and rights. The new outlook of the tribesmen on life is accomplished by a new approach and new expectations. The services—social, educational and health etc., which were an anathema in the not-too-distant past are now sought constantly and assiduously. The tribes have now realised after years of persuasion and vain resistance that these institutions do not negate but complement their internal freedom. The vested interests opposed to development, though still there, are rapidly distintegrating. The common man is asserting himself nobly and successfully through the Basic Democracies which have institutionalised the representative character of the tribes. The changing values and attitudes of the tribesmen, matched by a breath of fresh air being introduced in political

administration, are carrying this backward area of Pakistan forward to goals of economic and personal freedom. The long-range higher interests of the land and the people are gaining hegemony over immediate personal advantages. The trend of thinking and events unmistakably point in this direction. Let us hope the process continues and accelerates in the future.

SOME ASPECTS OF DISTRICT ADMINISTRATION

Minhajuddin

Introduction

This paper deals with an analysis of some of the characteristics of the districts and the deputy commissioners in West Pakistan. Comparisons in regard to population, area, population density, urbanisation and literacy in these districts are made.[1] Also a comparative analysis of the deputy commissioners from the Civil Service of Pakistan (CSP) and the Provincial Service of Pakistan (PCS) with respect to their ages, length of service, frequency of transfer and duration of stay is made.[2] In addition, comparisons are made of the frequency of transfer and duration of stay of deputy commissioners before and after the inception of Pakistan. The number of posts of deputy commissioners which were held by the CSP and PCS in the most desired and least desired districts of West Pakistan during the years 1958, 1961 and 1963 is also investigated.

II

Characteristics of the District in West Pakistan

There are 68 districts in Pakistan at the present time. This includes the political agencies of West Pakistan and the Chittagong Hill Tracts district of East Pakistan. The number at present in West Pakistan is 51 including the 11 political agencies.[3] The number of

1. District will be used for political agencies as well throughout this paper.
2. PCS in this paper will include the officers from PCS, GAR, listed post holders and senior time scale holders.
3. About the political agencies, see paper by Kanwer Irdis, in this book. The Frontier Region Commissioners' Conference on April 6, 1964, decided to redesignate political agents of Quetta, Loralai and Sibi as deputy commissioners. *Dawn*, April 7, 1964.

districts in West Pakistan in 1947 was 40 which included 5 political agencies. Eleven districts and political agencies have been added since then, two of which were created before the formation of One Unit and nine at the time of formation of One Unit in October, 1955. These nine districts and political agencies were created out of the three former states of Bahawalpur, Khairpur and Baluchistan States Union.

The population of the districts of West Pakistan ranged from 41,263 to 27,02,354 persons in 1961.[4] The average number of persons per district was 8,42,537. There were 33 districts (65%), nearly two-third, which had less than the average popluation and 18 districts (35%) which had more than the average population.

The districts range in area from 887 to 30,931 square miles.[5] The average area of all districts is 6,028 square miles. The area of 56 per cent of the districts is less than the average area for the districts. There are only 16 per cent of the districts whose area is more than the average area of the districts. Thus, a majority of the districts are smaller in area than the average area of the districts in West Pakistan.

Density of population within these districts varies from 2 persons (in Chagai and Kharan) to 1,119 persons (in Lahore) per square mile.[6] The average density for these districts is 251 persons as compared with 138 persons for West Pakistan and 256 persons for all of Pakistan.[7] The number of districts having less than the average number of persons per square mile for the districts was 33 which was nearly two-third (65%) of the districts according to the ungrouped data. The remaining 17 districts have more persons per square mile than the average for these districts.

The census of 1961 defined an urban area as "all municipalities, civil lines, cantonments and any other continuous collection of houses inhabited by not less than 50,000 persons."[8] As such the percentage of urban population in these districts ranged from 0.7 per cent (in Khyber

4. Government of Pakistan, *Population Census of Pakistan: Census Bulletin*, No. 2., (Karachi, 1961), pp. 50-65.
5. *Ibid.*, pp. 50-65.
6. *Ibid.*, pp. 50-65.
7. Averages of districts and averages for total West Pakistan differ in some cases because states like Swat and Chitral can neither be included as political agencies nor as districts.
8. *Population Census of Pakistan, op. cit.*, p. 13.

political agency) to 90 per cent (in Karachi). Three political agencies of Mohmands, North Waziristan and South Waziristan have no urban population. The average percentage of urban population is 18 per cent for the districts, as compared with 22.5 per cent for West Pakistan and 13.1 per cent for all Pakistan.

There were only two districts (4%) which had more than 50 per cent of their population in urban localities while 41 districts (80%) had 20 per cent urban population or less. The remaining 8 districts (18%) had 21 to 50 per cent of their population urban. There were 34 districts (two-third) whose level of urbanisation is lower than the average for all the districts, and only 15 districts (30%) had higher level of urbanisation than the average.

The percentage of literate population (5 years of age and above) in these districts, excluding the 6 political agencies, varied from 3 per cent (in Lasbella) to 38 per cent (in Karachi). The average percentage of literacy for the 40 districts[9] was 14 per cent while the literacy percentages in the 11 political agencies range between 1.75 (in Mohmands) and 22.9 (in Quetta) with an average of 7% literates.[10] There were only five districts (10%) which had 21 to 40 per cent of their population literate and 40 districts (78%) had 1 to 20 per cent literate population. There were 25 districts (56%) whose literacy percentages were less and 20 districts whose literacy percentages were more than the average level of literacy for the districts.

The above discussion suggests that the districts in West Pakistan are extremely heterogenous units of administration. The largest district in population is 65 times larger than the smallest district. Similarly, the ratio between the smallest and biggest districts in area is about 1 to 35. There will be districts which have not more than 2 persons in a square mile, while there will be other districts whose density is 500 times greater. On the rural urban continuum, there are political agencies without any urban population on the one end and Karachi district with 90 per cent urban population on the other. The districts vary greatly in their literacy level. The district with highest level of literacy had 12 times more literacy than the district with lowest literacy.

9. *Population Census of Pakistan 1961: Census Bulletin, No. 4*, pp. 10-11.
10. Government of Pakistan, *Population Census of Pakistan* 1961, *Census Report of Tribal Agencies* (Karachi), pp. I-3, I-15, I-31, I-56, I-62, I-76, I-98, I-33, I-158.

The districts not only differ in the basic characteristics described above but also in their land tenure system, their social organisation, communication and transport, level of industrialisation, language spoken by the people and the type of political activities and attitude of people towards district administration.

There are districts where most of the land is owned by a cluster of families while there are others where big land lords are less common. Some districts have population very well-integrated into tribal social patterns while there are other districts where traditional family patterns are in the process of disintegration. Some districts had not more than 50 miles of metalled roads, while in other districts even remote villages are accessible by motor vehicles. There will be districts such as Karachi where a significant portion of the population is employed in industry while others which are entirely untouched by it. There are districts where labour and students are active political force while others where, except for feuds and factions, there is no political activity at all.

Heterogeneity in the characteristics of district also suggests that the nature and type of problems which district administration tackles in different districts considerably vary. A district may not have yet settled its law and order problems and therefore may be finding it difficult to move on the path of development. Another district may have a social organisation which hampers the participation of people in development processes.

Any evaluation of the work of district administration, therefore, should not ignore the diversity of situation and diversity of problems in several districts. Neither should it be believed that bureaucratic organisation and procedure devised at the provincial secretariat will be equally fruitful in all districts. This in fact, also raises the fundamental question whether the peripatetic officialdom trained in most general terms can really cope with the divergent problems which various districts offer and whether experiences gained, say, in political agency of former NWFP can be of any relevance to work in Karachi district.

III

Characteristics of Deputy Commissioners

Deputy commissioners have been termed 'the pivot', the 'backbone', the 'king-pin', and the 'keystone of administration in Pakistan'. Some

have referred to the deputy commissioner as 'the eyes, the ears, the arms, the mouth and the muscle of government.' A vivid metaphor has been used to describe him as 'the hyphen that joins, the buckle that binds the government and the people together.'[11]

There are 51 posts of deputy commissioners, including the 11 political agents in West Pakistan. According to the regulations, 75 per cent of the deputy commissioners' posts are reserved for the members of CSP.[12] The remaining of the posts are to be held by members of PCS if available. Thus out of the 51 posts, about 38 are reserved for officers of the CSP cadre. The following table presents the posts of deputy commissioners held by the members of the different services—CSP and PCS during the year 1951, 1956, 1958, 1961 and 1963.

TABLE 1

Posts of deputy commissioners held by CSP and PCS in West Pakistan in different years *

Year	Posts held by		Total posts	Posts held by		Total posts
	CSP	PCS		CSP	PCS	
	No.	No.	No.	%	%	%
1951	5	29	34[13]	15	85	100
1956	27	23	50	54	46	100
1958	24	27	51	47	53	100
1961	30	21	51	59	41	100
1963	27	24	51	53	47	100

*Source: i) West Pakistan *Civil Lists* 1958, 1961 and 1963: ii) Pakistan *Civil List* No. 2. January-March, 1951; iii) For 1956 A. H. Aslam's *Deputy Commissioner*, p. 36.

The above table reveals that the CSP's have never held all their reserved seats, and that the number of posts which they held remained

11. Richard W. Gable, *Introduction to District Administration* (Lahore, 1963), p. 152 (mimeo).

12. A. H. Aslam, *The Deputy Commissioner* (Lahore, 1957), p. 37.

13. The total number of districts in 1951 in the former four provinces and the Karachi Federal Area (now forming W. Pakistan) was 40 including the 5 political agencies of former NWFP. Due to lack of availability of information about 6 districts data is presented only for 34 districts.

relatively constant except for 1951 when their number was only one-seventh of the total. A major reason for CSP's not occupying all the reserved seats is their small number in comparison to the reserved posts available to them in provincial and central secretariats besides the field jobs. Even in 1963 when the number of CSPs had gone up they had not occupied more than 70 per cent of their reserved share. This suggests that there is still a dearth of CSPs to occupy their reserved share of the posts of deputy commissioners. Of course, this situation is beneficial to the PCS officers, since it provides them with more opportunities of becoming deputy commissioners, which in most case is the peak of their career and after which few openings are available to them.

Members of the Civil Service are not evenly distributed in various divisions as the following table indicates.

TABLE 2

Posts of deputy commissioners held by CSP and PCS in the 11 divisions of West Pakistan *

Divisions	1956		1958		1961		1963		Total	
	CSP	PCS	CSP	PCS	CSP	PCS	CSP	PCS	CSP	PCS
Peshawar	1	6	1	7	5	3	6	2	13	18
D. I. Khan	2	5	2	2	—	4	—	4	4	15
Rawalpindi	4	—	3	1	2	2	2	2	11	5
Sargodha	—	—	1	3	2	2	2	2	5	7
Lahore	4	—	3	1	1	3	1	3	9	7
Multan	3	1	3	1	2	2	2	2	10	6
Bahawalpur	3	2	1	2	3	—	1	2	8	6
Khairpur	4	1	2	3	4	1	3	2	13	7
Hyderabad	2	3	2	3	3	2	3	2	10	10
Quetta/Kalat	4	5	5	3	6	2	6	2	21	12
Karachi	—	—	1	1	2	—	1	1	4	2
Total:	27	23	24	27	30	21	27	24	108	95

* Data for Kalat and Quetta has been put together as Kalat was made a separate division after 1958.

From the above table it can be seen that there are some divisions which have a larger share of CSP deputy commissioners, while there are others which have larger share of PCS deputy commissioners. For instance D. I. Khan division had four time more PCS's than CSP's,

while Rawalpindi division had more than twice the number of CSP's than PCS's. Whether a larger or smaller number of deputy commissioners from particular service are assigned to particular division as a matter of policy or just by coincidence cannot be ascertained.

The average length of service of the deputy commissioners was 14, 11, and 14, years respectively for the years 1958, 1961 and 1963. The following table gives a detailed distribution of the length of their services during 1958, 1961 and 1963.

TABLE 3

Length of service of the deputy commissioners in West Pakistan, by Cadre*

Length of service	1958		1961		1963	
(in years)	CSP	PCS	CSP	PCS	CSP	PCS
1 — 5	6	—	8	—	6	—
6 — 10	16	1	22	—	19	—
11 — 15	1	12	—	9	2	5
16 — 20	—	8	—	2	—	4
21 — 25	—	3	—	9	—	7
26 — 30	—	1	—	1	—	4
31 — 35	—	2	—	—	—	2
36 — 41	—	—	—	—	—	1
Total:	23	27	30	21	27	23

* Source: West Pakistan *Civil Lists* of 1958, 1961 and 1963.

The length of service of a majority of the CSP deputy commissioners was less than the average length of service of the two services put together. The ranges for the CSP deputy commissioners were from 1 to 15 years, 1 to 10 years and 1 to 15 years during 1958, 1961 and 1963 respectively, while for the same years for the PCS deputy Commissioner the ranges were from 6 to 35 years, 11 to 30 years and 11 to 40 years respectively. It shows that the range in length of service of the CSP deputy commissioners was much smaller than that of the PCS deputy commissioners.

The average length of service of deputy commissioners was 14, 11 and 14 years respectively for the years 1958, 1961 and 1963. The average length of service of the CSP deputy commissioners was 7 years for the

years 1958, 1961 and 1963 respectively compared with 17, 18 and 22 years for the same years for PCS deputy commissioners. It means that the average length of service of the CSP deputy commissioners was nearly two-fifth of those of the PCS deputy commissioners during both 1958 and 1961, and less than one-third during the year 1963. It indicates that the average length of service of PCS deputy commissioners has gone up in relation to that of the CSP deputy commissioners.

The data suggests that the average length of service of the CSP deputy commissioners has remained almost constant during 1958, 1961 and 1963. It has continuously gone up in the case of the PCS deputy commissioners during the same period from 17 years in 1958 to 22 years in 1963. This either means that the PCS are promoted late to the post of deputy commissioner or they remain deputy commissioners for longer periods in comparison with the CSP's. Probably both factors are operative.

Length of service and age of a deputy commissioner are likely to be closely related, therefore, the findings about age of deputy commissioner are likely to be identical with the findings regarding length of service. The ages of the deputy commissioners in West Pakistan ranged from 26 to 55 years during 1958 and 1961 and from 26 to 60 years in 1963. The averages for these years were respectively 40, 39 and 40 years

TABLE 4

Distribution of the deputy commissioners of West Pakistan with regard to their ages during the years 1958, 1961 & 1963

Age groups	1958		1961		1963	
(in years)	CSP	PCS	CSP	PCS	CSP	PCS
26—30	5	—	3	—	3	—
31—35	17	1	21	—	19	—
36—40	1	4	6	1	5	2
41—45	—	5	—	7	—	8
46—50	—	6	—	6	—	6
51—55	—	11	—	7	—	5
56—60	—	—	—	—	—	2
Total:	23	27	30	21	27	23

Source: West Pakistan *Civil Lists* 1958, 1961, and 1963.

The ungrouped data showed that the ages of a majority of CSP deputy commissioners were less than the average age for all deputy commissioners while those of majority of PCS deputy commissioners were more than the average of total group.

The age ranges of CSP and PCS deputy commissioners also differ. The age range of the CSP was from 26 to 40 years during 1958, 1961 and 1963, while it was 31 to 55 years, 36 to 55 years and 36 to 60 years for the PCS during the same period. As did the length of service, the age range of the CSP remained constant mostly due to their recruitment policy, while that of the PCS increased gradually. Its lower limit increased from 31 to 36 years in 1961 with the upper limit remaining the same, and in 1963 the lower limit remained the same as in 1961 (i.e. 36) but its upper limit increased from 55 to 60 years.

The average age of the CSP deputy commissioners derived from the above table was 32 years, 34 years and 33 years and of the PCS deputy commissioners was 47 years, 48 years and 47 years in 1958, 1961 and 1963 respectively. The separate average ages for both the services were almost constant during the period 1958—1963. One conclusion which the above comparison suggests is that the CSP deputy commissioners were much younger in age than the PCS deputy commissioners.

Transfers of Deputy Commissioners

Transfer of officials from one place to another has both positive as well as negative effects. If an officer stays too long in a place, he becomes too vulnerable to local pressures due to familiarity. On the other hand. if an officer is transferred too frequently, he cannot develop an adequate understanding of problems he tackles.

The negative effects of transfers in Pakistan on administrative efficiency have been noted by several experts on public administration of Pakistan. Included in the First Five Year Plan was the following;

> A habit pattern seems to have been built up under which there is so much constant and frequent movement in and out of key government posts, especially among district officers and in the secretariat, that it cannot fail to effect the efficiency of the government system as a whole, and particularly, of course, efficiency of individual agencies and officers.[14]

Other unfavourable consequences of rapid and frequent transfers are

14. Government of Pakistan, National Planning Board, *The First Five-Year Plan, 1955-60* (Karachi, 1958), p. 102.

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"the impacts on the personal life of the government servant, frequent displacements of the officials, inconveniences arising in transportation of one's belonging and in making adjustments to new people and places and accommodation problems."[15] Some personal problems are also involved like "a public servant whose children are enrolled in institutions of higher education may be appointed to a place where there are no such educational facilities."[16]

The above observations make it clear that the total impact of rapid and frequent transfer limits the fullest concentration of the public servant on his job. As such it is appropriate to analyse the frequency of transfers of the deputy commissioners, who are assigned a major role in administration and development of Pakistan.

In order to determine the frequency of transfer and duration of stay of the deputy commissioner in a district data from 16 districts[17] (nearly one-third of the present number of districts in West Pakistan) including two of the political agencies, were collected.[18] In order to compare frequency of transfers before and after Independence, information regarding transfers before Independence was collected for 9 districts out of 40 districts existing at the time of partition. The range in number of transfers[19] for 14 districts[20] which existed at the time

15. *Ibid.*, p. 301.

16. *Pakistan Times*, (Lahore), September 10, 1960.

17. The names of these 16 districts are: Peshawar, Mardan, Kohat, Hazara, Mohmands Agency, Khyber Agency, Rawalpindi, Campbellpur, Mianwali, Gujranwala, Khairpur, Nawabshah, Sukkur, Larkana, Dadu and Karachi.

18. Some of this data were collected while the author was visiting these districts in January 1964. The information is written on the boards in the office of the deputy commissioner. Some of the information was collected through requests made to participants under training in the Academy in February - March, 1964.

19. The number of transfers made in these districts has been determined as follows: A deputy commissioner whose period of stay after August 1947 was longer than the period till August, 1947 from the date of his appointment in the districts, was considered a new appointee to the district. If the period of his stay was longer after partition, he was not considered a new appointee and transfers were calculated from the day he left the district. The first transfer after 14th August, 1947 of the deputy commissioner continuing from before 14th August, 1947 was included in the number of transfers for the district if the maximum period of the deputy commissioner's total stay was spent after August 14, 1947. If the period of stay of the deputy commissioner was longer before August 14, 1947 than after it, his transfer was excluded from the number of transfers for that district. The last transfer is the one made most recently. Those currently holding the jobs in the districts are, of course, excluded from calculation.

20. The names of the 14 districts are: Peshawar, Mardan, Kohat, Hazara, Khyber Agency, Rawalpindi, Campbellpur, Mianwali, Gujranwala, Nawabshah, Sukkur, Dadu, Larkana and Karachi.

of partition varied between 8 and 22, with an average of 14 transfers in a district from August 14, 1947 to 1963.[21] The two districts, Mohmands agency (1951) and Khairpur (1955) created after partition had 7 and 8 transfers respectively. The following table presents the frequency of transfer in the 14 districts—

TABLE 5

Distribution of districts of West Pakistan with regard to their frequency of transfers during 1947—1963

Frequency of transfers	Districts	
	No.	%
8—12	5	36
13—17	7	50
18—22	2	14
Total:	14	100

The minimum number of transfers (8) was in Karachi district while the maximum (22) was in Dadu District in these 14 districts. In 50 per cent of districts the number of transfers was less than the average number of transfers.

The largest number of deputy commissioners who worked in one district was 24 (Dadu) and the smallest number was 10 (Karachi) during the period under study in the 14 districts. Data for the other two districts show that Mohmands political agency had 8 political agents, while Khairpur had 9 deputy commissioners since the dates of their inception. The average number of deputy commissioners for the 14 districts from 1947 to 1963 was about 15.[22]

The number of transfers in the 16 districts was determined in order to calculate the average duration of stay of the deputy commissioners in the districts. The duration of stay is calculated on the basis of the principle laid down for the determination of the number of

21. Till the most recent transfer, which in most cases was effected during the second half of 1963.

22. The number of deputy commissioners who served in these districts was greater than the number of transfers for those districts. The divergence is due to the procedure adopted for the determination of the transfers. For example, the transfer of a deputy commissioner was not included in the number of transfers for the district if the period of his stay was more before August 14, 1947, than after it. Moreover, the present deputy commissioner appointed after the most recent transfer was obviously not included.

transfers.[23] The range of period of stay of the deputy commissioner in these districts was from 7 months and 8 days (in Dadu) to 24 months and 25 days (in Karachi). The average period of stay of the deputy commissioner for all the 16 districts was 13 months and 22 days in West Pakistan from 1947 to 1963.[24]

The distribution of the 16 districts according to the average duration of stay of deputy commissioner in separate districts is tabulated below—

TABLE 6

Distribution of sixteen districts in West Pakistan according to the average stay of the deputy commissioners (1947—1963/64)

Duration of stay (in months)	Districts	
	No.	%
7—11	6	38
12—16	5	31
17—21	4	25
22—26	1	6
Total:	16	100

The above table reveals that in more than two-third of the 16 districts the deputy commissioners stayed for 7 to 16 months. In the remaining 5 districts the stay of the deputy commissioners ranged between 17 to 26 months.

It has been suggested that average length of stay of deputy commissioner after partition has gone down.[25] To test this hypothesis data regarding length of stay of deputy commissioners in 9 districts[26] for the period from 1930 to 1947 and from 1947 to 1963 are presented below—

23. See footnote 19.
24. The average duration of stay of deputy commissioners was calculated by adding up the period of stay of each individual deputy commissioner and dividing it by the total number of deputy commissioners in the 16 districts.
25. Ralph Braibanti, "Public Bureaucracy and Judiciary in Pakistan" in Joseph La palombara (ed.), *Bureaucracy and Political Development* (Princeton, 1963), p. 399.
26. These districts are: Peshawar, Mardan, Kohat, Hazara, Khyber Agency, Campbellpur, Nawabshah, Larkana and Karachi. Data about only these districts was conveniently available.

TABLE 7

Comparative length of stay of deputy commissioners in nine districts from 1930 to 1947, & 1947 to 1963

Period	Average length of stay
1930—47	14.7 months
1947—63	15.2 „

There seems to be no significant difference in the average length of deputy commissioners' stay in a district before and after partition. The notion about greater number of transfers after partition seems to be an exaggerated one. In fact, the deputy commissioners stay longer in a district since partition by 0.5 months.

If the data about length of stay are broken down further for sub-periods, after partition, significant trends emerge.

TABLE 8

Average length of deputy commissioners' stay in 16 districts of West Pakistan for sub-periods after partition

Period	Average length of stay
1947—63	13.7 months
1947—55	13.4 „
1955—58	18.5 „
1958—63	20.7 „

The sub-periods for which data are prepared include the period when there existed several provinces (1947—55) in West Pakistan; period of One Unit (1955—58) when all provinces of West Pakistan were integrated into a Unit and the post-revolution period (1958—63). It can be seen from the above table that the average length of stay of deputy commissioner in 16 districts has gone up consistently. There were more frequent transfers before the formation of One Unit than afterwards and there were far less transfers after Revolution than before Revolution. It may be noted that the length of stay of deputy commissioners after One Unit is greater than the length of stay before partition.The most stable period from this point of view is that of the post-revolution.

The comparison between the average duration of stay of the deputy commissioners from the CSP and PCS cadres is made in order to present a comparative picture of the degree of their frequency of transfers separately. The averages were 13.9 and 13.6 months for CSP and PCS respectively during the period (1947—1963/64) in the 16 districts of West Pakistan, while the average for both cadres combined was 13.7 months for the same districts during the same period. These averages do not indicate a significant difference between the average duration of stay of the deputy commissioners from the two cadres.

IV

Allocation of Districts

Earlier analysis has shown that there is greater concentration of deputy commissioners from one service in some divisions than the other. The present section examines the allocation of divisional headquarters' districts and the allocation of most desired and least desired districts to the CSP and PCS cadres.[27]

There are 12 divisions in West Pakistan at present.[28] The headquarters of the divisional administration are located at the headquarters of one of the districts in the division. Due to this the importance of such districts from an administrative point of view increases and make them relatively more attractive districts. How such districts are allocated between two service cadres is presented in the table below—

27. The most and least desired districts were determined as follows: A group of 20 district heads of various nation building departments under training at the Academy for one month during December, 1963 were asked to give the names of three districts where they would like to be appointed and of three districts where they would not like to be appointed. From their responses it emerged that there were 13 districts where appointments were desired most, 15 districts where appointments were desired least. That this procedure for determining the desired districts is not very accurate is accepted.

28. Namely, Karachi, Hyderabad, Khairpur, Bahawalpur, Multan, Lahore, Sargodha, Rawalpindi, D. I. Khan, Peshawar, Quetta and Kalat.

TABLE 9

Appointments of deputy commissioners from CSP and PCS Cadres in districts with divisional headquarters in West Pakistan during the years 1958, 1961, 1963.

Year	D.Cs. in districts with divisional headquarters				%of CSP. DCS. to total DCs.
	Number		Percentage		
	CSP	PCS	CSP	PCS	
1958	9	3	75	25	48
1961	8	4	67	33	59
1963	8	4	67	33	53

In view of the fact that percentage of CSP deputy commissioners to all deputy commissioners in 1958, 1961 and 1963 was 48, 59 and 53, a greater percentage of the CSP deputy commissioners were assigned to district with divisional headquarters than their proportionate share.

The above table reveals that majority of CSP officers were appointed as deputy commissioners at the divisional headquarters in comparison to the PCS officers. The proportion during these years remained constant with only a slight variation in 1958.

Allocation of Most and Least Desired Districts

It is known that all districts are not similar in many respects due to a number of differential characteristics, some of which have been analysed in the foregoing pages. The variation in the characteristics of these districts, therefore, naturally gives rise to the question of choices, liking or disliking of the districts.

Judged by 20 district officers under training at the Pakistan Academy for Rural Development 18 districts[29] were considered to be the most desired and 15 were considered least desired.[30]

There were 6 districts out of the 18 most desired which were the headquarters of the divisions. Only two of the 15 least desired districts were at the divisional headquarters. The average levels of urbanisation were 24.5 per cent and 11.1 per cent in the most and least desired districts respectively. The percentage of urban population in the most desired districts was more than double of that of the percentage for the least desired districts. The average levels of literacy were 16 per cent and 9.5 per cent in the most and least desired districts respectively. In other words, the number of literates in the most desired districts was much larger than in the least desired districts.

The appointments of deputy commissioners from the CSP and PCS cadres to the most and least desired districts during 1958, 1961 and 1963 are shown in the following table—

TABLE 10

Allocation of most and least desired districts of West Pakistan to CSP and PCS deputy commissioners

	Most desired districts		Least desired districts	
	CSP	PCS	CSP	PCS
	%	%	%	%
1958	44	56	40	60
1961	83	17	40	60
1963	72	28	40	60

In the above table a higher percentage of the most desired districts went to PCS in 1958 than in other years. But in view of the fact that they were 53 per cent of all the deputy commissioners they

29. The most desired districts are: Karachi, Quetta-Pishin, Loralai, Hyderabad, Nawabshah, Khairpur, Sukkur, Tharparkar, Rahimyarkhan, Montgomery, Lahore, Gujranwala, Lyallpur, Peshawar, Kohat, Mardan, Kurram and Malakand agencies. See footnote 27.

30. The least desired districts are: Lasbella, Zhob, Chagai, Thatta, Dadu, Sanghar, D. G. Khan, Multan, Muzaffargarh, Mianwali, D. I. Khan, Bannu, Hazara, South and North Waziristan Agencies. The remaining 18 districts which were not categorised in any of the two are: Sibi, Kalat, Kharan, Mekran, Jacobbabad, Larkana, Bahawalpur, Bahawalnagar, Sheikhupura, Sialkot, Sargodha, Jhang, Jhelum, Gujrat, Rawalpindi, Campbellpur, Khyber and Mohmand Political Agencies.

got desired districts only a little more than their share. During 1961 and 1963, CSP deputy commissioners got 83 per cent and 72 per cent of the most desired districts. Their share in the all deputy commissioners in these years being 57 per cent and 53 per cent in 1961 and 1963 respectively, they had a greater number of most desired districts than their proportionate share. As far the least desired districts are concerned the PCS deputy commissioners got a larger number than their proportionate share.

V

Conclusions

The districts in West Pakistan vary in their characteristics such as area, population, level of literacy, level of urbanisation, and density of population. They also differ in their level of socio-economic development. Therefore nature of problems of different districts are likely to be different.

The CSP cadre has never so far occupied the total posts reserved for it. Allocation of CSP deputy commissioners to different divisions has not been even. Some divisions got consistently more CSP deputy commissioners while some other got persistently more PCS deputy commissioners. The CSP deputy commissioners were generally younger than PCS deputy commissioners and former had less service experience than the latter. It has not been found correct that deputy commissioners are more frequently transferred after Independence than before. A larger number of districts with divisional headquarters is assigned to CSP than PCS deputy commissioners. The most desired districts generally go to CSP than PCS deputy commissioners.

PART II

Structure of
District Administration

This part of the book is intended to describe the organisational structure of the district administration. What is the hierarchy of each department? How is a department related to other departments? In what ways are district departments linked to deputy commissioner? What problems do the district departments face in achieving their objectives? These are questions which papers in the present part attempt to answer.

Mr. Shafqat's paper on "Judicial Organisation of the District" describes the set up existing in both wings of the country with an historical introduction. The paper locates some of the impediments which the present judicial structure at district level face in enforcing due process of law. Mr. Khalid's paper on "Revenue Oraginsation of the District" and Mr. Habibur Rehman's paper on "Police Organisation of the District" describe the organisation of two important departments which have existed at the district level since the inception of the district. Mr. Khalid advocates some changes in the lower rungs of the revenue administration to make it more compatible with the changing conditions in the society.

With increasing emphasis on development in Pakistan, development departments known as Nation Building Departments have proliferated at the district level. Mr. Anwer Tehmasap's paper, "Structure and Function of Nation Building Departments" describes the general pattern of organisation of five major Nation Building Departments. The fact that personnel in the Nation Building Departments are accorded lower status vis-a-vis regulatory departments, that they have fewer opportunities of promotions, that organisation of these departments does not reach the villagers, are some of the factors which Mr. Tehmasap considers as obstacles to efficient functioning of Nation Building Departments. Mr. Tirmizi's paper deals with the administrative organisation of Basic Democracies with emphasis on the role of the assistant director Basic Democracies. The paper provides fruitful empirical insights into the relationship of the assistant director with other district functionaries.

Mr. Hameedee's paper deals with sub-divisional administration which is a constituent of district administration. How did the sub-divisional administration evolve; what is the relationship of sub-divisional officer with other departments at this level? These are some of the questions which this paper considers.

JUDICIAL ORGANIZATION OF THE DISTRICT

C. M. Shafqat

Historical Developments

Looking to the nature of the subject-matter, I can but hope that at the end of this address I shall not be confronted with the Dickensian situation when Mr. Pickwick came to be sued by his landlady in an action for breach of promise to marry. It will be recalled that at the end of his beautiful peroration, as Mr. Serjeant Buzfuz sat down Mr. Justice Stareleigh woke up. I have not broken any similar promise.

When I was invited to participate in this Academy seminar the Director was kind enough to enclose the details of what they expected of the participants. In one of these the proposed subject-matter mentioned was the deputy commissioner as the king-pin of the district administration. It occurred to me that it would be more apt to describe him as a queen pin, for today the king really resides in the divisional headquarters and the pin rests somewhere in the provincial metropolis.

The judicial organisation of the district is lucky enough to escape this predicament, for there is no king and there is no pin. That might sound surprising to some who are fond of calling the district and sessions judge 'the head of the district judicial administration', but it is of the very nature of judicial function that the presiding officer of the humblest civil court has as complete an independence in recording and evaluating the material which he handles as of the highest, and if he is amenable to discipline it is only in the matter of regular disposal of cases and his conduct which traditionally, after Caeser's wife, ought to be above reproach. It is a fair commentary on this tradition that while an executive officer's conduct is viewed with much laxity, that of a judicial officer is tested in scales for gold.

But to begin at the beginning, for an inquiry into the teleology of things is seldom fruitless. I shall not bore you with the pre-British period or with the continuance of the courts of Mughal structure by the British in some parts of the country. I shall take as the model the more familiar administration of the former Punjab and that also as it came into being with the advent of the British. This came in two

morsels, keeping in pace with the history of British advance in the Punjab. When the Cis-Sutlej possessions of Maharaja Dleep Singh were annexed in 1845 and the Jullunder Doaba and the district of Kangra in the following year, they were put under two commissioners, subordinate to the agent to the governor-general of the North West Frontier Province at Lahore. Following the second Sikh War in 1849 a board of administration was set up which could correct the records of the commissioners suo motu, which is the Latin jargon for proceeding on your own, or it could act on petition made. The commissioners themselves heard appeals from the orders of the deputy commissioners who in their turn heard appeals from the orders of assistant and extra-assistant commissioners and tehsildars. None of these functionaries were wholly judicial: they performed combined duties relating to executive, revenue and fiscal activities. Four years later the board was abolished and a chief commissioner was appointed with a financial and a judicial commissioner. But even the latter had no purely judicial duties, and was also incharge of police and public works. There was no connecting link between these two subject-matters, except alliteration, perhaps as good a reason as a woman's reason spoken of by Shakespear's Lucetta; "I think it so because I think it so." On 1st January, 1959, the Punjab was placed under a lieutenant-governor instead of the chief commissioner, but the two commissioners continued as before. Oddly enough, the legal backing for rules, orders and regulations did not come until two years later, with section 25 of Indian Council Act, 1861.

By act XIX of 1865 seven grades of courts were established: tehsildars and assistant commissioners with ordinary, special or full powers, having the power to try suits not exceeding one hundred, three hundred, five hundred and one thousand rupees respectively in value. The deputy commissioner could try suits without limitation of value, and heard appeals from the decision of subordinate courts, except those of assistant commissioners with full powers. The commissioner heard these appeals as well as those from the deputy commissioner, and also could try suits without limitation of value. Moreover it was he who tried sessions cases. On top of this pyramid was a judicial commissioner, replaced by the chief court in 1866, which at that time consisted of three judges only. It was this court which for the first time discharged purely judicial functions. In 1875 judicial assistants and *munsifs* were employed to relieve deputy commissioners and tehsildars of a large measure of civil judicial work, but even they performed administrative and revenue work. The deputy commissioner continued to be the civil district judge of the district, while the commissioner continued as an appellate civil court and the court of session for the division.

By act XVIII of 1884 the whole system was materially altered, and the following courts of judicial officers were appointed:

a) Divisional judges.

b) District judges.

c) Subordinate judges.

d) Munsifs.

The deputy commissioner then ceased to be the district judge and the divisional commissioner ceased to have any judicial functions. Fourteen divisional judges were appointed, two being assigned to each division, who sat together, and there was finality in the decision only if they agreed. Later, however, thirteen divisional courts of single judges were established. This was soon raised to sixteen. At the same time a district judge was appointed, in every district with subordinate judges and munsifs to help him. The divisional judges were sessions judges. Nevertheless, some revenue officers were still vested with powers to try civil suits of a minor nature. By the Punjab Courts Act, 1918, the divisional sessions judges were converted into the present district and sessions judges and the old civil district judges ceased to be. A high court of judicature was established at Lahore on the first of April 1919. There is no significance in that date, except financial. A separate judicial branch of the Punjab Civil Service was soon created, and in 1922 by an amendments of the act the munsifs were all elevated to the gazetted rank of subordinate judges. In Bengal, the munsifs continued under the East Bengal Civil Courts Act, 1887, which still governs the district judicial organization in East Pakistan.

II

Contemporary Judicial Organisation of the District

It is to the present that we must now turn. In West Pakistan the Punjab Courts Act, 1918, has been replaced by the West Pakistan Civil Courts Ordinance, 1962, which in some respects follows the Bengal Act. However, it has no munsifs, and, by a quaint lapse on the part of the draftsman, even the classes of civil judges are not prescribed. Its section 9 lays down that the high court shall determine the class to which a civil judge shall belong, but there is nothing more said about it. However, in practice the subordinate judges are of 1st, 2nd, 3rd and 4th class, that is, one grade lower than the railway classes. They have jurisdiction to deal with cases of limited value, up to Rs. 5,000, 2,000 and 1,000 respectively. Litigants are ingenious enough to bring suits regarding property worth lakhs before courts of the lowest denomination,

thereby avoiding the payment of full stamp duty. That they are entitled to do, for the theory is that if you can cheat the state in a legitimate manner — mind you, in a legitimate manner only, which means not cheating it in an illegitimate way — you can rob the state, be it in the form of hard cash or stamp duty. In East Pakistan they still retain the title subordinate judges instead of the designation civil judges, given to them in our part of Pakistan. These have unlimited jurisdiction, small cause powers up to Rs. 500 and hear appeals from munsifs up to the value of Rs. 4,000. This is an anomaly in view of the comparative value of suits which are brought in the two wings of Pakistan. In West Pakistan the district judge hears appeals up to the value of Rs. 25,000 while in the East the limit is still Rs. 5,000 though that is being doubled. The effect is to burden the district judge in the West with more and more civil appeals. In the West the small cause powers do not attach automatically to the civil judges, but in the East even the munsifs have small cause powers up to Rs. 250 and try ordinary cases of the value of Rs. 1,000 or up to 2,000 where the provincial government so pleases to direct. (It is, I learn, so pleased on a general scale). Small cause powers are merely the power to try suits of certain kinds in a summary fashion, principally actions regarding small sums of money had and received.

The district judge remains the principal civil court of original jurisdiction, although ordinary suits of whatever value are tried by the senior civil judge or his compeer the administrative civil judge who has all his powers except the appellate. The district judge still deals with cases arising out of Christian marriages, a strange legacy from British times, which is justified on the grounds that there should be no conflict of approach on the international plane, for else you may have the scandal of a man and woman being regarded as husband and wife in one country and not in another. But that possibility attaches itself to marriages of all communities, and not of Christians only. The district judge also deals with suits arising out of the infringement of patents and trade marks, as well as the disputes which arise when our provincial Auqaf Department takes over *auqaf* property. Insolvency and guardianship cases properly belong to him, but by a process of delegation these are dealt with by the senior civil judge or other authorised judge having senior powers. Cases arising out of compensation for land acquired by the government are also referred to him, though these may be sent down to the senior civil judge. Cases arising out of Workmen's Compensation Act are however, dealt with by the senior civil judge. That closes the picture of civil judicial administration in the district.

In dealing with the criminal side it is well to begin at the top, for reasons which will soon be apparent. The district judge, as is well-known is also the sessions judge, and as such tries all cases punishable with death or crimes of a more serious nature like dacoity or those in which there is an approver. He may also be the special judge, that is, deal with corruption cases, and he also handles cases in violation of foreign exchange, a subject-matter which I assume is close to your heart Administratively, he writes reports on the first class magistrates but only in East Pakistan does he writes reports on the district magistrates. However, they have gone one step back there, for as recently reported it was stated in the provincial assembly that in the matters of appointments, transfers and postings etc. of district and additional district judges, consultation with the high courts had been dispensed with.[1] Luckily here in West Pakistan the proposals of the high courts in this part are still accepted. The high courts may have the power to award raspberries, and not rewards; still there is little danger of their considerations savouring of the political.

The subordinate judges in East Pakistan are also assistant sessions judges, and as such try cases involving serious crimes, being empowered to inflict punishment up to seven years imprisonment and unlimited fine. In our wing the comparable court is that of the so-called section 30 magistrate, that is, vested with powers under section 30 of the Code of Criminal Procedure, 1898. But these magistrates, like other magistrates are not subordinate to sessions judges, except in the matter of appeals. The powers of magistrates, second and third class, are limited to six months' and one month's imprisonment and Rs. 200 and Rs. 50 fines respectively. Appeals from their orders are heard by the district magistrate or his subordinate the additional district magistrate whose actual powers depend very much on his equation with his immediate superior. The first class magistrate can inflict imprisonment up to two years, with unlimited fine. I am advised that there are still honorary magistrates in East Pakistan. You will note that the district criminal picture, that is, of the courts, not of the criminals, is simple enough.

Recently by the Conciliation Courts Ordinance, 1961, courts having limited jurisdiction, presided over by the chairmen of the Union Councils or Union/Town Committees have been brought into being. They try suits of the value of Rs. 500 and Rs. 1,000 respectively, excluding suits against minors, the government, or where there have been agreements to arbitrate, and cases which are referable to a community *panchayat*. The government has the power to vary the class of cases cognizable by this court. No lawyer can appear before it, though a *pardanashin* (purdah

1. *Pakistan Times*, January 5, 1964.

observing) lady may appoint an agent. Compensation awarded is recoverable as arrears of land revenue, and other decrees through a civil court designated by the district judge. In addition to the chairman, two representatives of each party compose the court. On the criminal side they deal with simple cases such as ordinary hurt, cattle trespass, or of mischief, misappropriation or breach of trust upto a value of Rs. 100. They can impose no sentence of imprisonment, only fines. The jurisdiction may be enhanced, by parties' agreement, up to a value of Rs. 10,000 in civil cases, and in criminal offences such as theft up to a value of Rs. 200, or house trespass of certain kinds. But then the decision to take effect has to be unanimous. If the decision in ordinary cases is by a majority of 4 to 1 there is no appeal, but if it is by a bare majority an appeal lies to the district judge in civil cases and the district magistrates in criminal affairs, within 30 days of the decision. Though the language is not at all clear, by a strange provision each party in this sense is taken to be that arrayed on opposite sides. But it is tolerably obvious that there may be conflicting interests between the defendants. The records of these courts are by no means judicial; they are entirely misconceived and incomplete, and the decisions frequently biased. A proper remedy in my view would be to constitute judicial panchayats consisting of persons trained in judicial work, with jurisdiction over more extended areas.

Then there is the jurisdiction exercised under the West Pakistan Criminal Law Amendment Act, 1963, providing for the more speedy trial and more effective punishment of certain heinous offences in West Pakistan. You will notice that the emphasis is on speed and on punishment, and this necessity is confined to our wing of the country. The heinous offences listed are murder or plain homicide, attempt to murder with fire-arms, kidnapping, dacoity, robbery, theft, trespass and mischief of serious kinds, illegal import of goods and offences under the Prevention of Corruption Act, 1947. It has been said by the highest court in the land that this is a law of an entirely different tenor from that with which our courts are familiar, so that they should keep themselves aloof from it. As was said by the supreme court in *Akram's* case, the ascertainment of facts and the application of law by these tribunals is "rigorously kept free of every kind of rule or regulation that might savour of due process."[2] They approved of what the judicial committee of the Privy Council had said of a special Tasmanian tribunal in *Moses v. Parker*: "they are expressly exonerated from all rules of law and equity" — mark 'equity' — "and all legal forms."[3] A tribunal under

2. PLD 1963, SC 373, at 376, per Cornelius, C. J.

3. [1896] AC 245, at 248, per Lord Hobbouse.

the Act is constituted by the district magistrate, presided over by a magistrate with section 30 powers, with four other persons, appointed by him in rotation out of a panel approved by the commissioner, subject to objection by either party to the dispute. The decision has to be entered by the district magistrate and sentences imposed by him may be up to 14 years' imprisonment and fine, though sentences beyond seven years require the commissioner's approval. You will observe that there is a lesser penalty here for murder than obtains in ordinary courts; on the other hand, the tribunal is not guided by the approved principles of judicial administration, though lawyers may appear before it. Nor is that all. It is open to the district magistrate to reject the report of the tribunal, and remand the case to the same, or another tribunal in case the majority is less than three-fourth. The district magistrate can also demand security in cases of blood-fued. No appeal lies from any of his orders under the Act. But within thirty days of the sentence, the commissioner may revise his order, and the government may also review it within sixty days of the commissioner's orders. The original sentence may be varied, and — this is notable — even enhanced. Finaly, under the Act (sec. 28) murder, culpable homicide or attempt to murder may be compounded. This is the old Muslim rule of *det*. But is it in keeping with the pace of times, now that these offences have moved from the level of offences against individuals to that of crimes against society?

There remains the consideration of the Arbitration Council under the Muslim Family Laws Ordinance, 1961. This consists of the chairman of the Union Council or a person appointed by the government or another elected by the Council if the chairman be a non-Muslim or unable or unwilling to participate, along with a representative of each of the parties. The Council grants permission to a man to take another wife, though such a marriage contracted without permission is not illegal. It merely lays the wrong-doer open to simple imprisonment up to one year and a fine up to Rs. 5,000, in addition to the immediate payment of the entire amount of the dower whether prompt or deferred. In case of *talaq* (divorce) by the husband it is obligatory to inform the arbitration council which tries to reconcile the parties, and the talaq is not effective until 90 days. The Council can also grant maintenance to the wife. This is in addition to an application for maintenance to a magistrate under the Code of Criminal Procedure, 1908 also in addition to a suit brought before a civil court. The Ordinance also lays down that if the nature of the dower is not described it shall be prompt; and that the children of a predeceased son shall stand in his shoes. Illogically, the children of a predeceased brother find no redress. But these provisions, belonging as they do to substantive law, need not detain us.

III

Separation of Judiciary and Executive

Civil and criminal litigation has increased, is increasing and will no doubt continue to increase. That is one of the penalties of civilization and the ever-rising tempo of population. The tensions, the inter-mixture of population, the unbalanced economy, the social malaise may all be responsible for this state of affairs. In this background, the swelling of the work-load is inevitable, for, as the saying goes, every body wants the earth. But there is not enough earth to go round. This means litigation. This means fights, quarrels and crimes. It will have been noticed from the above review that there is no attempt to separate the criminal judiciary from the executive at the district level. All that has recently been done at the behest of the central government is to direct that certain magistrates be put exclusively on judicial work. But this had already been done in some districts. I remember that at least in two districts where I had been posted as district and sessions judge, the district magistrates enforced this principle at my suggestion. As I then wrote, justice is a jealous mistress, and you cannot expect quality of work from a person who may at any time, while dealing with judicial matters, be called upon to go and demolish a wall or quel a riot. Secondly, I thought that in this manner at least some measure of independence in the magistrates would be instilled. The arrangement is only a half-way house. Unless the sessions judge has complete control of the magistracy along with the staff, complete devotion to judicial work and independence cannot be assured.

It is not that the district magistrates instruct the magistrates to decide particular cases in a particular manner. It is the atmosphere in which they work which has a deleterious effect. Moreover, the district magistrate being concerned more with maintaining the peace and tranquility of the district, is apt to give a ready ear to those police representatives who are moved by their station house officers, so that in the last analysis it is the latter who comes to be associated with the judicial work. But he is frankly a partisan in the matter. I deplore the passing away of the practice under which the *ilaqa* magistrates in some districts used to give reports to the station house officers. This practice was adopted in at least one district at my suggestion, though at the same time I advised against the proposal that the magistrate should make his report over and above that of the superintendent of police. I understand that now no reports at all from the district magistrates are called for in this behalf. This, I may say so, is a step backwards for it is district magistrate who is truly the custodian of law and order in the

district.[4] The dominance of the district magistrate and the demoralization of the magistracy is illustrated by an exciting confession — or was it a boast? — of a capable magistrate who, on learning that his official superior was interested in a certain case — let us assume from the law and order point of view — took two judgments to him for approval, one of acquittal and another of conviction. This incident has the same savour as the cheerful cynicism of a high colonial office official in the United Kingdom who desired to know his minister's views regarding a certain matter, so that he could send "in either event, a perfect case".[5]

The manner in which the general injunctions of the district magistrates to his magistrates are carried out whole-hog is illustrated by an interesting example. In a certain district the deputy commissioner, the superintendent of police and myself took over almost within a period of one month. The deputy commissioner enjoined magistrates to give particular care to the law and order situation, which had earlier deteriorated marvellously. Soon the convictions became heavy, and the number of judgments which came up to me (helped by three additional district and sessions judges) in appeal increased by leaps and bounds, especially as there were as many as seventeen magistrates in that district, apart from those in the adjoining district which formed part of the same sessions division. They were weighted against the accused. The magistrates had resorted to a novel technique. If the witnesses stood firm, conviction was entered. If they did not support the prosecution story, it was said they had 'resiled' in order to favour the accused, and still the conviction stood. This reminded me of the story of Cardinal Morton who was the Chancellor of one of the English Henrys in medieval times. If a subject of the king lived in great style the Cardinal said, surely he could spare something for his liege king. If he lived without ostentation the Cardinal said that he must have put by plenty of money and could afford to contribute to the needs of his sovereign. This was known as Morton's fork. When I spoke to the deputy commissioner about the matter he had a still more amusing story to relate. He had met a venerable chairman in a village who said that the method had ruined their means and influence, for both the accused and the complainant now knew that it was no help trying to win over the influentials in the village in order that they may use their good offices with the witnesses.

4. *E. g. see the Police Act.* 1861.

5. Stephen Gwynn and Gertrude Tuckwell, *Life of Sir Charles Dilke*, (1917), i. pp. 288-289.

There are the meetings of the sessions judge with the deputy commissioner and the superintendent of police every quarter and these ought to be more meaningful. Normally there is no agenda, and this omission, though at times an advantage, is mistake. A rambling talk is not always fruitful. The sessions judge is incharge of the judicial lock-ups in the district, though their actual administration is with the deputy commissioner. Frequently the sessions judges neglect this part of their duty, but it can be effective in keeping the magistrates on their toes. Lastly, there are the remarks which may be made in the judgments and the annual reports, as also in the case of subordinate civil judges. These remarks must of necessity be temperate, reasoned and based on factual data if they are to be really effective.

IV

Challenges in Judicial Administration

Speaking of an historian, Kalhana said:[6] "He would be like a judge, free from passion or prejudice." That is high praise. Yes indeed, freedom from passion and prejudice are the hall-mark of a judge. The removal of injustice and freedom from oppression are ideas as old as the Mosaic law, though Jesus the Nazarene taught us that mercy is greater than justice. It will be recalled that the late Chief Justice Kayani said in one of his addresses that there are quite a few thousand people in every country to whom freedom itself means more than a new pair of clothes or bread. That was cited by the London *Times* and reproduced by Joseph Minotaur.[7] Mark Twain once said with biting sarcasm: "I like criticism, but it must be my way." Mr. Justice Holmes put the idea tersely in his great dissent in *Schwimmer's case*: "freedom of thought does not mean freedom for the thought with which we agree, but freedom for the thought that we hate."[8] Still decide they must, and it is not open to judges to have recourse to the sheet-anchor of the executive officer, that a problem left unanswered answers itself.

Judges, however, sensitive as regards the reception of their criticism and the criticism of their own work, have nevertheless to dispense justice according to the law, though law's basic tenet remains, as said by Uplian, to give everybody his due. So the Biblical injunction, love your neighbour, was translated by Lord Atkin into the sovereign legal principle of the *Snail-in-the-Bottle case*,[9] the obligation not to injure anyone, though at the other end of the scale you have wonderfully luminous utterances like the House of Lords speaking in an income-tax

6. An author of ancient India who is known for the only extant history in Sanskrit *Rajtrāgini*.
7. *Freedom of the Press in India* (The Hague, 1961).
8. (1928) 279, U.S. 644, at 653.
9. *Donoghue* V. *Stevenson* [1932] AC 562, at 580

case: "income is income, and nothing is income which is not income". Justice is, therefore, very much a human dispensation, though Mr. Justice Holmes used to say to his brethren of the United States Supreme Court, "I hate the word justice."[10] That is again because judges are bound by the law. It is true that in this manner sometimes injustice is wrought, for the law consists of rules governing the generality of cases, and reason and logic are sacrificed to the principle of certainty. But the alternative is arbitrariness. Further justice has to be seen to be done, that is, not only the judge's conscience must be satisfied, but the uncommonly common reasonable man of law should be able to say, "this is right, this is just."

There has been much talk about fundamental rights in recent months. There are no such rights in the United Kingdom. Yet they attain the desired object in a much more effective manner by adhering to a single principle. It is the principle of fair trial. A person must be fairly treated as an accused, fairly prosecuted, fairly tried and fairly sentenced. The principle is more important than any number of constitutional guarantees which are really useless without the nation's will to support them. Not the least of difficulties in modern times is that new controversies and legal problems and a huge quantity of disputes come up before the courts. This qualitative and quantitative pressure calls for an overhaul of the judicial machinery. What was good enough for horse-and-buggy days cannot be of service in the age of Sputniks and Luniks. New conditions and ideas call for a revision of laws. There can be no social stability if the law stands still, for just as law is formulated by the society, the society itself is profoundly influenced by the law. That was the theme of a recent address by Prof. Harry W. Jones of the University of Chicago, trying to make out a case for partnership between law and the behavioural sciences.[11] He cited Sir William Holdsworth speaking in anger:

> It is nonsense for any one to talk about the influence of the English character on the common law if he does not take at least equal account of the influence that the common law has had on the formation of the English character.

Lastly, we need examine the system of other countries in order to see whether they may not be profitably adopted in ours. Surely it cannot be postulated that the Anglo-Saxon system is of necessity the best suited to our country. For instance, the Chief Justice of our Supreme Court has spoken of the common law of the Middle East and also advocated the adoption of the French administrative law in our country. These suggestions deserve the deepest consideration. I should like to

10. Cited by Harold J. Berman in *The Voice of America Forum* Lectures, Law Series, No. 15.
11. Reproduced in *Journal of the American Judicature Society*, 5: 1963, p. 109.

suggest that the French system of the examining magistrates (*Juge d' Instruction*) would be equally to our benefit. The Anglo-Saxon system takes pride in calling its accusatorial system as superior to the inquisitorial system which prevails in most West European countries. But the British system is not necessarily the fairest. In the French system a magistrate is associated with the investigations from the outset. That ought to be a great help in our country, where unfortunately confidence in police investigations is not as it should be. I would advocate also the incorporation into our system of administration of the charming institution of the *Ombudsman* which prevails in the three Scandinavian countries, though perhaps differently styled. India is on the verge of adopting it. We may need an Ombudsman in every province, and the technique of it may vary to suit our circumstances. Broadly, however, the duty of the Ombudsman is to hear complaints against the administration from whatever source. He has access to all files, and can pass judgment and enforce his decision in accordance with the nature of the complaint. Like the auditor-general, he has the power to hold a grand inquest, and, unlike Ponitius Pilate, is the ultimate arbiter of administrative truth—its rights and wrongs.

To use a common coloquialism, where do we go from here? The basic question in evaluating any law is, how is it working? Intensive case studies in carefully selected sectors should be helpful. But certain conclusions clearly follow. First, the law must answer the needs of the society which is in a continuous flux. It must change in accordance with the demands and desires of the people; else it must die. The law and the complexes of the society must move hand in hand. We must be prepared for the 'social engineering' of Dean Roscoe Pound. Second, and even more important, the procedure must be able to give satisfaction to the people by yielding quick return. Justice delayed is justice denied. If procedure is cumbrous and obstructive it would stifle the law, be it the best ever made. Third, and this follows from the above, our judges must cease to live behind glass windows, in traditional ivory towers. Justice is no cloistered virtue. As was said by Mr. Justice Gardozo: "The tides and currents which engulf men do not turn aside in their course and leave the judges by".[12] Was it Demosthenes who said: "I believe that a good citizen should prefer words which save to words which please"? We live in troubled times. Judges must participate in the cataclysmic changes; they must, like all men, be crusaders in the rapidly developing world. Without this association and this attitude the results may be monumental displays of juristic

12. *The Nature of Judicial Process* (New Haven, USA, 1952), p. 168.

knowledge unrelated to the "felt needs of the time". It is vain to believe that they can square with the purposes of the law which must fulfil human needs. Law cannot be an end in itself. "The life of law has not been logic: it has been experience."[13] Judges are after all human beings, fenced in by their traditions, training and experience. They react to tiffs at home just as well as ordinary mortals. It is hard to expect a sonless judge to look with favour on a custom which denies inheritance to daughters. You cannot expect a non-motorist magistrate to appreciate the difficulties of a car-driver. The triumph of a legal habit of mind is not always secure. A judgment is really decided, not by a chain of syllogism but by the Holmesian 'inarticulate major premise', though Mr. Justice McNaghten, when told of it by Prof. Harold J. Laski, raised his hands in horror and said with something approaching passion, "I am a simple and honourable man, and never give a decision unless I find a case to support it." Therefore, it is not enough to have legally trained judges: they must be men of understanding and culture. Fourth, it is axiomatic, a matter of common knowledge and experience that no courts can properly function without a decent bar, consisting of lawyers of competence and integrity. As the former Master of the Rolls, Sir Raymond Evershed (as he then was) said: "The real freedom in any community depends on the reputation of lawyers in that community. There will be no respect for law if there is no respect for lawyers.'[14] They must know where the shoe pinches, and act like honest brokers, for the material they handle is human.

Judged by these tests, on any hypothesis, we come off only second best. We need ceaselessly to examine ourselves in this sphere; for, as Socrates said, "an unexamined life is not worth living": it may have to be an 'operation of conscience'. Nor, in the field of judicial administration is there any visible and organized effort to improve it in any clear common measure. Do we realize that unless we exert ourselves history will condemn us without pity? This is the more so since, as Simone de Beauvoir, the gifted wife of Jean Paul-Sartre, said in the case of the Algerian freedom-fighter Djamila Boupacha, "A nation might be able to survive with dishonest ministers, but it cannot live without justice"; and General Bollardiere added in words that are eternal, "Our children must be able to respect our country's justice; for without that respect they will incur the worst misfortune of all—the inability to respect themselves."[15]

13. O.W. Holmes, *The Common Law*, (Cambridge, Mass, 1881), p. 1.
14. *Address to the students of the Inns of Court*, 1955.
15. Simone de Beauvoir and Gisele Halimi, *Djamila Boupacha*, trans. (Four Square ed., 1963), pp. 185, 214.

REVENUE ORGANISATION OF THE DISTRICT

M. R. Khalid

Historical Development

The first serious attempt to streamline the revenue organisation in the Indo-Pakistan sub-continent was made by Sher Shah in the middle of the sixteenth century. In his time the whole empire was divided into 47 divisions each of which comprised a large number of *parganas*. Each pargana had a *shiqdar*, an *amin*, a treasurer, a *munsif*, a Hindi-writer and a Persian writer to write accounts. Besides these officers of the state there were the *patwari*, *chaudhry* and the *muqaddam* who acted as intermediaries between the people and the state. The shiqdar was a soldier. The amin was a civilian whose main function was the assessment and collection of the land revenue. The amin was the principal civil officer and was responsible to the central government for his actions. For the execution of his duties he had the moral and physical support of the shiqdar. The parganas were grouped into *sarkar* each of which had a shiqdar-in-chief and a munsif-in-chief, who supervised the work of the pargana officers throughout their divisions. Sher Shah had all lands in his empire surveyed and measured and the state's share in the produce was fixed at one-third.

The system devised by Sher Shah was abolished by Hamyun but revived again by Akbar. Significant improvements made during Akbar's period included substitution of yearly assessment of land revenue by ten yearly assessments, classification of land according to its frequency of cultivation and capacity for production and development of a standard measure of land measurement known as *jarib*. This made the revenue administration more sound and scientific and eliminated the element of uncertainty in the state income from this source.

While the British retained the basic pattern of revenue administration they inherited, they introduced some minor changes also. In their view land revenue was a rent and not a land tax and the collector entrusted with the duties of realising the land revenue was not to be a mere collector; especially in areas such as Punjab, where the demand was fixed for a period only and the state continued to have a direct and immediate interest in the improvement of the land. His

position was rather that of a steward of a great land-owner. As such it became his responsibility to respect and protect from encroachment private rights in the soil which were created or conferred by the state. Where the revenue had been fixed for only a few years he had not only to collect it but also to look forward to a time when it would be revised, and to collect and record, in a systematic manner, statistical information which would facilitate an equitable re-assessment. Functions assigned to the collector were as follows:

a) A recorder of agricultural statistics.

b) A guardian and registrar of the rights in the soil enjoyed by private persons.

c) A collector of land revenue.

d) A promoter of the stability and the improvement of the landed property.

e) A custodian of state property.

f) A judge between landlord and tenants.[1]

This gives a skeleton of the revenue administration organized by the British through various regulations and enactments like the Land Administration Manual, Settlement Manual, Land Records Manual and various standing orders.

II

Contemporary Revenue Organisation

No major change has been effected in the revenue administration left by the British since Independence. The district is still the basic unit of revenue administration. It is headed by the collector who combines in him the powers and functions of district magistrate as well. It is divided into two or more tehsils which are in charge of a *tehsildar*, assisted by one or more *naib tehsildars*, depending on the volume of work. The tehsildars and naib tehsildars are asistant collectors of the II grade and revenue courts of that grade under the Land Revenue and Tenancy Acts. The tehsildar is also a magistrate of the II class and in some cases of the 1st class. The naib tehsildar is generally a magistrate of the III class.

The tehsildar and naib tehsildars sub-divide the tehsils among themselves for administrative convenience. The naib tehsildars discharge

1. James McC. Douie, *Punjab Land Administration Manual* (3rd edition, Lahore, 1960), p. 1.

their duties under the general supervision of the tehsildar in the tehsil. Each tehsil is divided into nine or more *kanungo* circles, each headed by a field kanungo who is responsible for supervising the work of the *patwaris* and submission of the various revenue records and returns to the higher officers. Each kanungo circle is further divided into *patwar* circles comprising about 8000 field numbers each. Besides the field kanungo there is one office kanungo at each tehsil headquarters and one sadar kanungo at the district headquarters. The function of the field kanungo is to keep constantly moving about his circle supervising the work of the partwaris on the spot except in the month of September when he stays at tehsil headquarters to check the *jamabandies* (revenue record) received from the patwaris. The office kanungo is the tehsildar's revenue clerk. He is mainly responsible for the maintenance of the statistical revenue records and is incharge of the stationery required by the patwaris, He also keeps the accounts of mutations fees and other miscellaneous registers. He is custodian of all the records received from the patwaris and a well-managed kanungo's office is an important factor in the revenue management of a tehsil. The sadar kanungo is responsible for both the office and the field kanungos. He keeps all the records received from kanungos and the patwaris.

Some of the larger tehsils have the status of a sub-division in the charge of a sub-divisional officer, who is generally a member of the Provincial Civil Service or the Civil Service of Pakistan. The tehsildar and naib-tehsildars work under his direct supervision and he is responsible for the revenue administration in his jurisdiction. He is, as a matter of fact, a collector in miniature with respect to his sub-division. At the headquarters, an officer usually belonging to the Provincial Civil Service, designated as revenue assistant, assists the collector in the discharge of his duties on the revenue side. He is also a magistrate but most of his time is devoted to revenue work.

Under the present set up the patwari is the last rung of the revenue administration ladder. He maintains records of rights which are revised each four years in the form of a jamabandi. He carries out the crop inspections, recording their results in *khasra girdawari* on the basis of which the land revenue demand is fixed and realised from the cultivators. He is also the statistical writer regarding the agricultural data of which full use is made to fix the revised assessment. At the time of inspection of crops the patwari takes notes of all the changes in the land tenure and actual position on the spot which he is supposed to incorporate in his field maps and other relevant registers which are revised after four years. This process continues until the time of settlement when the land is measured afresh and the assessment, etc.

fixed for another 20/40 years or so. The patwari also is a copyist who issues copies of the revenue record to the farmers so that they do not have to go to the district headquarters for such matters. The record prepared by the patwari enjoys the presumption of truth which means that if a fact incorporated by the patwari in the revenue record is not challenged at the relevant time, it is admitted to be true and cannot be challenged later.

The land revenue demand is calculated by the patwari and handed over to the *lambardar* (headman) concerned in the form of a *dhalbachh* for realising the same. Lambardar after realising the land revenue deposits it into the treasury and receives his 5 per cent called *panjotra*. The main function of a revenue officer is to realise the land revenue demand in time. The provisions for the realisation of the land revenue have not lost their severity with the passage of time. To emphasize the payable nature of certain demands it is generally said that it is payable as land revenue which means that the land revenue has priority over any other demand on the assets or property of an individual.

In colony districts there is a parallel organization to revenue administration for collection of water-rates which is a payment made for use of water provided from public canals. The unit of administration for this organization is a canal division and not a district. A canal division may extend to two or three civil sub-divisions. In this organisation the official of the last rung is the canal patwari headed by a *zilladar* who is of the status of a tehsildar on the civil side and then by the deputy collector who is equal in rank to a revenue assistant. Above him is the executive engineer Irrigation. The canal patwari is concerned only with that area which is under canal irrigation. He carries out the inspection at the time of first irrigation, assesses the demand called *abiana* (water-rates) which is realised alongwith the land revenue. The deputy collector is also a magistrate for the purpose of hearing cases under the Canal Acts.

III

Problems and Challenges in Revenue Administration

It will be noted that every revenue officer down to the level of a naib tehsildar is invested with magisterial powers and this combination of executive and judicial functions in one person has been a subject of controversy. Mr. Thomason has justified this on the reasons that

> the influence and opportunity of beneficial exertions which result from this are great. It is essential to the advancement of the public interests entrusted to the Collector, that

complete security of life and property should exist throughout the district. It is essential to the development of industry that all lawless violences should be repressed or so repressed as least to interfere with the comfort and welfare of the peaceful and well disposed. The strong establishments in the revenue department may be made the efficient agents for strengthening and regulating the Police, and the Magistrate in the discharge of his duties as Collector will have opened out to him channels of information and sources of influence which when duly improved cannot fail to exercise a most beneficial effect. Nothing can pass in the district of which it is not the duty of the Collector to keep himself informed and to watch the operations; the vicissitudes of trade, the administration of civil justice; the progress of public works; must all affect materially the interests of the classes of whom he is the constituted guardian. Officious interference in matters beyond his immediate control must be avoided but temperate and intelligent remonstrance against anything which he sees to be wrong is one of his most important duties.[2]

According to James McC. Douie,

> to manage a district successfully requires qualities rarely found united in a single person. No man can properly represent government to the people who is lacking in sympathy or in the power of conversing with them easily in their own tongue. But to these qualities must be added patience and promptitude, tact and firmness, accessibility without familiarity, a shrewd appreciation of character with readiness to repose confidence where it is due, a thorough knowledge of the details of all branches of his duty and great capacity for personal exertion with a willingness to hand over to trustworthy subordinates a large share of his work, while maintaining complete control over the machinery of administration. One great secret of success is this power of making full use of assistants in all grades. The Collector who insists on doing everything himself is sure to leave many things undone and to fritter away on small details time that should be devoted to more important matters. At the same he is responsible for and bound to control all the doings of his subordinates.[3]

2. Thomason quoted in *Ibid.*, pp. 107-108.
3. *Ibid.*, p. 108.

For all revenue officers, government have prescribed the number of days and nights which they must spend in their area of jurisdiction the intention being that they should acquaint themselves with the people and their problems. However the ingenious members of this organization find ample ways and means to defeat the intention of the government. Generally there are only a few places in the tehsil or the district which attract most of the touring officers. These places are mostly located on the road sides and easily accessible by cars or at least by a tonga. This makes the knowledge of the officers about the district more lop-sided and biased.

In this connection I cannot resist citing a few instances. A deputy commissioner used to get up early in the morning and rush to a place about 80-90 miles away from the district headquarters and would come back to his headquarters by 10-11 A.M. Sometimes the people of the place he visited did not know that the deputy commissioner had visited them. Once, while on tour to a far off place at odd hours as was his normal practice, he saw some vultures feasting on a dead animal. He stopped his car and made an inquiry from a simpleton standing there who told him that it was a bullock which had died of a certain disease. The deputy commissioner made a note of it in his tour diary that he had seen the cattle dying of sudden epidemic. Immediately a note went to the department concerned to take remedial measures. There was a great alarm. On verification however, it was found that the learned deputy commissioner was misinformed. While under training I was incharge of a kanungo circle in a district. During my checking of the girdawari I came to know that about two squares of state land which were shown to be *banjarqadim* (uncultivable) in the revenue records were under cultivation for the last six years and the produce of that land was being passed on to the head vernacular clerk; the reason being that the land was situated in a far off place never visited by any district/tehsil officer.

The revenue organisation not only collects the revenue but also provides data about the agricultural resources of the country on which are based national plans. The degree of validity of this data, therefore, significantly influences the soundness of national plans. But unfortunately as the importance of this data is increasing with greater involvement of state in planning and development, its quality is deteriorating. There are several reasons for it. The patwar circles were fixed at the time when there was no development activity and there was not much pressure on land. After Independence due to the influx of refugees, the pressure on land has increased manifold with the result that most of the land has been brought under cultivation. This has made it difficult for a patwari to carry his duties in a systematic and efficient manner. Besides this, all

sorts of miscellaneous work such as the preparation of electoral rolls, census, etc. are being added to his already onerous job. The priorities for him are fixed without any consideration to the damage which they could cause to his primary duty of preparing the revenue record, etc. The net result is that the patwaris have started indulging in *farzkari*, i.e. submitting bogus reports. Even in important functions such as crop inspection, the patwaris now rarely go to the spot. They complete the record sitting in the tehsil headquarters on the information supplied by some villager which leads to many complications. The adverse affect of such information on the planning and development of the country can be well imagined.

In view of this the delimitation of patwar circles needs to be revised and in no case should a patwari be entrusted with more than 3000/4000 field numbers. There is no doubt that this suggestion involves certain extra expenditures but these will not be wasted. Extra returns will come in the form of better administration.

The scheme for providing patwar houses has not been implemented with the result that it is still a problem to locate a patwari with whom the farmer is all the time concerned. It will go a long way in redressing the grievances of the village folk if the patwaris are provided houses and persuaded to live there.

According to rules, all changes in the jamabandi, which is a record of rights with respect to the land, are brought through a process known as mutation. According to this procedure, any change which comes to the notice of the patwari is recorded in the register and after being verified by the kanungo is put up before the revenue officer i.e. the tehsildar or the naib tehsildar, in camp near the spot who after summary verification decides whether to admit that change or not. Though this system was introduced for the convenience of the people to save them from unnecessary financial burden, yet in practice it has become a great source of corruption. Right from the stage of entering the mutation into the register by the patwari upto its being sanctioned, the land owner has to face many problems. It can probably solve this problem if a register is maintained in the Union Council office with respect to each patwar circle where all such information is recorded. The patwari should take note from this register and put up the cases, to the revenue officer in the order of priority noted on the register. The revenue officer should be asked to give cogent reasons for taking up a case out of order. In this way the arbitrary manner in which the revenue officers indulge in sanctioning the mutations will be stopped and the people will start gaining confidence in the working of the organization. Confidence in the institution and the rules would be a better substitute to the confidence in the individual's discretion which enlarges the scope of arbitrariness.

Under the present system in canal irrigated areas there are two parallel systems of revenue administration, i,e, canal organization and the *mahal* organisation as explained earlier. It is not uncommon that in one and the same village the canal patwari maintains record of the canal irrigated area whereas the mahal patwari keeps a record of all the area and then both of them are required to compare their records. In practice comparisons are not made with the result that many discrepancies creep into the records which become a source of litigation. It will probably improve the administration if the patwar circles are reduced in size and only one patwari put incharge of a circle. A mahal patwari can very easily take notice of canal irrigation and this will save unnecessary expenditure and duplication of work.

The system of periodical settlements introduced by Todarmal is still a prominent feature of the revenue administration which enables the state to assess its demand afresh. At a time when the economy was stat'c, reassessment of revenue rates after 20 to 40 years did not create any problem. But with increase in the tempo of development in the country, assessments made in 1964 will have no relevancy in the year 1980 or 2000. Inspite of the fact that settlement operations involve greater expenditure, if the period is fixed at 10 years instead of 20 or 40 years it will enhance the revenues of the state.

The consensus prevailing in the country is in favour of getting rid of the patwari as early as possible. There is no doubt that in some of the countries officials such as the patwari do not exist, but at the same time it must be kept in view that the incidence of literacy in those countries is much higher than in our country. For instance, in urban areas in our country the people are not so much dependent on the patwari as in rural areas mostly on account of the higher percentage of literacy. So the patwari can be eliminated only if the circumstances in the country are improved to such an extent that this experiment does not prove to be disasterous. For that purpose I would suggest that first of all the subject of revenue administration may be introduced in a suitable form as a compulsory subject from 4th to 8th class, so that the coming generation has requisite insight into this important subject of great concern.

When the consolidation operations have covered the area and the fields have been laid into rectangular form, the record should be deposited in the Union Council where a person well versed in revenue administration should be posted as a registrar and all the changes in the revenue estates may be registered and sanctioned by him. He should also be responsible for amending the village map from time to time which should be brought upto date after every four years' time. This experiment in the

first instance may be carried out in one or two districts and if the results are encouraging then it may be adopted for the whole of the Province.

After the elimination of the patwari the question will arise regarding the collection of suitable data for the crops etc. This job can easily be done by the school teachers of the primary schools on a part time basis. As this will not involve any question of right, etc., statements of zamindars can very easily be relied upon for giving correct answers in this respect.

As regards the assessment of land revenue, the government may fix a flat rate per acre, leaving it to the zamindars to utilize the land in a suitable manner to make reasonable profit out of it. The present system of land revenue giving separate rates for separate crops may be done away with. In this way the question of determining the government demand with respect to each crop can be dispensed with. Similarly, other information such as the preparation of electoral roll, etc., can also be done by the primary school teachers on part time basis after the school hours, and as the emphasis on education is increasing in successive Five-Year Plans, I think by the time the fourth Five-Year Plan is over, there will not be any dearth of school teachers in the country.

For the collection of land revenue the institution of lambardari plays an important role. Resistance to paying revenue still persists. The official agency inspite of its efficiency cannot exert so much moral influence on the people as can the lambardar, a person from the locality. It is unfortunate that the institution of lambardar has been subject to persistent decay, and in its present shape, it has lost all the features which gave it prominance and effectiveness in the past. This probably is due to the fact that lambardari is an hereditary office. Principle of lambardari by inheritance should be substituted by elections. In this way, on the one hand, lambardar will be able to exercise the requisite moral and social influence on the people and be a helpful channel of communication between the administration and the people, and on the other hand, he will add dignity to the office which will develop healthy traditions. Under the hereditary system, it is not uncommon that the mantle of lambardari falls on a person who does not count in the local affairs due to the gradual deterioration in the status of the family for one reason or the other, with the result, that he makes a mockery of the system itself.

POLICE ORGANISATION OF THE DISTRICT

Habibur Rehman

Police organisation in the Indo-Pakistan sub-continent has a remote origin in history. But two recent significant impacts on its character have come from the Mughals and the British. The Mughals could not control the crime through a small-sized organization which had to operate in remote villages with poor means of transport and communication. As a result police responsibilities had to be decentralised with a major share of them falling on local communities. Collective fines were imposed on the communities for undetected crimes.[1]

Important functionaries in Mughal police were *kotwal*, *shikdar*, *faujdar* and *thanedar*. The kotwal who was appointed only in big cities was a well-paid officer and was selected from the royal and loyal families sometime by the king and sometime by the governors. At times his rank was no less than a commander-in-chief of the army. His extensive duties included control of crime, watch and ward, prevention of social abuses, administration of jails, prosecution of important government cases, and regulation of market prices. In his quasi judicial work he was subordinate to the district Qazi (Judge), who heard appeals against his orders.[2]

A shiqdar was appointed in small towns where he performed almost the same duties as that of the kotwal in big towns. In rural areas, these duties were performed by faujdars, who were appointed by the local governors in every district. This name is still in use in Sind where an inspector of police is called a faujdar. The faujdar divided the area into small localities and appointed thanedars but the responsibility of looking after the law and order was placed on the inhabitants of the area themselves.

Every village appointed a *chaukidar* (watchman) for keeping a watch who was paid by the village — a practice existing even today. The people therefore took active part in handling their own affairs in the rural areas. The system not only trained them in the art of self-government but also lessened the burden on the central exchequer. It also assured quick and cheap justice done at the spot.

1. N.A. Razvi, *Our Police Heritage*, (Lahore, 1961), p. 36.
2. *Ibid.*, p. 29.

Such a system, however, required a strong central authority with tight control and close supervision. When supervision became lax a wave of persecution was let loose. Local petty officials forgot all moral codes. Nepotism, favouritism and corruption became rampant.

In the East India Company of the Indian sub-continent, the police administration had become an instrument of terror lacking control from any central authority. The company did not attempt to bring about radical change in the previous system nor did it impose uniformity of police administration in all provinces. The different provinces experimented with different patterns of police organisation. But the predominant business interest of the company, placed a limitation on the emergence of a police as entirely an instrument of law and order. After the uprising of 1857, when the British Crown took charge of administration, reorganisation of police became one of its first concerns.

II

Structure of the Department

The present structure and function of the police force in Pakistan owes its origin to Act V, 1861. The 1861 Act in its preamble mentions that it was expedient to re-organise the police and to make it a more efficient instrument for the prevention and detection of crime. Thus the sole aim of the Act was to provide satisfactory internal security to the State and its citizens. The administrative powers over the force were vested in the inspector general, (IG), deputy inspector general (DIG) and the superintendent of police. These officers were also empowered to appoint, dismiss or give other punishments mentioned therein, to officers of subordinate rank.

Before 1955, each of the four provinces had its own independent police force placed under an inspector general. With the emergence of one province of West Pakistan, all the provincial police forces were merged into one organisation placed under the command of an inspector general police. The province is divided into thirteen ranges, each under the charge of a deputy inspector general. Range is divided into various districts, each under the charge of a superintendent of police.

The superintendent of police plays a very important role in district administration. He is the custodian of law and order and it is his personal responsibility to ensure that peace and order prevail in the district. He is assisted by the district police force in discharging this duty. In order to ensure efficient and quick results, the superintendent is given all the

necessary powers. In the field of recruitment, training, discipline, posting and transfer and award of punishments, he is the administrative head of the district police.

The district is further divided into police stations, each under the charge of a station house officer of the rank of sub-inspector. The police station is divided into various beats, each covered by a foot constable. In this way the police-man reaches the grass roots and comes in direct contact with the people. A deputy superintendent is appointed over a group of sub-inspectors, to assist the superintendent in his supervisory control.

Recruitment takes place at the rank of constable, assistant sub-inspector and assistant superintendent of police. Previously the head constable, inspector and deputy superintendents were directly recruited but this practice has now been stopped.

A constable is recruited by the superintendent whereas the assistant sub-inspector (ASI) is recruited by the deputy inspector general in a board, and the assistant superintendent through a competitive examination held by the Pakistan Public Service Commission. The constable is required to have a well-built body, with a height of at least 5'-7", and age between 18 to 25 years. After recruitment, he is sent to the police training school where he receives training in drill and law for a period of nine months and then comes back to the district and is put in the field. He stays in the police station for a period of three years or so and then comes back to the police lines for drill and law.

After about three years he is again selected to undergo a lower course in the training school after which he gets his promotion as head constable. In order to have his next promotion the officer attends an intermediate course at the school and then is due for the promotion to sub-inspector. The last in-service regular training course is the upper-class course which a subordinate undergoes before he is promoted to the rank of sub-inspector and then confirmed.

The superintendent of police is assisted in his office by a prosecuting inspector who is a law graduate and is directly recruited as prosecuting sub-inspector. He is assisted by a number of prosecuting sub-inspectors who conduct cases in the courts of various magistrates. The prosecution branch receives all the cases from the investigating officers. It examines them, points out defects and after that puts up in the court. Weekly and monthly crime diaries are prepared by this branch for the superintendent of police which are sent to the deputy inspector general. The prosecution branch, in addition to acting as a legal adviser to the superintendent also keeps him informed about the standard of investigation in the district.

A head clerk is incharge of the general office, whereas the reader, an officer of the rank of assistant sub-inspector, deals with the vernacular branch. The reader receives all the case diaries in criminal cases and reads them to the superintendent and keeps him informed about the incidence of crime in the district. The pay officer or the accountant is incharge of the accounts side. He prepares pay bills, checks travel allowance bills, draws the amount and disburses them on. The confidential clerk handles the secret documents as directed by the superintendent. The lines officer, generally an officer of the rank of sub-inspectors is incharge of police lines. He looks after the discipline and welfare of the force. The police lines play an important role in the administration and organisation of the district force. Standing guards, escorts etc. are despatched from the lines. Lower subordinates, after completing their tenure in the police stations, come to the lines for brushing up. Generally police officers count their days in the lines, because of strict discipline and tough duties inside. In case an officer misbehaves, he is generally transferred to police lines, where he may be confined to quarters or put on some other strenuous duty. The lines officer therefore sets the tone and standard of discipline in the force.

Another important agency, is the Criminal Intelligence Agency (CIA) which works directly under the superintendent police. This agency collects intelligence for the superintendent with regard to the rise and fall of crime, and activities of criminals and gangs, publishes criminal intelligence gazettes, maintains criminal record office which gives possible clues to the investigating officers. The data collected by the CIA is compared with the previous years and conclusions drawn. It also gives warnings about the possibility of sudden outbreaks of crime. In short, the branch acts as a co-ordinating agency and assists the superintendent police in the field of prevention and detection of crime.The agency is headed by an inspector of police.

III

Relationship between the Superintendent Police and the Deputy Commissioner

The superintendent police comes in close contact with the deputy commissioner in day today administration. In a positive constructive and dynamic administration, it is, therefore, necessary that the relations between these two officers should be cordial in which case the entire district administration runs smoothly. Chaos and confusion prevails in the district if both these officers start pulling in opposite directions on account of some personal dislike, mistrust, petty jealousies, clash of personalities or clash of principles. Under the existing legal definition

of the relationships of deputy commissioner and superintendent police, some officer smoothly run the administration while others find it full of problems. Much of it, therefore, depends on the personal relationship of the two. The standard of mutual confidence displayed by the two functionaries runs through the respective departments. When mistrust prevails between the two, each and every officer of the police department comes in clash with his counterpart in civil administration. Much time and energy is then wasted in putting the other department in trouble. People living in the area take full advantage of this situation. If one party is closer to the deputy commissioner, the other tries to win favour with the superintendent police. Things are exaggerated and concocted and then conveyed to the prejudiced minds. When such a situation comes to the notice of the government usually one or both the officers are shifted. In case two other officers of different departments don't see eye to eye with each other the government is not as much worried, but in the case of superintendent police and deputy commissioner a prompt action is usually taken lest the entire administration is ruined beyond repair.

The superintendent of police comes in contact with the deputy commissioner in two ways. First in the field of control of crimes and second in the field of general administration. The deputy commissioner is the administrative head of the magistracy. If the attitude of deputy commissioner and magistracy is negative towards the police, a majority of cases started end in acquittal. Police remands are refused and criminals move freely. Complaints against the police are encouraged and entertained by the magistracy. So in order to keep the crime and the criminal under control, the police needs co-operation, help and encouraging words from the deputy commissioner.

In the field of general administration, both the officers join hands and after mutual consultation, take executive actions. The deputy commissioner issues the executive order under Section 144 Cr. P.C. normally after consulting the superintendent police. During an emergency such as student trouble, labour agitation, tenant-landlord tension and sectarian clashes, the administration could face the crisis if, wise and timely action is taken by the two officers after mutual consultation.

The question as to what extent the deputy commissioner should have control over the police, and in what manner, has been the subject of much controversy and is always included in the terms of reference of various police commissions. There is no denying the fact that the deputy commissioner occupies a very important position in the district. To

maintain law and order is ultimately his responsibility. Presently when emphasis is laid on development, the need of an officer who could act as a co-ordinating agency among various departments in the district could hardly be questioned. But to give him direct control over every department would negate the basic principles of administration. No organisation can run efficiently if there is plurality of command. The police, which is a disciplined force, must have unity of command and must look to an officer in uniform, who is one of them, understanding their ways and spirit, and works with them. An officer belonging to different hierarchy with a different orientation to administration would obviously create confusion. If the word of some one else prevails the position of the superintendent police is obviously lowered in the eyes of his subordinates. Again there must be a single chain of command. If another officer comes between the superintendent police and the deputy inspector general the result would be disastrous.

The superintendent police is a class I officer. When he is a member of Police Service of Pakistan (PSP) he has high qualifications and is in no way inferior to members of any other service. He is recruited through the same competitive examination as the members of Civil Service of Pakistan. There is no reason why he should not be trusted and given full control in his sphere. If something goes wrong with him, there is his deputy inspector general to look after him. It should be enough to put the inspector general of police under the civil government. There is no justification for putting each police officer under the corresponding civil officer.

Past experience also shows that too much control given to the deputy commissioner on police has only embittered the feelings between the deputy commissioner and superintendent and has not served the ends of the administration. It was after long experience that the power of the deputy commissioner to write comments on the annual confidential reports of the superintendent police has been withdrawn.

IV

Problems in the Field

The police force is proud of its past. Its roll of honour contains heroic deeds left behind by its worthy members. Scores of instances can be mentioned where policemen laid down their lives in apprehending dangerous criminals, unearthed intricate mysterious cases, patrolled every inch of land on foot and brought order and peace to the land. A glance over the past criminal history would show that in certain periods of Indian history no one could travel alone at day or night. Some 1200

dacoities took place in one presidency in a single year. The crime of *thaggi*, highway robbery, cheating and fraud had no limits. This type of lawlessness is now largely a story of the past. Crime has been brought to the lowest ebb by the untiring efforts of the police. But inspite of this, the police force has not been able to get the necessary respect from the society. In its share comes a heap of criticism. It is hated, looked upon with contempt, censured at every step and despised and avoided by the society.

The reasons for this state of affairs are manifold. No exclusive factor seems to be responsible for creating mistrust between the people and the police.

The British had come primarily to rule over India and not to train its people in self rule. The force was created to maintain law and order and not to serve the people. Peace and order were necessary to establish the foundations of the foreign rule, and the force did help in consolidating this rule. However alienation of the police from the masses was not due to the nature of this assignment as much as the way these duties were carried out. It was its conduct, attitude and general behaviour which brought the entire force under bitter criticism and all the labour put i under odd circumstances and all the lives laid for the citizens were wasted.

The other reason which brought disrepute to the force was its role vis-a-vis the national liberation movements. The force was loyal to the government as it is today, whereas the people were busy fighting with the government for their independence. Whenever the people violated the law, took out processions, delivered furious speeches, or came out in civil disobedience, all for the sake of independence, the police were there to use force, *lathi* charge them, use tear gas, or even bullets to disperse them. National heroes were arrested and their house searched. All this the force had to do as required by their service conditions. This characteristic of loyalty to the alien rule was not an exclusive characteristic of the police force, but all other services such as the Indian Civil Service, Provincial Civil Services, etc., shared it. But the instrumental role of the police is exaggerated by saying that the force was "designed to be army of occupation, but looked upon as an arm of administration. It was a security force for the government and not for people. It was an instrument of policy and not of law." All this is only partly correct. The force also served the people, by protecting their lives, property and honour.

One thing for which the Britishers could probably be blamed is that they encouraged application of third degree methods. Padding, cooking up and fabrication of evidence was also tolerated. The senior

officers knew that such things were in practice, yet they took no steps either during the initial training of the men or in later stages. At the same time the pay of a constable and other subordinates was kept so low that they were forced to exploit other means. In 1902, the pay of a constable, a native, was revised and fixed at Rs. 8/- per month whereas that of superintendent of police who came from the ruling class was fixed at Rs. 600.

The police force in Pakistan is labouring under the heavy burden of its past. It is quite difficult to change the mentality of the force. The legacy continues and is passed on to the next incumbent consciously or unconsciously with honest intentions.

The law of the land is defective and difficult to operate. It was framed by foreign rulers who never kept in view the local temperaments and the stage in which our society was passing through. Alien law and procedures were imposed from above. These laws and procedures were cumbersome. The warrant trial system defeated the very end of justice and gave ample time and opportunity to the accused to win over the witnesses. The defense advocates played with simple, uneducated witnesses who seldom understood the significance of minor contradictions in their statements. Many cases dragged on in the courts till the witnesses got fed up and were forced to compromise.

The law of evidence hardly helps in achieving justice. It breeds contempt and mistrust between the people and the police. It lays down that every-body is innocent and should be believed till he becomes a police officer. Confession before a police officer is not admissible. Even when a confession is recorded by a magistrate, it is made sure that the police officer is not present in the near. The law makes no distinction between a subordinate and a senior officer. Evidence of a swindler would be admissible but that of inspector general of police is not. A statement recorded by a police officer is not signed by the witness and he is at liberty to deny it in the court of law all together without any fear. He can disown it completely as he has not been made to sign it. This on the one hand gives liberty to the police officer to write whatever he feels, and on the other gives liberty to the witness to change his version according to his own sweet will.

An argument is advanced by some persons that the moral character of our policemen is not upto a level to deserve great trust. Correct, it may be. But moral character of witnesses cannot be claimed to be better. The policeman is from the same society as the witnesses. On the other hand, he is a government servant and his conduct can be questioned if he misbehaves. He has his future career at stake if he behaves in an irresponsible manner.

Law makes contradictory demands on policeman. He is on the one hand supposed to catch the criminals where ever they are found and on the other hand also ensure that he catches them in presence of people to provide evidence. He is given powers to deprive people of their liberty, if they fail to satisfy him about their antecedents. He is empowered to search premises on suspicion. He handles the top secret documents on which lies the entire security of the State. On the other hand this custodian of law is disbelieved to the extent that his word is not accepted.

People in our society have an ambivalent attitude towards law and government. The critics of the governments are immediately made heroes and the police are assigned the role of villain. This is partly because, a police man is always in uniform, and can easily be picked up while misbehaving whereas all other government servants escape un-noticed. The same person who hates the police when in need comes to the police for personal favours and security.

The above analysis suggests that a number of changes appear to be necessary in the society, law, administration and police organisation before it can become an effective tool of society for maintaining law and order.

STRUCTURE AND FUNCTIONS OF NATION BUILDING DEPARTMENTS AT THE DISTRICT

Anwar Tehmasap

Introduction

Since independence, there has been a growing emphasis on the role that administration has to play in the development of the country. The revolution of rising expectations has assumed greater proportions lately. The attitude of the people has undergone vital changes towards the State and government with the emergence of the State as an independent entity. Every citizen from the rural or the urban areas now expects a different treatment from the administrator. The days of the 'ruling servants' seems to be gone. Instead the citizens expect prompt response from bureaucracy in extending vital services to them. They want the administration to undertake activities which their voluntary organisation cannot undertake. In response to these demands and pressures, departments concerned with the general well-being of the common man generally known as Nation Building Departments in Pakistan have proliferated.

The dichotomy of law and order or regulatory departments and Nation Building Departments which is in currency in Pakistan is not very precise in the sense that it suggests that development is the exclusive concern of Nation Building Departments and regulatory departments are an obstacle to development. Development is an all embracing activity and a multi-faceted process which cannot be ensured without establishing law and order and without an efficient revenue collecting machinery. A society lacking law and order is lacking the bare minimum pre-requisites for development. Therefore, all departments have to play a vital role in the development activity irrespective of their nature and character. When some of the departments are called Nation Building Departments, therefore, there should be no implication that other departments are trying to demolish the country. The roles of both types of departments have to be conceived as complementary to each other.

[1]There are about 29 departments that normally function in an average district in West Pakistan.[1] Out of these 17 could be placed in the category of Nation Building Departments and 12 in the category of regulatory departments.[2] The criterion for including a department in the list of Nation Building Departments was its direct involvement in the raising of the living standard of the people or in creating conditions for it and an absence of availability of coercive powers to it. The present paper deals with the structure and function of the Nation Building Department only.

II

Structure and Functions of Nation Building Departments

The pattern of departmental organisation of Nation Building Departments vary from district to district. Some of the departments have an adequate organisation in one district and a poor or no organisation at all in another. This is because not all the departments make the district their unit of operation. Even when the district is accepted as a unit of operation, some departments have not sufficiently expanded to have their organisation in each district. Therefore the following description of the structure of these departments has to be very general.

The general pattern of the structure of most of the Nation Building Departments at the district level is that there is one functionary incharge of the entire departmental organisation. Generally, he is a technician who combines in his job both technical and administrative responsibilities. Usually he has service of 5 to 10 years to his credit. In most cases he has risen from the lower departmental hierarchy to his present position; though, direct recruitment is also possible in some cases. There is no

1. There is no consolidated list available anywhere which would show the number of departments functioning at the district level. The departments of the Central Government and the departments of Government of West Pakistan which do not have a representative either at the district level or below have been excluded from this list.

Regulatory Departments.—1. Criminal Administration. 2. Civil Courts and the District Judge 3. Police. 4. Jails. 5. Revenue 6. Excise and Taxation. 7. Anti-Corruption. 8. Reclamation and Probation. 9. Auqaf. 10. Games 11. Food. 12. Rehabilitation and Settlement.

Nation Building Departments.—1. Irrigation 2. Buildings and Roads. 3. Electricity. 4. Education. 5. Fisheries. 6. Agriculture. 7. Animal Husbandry. 8. Forests. 9. Cooperatives. 10. Basic Democracies. 11. Urban Rehabilitation. 12. Small Savings, 13. Health, 14. Transport. 15. Information. 16. Social Welfare. 17. Industries.

2. Enquiries were made from the relevant departments in order to determine whether a department should go into the category of Nation Building Departments or that of regulatory departments. It is interesting that almost all departments wanted to be included in the category of Nation Building Departments as each and every department thought it was playing a vital role in the development of the country.

general nomenclature for the district heads of all Nation Building Departments. For instance the head of agriculture repartment is called extra assistant director of agriculture; the head of the cooperative department is called the assistant registrar, while the head of the public health department is called the district health officer.

While the heads of all the major regulatory departments are ranked class I which confers upon them more administrative powers, higher pay, higher prestige and other privileges, only few heads of Nation Building Departments enjoy this status. Out of the seventeen district heads of Nation Building Departments only three, the executive engineer, the assistant director Basic Democracies and the district health officer are class 1 functionaries. The remaining heads belong to class II category.

Below the district head, there is usually one departmental officer for each tehsil. As with district heads, this position also combines administrative as well as technical responsibilities. Most of the tehsil officers are directly recruited and are placed in class III except in the case of the assistant district health officer, sub-divisional officers of the Irrigation Department and the development officer in the Basic Democracies Department.

Below the tehsil level the pattern of departmental organisation is even less uniform. Some departments divide the whole tehsil into two or three circles assigning each circle to a departmental functionary. Other departments extend their organisation to the level of the union which is an area of local government. Other departments instead of working on the basis of territorial sub-divisions, extend their organisation to particular area where they have established service centres such as schools, dispensaries etc. For instance the cooperative department divides a tehsil into two or three circles and one sub-inspector is appointed in each circle to look after the departmental activities. The Agriculture Department has provided a field assistant to one and in some cases to two unions. In the Education Department, the school teachers work in the places where there are schools as is the case with the Animal Husbandry Department.

Having examined the structure of Nation Building Departments in general, some of the functions of the departments may now be described in brief.

Agriculture Department. The agriculture department has the responsibility of educating the farmers in accepting improved practices, of giving practical guidance for the lay-out of gardens, in the use of

improved implements; the use of fertilizers, the protection of plants, gardens and grain storages, of lending improved implements to the interested farmers and for boring of tube-wells and levelling of lands on subsidised rates and thereby increase agricultural produce in the rural areas.

Education Department. The main responsibility of this department is to combat illiteracy in the country by increasing the number of schools and by providing other allied facilities. The department also maintains and supervises the existing educational facilities.

Animal Husbandary Department. The main function of this department is to protect the animal wealth of the country from contagious diseases through prophylactic vaccination on mass scale. The department runs a number of veterinary dispensaries, hospitals and first aid centres in the rural areas. Their activities include artificial insemination schemes, providing pedigree bulls and rams on a subsidy basis, promotion of improved poultry breeding and the maintenance of sheep flocks etc.

Health Department. This department aims at improving the general health of the people in the country. Its functions include opening of the dispensaries and hospitals; running of maternity and child health centres; administration of mental health services; supervision of family planning centres; improvement of environmental sanitation in the area; prevention and control of communicable diseases; conducting general health education programs; maintenance of health and death records and control of retail and whole sale drug licenses.

Cooperative Department. The aim of this department is to improve the economic well-being of the people, particularly of agriculturists in rural areas, by encouraging the creation of cooperative organisations. The department is expected to revive the moribund cooperative societies; increase the existing number of cooperative societies and also provide cooperative facilities in various new spheres. The department deals with the registration, supervision and audit of the cooperative societies. The credit cooperative societies sponsored by the department are meant to provide credit to the farmers in order to increase agricultural production.

III

Nation Building Departments in Lahore District

The structure and functions of the Nation Building Departments can be understood more clearly if their concrete operation is examined in the context of a particular district. The present study will concentrate on Lahore district.

The total population of the Lahore district is 24,79,687. If the population of the Municipal Corporation is excluded, 10,14,631 people live in the rural areas of the district. This rural-urban ratio differs, of course, with those districts whose headquarters are not so thickly populated as Lahore. In most cases, more than 75 per cent of the population will be found in the rural areas. Lahore has registered an increase of 31 per cent in its population during the decade from 1951 to 1961. The average size of a family in this district in 5.8 persons but there are 12,201 families with either ten or more persons and 10,542 families with nine persons. This shows the extent of large families. The rate of literacy in the district is 21 per cent. For males it is 27 per cent and for females 13 per cent. This is slightly larger than the rate of literacy in the province.

The rural society in Lahore district as in the whole of West Pakistan is heterogeneous. The principal castes and tribes of the districts are *Jats, Arains, Rajputs, Syeds, Pathans, Mughals, Sheikhs, Kambohs,* and *Gujars.* There is considerable social distance between these castes and tribes and it is a great challenge for the administration to knit them into a homogeneous community for purposes of development.[3]

Agricultural is the main occupation and source of livlihood for the villagers. Most of the villagers keep milch cattle and carry milk to the city. Most of the unemployed people move to the cities and towns seeking employment in factories.

The total area of the district is 14,18,240 acres, of which an area of 4,04,900 acres is under agricultural crops such as wheat, sugar-cane, cotton, rice and gram. The agricultural implements which are used are primitive. Most of the vegetables grown in the rural areas are supplied to Lahore City. The menace of water-logging has raised its head in parts of the district and threatens to assume greater proportions in the near future.

There are 900 villages in this district. Most of them are at least 8 miles away from either a metalled road or the railway station in the district. This means that transportation and marketing facilities are generally not available to the rural population. Means of communication are poor.[4]

3. W.L. Slocum and et. al, *Village Life in Lahore District: A Study of Selected Sociological Aspects* (Lahore, 1959), pp. 27-30.

4. The statistics in respect of Lahore District has been taken from the *District Census Report Lahore*, 1961.

To sum up briefly, the plight of an average farmer in the district is far from satisfactory. We can safely say that he is poor. is ignorant, uses old methods of cultivation, is not provided prompt medical aid in times of need and generally remains under heavy debt for one reason or another. The Nation Building Departments have a massive problem to tackle. Are they equipped to meet it?

The Agriculture Department in Lahore had a budget of Rs. 456,000 (for 1963) out of which it spent Rs. 4,35,000 on establishment charges and Rs. 21,000 on field operations. Per person expenditure of the department was about Rs. 0.50. The department has 267 employees including one extra-assistant director agriculture, one assistant plant protection officer, 13 agriculture assistants and 108 field assistants. Each field assistant who comes into direct contact with the farmers has to serve about 230 rural families. In view of the poor transport and communication facilities, he cannot effectively reach his clientele.

The budget of the Education Department in Lahore district for 1963-64 is Rs. 46,45,919, of which Rs. 45,90,914 will be spent on establishment. The total number of employees of the department is 4,134 which include 4,105 school teachers, one district inspector of schools and 14 assistant inspectors of schools. On average this department spends nearly Rs. 4.00 on every person in the rural area of the district.

The Lahore District Health Department has an annual budget of Rs. 9,77,050 out of which it spends Rs. 8,76,700 on establishment. It spends nearly a rupee on every citizen for improving their health. In the district the department runs thirty rural dispensaries, two rural health centres and two hospitals. It employs 24 doctors, 37 dispensers and 25 nurses and midwives. There is one doctor for nearly 4000 people in the district.

The Cooperative Department in Lahore district has an annual budget of Rs. 2,11,186 out of which it spends Rs. 1,97,146 on establishment. It has 110 employees which include 83 sub-inspectors, 7 inspectors and 2 assistant registrars. The department has established 1478 cooperative societies which have 1,14,778 members.

In absolute terms the services extended to the people are indeed meager. Agriculture, health and education spend Re. 0.50, Re. 1.00 and Rs. 4.00 annually per person in Lahore district. In view of the magnitude of the problems this expenditure cannot be regarded adequate. However, it is gratifying that in most of the departments expenditure on services to rural people is rising at a greater pace than the population.

TABLE I.

Change in Annual Budget and Personnel Strength of Five Departments in Lahore District From 1951 to 1963-64.*

	Budget		%	Personnel		%
	1951-52	1963-64	change	1951-52	1963-64	change
Agriculture	No Information	4,56,000	—	42	262	+528
Education	370,538	46,45,919	+1154	3009	4134	+37
Health	188,060	947,050	+ 419	71	86	+21
Animal Husbandry	—	298,380	—	641	64	+56
Cooperative	—	211,286	—	82	108	+31

*Data provided by departments concerned.

The rise in population of the district from 1951 to 1961 has been 30 percent. On this basis by 1963-64, the rise should be to the extent of 33 percent. The positive change in expenditure during this period in case of Education Department is 1154 per cent and in case of Health it is 419 per cent which is several times larger than the rise in population. Except one department, the personnel strength of all other departments has increased either equally or larger than the increase in population. This indeed reflects the impact of national policy of providing greater services to the rural people and the concern of the State with the welfare of the people.

IV

Impediments to Efficient Functioning of the Nation Building Departments

The preceding study has set forth information regarding the structure and function of the National Building Departments. Much more important, however, is an information of some of the factors that may determine their level of performance in the field. Such factors include the structure of the departments, their personnel and their clientele.

The structure of a department does not merely mean the hierarchical frame-work within which the agency functions but also includes practices of coordination, supervision, personnel administration and facilities available to the functionaries. The pattern of relationship within the organization either horizontally or vertically and the pattern between the organization and others are also part of the structure which influence the role that these departments play.

The type of men recruited for the organization, the recruitment policies, the knowledge they bring to the organization and the efforts made to refresh the knowledge and bring it upto-date, the skills and the techniques used in order to achieve results will have a great bearing on the performance of each department. Their success and their failures, their fears and their hopes are all contributory factors.

Each department has its own clientele. In the case of the departments mentioned above the clientele will be the farmers, cooperators, and the rural population in general. The rural communities have their age old traditions, their attitudes, their environments in which they perform their day-to-day activities, their social and moral taboos and their inhibitions. The amount of initiative they have, their spirit of enterprise and the extent of risk that they are prepared to take in order to improve their lot will have to be taken into consideration in framing and executing of developmental programs.

Bureaucracy in the Indo-Pakistan sub-continent was concerned with the improvement of the lot of the people in general even during the alien rule. Most of the Nation Building Departments were established before independence. However, a significant difference in the operation of these departments before and after independence was that prior to independence, they functioned without popular support and lacked an organization vehicle to disseminate their message. Their approach was essentially bureaucratic. After independence however, the public servant has been expected to play a more positive role of leader and motivator. The people no longer respect any government official merely for the power that he wields. He rather has to prove his utility to the people. In addition, he is expected to deliver goods and services to the people. This shows the need for a re-orientation in the attitude of all public servants.

The two departments which come directly in contact with the people are the Police and Revenue. Their officials have to visit the villages very frequently in connection with their duties. These officials during their official duties harass, badger, brow beat and even man-handle people. This impairs the image of government in the minds of the public. On the other hand, the officers of the Nation Building Departments stick to their offices and do not go out frequently to meet the people in the villages.[5] The result is that even in the destruction of pohli (weeds) and combating pests, floods and other epidemics, the help of the police and

5. Zuhra Waheed, *Contact Between Villagers and Public Officials in Three Villages of Lyallpur Tehsil* (Lahore, 1964), pp. 11-15.

revenue staff is invariably invoked. The results achieved obviously are less lasting as the people are not educated regarding the usefulness of these programs.

Some of the Nation Building Departments continue to look after the interests of the big landlords and influential people in the area. The needs of petty farmers are ignored. If a farmer wants an improved variety of seeds at a particular time, he does not get it. If there is an outbreak of an epidemic among the animals, timely aid is not given. The result is that a number of animals die and an immense and irrepairable loss is caused to the poor farmers.[6] There is no implication that the Nation Building Departments have not made any efforts to work for the welfare of the people. What is being emphasised here is that there is still much more to do.

Three major regulatory departments, the police, the revenue and the magistracy came into existence when the district administration was being organised in the Indo-Pakistan sub-continent. These departments became the hard core of district administration not only because they performed the functions most essential for the survival of the society and enjoyed coercive powers but also because their hierarchies converged in the deputy commissioner, the most powerful district functionary. The Nation Building Departments on the other hand emerged later mostly in the twentieth century. None of them got power and authority over people matching the original three departments. In addition, their association with the major district functionary was less intimate and precise. These historical and administrative factors have significantly effected the functioning of the Nation Building Departments as the later analysis suggests.

The higher prestige allocated to some departments creates jealousy and inter-departmental rivalry. This also creates the problem of coordination not only between the officers and the deputy commissioner, but between one department and another. The feeling is that the deputy commissioner, when dealing with the district officers of Nation Building Departments, has a different measure in doling out respect to each of them. The distinctions of class I and class II are important consideration in this situation. The possibility of making all district officers of the same status, therefore, may be examined.

The fact that the status of the officers of Nation Building Departments has been kept lower gives one an impression that the

6. Inayatullah and Q.M. Shafi, *Dynamics of Development in a Pakistani Village* (Peshawar, 1963), pp. 159-174.

importance that government attaches to these departments is less than the importance given to regulatory departments. In the pre-independence days there existed superior services such as the Indian Agriculture Service, Indian Educational Services, Indian Medical Service, etc., There is no reason why we should not consider the revival of these Services. The Nation Building activity has always been considered an adjunct to law and order in the sub-continent. This process now should be reversed. Nation Building activity should be given precedence over law and order. This does not mean that the status and position of the officers working on the law and order side should be lowered. To the contrary, it means that the status and the position of the officers working in the Nation Building Departments should be enhanced.

As most of our departments function for the welfare of 85 per cent of people, there is need for strengthening the rural government structure especially at the district level and below. The village is the oldest unit of administration. Village life will have to be built up in such a way that it can meet adequately the demands of a modern, technical and scientific civilization. This calls for raising the level and status of the officials of the Nation Building Departments right from the village level. The present status enjoyed by the district officers of these departments should be given to the officers working at the tehsil level. This will give a different complexion to the services rendered by the Nation Building Departments.

As the tempo of the Five-Year Plans is now increasing rapidly, it is time that we must also consider the necessity of recruiting competent technical and administrative manpower, not only for the general services but also for the Nation Building Departments. If we enhance the status of these departments, we will have a wider field for selection. People could be recruited on a nation-wide basis to provide the motive power needed for these programs.

By re-organization of technical services on an all-Pakistan basis and by enlarging the field of their recruitment it will be possible to achieve a higher standard of efficiency and performance. Furthermore, the national level of the services will provide an opportunity to these officers to function freely in their own spheres without hinderance from the local pressure groups, as their point of control will be located at the centre as is the case with other central services.

Another alternative to solve the structural problems of these departments appears to be on the lines of the Central Superior Services.

A collective examination could be conducted on the provincial level and on the basis of the specialisation of the candidates, they could be assigned to various services and departments.

Another point that needs some analysis is the variation in the rate of promotion between different departments. There are some services in the country, which have vast opportunities for promotion while in other services people hardly get one promotion throughout their whole service. For instance an agriculture assistant who is recruited in this position at the age of 25, is promoted as an extra assistant director agriculture after 20 years of service and retires without being promoted to a higher job. The same is true of the Education Department where a new employee joins as an assistant district inspector and retires as district inspector of schools. Very few of them go beyond this level. If we are really serious about the success of our educational, agricultural and other programs, we will have to provide the officer implementing these programs with incentives to give of their best to the nation.

To my mind, Nation Building Departments in the country are a club in disarray. Development activity is a co-ordinated effort. No department can function in isolation. The activities of all departments must go hand in hand. Development as a matter of fact is a package deal and should be treated as such. What now is happening in the country-side is development by patches. A dispensary here and a primary school there, a vaccination centre in this village and a cooperative society in that village is not real development. This raises the problem of co-ordination of the activities of the Nation Building Departments at the district level and examination of the role of the deputy commissioner as coordinator which should be undertaken by the government without any commitment to maintain the status quo.

The institution of the deputy commissioner wields certain prestige and influence in the district. This prestige and influence should be harnessed for development purposes. Whether the deputy commissioner should continue in the district as a coordinator is another issue altogether. In the deputy commissioner we have a man who is generally impartial and knows the local people and the local problems. The departments should function under his guidance and leadership as members of one team and steps should be taken to create a sense of partnership in the enterprise of development.

The development of the country is the joint responsibility of all and not only of the senior officers. The senior officers of the Nation Building Departments should take their subordinates into confidence in

meetings and conferences and give them an opportunity to share the decision making process. This will help the subordinates develop a feeling of belongingness and they will carry out the departmental programs faithfully.

In order to have balanced development in the district the administrative boundaries of all the Nation Building Departments will have to be made co-extensive and co-terminous with the civil tehsils and the civil districts. The present position is unsatisfactory. Some of the tehsil level officers have their areas of jurisdiction extending beyond one tehsil. The same is also true of the district officers of certain departments. Immediate steps, therefore, should be taken to re-adjust the administrative boundaries of these departments.

ADMINISTRATIVE ORGANIZATION OF BASIC DEMOCRACIES WITH SPECIAL REFERENCE TO ASSISTANT DIRECTORS

F. A. M. Tirmizi

Introduction

The Basic Democracies system was introduced in Pakistan in 1959. It replaced the heterogeneous local government institutions existing in both wings of the country by a uniform pattern of mutually integrated four tiered local government. Basic Democracies also integrated the rural-urban local government institutions, a feature which previous system lacked, thereby providing a framework for greater interaction between the two sectors of the society. Another feature of this local government which is different from that of the past is that it has been fitted into the normal administrative machinery and placed at positions where it can exert considerable influence over the working of government departments at different levels.

The lowest unit in the four-tier system is a Union Council in rural and a Union Committee in the urban areas. Each covers an average population of from 4,000 to 14,000 people. A group of about 800 people elects one representative to these councils on the basis of adult franchise. There was also a provision for nominating at least half the number of elected members but this has been abandoned. On an average a tehsil has about 15 to 25 Union Councils. At present there are 3,172 Union Councils and 620 Union Committees in West Pakistan.[1]

The next tier above the Union Council is the Tehsil Council which is made up of chairmen of Union Councils and Town Committees. called "representative members" plus the official and non-official nominated members which, according to the Basic Democracies Order, cannot be more than the total representative members. There are 183 Tehsil Councils in the province at the present time.

1. Government of West Pakistan, Department of Basic Democracies and Local Government, *A Guide to Basic Democracies for Assistant Directors* (Lahore, 1963), pp. 6-7.

The third tier in the system is the District Council, whose chairman is the deputy commissioner of the district. All the chairmen of the Tehsil Councils in a district, who in West Pakistan are either tehsildars or sub-divisional officers, are ex-officio members of their District Council. This Council consists of an equal number of official and nominated non-official members, with at least half the nominated non- official members being selected from among the chairmen of Union Councils and Town Committees. There are 45 District Councils in West Pakistan at present. All chairmen of District Councils are ex-officio members of the next higher tier called the Divisional Council, which is presided over by the Commissioner of the division and constituted on the pattern of a District Council.

In both wings of the country a fulfledged Department of Basic Democracies and Local Government has been created. The functions of this Department are to popularise the concepts of Basic Democracies, to educate public representatives, and to supervise the activities of local councils. The Department in West Pakistan has planning, training and publication sections at the provincial secretariat. The field staff includes directors at the divisional level who, in addition to their normal administrative and supervisory duties, work as secretaries of Divisional Councils. At the district level the officers responible for Basic Democracies work are the assistant directors, Basic Democracies. Their duties fall in two major categories—i) administrative-cum-coordinative; and ii) development. They are assisted by development officers, supervisors, posted at sub-division/tehsil levels who are also secretaries of their Tehsil Councils. At the base are the secretaries, Union Councils.

The most important functionary in this departmental hierarchy is the assistant director. His importance stems from the fact that the district, the unit of administration in which he operates, has been and still continues to be a very important tier of administration, and the District Council under the chairmanship of the deputy commissioner wields considerable influence on the working of the lower tiers of local government and plays a significant role in planning local development activities. As special assistants to the deputy commissioners, the assistant directors significantly influence their exercise of controlling powers over Basic Democracies. In their own hierarchy the assistant directors are the only functionaries with both operational and administrative control over their subordinate staff. They write confidential reports of development officers/supervisors, recommend transfer of secretaries Union Councils, accompany deputy commissioners in village touring and supervise the functions of local councils in the district.

II

Recruitment of Assistant Directors

The assistant directors have been working since 1960. During this period the importance and status of their job have increased. This is largely due to the Rural Works Program in which they have been assigned a crucial role. However, they have been facing numerous problems in their relationship with the deputy commissioner, district departments, their own departmental hierarchy as well as the Basic Democracies. The present paper represents an effort to analyse the problems of the assistant director with which he is confronted in the context of these relationships.[2]

The position of assistant director is a new addition to district bureaucracy and was created in 1959 when Village Agricultural Industrial Development Organization (1953-61) was integrated with Basic Democracies. An adhoc board headed by the chairman, West Pakistan Public Service Commission selected the incumbents. Out of the 42 assistant directors selected by the Board, 25 came from V-AID Department, 17 from the Army and the remainder from various other departments.[3]

Most of the assistant directors were over 40 year of age. This was specially true for those with a military service background.[4] A majority had education upto graduation or beyond.[5] The 42 assistant directors were sent to the Academy for Rural Development, Peshawar for training in Basic Democracies for four months. It is believed that this training provided the necessary minimum uniformity of outlook and approach for them.[6] By the end of May, 1960, the assistant directors began their new assignments.

2. A questionnaire was administered to all the 45 assistant directors in the province with a view to finding out their service background, their experience in development administration, their relations with deputy commissioner, district officers and Basic Democrats, their major problems and also to find out the possible correlation of their past experience with their present duties. Another objective was to collect some relevant statistics such as average number of Union Councils in one district, number and type of supervisory staff attached to assistant directors, number of requests normally received from Basic Democrats for the transfers of their secretaries of Union Councils, average number of Union Ciuncils visited by assistant directors within one year etc. etc. Only thirty two assistant directors responded to the the questionnaire.

3. Salam Ansari, *Assistant Director in Basic Democracies* (Peshawar, 1961), p. 10.
4. *Ibid.*, p. 6
5. *Ibid.*, p. 12.
6. *Ibid.*, pp. 56-58

In the beginning there was confusion about the exact nature of the role of the assistant director and his official status. This state of affairs persisted until September, 1961, a year and four months after the assistant directors had occupied their new job, when the Basic Democracies and Local Government defined their responsibilities as follows—

1. The assistant director will be incharge of Basic Democracies work in the district, and will exercise operational control over the staff of Basic Democracies under the general supervision and control of the deputy commissioner.
2. He may call meetings of development officers/supervisors in the district as well as of secretaries of Union Councils for purposes of explaining the instructions regarding Basic Democracies and giving directions.
3. He shall inspect all Union Councils in the district and for the purpose, he should remain on tour for at least ten days in a month. Under instructions of the deputy commissioner, he may also inspect Town Committees and Union Committees
4. The Assistant Director should be made incharge of the work of Local Bodies as well as Basic Democracies in the deputy commissioner's office. The staff pertaining to these sections in the deputy commissioner's office should be placed under the charge of assistant director.[7]

III

Problems of Assistant Directors

In the early stages when their position was a new addition to district administration, the nature of the relationship of the assistant directors with the deputy commissioners was not very clear. The extent to which they should accept the authority of the deputy commissioner and how far they should remain independent were questions which plagued them. This relationship has, however, been gradually structured and is probably the single most important factor in the succcess or failure of an assistant director in performance of his job. What problems exist in this relationship?

Most of the asistant directors (20 out of 32) seemed to believe that they do not have any problem in their relationship with deputy commissioners. This belief, however, may not have been genuine in all

7. *A Guide to Basic Democracies for Assistant Directors*, op. cit., pp. 15-16

cases. Being part of the bureaucracy, not all assistant directors could be expected to be candid in revealing their problems in their relationship to deputy commissioner on whom they depend so much. A minority (12 out of 32) however, was willing to admit the existence of such problems. The problems generally mentioned were lack of cooperation from deputy commissioners and lack of speedy action. The reasons which the assistant directors gave for existence of these problems were that deputy commissioners were too busy to attend to the problems of Basic Democracies, were reluctant to make adequate delegation of power and were status-conscious; they burdened the assistant director with all the work of Basic Democracies and had no regard for rules and regulations.

The deputy commissioners as head of the magisteracy as well as district revenue organization, it has been suggested, are likely to rely more on magisterial and revenue staff even for activities normally part of responsibilities of other departments.[8] How far is this true with regard to the work of assistant directors? The evidence of the assistant directors suggest that nearly 50 per cent deputy commissioners rely on revenue staff for doing administrative work in the area of Basic Democracies. The deputy commissioners, belonging to Civil Service of Pakistan, seem to rely more on revenue staff than those belonging to Provincial Service. Out of the 14 PCS deputy commissioners, only 4 have entrusted some responsibilities of Basic Democracies work to revenue staff while 12 out of 18 CSP deputy commissioners have done it. This appears to be contrary to the general belief that the PCS deputy commissioners, rising from the revenue hierarchy, would tend to place more reliance on it.

As a special aid to the district coordinator and responsible for acting as liaison between Basic Democrats and the district departments, the assisstant director frequently comes into contact with departmental officers. His effectiveness in getting the demands of Basic Democrats satisfied from district departments depends upon the cooperation he evokes from them. How much cooperation is he getting from departments? A majority of the assistant directors did not indicate that they were facing any serious difficulty in getting the necesssary cooperation from departments. A minority felt that such a problem did exist.

No less crucial is the relationship of the assistant director with the Basic Democrats. The assistant director, in fact, is a mediator

8. See Masihuzzaman's paper in this book.

between the Basic Democrats and the district bureaucracy. He is also a channel of communication between the two sectors. The problems which assistant directors are confronted with regard to the deputy commissioner and departments have been discussed earlier. Now we turn to the problems which he faces in his relationship with Basic Democrats.

First, it may be noted that 56 per cent of the assistant directors indicated that they faced some problems in relationship to the Basic Democrats. This shows that more assistant directors face, or at least are willing to reveal, problems in their relationship to Basic Democrats than in their relationship with bureaucracy. The problems generally mentioned by assistant directors are that there was shortage of funds with the local councils and that Basic Democrats do not generally follow the government instructions. Some of the assistant directors gave reasons for the problems rather than the problems themselves. The reasons generally mentioned were that Basic Democrats were apathetic towards development programs, that they were illiterate and that they were influential people and therefore not amenable to control.

All the above problems, or their causes, emerge from the structure of the Basic Democracies or society in general. However, the concern of the assistant directors about the councillors not follwing government instructions and being unamenable to control suggests the image which the assistant directors may have about the role of Basic Democrats in relationship to government.

Seventy-five per cent of the assistant directors indicated the existence of intra-departmental problems. The problem most frequently mentioned was lack of personnel assistance. Other problems indicated were lack of competence and interest in subordinates in their job, frequent transfers of subordinates and lack of powers with assistant directors to discipline his staff.

The problem of inadequate number of personnel seems to exist in-spite of the fact that the staff of local bodies section under the deputy commissioner has been placed under the assistant directors. Also, in most cases 3 to 4 development officers/supervisors work with the assistant directors in a district in addition to an average of 74 secretaries of Union Councils.

The assistant directors indicated that their staff is not properly trained. This statement needs analysis. Seventy-eight per cent of the development officers and sixty-seven per cent of the secretaries come from former V-AID department. This means that all these secretaries

have had training in community development because no village level worker in V-AID was put into the field without rigorous training. Similarly, a majority of the development officers and supervisors are also likely to have had some training in community development. In view of this what probably the assistant directors need is not more staff but probably better organisation and better quality of personnel.

IV

Frequency of Transfers

A government servant is expected to stay at one headquarter for at least three yeare but in actual practice transfers are made earlier. This is also true for assistant directors, since our study indicated that they stayed in a district for not more than 17.7 months on an average. Fifty-six per cent of them stayed less than 15 months in one district. Whether this degree of mobility has any relationship with their past service or experience cannot be determined with certainty. However, there seems to emerge a pattern. The officers with military service experience (only 3 respondents) had an average stay of 11.6 months at one headquarter, while those having had past experience in V-AID Administration (8 in number) had an average stay of 14.6 months. But those having had past experience in both V-AID and military service stayed an average of about 17.6 months in one district. Assistant directors with previous experience in V-AID Administration and in any one other Nation Building Department to their credit stayed an average of 20.2 months. It might be that military officers who have had no experience of civil administration could not adjust to the demands of an organization which require more flexibility and patience.

If the average period of service of an assistant director in one district with one deputy commissioner is calculated it is not more than 10 months. Forty-five per cent of the assistant directors did not stay more than 8 months with one deputy commissioner, either because the deputy commissioner was transferred soon or because of their own transfer. Whatever may be the reason, such a practice can in no way be congenial to the development of a district, because each new deputy commissioner or assistant director in a district naturally has to spend several months in the beginning in understanding local problems and conditions before giving a real push to development work. Frequent transfers of any one of the two officers therefore are likely to retard the pace of development in a district.

The administrative consequences of frequent transfers of deputy commissioners and assistant directors have been analysed in a recent research study.

> With every change of deputy commissioner of the district, a struggle between revenue officers and assistant director precipitated. Both wanted to gain the favour of the deputy commissioner. The outcome of the struggle depended largely upon the attitude of the deputy commissioner towards Basic Democracies program and to his service background. If the revenue officers won, they had the upper hand in arranging all major functions and collecting data for deputy commissioners, but if the struggle was won by the assistant director, he then became the right hand man of the deputy commissioner. He accompanied the deputy commissioner on village tours and was included in different committees at the district level. This also enabled the assistant director to tender advice to the deputy commissioner on matters relating to development.[9]

V

Field Visits

As indicated earlier, the supervision of the work of Union Councils is one responsibility of the assistant director. The assistant directors visited 1740 Union Councils during the period January 1963 to December, 1963. This was 77 per cent of the total of 2375. On average about 55 Union Councils were visited by one assistant director, whose average number of Union Councils within his administration comes to about 74. This means of course that about 27 per cent of the Union Councils in a district were not visited by the assistant director within a year. They might have one reason or another for not covering all the Union Councils, but if on average 27 per cent of the Union Councils remain unsupervised in a district by an assistant director during one full year the situation can in no way be called satisfactory.

The visit of an assistant director to a Union Council is largely conditioned by two factors according to a study.[10] Firstly whether the Union Council was connected with a metalled road, and secondly, the distance of a Union Council from the assistant director's office. There are districts, of course where there are more than 200 Union

9. Inayatullah, *Basic Democracies, District Administration and Development* (Peshawar, 1964).
10. *Ibid.*

Councils and there may be assistant directors who cover a large portion of their Union Councils within a year. By the same token, there are Union Councils which are visited a fewer number of times than the average as shown for the entire districts.

Is the service background of the assistant director associated with his frequency of visits to Union Councils? Some indication of the possible relationship might be gained from an examination of the data presented in the following table.—

TABLE I

Service Background of Assistant Directors and Frequency of their Visits to Union From January 1963 to December '63

Service Background	No. of Asstt. directors	Percentage of Union Councils visited by Assistant directors.
Village AID only	8	88
Military only	3	72
Village AID & Military	9	73
Village AID and Nation Building Department	12	68
Total	32	301

As shown in the table above, eight assistant directors having only V-AID experience visited about 88 per cent of their Union Councils in one year. Three had military service only before joining the department of Basic Democracies and they visited 72 per cent of the Union Councils in their districts. Nine administrators who had both Village AID and military service experience visited 73 per cent of their Union Councils. Twelve served in Village AID and also in one or two other Nation Building Departments. They visited about 68 per cent of their Union Councils.

It appears that those who had V-AID experience visited a higher percentage of their councils than did those who had other types of experiences.

The underlying idea of all democracy and especially Basic Democracies is that the right to govern is vested in the people themselves. The Basic Democrats have now been placed in positions where they may join with government officials in making decisions concerning their

everyday activities. In order to find out the extent of their influence in local administration, a question was posed to the assistant directors regarding the requests which they may have received formally or informally from Basic Democrats for the transfer of their Union Councils' secretaries during the preliminary six months. The average number of such requests made during this period, was 10.5. About seventy-five per cent of the assistant directors received 1 to 5 such requests. Thirty-three per cent received 6 to 15 requests and twenty per cent received more than 15 requests. The average number of transfers of secretaries by the officers at the request of Basic Democrats during this period was six. Fifty per cent of them transferred one to three secretaries. Twenty per cent transferred from four to six secretaries and twenty-five per cent transferred six or more secretaries during the last six months at the request of Basic Democrats. The data indicates that public representatives do have some say in local administration.

VI

Assistant Director in Prestige Hierarchy

How the clientele of organisation, the other members of the organisation and the incumbant himself ranks his job in prestige and importance is an important factor in motivating a person to put in his best. This is especially true in administration of developing countries where society places higher value on the rank of a person than his worth.

In the district administration of Pakistan, the deputy commissioner has always enjoyed the highest prestige and importance. The importance of other district functionaries usually depends upon how near or far they are considered to be from the deputy commissioner. An officer who is ranked next to deputy commissioner is likely to get more cooperation from other officers as well as from the public than an officer who is regarded as being far lower in rank to deputy commissioner.

The rank and prestige hierarchy in district administration evolved through history and generally officers of old departments know through experience their appropriate place. This, however, is not true for the

11. The respondents were asked to rate nearly a dozen district officers in order of prestige and importance. To determine which office was rated higher in prestige and importance in relationship to others, the office rated lowest was given a zero prestige score and the officer rated highest given 12 scores. All other offices were given scores as they happened to occupy a place away from the highest or the lowest. The combined average score was calculated by adding scores of an office which it received from district officers, public and deputy commissioner's point of view and dividing them by three.

assistant directors who are a recent addition to district set up. Therefore. it might be helpful in evaluating the effectiveness of assistant director in his job, if his rank in prestige and importance could be determined.

TABLE 2.

Prestige and Importance Rating of District Officers from the point of view of the Public, the Deputy Commissioner, and District Officers as made by 28 Assistant Directors

Officers	Rank from public point of view		Rank from D.C's point of view		Rank from Distt: Officers point of view	
	Total choices	Order	Total choices	Order	Total	Order.
Deputy Commissioner	270	1	230	1	—	—
Superintendent Police	167	2	140	2	174	1
Sub-Divisional Magistrate/ Assistant Commissioner	145	3	119	3	139	3
Assistant Director B.D.	132	4	89	4	167	2
XEN. PWD. B&R. Irrigation	71	7	59	7	55	6
D.I. of Schools	42	10	37	8	50	7
Medical Superintendent	51	8	35	10	34	10
Distt. Health Officer	37	11	37	9	39	9
E.A.D.A.	43	9	33	11	44	8
Assistant Director Animal Husbandry	20	—	15	—	33	11
Revenue Assistant, Colony Assistant, Tehsildar	99	5	87	5	81	5
Additional District Magistrate	79	6	82	6	115	4

One can see from the above table that assistant directors rating of officers changes only in a few cases when the rating is done from three different points of view. They rank themselves fourth from public point of view as well as officers' point of view. But from deputy commissioner's point of view they rank themselves second. This self assurance to assistant directors that they are close to deputy commissioner obviously would help them in doing their job.

The above rating of prestige and importance of various functionaries of district administration was done by the assistant directors. It will be pertinent to enquire how far this rating is shared by other district officers.

A batch of 20 district officers under training at the Academy for Rural Development, Peshawar was asked to rank the district officers

from deputy commissioner, public and district officers' point of view. The following table presents the combined average rank of each district officer from three points of view —

TABLE 3

Combined Average Ranks of District Officers in Importance and Prestige as Rated by Twenty District Officers and Assistant Directors.

Officers	Average combined rating of Asstt: Directors		Average combined rating of Distt: Officers	
	Choice	Order	Choice	Order.
Deputy Commissioner	250	1	179	1
Superintendent of Police	250	2	153	2
S.D.M. (Assistant Commissioner)	134	3	102	3
Assistant Director B.D.	129	4	50	9
XEN. P.W.D.	61	6	86	4
Add: District Magistrate	92	5	55	8
Revenue Assistant, Colony Assistant, Tehsildar	89	7	23	12
District Inspector of Schools	43	8	76	5
Medical Superintendent	40	9	55	7
Extra-Asstt: Director of Agri:	40	10	56	6
District Health Officer	38	11	49	10
Asstt: Director Animal Husbandry	23	12	30	11

VII

Summary and Conclusions

This paper has been devoted to an examination of some of the problems which have been faced by the assistant directors, Basic Democracies. Particular attention has been given to those problems which might be associated with their position, vis-a-vis the deputy commissioner, their own departmental hierarchy, other departments and the Basic Democrats. The data given are based upon information provided by the assistant directors themselves through a mailed questionnaire.

Approximately 38 per cent of the assistant directors indicated that they had problems in their relationship with the deputy commissioners. These problems, as articulated by the assistant directors, suggested that the deputy commissioners were too busy to be concerned about Basic Democracies, were reluctant to make adequate delegations of authority, were status conscious and burdened the assistant directors with all the work of Basic Democracies without regard to rules and regulations.

A majority of the assistant directors indicated that they had experienced no difficulty in getting the cooperation from other departments which was necessary in successfully performing their work with Basic Democracies.

When comments regarding their relationship with the Basic Democracies themselves were sought, 56 per cent of the directors indicated some problem areas. These related to financial indaequacies, unwillingness to follow instructions, apathy, illiteracy and their difficulties in controlling influential people. When viewed in the light of the non-authoritarian atmosphere which is suggested to prevail in the planning and operational procedures of Basic Democracies, this listing of problem areas may be very revealing.

Seventy-five per cent of the assistant directors indicated the existence of intra-departmental problems. These related to staff shortage, lack of staff competence, lack of interest on the part of subordinates and their frequent transfer and the lack of authority to discipline subordinates. The problems of lack of training and incompetence seemed to persist despite the fact that majority of the secretaries had experience in community development as former Village AID worker.

The problems relating to frequency of transfer emerged again where it was determined that the assistant directors' stay in one district averaged only 17.5 months. When the length of their stay with the same deputy commissioner was counted the average fell to about 10 months.

The data indicated that about 77 per cent of the Union Councils were visited by the assistant directors during a year. The data also showed that assistant directors who had had previous experience as Village AID worker tended to visit a larger percentage of their Union Councils than did assistant directors who had other types of experience before serving in their present positions.

Some indications of the degree of influence which the Basic Democrats have over local administration is gained by the number of

requests received by the assistant directors for the transfer of Union Council secretaries. An average of 10.5 such requests were received during the preceding six months and at least 50 per cent of the assistant directors honoured the requests.

Prestige and rank are viewed as being important in motivating a person to put forth his best efforts. In establishing such rank in district administration, a person's position in relation to the deputy commissioner, who is at the top, is considered significant. To get some indication of the ranking of the assistant directors they (the assistant directors) were asked to rank about a dozen district officers in order of prestige and importance. They were asked to do this from the point of view of the public, as other officers viewed them, and from the point of view of the deputy commissioner. The assistant directors ranked themselves fourth from the public point of view and fourth from the point of view of other officers. But from the point of view of the deputy commissioner, they placed themselves second.

To provide some comparison of the ranking made by the assistant directors and by other, a group of 20 officers under training at the Academy was asked to make the ranking from the same points of view as used by the assistant directors. In this ranking the assistant directors fell from fourth to nineth.

THE SUB-DIVISIONAL ADMINISTRATION IN WEST PAKISTAN

Ahmad Maqsood Hameedee

> "He was a lucky young man who could stay in one Sub-Division for two or three years. He would learn in the second year what mistakes he made in the first..... .....He would have learnt the groundwork of his profession and whatever else might happen later he had something firm to build on."
>
> —Philip Woodruff.
> *The Guardians.*

How long will it take the district administration to collapse was the popular question until about couple of years ago. For the district administration's inability to cope with the volume of work which had increased beyond all proportions had unquestionably told on its effectiveness. And yet, for administrative, political and social reasons it was imperative that the district should survive. It appeared that one of the ways out was to extend and stabilize the sub-divisional administration, that is, to divide the district into smaller units competent enough to take on most of the revenue, judicial, and on a modest scale, some of the development work from the district headquarters, subject to overall control and guidance of the deputy commissioner. The idea was to delegate authority to a lower tier of administrative hierarchy while retaining the territorial and administrative integrity of the district.

The other consideration which necessitated the extension of the sub-divisional system to the entire province was the policy of the government to take the administrative machinery even closer to the people than the district and make it powerful enough to deal with most of the local problems. This was done by raising the tehsil or a combination of tehsils to the sub-divisional status.

The sub-divisional officer today is closer to the rural population than any equally powerful administrator has ever been. Hence his role has assumed an unparalleled immediacy and closeness of contact with the rural problems. More than ever it has become his duty to feed the district office with necessary information and assist the tehsil council in co ordinating and tossing up feasible development schemes.

At present there are many factors which deter him from playing his role efficiently and consistenty. This paper, along with a brief survey of the evolution of this unit of administration aims at analysing some of these factors.

Unlike the district which as a unit of administration has been the subject of a great deal of research, analysis and reappraisal, the sub-division has completely escaped the notice of scholars and writers in the field of public administration. While the evolution of the office of the deputy commissioner can be traced to the very order issued by the "Governor-General in Council", the office of the sub-divisional officer thwarts every attempt at historical definition regarding its inception and growth. The various surveys and reviews of the administrative set up in the country give no information whatsoever regarding the evolution of the sub-division. The records of the former Provincial Secretariats of West Pakistan are equally silent on the subject. Within these limitations one can, at best, construct a bare outline of the evolution of this unit of administration by bringing together the scanty material which comes across only indirectly from different enactments, histories of the Indian Civil Service and autobiographical sketches by old members of the ICS.

II

It seems that the territorial nature of the sub-division was not originally dictated by the revenue administration. Even to this day the Punjab Land Revenue Act does not mention the sub-division as a unit of revenue administration. On the other hand Section 3 of the Code of Criminal Procedure 1898, effecting a change of nomenclature from the Code of 1882, states that, "the Magistrate of a division of a district" shall be deemed to mean the "Sub-divisional Magistrate." Section 8 of the same Code invests the Provincial Government with the power to "divide any district into sub-divisions, or make any portion of any such district a sub-division and ..... alter the limits of any sub-division". Sub-section 2 of the same section further states that "all existing sub-divisions.....shall be deemed to have been made under this Code."

The sub-division then was primarily a territorial division of the criminal courts. But the fact that it was a more effective unit of administration than the tehsil and closer to people than the district forced it out of its purely judicial character. In course of time nearly all important government functions accrued to it. The SDO was invested with the powers of supervising revenue collection, and as early as the 1880's Alfred Lyall spoke of Sub-divisional Board.[1] Initially a measure for the political education of the masses, the sub-divisional boards were to become, as Alfred Lyall foresaw, "a mechanism for planning and implementation of development schemes dealing with areas smaller than a district".[2] Here, probably, we have the genesis of our tehsil council.

III

At the time when the Provincial Administration Commission was set up there were only forty-four sub-divisions in the whole of West Pakistan. Toward the end of 1963 their numbers had increased to eighty-six and now under a phased program "extendinng over a period of ten years"[3] the existing tehsils are gradually being transformed into sub-divisions. The Commission recommended very strongly that the number of sub-divisions in the province should be increased, and in support of its recommendation gave the following reasons:-

1. "In order to strengthen the administration lower down ..... it will be fit and proper if the Sub-divisional system is strengthened and extended to areas where it does not exist at present."[4]

2. this will result in the creation of an effective administrative unit even closer to the people than the District, and will relieve the District Officer of a great deal of routine work."[5]

3. "It will also provide a good training ground for young officers before given independent charge of a district."[6]

Strangely enough, the Commission did not make any recommendation toward the formulation of an administrative frame-work for the sub-division. The powers of the sub-divisional officer have not

1. Philip Woodruff, *The Men who ruled India: The Guardians* (London, 1954,), p. 71.
2. *Ibid.*
3. *Report of the Provincial Administration Commission* (Lahore, 1960), *Chapter IX, para 19.*
4. *Ibid.*
5. *Ibid.*
6. *Ibid.*

so far been enumerated in any manual. For the purposes of coordination within the sub-division, the sub-divisional officer has to rely almost completely on his personal relationship with the representative of other departments. This peculiar situation of having to work without definite statutory sanctions has both its merits and demerits. On the one hand it obstructs the smooth functioning of the administrative machinery, on the other it provides an ideal training ground for a young administrator who, in the very first stage of his career is forced to rely more on tact, caution, and understanding of human behaviour than on rules. The sub-divisional administration is one of the many levels of our administrative hierarchy where the informal organisation is more effective and important than the formal one.

Almost all the administrative reorganisation committees and councils that have been set up so far, have considered the district as the last important layer of provincial administration where horizontal coordination is accepted as imperative for successful implementation of government policy. The Provincial Additional Chief Secretary's letter to commissioners, deputy commissioners, secretaries and heads of attached departments, dated 8th November. 1960, emphasises the necessity of the deputy commissioner's becoming the "Captain of a combined team". Unfortunately no attention has been paid to co-ordination problems at the sub-divisional level.

Another great impediment to efficient administration in the sub-division is the absence of a well defined representation of other departments. The representatives of the same department in different sub-divisions belong to widely different grades and do not exercise similar powers. The sub-divisional representative of the Bulidings and Roads Department could be anyone from an over-seer to an executive engineer. This state of affairs results in unnecessary delays in the execution of important projects. It is high time that the needs and requirements of the administrative power structure of the sub-division are correctly estimated and an attempt made to answer them. The sub-division, since it is gradually transforming itself into an identifiable and important unit of administration, should also be considered a valid unit for planning and co-ordination.

IV

With the exception of the Basic Democracies Order 1959, the office of the sub-divisional officer is not known to any statute. Sub-section 44 of article 3 of the Order defines the sub-divisional officer as "the officer

incharge of a sub-division". This perhaps is the first statutory recognition of the sub-divisional officer's over all control of the sub-division. The Code of Criminal Procedure and the Punjab Jails Manual 1955 recognize the office of the sub-divisional magistrate. The Punjab Land Revenue Act and the Punjab Tenancy Act speak of the office of assistant commissioner. The 'designation sub-divisional officer' appears to be of recent growth in the province of West Pakistan, denoting the expansion of the functions and powers of the sub-divisional magistrate or the assistant commissioner into a comprehensive control of the sub-divisional administration. It also reflects the plea of the Provincial Administration Commission, 1960, to make the sub-division into an effective unit of administration. But legislation in this regard has lagged far behind the recognition of the need and has accordingly modified practice.

In the day-to-day functioning of the government machinery the sub-divisional officer has been accepted as the head of the sub-divional administration. What Philip Woodruff says about a young SDO, in the 1890's still holds good:

> It was his duty to see that the land records were kept upto date and in good order, that all disputes were settled without disturbance of the public peace, that the ferries were run with a minimum of inconvenience and extortion, that the pounds, schools.....were in existence and properly maintained.[7]

Most of the sub-divisional officers' powers, other than the ones given to him by various enactments, come to him as delegated powers from the deputy commissioner's office. There is no definite legal formula which regulates the nature of delegation. The determining factors very often are:-

1. Volume of work at district head quarters.
2. Distance between sub-divisional and district head quarters.
3. Administrative emergencies which crop up from time to time and need immediate remedial measures.
4. Nature of the informal relationship between the sub-divisional officer and the deputy commissioner.

7. Philip Woodruff, *op. cit.*, p. 85.

The last factor seems to play a very important role in the sub-divisional administration. For the weight which the sub-divisional officers' would carry, bears a direct reference to his relationship with the deputy commissioner. A study of this relationship presents one with a very interesting picture of the fraternal aspects of service cadres. How much influence an SDO has at the district headquarters, how close he is to the deputy commissioner, is decided by the SDO's belonging to one service cadre or another.

A sub-divisional officer who belongs to the Civil Service of Pakistan is a very young person who has just embarked on his administrative career.[8] For learning the ground work of his profession he has to rely almost completely on the deputy commissioner. His training proceeds through the development of a relationship characterised by paternal benevolence and guidance. This process is a classic example of perfect correspondence between the formal and the informal relationships.

In his capacity as the sub-divisional magistrate the SDO, besides acting as a magistrate of the first class, exercises the powers of transfer and withdrawal of cases from other magisterial courts in the sub-division. He is responsible for the maintenance of law and order within his jurisdiction. In this sphere his relations with the police proceed along very ill-defined lines. Getting the required co-operation of the police without the help of any legal framework is the most tricky part of his job. The sub-divisional officer's legal authority over the police is quite nebulous. Very often his success as a collector, which depends upon a harmonious working with the police organisation is marred by their reluctance to co-operate.

The revenue functions of the sub-divisional officer consist of acting as a court of appeal from the decisions of assistant collectors of grade II. At this stage it would be feasible to point out that the sub-divisional officer's powers as the foremost judicial authority in the sub-division reinforce his duties as a collector and co-ordinator of development activities. In his capacity as the SDM and collector he can win the confidence of the people which proves very helpful when their co-operation is needed in the execution of development schemes. In a negative manner the latent threat of coercive action also subdues the centrifugal and disruptive forces.

8. The average age of the CSP Officers serving as SDO's in both the wings, calculated on the basis of the gradation list of the Civil Service of Pakistan, January 1964, was 27.7 years.

V

Another sphere of the sub-divisional officer's responsibilities which is becoming increasingly important is the Tehsil Council. In his capacity as the SDO, he has been made the chairman of the tehsil council. This tier of the Basic Democracies, which was originally designed to be a co-ordinating agency is gradually assuming executive functions. Executive problems and their immediate solution is sought at nearly all the Tehsil Council meetings. The chairman, who happens to be the first important government functionary the Union Councils come into contact with is burdened with complaints and requests asking for speedy executive action.

If the sub-division is to become an effective unit of administrative machinery and if the people are to be given increasing participation in the policies and decisions affecting them, it seems certain that the Tehsil Council will acquire the character of a planning and executing agency. What problems will the sub-divisional officer face then is a matter to be seen. But it appears that the smooth working of a purely co-ordinating agency will be disturbed by a vital conflict of views so characteristic of a body given the freedom or the power to plan and execute what it considers best in its interests.

The sub-divisional officer's role is bound to become more and more complex and complicated with the increasing planning, co-ordinating and executing responsibilities.

PART III

Problems and Trends in District Administration

CHANGING CHARACTER OF DISTRICT ADMINISTRATION IN PAKISTAN

Inayatullah

Introduction

The district has been the most vital unit of administration in Pakistan before and after Independence. Policies framed at the central and provincial secretariat are implemented through the agency of district administration. Vital decisions about law and order as well as extension of social services to the people are eventually taken by the district administration. The general public forms the image of the government from the character and the activities of the district administration.

Evolving through history district administration has developed a character of its own—a character which fixes its own stamp on the execution and implementation of ideologies, policies and program of any regime at the national level. More than the ideological nature of governments, democratic or authoritarian, at the national level, it is the nature of the relationship between the district bureaucracy and the common citizenry which determines the concrete relationship between the ruling elite, bureaucracy and the masses. The present paper is an attempt to analyse the ideological character of the district administration and how it is undergoing change under several influences especially from Basic Democracies.

II

Character of District Administration

District Administration is not only a territorial sub-division of an administrative area but also a system of administration with its peculiar characteristics. As such it is a product of British administrative genius and craftmanship and was evolved in former British colonies during the nineteenth and twentieth centuries in response to various social and political challenges which the British colonialism faced in consolidation of its hold. The socio-economic conditions and historical back-ground of different colonies being different, there were several variants of the district administration. But in this diversity there existed a common pattern of district administration with common elements.

The essential components of district administration common to all varients of district administration in colonies seemed to be the personal and authoritarian rule of a generalist administrator. Several

administrative hierarchies and functions converged in him. He was the repository of judicial and executive functions at the same time. This system was oriented towards protection by the generalist guardian of the interest of the common citizenry which was assumed to be incapable of protecting its own interest. It instituted limited control and supervision of the generalist over the technician which was strengthened through elevation of the position of the generalist by allocating higher rewards to him in terms of pay and prestige.

That the rule of the district administrator was authoritarian has rarely been disputed. The "reality of despotic power wielded by Platonic Guardians in the interest of order and tranquility" was noted by Philip Woodruff (himself a former ICS). He wrote:

> It (Indian system of administration) was a despotism tempered by the despot's liberal upbringing and by knowledge of Parliament's usually liberal attitude. But despotism it was all the same as any system must be in which people are given what is good for them instead of what they want.[1]

The authoritarian character of the rule of the generalist known by various names such as deputy commissioner, collector and district magistrate in the Indo-Pakistan sub-continent and district commissioner or district administrator in Ghana, Nigeria and South Rhodesia, stemmed from the unlimited powers available to him. For the use of these powers he was accountable to none except his own conscience immediately, and to the colonial administration remotely. The system relied heavily for its effective operation on the personal qualities of the incumbent rather than its own inner vitality. This was acknowledged by Macaulay though in a different context:

> In all districts there is not a single village — there is not a single hut — in which the difference between a good and bad collector may not make the difference between happiness and misery..... Such power as that which collectors of India have over the people in India is not found in any other part of the world possessed by any class of functionaries.[2]

1. Philip Woodruff, *The Men who Ruled India: The Guardians* (New York, 1954), p. 17. See also Ralph Braibanti, "Public Burea ucracy and Judiciary in Pakistan" in Joseph La Palombara, *Bureaucracy and Political Development* (Princeton, 1963), pp. 395-396.
2. Quoted in Ralph Braibanti, "Civil Service of Pakistan" in Inayatullah, *Bureaucracy and Development in Pakistan* (Peshawar, 1963), p. 208 (originally published in *South Atlantic Quarterly*, Vol. LVII, No. 2, 1959). Also see *The Men who Ruled India — The Guardians, op. cit.*

This character of the district administration was the product of the historic situation and was in harmony with the contemporary socio-cultural conditions. The district officer could not be made accountable for his political and administrative decisions to the local population whose interests he was supposed to safeguard. It would not have been feasible even because the political authority from which he derived his absolute power was not rooted in the consent of the people. In the Indian sub-continent absolute personal rule was the dominant political dispensation throughout most of its history. The masses looked upon the government and State with fear and awe and never expected nor struggled for an administration responsible to them. At the best they wanted a benevolent agency which would intervene when oppression of the dominent classes in society became beyond toleration. Differentiation of judicial and executive roles could not be functional in an administrative system which was not sure of its own roots and was functioning in a non-pluralistic folk society.

III

District Administration and Local Government in Twentieth Century

The traditional pattern of district administration has been subjected to several stresses and strains under the pressures of changing historical conditions of the twentieth century. The most important of these pressures have been generated by the rise of nationalistic movements in former colonies, the liquidation of colonialism, acceptance of the principle of popular sovereignty, and a gradual rise in the cultural attainment of the masses. These have eroded the basis of power of a guardian bureaucracy. Consequently it became universally accepted though not always practised, that people need to be involved in administrative processes rather than governed by an impersonal bureaucratic machine.

Efforts to associate the masses with the administration have generally taken two forms: the adoption of community development program and[3] establishment of new local government institutions or renovation of the ones already existing. These two movements, initially emerging separately, are gradually moving closer to each other. The relationship of local government and district administration has taken several forms but two of these are quite distinct. In one form the local government is established as a distinct entity with a

3. See United Nations, *Public Administration Aspects of Community Development* (New York, 1961).

separate set of functions which it performs through its own executive machinery.[4] The district area coordinator, who is generally a career civil servant representing the Provincial and Central Government, is vested with limited powers of supervision and control of local government. The other form integrates the district administration and local government into one system although division of jurisdiction of authority in terms of function is not always completely eliminated.

Whatever the nature of relationship between local government and district administration, there seems to be two trends in the reorganisation of district administration. There are countries like Nigeria, Burma and India which are trying to strengthen the democratic component of the local government and reducing the hegemony of the district administration over it. In several states of India the district officer has not been made the chairman of Zila-Parishad and very often he is not even an ex-officio member of this council.[5] An experiment was tried in Burma, before the military revolution of 1958, in which the district officer was made the executive officer of the district council.[6] In Western Nigeria the positions of provincial and divisional area co-ordinators have been abolished and local authorities are controlled by a central ministry of local government.[7] There are other countries which have moved away from the parliamentary democracy and have established single party political systems. In such countries the local government has been reorganised to strengthen the hold of the local party branch over the local administration supplanting the district officer. This is happening in Ghana[8] and United Arab Republic.[9]

In the Indo-Pakistan sub-continent district administration developed in initial stages without any comparable development of

4. See United Nations, *Decentralisation for National and Local Development* (New York, 1962). Four forms have been enumerated by this study; comprehensive local government system, partnership system, dual system and integrated administrative system.
5. A special issue of *Indian Journal of Public Administration*, 4: 1962, has several articles on Panchayati Raj. See especially M.P. Pai, "The Emerging Role of the Collector," and B. Sivaraman, "The Collector and Panchayati Raj" in this issue. Also see Haridawar Raj, "Changing Role of District Officer," *ibid.*, 2: 1963, pp. 238-257.
6. United Nations, *Decentralisation for National and Local Development* (New York, 1962) pp. 153-154.
7. *Ibid.*, p. 218.
8. A.F. Greenwood, "Ten Years of Local Government in Ghana", *Journnal of Local Administration Overseas*, Vol. I, No. 1. pp. 25-26. and Victor C. Ferkiss, "The Role of the public Services in Nigeria and Ghana", in Ferrel Heady and Sybil L. Stokes. (eds.) *Papers in Comparative Public Administration* (Ann Arbour, Michigan, 1962), pp. 186-190.
9. *Decentralisation for National and Local Development, op cit.*, p. 191.

local government. It is generally believed that the emergence of district administration led to the decline and disintegration of punchayat — the traditional form of rural local government.[10] By the time the local government at district and village level was introduced in the late nineteenth century, the personal and authoritarian pattern of district administration had been sufficiently established and despite the high democratic ideals, which it incorporated the local government could not modify it substantially.[11] On the other hand existence of strong district administration severely affected the growth of an autonomous local government.[12]

The system of local government evolved during the nineteenth century in India although progressive in relation to contemporary political conditions, was not more than an appendage of the district administration.[13] A portion of the membership of the local bodies was nominated. Even the elected members had a narrow political base as the right to vote was granted to a small minority. Finally, the local government was placed under the supervision and control of the district administration which further curtailed its already limited autonomy.[14] Hugh Tinker's comments are relevant;

> Indian Local Self Government was still in many ways a democratic facade to an autocratic structure. The actual conduct of business was carried on by district officials with the non-official members as spectators or at the most critics. No proper system of local management over local affairs had evolved.....[15]

During the 1930's an effort was made to strengthen the democratic element in the local government by allowing the municipalities and

10. Percival Spears, *Twilights of the Mu ghals* (Cambridge, 1951), pp. 102-114.

11. Reference here is to local government reforms introduced by Ripon with the avowed purpose of political education. See Hugh Tinker, *Foundations of local Self-Government in India, Pakistan and Burma* (London, 1954).

12. For an arresting analysis of consequences of early development of a strong bureaucracy for political development in a society, see Fred W. Riggs "Bureaucrats and Political Development: A Paradoxical View" in *Bureaucracy and Political Development, op. cit.*, pp. 124-126. Also see Richard L. Park, "District Administration and Local Government" in Richard L. Park and Irene Tinker, (eds.) *Leadership and Political Institutions in India* (Princeton, 1959), pp. 337-344.

13. According to Tinker, "District Boards were at best little more than petty departments of the district administration" Hugh Tinker, *op. cit.*, p. 54.

14. *Ibid.*

15. *Ibid.*, p. 70.

district boards to elect non-official chairmen and by abolishing nominations. However so rewarding was the chairmanship of the district officer to the district boards that they generally preferred an official chairman over a non-official one. Substitution of nominated members by elected members did not significantly change the relationship of local government and district administration. The rural members were more disposed towards extracting favours from the district administration than becoming partner in it.16

IV

Impact of Independence on District Administration

With the dawn of freedom, the commitment of national leadership to a democratic policy and expectations of the emerging middle class about an equalitarian political and economic order exerted themselves in support of not only the establishment of democracy at the national level but also at the local level. The Muslim League Manifesto declared:

> In principle, the Muslim League stands for the very widest extension of local-self-government on the model of parishes and communes (sic) of United States. It is not logical or possible to have democracy at the apex sustained by bureaucracy at the base; and in fact democracy should be most extensive where it comes closest in touch with the ordinary life of the common man. In practice this implies that we must train our people for local self-government in all directions so that the decisions which are now bureaucratically taken and executed by deputy commissioners and superintendents of police should be arrived at and taken responsibility for by the elected representatives of the people.17

Consequently, nominations in local government were totally eliminated and the deputy commissioner was relieved of his obligation to become chairman of the district board.

To carry this process further the Punjab Government appointed a Local Government Reform Committee to suggest ways and means of modernising the local government. The Sind Government followed the Punjab Government and constituted a similar committee. Both committees agreed to the principle that supervision and control of local government vested in the deputy commissioner should be taken away

16. *Ibid.*, p. 79.

17. Quoted in Local Government Reforms Committee, *First Interim Report* (1953, Lahore), p. 13.

from him and given to a local government board.[18] The Sind Committee recommended that under such a board a position of commissioner of local government be created to perform the functions at present being performed by the deputy commissioner and revenue commissioner.[19] The Punjab Committee further recommended that the district council (this was the proposed nomenclature for the district board) should

> be given the statutory right to advise government in respect of all matters concerning provincial administration as far as needs of the district are concerned. The members of the council should have the right to ask questions about activities of the provincial government in the district and it should be obligatory on departmental officers to reply to these questions.[20]

By 1954, the initial enthusiasm and fervour for democratic ideals had been numbed by political instability and the traumatic experience of two constitutional breakdowns. Under such conditions the recommendations of the Reforms Committees could not have attracted much attention. On the other hand, with ascendance of top bureaucrats to political saddles and the cooling down of anti-colonial fervour the value of the administrative heritage from the colonial era was rediscovered.[21]

The echo of the idealism of the Reforms Committee was again heard in Local Government Seminar of 1956. The District Board Group of the Seminar was very articulate in holding the district administration responsible for gagging the district boards, which the group believed, resulted in inefficiency among them.[22] On the other hand several deputy commissioners thought their powers over district boards were inadequate

18. Government of Punjab Local Government Reform Committee. *First Interim Report* (Lahore, 1951), pp. 14-15 and Government of Sind, *Report of Local Self-Government Committee* (Karachi, 1954), pp. 13-14.

19. *Report of Local Self-Government Committee, op. cit., pp.* 15-16. Both recommendations about Local Government Board and Local Government Commissioner were originally made by *Report of the Local Self-Government Committee Sind* 1943 (Karachi, 1944).

20. *First Interim Report, op. cit.*, p. 16.

21. Iskander Mirza, Interior Minister in 1954 said, "You can not have the old British system of administration and at the same time allow politicians to meddle with the civil service. In the British system the District Magistrate was the king-pin of administration. His authority was unquestioned. We have to restore that." *Dawn*, October 31, 1954, Quoted in Keith Callard, *Pakistan — A Political Study* (London, 1958) p. 285.

22. See Social Welfare and Local Government Department, Government of West Pakistan. *Proceedings of the Local Government Seminar 1956*, (Lahore, 1957), p. 100. The section of the Punjab District Boards Act of 1883 which gave controlling powers to DC on the boards was considered a black mark in the Act by this group.

to cope with inefficiency and maladministration.[23] Ideological clash between bureaucratic will and public will was, after all, precipitating. But before it could take a decisive turn, the country fell in the grip of another political cataclysm.

In the post-independence period there were two factors in addition to local government, which were affecting the personal and authoritarian character of the district administration. With the departure of the British ICS officers, a majority of the DC's were selected from the Civil Service of Pakistan (CSP) which had a social base in urban upper class and increasingly in middle class.[24] The new generation of CSP's could not be completely immunised from the liberal democratic ideologies despite the bureaucratic environment in which they were trained and operated. Also implications of a political system based on popular sovereignty were a constant reminder to the government and the guardians to wear a garb matching their new role.[25]

The other source of change was the community development movement known as Village Agricultural and Industrial Development Program (1953-61). This program idealised the masses, established administrative machinery for involving the masses into government activities, avowed strong liberal and democratic ideology[26] and finally, made a strong onslaught on the fortress of traditional bureaucracy by initiating the process of what Mayer calls "inner-democratisation of bureaucracy". It won several disciples from the orthodox bureaucracy itself and in fact served as a rallying point for those whose liberalism had survived the conformity ensuring process of bureaucratisation. Probably it will not be an exaggeration to say that the impact of the community development movement in generating democratic pressures on district administration outweighed the influence of century-old local government.

23. *Ibid.*, pp. 361 - 381

24. See Salim. A. Jilani, "Structure and Composition of Civil Service of Pakistan." Unpublished thesis of Panjab University Political Science Department, 1958.

25. A. H. Aslam, *Deputy Commissioner* (Lahore, 1957), pp. 33-34.

26. Inayatullah "Development Bureaucracies in Pakistan" in Ralph Braibanti (ed.) *Asian Bureaucratic System Emergent from British Imperial Tradition* (Durham. 1965.) and Jack D. Mezirow, *Dynamics of Community Development: A Case Study of Pakistan* (Berkeley, 1962).

V

Basic Democracies and District Administration

Ecological (environmental) factors are crucial in determining and sustaining a particular type of administration in a country.[27] An authoritarian pattern exists and is sustained by a unilateral communication channel and absence or suppression of articultation and aggregation of divergent interests in the society. On the other hand, a democratic administrative pattern is rooted in the divergent and conflicting organised interests in the society. which it mediates through compromise. While extreme centralisation of power is functional for an authoritarian pattern, diffusion of power is necessary for continued existence of a democratic system.

The authoritarian character of district administration was a product of the centralised alien rule and the passive inarticulate, illiterate and un-organised peasant society. Besides the traditional, particularistic organisations of caste, clan and tribe, there was no voluntary social and economic organisation in the society which could articulate the interests and problems of the people. The few organisations which emerged were either bureaucratically controlled or represented the new professional skills in the urban centres.[28] The informal and formal contacts between the district administration and the public were limited and were circumscribed by a psychological environment which did not permit two way communication. The people were informed regarding the amount of revenue they had to pay, and what services were to be extended to them but an effective channel for communicating their feelings and problems back to the administration did not exist. Whatever communication did exist was through the upper rural class whose interest did not always harmonise with the remaining rural society. In the terminology of Almond and Verba the system lacked its 'input' (political) aspect.[29]

The significance of the Basic Democracies scheme lies in its ability to organise the rural middle class and open a two-way channel between tehsil and district administration, thereby unfolding a process of diffusion of power in the rural society of Pakistan. This, in turn, would

27. Ecological approach in administrative analysis has been fruitfully used by Fred W. Riggs in *Ecology of Public Administration* (Bombay, 1962).

28. See Masihuzzaman, "Administrative Obstacles to Voluntary Organisation in Pakistan," in Inayatullah (ed.), *Bureaucracy and Development in Pakistan* (Peshawar, 1963), pp. 62-70.

29. Gabrial A. Almond and Sidney Verba, *The Civic Culture* (Princeton, 1963), p. 15.

tend to change the ecology of district administration coverting an authoritarian system into one based upon democratic principles.[30]

The system of Basic Democracies was introduced in 1959 after a year of imposition of military rule and liquidation of parliamentary democracy. This was a fulfilment of the promise, made by President Ayub to the Pakistani nation at the time of the imposition of Martial Law that a workable democracy would be given to the nation. The system was also designed to fill the existing consitutional vacuum and train the people in self-government. While introducing the system, the President said that "democracy has been brought to the door steps of the people." In fact it meant introduction of a new system of local government.[31]

Under this new system, four tiers of local government, Divisional Council, District Council, Tehsil/Thana Council and Union Council were created. While the jurisdiction of three former bodies correspond with traditional administrative divisions—division, district and tehsil/thana, the jurisdiction of latter has been restricted to a new area called union which is carved out of six villages on the average. The number of all the Union Council members in Pakistan is almost 120,000, two-third of whom are elected on the basis of adult franchise with the remainder being nominated by the deputy commissioner. The majority of the members come from the rural and urban middle class.[32]

The Basic Democracies along with other ecological factors is a formidable element of change in the traditional district set-up. Previously the major pressure group in the district was the landed aristocracy. The landlords dominated the district boards; they served as host to the deputy commissioner and other district officers when they toured the rural areas; they acted as intermediaries between the common man and the administration. The district officers, including deputy commissioner and superintendent of police, were easily accessible to them. The tehsil bureaucracy which was the offical channel of communication for district functionaries and another significant source of data for the district administration was also usually under obligation to the landed aristocracy

30. For more empirical evidence supporting these generalisations see Inayatullah, *Basic Democracies, District Administration and Development* (Peshawar, 1964). This hypothesis was originally stated by Masihuzzaman, "What is Basic Democracies", in Aziz Beg, *Grass Roots Government* (Rawalpindi, 1962), p. 41.

31. A complete bibliography on Basic Democracies has been appended to Inayatullah, *Basic Democracies, District Administration and Development* (Peshawar, 1964).

32. See Government of Pakistan, Bureau of National Reconstruction, *Annual Report of Basic Democracies, 1959-60* (Karachi, 1960), pp. 18; *Dawn of a New Era* (Karachi, n.d.), p. 24, Government of East Pakistan, Bureau of National Reconstruction, *An Analysis of Working of Basic Democracies in East Pakistan* (Dacca, 1962) and Inayatullah, *Basic Democracies, District Administration and Development* (Peshawar, 1964).

for the sumptuous hospitality which the latter extended to them. This obligated tehsil bureaucracy to be sensitive to the interest of the landlords.

This enabled the landlords to control or influence the quality of data on which the district administration based its decisions pertaining to law and order as well as to allocation of funds for extension of new services to rural areas. As a result there was a concentration of government services in the villages of the landlords. The problems of peasantry and lower classes were never forcefully impressed upon the district administration due to lack of channels of communication as well as absence of any organised pressure from these classes.

Through the Basic Democracies particularly Union Councils, the small land owner has been organised.[33] Due to common membership of Union Councils with higher tiers of Basic Democracies, especially Tehsil Council which are composed of non-official as well as official members new channels of communication has been opened between the district administration and the peasantry. With the increase in power of the peasantry due to Basic Democracies as well as other changes in the society, the exclusive pressure which the landlord exerted on the administration has become less strong.[34] As a result, the feudal predilictions of the district administration are being changed under the pressure of a new institutional set-up.

In order to illustrate my point, Rural Works Program now being executed in both wings of the country could be used as an example. Suppose the government had decided to spend this money on rural areas and the Basic Democracies system had not been in existence, how would have the money been spent? Obviously the influence of landlors vis-a-vis the un-organised peasantry would have been overwhelming.

How were the resources allocated under the Basic Democracies system? There is no denying the fact that the District Councils, being strongly membered by the landlords and their political influence not greatly undermined, they were able to influence the decisions about selection of projects. But the presence of pressure from the Union Councils for selection of their project and consequent clamour and protests when their resolutions were "justifiably" or "unjustifiably" ignored did create

33. A study indicates that councillors owning less than 100 acres are 84 per cent of all landowning councillors. Inayatullah, *Basic Democracies, District Administration and Development* (Peshawar, 1964).

34. See Inayatullah, "Impact of Basic Democracies on Rural Power Structure", *Pakistan Times* December 13, 1959, and *Basic Democracies, District Administration and Development, op. cit.*

a climate in which district administration had to accommodate their interests as well.[35]

Basic Democracies have to some extent regulated the touring of officials in rural areas. Previously in the absence of any local organisation, the tours of officials were random and haphazard. The places where the subordinate officers had personal contacts and where comfortable arrangements of boarding and lodging could be made usually attracted the officers. The accessibility of the place to be visited by metalled road also was an important consideration in the situation. With the emergence of a tier of local government below tehsil level and an increase in pressure from the provincial government on the officers for frequent touring of rural areas and giving due importance to Basic Democracies, the area of discretion of the officers in selecting their contacts has been curtailed. Of course, the former considerations are not totally eliminated and officers can still choose to visit a particular Union Council and not the other, but they could hardly ignore the presence of the institutionalised rural leadership.

The fact that the nature of tours, their direction and the type of people to be contacted is now becoming rather an impersonal decision is significant supporting evidence for the foregoing conclusion that the ecology of the district administration is changing. The official tour being an important channel of communication between the public and the officers, their increased frequency[36] (which is not entirely due to Basic Democracies) and their impersonal character is tending to expose the district administration to a wider range of problems and interests.

The Basic Democracies system has grafted democratic institutions on to an authoritarian structure of district administration. It is true that many of the controlling powers are still vested in controlling authorities and the councillors could hardly afford to incur the displeasure of their official counterparts or the official chairmen of these councils by too strong a criticism. Also, not many non-officials have sufficient courage training and breadth of vision to fight and suffer for democratic causes. Quite a few of them still find the real utility of their membership of Basic Democracies in extracting personal favours from district administration rather than public benefits. Also the offical members who had always taken decisions bureaucratically and had never been exposed to public accountability continue to believe that their

35. About the Rural Works Program in West Pakistan, see Government of West Pakistan, Planning and Development Department, *Rural Works Program for West Pakistan; First Report* (Lahore, 1964).

36. Zuhra Waheed, *Government and the People: A Study of Official Contacts in Three Villages of Lyallpur Tehsil* (Lahore, 1964), p. 5.

administrative authority is effective to the extent the public believes them to be their superiors. Under such circumstances it is only natural for them to tend to regard the democratic aspects of district administration subversive, and an unnecessary intervention in their jurisdiction of authority.

Despite this, however, the institutional constraints created by Basic Democracies, seem to be strong enough to modify the functioning of the administration to a significant extent. The constraints that all development projects sponsored by a department have to be approved first by the District Council before the approval of provincial government and that the members of the councils have the privilege of asking questions from their official counterparts on various aspects of the district administration which the official members are under obligation to answer are especially effective. The question hour in parliaments has always been considered and found to be an effective weapon in the hands of members for eliciting necessary information of public interest. The edges of this weapon though partly blunted in Tehsil and District Councils because the minutes of these councils do not always go to the press are still quite effective. To illustrate this point, a portion of the minutes of a council are reproduced below;

> Malik Khan (non-official member) seeking permission of the chairman expressed that the figures of cattle treated and inocculated as stated by the representative of the Animal Husbandry Department were too much exaggerated and he feared that the figures exceeded the total number of livestock in these areas. Supporting Malik Khan, Ahmad said that the higher officers of this department toured the district very infrequently. The chairman noted the complaint with regret and expressed that the activities of Animal Husbandry Department were not upto the mark. He stressed that the officials should pay more attention towards touring.

How far the local councils work as an effective check on the bureaucratic excesses and delays is dependent on the competence of the members, their interest and insight into the local problems and the extent to which they are willing to risk their personal stakes in facing upto the bureaucracy. Apparently the urban Basic Democracies are more articulate than those in the rural areas and the lawyer members tend to be less restrained and inhibited than the landed aristocracy.

As indicated earlier, attitudinal and structural impediments in the way of free articulation of the interests and problems by the public representatives still exist. These impediments stem from the traditional

reluctance of the bureaucracy to accept the local public representative who was so far dependent on it for his local prestige as an equal. This attitude is fortified by the lower cultural and intellectual attainment of the public representatives than the public servant and the prestige in which the public servant is held due to vast powers and authority vested in him.

The sponsors of the Basic Democracies scheme, however, were not unaware of the serious consequence to which this attitudinal impediment could expose the fledgling institution. Several pressures from the leaders of the revolution were created on the bureaucracy to reorientate its outlook toward the new institutions and public at large. Training courses and seminars were organized for the public servants which emphasised the need of change of outlook among the public servant.[37] A letter was addressed by President Ayub himself to the chairmen of the higher councils which said;

> It is one of the primary objectives of the Basic Democracies to develop a new government-people relationship for tackling the tasks that face the country today. For this purpose government officials have been associated with peoples' representatives not in any superior capacity but as equals. Officials are there to help the local communities not to domineer over them. *In fact it is intended that Government operation should be discussed in the councils, so as to make the administration accountable to the people and responsive to their actual needs and aspiration.*[38]

The provincial governments have also been exhorting and, where need be, reprimanding the public servants for effecting the necessary attitudinal changes.[39] The pressures from the national leadership, the seminars and training program together with the structural constraints which the Basic Democracies have created cannot be regarded without effect.

In evaluating the change of outlook in bureaucracy it should not be ignored that attitudes are always slow to change and the lag between the ideal and the real always remains the baffling human problem. The evidence is available that even the Basic Democrats themselves feel

37. For details see Inayatullah, "Development Bureaucracies in Pakistan" *op. cit.*

38. *The Pakistan Times* (Lahore daily) March 19, 1960.

39. Chief Secretary of West Pakistan has issued several circulars to the public servants on the subject.

that the public servants are changing and that a majority of them are working toward making the Basic Democracies a success.[40]

Besides the attitudinal factors there are the structural factors that exist in the present administrative set-up as well as Basic Democracies system which still sustain the traditional authoritarian complex and function as impediments to its further democratisation. The basic pattern of centralisation of vast administrative powers in one functionary at district level is still intact. In fact his power has been further enhanced by making him the controlling authority of the two tiers of Basic Domocracies and by the recent amendment of the Criminal Act. The powers vested in the controlling authority are apparently so vast that there can be hardly any area where the local council can be considered autonomous. A significant minority (1/3) of the membership in Union Council and a larger number of non-officials in higher councils owe their seats in the council to the district administration. Combined with the attitudinal impediments referred to earlier one can not be as optimistic about the democratic potential of the Basic Democracies contrary to what earlier discussion suggests. However against this may be set the fact that Provincial Governments have been emphasising that bureaucratic control over the Basic Democracies should be educative rather than prohibitive.[41] At least one study suggests that controlling authorities resort to controlling power only as a last resort.[42] The nomination of members is to be abandoned in future. In District Council a post of vice-chairman, to be elected by the council from its non-official members, is to be created. But of far greater significance is the realisation on the part of the present regime that gradually more and more powers should be transferred from bureaucracy to Basic Democracies. President Ayub said:

> Let us hope a time will come when these councils (Basic Democracies) would have attained such maturity as education spreads in the country that local administration almost withers away and they run their own police, they run their own revenue system and they run everything. I like to see them go in that directions. In ten to fifteen years' time a

40. Inayatullah, *Study of Union Councils in Nowshera Tehsil* (Peshawar, 1961), pp. 40-43., *Study of Selected Union Councils in Rawalpindi Division*, (Peshawar, 1962), pp. 32-34, and *Basic Democracies, District Administration, op. cit.*, and Zuhra Waheed, op. *cit., pp.* 20-21.

41. *Basic Democracies, District Administration, op. cit.*

42. *Ibid.*

situation may arise when the officials are only there to guide and not as administrators and rulers.[43]

As implied in the above statement there is no immediate possibility of transfering major powers to Basic Democracies but at least this policy announcement sets a destiny—an ideal—for the local administration — which will serve as a measure for future changes.

VI

Conclusions

The pattren of district administration in India as laid down by the colonial power was authoritarian and personal. The local government system introduced by the British could not change this character of the district and with the passage of time it got fortified. After Independence several factors such as democratic ideology, reforms in local government, changes in the public service structure, and the community development movement have been exerting their influence in demorcatising the district administration but their impact has not been substantial.

Basic Democracies — a system of local government introduced by the revolutionary regime of President Ayub however is proving to be a formidable and potent element of change. It has introduced new factors in the ecology of district administration by opening two way communication between district administration and the peasantry and by organising the peasantary into new pressure groups. The potence of Basic Democracies is limited by attitudinal and structural factors that exist in the relationship of Basic Democracies and bureaucracy. But there exists also pressure for removing these obstacles. With the emergence of Basic Democracies an ideal of autonomous local self-government has also been evolving which in turn would itself exert pressure on the future development of the character of district administration.

43. Inaugural Address of Seminar on Basic Democracies held at Lahore from 29 May to 31 May, *Pakistan Times*, May 31, 1963. These views has been repeated by the President in his recent press interview with the editor of Weekly *Iqdam*, see *Iqdam*, January, 1964.

THE ROLE OF THE DEPUTY COMMISSIONER IN THE BASIC DEMOCRACIES

Salim Abbas Jilani

Development of the Role of Deputy Commissioner

The role of the deputy commissioner in the functioning of the basic democracies and their relationship inter se can best be understood by seeing the two institutions in their true perspective, by appreciating the scope of their functions first individually, and then in respect to each other.

Let us first look at the institution of the deputy commissioner. The district in Pakistan, from the earliest British days, is the unit of administration. For the collection of revenues, for the maintenance of law and order and for exercising control over the magistrates the deputy commissioner was made responsible. With the passage of time, when more and more departments of the government were established, the control over them by law or necessity of the deputy commissioner became greater. In fact, from the very beginning the deputy commissioner was given the status of *primus inter pares* and the chief representative of the government in the district. All activities of the government in the district were guided by him as the captain of the field team. His views on different matters concerning his district were reflected in the policies and thinking of the government. In implementation of most of the provincial laws and a good number of central laws the deputy commissioner was given an important place directly or indirectly. It was sheer necessity which made the deputy commissioner all powerful in almost all matters within his district. This necessity has to be explained a little.

The deputy commissioner as collector and head of the district revenue agency dealt directly with the rights of the people in the land, the preparation, maintenance and upkeep of the record of rights, the collection of revenues and other government dues from the agriculturists, thir suspensions and remissions and grants of *taccavis* etc. This function brought him in intimate touch with the people and area of the district. While this knowledge made him a sound adviser to the government in respect of his district, he needed power to enforce certain decisions and stop people from fighting each other over disputes.

As he was the trusted major functionary of the government in the district, the government made him the chief executive and gave him the powers to carry out his orders through the police. The government also gave him the powers of the highest magistrate in the district under the law. With the combination of the powers of collector, chief executive and the district magistrate, the deputy commissioner was recognised in fact and law as the most powerful organ of the government in the district. Then came the beneficient departments. This being an agriculturist country, all their functions were mainly connected with the land and its people, and who else except deputy commissioner could best help them in carrying out their functions smoothly, and at the same time ensure that the rights of the people were not in this process jeopardised. It was felt necessary primarily out of convenience that manifold governmental activities in the field be consolidated at the district level. It was also necessary to settle small disputes between departments and between the people and various departments at this level, so that the people did not have to go long distances to settle them, and the departments could work in close co-operation with each other. This led to a situation in which deputy commissioner had something to do with all other departments of the government in the district. He became the eyes, ears and the tongue of the government in the district. It was, therefore, not surprising at all that this repository of such vast powers and leader of all other government functionaries in the district came to be acknowledged as the *Mai Bap* in the area. Very soon, his word became law and the people vied each other in winning his favours and other government servants could do little without his active support and blessings.

This position was extremely convenient from the point of view of all concerned, i.e. the government, the people and the other departments. It was convenient for the government because now it could concentrate on bigger issues and policy making leaving many minor issues and implementation of the policy to this representative of the government. It was convenient for the people because being primarily and by specialisation a collector, he was taken as the guardian of their rights and these powers vested in him guaranteed maximum satisfaction of their demands pertaining to every branch and activity of government. It was convenient for the departments because through the good offices of the deputy commissioner, they could get the public support wherever needed, tide over local bottlenecks in the implementation of the schemes pertaining to their departments and get other necessary government aid.

This emphasis on the role of the deputy commissioner continued and with the passage of time his powers continued to increase. After the

creation of Pakistan, his powers and functions increased at a rapid pace for some time. The deputy commissioner, however, soon became a target of the democratic reaction to the unlimited British power and the politicians thought in terms of curtailing his power and influence, wherever not helpful, by bye-passing him in certain matters. This thinking was also reflected in the attitude of certain departments which started drifting away from the age-old practice and tried to assert their independence. This attitude took serious shapes in certain districts where some unfortunate incidents aimed at slighting the authority and influence of the deputy commissioner revealed to the government the inherent pitfalls in the continuance of such an attitude. The government work in the field slowed down due to non-effective coordination; the demands of the people took more time in their satisfaction and the departments themselves whose work started being discussed and criticised not only in the Assemblies but by the people felt the necessity of the public support through the deputy commissioner.

This unfortunate state was, however, restricted to only some places but it did help in proving the indispensability of the old system. Convinced thus, the governments in the provinces started issuing instructions to the various departments regarding their role vis-a-vis the deputy commissioner in the district. One of such directives issued by West Pakistan Government in 1960 reads:-

> Government considers that besides a vertical distribution of authority in a straight line of command running from the Governor through directorates to the divisional and district officers, a horizontal co-ordination of Government activities at the appropriate level is one of the essential requirements of an administrative set up in the province. This horizontal co-ordination can only be achieved through the Divisional and District Councils of which the commissioners and deputy commissioners are *ex-officio* chairmen under the Basic Democracies Order 1959. In order, therefore to make the commissioners and deputy commissioners effective co-ordinators and supervisors of governmental activities in their respective charges, the following instructions are issued for the information and guidance of all concerned:-
>
> a) All departmental schemes shall be co-ordinated through Divisional and District Councils.
>
> b) Divisional commissioners and deputy commissioners shall be the heads of administration within their jurisdiction.

c) It shall be the responsibility of the departmental officers at the divisional and district level to consult the commissioner and deputy commissioner in all important matters affecting the welfare of the people.

d) The divisional commissioners and deputy commissioners shall have the authority to call for a report direct from any regional/divisional/district level officer (as the case may be) having jurisdiction in their areas.

To discharge the essential role of a co-ordinator, the commissioner and deputy commissioner should become the captains of a combined operations teams of divisional or district officers of various departments operating within their jurisdiction.

As far as the departments are concerned, what was an unwritten law before was reduced into writing. Thus the trend to drift away from his authority and control was arrested.

The deputy commissioner with all these powers and responsibilities vesting in him under law, by custom and practice, unfortunately, symbolised power and fear. The people vied for his favours because they feared his anger. Before partition this position suited the government. After independence we made a solemn pledge that our new State will be a 'welfare State', different from a 'law and order State'. The difference between the two is not difficult to see. In the 'welfare State' the emphasis is on the welfare of the people and the whole of administrative machinery is geared towards the achievement of this end. The maintenance of law and order in such a State amounts only to ensuring of negative factors in the way of development. On the other hand in a law and order State the emphasis is on the maintenance of law and order and the welfare and development of the people and area is of secondary importance and treated as a means for helping in the maintenance of law and order. The slogan in a law and order State is to keep the stomachs of the people full to keep their mouths shut. What is the end in one is the means in another.

This declaration found a keynote in the government policies and our first Constitution. But the test of a pudding is in its eating and the test of a Constitution is in its working in the field. The change over from the 'law and order' to a 'welfare' State was not felt by the people in the districts. For them the State, the government and the laws were the deputy commissioner. If they committed any crime they felt the powers of the chief executive and the district magistrate. If they held landed property, they came into contact with the deputy commissioner.

If they ran a shop, a hotel or cinema, the deputy commissioner has a finger in the pie. If they were industrialists and employers of labour, they were concerned with the deputy commissioner. If they were refugee and needed land or a house for settlement, the deputy commissioner had to be approached. If they were sportsmen or men of literature, their patronage by the deputy commissioner could pave the way for their success. If they were fond of shooting, a licence had to be requested from the deputy commissioner. In short, for all classes of people in the districts and especially for the common man, the deputy commissioner was everything. Governments, constitutions and laws changed, but the powers of the deputy commissioner remained unaffected.

Even after Independence he continued to be a symbol of power and fear only. This fact ensured acceptance of his wishes by the people out of fear. But now the times demanded active participation by the people in their development. The deputy commissioner was now the representative of a government which was representative of the people. He was no longer required to make use of the people for the end of the government. He had now to make the best use of the government machinery for the welfare of the people which his government represented. He was required to mix freely with the people so that they could tell him the difficulties of their areas without fear. He was required to involve them in the task of development. He was required to tour rural areas extensively and meet the people. All instructions to this effect were issued by the government to "reorient" the outlook of the deputy commissioner to the law and order State. The instructions could probably "reorient" some of the men holding the office of the deputy commissioner but what was needed was the reorientation of the institution. Until recently, therefore, the new demands of a welfare State had been placed theoretically on the deputy commissioner as on all other government servants, but no mode was introduced to tailor this office according to its new size and role. With few glaring exceptions, the majority of the holders of this powerful institution continued to bear strong resemblance to the deputy commissioner of the pre-partition days although wearing a thin new garb of the welfare administrator. The institution was acknowledged as useful and convenient but it had to be re-orientated to convey to all those who came into contact with it the effects of the change over to "welfare State". To function in the "welfare State," the institution had to be placed differently to lead towards quick, effective development.

II

New Role of the Deputy Commissioner

It is against this background regarding the powers of the deputy commissioner and this new setting, that we will review the role of

Basic Democracies which have provided a new dimension in the administration, a new vision of the deputy commissioner, a new vehicle of expression for the people and the state functionaries, and a common platform to the 'white collar' and the 'man in the street'. How have the Basic Democracies filled in this vacuum felt in district administration? How have they chizzled the stone-hard expression on the face of the deputy commissioner to that of a smiling friend? How have they made the deputy commissioner one more suited to their present requirements? And in turn how does the deputy commissioner control their functioning, guide their actions and prompt their thinking. These are questions to which we shall now turn by studying the relationship between the deputy commissioner and the various tiers of Basic Democracies to which the deputy commissioner is, by law, now wedded.

This wedding, solemnized in 1959 under the Basic Democracies Order 1959, was the result of careful thinking on the part of Field Marshal Mohammad Ayub Khan, President of Pakistan, who was keen to restore "democracy of a type which the people, in the present state of their political awareness, education and communications can understand and work", and at the same time desired to hasten the pace of development in the rural areas. It was thought that democratic processes must not be imposed from above but "they must grow and evolve from the native soil and be deeply rooted in the people. It must start at the village level in rural areas and at the mohalla level in the towns. The electorate must be compact and small for the voters to know the candidates well enough to permit a choice on merits." At the same time, it was intended to create thousands of these bright starlets shining all over Pakistan forging towards progress and removing the darkness from the neighbourhood, i.e. backwardness in education, communication, health, water supply etc. etc. It was thought that these new institutions should be protected from evil influence or designs so that they could be given a fair trial.

The five tier scheme of Basic Democracies crystalised this thinking. For the first time a really nationwide network of local self-government was provided which also acts as a nursery for future political leadership and as an instrument of spreading awareness of national problems. In doing so, care has also been taken to ensure that these institutions do not languish through neglect on the part of government, lack of resources or a narrow range of activities.

By the Basic Democracies Order 1959, the deputy commissioner became the Controlling Authority for the Union Councils, Union Committees, Town Committees and Tehsil Councils in the district. Though not directly connected with the Municipal Committees in certain

districts, the deputy commissioner is also indirectly associated with Municipal Bodies and can exercise his influence either through the employees of certain classes of municipal committees or through the age-old British institution of messages to the Parliament. A deputy commissioner who is member and chairman of the District Council in his district is also an official member of the Divisional Council. The fifth tier Provincial Council has been abolished since 1962. Thus the deputy commissioner is the Controlling Authority for two tiers i.e. at union/town and tehsil level, chairman and member of the third tier i.e. District Council and an official member of the fourth tier i.e. Divisional Council. No other functionary of the government is associated so closely with all the tiers of Basic Democracies as the deputy commissioner. These close associations with the new instruments of social and economic uplift in the rural areas have placed new demands on the office of deputy commissioner. He has to be and can be a guide to the union/town and tehsil level tiers in his capacity as the Controlling Authority. He has to be and is a leader as the chairman of the District Council. He has to be a friend and philosopher in his dealings with the municipal bodies and an associate with the people as a member of the Divisional Council. From *Mai Bap* and a benevolent autocrat the deputy commissioner has now been provided the means to become the 'friend, philosopher and guide', a realisation and fulfilment of Plato's dream administrators for his 'Republic'.

This new relationship between the deputy commissioner and the Basic Democracies, though formal in law, is gleaning with informalities. Where as a Controlling Authority, a deputy commissioner can control and guide the affairs of Union Councils, Union Committees, Town Committees and Tehsil Councils, he has to seek their help and that of the District Council of which he is the chairman in the development program. At the same time he is also responsible to the Divisional Council for the proper implementation of the development program for which he seeks grants-in-aid through this Council and where he sits at par with other members of the public some of whom are from his own district. His relationship with the local councils is, therefore, horizontal as well as vertical.

It would, however, be wrong to gather the impression from the above discussion that the Basic Democracies were introduced to create this new dimension in the administration or to fill in the vacuum in the institution of the deputy commissioner or to attune him to the requirements of the welfare State. All these were needed, no doubt. The Basic Democracies have indeed met these requirements. But it must be understood that the Basic Democracies were created in their own right

as basic units of political nurseries and organs of social and economic uplift of the rural areas. Possibly the healthy effect the institutions of Basic Democracies have had on the deputy commissioner in making him more suitable for a welfare State is purely accidental. But it is obvious that the desirability of associating the deputy commissioner with the new institution was felt by the government not only because he was the most powerful officer in the district and was the government representative who could be conveniently given these functions by law but also because the new institutions needed the power and prestige of the office of the deputy commissioner at their back for their rapid growth. Where, therefore, the office of the deputy commissioner has gained the much needed new dimension, the institution of Basic Democracies has gained the required protection and support from it.

III

Deputy Commissioner and Basic Democracies

Having briefly examined the position of the deputy commissioner and Basic Democracies vis-a-vis each other, we can now consider the role of the deputy commissioner in the Basic Democracies. There can be two possible approaches to this question, one to examine his role under the law and the other is to examine his role in actual practice. Under the law, the deputy commissioner has the full powers to appoint members of Union Councils/Committees and Town Committees. He appoints members of the Tehsil Councils with the formal approval of the commissioner. Even the members of District Council are appointed on his recommendations and there is hardly any likelihood of his recommendations for the divisional council membership being turned down. He sanctions the budgets of union and Town Committees and Tehsil Council and is himself associated with the preparation of the District Council budget. He approves the taxes proposed by the Union Council/ Committees and Town Committees and himself makes proposals for taxes by the District Council as its chairman. He can quash any resolution passed by the local council for which he is the controlling authority and direct it to take any action for the furtherence of any object stated in the schedule of functions of that local council. He is also the appellate authority for cases decided by the local councils under the Muslim Family Laws Ordinance and the Conciliation Courts Ordinance.

This legal role could probably have been performed by any other government functionary as well. The deputy commissioner, however, plays a much more important role, unwritten, uncodified, but well

understood and needed by the local councils. This role he alone can play because wherever he goes, whenever he meets the people and the councillors they all know that he is not only the Controlling Authority exercising all the legal powers enumerated above but the chief executive of the district, the collector and head of the district revenue agency, the district magistrate, the co-ordinator, the chief development agent of the government and in short the chief representative of the government in the district. During his association with the local councils, therefore, he alone can play the role of a guide, the educator, the practical thinker and motivator. In cases of any dispute amongst the councillors, his patient hearing and tact in expressing his own views usually result in resolving these disputes. In his role as guide to the Union Councils, he can take adventage of the vast resources of technical knowledge of the departments and give advice to the local councils in tackling their local problems effectively. There are many occasions when he comes across certain departures from the rules etc., committed by the councils. At such occasions he has to be patient and has to give them the necessary guidance. He must always remember that not all of them are educated, not all of them have complete leisure to devote themselves to learning office routine and that most of them do not have the benefit of being non-partisans. He need not admonish or punish them because his word of advice can have an equally good effect, nay better, because admonition might lead to discouragement and misunderstanding. From the little experience I have had I can say that I never had to repeat anything I told a local council to do, even casually.

The deputy commissioner has to set the tone for the relationship which the government departments will have with the Basic Democracies. For this, he has not only to understand the concept and working of the Basic Democracies himself but to make the other departments also understand it. He and the other departments have to understand that they have to build up and work with these small local governments not simply because of the government instructions to this effect but as this alone can help the nation to participate as one in the gigantic task of development. There are innumerable minor and major difficulties which the villagers keep facing and for which they approach the government departments. There could be, for instance, a shortage of water in the canal at the tail end, there could be the complaint of defective supply of seed and fertilizer to the farmer, there could be the grievances of a village against a school-teacher, there could be complaints of high handedness by some officials of the Forest Department and so on. Such complaints are now voiced through the Union Councils and the common man expects these councils to help him in overcoming such difficulties. It is the duty of

the deputy commissioner to ensure that whenever such matters are referred by the local councils to the departments they must receive proper and prompt attention. There may be a number of requests which cannot be met because of some rules or lack of financial resources or some other valid reason. The Union Council or other local councils referring the matter to the department must be informed why the request could not be granted or what came of it. Nothing can be more discouraging for the local councils than the realisation that their resolutions, requests and suggestions to various departments are treated with contempt or not given any importance. The deputy commissioner as head of the district administration must ensure that all government departments understand their role in building up the Basic Democracies in the national interest.

Then again the deputy commissioner must appreciate that for many years to come the Union Councils will not be able to raise funds sufficient to meet their establishment and development expenditure. He must continue to motivate them to undertake as many projects on self-help basis as possible. He must get them the technical assistance through the departments for such projects. He must teach them the art of affixing priorities and to understand that only Alladin's Lamp could solve all their problems overnight. Through the help of extension services he must educate them on the national needs and resources and help them in learning the art of pursuing the demands patiently and objectively. It is indeed a healthy sign that the Basic Democracies are now vying much each other in implementing more and more development schemes but the deputy commissioner must ensure that the developments through the local councils are not haphazard and are in conformity with the objectives set for the district which in their turn have to be in line with the national objectives.

A vast new road to progress has been opened up and a great responsibility has been placed on the shoulders of the deputy commissioner as captain of the team of departmental officers and as a leader of men. He is already being tested as project director in the Rural Works Program and some people are considering whether it would not be advisable to have all the development works of a minor nature in the rural areas completed through the Union Councils. The success of Basic Democracies would be a further acknowledgement of the usefulness of the institution of the deputy commissioner in our country.

My own view is that under the leadership and protection of the deputy commissioner, the Basic Democracies have already proved to be very effective in the social and economic development of the rural areas. I only hope the deputy commissioner can be given some assistance on

the routine side so that he can give sufficient time to these developing institutions. It would be expecting a little too much from him to give equal attention to all the jobs he is required to perform and if this institution breaks due to overload, that would be, to speak modestly, most catastroplic for our developing country.

RURAL COMMUNITIES, DISTRICT ADMINISTRATION AND THE CIVIL SERVICE[1]

Salma Omer

Most countries of Asia now termed under-developed have two features in common. A large number of these countries have been under foreign domination and a significant number have gained independence within a decade.[2] These two factors have significantly influenced the character of their political and administrative structure which in turn moulded their civil services.

The Civil Servant in Retrospect

Foreign domination had the effect of changing the rural areas of the now Indo-Pakistan sub-continent into fragmented and isolated communities and social groups that looked within for succour and support. Even prior to alien control and domination, the rural areas of Pakistan were, by and large, divided into special communities and social groups. These communities had devised their own system of law and order, social controls and set their own social norms and value system. These controls were exercised through social institutions specifically created to maintain peace and harmony in the villages and hamlets. The Central Government at Delhi did not exercise control on these remote areas, rather it permitted them to fashion their own lives by the concensus of the local group or through the institutions that were set up by the local populace. The Mughal monarchs from Delhi neither controlled these areas, in terms now understood, nor were they responsible for providing directly peace and security and the means of livelihood to those living in far-flung rural areas. With the means of communication then available, this was neither possible nor desirable. The Mughal monarch exercised over-all control and maintained over-all peace and order, through the local intermediaries who were virtually in command of large sections of the populace.

1. In this paper the term civil service covers all Pakistan Government employees who are providing goods and services to the public. The term is not confined to officers of any particular cadre.
2. Though this paper deals with the civil service of Pakistan, many factors discussed are applicable to the developing nations of Asia.

With the gradual inroad made in India by the East India Company the way was paved for the disintegration of rural community life. After the failure of the first momentous struggle for independence in 1857, the pace of disintegration of the social, economic and judicial system of the rural areas, which now comprise Pakistan, was further increased. As the foreign rulers consolidated their vast Indian empire, they were keen to introduce a system which would help them to consolidate their hold. This could be done only if complete law and order was maintained thereby assuring stability of government and a climate conducive to carrying out the morn-to-eve endeavours of the tiller of the soil. The foreign government introduced simultaneously a new system of collection of revenues from the remotest areas. As a result of these changes, a new system of local administration known as district administration emerged.

The new system struck at the roots of the traditional social institutions of the village and deprived it of its self-reliance and autonomy. Thus, a vacuum was created as no system was devised to replace the local institutions which were effective through the force of personalities and conventions built over years rather than by the letter of the law. To maintain law and order and collect revenues, the alien rulers created district officers and revenue officers and gradually provided a well-organised civil service. Thus, if there was a breach of peace in a particular village or hamlet, the issue was settled by the district court or the thana and not by the village punchayat or informal institutions present at the local level.

The officer, even when he belonged to this soil, was an instrument of an alien government and was busy executing a policy or a program which it wished to follow and a role which it had to fulfil.
a foreign ruler. The indigenous officer drew his inspiration from his white boss and endeavoured to be his replica trying to incorporate his patterns of thinking and mode of behaviour. Thus, the officer class had an ideology to which it was firmly committed, a pattern of behaviour which it wished to follow and a role which it had to fulfil.

On the other hand, the rural folks whose pattern of life was subjected to change due to the foreign influx were in a state of uncertainty and doubt. They had no demigods among the rulers to worship—no official ideology to fall back on. Being struck so hard by the tumultuous conditions that followed the havoc of 1857, they dared not aspire or hope for changed circumstances. Their own social system was disintegrated, berefting them of their social roles and changing violently the power structure and leadership pattern of their areas and

communities. They were now on the receiving end—waiting to be told what to do and how, instead of taking command of the situation and moulding their own life and that of their community. Such circumstances led to further isolation, and to the formation of groups and communities that were not at all concerned with what happened to the world outside their limited geographical jurisdictions. A distrust of all that was outside their own group was created. Unfortunately, however, as their own social and judicial systems were badly affected, whenever a calamity struck them, they had a tendency to approach the official for help and support and made not the slightest endeavour to grapple with their problems.

This state of affairs continued over a century in the area now termed as the Indo-Pakistan sub-continent. The urban areas, however, awakened to the need of modern education much earlier and were more fully exposed to political changes in the country. Gradually, aspirations for gaining independence from foreign rule developed which took the form of concrete actions. Political parties, pressure groups, the student community, the labour forces — all joined hands to achieve the goal of independence. The cry was so loud and the goal so very clear and defined that the rural populace which was otherwise so isolated, traditional and parochial in outlook found itself inexorably drawn into the arena of politics.

Finding no further national challenge after Independence was won the rural populace receded back into its shell, and their apathy and indifference re-emerged. They again became oblivious of the world around them. Independence, however, threw a greater challenge for the civil service to create order out of the choatic conditions which accompanied Independence. It emerged successful. Not only was it capable of managing the law and order but also found itself in control of all aspects of life as responsible public representatives engaged themselves in political strife. The parliamentary system of government further added elements of instability. Governments changed frequently. Prime Ministers were dismissed. Constitutions were abrogated, political parties banned. The net result was total political chaos. But, in spite of all these upheavals, the civil servant managed to maintain law and order and carry out the daily chores of government. He was virtually his own boss with the public being neither in command of the situation nor competent to control him. He made policies, he planned programs and executed them. He neither had to look up for advice to the public representative nor down to receive the support of the people. He was naturally not concerned whether the people were involved in executing programs for their well-being.

This state of affairs affected the psychology of the civil servant tremendously. As an agent of an alien rule he had great powers and wielded tremendous authority over the destinies of the people. After independence he ably ran the country and preserved its solidarity. But such undisputed power and authority created certain attitudes and nurtured certain beliefs. The civil servant, by and large, considered the political leaders amateurs who were neither competent nor capable of giving leadership to the civil servant. On the other hand, the civil servant continued to believe that the common man, the man in the street, the tiller of the soil neither has the intellect to participate in state affairs nor the will to shake off his physical and mental lethargy. Naturally, the civil servant convinced himself that he alone could deliver the goods, run and administer this country.

A polity committed to democratic principles, however, could not allow the civil servants to manage the affairs of the State without obtaining public sanction through their representatives in the legislature. Nor can the demands of economic development permit the role of spectators to the masses. Rather it became obvious that involvement of the masses in the programs of national development was a major challenge to the civil servant.

Caught in the whirlpool of internal and external tensions, the developing nations have to fill the time lag that divides the world between the haves and the have-nots. Their problems became more serious as they have not only to reconstruct the society for development but also devise the necessary administrative tools for achieving this objective. Most developing countries have been under colonial rule. The long years of tutelage have created an aping tendency and consequently each country tries to imitate the political and administrative heritage of its former rulers. As the objectives of colonial powers differed very vitally from those of the national governments, the inherited political and executive machinery failed to meet the new hopes and aspiration of the people. The problem was intensified further as developing nations were beset with the task of setting up a political and executive machinery as well as providing a climate conducive to the development of its manpower, its agricultural and industrial resources. The system of rewards that followed in the wake of colonialism was heavily weighted in favour of the moneyed classes. Consequently, ownership of large tracts of land or big industries created inequality of income and inequality of opportunities. The task, therefore of developing nations to

remove the social injustices, to do away with class distinctions and to provide equal opportunities becomes all the more difficult in a democratic ideological framework.

This subject has been treated at length to draw attention to the fact that the problems faced by developing nations are so great and the task before them so urgent that they have to harness all their resources to meet the challenge that is posed by the world situation on the one hand and by their stagnant economy on the other. The task is so challenging and the work so stupendous that the civil servant alone can never tackle it. His attitude towards his duties are such that he seems to be ill-prepared psychologically to shoulder the responsibility for the task ahead.

In thickly populated countries such as Pakistan, the resource most available is that of its manpower. It is also a potential reservoir of skills and services. If adequate planning is undertaken unskilled manpower can be mobilised and trained to undertake the varied responsibilities that face developing nations.

It is indeed strange that even this task has to be performed in Pakistan by the civile servants, who are, as discussed earlier, ill prepared to assume a role of creative tutelage—tutelage that ultimately aims at making the wards a self-reliant and independent individual, capable of undertaking responsibilities on his own. This onerous duty also falls on the civil servant as the resources of Pakistan are too inadequate to either cater to universal primary and secondary education or prepare those in agriculture and industry, to perform their jobs more efficiently. Consequently, to assist the manpower engaged in various endeavours it is necesssary to resort to the adult education process through informal means and not necessarily through formal classroom methods.

The Civil Servant and his Relationships

We shall now examine broadly the role of a civil servant of Pakistan, his relationship with the public and the image that has been formed of his personality and functions in the public mind. We shall also try to analyse briefly the role he is expected to play to meet the demands of the changing needs and the challenge posed by a sense of urgency for development and progress.

The civil servant's duties circumscribe the performance of the following major roles which involve a certain kind of relationship—

a) The civil servant and his relationship with the chosen representatives of the people personified in the role of Minister.

b) The civil servant and his relationship with the public in a service giving situation. This relationship would circumscribe all activities where the civil servant is required to offer goods or services to the people. This may be a situation where a government appointed compounder dispenses medicine or that of the chief controller of imports and exports dealing with import permits and licences.

c) The civil servant and his relationship with the people in a local government or/and community development situation.

d) The civil servants and the relationship that exists between them.

We have discussed earlier the historical context that created a situation in Pakistan where the civil servant virtually became both the policy-maker and the executive. It has also been established that the civil servant was able to steer clear of the pressures brought on him by pseudo-politicians and was able to maintain the fabric of government intact, if not able to strengthen it further. In this process, he has developed certain attitudes, nurtured certain beliefs and adopted certain modes of behaviour. Given the social climate in which he was required to perform his duty, both before and after independence, it was but natural for him to develop a tendency of complacency and a feeling of being all too important. But, in a changed situation when strenuous efforts are being made to restore democracy and establish the supremacy of will of the people, the role of the civil servant as a policy-maker will necessarily have to undergo a drastic change. The harmonious relationship between the political wing and the administrative hierarchy alone can assure both democracy and efficiency. This however is not easy as "bureaucracy has become a branch of Government possessed of its claim for survival and only theoretically subordinate to the unrestrained will of the executive or legislature."[3]

The relationship of the secretary of a ministry or a department with that of the minister, members of provincial and national legislatures (personifications of the public will) need be based on mutual respect

3. *Op. Cit.*, p. 183.

and understanding. The legislatures and the cabinet are, in the ultimate analysis, the makers of policy while the civil servant culminating in the role of the secretary, the executive. The secretary has all along played a very significant role in shaping the affairs of the State and hence it may be difficult for him to accept a rather narrow definition of his duties. It can be quite possible even for a well-meaning secretary to unconsciously misguide or sabotage a scheme or plan to which he personally did not subscribe or agree. As discussed earlier, the historical evolution has been such and the political parties so unstable and their role so undefined that the civil servant tends to look upon the politician as an amateur who has still to learn the art of government. Consequently, the will of the people as reflected through the minister or the legislature does not receive the respect and consideration that it deserves.

On the other hand, it should be borne in mind that policies are not made in a vacuum nor only at the higher echelons, as is generally believed. Besides, the art of statecraft has become so complex and comprehensive that policies evolved in one field of government have repercussions on the other. The secretary, as an expert in administration, gives a broad exposition of the pros and cons that should be considered by his minister and the legislature before arriving at policy decisions pertaining to a particular program. It may be borne in mind that the exposition given by the secretary is likely to be based on careful analysis and the actual experiences of a variety of civil servants working on a specific program. Hence, the views of the secretary on a given issue could hardly be ignored in deciding on a given policy.

The Civil Servant in a "Service Giving" Situation

It is only a very small section of the civil service that comes into direct contact with the chosen representatives of the people but the bulk of it comes into direct contact with the public through its function of providing goods and services to the people. It is in this sphere that the civil servant can make a major contribution and partake very significantly in the development of the country. It is also in this sphere that he is, either cursed for stopping the flow of water in the fields at a crucial moment, or, worshipped for providing succour and support in building up civic amenities. It is in this role that his image is formed in the public mind—as one who wishes to promote activities or is keen to retard progress unless his palm is greased or merely as a status symbol.

An image of the civil servant as one who is either corrupt or not responsible enough to deal with public funds is an indication of very deep seated mistrust and hostility. Such scant respect cannot promote a harmonious working relationship, which as discussed earlier, is extremely essential for a country like Pakistan whose skilled manpower resources are extremely limited.

Corruption, the public feels, is restricted to certain departments and certain officials. But the feelig that most civil servants are indifferent and make no efforts to give efficient and quick service to the public, through speedy disposal of cases, is universally prevalent in the public mind. Government is considered synonymous with red tape, waste and delay, evasion of responsibility necessitating files to move at a snail's pace from the lowest in the hierarchy to the highest, which obstruct the transaction of business. All this frustrates those who come into officials contact and hamper, in the long run, the development and progress of the country. The oft-repeated complaints that seeds are received after the sowing season is over or sanction to levy taxes is obtained by the Union Councils after 8 months of the current year is over, lead gradually to indifference, apathy and frustration. A quick appraisal of reasons that lead civil servants to resort to such behaviour patterns bring us back to our earlier analysis, that being solely in command both before and after independence they have not learned the fact that a civil servant is accountable to the public, and exists to serve the public and not an alien power which holds the reins or a non-personalized entity known as government.

The indifferent attitude of the civil servant is probably due to the fact that he has not yet associated himself with the building of this country as a citizen, but only as a government employee. Hence he has taken an attitude of discharging his function in a manner that does not provoke an adverse comment from his immediate superior. He tries to hide his lack of interest, which also promotes inefficiency in a facade of bureaucratic attitude and so called official decorum. The distance between him and the public is aggravated further and the sense of partnership that is most essential for development, is jeopardised. That these behaviour patterns are neither conducive to a democratic way of life nor can they promote development could hardly be over-emphasized. Delay, waste, evasion of responsibility, lack of decision-making, inefficiency, nepotism, and red-tape will all recede gradually in the background, if the civil servant develops a positive attitude towards his work and takes pride in it.

The Civil Servant in a Community Development Situation

We shall now discuss the relationship of the Civil Servant with the people in a local government or community development situation. This situation demands from the civil servant the abdication of his traditional authority and acceptance of the role of an enlightened guide who sincerely struggles to give up this role as soon as leadership potentialities in the people are adequately developed. Succesful performance of this new role in fact means liquidation of his own empire and in this lies a great challenge for him.

Pakistan has introduced a novel experiment in the form of Basic Democracies institutions which amalgamate local government and community development efforts. It goes a step ahead and attempts to decentralise administration through providing a joint forum of work to the elected members and civil servants. Rather, it can be stated that the Basic Democracies have set in motion the democratisation of the administrative process which, as Adam states, can be a "possible development" to combat "the continued increase in authority over the ordinary citizen of the unreachable bureaucrat."4 At the other extreme, the Basic Democracies also function as the electoral college for electing the members of the National and Provincial Assemblies and for electing the President. It can thus be seen that the Basic Democracies cannot, by any stretch of imagination, be termed only as local government.

We consider the Basic Democracies as a very effective program aiming at the all-round and speedy development of Pakistan. The civil servant has a significant role to play in Basic Democracy councils on two assumptions. One, that the civil servant has the technical know-how which should be placed at the service of these institutions. Two, that the civil servant belongs to this country and is not wanting in patriotism, and therefore he would accept the challenge of gradually passing on power and authority to the people to whom it rightly belongs.

The role of the civil servant in this sphere is extremely vital, delicate and novel. He has never been called upon to perform a part in which he is not himself the hero and can work from behind the scene. It is probably the first time that he has to come in face to face contact with the people's representatives and give an account of the work he and his subordinates are doing, to narrate its progress, to throw light on future program. And perhaps, it is also the first time that he finds himself accountable to the people whom he used to rule.

4. Thamas R. Adam, *Elements of Government* (New York, 19), p. 191.

It is quite evident that the psychological and emotional adjustment that is required of the civil servant in this situation is so great that it is well nigh impossilbe to change places from the giving end to the receiving end over-night. It will take a long period of not only training and, may we crudely state, indoctrination, but a great deal of self-analysis to be able to adopt the changed role to meet the changing needs.

Let us briefly analyse what is expected of the civil servant in his relationship with Basic Democracies. Basic Democracies, as discussed earlier, have not been understood as merely local government and this point should be borne in mind when the relationship of the civil servant with Basic Democracies is being discussed. To determine this relationship it is necessary to analyse the objectives of Basic Democracies and then ascertain what specific role the civil servant is required to play. The Basic Democracies were initiated keeping in mind two basic assumptions. One that our rural population, though illiterate, is intelligent and aware of its problems and needs; that, if it is adequately assisted, it can play a major role in the development of this country. Two, that democracy is a way of life and not an abstract ideology; that democracy cannot be meaningful or real, nor can it be prevalent at the national level, unless and until its concepts and practices are accepted and adopted by formal and informal institutions operating at all administrative levels.

These objectives of Basic Democracies give a new definition to the role of the civil servant. The Basic Democracies are expected to undertake the socio-economic development of the country and to achieve this object, they have to be assisted. Secondly, Basic Democracies are expected to operate as democratic institutions, preparing and training people to assume responsibilities at higher levels and ultimately to run the country on the principles of democracy—a real and meaningful democracy. The civil servant is, therefore, required to assist and help the Basic Democracies to undertake programs of development. As Basic Democracies is also a community development and local government program, the decision making powers will rest with the people themselves while the civil servant is expected to elucidate issues, present the pros and cons of a particular problem under discussion and to assist the people. Once a decision has been taken, he is expected to actively associate himself and participate in the projects undertaken only if the Basic Democrats require his services. On the other hand, where departmental programs are concerned the civil servant is also raquired to consult the councillors keeping them abreast

of the governmental programs. He is expected to remould certain programs if the people question the wisdom of certain departmental decisions.

The role of the civil servant in meeting the second objectives, namely to ensure a climate in which Basic Democraices councils can work as institutions that accept and adopt the democratic methods and practices is still more difficult. The civil servant, on the one hand, is expected to give leadership to the Basic Democracies Councils as he possesses the technical know-how, but, on the other, he is expected to relegate himself to the background. The civil servant is neither expected to play the role of a laissez faire leader nor that of an oppressive one — rather, he has to mould his behaviour as the situation demands. But, he has to keep one idea constantly in mind, that whatever role he plays it should be a creative and imaginative role—the sole purpose of which is to make the Basic Democracies more and more self-reliant and independent in their thought and actions. The ultimate aim should be to restore authority and decision-making powers to the people, in-spite of the fact that the upper levels of Basic Democracies Councils are headed by the civil servants. As an officer in the Council, the civil servant should reflect the consensus of the Basic Democracies.

To assist the Basic Democrats the government has appointed special officers at various administrative levels. There is a director of Basic Democracies at the division level. assistant director at the district level and a development officer or supervisor at the tehsil level. At the thana level in East Pakistan, the Basic Democracy officers are known as circle-officers. At the Union Council level secretaries to Union Councils, are posted most of whom were Village AID workers. The appointment of Basic Democracy officials at various administrative levels has been misconstrued by most civil servants. It has been felt by them that these officers alone are required to assist the Basic Democracies while others can only serve as observers and back-benchers at the Basic Democracies councils meetings. Such an attitude will be very detrimental to the growth of Basic Democracies and will retard its progress considerably.

However, the relationship of Basic Democracy officials and civil servants to the Basic Democracy councils is perhaps somewhat closer. They are expected to work as community organizer, motivating and enthusing the Basic Democracy councils and the people in general, in drawing the attention of Basic Democrats to needs and requirements which may perhaps not have been noticed by the Councillors. The Basic Democracy civil servant also has another responsibility of constantly

apprising other civil servants of the problems faced by Basic Democracies and the areas in which their assistance is required. This function does not preclude other civil servants working at the administrative level from entering into direct contact with individuals or the public or Basic Democrats. The difference only is due to the fact that civil servants known as Basic Democracies officers are appointed specifically to assist the Basic Democracies and do not have other departmental obligations.

The above analysis makes it amply clear that the role of the civil servant in his relationship with Basic Democracies is very crucial. If he plays the part that he is expected to, play with interest and enthusiasm, keeping the basic principles in the forefront he shall be able not only to hasten the process of development but will be able to introduce a silent revolution, that will, in a matter of few years, change the entire complexion of our society and make the precepts of social justice applicable to living situations.

Behaviour Patterns of Civil Servants and its Effect on Output

We shall now deal with the fourth relationship which is also a sphere where much remains to be desired. This sphere is that of the relationship that exists among the civil servants themselves.

Here civil servants are, expected to work as a team facilitating the achievement of goals and objectives of the government (a non-partisan member). They may have their individual charter of duties and functions to perform but in the ultimate analysis, their primary aim is to fulfil the national objectives as enunciated in the Constitution and as set forth by the government that holds power at a given time. Thus, all civil servants are expected to have the same objectives and are supposed to work as a team to meet these objectives. It seems as if this fundamental principle of statecraft has been least understood and it is not a rare feature to see a particular department belittling the efforts of another. What hampers the development process is the lack of coordination and cooperation between departments. The complexities of modern government demand an inter-professional and inter-departmental approach; hence, most problems and programs require efforts from two or more departments. When cooperation is not forthcoming either due to departmental jealousies, personality conflicts or to mere indifference and lack of interest, progress in various fields is arrested. It is so difficult to gauge and measure the loss and damage inflicted or to appraise the repercussions on other program due to lack of team efforts. The wastage in energy, money and time has also never been considered. An illustration would make the above contentions

more meaningful. A decision was taken at the highest level to examine a certain very vital issue. Two ministries were concerned and a committee had to be appointed. The file went back and forth in the two ministries for over one year only to settle the question regarding which ministry would name the persons who would form the committee. Imagine the waste of time and energy involved in the situation.

To cite another crude example, a file was sent to a deputy secretary at Rawalpindi from an officer stationed at Karachi. The case had to be referred to the deputy financial adviser located in the same office. The deputy secretary did not bother to mark file to the deputy financial adviser. Instead the file returned to Karachi, was marked by the officer at Karachi to the deputy financial adviser, took the plane to Pindi again and was put up to the deputy financial adviser. This is probably not a rare example.

One of the reasons given for the lowering of morale and the lack of interest taken by the government servant is the low standard of pay received and lack of other facilities and amenities. This may be, by and large, true for government employees below the rank of deputy secretaries or those equated in this grade. But there are other psychological factors that lower morale and reduce the efficiency of officers considerably. Certain practices prevalent in government departments obstruct officers and prevent their giving their best to their work. It can be stated that the intellectual development of officers is retarded and the officers can seldom grow on their jobs. The lack of understanding between the specialist and the generalist is a phenomenon which further aggravates the situation. The specialist bears the grudge that his views and arguments are not given weight when he has special insights into the problems under consideration. His grudge gives way to agitation and ultimately leads to frustration or indifference when he finds that plans put up by him and schemes prepared by him are passed on to lower level officers for examination. The specialist is considered to be quite unaware of the policy side while the line from the deputy secretary downwards including the section officers are considered well versed in policy formulation and equated with the government itself. The specialist is not considered to be competent to speak on behalf of the government. Policy, as explained elsewhere is not made in a vacuum or in isolation. Every member of a government department contributes in some way to the formulation of policy. The highly paid specialist should be considered competent enough not only to speak on policy matters but as a matter of fact should provide the necessary data, facts and figures on which policies can be formulated. If a specialist is not aware of what the policy of his department is, he

is not worth his salt and should be sacked. But if a specialist exists in a department, his views should be given weight.

Elevating the role of the specialist does not necessarily mean down-grading the generalist. But, it should not be ignored that the affairs of the State have become highly complex and require specialised knowledge of a subject. A person who has been shifted from one job to another frequently cannot claim to possess the specialised knowledge. The assumption that given certain training and certain intellectual attainments, an officer dealing with administration can undertake most jobs that call for co-ordination and management probably is becoming more and more untenable.

Very much similar to the aspect just discussed is the problem of the Civil Service of Pakistan (CSP). A bold analysis on this aspect is also called for. Officers who do not belong to the CSP cadre are given the feeling of being illegitimate issues of the government. The CSP's regard themselves as a highly intellectual group and consider and treat others as belonging to an inferior class who should not demand equal rights and privileges. This feeling is bound to create, in the long run, an inferiority complex amongst other civil servants and will lead to frustration. All civil servants should be considered important in their own rights and not because they belong to any superior cadre. On the other hand, the General Administrative Reserve, East Pakistan Civil Service, West Pakistan Civil Service and specialists should take pride in their present jobs.

Government is the largest industry of this country and perhaps has more staff on its pay roll than all industries put together. It is amazing that such scant attention is being given to the managerial potentials and the proper organization of such a huge machinery. It has excellent manpower both technical and otherwise, but the work which it produces is neither commensurate with the expenditure borne on this huge organisation nor is it commensurate with the intelligence and capability that this manpower possesses. The present analysis does not support the oft-repeated argument that salaries are meagre and privileges are scarce, hence output is insufficient. It rather underlines the deficiencies of human relations in government.

Another conclusion that we subscribe to, is that the low-paid employee is producing enough i.e., commensurate with the money he receives and the talent he possesses but higher officials are either complacent or frustrated—that the service they put in, is neither commensurate with the salary they receive, nor, what is worse, commensurate with the talents and potentials they possess.

VOLUNTARY ORGANIZATION AND DISTRICT ADMINISTRATION

Sarshar Ahmad Khan & Muzaffar M. Qureshi

The special merit of voluntary organisations lies in the way they are constituted. They are "bodies which provide some form of social service, which control their own policy and which depend, in part at least, upon financial support from voluntary sources."[1] Significantly, they are not bounded by statutes or administrative regulations. This gives us a set of criteria for future reference. A voluntary organisation, not being created by a statute, should control its own policy and at least part of its finances should come from voluntary sources. However, government grants or the presence of government officials on its committee does not deprive it of its voluntary character.

A basic question is why do we form an organization? One reason is that "organisation creates power."[2] It is not merely the power of numbers; it is the power generated by the organisational process. A few organized people have more power than just a collection of people. Organizational drive is universal. It is closely related to a wide-spread search for identification of self with society, for participation, influence and dignity.[3]

All organisations direct this power toward certain goals. Political organisations aim at an ordered society capable of defending itself against outside aggression. Business organisations concentrate on its increasing productive and commercial capacity. Voluntary organisations aim at social welfare and betterment of the community. They try to achieve that end through the cooperation of citizens.

Perhaps there could be no co-operative effort if there had been no realization that one stands to gain from it in the long run. All organizations are built upon individual self-interest and through it approach mutuality of interest. Responsibility for one's own survival is translated into

1. M. Roof, *Voluntary Societies and Social Policy* (London, 1957), p. xiii.
2. Peter M. Blau and W. Richard Scott, *Formal Organisations* (London, 1963), p.x.
3. Paul H. Appleby, *Morality and administration in Democractic Government* (Baton Rouge. 1952), p. 3.

responsibility for one's family and then for group well-being.[4] In fact man's greater capacity for survival is due as much to his capacity for mutual effort as to his intelligence and adaptability. Today, however, voluntary organisations transcend the limited object of mutual effort and engage in tasks that are largely philanthropic and charitable in character.

Although we are here concerned only with the welfare organizations it must be pointed out that their influence on society is not confined to social welfare only. Like other institutions they have direct and indirect effects on other aspects of social organization and structure. We should, therefore, pay special attention to the roles that they are playing or might play in the developing countries.

It may appear paradoxical but the fact is that this non-political institution has various political consequences. Voluntary organizations are concerned with various kinds of social problems and all social problems in the modern welfare state ultimately require political decisions. In this connection voluntary organizations are an extremely suitable instrument for creating public consciousness and focussing attention on certain problems that face the society. Since their mainstay is public cooperation, they provide useful experience to the community in conducting its own affairs, even though this is done at a modest scale. They increase peoples' participation in various social programs. As Masihuzzaman points out, they "contribute to the development of alternative foundations of social order and thus contribute to the broad basing power that lends stability to the government of the country. They also open up new channels of communication, tend to educate people, enhance people's participation and help individuals develop their abilities and express themselves adequately."[5]

In our day and against the background of the myriad problems that face a society like ours, the greatest contribution of voluntary organisations will be in the fields of development and social welfare. Normally we tend to think of development as building dams, highways and big industries. But a substantial part of the development, equally important though less spectacular, are other forms such as private schools, small roads, self-help irrigation, small scale industries, etc. This part is as much a responsibility of voluntary effort as it is of the government. It might even be said that at present it is more a responsi-

4. *Ibid.*, p.8.
5. Masihuzzaman, "Administrative Obstacles to Voluntary Organisations" in Inayatullah (ed.), *Bureaucracy and Development in Pakistan* (Peshawar, 1962), p. 57.

bility of the former because the poor and harassed governments of fledgeling countries have already too much at their hands to allow them the time for additional care of these small but significant fields. Moreover, a fundamental change in society that has to be brought about by the relatively enlightened and well-to-do volunteer citizen is the change in attitudes. The role of the government ceases to be that of an active worker when we come to the purely social welfare tasks such as caring for the handicapped, propagating an idea or a program rendering various types of services e.g. home visits, distributing medicine, providing loans. It has been found that these activities are carried on more efficiently by voluntary organizations. There are various reasons for it.

a) Some program such as family planning cannot be taken up by a government department for reasons of public policy.
b) Some activities can best be carried on by organization of persons locally-based.
c) Government action is likely to invite political controversy and partisanship which may hinder a program.
d) Some activities require personal relationship and are unsuitable for an impersonal governmental machinery.

Here arises the question as to what part of welfare is the responsibility of the state and what part should be left to private organizations. There can be no sharp division of the activities of the two. At present they are frequently overlapping. But the important point is that there is a part of welfare that belongs to voluntary organizations, and a part that belongs to the state. There is no doubt that the state should take on itself as much welfare as it is capable of. But it must be appreciated that the government is not and can never be the exclusive reservoir of the resources and talents of a society, and a society that depends solely on government has chosen to let a major part of its potentialities remain idle. Besides, there are new tasks and problems constantly emerging that can and will become a state responsibility. This has happened in other countries where "much of modern public welfare practice began in the voluntary services."[6] Spontaneous realisation and voluntary effort has to precede government's action, sometimes by decades. This makes voluntary organizations an important social institution, whether the field of their operation is community development, welfare program, or change in attitudes. "The making of a good society depends not on the state but on the citizens."[7]

6. Arthur Fink, et. al. *The Field of Social Work* (New York, 1955). p. 74.
7. Lord Beveridge, *Voluntary Action* (London, 1949), p. 320.

This is true in the sense that citizens are the harbingers of state action. But it is true in another sense also. The state or government cannot be better than its citizens, nor can it work in a social vacuum. So long as public initiative remains alive it will find expression; whether it finds expression in voluntary activity or state action is a different matter. But creation of a voluntary agency will always remain within the immediate power of ordinary citizens.

II

The Role of Voluntary Organizations in District Administration

The district is the basic administrative unit of our government. All governmental decisions and activities whether central or provincial are carried out through this unit. District administration comprises many public functions such as law and order, justice, collection of revenue, maintaining land records, local bodies and development agencies. Comprehensive as these functions are, they still do not cover all aspects of our life. District administration in its day to day working finds that many activities closely associated with the life and the problems in the district fall outside its pale of statutory responsibility but which can be appropriatly tackled by private organizations. This makes the private organization complementary to district administration. The government has recognised this fact by encouraging private organizations to undertake promotion of public welfare. The First Five-Year Plan provided Rs. 5 million as grants-in-aid to these agencies. In the Second Five-Year Plan a sum of Rs. 13.5 million has been set apart for this purpose while the agencies themselves are expected to mobilise funds to the tune of Rs. 15 million from other sources. The authors of the Second Five-Year Plan say that "these agencies still carry the major burden of providing services in the country, particularly for immediate relief", and that "neither private nor governmental effort can alone meet the social needs of the country."[8]

Voluntary organizations can work as a useful complement to the district administration without being a part of it. An Indian civil servant lists non-official bodies and advisory committees as a fifth component of the district administration (taking it in a broad sense) and goes on to say

8. Government of Pakistan, Planning Commission, *The Second Five-Year Plan* (Karachi, 1960), p. 390.

that associations of the right sort of private bodies and individuals are immensely helpful to the administration.[9] A co-ordinated attack on the tasks that are shared by private and government organizations such as welfare, development, rendering basic services, and creating consciousness can prove to be extremely effective. The fact that most of the national voluntary organizations are organized on the basis of districts is encouraging because it renders co-ordination of activities easy.

Besides being helpful in social welfare, private agencies provide a means of liaison between the people and the administration. Administration exists for the benefit and service of the people. Therefore, it is imperative that there be several channels of communication between the administrator and the people. An easy flow of information from either side can avoid a situation of disharmony between the two. Administration should know the needs and problems of people. People should understand the reasons for administrative decisions and the difficulties of administration. Of special importance is the feed-back of the effects and reactions of various governmental actions. For these tasks neither individuals (for they are likely to have limited and subjective point of view) nor government departments for they are likely to be preoccupied with administrative procedures and ignore human and intimate details) are as suitable as voluntary agencies. They represent more than one point of view and are in constant touch with the common man.

III

The Role of District Administration in the Working of Voluntary Organization

On the face of it the two organizations, district administration and voluntary organizations, appear to be mutually exclusive. One feels that apart from occasional overlapping of activities or incidental need for government help in terms of financial grant, the administration would hardly be involved in voluntary activity. But our study of a few organizations in Peshawar revealed that actually the relationship is much more intimate and complex. We have already examined one aspect, now we want to examine the other aspect, perhaps a more important one i.e. what the administration can do for the organizations.

Before going into the details of this aspect, we would like to review the actual operation of the voluntary organizations and the problems that they face. Our conclusions are essentially based on a study that we made of five organisations operating in Peshawar, and

9. S.S. Khera, *District Administration in India* (New Delhi, 1960), pp. 11-12.

therefore, have obvious limitations. But some of the observations are of general importance and warrant a discussion of application on a wider scale.

A voluntary organization depends for its success on three main factors: funds, workers and public participation. During our study we found that the five organizations that we studied felt starved of all three. This was true even of the relatively successful ones. Naturally existing voluntary organizations were finding it extremely difficult to keep running. Under such conditions one would not be very hopeful about the future of voluntary effort in our country. That this would hold of the rest of the country is borne out by our daily observations of the low level at which the organisations generally work; the frantic efforts that they have to make for collecting funds; the way people avoid buying Tuberculosis seals or Red Cross badges and the suspicion with which a new organization or a representative of an organization is received. The whole problem boils down to the prevalence of widespread public apathy.

But the next question is why this apathy? This is the basic question and it should be examined in detail for it has important implications for voluntary organizations vis-a-vis the administration.

Masihuzzaman has discussed the reasons for this apathy towards voluntary effort at length. He examines various hypotheses. One view is that the "people are just unfit to take initiative".[10] Another view is that "the long tradition of benign imperial and colonial rule" has made people apathetic. A third view is that it is a result of authoritarian traits of our culture. Masihuzzaman dismisses all these explanations as implausible and puts forward his own explanation. His thesis is that the initiative is a "function of organization": it cannot be exercised in a "social vacuum" and "the present apathy of the people of Pakistan is an acquired and defensive attitude" as a result of long standing aversion of the Imperial and British Governments towards people taking initiative or organising themselves and of bureaucratic distrust of all voluntary activity."[11]

This is a valuable thesis and is largely valid. But it has some limitations. Firstly, it is more relevant to political organizations than to welfare organizations. Secondly, it does not fully explain the empirical evidence about inadequate functioning of voluntary organizations. In our study we found that the Tuberculosis Association and the Family Planning Association in Peshawar could not flourish inspite of the fact that there was no suspicion of or interference with

10. Masihuzzaman, *op. cit.*, pp. 59-71.
11. *Ibid.*, p. 62.

their activities by the administration. They even had the blessings of the government. On the other hand *darul atfal* (children's welfare home) and Red Cross were quite successful in spite of bureaucratic participation. So bureaucracy as such apparently does not seem to have any direct relationship with the success or failure of voluntary agencies.

We feel that the second and third explanations given above cannot be dismissed as implausible. A long drawn benign Imperial and colonial rule has habituated the people to be passive and to expect that government will do everything. Like an overprotected child people have developed an attitude of over-dependence. They no longer have confidence in their potentialities. The other explanation of this dependence in terms of the authoritarian traits in our culture also holds true to some extent. We agree with Masihuzzaman that this explanation is too rigid and ignores variations of societies and the tradition of rationalism, of spirit of inquiry and adventure in our earlier history.[12]" However, the explanation is valid despite these reservations. After the short period of the pious Caliphate, our history is marked by authoritarian rule. This tradition cannot be disowned. And the tradition which is more recent and longer is likely to affect us more. The conditions did not change much under the colonial rule. No initiative or responsible rule was allowed to the people. The history of the past 17 years in Pakistan is an understandable consequence of that tradition.

The authoritarian traits are not confined to political sphere. They are very much in evidence in our families, in our schools and in other social institutions. A child whose desire for initiative and innovation is constantly blocked by the society will not suddenly transform himself on becoming adult.

There is another aspect of our culture that is a hinderance to the progress of voluntary organizations. We prefer to give individual charity rather than contribute to organizations. This may be done to gain God's blessings or to ease one's own conscience momentarily, but it certainly misdirects the philanthropic spirit and, in a way, supports beggary. For example, the Red Cross in Peshawar placed boxes at various shops so that the shopkeepers could regularly drop money into them instead of giving it to beggars. After a short period the Red Cross found that only a small amount had been collected in this way while beggars continued to get their share. The project had to be abandoned.

A great deal of apathy in our country is the product of our peculiar socio-economic conditions. When most of the people are living

12. *Ibid.*, p. 62.

at subsistence level, it is extremely difficult to find surplus money and energy to give to promote voluntary activity and organization. All energies get dissipated in the struggle for the humblest of living. "People living close to subsistence level do not have the leisure to be creative."[13]

A social institution can come into existence and once created can survive only if there is a felt need for it in the society. In our society our close association with the family and the fact that large and extended families are still in existence obviates the need for voluntary organization. These and similar substitutes reduce the likelihood of our seeking others and joining hands to deal with our social problems and needs. No doubt an organised body is much more effective in dealing with these matters. But, firstly, there is little appreciation of this effectiveness and, secondly, if there is appreciation it is not sufficient to break through the normal barriers.

The total effect of these factors is that there is no inner dynamism, no moral vitality and no 'creative minority' to (borrow a phrase from Toynbee) at work in our society. It has many political and social consequences, and very important ones, but one consequence is that organised voluntary activity becomes difficult to sustain.

It is against this background that the district administration acquires immense importance for successful functioning of voluntary organizations. It can give them life sustenance when they find it difficult to get from the public. When a voluntary organisation faces difficulties or succumbs to internal rivalries, three suggestions are usually put forward.

a) That a government department should take over the responsibilities of rendering the service e.g. take over a private school and do away with the organization.
b) That the government should conduct an investigation into the affairs of an organization, set the matters right and withdraw.
c) That the government should have administrative control over the organization.

The first suggestion is no solution. The practical difficulties in the way of government trying to perform each and every function has already been discussed. The second suggesion is really a temporary device in dealing with an emergency situation. The third suggestion, however, needs a closer examination.

13. Leonard W. Doob, *Becoming More Civilized* (New Haven, 1960), p. 37.

There are several reasons why people favour governmental control in such a situation. a) People have acquired over the years an joining together they seek outside help. c) A great deal of trust is still reposed in a person holding a public office. People are more ready to trust an official with their money than a member of the public. Strangely enough this trust exists alongside the widespread suspicion of government and frequent complaints of corruption and inefficiency against officials.

This, however, is only one point of view. There is an opposite point of view which conceives of an inherent opposition between bureaucracy and voluntary activity in the field of welfare. During our study several people expressed the opinion that voluntary activity would flourish only if official control is removed completely. Masihuzzaman's view on this issue has already been presented. There are other people holding similar views. One writer says that the present administrative structure is unsuitable for welfare. He further says that "law and order, revenue, politico-administrative security, a preservation of the power structure and the status quo—all aspects unconcerned with or even inimical to economic development and social welfare are still the major preoccupation of ..... officers".[14] There can be no dispute about the fact that traditionally welfare was not the responsibility of our administrators. It is also true that there was a premium on the preservation of power structure and the status quo (this may still be true). But it is rather an exaggeration to characterise all government activity including law and order, revenue collection, and politico-administrative security as "aspects unconcerned with or even inimical to economic development and social welfare." In a broad sense maintenance of law and order and national security are also welfare jobs. Welfare is not simply looking after a handicapped person or helping a poor man; it is also the preservation and protection of the life and property of all citizens. What kind of welfare would it be if you give clothes to an orphan today only to allow them to be stolen tomorrow? And then the state cannot perform welfare duties that are its responsibility if it does not collect revenue to finance its programs. Furthermore, you require some machinery and officers to perform all these duties. Bureaucracy in that sense is a necessity. The fact that a particular official, or a class of officials is corrupt or inefficient is more a probem of individual and social morality, of public vigilance, of political maturity, and less of the structure or the system as such. Even if we agree that the structure is defective, then, till such time as it is

14. Hasan Habib, 'Government and Social Work' (a paper read at the Social Seminar held at the Pakistan Academy for Rural Development Peshawar, in December, 1963), p. 9.

changed, it will be better if it is used more effectively. Given necessary goodwill and ability inside and outside the administration, it is not a difficult task.

So, there seems to be no inherent opposition between welfare and voluntary activity on the one hand and bureaucracy on the other. Given proper attitudes and orientation, the bureaucracy can play an important role in the working and promotion of voluntary organizations. This is specially true in view of the prevailing conditions in which the agencies feel starved of the 'contributors', 'workers', and even the 'recipients' of their services. The district administration can substantially help the organizations in removing these inadequacies. In some cases this help becomes a sheer necessity. The advantages that can accrue from such an association are:-

1. Proper government grants will be available. Besides, an organisation will be getting more money from private sources for a) it will acquire greater prestige by this association and b) people will consider it more trustworthy and deserving of their money.
2. The organisation will have the advantage of ready services of an educated and informed official available to it.
3. Incidental frictions and conflicts with the administration can be avoided.
4. An enlightened administration with the power and means available to it can help in creating proper atmosphere and in evoking people's interest and initiative regarding an activity.
5. The activities of an organisation can be brought into line with the national programs. They can also be coordinated with those of a government department working in the same field.

These benefits are quite important in their own place. But there are at the same time some dangers involved in such an arrangement:

1. Since bureaucracy tends to be conservative, it may impart an attitude of resistance towards change which can prove deadly to welfare.
2. It may rigidify the inner structure of an organisation and thus rob it of its special strength i.e. flexibility.
3. Administrative control might curb the initiative of people within the organisation, for they may look upto the authority for all decisions. Leadership is already scant in the society

and finding no rewards in terms of rise to prestige or an office within the organisation, it may turn away from the organisation, or may not develop at all.

4. Administration is already overworked. The population and responsibilities have increased tremendously without a proportionate increase in the administrative force. Therefore, officials may not have sufficient time to devote to voluntary organisations.

5. Officials may not be interested in such work. As a foreign observer remarked, "they are not all terribly interested in all organisations."

6. Power relations between any two organisations are usually very tricky and lead to organisational waste, jealousy and tensions. There is possibility of even greater complications when the organisations involved are as different as district administration and voluntary organisation.

All these dangers are real. At the same time we find that in view of the difficulties and problems faced by the organisation it is necessary and desirable that the district administration should come to their help. On the basis of our study we reached the conclusion that there should be no arbitrary control by the administration, nor should any particular arrangement be accepted as a permanent one. The association between bureaucracy and voluntary organisations should be transitional i.e. it should continue only till such time that leadership, workers and voluntary contributions are forthcoming from the society. The dangers inherent in such an association can be removed or at least minimised by taking the following steps:-

1. An official should be a member of the executive committee rather than the head of a voluntary organisation. This will avoid domination, reduce dependence and yet have the benefits of the association.

2. District administration should be represented in a voluntary organisation through an official of department which is related to the type of activity the organisation is engaged in. This will ensure a minimum interest in the activities on the part of the official besides giving the organisation a benefit of expert knowledge.

3. An official should be associated only with so many organisations that he possibly can attend to.

4. Administrators and officials should receive some training in the welfare work and in the operation of voluntary organisations.

5. There should be an organised plan to transfer control of voluntary organisations to private hands in cases where official control subsists.

Seeing things in the broad perspective, we feel that as the time passes public needs would increase and administration would find itself increasingly involved in the welfare work. Although it is desirable that more and more welfare benefits are guaranteed by the state as a matter of right for the citizen yet it will neither be practicable nor efficient that government perform all the functions. To us, the problem does not appear in the form of 'either—or' but in the form of complementary roles. The administration should encourage and help private organisations and the private organisations should supplement the government activities. The sound way of promoting welfare and effective development is the one in which schemes are not merely handed down from above or left to individual enthusiasm and in which the dichotomy of administration and people disappears and all available potentialities of the society are used for the common benefit.

DEPUTY COMMISSIONER IN OPERATION — A CASE STUDY

Mir Naseem Mahmood

The District Kamalpur[1] is adjacent to Qadirabad and Khaqan districts on one side, Jalalpur on the other. One border of the district is common with India for nearly 185 miles. Travelling along the border one may find two wheels of his jeep in Indian territory and two in Pakistan.

The population of the district is roughly one million. It consists of an almost equal number of colonists who have migrated from up country and settled in the district and *riastis* who are original inhabitants of the district. It has more cultural affinities with the Khaqan and Qadirabad districts than with the state districts of Jalalpur and Sultanpur. The riasti people constitute a very sizeable minority in the district. A railway line and a canal passing through Kamalpur district are dividing lines between the two types of population. The colonists are on the whole more progressive, more educated, more self-reliant and better off than the riasti population. The sub-soil water in the colonised area is brackish while that in the riasti area is sweet and offers considerable opportunities for tubewell installation.

The Kamalpur district was carved not many decades ago, out of Jalalpur district. Many of the vital records pertaining to lands etc., are still located at the headquarters of the Jalalpur. Important cases continue to be sent there for consignment to the record room.

II

At the time of my posting to Kamalpur I noticed that there was no assistant registrar Co-operative Societies, no divisional forest officer, no agricultural engineer, no assistant director animal husbandary etc., in the district. The district officers of these departments stationed at Jalalpur were expected to look after Kamalpur district in addition to their other duties. In a lighter vein I suggested to the

1. All names used in this study are fictitious.

Divisional Council that either wholetime officers of these departments be posted at Kamalpur or the headquarters of the deputy commissioner, Kamalpur may also be changed to Jalalpur.

In accordance with the cultural patterns of the original inhabitants i.e. the riastis—theft of cattle had been almost a traditional pastime and receipt of stolen cattle property almost a symbol of status. Partly due to these cultural patterns and partly on account of the fact that the Indian border runs along almost the entire southern part of the district, the law and order situation was not very satisfactory. After independence a good deal of smuggling activity had taken place with the result that several persons including refugees had amassed considerable fortunes. The cleverer amongst them either discontinued their smuggling activities or reduced them especially after the imposition of Martial Law. Some of them had sought and obtained political status. This status was obtained either directly through contesting elections or through supporting candidates for the Provincial and National Assemblies. Robbery and dacoity were endemic. Whenever the district administration, particularly the police, was headed by a weak or corrupt person—and this district had slightly more than its fair share of the type—the anti-social elements raised their heads again. Some pockets were known to be infested by robbers and dacoits and it was not safe to travel after dusk along certain canals and distributories, especially those near the border. Harbouring of criminals was blatantly practised by some 'influential' persons.

Lest this gives an exaggerated picture of the law and order situation, it must be said that on the whole the people expected police protection and the overall picture was that of a settled district where the rule of law held supremacy.

At the time of independence there had been a sizeable migration of the Hindu population from the district. The lands and buildings vacated by Hindus were occupied by the local population, the refugees or the revenue officials. Systematic and proper rehabilitation operations were not taken in hand in the districts till 1956. In 1962, a good portion of evacuee lands and property still remained unallotted. It was widely held that the resettlement operations in the district were carried out less on the basis of equity than at private auctions by patwaris to the bidders who would grease their palms most.

The patwaris concerned with the rehabilitation operations had played havoc with the records. Tampering, deletions, erasures, tearing of

pages, substitution, even destruction of entire *jamabandies* (record of ownership) were freely resorted to. In consequence it became very difficult to hold on to the legal fiction of correctness of the revenue records. The patwaris were not alone in such misdeeds. In one case at least it was common knowledge that a rehabilitation tehsildar who had been transferred from a tehsil in the district two years before, continued to confirm or de-confirm allotment of land and to alter rehabilitation records from the place of his new posting which was some 200 miles away. All this had given rise to much litigation. In one case a conscientious revenue officer told me that he had been asked by a zamindar to help him to get Rs. 4,000/- back from a patwari who had taken it as a bribe from him about a year back without alloting any land in lieu. Surprisingly the patwari owned upto this misdeed and paid the money back when the revenue officer intervened. This same zamindar saw me and said that that very patwari had obtained another Rs. 7,000 from him in another case and he wanted me to help him to get the money back.

Several patwaris had built quite costly houses at district and tehsil headquarters and about sixty patwaris were reported by their senior officers to be living at district or tehsil headquarters rather than in their circles. All efforts to persuade or coerce them into residing in their circles had failed. Action would be delayed in spite of directions by the senior revenue officers and inspections by the deputy commissioner. The various currents and under-currents in the district administration made it extremely difficult to take drastic action in such cases. Even after several efforts on my part, more than half of these patwaris still resided at the district or tehsil Headquarters at the time of my transfer after a 15 months stay.

The deputy commissioner's office was headed by a superintendent who was notorious for dishonesty and misdeeds.[2] Important 'seats' e.g. the arms licensing clerk's the registration assistant's, the head vernacular clerk's etc., were alleged to be 'sold' by him to the highest bidders from amongst aspiring officials. Two estates in Court of Wards were in arrears of more than Rs. 2 lac and the Wards got practically no income out of them. The papers regarding these estates remained under direct charge of the office superintendent who would bring them to the notice of the deputy commissioner after a lapse of months and only as it suited him. A large majority of the district ministerial establishment were estimated to be earning at least twice as much through corruption

2. This superintendent was transferred at my instance a few months later. He was suspended after my transfer.

as through their salaries. Those in important 'seats' were earning many times more. The deputy commissioner was without any personal assistant or additional deputy commissioner rehabilitation, or additional deputy commissioner revenue. He was working as deputy rehabilitation commissioner and additional rehabilitation commissioner as well. Two days in the week had to be spent in hearing revenue cases and rehabilitation appeals. Besides, there would be a good deal of revenue and rehabilitation work during the three days in the week fixed for tour.

The Irrigation Department figured high in the list of grievances (real and imaginary) of the people. Periodic changes in the sizes of outlets, canal closures without warning, distribution of the treasured canal water supplies were said to provide opportunities for corruption. Even superintending engineers and executive engineers were not spared allegations of dishonesty.

The whole of the district was without any printing press or newspaper. A few newspapers and weeklies carrying local news were published from Jalalpur. Their circulation was extremely small. Men of dubious character had been accredited as their correspondents. It may be of interest to know that the correspondents paid the newspapers for being so accredited. They would also have to pay to the newspapers according to the coverage they obtained—the reasoning being that they must have maligned the victims of their blackmail proportionately. News items giving undeserved praise or blame to officials in the district were fairly common.

The hold of the *Ulema* (religious scholars) over the people was perhaps a little more than in the central Punjab districts. The Ulema were divided into the traditionalists and the progressive sects. Bitter controversies sprang up between the Barelvies and Deobandies. The latter were more learned as a class but the former were nearer the popular sentiments. Religious meetings were well attended and were periodically resorted to by the Ulema to obtain funds for the institutions of religious learning which were patronised on a considerable scale. Religious education was also given in mosques (together with some secular education), and District Council funds—to the tune of Rs. 1 lac—were given to such institutions as subsidies. No attempt had been made by the government to train the Ulema or to press them into service for national development. There was very little effective supervision over the religious schools.

The district had an illitracy percentage of 92.6 which was amongst the highest in the province. The colonists were much aware of the need for education than the riastis who would not even send

children in sufficient numbers to the existing schools. The practice of 'copying' even at Board Examination was rampant; many invigilators actively abetted this practice. Absenteeism was fairly common among the rural teachers. The district inspector of schools frankly admitted that he was timorous about any action against the absentee or inefficient teachers.

This district lagged considerably behind other districts not only in the staff as mentioned above but also in facilities and amenities such as school buildings, dispensaries, hospital and above all, roads. Only a branch line connected Kamalpur to Jalalpur. For want of a railway line along a ninteen miles stretch the journey by rail from Kamalpur to the provincial capital was nearly 300 miles. There was no pucca road between Kamalpur and Jalalpur. Even within the district the pucca road mileage was very small.

Part of the district was very badly affected by water-logging and salinity. Big drainage schemes had been made but the change in administrative responsibility from the Irrigation Department to Water and Power Development Authority (WAPDA) and the delay in the underground water survey had led to their being shelved. The main canal in the district was getting only 2/3rd of its water supply for want of desilting over the years. The land revenue of one tehsil (worst affected by water-logging and salinity) was felt to be exorbitant. The tenants who had been given land under the land reforms were unable to muster credit for cultivation needs or even to pay their instalments for purchase of the allotted land. The total impression was one of lack of integration — even a sense of estrangement — between the officers and the public, between the urban and rural population, between the Basic Democracies and the constituent villages, even between the chairmen Union Councils and members.

II

Confronted with this situation it was realised that the tasks that should have priority were —

1. Strengthening the co-ordination between the Nation-Building Departments so that they should serve the people as a team.
2. Contacts with the people so that on the one hand their grievances should be found out and removed and on the other hand their priorities on the development side should be elicited.
3. Minimising of corruption in the administration.
4. Getting personnel and financial help from the divisional and provincial level.

To take up the last point first, it is gratifying to record that the Divisional Council gave full support to the railway line project (which has been included, I understand, in the 3rd Five Year Plan). Efforts to induce WAPDA to give higher priority to tubewell installations in the water-logged areas of the district did not fructify though individual efforts did lead to some increase in their installation. The absence of the Co-operative Department staff made co-operative efforts extremely difficult.[3] During my tenure I had the satisfaction of seeing that the Irrigation Department led by a capable chief engineer and a conscientious superintending engineer did desilt the silted canal. The question of reassessment of land revenue was taken up in the Revenue Department (it is still under consideration). It was decided that iron mogas should be installed to check tampering. This improved water supplies to the tail enders to a small extent. The irrigation sub-committee of the Distric Council streamlined many procedures and removed many misunderstandings. A capable executive engineer of the Building and Road Department completed the Kamalpur portion of the highway from Kamalpur to Jalalpur.

An effort was made to strengthen the links between officials and public institutions. First and foremost the monthly meetings with the revenue officers were made more regular and more democratic. The officers of the Basic Democracies Department including the assistant director and development officers were invited to attend meetings and participate in discussion. This was at first resented by the revenue officers but proved very fruitful later. The intention was to use the prestige of the revenue department for development through Basic Democracies. It was also hoped that a welfare bias would thus be given to the administration. These meetings strengthened co-ordination. It was, for instance, made compulsory for patwaris not only to attend the tehsil headquarters on the first five days of the month and be available to the people who would come to the tehsil headquarters, but each patwari was also directed to attend every Union Council meeting in his circle with his record to help the chairman of the Union Council, in entering any mutation cases and to provide any other information to the people on that date. The revenue officers as assessment authorities were asked to tackle the huge arrears of the professional tax which had accumulated over the previous two years. Similarly, without actual use of coercion they would persuade the people to pay the Union Council taxes which had been imposed shortly before and during my tenure and about whose sanctions the public mind was not very clear. Officers of the Agriculture

3. Before I left the agricultural engineer's staff had been posted in the district. Similarly a whole-time assistant registrar Co-operative Societies was posted shortly after my departure.

Irrigation, Animal Husbandry and Health Department were also asked through their district heads to attend the meeetings of the Union Councils regularly. Officers at the tehsil level were similarly directed to attend the Tehsil Council meetings. The District Council meetings were held more frequently and regularly and the proceedings were published. Each meeting of the District Council was preceded by a meeting of the district co-ordination committee which consisted of district heads of Nation-Building Departments and a few non-official members of the District Council. It was gratefully noted that over the months many officers at the district level began to work whole-heartedly for the development of the people through the Basic Democracies. Hardly any of them was a problem. It is believed that frequent democratic meetings and informal contacts at dinners and in club helped to foster these friendly feelings among the officers.

Meanwhile a systematic tour program was devised to ensure that each Union Council was visited by the deputy commissioner-together with heads of Nation-Building Departments e.g. Irrigation, Public Works, Agriculture, Education etc., once in four to six months. Sometimes these officers would attend the meetings of Union Councils as observers and give their comments about the questions raised and the conduct of business towards the end. At other times there would be meetings of the question—answer type. The budget of the Union Council, importance of taxes for development, responsibilities of the people in fostering a clean administration and the development and law and order needs would be invariably discussed in these meetings. Melas (fair) and sports competitions were organised at the Union level culminating in tehsil and district fairs. These involved widespread participation and cooperation between departments. The high water mark was touched through a district level Seminar of Basic Democrats which attracted attention beyond the division.[4]

During the course of the discussions with the Basic Democrats it transpired that almost all the people in one of the tehsils felt the absence of a pucca road linking two important towns. Forty miles of this road would pass through the Kamalpur district. The matter was discussed in the Tehsil and District Councils and the people expressed willingness

4. Description of the physical achievements in bridges, culverts, roads, schools, dispensaries, tubewells, destruction of wild boar, locusts and rodents etc. would make this paper too lengthy. It may, however, be mentioned that the Union Councils which had Village AID experience and those which had Village Councils or Village Sub-Committees did better in the development sphere. Awards were mostly recommended on basis of development work. Here too the grievance of the political leader was that his party men should have obtained more awards which should have been recommended after consultation with him.

to undergo considerable sacrifices for getting the road built. About 100 meetings were held with the Union Councillors in the tehsil. Later a road building committee (including some able Ulema who lent support to the project) was formed. It realised nearly Rs. 1 lac as voluntary contribution by the better off people in the area. The Press too gave unstinted support to the project. The District Council contributed another Rs. 10 lac out of its own funds. All the Union Councils ultimately passed resolutions taxing themselves on the basis of the landed property of each cultivator owner and it was hoped that a sum of Rs. 10 lac would be collected thereby over the following two years. It was also hoped that government would contribute the remaining Rs. 20 lac or so for building this important road. I understand that the project (in the form proposed by me) has not found favour with my successor on account of some legal difficulties.

The budget of the District Council was so allocated that each pair of Union Councils would have one medical dispensary and one dispensary for cattle. Efforts to educate the local population about the need for taxation by the Union Councils and for prompt payment of these taxes were intensified and yielded results in the form of nearly 50 per cent realisation. This compares favourably with many advanced districts.

A seminar of the deputy commissioner's office staff was held to make them aware of the problems in the district and their role. It cannot be said that the results of the seminar were revolutionary but it was felt that the better among the officials realised their responsibilities a little more clearly. Incidentally, it was brought out during the meeting that the basic needs of a clerk's family would be in the neighbourhood of Rs. 175 for the barest standards of housing, feeding, clothing and education of children. Many of them were getting much less. The patwaris were not getting even half the amount.

After a good deal of discussion with the officers we reached the conclusion that the individual approach to the removal of corruption would not be fruitful. It takes two parties — the official and the public — to settle a dishonest deal. The question of eradication or decrease of corruption was discussed at the various levels of the Basic Democracies. Later residents of one Union Councils made a solemn and unanimous promise that they would not offer any bribes come what might. Simultaneously all the Nation-Building Departments and the Police were asked to devote special attention to this Council so that the people were not forced to offer any bribe. After three or four months it was found that only two cases of bribery had taken place in this Union. This example was brought to the notice of other Union Councils some of which began to consider adoption of similar measures in their own areas.

It is the present writer's firm belief that something drastic would have to be done if the people's sufferings at the hands of the patwaris are to be mitigated. Perhaps we may have to dispense with the patwaris as a class and substitute them with educated girdawars, (supervisor of patwaris). Their present outlook and emoluments are a standing menace to the revenue administration. As an experiment the patwaris of one circle were housed next to an energetic chairman of a Union Council and under the direct supervision of a girdawar known for his integrity. The girdawar worked as a superintendent of the records which were placed in a room and were not be removed by any patwari except with the sanction of the girdawar. Any one having work with the revenue officials would approach the girdawar direct and not the patwari. However, the patwaris were expected to tour their circles two days in the week to find out if any mutations were required to be entered. A possible criticism that the people would have to travel some distance to reach the Union Council headquarters would be answered by the fact that people already had to travel long distances to tehsil headquarters in search of the patwaris who would hardly ever remain in their circles. The people were quite happy with this experiment; so were the chairman and the members of the Union Councils, but the patwaris themselves were frustrated because of their restricted movements and decrease in the chances of 'grab'. For successful working of the system a number of really efficient and honest girdawars would be required. A seminar-cum-refresher course of the girdawars, was also organised so that they could be induced to discharge their responsibilities honestly and diligently.

A very capable, intelligent and honest superintendent of police was posted at Kamalpur shortly after I took over. The officer was diligent in maintaining not only correct but cordial relatoins with the deputy commissioner. His house across the road helped a good deal. All the daily happenings in the law and order sphere were discussed informally and most of them so decided. Some people including one or two lawyers and a few zamidars tried to create a rift between the magistracy and police. These attempts were successfully resisted. It must, however, be said that those people who wanted undue advantages were not happy with this state of affairs. As one of their political leaders frankly confessed to me: "People are happy when there is a rift between the deputy commissioner and the superintendent of police." Shortly afterwards a gang of dacoits started their activities in the district. They were successful in the first round. The causes of our failure to curb them were frankly discussed. It was decided that if the dacoits visited again the police force would be led personally by the superintendent of police. When the gang visited the district next time, one of them was wounded and another was

apprehended. They fled across the border where two of them got killed. This led to the restoration of peace in the district.[5]

One of the earstwhile smugglers was a member of a Municipal Committee in the district. His cousin and brother-in-law was the chairman of Town Committee. Another smuggler had settled down in one tehsil after amassing a few lacs of rupees. All these persons favoured one political party candidate who got returned. The chairman of the Town Committee was hardly literate and would not cavil at misappropriating even Rs. 20. The affairs of this Town Committee were going from bad to worse. The income was going down and huge arrears were accumulating. This chairman would manipulate the existing law, rules and regulations in order to help his friends or extract money from the local traders. The affairs came to such a pass that suspension of the Town Committee had to be recommended. It was, however, pointed out to me that no Town Committee in West Pakistan had been suspended till then. According to the advice received the chairman was asked to resign. This he complied with reluctance. The news of the resignation of the chairman was received with extreme displeasure by the chairman's smuggler relative — member of the Municipal Committee. Meantime the pistol license of the smuggler who had amassed a good deal of money was suspended at the instance of the superintendent of police, who was shocked to find during his inspection that the man had no arms license at all. The chairman of another Union Council who was harbouring a dacoit was interrogated by the police and asked to surrender the criminal. Unfortunately this chairman also had links with the same political leader. All these actions were, therefore the cause of oral representations by the political leader. Each time it was explained to him very carefully why the action was taken. Each time he would go away apparently satisfied.

One of the two best friends of this very political leader was a big zamindar who had been tried (and acquitted) for the murder of his real brother for the sake of land. This land was one of the two areas under the Court of Wards. Over the previous years hardly any income had accrued from this land to the widow and orphan to whom it belonged. The modus operandi of this zamindar was to get the land leased in favour of one of the zamindar's henchmen who would omit to pay the lease money to the government. On the representation of the widow and

5. We were given every encouragement in this difficult task by the deputy inspector general and the commissioner. After my transfer and that of the superintendent of police which followed shortly afterwards, some of the corrupt sub-inspectors of police who had been removed at the instance of the superintendent of police were retransferred to this district. It may be sheer coincidence that after this there have been two dacoities again in this district.

orphan the papers were dug out and in spite of all pressure the lease of the land was put to auction. This ensured a very good income to the widow and the orphan but it was very much resented by the big zamindar who in the meantime had acquired a key position in a political party.

III

All these aggrieved persons and their mouth-pieces complained about "the high handedness" of the district administration to the highest quarter. However, it must be said to the credit of higher administration that no question or explanations were asked.[6] After two or three months of these complaints I found myself transferred to another organisation. Before I joined as deputy commissioner the head of this organisation had asked me to work for the organisation. I had said I might be able to do this after about one and a half year's experience as a deputy commissioner. To this day I do not know whether my transfer was the result of that request or the mechinations of the persons described above. I do, however, know that some two or three weeks before the orders it was widely circulated by some of these persons that I would shortly be transferred. I must, say that with my background of Village AID and my own inclinations the decision to give me a new assignment was perfectly justifiable.

On the eve of my transfer there was scarcely concealed jubiliation among the 'powerful' elements in the district. The patwaris were advertising celebration of a 'deliverance day' but (let me record it with a deep sense of gratefulness and humility) prayers were said in many mosques that the transfer orders be cancelled.[7]

6. In retrospect I consider it a serious lapse on my part to have failed to introduce myself and my work to the authorities beyond the divisional level.
7. Throughout my stay one patwari was dismissed and half a dozen were suspended. I received several anonymous letters reminding me of the fate of Doctor Khan Sahib (who was killed by a patwari).

PART IV

Reorganisation of District Administration

This part of the book is designed to consider how district administration might be reorganised in order that it could become more democratic, more efficient in executing development programs and more able to reflect the national commitmnet to rule of law.

Raja Muhammad Afzal Khan's paper "Reflections in Reorganisation of District Administration" examines various alternatives for reorganising district administration and pleads for an experimental rather than a conservative attitude in evaluating the affectiveness of the present district set-up.

Mr. Masihuzzaman's paper analyses the relationship of Basic Democracies and district administration. His thesis is that in its present form the Basic Democracies structure has been subordinated to district administration. If Basic Democracies are to become a viable system of local self-government, the present district administration must be reorganised. He makes concrete proposals for effecting this reorganisation. Mr. Moini's paper on "Coordination of Governmental Activities at the District Level", examines several possible changes in the mechanism of coordination at the district level including politicisation of the office of coordinator, fragmentation of the present set-up or its improvement. Mr. Moini pleads that the present arrangement should be improved rather than replaced. He makes a few suggestions to achieve this objective.

Dr. Naseem Hassan Shah's paper "Separation of the Judiciary from the Executive" traces the relationship of the judiciary and executive and the efforts made at separation of the two organisations in the past. He pleads that a combination of powers does not help in achieving the ends of justice. Dr. Bashir A. Khan's paper "District Administration — A Study in Separation of Power", pleads that a combination of power at the district level was resorted to by the British in order to control the subjugated people. He does not favour separation because it is likely to weaken the executive in handling the law and order problems. He advocates the separation of the revenue organisation from the executive, however.

REFLECTIONS ON REORGANISATION OF DISTRICT ADMINISTRATION

Raja Mohammad Afzal Khan

A closer examination of the district administration is necessary because this is the machinery which on the one hand filters and on the other sublimates all development activities — in particular, activities relating to rural areas. Efforts are being made at fairly wide scale to train the persons who run this machinery or run other machineries which help this machinery to run, so that they can get better equipped for securing best results from the existing resources. The mandate to the various institutions engaged in this task — of course implied because it couldn't be otherwise — is that since it is neither desirable nor possible to bring about any major change in the design of this machinery which has withstood much battering and many trials and tribulations, the training should be in direct relation to it and directed towards emphasising its capacity and capability to meet the challenge of development.

The pattern of district administration as it was bequeathed to us by the seasoned British administrators and which we have tried to preserve faithfully and upto a certain extent quite skillfully, is quite familiar. But for the closer examination of this pattern one great handicap is the meagreness of the material prepared by our own historians and scholars documenting chronologically the evolution of this administration. The other handicap is the general scepticism, particularly among the representatives of the technical departments and some enlightened representatives of the people, about the suitability of this pattern to the needs of a developing country like Pakistan.

In the matter of pooling the thoughts and knowledge of all those interested and experienced in district administration so as to produce some kind of authentic collection of written material questions such as the following had to be answered —

a) What is district administration?

b) Why is it so vital for the purposes of development?

c) What are its areas of strength and weaknesses?

d) If need be, should a certain amount of risk be taken to change its pattern and if so how much risk will be involved?

e) If the pattern is not changed, how should the district administrators and those who work with them or supervise their work, be trained so that the complex problems which the district administration of today faces can be satisfactorily met?

These questions can be multiplied. In fact many officers and quite a number of public representatives ask many more questions some of which are quite embarassing. When questions, particularly those which are embarassing, are asked by public representatives, they can be ignored on the plea that they are being asked by those who know not what they say, but when the same questions are asked by government functionaries themselves, who carry out government policies after being actively involved in the actual framing of them, they cannot be brushed aside lightly.

In an attempt to answer these questions and to examine district administration sufficient stress has to be laid on pointing out how complex this administration is, who are involved in running it and how very important coordination and planning is between the various segments comprising this complex. All this information is needed very badly to straighten the sights of those who are committed to the task of development, particularly rural development and are basing their efforts on certain hypothesis which must be confirmed before any sound results are achieved.

One major assumption on which rural development efforts can be based is that rural development is essentially a matter of rural administration. This can be illustrated by a few simple examples. For instance, it is not rural development if people in rural areas continue to become victims of smallpox. The health department can prevent this by vaccinating these people against this fell disease. The department has been carrying out vaccination campaigns year after year. If inspite of this some villagers, who have been vaccinated, get small-pox, there must be something wrong somewhere. Perhaps the villagers did not let the vaccine get absorbed in the skin (there have been instances where village women have sucked the vaccine while fresh and have spat it out) or perhaps the vaccine was not potent enough. In either case the situation could have been remedied by sufficiently educating the people before taking action in the first case and in the second by taking the necessary

precaution of bringing the vaccine to the villages in proper containers. Psychologically one dud vaccination after which the person vaccinated gets small-pox is much worse than no vaccination at all.

Again take the case of an agricultural assistant vehemently advocating the use of chemical fertilizers or insecticide until the farmers get worked up and offer to try the new stuff. Now if the departmental supply line fails and the farmers do not get the fertilizer or insecticide or whatever the agriculture expert has asked them to use all his earnestness is taken as a big farce and he would never be able to face this audience again.

Efforts of many departments — very laudable ones too from all counts — have been taken by the rural people as big farce, because unfortunately the departmental administration at field level has not kept pace with these efforts. This is tragic but it is true. Hence would it not be wise first to stream-line the rural administration before approaching the rural communities?

Another important assumption on which rural development effort must be based is that if it has to become an ever-challenging and self-perpetuating adventure, rural administration must be gradually taken out of the inherently cramped bureaucratic channels and passed on to people's hands. This has been done in more advanced countries where the equivalent of district administration is local government. For the time being this change over is perhaps neither desirable nor possible in this country, but obviously the Basic Democracies scheme is a step in that direction. Under this scheme it is the responsibility of the district administration to train the people's representatives in the art and techniques of administering their own affairs. How far is this administration capable of shouldering this responsibility, is another aspect which has to be carefully examined.

It has been hinted earlier that among the technical departments and educated section of public there is some scepticism about the present pattern of district administration. This scepticism springs from a natural hesitation to admit that even after independence the need for keeping power and authority in the district centralised in the hands of the deputy commissioner still exists.

Those who are staunch supporters of the office of the deputy commissioner argue that the need of this office has increased since independence because with so many ambitious development schemes in the offing and with technical departments traditionally at loggers-head there must be somebody to coordinate the activities at the district level so that a balanced development takes place. It is further argued that for

the pace of development to be accelerated law and order must be maintained and no-body can be more competent than a deputy commissioner of the colonial ilk to do so. If people had been capable of looking after their own safety and respectful of each others rights and were not looking upto the deputy commissioner for everything — including the arranging of even cultural shows and sports tournaments what to say of cleanliness weeks and literary and scientific conventions and seminars — the picture of district administration might have been different.

On the other hand those who consider the office of the deputy commissioner to be an anachronism in a country wedded to the principles of democracy, argue that in the colonial era this was a political office through which the supremacy of the white man was continuously hammered into the heads of the people. There was an odium attached to it. Hence it would perhaps have been in the fitness of things if this office too had been allowed to go the same way as the colonial rule. These persons further argue that this office is a symbol of a remote centralised authority and is on that account held by an individual who is an agent of some body else and who can not by any means be the leader of the people he is supposed to serve. If he is temperamentally a good man his contribution to the welfare of these people will at best be negative, because in the event of their interest coming into conflict with the exigencies of government he would be more than satisfied to strive for a compromise solution. On the other hand if he is an indifferent man, he will have no urge to give any recognition to the local needs and aspiration at all. He will carry out orders without trying to understand them himself or making the people to understand them. If people crib his stock reply would be "what can I do? Orders are orders and must be obeyed." A man like that can hardly be expected to make rural development or for that matter any kind of development people's responsibility.

The third argument put forward by persons for whom the office of the deputy commissioner is anathema is that because this office had to be retained, the entire structure of district administration had to be tolerated too. During the colonial rule very senior officers held this office and on that account were able to command the esteem of the representatives of other departments working in the district. Usually these deputy commissioners belonged to the ruling elite. The other departments at the district level too were not so many and not too active. Hence cooperation between them was an easy matter and coordination was not needed at all. Besides these other departments particularly the so called 'beneficient' departments — the word 'beneficient' is significant —

had been set up as an act of graciousness towards the 'natives' and were retained as such. If some of these departments managed to do well, it was accidental because those working in them happened by chance to be patriotic and cared less for status and high salaries. It is well-known that in the colonial days nobody could dare question the wisdom of the rulers. But with the advent of independence, since more and more prominence has to be given to what are now called 'Nation-Building Departments' the wisdom of keeping the deputy commissioner, (who is often time a very young and junior officer) as the captain of a team, in which much older and experienced persons are included, is being questioned. With the ego of the representatives of the Nation-Building Departments, who are naturally very proud of their technical competence, stirred up and with the deputy commissioners permitted impliedly to use their executive powers to ensure that development work is carried out on schedule, the climate of the district administration is no longer as healthy as it ought to be to make developmental effort a joint responsibility of all — the government functionaries, the people's representatives, the people themselves and technicians whether within or without the government.

This obviously makes the office of the deputy commissioner quite a controversial office in the total gamut of the district administration. It becomes all the more controversial when its incumbents by and large belong to a service which has more critics than supporters. The other side of the picture is that even the staunchest advocates of the theory that this office should be done away with, do not hesitate to demand the assistance of the deputy commissioner when things go wrong or to get things done when all other efforts have failed. Looked at from this aspect this office seemed to possess magical qualities. They say that one of the reasons of the failure of the Village AID program was that it did not have the blessings of the deputy commissioners and one major reason for the success of the rural works program is that it is deputy commissioner's own program. There is also a story that a rustic was once so pleased with the governor of his province that he prayed (in the august presence of course:) that God may promote him (the governor) to the exalted position of a deputy commissioner. This rustic believed and sincerely too that not a leaf stirred in the district without the permission of the deputy commissioner.

No body would deny that for rural development to become a challenging and self-perpetuating adventure, a new dynamism must be introduced in the administration, generally, and district administration particularly. For this the sacrifice of the present pattern for a more suitable one, if necessary, would not be too great. A cue in this regard

may be taken from the experiment in rural development, which has been successfully tried by the Academy for Rural Development in Comilla (East Pakistan). In this experiment the Provincial Government placed the entire administration (barring law and order) of the thana in which the Academy is located, at the disposal of the Academy. This was a significant break from the traditional pattern and the risk taken was rewarded by worthwhile dividends. If some risks are taken in West Pakistan may be the district administration can be made more virile and inspiring to the people generally. It is not suggested that drastic chang may be introduced straightaway. The plea is for encouragement an assistance to those, who want to try new experiments. The contention that present district administration is the most suitable administrative arrangement for promising development cannot be validated without experimentation with other possible arrangements such as —

1. In one selected district an elected chairman of the district council — preferrably a non-official, may be appointed the head of the district administration with complete autonomy so long as he works in council, to reshape the structures of the various departments to suit the needs of the district. For instance if the district is not rich enough or big enough, it may employ only an executive engineer to look after its buildings and roads instead of a superintending engineer. Many mistakes will be committed to begin with but lessons will also be learned, which nobody gets an opportunity of learning nowadays.
2. In a second district a non-C.S.P. or P.C.S. officer, may be retired military officer or the senior most officer of a Nation-Building Department, may be appointed as the deputy commissioner with full powers to select his own team of district officers, and
3. In the third district any existing commissioner may be given full autonomy to develop the district in whatever way he likes.

These suggestion to some may sound unrealistic, but are they more so than the practice of having a uniform pattern of administration for all districts which has been followed so sanctimoniously for so many years, without realising that each district has its own needs and requirements and the communities living in them have their own genius and that these should be allowed full play! There seems to be no harm in trying several experiments so that each district can find out the pattern of administra-

tion which suits it best. In this context another idea that can be examined is to find ways and means of reducing the number of villages in West Pakistan. The number is so large and unwieldy that no government howsoever rich and strong, can meet the needs of all of them. Take roads alone. In the interest of rural development it is necessary to connect all the villages with at least fair weather roads. To lay these roads would take hundred years and to maintain them year after year will need lots and lots of money. Hence the only practical solution for the government is to undertake to develop the union headquarters villages only and side by side to help the other villages in the union to gradually liquidate themselves — encouraging their populations to migrate to the head-quarters villages. Each union has on an average 4 to 5 villages. If government concentrates on headquarters villages only it will be dealing with 20 to 25 per cent of villages and so it will be very much easier for it to provide all the facilities to them so that in due course of time they develop into self-sufficient small townships. The government can surely find ways and means of experimenting with this queer idea because it has had similar experience in the case of the villages which had to be vacated for the Mangla Dam and Islamabad. Enunciating and pursuing the policy that in future no assistance will be given in the matter of development to villages other than the union headquarters villages, ought to do the trick.

These may appear fantastic ideas but we must remember that there is a substantial class of people, who believe that the very fact of independence connotes change — change in outlook, change in approach, change in the pattern of things and change all round so that the goal for which we made so many sacrifices at the time of gaining our freedom is brought nearer to its achievement.

They say change is the spice of life. It would of course be unwise to change simply for the sake of change; but it would be equally unwise not to change when conditions so demand. When we broke the shackles of foreign rule we brought about a cataclysmic change. If we could survive that change — or to put it more appropriatly if our survival depended upon that change, we are surely not going to be mortally hurt by changing the pattern of district administration, which would by comparison hardly appear to be a change at all. Our attitude towards it should be objective and scientific and if we are convinced that in the larger interests of national development (of which rural development is a major component) this pattern needs to be changed, we should not hesitate to do so.

BASIC DEMOCRACIES AND DISTRICT ADMINISTRATION

Masihuzzaman

This paper is essentially a study of the relationship between the District Council and district administration. It presupposes some knowledge of the institutions of Basic Democracies and of district administration among the audience. The object of the paper is to point out some problems of Basic Democracies and to suggest some solutions. The paper omits, among other things, discussion of developmental and community development functions of the District Council.

II

Role of Local Government

It is necessary at the outset to confess to one of the biases of the author. District administration has always appeared to him a misleading term. By any definition of the term government, district administration is a government. It is not a democratic one because it lacks instruments of democracy; but, within the geographical boundaries of the district, all functions of the provincial government are performed. It is a government and to that extent a deputy commissioner is a political head of the district.

The position can be seen in greater clarity if we were to imagine all departments of the provincial government operating in the zones created according to the demands of their functional efficiency. Suppose we did not demand that any department be guided by the boundaries of the district for appointing their officials or creating the operational area of their field administration (as the Central Government departments of railways, post offices, civil aviation). We can easily see that all coordination of departmental activities would have to take place at the provincial level, which is the governmental level. The jurisdictions of various agencies would have been defined by words and not by geographical boundaries. But aside from geographical boundaries, the administrative organization of Pakistan recalls the military bias for unity of command and show-case structures.

It is also necessary to state that in the view of this author, in countries with large geographical expanse, a poor system of communications and a wide variety of cultural and linguistic groupings, local government is essential for the development of a strong, self-reliant citizenry as well

as for mobilizing the resources of manpower lying under-utilized in the villages and hamlets. The author also holds the view that local government has no meaning if it has no control over the police and education and lacks adequate financial resources; that local government should be the dominant institution of the area; that in the earlier stages of development, people should generally look upto the officers of local government rather than those of the province for most of their daily needs; that local government should be an institution which should attract and challenge the ambitious and talented men in the society, that is, it should offer forums, opportunities and power to tempt the best men in the society; that it should be a means to politicize the people, get them interested in local affairs and by throwing heavy burdens of responsibility, compel them to become responsible and enlightened citizens.

It is the belief of the author that behind every experience lies the story of failures, incompetence, and mistakes. The world has not discovered any means of educating people in politics or, for that matter, of training a child in the simple art of walking which does not require patience in the guardians or teachers and ability and willingness to accept failures. The longer the process of training is delayed, the longer will be the time taken for developing the country. Therefore, we should be prepared to see considerable inefficiency, corruption and incompetence among the people who are given power. But without taking these risks and tolerating the mistakes, inevitable in the process, we can never train people in the use of power. Those men who say, "We cannot wait," can take heart from many Latin American countries where impatience has only delayed growth. They can also learn lessons from the USA and the UK where governments blundered through nepotism and corruption rather than depend on trained bureaucracy or benevolent despotism to forge their destiny.

Finally the author sees in the local councils, created under the Basic Democracies Order, a chance and an opportunity to lay the foundations of a sound system of local government. Basic Democracy has another merit that it can secure changes without violence and revolutions. But it is necessary to define our administrative goals and discover where we stand today in order to mark our passage.

III

Problems of Basic Democracies

Fundamental problems of Basic Democracies are problems of its adjustment with the environment in which it must work. It faces the same prospects and dangers as does any new idea in a society based on the foundation of old. It would threaten the status quo and would seek to

re-allocate power and resources between a new and different group. For this reason it would arouse the hostility of classes who stand to suffer from it and win the support of those who hope to gain from it. As a new institution, it has to discover its place and status among the established and powerful institutions of the country.

Since Basic Democracies seek to enhance the public accountability of the public servant and give the people a share in the decision making process at various levels of administration, it is evident that in the event of their success the administrator will lose some of his power and prestige. In effect, it should operate to the disadvantage or even discomfiture of the public servant and to the advantage of the popular representatives. The popular representatives will try to widen the interpretation of the Basic Democracies in order to enhance their power and control over the decision making machinery. The entrenched bureaucracy, on the other hand, would like to narrow and restrict it to ensure that the status quo is not disturbed. If this conflict is not observed, the chances are the Basic Democracies are not succeeding. Ideas and institutions which are accepted without murmur or opposition — covert or overt, intellectual or physical — are likely to be sterile. They are either not new or not worthwhile.

This paper seeks to study the problem of adjustment of the Basic Democracies at the district level. The choice of the level is relevant for various reasons. The Basic Democracies Order creates four local councils, the Union, the Tehsil, the District and the Divisional but assigns functions to only two, namely the Union and the District. At the Union level the local council does not have important rival institutions of decision making, and even if it has, it does not offer as many interesting facets of study as does the District Council. Secondly, as we have seen, a district is the most important unit of administration in Pakistan because most of the executive functions of government are performed here. Finally, the choice of the district has been made because at this level some local government institutions were operating previously, and they have now been abolished because of the introduction of Basic Democracies. Basic Democracies did not enter a properly balanced administrative or social field but one which had been subject to some imbalance due to the abolition of District Boards or District Local Boards. Thus Basic Democracies might have two functions to perform: one of filling in a vacuum and another of displacing some functions of other institutions.

If we recall the panegyrics of the time, Basic Democracies were thought to be the panacea for all administrative ills. They were to usher in the millenium. But as the author has pointed out elsewhere, the Basic Democracies Order is a humbler piece of legislation.[1] Its preamble merely

1. Masihuzzaman, "What is Basic Democracies" in Aziz Beg (ed.), *Grass Root Government* (Rawalpindi. 1963).

says: "Whereas it is expedient to provide for the constitution of Basic Democratic institutions throughout Pakistan and to consolidate and amend certain laws relating to local government." It would be going to the other extreme to suggest that the Basic Democracies are merely an attenuated form of the kind of local government which they have abolished.

There is no doubt that serious efforts have been made by people and institutions who were likely to be adversely affected by it to equate the Basic Democracies with the District, Tehsil and Union Boards. But this is both against the intentions of the law and the law-giver. Besides, the legislation also points to a different kind of organization. It will be our effort to keep before us the image of Basic Democracies, as institutions created to train people in democratic decision-making to enable them to usher in true democracy in the country. We will also suggest measures to make the District Councils conform to their avowed ideals.

The three areas in which the district councils face conflicts relate to leadership, organization and functions and these we will consider serially.

IV

The Deputy Commissioner versus the Chairman of the District Council

Although the deputy commissioner is the chairman of the District Council, one can easily see that these two roles are separable. Thus the power to appoint non-elective members of the Union Councils, the member of the Tehsil Council (with the previous approval of the commissioner) and to recommend appointment of the members of his own council are vested in the deputy commissioner. He has also full powers to conduct elections of the chairman of the Union Councils, to approve, modify, certify and sanction budgets. He has full powers to appoint or remove a secretary and one or more principal officers of the Union Councils and to require appointment or removal of servants appointed by the Union Councils. He can require or prohibit an action by a local council, determine the liability of an official or non-official member of the local council for any waste or misapplication of funds and require him to make good the loss. He can direct the persons having custody of the local fund to make payments ordered by him.

Thus the deputy commissioner has very wide powers over the subordinate local councils and some over District Council. These are not the powers of the chairman of the district council and therefore the status of the chairman would appear to be far below that of the deputy commissioner.

The situation can be seen in its stark reality if we try to visualise an independent office of the chairman of the District Council. Such a chairman might find it difficult to hold the meetings of the District Council, let alone control and coordinate the activities of other departments of government. This is not to suggest that there is no potential for making the chairman of the District Council a powerful functionary. It is to point out that as at present constituted, the office of the chairman of the District Council is abjectly dependent for effectiveness and authority on the powers vested in the deputy commissioner under various laws.

If the District Council is a worthwhile institution, it is important that the chairman should have a legal personality independent of the deputy commissioner. He should derive his authority, status, power, and prestige from the Basic Democracies Order and from the District Council instead of borrowing it from the deputy commissioner. The institution of chairman should be so built as though it were a separate entity and with an idea that if the office of the chairman were separated from that of the deputy commissioner the former should emerge the more powerful of the two.

The appointment of the deputy commissioner as the chairman of the district council is, however, open to other serious objections. Firstly, through the District Council, the orthodox bureaucracy has secured a higher status for revenue collection and maintenance of law and order. Basic Democracies should have given a higher status to development functions and therefore to men engaged in development activities. As it is, technical officers will get less respect than the revenue officers whose chief occupies the chairman's post. This objection cannot be countered by saying that the deputy commissioners have been directed to give more attention to development or no attention to revenue work. As long as they belong to the hierarchy of revenue officials and remain even nominally head of the revenue administration, this objection cannot lose its force. Besides, while the chairman of the District Council should appear to be impartial and non-partisan between departments and departments, and between government officers and the people, the fact that the chairman belongs to the Revenue Department or to the magistracy or derives his status and prestige through his leadership of these officers, will lead to a lack of confidence of other departments in the non-partisan behaviour of the chairman. The District Council might bristle with distrust in cases of conflict between the revenue officials and the officials of other departments. This feeling may be accentuated if the chairman relies more on the revenue officers for enquiries and reports on the

developmental activities either of the District Council or of other departments. It can readily be seen that it will be most natural however, for the deputy commissioner to place, as a general rule greater confidence in his 'own' officers whom he knows and can control than in officers of other departments.

This problem, we may point out, arises only because the chairman happens to be the head of the revenue and magisterial hierarchy. It would not arise if he were only a political head or co-ordinator, without any direct executive responsibility in any department.

There is also the objection that there is a likelihood that the District Council will reflect the concerns and cares of chairman. Persons who stand to rise and fall in their career by the amount of revenue they collect, or the degree of peace they can enforce, are likely to enlist the support of the institutions under their control, not so much for promoting the avowed objectives of the institution as for advancing their own official function and even status. And it is no secret that whatever emphasis may be placed on development, a deputy commissioner will for a long time to come, be judged by the amount of revenue he collects and the extent to which he maintains the peace in the district.

This criticism acquires greater relevance in view of section 29 of the Basic Democracies Order where the chairman of the Union Council is required to assist revenue and police officials but warned not to interfere with the performance of duties by such officials.

Observation supports the fear that the deputy commissioner cannot devote enough of his time to Basic Democracies. It may perhaps be said with some confidence that few deputy commissioners can find more than 4 working days of a month to devote to the work of Basic Democracy.[2] This is indeed natural, because the workload and the nature of his work is already predetermined for every deputy commissioner and the range within which he can vary these is limited. Basic Democracies have not appreciably reduced his routine duties. It has only given him more work to do.

Surprisingly enough, some deputy commissioners themselves object to their being made the chairman. They say that the functions of the chairman of local council are political. He is expected to represent the people without being elected, (this could perhaps be acceptable for

2. According to a study of two districts, the deputy commissioners spent 40 per cent of their time in touring. Out of this one-fourth of the time was spent on problems connected with Basic Democracies. Inayatullah *Basic Democracies, District Administration and Development* (Peshawar. 1964)

sometime, for in his periodical reports he has been used to perform the function of speaking on behalf of the people of his district.) But he is also required to manipulate public opinion, to pilot a project, to secure concensus (even votes) of the people and to pander to the gallery. This is in serious conflict with his administrative behaviour and belief.

For a long time the public servant of Pakistan has maintained a tradition of objectivity and non-partisan behaviour; of rule by wisdom and decision on merit. In the event of any conflict between the individual and society; the minority and majority; the state and the government, he has acted according to his own lights and in terms of his understanding of the law. In doing this, he was not afraid of annoying the minister or the speaker because he knew that if he was in the right and the government in the wrong, the civil service rules and the courts of law would protect him.

As a deputy commissioner, he should enforce law regardless of what the majority of a community or of a particular sect might think of him. Similarly, he must enforce laws regardless of the attitude of the landlords. But as chairman, he should keep the majority happy and carry them along with him. He is on the horns of a dilemma. If he agrees to a majority decision, he violates the rights and privileges of the minority and becomes liable to censure by the court of law. If, on the other hand, he decides to act on merit disregarding the majority opinion, he loses the confidence of his council and earns a bad confidential report as 'tactless'.

Another and equally weighty is the objection of many representatives of the people. In spite of their sincere and serious desire to serve their country, the people in Pakistan find few positions where they can serve it with dignity. Before the advent of Basic Democracies there were the positions of chairman of the district and union boards which gave them access to places of decision-making. And although their area of action was greatly limited by finances, and even their authority was circumscribed, they did not have to serve under the public servant. But now people have no forums at the tehsil, district or divisional level to serve the people except under the leadership of the public servant. Already the posts of ambassadors, chairmen of various commissions, committees, corporations and key policy-making posts are being monopolised by the members of the government bureaucracy. If even posts at the district and divisional levels were to be taken up by them, there will be few opportunities for public men to gain administrative skills or experience which could enable them to function effectively at higher levels of decision-making.

The analysis so far has shown that in order to build up Basic Democracies, it is necessary to build up the status and authority of the chairman of the District Council. We have also seen that the appointment of a public servant as the chairman is open to serious objection.

V

The Public versus the Public Servant

We may now compare the organizational strength of the District Council with other agencies of government. We find that all agencies of the government operating at the district level have a head of the organization. They also have their subordinates in the field and their superiors in the provincial capital. In brief, every agency of the government has an independent channel of communication from the provincial capital to the tehsil or even union level. But the District Council must reach the capital through the deputy commissioner and the commissioner only.

To understand its implications, let us assume that the people of a district have a serious objection to some administrative behaviour of a revenue officer. The matter is discussed in the District Council. If the deputy commissioner decides not to take any notice of the incident, the District Council and the people's representative in the Council do not have any institutional means of reaching higher levels. Or take another case. There is a conflict of jurisdiction between the Department of Agriculture and the Union Council. The members of the District Council raise a question in the District Council. The official member of the District Council representing the Agricultural Department can invoke the help of all his superiors in the government in support of his point of view. But the people's representative has no such organizational support.

Assuming that through unofficial channels the news of the conflict has reached the willing ears of the governor or the President and he calls for a report. The report will be made by the officials. Scrutinised and refined in the distillery of the secretariat, it may lose all the punch and flavour. Besides, it is quite possible that official assessment of an event or a conflict may be correct and yet may be honestly opposed to an equally correct assessment of the same event by other people. Since the representatives have no chance of reaching the government—not under the Basic Democracies Order at any rate—the chance of official opinion getting weightage are greatly enhanced.

Thus we find that the popular representatives in the District Council woefully lack organizational support. We may now turn to some other aspects of organization.

The District Council is composed of official and appointed members and the latter will not be less than the official members. The appointed members shall be partly nominees of the commissioner and partly elected from among the chairmen of the Union Council. It is not necessary to labour the point that the nominees of the government cannot act as representatives of the people. The government has decided to do away with nomination. But it is important to make point that the primary objective of government is to secure public satisfaction. It is not its primary aim to secure maximum utilization of resources. Efficiency, economy and competence are not the ends of government but a means to achieving a people's happiness and satisfaction. Therefore, in democracies specially, and in other governments generally, the ability of a man to carry the people with him, to secure concensus and to secure votes is given greater respect and regard than the ability of a man to speak, write or solve difficult problems of business, science or life. Hence, the importance of election as opposed to nomination or, for that matter, of universal franchise over restricted franchise.

There is another objection and this relates to the method of recruiting the popular elements in the district council. The present system requires popular representatives to fight elections only at the union level. The district has no opportunity to gauge and differentiate between various levels of political leadership that might be in existence in our society. There are some people who have the confidence of the entire district, but for some reason or other (e.g., caste, tribe, occupation) may fail to win an election at the union level though they could win the election at the district level. Just as some people may be popular with a community for their devotion to community welfare and be unpopular with their family members for the same reason. A different calibre of leadership is required in different local councils and, therefore, different tests should be applied for electing members to different levels.

By requiring every one to seek the mandate of only a very small population of the district, we are in the danger of losing leaders with larger perspectives and broader viewpoints—viewpoints which are likely to be in conflict with the parochial, narrow and often tribal interests of the small community in which they live. Nor will we develop ever-widening loyalties and feelings of cohesiveness which comes through participating in elections over larger areas.

Perhaps the surest way we can help the emergence of national programs and outlook is by requiring people to vote on larger issues.

The nature of appeal of leadership and the role expectation of the leader changes as the area of operation and the audience of a leader changes. A leader who has a division as his audience will be more progressive than the one who has a union as his audience.

Besides, elections fought on larger issues and in wider contexts tend to resolve conflicts and secure concensus. They tend to fuse people and help the evolution of a national outlook. Even in their period of decadence, the political parties of Pakistan had to address themselves to the nation as a whole. Separate or joint electorates became an important issue not only in East Pakistan where it had relevance but also in West Pakistan where, from a parochial viewpoint, they had no significance. Any leader (or for that matter, a party) seeking power at the district or higher level must evolve programs which have a minimum of acceptance for the district or larger constituency. Therefore elections at higher levels become an important means by which the interest of the people is aroused in matters which are not of relevance for their immediate needs. They educate people in higher national problems and civic responsibilities.

It is true that to hold separate elections for the District Council will involve considerable expenditure. But democracy does not mean running a country at the lowest cost. And if money is the only value there would be no need of Parliaments, concensus, elections and votes. Elections have values more important than sending men to work. They educate people, enhance concensus, weld disparate elements in the country into a nation and they increase human happiness in the long run

There is another set of objections against the membership of the district officials in the District Councils. For one thing, the rights and responsibilities of the official and non-official members are very different, so is their liability for discipline and censure. The non-official member is liable to removal from the Basic Democracies if he fails to attend three consecutive meetings or is found guilty of abuse of power or is responsibile for loss of property of the council. But there is no provision for disciplining the official members for any misconduct as members of the District Council. If the official members are to be treated differently, it would be better if they were not full members.

Secondly, membership carries with it a right to vote. And voting involves a concept of representation. It would be unfair to let the bureaucracy represent the people in allocation of resources, funds and priorities affecting the people. It is easy to understand their role as advisors which leaves the choice with the representatives. It is possible

to conceive of them as subordinates who should carry out the decisions of the council. It is equally possible to think of them as superior authorities deciding whether they should accept the recommendations of the council or reject them. But they cannot vote on matters which it is their duty to perform or their administrative duty to defer.

The difference in the role of the public servant and the public representative is sharp enough to prevent a fusion of the two. A public servant derives his authority from law, has an assigned function to perform, is liable to censure by courts, by the legislature and by the administration for failure to do his duty. He is a servant of the majority as well as of the minority. He has to disregard public opinion while doing his duty. In many cases, he is performing a judicial function in deciding the rights of one group against the other. In doing so, he may annoy one group as against the other. People's protection against his arbitrariness or partisanship and his protection against the unreasonable demands or charges of the people is the court of law, the political government and even the administration. But legal duties, his exercise of discretion or the implementations of the policies of the provincial or central government cannot be put to a vote in the District Council. And even if that be so, the public servant cannot be expected to vote on these issues. In brief, a public servant is an executioner and he should not become the judge too.

Thus we find that there are serious theoretical and practical objections to:

a) appointing the head of the Law and Order revenue bureaucracy as chairman of the District Council,

b) appointing officials of government as members of the District Council,

c) appointing, instead of electing directly, representative members,

d) nominations of public representatives, and

e) the absence of an organizational support for Basic Democracies.

VI

The District Council versus the District Administration [3]

The Basic Democracies Order lists twenty-eight functions which are obligatory and seventy which are optional with the District Council.

3. By District Administration we mean all agencies of the provincial government working in the district regardless of whether they are under the control of the Deputy Commissioner or not.

The compulsory functions more or less follow the pattern of the powers of the District Boards. The optional functions are listed under the headings education, culture, social welfare, public health, public works and general. Here, too, a good many functions recall the functions of the District Board. But there is also evidence of intention, on the part of the framers of the Order, to extend the operations or interpretations of these provisions to secure control over the activities of the government at the district level. Thus section 34 empowers the district council to formulate schemes and recommend to the Divisional Council and other authorities of importance to the district. It also empowers the Council to "review generally the progress in various branches of administration in the District." Finally the District Council can "consider local problems of importance to the District in all branches of administration and make suggestions for development, improvement and general advancement." Section 37 also envisages possible transfer of functions of the government to local council and vice versa.

These provisions, like most other provisions relating to allocation of power are capable of wide variations in their interpretation and application. In Pakistan the bureaucracy has, for the last 100 years, assigned to itself the role and right of interpreting and protecting the polity of the state and the public interest. On the other hand, the politician has been struggling since last two decades to establish the supremacy of the public will over the bureaucratic, as the final interpretor and protector of Pakistan's polity and the people's interest. Thus the bureaucracy will be helped, by its ethos, its tradition, history and competence, to so define these provisions as to leave the departments as independent as they were before the introduction of Basic Democracies. On the other hand, the people's representative might like to attempt a redivision of the boundaries of bureaucratic power, and seek to obtain a much larger say in administration at the district level than they ever had before.

What factors offer any hope for the emergence of the District Council as the dominant institution of the district? These can be listed immediately. First, is the desire of the President to make Basic Democracies effective units of public representation in administration. Second, is the strong trend towards decentralization advocated and advised by the Provincial Reorganization Committee. Finally, there is the bursting desire of the people to secure a share in the decision-making process. This has been accentuated by the introduction of a constitutional government and resumption of political life in the country.

On the debit side, however, the forces are no less powerful. First, is the administrative history. The district administration was so

evolved as to run independent of representative politics. It was designed to reduce altogether the need for democratic institutions at the district level. By its competence, ability and expertise it makes growth of local government at the district level appear both wasteful and unnecessary. The lack of concensus on political issues and the absence of politicization of the people, both a result of this system of administration—further increases the dependence of the rulers on the one-man rule of the deputy commissioner to secure stability and continuity. In brief, we move in the circle of a vicious logic. People lack a sense of participation and the experience of administration because there is a competent deputy commissioner. On the other hand, since people are not competent and do not participate in local offices, we must therefore have the deputy commissioner.

With this logic firmly embedded in the thinking of the powerful elements in the society there will be a general distrust against the people and an unwillingness to accept the faults and inefficiency in the District Council. Yet a country must accept mild corruption, some inefficiency and a degree of incompetence as the price of training people to assume large responsibilities. British reluctance to give us independence was based almost exactly on the same premises on which local self-government is denied to the people today.

The next powerful foe of the growth of public power in the District Council are the government departments. So far they have been run without public control. The public did not know and was not expected to know what the government was doing or was planning to do for them. After all, the British government did not have to win votes to remain in power. And information is a very important source of power. If people knew that the government proposed to make a road from Village X to Village Y at such and such expense and within such and such time, it is only logical to expect that any variation in the schedule would attract public criticism. If the knowledge was made public that such and such employee has been deputed in such and such area for working for so many days on such and such project, people will get a measure against which they will judge his performance and therefore the officer will lose his independence and become subject to invisible, if not obvious, public control. The power of review and of recommendations in the Order are important powers provided people are encouraged to exercise it in an appropriate manner. But if the departmental heads show unwillingness to answer questions, supply detailed information, or to attend meetings (even on good excuses)

District Council will become a farce.[4] The public representatives will become yes-men and petitioners while the public servant will resume his role of a benign despot who treats every performance of public duty as an act of benevolence and grace.

It is tragic, but it is true, that while Basic Democracies were struggling to establish the power and the rights of the people in decision-making, attempts were made by various government departments to take away from them powers which had long vested in the District Boards. The outstanding example is the case of primary education. "Provision and maintenance of primary schools" was the first and the compulsory function of the District Council, in the Basic Democracies Order, 1959. The Department of Education tried to wrest the control of these schools from the Basic Democracies and vest it in the provincial governments. Interestingly, it did not undertake to finance primary education. That remained the responsibility of Basic Democracies. What it wanted was administrative control over the school teachers.

Other departments, too, wanted to extend their control over agencies which in the past were run by the people through the District Boards. Similarly the Police Department attempted to add to its own hierarchy a class of village police officers who would be paid by the Basic Democracies but controlled by the provincial police departments. One should have on the other hand, expected that with such an institution as the District Council in existence at the district level, it would no longer be necessary to have a centralised police force.

Good or bad, the District Boards had at least the satisfaction of being managed by elected representatives of the people. In the small area of freedom that they were allowed, the people could manage their affairs. They did not always give a good account of themselves and it was not entirely their own fault. The Provincial Government did not order elections for long periods of time and tampered with them a great deal.[5] But these District Boards supplied quite a few political leaders to the country. Now the bureaucracy want to have a say in the allocation of even those resources which were for a long time subject to purely public control.

Thus we see that instead of the Basic Democracies gaining any control over government departments the process was reversed and the

4. It may be pointed out that official members' attendance has been found to be less regular than the non-officials. Inayatullah, *op. cit.*

5. Inayatullah, *op. cit.*, and Hugh Tinker, *Foundations of Local Self-Government in India, Pakistan and Burma* (London, 1959).

departments of the government wrested control of some of the functions and power of Basic Democracies. Few worthwhile powers were delegated and fewer mechanisms evolved to secure public participation in vital areas of decision-making in the district.

Unfortunately, the President has no agency which could observe the day-to-day functioning of Basic Democracies and report to him its progress. In fact, Basic Democracies is not even a central subject. The President must therefore depend on the reports of the deputy commissioners and the commissioners submitted through the Provincial Government for his information and appraisal of the functioning of the local councils. But as we have seen, the deputy commissioner is himself a party and therefore he cannot be the judge. There has to be a supervisory agency which should be so organized as to have some identity with the public element in the Basic Democracies. It should be composed of men who should be able to seek and promote the strength of public will in the local councils.

This function, in my opinion, could be best performed by a commission composed of three politicians and assisted by a secretary, preferably from among senior public servants. I would think that the Speaker of the Assembly could well be the head of the Basic Democracies Commission. The Commission should have adequate finances to appoint a supervisory staff to guide the Basic Democracies, to train the members of local councils and to evolve policies and programs which could hasten the growth of democratic and sound traditions of administration. It follows that all the institutions engaged in training members and servants of local councils should also be placed under the control of the Commission.

Creation of such a commission should rehabilitate the basic democracies in the eyes of the public, secure confidence and strength of the representative elements in the local council and prepare the bureaucracy to accept changes in its behaviour and functions.

VII

Conclusions

We may summarise our recommendations and if necessary, briefly redevelop them now:

1. In the first place we propose that post of the chairman of the District Council should be so built up as to appear more powerful and prestigious than that of the deputy commissioner. For this purpose the coordinating and supervisory roles of the deputy commissioner should

be vested in the chairman of the District Council. Similarly some of the powers of the Controlling Authority should also be vested in him. Others should be delegated to the Basic Democracies Commission proposed above.

2. Attempts should be made to train people to take up the responsibility and function effectively as chairman. This could be done by appointing a vice-chairman with some powers, status and salary from among the public members to function in the absence of the chairman.

3. If and when it should become apparent, the post of the chairman should be politicised and laid open to election.

4. All the departments of the government operating at the district level should be placed under the control of the District Council. The officers of the Provincial Government should stand in the same relation to the District Council as the CSP officers in relation to the Provincial Government. Until resources permit a redefinition of power and function, the district officers shall also perform the functions on behalf of the Provincial Government. In the event of a conflict of jurisdiction, the matter may be referred to the Basic Democracies Commission.

5. The police must be decentralised and no executive cadre should exist above the district level. However, functions of a specialised nature like the fingerprint bureau, narcotics, security cases, chemical laboratory, etc., may remain centralised. Posts in the Provincial specialised police agencies may be filled by promotion or selection from police officers of the district cadre. The police chief at the district must remain subordinate to the chairman of the District Council.

6. The magistrates may work under a district magistrate who would be subordinate to the chairman of the District Council in performance of his executive functions but who should be subordinate to the district judge in performance of his judicial duties.

7. All nominations to the Basic Democracies should be eliminated.

8. All members of the District Council should be elected directly.

9. Official members should cease to be members though they should be required to be present at the periodical meetings of the council and should assist the chairman in answering the questions.

10. There should be a senior officer of the Provincial Government to act as secretary to the District Council with some powers and functions to enable the council to perform some of its functions in the

absence of the council members. But he should be subject to the control of the chairman of the District Council. The chairman will be a whole time officer of the District Council, and in due course of time, shall be removeable by a vote of no confidence.

11. The administration of election, supervision and training responsibilities for the Basic Democracies should be vested in the Basic Democracies Commission composed of the Assembly and two senior politicians. The role of the commissioner should largely be advisory and it should depend on its influence and prestige for securing acceptance of the Provincial Government for its proposals. It may, if so desired, appoint provincial commissions to assist it in its tasks and to give it political support at the provincial level.

These might appear to be radical proposals. But they can be staggered and applied over a long period of time. For example, we can let the senior CSP/PCS officer work as chairman and transfer to him all the supervisory and coordinating functions of the present-day deputy commissioner. We may reappoint the additional collectors and additional district magistrates as collectors and district magistrates and place them administratively in charge of the chairman. We can place them under control and command of the chairman. We can give the powers of sanctioning leave, approving tours and writing confidential reports of all district officers to the chairman. He should also become the controlling officer in respect of all district officers.

Similarly, the Basic Democracies Commission can be appointed immediately. It can start its training and supervisory functions without causing any administrative problems.

The appointment of a vice chairman, the elimination of nominated members and the direct election of members of the district councils do not present insuperable difficulties either.

The real problems lie in the areas where the powers of the provinces and the local councils have to be separated; where the police is to be decentralised and upper cadres abolised; where the post of the chairman is to be politicised. These can be solved in due course of time if only we know what we are going to do and why.

COORDINATION OF GOVERNMENTAL ACTIVITIES AT THE DISTRICT LEVEL

S. A. W. Moini

Co-ordination and the Need for it

Theoretical Considerations

Coordination between a group of administrative agencies is necessitated by —

i) a multiplicity of agencies,

ii) agreement as to the larger goals, and

iii) an attempt at administrative 'autonomy' (albeit qualified) for the agency vis-a-vis other agencies.[1]

These three conditions usually obtain at every 'developed' level of administration[2] and thus the inevitable need to coordinate.[3] Coordination may be defined as the harmonisation of the actions of different administrative agencies (departments or portions of departments) without loss of their organisational identities in pursuit of common and established objectives.

The aim of coordination is the adoption by all the entities concerned of mutually consistent decisions which, in combination, allow the attainment of the common goal. Three main types of coordination are identifiable —

a) fortuitous and random,

b) deliberate and directional, and

c) deliberate but consultative.[4]

The first type of coordination, by definition, does not demand any conscious administrative activity while the latter two do. The conscious

1. As opposed to 'subordination' coordination is a pre-condition for what may be termed "administrative pluralism".
2. For example the central, provincial, divisional and district and, perhaps the sub-divisional levels. In India the Panchayat Samiti is to attempt coordination even at the Block level i.e. below the tehsil level.
3. The need has been well explained in "Administrative Problems in Developing Countries" in Inayatullah (ed.), *Bureaucracy and Development in Pakistan* (Peshawar 1963).
4. Needless to say, in actuality the processes involved (in the activity of coordination) are not likely to display the neatness of this typification.

administrative activity involves both inter-communication[5] and consequent adjustments.[6]

Every sophisticated administrative machine should, therefore, endeavour to provide for the systematic communication of knowledge and adjustment between various administrative agencies. There are numerous recognised devices that facilitate coordination.[7] These cannot be detailed here but the following four guiding principles are worth noting:-

a) coordinate in the early stages,

b) coordinate, wherever possible, by direct contact,

c) coordinate with a total awareness,

d) coordinate as a continuing process, and

e) a system of enforcement for coordination is necessary.[8]

In the context of district administration the process of "coordination" is frequently linked and confused with those of "redressing public grievances"[9] and "social and economic development."[10] Administrative coordination presupposes a common objective and facilitates its achievement but this implies no limitation on what the objectives may be and no inevitable connection with any specific objectives.[11] Coordination only allows efficiency in the pursuit of whatever the objective may be.

The Need at the District Level[12]

The government is represented by numerous departments and

5. " ..... even though all participants are agreed on the objectives to be attained, they cannot ordinarily be left to themselves in selecting the strategies that will lead to these objectives; for the selection of a correct strategy involves a knowledge of each as to the strategies selected by the others." H. A. Simon, *Administrative Behaviour* (New York, 1957) pp. 72-73.
6. The adjustment may be unilateral, mutual or multi-lateral.
7. Refer: I. Siddiqi, "Coordination through Organisational Devices," *Pakistan Management Review*, 3: 1960.
8. N. Stewart, "The Neglected Art of Management Coordination" *Pakistan Management Review*, 6: 1961, and R. D. Howe: "Coordination in Management," *Public Administration Review* (July-September, 1963), (NIPA, Lahore).
9. Called the "ombudsman" function of the "justitie-ombudsman" an office devoted to this function in Scandinavia. Ref. B. Chapman: *Profession of Government* (London, 1955), and A. Bexelius, "The Swedish Institution of the Justitie-ombudsman" in NIPA Karachi Reporter, 8: 1963.
10. This is to be decried because it generates unnecessary resentment and antagonism; the agencies concerned are rankled by, what they construe as, the pious, self-righteous and over-pompous pose of the coordinator.
11. It could well be "economic exploitation", "the removal of economic differences", "the spreading of an ideology" and/or "stabilisation of the population" etc.
12. This stress on the district does not imply the absence of a similar need at the other i.e., provincial, regional divisional and/or sub-divisional levels; the over-emphasis, if any, is due to the concentration on a particular aspect of the larger problem.

agencies at the district level.[13] These governmental and quasi-governmental agencies are the instruments of government policy and thus share and work within the overall objectives of that policy. They are, on the other hand, 'autonomous' in the sense of not being subordinate to each other.

The duties and responsibilities of each are assigned and separate but this general allocation does not and cannot exclude: overlapping, duplication, impingement on each other and competing claims. Besides, there is frequent need for cooperation, accommodation and mutual assistance regarding common and pool services at moments of 'shortages' and crises.[14]

The Government of West Pakistan has fully recognised the need for coordination at the policy-making level i.e. the West Pakistan secretariat, and provided for it explicitly and elaborately in its "Rule of Business."[15] These rules make consultation of every concerned agency[16] *obligatory* and establish a definite *system for resolving disagreement.* The average district has (line) repesentatives of many of the agencies represented at the secretariat level, (being veritably the West Pakistan Government in microcosm) but the need for coordination has been surprisingly ineffectively institutionalised at the district execution level of administration[17] inspite of having received general recognition.[18]

13. The following West Pakistan departments/directorates/corporations (19) are already represented in almost every 'settled' district in West Pakistan: Agriculture, Animal Husbandry, Auqaf, Buildings and Roads, Cooperatives, Education, Excise and Taxation, Food, Irrigation, Judiciary, Police, Prisons, Registration, Revenue, Settlement, Transport, Water and Power Development Authority, West Pakistan Railway and Health. The following (7) are gradually increasing their coverage: Fisheries, Forests, Games, Industries, Public Health Engineering, West Pakistan Agricultural Development Corporation and West Pakistan Industrial Development Corporation. The following Central Government agencies (5) are also often represented at the district level: Agricultural Development Bank, Central Excise and Land Customs, National Bank of Pakistan, Posts and Telephone and Telegraphs.

14. For elaboration of these points see: S.A.W. Moini (ed.) "Deputy Commissioner as Coordinator" (unpublished manuscript prepared at NIPA, Lahore).

15. Government of West Pakistan, *Rules of Business* (1962) part c. Rule 12 to 18.

16. See footnote 13.

17. "Coordination on the horizontal level between different departments is just as, if not more, important in program execution as in program formulation. "U.N. *Economic Development and Planning in Asia and the Far East: Social Aspects* (New York, 1959), p. 51, "Coordination at Provincial headquarters can be effective only if it leads to coordination at the field level." Government of Pakistan *First Five-Year Plan* (Karachi, 1956), p. 102.

18. To cite a few authorities —
Report of the Council for Administration of West Pakistan (1955). *Pakistan's First Five-Year Plan, op. cit., Report of the Provincial Administration Commission* (1960), *Report of the Provincial Reorganization Committee* (1962).

In the past (pre-1938) coordination at the district level was (it is reported) achieved mainly through the agency of the deputy commissioner. The deputy commissioner intervened, as and when the need arose, but, by and large assertively and effectively. He brought into play —

a) personal persuasion,

b) the general prestige and power of his office[19] and his service[20]

c) the authority separately conferred by numerous enactments and circulars,[21] and

d) the power to report on the other district level officers.[22]

The 'old administrative order' has (by all evidence) been in the process of change during the last two decades. The prestige and authority of the deputy commissioner has gradually waned,[23] the incumbents have become too faint-hearted to use their full powers and too absorbed in routine trivia and protocol to be able to direct events or to take a positive approach. At the same time the specialised and functional departments have gradually proliferated and have also gathered importance and confidence.

The urgent need for reform has received recognition in certain tentative and ad hoc attempts at securing coordination; the monthly Law and Order meeting[24] the "District Development Board"[25] (of 1955-59) and the existing "Agricultural Advisory Committee".[26] The District Council set up under Basic Democracies Order 1959, is also an endeavour in this regard.[27] These partial remedies recognise that in the complete absence of coordination there would be a paralysing lack of cooperation which could only lead to conflict and eventually to chaos.

There is, at present, no effective and sure device for harmonising the activities of the various agencies working at the district level. What coordination there is, depends primarily on personal ingenuity prompted by necessity. The existing instruments of coordination include: telephone conversations, hurried discussions at chance meetings, passing exchanges

19. Resulting, mainly, from the magisterial and revenue powers vested in the office, as district magistrate and collector.
20. Membership of the Indian Civil Service.
21. E. g. The Irrigation Act, the Forest Act, the District Police Act, Revenue Commissioner's Standing Orders (for Sind) and the Land Administration Manual (for Punjab).
22. The "Annual Confidential Report", as it is called
23. Although, paradoxically, the legal powers vested in the office have increased.
24. Government of West Pakistan Instructions, 1956.
25. Government of West Pakistan Instruc tions, October, 1955.
26. Set up in 1962.
27. See Section III of this paper.

at social occasions, ad hoc confabulations, pleas and complaints addressed to superiors and the urgings and coaxings of the deputy commissioner. These represent a dreadful drain on the time energies and the morale of the personnel. They entail absurd delays and stalling of development work, needless tensions, abrased feelings and a hangover of inter-departmental mistrust.

The devices employed, at present, for securing coordination smack of an anachronistic amateurism and crudity, neither of which can be afforded in the contemporary world. There is an acute need to replace the existing piece-meal, too personal and informal coordination by a more systematic, continuous and exact method. The need becomes emphatic in view of the increasing number of governmental and quasi-governmental agencies (represented at the district level) and the rising tempo of development activity.

II

Possible Agencies For Coordination

The need for coordination at the district level is indisputable. There is, however, not the same agreement about the agency that can and should undertake this. The following three kinds of agencies have been suggested —

a) a political office,
b) a quasi-political device, and
c) a bureaucrat.

These three kinds of coordinators will, now, be considered, briefly.

A Political Coordinator

The "power complex" labelled the deputy commissioner, some feel, needs to be "democratised" by making it more amenable to politics. politics.

The political deputy commissioner idea, however, strikes most writers as being so radical (in our context), that it is yet nebulous and unelaborated.[28] The patterns envisaged are vaguely those of —

28. The following writers may be said to have nibbled at the idea —
R.W. Gable, *Introduction to District Administration*, Chapter 8 and pp. 143-151, (unpublished manuscript); Masihuzzaman, "Reflection on the Role of Deputy Commissioner in India and Pakistan", an unpublished manuscript; B. Mehta "Some Aspects of Relationship in Panchayati Raj"; B. Mukerji "Administrative Problems of Democratic Decentralization"; Jayaprakash Narayan "Decentralised Democracy: Theory and Practice"; B. L. Gladieux. *Reorientation of Pakistan Government for National Development*: Ralph Braibanti, "The Civil Service of Pakistan — A Theoratical Analysis" in Inayatullah, *op. cit.*, Khalid Bin Saeed, *Pakistan: the Formative Phase* (Karachi, 1962), Chapter—14.

a) the sheriff/governor in the USA, where the executive is elected, and

b) the English County Council, where the executive (the County Clerk) is directly subordinated to an elected body.[29]

The "politicised coordinator" would, qua coordinator, (probably) possess the following advantages —

a) responsibility and responsiveness to the local populace,

b) immunity from departmental jealousies and prejudices, and

c) it could unembrassedly, undertake the ombudsman function of setting things right.

A total 'politicisation' of the coordinator at the district level would probably have the following administrative[30] drawbacks —

a) imply a degree of diversity and autonomy which could severely aggravate the difficulties regarding administrative integration and coordination.

b) impart partiality, favouritism and concessions at the executive stage and thus adversely affect the efficiency and morality of the administration.[31]

A Quasi-Political Coordinator

A more moderate view[32] recognises the need for some 'involvement' of the administrative head of the district in the "political process" but seeks to avoid a blatant 'politicisation'. The problem then construes itself into that of forging an effective link between a political body (the "District Local Board" of old, the "Zilla Parishad" of India and the "District Council" of Pakistan) and a politically neutral administrator (the deputy commissioner), while preserving the essential qualities of both. The debate that ensues thus turns upon the appropriate relationship which could bind these two diverse (if not contradictory) elements without submerging either.

29. These are the arche-types, as it were and the adaptation to our context would, needless to add, significantly determine the characteristics. See B. Chapman, *The Profession of Government, op. cit.* pp. 70-73.

30. The objections to a political coordinator that are not of a purely administrative nature are outside the scope of this paper and thus not explored here.

31. The magisterial function should certainly not be politicised, especially when so many local political leaders are themselves the delinquents!

32. S. S. Khera: *District Administration in India* (New Delhi, 1960) and H. Rai "The Changing Role of the District Officer" *Indian Journal of Public Administration*, 2: 1963.

In this pursuit of the best of both worlds (the neutral competence of the administrator and the responsible accountability of the politician) administrative alchemy has thrown up numerous syntheses.

The main possibilities being[33]

a) The bureaucrat should be chairman of the district political body, as in our District Council.[34]

b) The bureaucrat should be vice-chairman of the district political body.

c) The bureaucrat should be an ordinary member of the political body.

d) The bureaucrat should be an ordinary member of the district political body but chairman of all its standing committees.

e) The bureaucrat should be outside the district political body but with a right to participate in its deliberations when he wants to and be in touch with its affairs (as he is regarding the smaller Municipal Committees, at present).

The significant aspect of the debate[35] is the usual presumption that involvement is not only desirable but inevitable. The questions raised are mainly concerned with the emphasis and timing: what degree of involvement should be attempted and whether, to start with, the official should lead (by being chairman) or the elected element should lead (by being a silent observer, an ordinary member or vice-chairman).

The District Council established as part of the Basic Democtracies structure is a worthy attempt in this direction.[36] The District Council was intended to be much more than a re-incarnation of the rather discredited District Local Board.[37]

The conception of the District Council was different from the District Local Board in the following respects.

33. H. Rai, *op. cit.*
34. Recommended by the oft-quoted *Reports of the Team for the Study of Community Projects and National Extension Service* (1957), p. 19 which are referred to as the *Balwantray Mehta Report.*
35. More articulate in India than here.
36. The full implications of a quasi-political body with a non-political official as head have not yet been in evidence because of the nominated nature of the Council.
37. Various enactments e.g. Punjab District Boards Act (1883), Sind Local Boards Act (1923).

a) The "officer-in-council" idea attempted a synthesis of local public opinion and administrative power, thus harnessing the executive and importing an element of responsibility into district administration which District Board did not provide.

b) The District Council attempts coordination with higher as well as lower levels of government. No such responsibility was vested in District Boards.[38]

c) By inter-mingling the public leader and the government official, in consultation and deliberations, District Councils attempt to establish a two-way channel for information and thus permit and induce responsiveness and mutual sympathy.

d) The civic and development functions of District Councils have been greatly extended and widened.

The District Council has been in existence for only 3 years and it is, thus, premature and unfair to assess its achievements. The significance of the experiment,[39] nevertheless, impells one toward some observations on its functioning, particularly as a means of coordination. The evidence, so far, indicates that this institution has not been an effective agency for coordination.[40]

The coordinative function, has, in fact been restricted to—

a) a few questions addressed to departments,

b) sporadic and general reports by departments,

c) fleeting consideration of and channelling of some development projects, and

d) numerous recommendations to the Division Council and government departments.

There is little "decision-making" and almost no "problem-solving" outside its own civic functions. By and large the annual development program (development budget) is not made available and/or read out to the District Council nor are the progress reports (P.C.III) of the governmental schemes of the district discussed or circulated.[41]

38. Municipalities, voluntary associations, etc.
39. Especially in view of the new thinking going on in India and associated with Ashok Mehta and Balwantray Mehta.
40. This conclusion, regarding the other wing, is supported by A. T. Rafiqur Rehman, "Basic Democracies and Rural Development in East Pakistan", in Inayatullah, *op. cit.*, pp. 350-351.
41. Which was obviously, the intention behind the instructions to all departments to send a copy of the "P.C. III" to the District Council of the area and the publicity being given to the ADP. (especially the district-wise breakdown) by the West Pakistan Government.

Coordination by an Official Agency

In the foreseeable future a bureaucrat will probably continue to coordinate the governmental activities in the district.

The government official could either be solely a coordinator (e.g. "the Development Commissioner" being used in India, at the provincial level) or an official entrusted with coordination in addition to his other function such as the deputy commissioner attempts at present.

The full-time coordinator would have some undeniable advantages such as having much more time for the job, and having no departmental allegiance and/or prejudices, but it would be an innovation [42] and the securing of adepuate personnel would be a real problem.[43] In addition there would be the possibilty of the incumbents being and feeling isolated,[44] uninvolved and inadequate.[45]

The alternative is the nomination of one of the functional and existing officers as the coordinator. The deputy commissioner, in the given context, scores over all other contenders[46] because of the office's inheritance of prestige and power, its multi-functional character and its traditional role of representative[47] of and trouble-shooter to the government.[48]

III

Improving The Existing Coordination

In the district, today, the agency attempting and securing whatever

42. Being an untried institution it would take at least 5-6 years for esablishment and many more for full acceptance and recognition.
43. The personnel could either be supplied by: a) a special cadre, generalist or specialist; b) rotation among or selection from the functional departments. The first would amount to the creation of another cadre: another "CSP" or "PCS", without availing of their utilities, their traditions, cohesiveness and generalist training. The second would entail departmental jealousies and the possibility of importing limitations of the specialist.
44. A purely coordinative post at the district level could bring in an impractical, pedantic and sterile approach because of its being removed from and out of touch with the people and the problems.
45. As exemplified by some of the purely judicial officers at the district level, piqued by the lack of obvious and executive powers.
46. The main being the district and sessions judge, superintendent of police, district health officer, the executive engineers, extra assistant director of agriculture and the assistant director Basic Democracies. Regarding rating of relative importance of district officers by various groups refer F.A.M. Tirmizi's paper in this book.
47. The incumbents (often) have the additional advantages of a 'totality' of experience, a 'generalist' training, a 'legal' background, an intellectual bias and a tone of youthful idealism. There is also the claim of a higher integrity and greater impartiality (especially political).
48. S. A. W. Moini (ed.), "Deputy Commissioner as Coordinator" an unpublished manuscript.

coordination exists [49] is the much maligned deputy commissioner. Given this situation, the immediate problem is that of making this office[50] into a more effective instrument of coordination.

The major difficulties and obstacles in the way of the deputy commissioner becoming a more effective coordinator, along with some recommendations have been considered below, under six heads:

1. Identification of the role expected and desired.
2. Better communication.
3. Conflict of area and function.
4. The personnel concerned.
5. Authority for the coordinator.
6. Reform and elaboration of the coordinator's office.

The identification and definition of what a deputy commissioner (especially in the capacity of coordinator) is expected to do and what he is expected to be is an essential prelude to reform and reinterpretation. The lack of any such clear conception results in too much variation, misunderstanding and over-emphasis of the personal factor. The delineation of a specific role would not only allow the reform of the offending structures and processes but would also facilitate the selection of the correct personnel and the formulation of an appropriate training program. The present role of the deputy commissioner, some feel, is still conceived in a too "legalistic" and "power" mould[51] and the changing times and the new emphasis on coordination warrant its reinterpretation.

49. R. W. Gable, *op. cit.*, p. 119.

50. It is not of much significance as to what the office is called. The following titles jostle for acceptance — the comprehensive district officer (Rowland Report, Akhtar Hussain Report and recent Indian publications), the strident district administrator (B. Gladieux), the very appropriate district commissioner (Cornelius Report) and the pedestrian deputy commissioner used mainly in the non-Regulation Provinces, such as the Punjab, before 1947, but extended to all West Pakistan after 1955, (*Report of Council for Administration of West Pakistan*) besides the antiquated collector, district magistrate and (for the tribal areas) political agent.

51. The training and the traditions of the "CSP" and the "PCS" still tend to stress the legal and executive powers. The training concentrates on law and rules while the lore glorifies the classical district officer who quelled mobs, rounded up dacoits and humbled the rapacious zamindar. See R. Braibanti "The Civil Service of Pakistan—a Theoretical Analysis," in Inayatullah, *op. cit.* Masihuzzaman, "Reflections on the Role of the Deputy Commissioner in India and Pakistan," *op. cit.*; Masihuzzaman, "Public Service Traditions — a Case for Revision," in Inayatullah, *op. cit.*; A.D. Gorwala. *Role of the Administrator—Past, Present and Future* (Poona, 1952); Aquila Kiani, "Peoples' Image of Bureaucracy," in Inayatullah, *op. cit.*

The accent should, now, be on processes such as, decision-making, communication, training, persuasion and collaboration. The coordinator should rely more on mutual deliberation and consensus rather than on legal powers and directions.

The large number of officers at the district level and the increasing press of work results into inadequate contact and communication between them. They cannot all meet in the club most evenings and do not dine together frequently as, one gathers, happened three or four decades ago. A systematic and institutionalised form of communication is urgently needed. A district coordination board (or committee)[52] consisting of 15-20 officercs would admirably fulfil this need for a permanent 'clearing house'.[53]

This board could function as—

a) an arbitration council resolving differences and settling disputes with the concerned officers sitting face-to-face;
b) an information centre circulating to all the distric officers the future plans (P.C.I) and progress reports (P.C.III) regarding projects and the tour programs of the district and visiting officers, and changes in the personnel of the district; and
c) an advisory agency allowing the simultaneous consideration by and eliciting a combined recommendation from all the district officers.[54]

This Board would be able to fulfil a need [55] which the District Council cannot fill, because of its size,[56] composition, infrequent meetings, other diversion[57] and the pubilc nature of its proceeding[58] without infringing on its area of activity. In addition to this institutionalised coordination, social mixing and the club still possess an undeniable utility and need to be encouraged.

52. For very interesting data and observations on the use of coordination committees in the Indian Community Development Program see B. Mukerji, *Community Development in India* (Calcutta).
53. In some districts the district officer do, in fact, already meet periodicaly to solve their problems. This practice clearly indicates the need for such an institution, but cannot be considered as adequate for it is too informal, vague, irregular and dependent on individual whims and initiative to be very effective.
54. The district coordination board could meet at least twice a month on set days and attendance should be obligatory. To make it an effective decision-making body its decison on each issue would have to be recorded, circulated and considered as binding. The secretarial support of 2-3 clerks would, probably, be necessary.
55. A need recognised by the *Rowlands Committee Report, op. cit.* (1944-45) para 72, and the *Report of Council for Administration West Pakistan, op. cit.*, para 36.
56. About 15-20 members compared to 44 of the District Council.
57. Its numerous civic functions e.g. provision of dispensaries, schools, cattle ponds, maternity homes etc.
58. The press has access to the proceeding of District Council and Official Secrets Act does not apply to its deliberations.

The district is, understandably, not the optimum [59] area for every organisational pattern and/or function. Administrative convenience, especally coordination, however, demands adherence to a co-extensive jurisdiction and this should be attempted. If re-adjustment is not feasible[60] the department/corporation should nominate one officer as the officer for the district concerned and he should provide liaison on behalf of the organisation even if his jurisdiction does not conform to the district, and thus effect coordination.

The personnel concerned with coordination should be educated about the necessity, the implications and the methods of coordination so that their mistrust and "isolationism" is broken. The coordinator must be systematically prepared for his task by acquainting him with the structural pattern, the principles and the problems of the agencies he has to coordinate.[61]

There is frequent complaint about inexperienced and young deputy commissioners especially by the agencies 'coordinated'. To ensure adequate experience, an officer should not be given charge of a district until he has completed 7-8 years of service.[62] The classification of all districts into categories[63] (indicating their importance) with a fixed minimum requirement of service is advisable.[64]

59. A. W. Macmohan: *Delegation and Autonomy* (New Delhi, 1961), Ch. 3 and J. W. Fesler, *Area and Administration* (Alabama, 1949).

60. Re-adjustment has been promised, for instance, in Government of Pakistan, Bureau of National Reconstruction. *Scope and Functions of Basic Democracies and their Contribution to Development*, (n.d).

61 The training should cover this by — i) attachments with the departments concerned, ii) a realistic syllabus covering, for example, Rural Sociology, Constructional Techniques, Planning Procedures, Principles of Agriculture, Economics and Statistics. —see M. R. Inayat, "The Civil Service Academy" in M. R. Inayat, *Perspectives in Public Administration* (Lahore. 1963); Ralph Braibanti. "Training of the CSP" — unpublished report submitted to Establishment Division: Ralph Braibanti; "The Civil Services of Pakistan: A Theoretical Analysis", *op. cit.*; *A.D.* Gorwala, op. cit.; A. Dunsire (ed.), *Making of an Administrator* (Manchester, 1956), Chapter 1-3.

62. The young officer on promotion to the CSP senior scales (usually on the completion of 5 years service) can be utilised as deputy secretary, director Basic Democracies and/or additional deputy commissioner for 2-3 years and thus he can garner valuable experience before being put in charge of a district.

63. Based primarily on population and tax revenue assessment.

64. For instance: districts may be classified into the following categories and a minimum service experience prescribed for each category —

A. Karachi, Lahore, Rawalpindi: Minimum of 14 years service.

B. Multan, Lyallpur, Hyderabad, Peshawar: Minimum of 12 years service.

C. Tharparkar, Hazara, Quetta, Montgomery: Minimum of 10 years service.

D. Kharan, Campbellpur, Dadu, Kalat: Minimum of 8 years service.

The continuity of a deputy commissioner in a district for over 3 years has also found some support.[65]The minimum period of a posting is, perhaps, of more importance. To shift a deputy commissioner from a district before a minimum period of one and one half years is unfair to both the district and the officer concerned,[66] for it is said that it takes three months to see the district and six months to know it and it is only after this period that a deputy commissioner becomes really effective and useful. The previous experience of a deputy commissioner would certainly be more relevant and meaningful if regional specialisation was more strictly adhered to.[67]

The responsibilities, powers and demands [68] of the office of the deputy commissioner warrant a more selective procedure for appointment. A provincial committee should consider the experience, record, personality and interests of candidates before they are given a district charge.

The question of conferring authority on the district coordinator raises some controversy. The two extreme positions[69] argue for, informal, discursive and piece-meal adjustment,[70] on the one hand, and defined and elaborate procedures with rigid compulsive powers, on the other.[71]

The problem of dual hierarchies and supervision, (administrative and technical,)[72] needs to be resolved when coordination between quasi-autonomous agencies is attempted below the policy-making i.e. below the secretariat level. It is, however, not a problem that is peculiar to our district administration and has, already, been the subject of much thought in other countries.[73]

65. A. W. Macmohan: *op. cit.*, p. 37.
66. *Report of the Council for Administration of West Pakistan* — Also see paper by Minhaj uddin included in this volume.
67. Khalid Bin Sayeed: *op. cit.*
68. The equation of the post with that of the provincial deputy secretary is difficult to justify. In India, for instance, some deputy commissioners' posts have recently been filled by officers of the level of joint secretary and this deserves our consideration. See *Indian Journal of Public Administration*, 2: 1962, p. 262.
69. See S. S. Khera, *op. cit.*, p. 45 and B.L. Gladieux, *op. cit.*, p. 85.
70. More appositely termed "co-operation" "What makes coordination different from coopera. tion involves assessing the quality and quantity of the total effort, planning the timing of this effort, and determining whether to proceed as is or to make some adaptation or change. And what makes *coordination* different from *direction* in management is that, while the latter requires orders, instructions, regulations and the operating manuals coordination is achieved for the most part through consultation and collaboration." I. Siddiqui, *op. cit.*
71. Very akin to the organisational relationship of hierarchical subordination such as is displayed by the prefet system of France. See paper by M. Rafique in this Volume.
72. It wells out as a fouling up of the lines of command, conflicting loyalties and contradictory directions.
73. A. W. Macmohan, *op. cit.*, Chapter 3; Haridwar Rai, *op. cit.*, p. 250; B. A. Kureshi, "Coordination of Administration at the Divisional Level", in M. R. Inayat, *op. cit.*, pp. 31-33; Chapman, *op. cit.*, pp. 70-73.

The need to move from the directional coordination of the past to a more consultative one has been stressed above.[74] Nevertheless, for effective coordination sufficient powers must be vested in the agency assigned the function.[75] The coordinator should in my view be authorised to—

a) enforce joint consultation and consideration; i.e. powers to call meetings and ensure attendance;

b) have access to data and problems, i.e., powers to call for documents and available reports and to initiate enquiries and investigations.

c) ensure compliance with solutions and decisions arrived at, by: being entitled to receive compliance and/or completion reports, reporting—adverse and commendatory to the head of the department, and the government, and in the permanent record the Confidential Report and penalisation, i.e. asking for transfer, asking for and/or initiating punitive proceedings.

d) be informed of officers movements, i.e. tranfers, tour programs, etc.

The coordinator certainly needs sufficient authority to undertake the tasks entrusted to him but there is the fear that too much coordination [76] may not only stifle the initiative of the execution agencies but generally trammel their activities by interposing barriers. This is not an unfounded apprehension but the difficulties inherent in this possibility have to be weighed against the anarchic amateurism that prevails and a workable compromise has to be developed.

The deputy commissioner and his office,[77] as at present constituted, is not able to effectively cope with the increasing burden of duties entrusted to him, especially the new emphasis on coordination and development. Two opposing remedies have been suggested —

74. See section II.

75. *Bengal Administrative Enquiry Committee, Report p. 18; Provincial Administration Commission,* Report, *op. cit.*, pp. 99-100; *Pakistan's First Five-Year Plan, op. cit.*, p. 102; *Report of the Council for Administration of West Pakistan, op. cit.*, p. 15; and R. W Gable, *op. cit.*, Ch: 6.

76. Especially if the powers are misused — a possibility that is likely to occur often unless the other recommendations (established channels of communication, more mature coordinators, definition of role) made elsewhere, are also implemented.

77. The deputy commissioner's office or more conveniently the collectorate as it is still called in East Pakistan and the former Sind.

a) divest the office of some duties, the extreme view favouring a total fragmentation, and

b) provide assistance for the deputy commissioner.

Reform is, paradoxically, warranted in both directions.

The possibility of splitting the office and separating the —

a) Law, order and licensing,

b) Land revenue administration and records,

c) Development, coordination, local self-government and public relations, and

d) Accounts, receiving payments and disbursements functions, has often been proposed and for various reasons.[78]

Fragmentation promises functional specialization and neatness but it would amount to a drastic change in the tenor and pattern of district administration and cannot, therefore, be accorded in this paper the attention it certainly deserves.[79]

The office of the sub-divisional officer[80] offers a good possibility of relieving the deputy commissioner by the delegation of numerous routine and unimportant duties [81] especially regarding the revenue and law and order fields[82] and could be an effective solution of the problem.

The deputy commissioner needs to be augmented[83] by officers who are responsible i.e. senior and experienced enough to relieve him of all

78. Masihuzzaman, "Separation of the Judiciary and the Executive" paper presented at the police seminar, held at Pakistan Academy for Rurul Development, Peshawar, 1963. *Pakistan Law Reform Commission* (1958-59), pp. 22-24; R.W. Gable, *op. cit.*, pp. 119-124; B.L. Gladieux, *op. cit.*, p. 85; A.H. Aslam, *The Deputy Commissioner* (Lahor, 1957); *Rowlands Committee Report*, pp. 28-29; *Pakistan Pay and Service Commission* (1959-62), *Report*, pp. 52-54.

79. See section III of this paper.

80. Variously referred to as sub-divisional magistrate, assistant commissioner, deputy collector. This office is well established and recognised in East Pakistan and the former Sind area and is now being spread in the former West Punjab and NWFP, *Report of Council of Administration of West Pakistan*, p. 16 *and Provincial Administration Commission*, p. 189.

81. To cite a few examples: taccavi loans, revolver licences and conversion of "agricultural land" to "non-agricultural" uses. It is worth noting that there has, in fact, been a piecemeal movement in this direction e.g. delegation of power to grant gun-licenses, conferment of collector's revenue powers etc.

82. The additional expenditure on providing 3-4 clerks per sub-division would not be prohibitive.

83. *See Rowlands Committee Report*, pp. 26-29; B.L. Gladieux, *op. cit.*, p. 85. *Provincial Administration Commission Report*, p. 188; R. Dawarkadas, *op. cit.*, pp. 55-61; S.A.W. Moini, *The District Rural Works Program* (Hyderabad, 1963) p. 5; and *Report of the Food and Agriculture Commission* (Karachi, 1960), pp. 194-195.

routine duties[84] so that he can address himself to the problems of supervision, coordination, development and planning more effectively. This assistance probably have to be provided in the major fields of his duties. One possible way of doing this is as follows—

a) Law, order and licensing	additional district magistrate[85]
b) Development, local self-government coordination and public relations	additional deputy commissioner[86] (development)
c) Land revenue administration and records	additional deputy commissioner[87] (general)
d) Accounts, receiving payments and disbursements	district accounts officer[88]

The additional assistance for the deputy commissioner proposed above, should be accompanied by a rationalization of the office of the deputy commissioner, i.e. the collectorate. The collectorate should acquire a more matter-of-fact perspective and, towards this end, its pointless vestiges[89] should be shed and modern methods and equipment utilised.[90] The collectorate could be recognised into compact branches elaborated to cover all the functions entrusted to the deputy commissioner, especially those of development and coordination. The

84. "The Deputy Commissioner does not have the persons who should be doing the basic staff work he needs to assist him plan and coordinate development program", R.W. Gable, *op. cit.*, p. 120.

85. Upgrading the existing post of additional district magistrate to that of the senior CSP scale.

86. Upgrading the existing post of the assistant director of Basic Democracies to that of the senior CSP scale and fully absorbing it into the collectorate.

87. This post already exists in the districts of East Pakistan and also in five districts of West Pakistan. There is in existence the post of an office superintendent which would become redundant on the creation of this post and thus the increase in expenditure would be greatly off-set.

88. Upgrading the existing post of the treasury officer to that of the senior CSP scale and decentralising the auditing by entrusting this office with more audit work.

89. E. g. the deputy commissioner holding office at his residence—apart from the collectorate, the picturesque and misleading nomenclature, e.g. dafterdar, vernacular office, English office, treasury, nazarath, the floried style of the drafting and the raised podiums for office desks.

90. The need is for a bit of the O & M broomstick. The "inter-com" copying machines, enquiry desk and card-index and card recording are, for instance, not yet common.

branches could further subdivide into specialised sections.[91] A proposed reorganisation, on this basis is set out in the below —

Branches	Head of Branches	Sections
I	Additional district magistrate	a) Judicial work b) Law and order c) Licensing & certificate d) Passport, visas
II	Additional deputy commissioner (general)	a) Land revenue administration b) Land reforms, acquisition, consolidation, etc. c) Land revenue appeals d) Despatch e) Record room, library f) Establishment.
III	Additional deputy commissioner (development)	a) Development and planning b) Coordination c) Statistics, census d) Public relation, publications e) Local self-government, electoral work
IV	District account officer[92]	a) Accounts b) Receiving payments c) Disbursement.

IV

Conclusion

An administrative system must adequately face the continuous challenge of change and growth. The major challenge for district administration relates to disharmony and dissipation born of uncoordinated effort. The response, so far, has not been adequate.

91. The intention is not in the least to equate this section with that of secretariat but the parallel should provide guidance, in so far as specialisation is being attempted.
92. Presently referred to as the treasury officer.

SEPARATION OF THE JUDICIARY FROM THE EXECUTIVE

Nasim Hassan Shah

In his famous work, "L' Esprit des lois" Montesquieu expounded his classic theory of separation. Said he:

> "In every Government there are three sorts of powers: the legislative; the executive in respect of things dependent on the law of nations; and the executive in regard to matters that depend on civil law.
>
> "By virtue of the first, the prince, or magistrate, enacts temporary or perpetual laws, and amends or abrogates those that have been already enacted. By the second, he makes peace or war, sends or receives embassies, establishes the public security, and provides against invasions. By the third, he punishes criminals, or determines the disputes that arise between individuals. The latter we shall call the judiciary power, and the other simply the executive power of the State.
>
> "The political liberty of the subject is a tranquility of mind arising from the opinion each person has of his safety. In order to have this liberty, it is requisite that the government be so constituted that one man be not afraid of another.
>
> "When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty because apprehensions may arise, lest the same monarch or senate should enact tyrannical laws to execute them in a tyrannical manner.
>
> "Again there is no liberty, if the judiciary power be not separated from the legislative and executive. Where it joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control. Were it joined to the executive power, the judge might behave with violence and oppression."

The principle that the judiciary must be separated from the executive was the slogan of all the advanced political parfies in the sub-continent of India, before Independence, and adhered to by our national

parties thereafter. The desirability of the separation of the judiciary from the executive was never questioned. This deeply-held sentiment was given legislative recognition by the independent governments of India and Pakistan. Article 50 of the Constitution of India, promulgated on 26th January 1950 stated: "The state shall take steps to separate the judiciary from the executive in the public services of the state."

In the 1956 Constitution of Pakistan it was one of the directive principles of state policy that "the state shall separate the Judiciary from the Executive as soon as practicable." Until recently, thus, the question was simple enough. In what respects does the executive exercise judicial functions? And what are the steps necessary to remedy the situation?

The situation has now radically altered. In the 1962 Constitution of Pakistan this principle is not included either in the chapter relating to Fundamental Rights nor in the chapter dealing with the principles of policy.

With effect from the 15th April 1963 the West Pakistan Criminal Law (Amendment) Act, 1963, has been enforced which extends to the whole of West Pakistan and provides for the "more speedy trial and more effective punishment of certain heinous offences". The proceedings taking place under the provisions of this law are, in the words of the Supreme Court of Pakistan, "From every point of view to be regarded as proceedings before an administrative agency."[1] Thus the question whether it is desirable to separate the judiciary from the executive becomes *res-integra*, i.e. a matter requiring examination from first principles.

The organisation of the judicial system shows that, speaking generally, causes brought before courts of law can be classified into two categories. Disputes involving rights to property, status and other civil rights are brought before the civil courts in the district presided over by civil judges who function under the direct supervision of the High Court through the district judge, while other causes wherein not only another citizen is concerned, but the matter is of concern of the society as a whole viz: matters like commission of thefts, illegal entry into the premises of others, wantonly beating up others, causing of injuries to them or causing their death, rape, mischief, causing public disturbance, making public nuisances are all matters which not only make the effected person aggrieved, but are a source of general concern. Cases involving such matters are called criminal cases and are tryable by magistrates.

Under the Code of Criminal Procedures (Act V of 1898) the classes of criminal courts are thus described:

1. *Mohammad Akram V. The State;* P.L.D., 1963, S.C. 373.

1. The High Court.
2. Court of Session (The District Judge is also the Sessions Judge).
3. Magistrates of the first class.
4. Magistrates of the second class.
5. Magistrates of the third class.

These magistrates are under the administrative control of the deputy commissioner or the district magistrate, who has a large say in the matters pertaining to promotion, leave etc., of the magistrates in his district. The district magistrates are, by virtue of S. 4 of the Police Act (1861), the heads of the police in the district though there is a separate superintendent of police as well in direct charge of the police forces. Under his police powers the district magistrate sometimes sanctions the prosecution of a particular person and then sends the case to one of his own subordinates, or may even try it himself. Most of the serious criminal cases are State cases and the district magistrate in his district, represents the State. Since most criminal cases are State cases, the failure to secure conviction is, therefore, regarded as a reflection on the police. The annual official reports on the administration of criminal justice almost always deplore the fact that the percentage of convictions is very low and that, therefore, the degree of proof demanded by magistrates is very high. The district magistrate records the confidential reports of the magistrates and by his report he can make or break a magistrate.

Then there are several duties of a purely executive nature to be performed by magistrates such as issue of opium and gun licences, *nazarat* and treasury work etc. In adding, it is their duty to take measures to prevent breaches of peace. These actions are taken under Sections 106-110 of Code of Criminal Procedure whereunder security can be demanded from persons likely to commit breach of the peace or disturb the public tranquility or from vagrants and habitual offenders requiring them to keep the peace and to be of good behaviour. Similarly, powers exist for obtaining removal of public nuisance (S. 133) to combat against apprehended dangers (the famous S. 144) and pass orders in cases regarding disputes involving immovable property if breach of peace is likely (S. 145). Powers also exist in connection with the custody and disposal of property which are the subject matter of the commission of offences. In all these matters the responsibility is primarily that of the district magistrates, though a further revision against these orders to the High Court is permissible.

So far the problem had been whether vesting of the administration of original criminal justice in officers who combined in themselves both

magisterial and executive functions was compatible with the basic requirements of sound judicial administration. The answer that was given until recently, was that it was not and the principle that the judiciary should be separated from the executive was unhesitatingly accepted.

The general principle of separation of the judiciary from the executive involves that one who tries a case must not be in direct administrative subordination to any one connected with the prosecution (or indeed the defence.)

Quite clearly, it is impossible for a judge to take a wholly impartial view of a case he is trying if he feels himself to any extent interested in or responsible for the success of one side or the other. This is the first aspect. It is equally impossible for him to take an impartial view of the case before him if he knows that his posting, promotion and prospects generally depend on district magistrate, who is also the head of the local police, who has frequent confidential conferences with them, and generally controls the work of the police superintendent.

Thus the separation of functions means and involves the elimination of these two evils. That they were evils, few did question.

III

Indeed steps were taken to eliminate these evils. In the old Punjab area an experiment of separating judicial from executive magistrates was tried by an administrative order of the government without, however, having the relevant law amended. Certain magistrates were entrusted with purely executive functions and were under the control of the district magistrate while the others were entrusted exclusively with judicial functions and put under the control of the additional district magistrate. Their judicial work was controlled by the High Court through the additional district magistrate; but for administrative purposes such as leave, promotion and transfers, they remained under the executive government. Owing to this duality of control the results were not wholly satisfactory and this effort toward separation was not continued and the old system was revived.

It may be remarked that success could only be expected and can only be expected, if all the judicial magistrates are placed under the direct control of the High Court, not only for judicial but also for administrative purposes. Like subordinate civil judges, their transfers, promotions, leave and seniority etc., should be controlled by the High Court.

But if this be the correct solution how is it that we are moving in the opposite direction? No body can deny that for a very long time in Pakistan there has been more talk and less work, more plans and less progress. Now, order is the prime necessity of progress, and order requires "strong" government. A "strong" government means a quick decisive executive untramelled by legalism. The executive government is convinced that any move to carry through the proposals for the complete separation of the judiciary from the executive would underline the prestige of the district officer with the result that he would no longer be able to carry out his executive functions efficiently, with the resultant set back to progress.

But perhaps the more serious objection is that in our country the normal system of law has been so perverted that the great legal codes developed by the British are no longer a suitable machinery for discovery of truth. Instead they have become the instruments through which the reaching of honest conclusions becomes practically impossible. Practically in every case, false witnesses are produced. They are tutored to give false evidence and it is on the basis of the evidence which comes on the record that a decision can be given, under the normal judicial procedures. In most cases this evidence is perjured. The reason is that the real witnesses are loath to come to court and be bothered by the cumbersome procedures of the court. However, if a crime has been committed, the police will be taken to task if the culprit is not traced and punished, by a court of law. Since the true witnesses are either not forthcoming or not available, false evidence has to be manufactured. Under the (forms aegis) of law the greatest travesty of justice and fairness occurs.

There are good grounds, therefore, for believing that under our conditions the whole elaborate machinery of English law is not suitable. The magistrates keep on recording word for word the evidence of illiterate peasants and gentleman knowing full well that 90 per cent of it is false. It is common knowledge that even if the events described had actually occurred, the eye-witnessess had not seen them. Even where the accused is guilty, it is perjury which proved his guilt. False evidence is always in demand, as much to prove what is true as it is to establish what is false. Against innocent and guilty alike it is equally necessary.

In order to overcome these problems trials for crimes of a heinous nature, where it is "inexpedient in the interest of justice, the question of guilt or innocence could be tried" by an ordinary court are referred to a tribunal set up under the Criminal Law Amendment Act, commonly known as *Jirgas*. Advantage of Jirga lies in procedural peculiarity

Hearsay evidence, private enquiries and adoption of other means to get to the truth, means which are not normally countenanced by civilized societies, has been made permissible under Jirga system. Doubtless this is a practical device to get over the difficulty alluded to already by a rough and ready method without the pretence of formal trial. In view of the actual conditions, no doubt it can be argued that to insist on administration of justice by law courts, as distinguished by administrative agencies, is to ignore practical realities.

IV

In my humble judgement, however, the new experiment being tried is not the correct method for securing the desired ends. Pakistan as an honourable member of the comity of nations, is committed to maintain in its realm, the dignity of man, to ensure to every inhabitant therein, a fair and free trial. One of the principal requisites of this is that the person accused of any offence be tried by an authority which inspires confidence and that he be condemned only on the basis of evidence which is recorded in his face and which he has had an opportunity to challenge and test by cross-examination. In this connection we have already noticed the great reluctance of true witnesses to come forward before courts and the reasons for this reluctance. The question, however, does arise whether the alternative being proposed is the proper cure for the malady. I think not. The better cure is to educate our people and make them realise that if they do not do their civic duty and appear before a court to give evidence about facts they are cognisant of, they themselves are in danger. They must be made to realise that the police will not procure false evidence for their sake, that crimes committed against them and their neighbours will go unpunished if they do not act; that the police, the magistrates and the courts are their own and that the great horror which is felt by one and all when called to appear before the courts, because of the waste of time involved, the unpleasantness of the police—their excesses, rudeness and insults, is not something inherent in the system but to its defective functioning which by their effort can easily be corrected.

To ensure that true witnesses come to court and a better, and more congenial atmosphere prevails in the courts and no self respecting person is reluctant in coming before the court, the following improvements could easily be effected.

1. The system of oaths be strengthened and laws relating to perjury recast so that swift and severe punishment can be imposed on false witnesses, where it is so proved. Moreover,

tutoring of witnesses should be treated on the same footing as perjury without any distinction being made whether this is done on behalf of the defence or the prosecution.

2. The police force be improved and methods of investigations changed from the present ones which are simply that either the complainant should produce the accused or the suspected person is forced to disclose the details by third degree methods, in some cases.

3. No witness should be required to attend a court more than once in a case and no unnecessary adjournments should be granted. Further, the witnesses should be given a much better treatment by the courts than at present. For example, they should be treated courteously during the proceedings, and afforded protection against the insolence of the police and the lawyers. Full expenses incurred in coming to court as well as diet expenses, etc., should be promptly paid to them.

4. To prevent illegal victimisation the prosecution agency should be separated from the investigating agency.

5. The moral and legal calibre of the magistracy must be improved so that the courts may inspire greater confidence amongst the people and command more respect.

6. Above all, the government must pay more attention to the administration of justice. This should not be treated merely as a routine function of the State. Rather it should be considered the most important and paramount duties of the State that justice exists in the society and justice is done between man and man.

V

It will be seen that the vesting of the administration of original criminal justice in the hands of the executive is neither desirable nor imperative. The principle that justice should not only be done but that it must seen to be done, demands that administration of justice is through a judicial organ and not through the hands of the executive. Where justice is in the hands of administrative bodies the accent will necessarily be on policy and expediency with the consequent danger of decisions being made on ad hoc basis rather than on the merits of each case. The vast majority of our people cannot feel sure or secure, when

accused of an offence, unless the question of their guilt or innocence is adjudicated upon by a regular court of law. Our position in the world comity depends on our ability to maintain the minimum standards required of a civilised country in the matter of judicial administration, the foremost requirement of which is that the question of the guilt or innocence of a person is not a matter to be settled by an administrative agency.

It is possible with effort and goodwill to attain the goal of separation in the functions of the judiciary and the executive in this matter. The danger of deleterious results on the law and order accruing could be avoided by adopting other measures. On the other hand the separation would result in greater justice to all, cause more contentment and satisfaction to the people and bring a better name and more honour to the country in the councils of the world.

DISTRICT ADMINISTRATION — A STUDY IN SEPARATION OF POWER

Bashir A. Khan

The sub-continent of India, at the advent of the British rule presented a picture of dissension and disunity. The hold of the Mughal Empire had slackened in the distant provinces and principalities and the local potentates were ruling almost as independent rulers. Robert Orme, a member of the Council of Fort. St. George (Madras) wrote in 1753.—

> Whoever considers the vast extent of the Empire of Indostan will easily conceive that the influence of the Emperor, however despotic, can but faintly reach those parts of his dominions which lay at the greatest distance from his capital. [1]

The British had as their first aim the maintenance of law and order in the country and then gradually tried to support the existing administrative system by the pattern of administration that had been devised in Great Britain. They kept intact the civil courts but tried to change the criminal law on the British model. A Law Commission was appointed in 1833, with Lord Macaulay, a member of the Governor General's Council, as its chairman, to revise and draft the code of criminal law, in order that it may suit the needs of the people. The draft submitted by Lord Macaulay was subjected to intense scrutiny and was enacted by the legislature in 1860.[2]

According to this Indian Penal Code, magisterial and executive functions were combined at the level of district magistrate and below. Magistrate, besides being a judicial officer, had also in his charge an area consisting of several *thanas* or police stations. This magistrate also had the responsibility on behalf of the district magistrate to maintain law and order, and in this respect, was to be subordinate and answerable to the district magistrate. The district magistrate combined

1. *History of the Military Transaction of the British Nation in Indostan* (1753), quoted in *Cambridge History of India*, (Cambridge, 1932), Vol. VI.
2. *Cambridge History of India, op. cit.*, pp. 27-32.

in him also the functions of a revenue officer, i. e. collector. This concentration of authority was necessitated for the purpose of exercising control over a subjugated nation. In case judicial power was taken from the executive authorities, it was feared, the British control over the indigeneous population might slacken. The district magistrate's control over his magistrates was complete as all the magistrates were administratively under him.

With the development of political consciousness among the Indians, demand began to grow for changes in the executive-cum-judicial system in the country. The British, however, could not listen to these demands as they had a foretaste of this independence at the time of Lord Warren Hastings. The struggle between Lord Warren Hastings and his Chief Justice was typical of a dispute between the executive and judicial authorities.

It was on this 'unhappy' incident that the British during their tenure of rule never seriously considered any proposal to separate the judiciary from the executive even at the district level. It may also be mentioned at this stage that the British, while keeping this "cumulative" authority, had acted on the precedent of the Mughal days when the whole system of government was based on a combination of authority. The local officers of the Mughal Kingdom combined in them the judicial, fiscal and administrative powers.

The prevailing administration in Pakistan, with the district officer known as deputy commissioner serving as the pivot, is based on the pattern devised in the period of the British rule. As said earlier, the administration in the British period was developed by way of improvisation, taking into account the conditions of the areas. This system of improvisation had some ingrained features of the old Mughal rule and was in no way an outright grafting of the parliamentary system in vogue in Great Britian. However, the British tried as far as possible to give a uniform pattern of administration with some margins of variations allowed and by keeping in view the requirements of specific areas. The type of administration introduced by the East India Company was —

> characterised by simple and more direct methods of procedure and by greater accessibility to the officials by the people but chiefly by the union of all powers, executive, magisterial and judicial in the hands of the district officer, here termed Deputy Commissioner, subject, however, to the appellate and supervisional jurisdiction of the Commissioner of the division in all branches of work. The

system was paternal rather than formally legal, though local principles were by no means set aside, and it eagerly depended for its success on the personal character, initiative, vigour and discretion of the local officer.[3]

The office of the deputy commissioner was created by the British Government of India in order to "maintain grip on the people", and therefore ought to provide to the local population a "touch of glamour and strength." This system with slight variations in the functions of the district officer remained in vogue till independence and even after when some changes in the structure of the district administration were made on the recommendation of the Provincial Administration Commission in West Pakistan. The present study conveniently deals with the district administration in West Pakistan.

The purposes and activities of district administration include: maintaining law and order in the district, ensuring that the justice will be done and the rule of law shall prevail, assessing and collecting a number of taxes, ensuring that land is properly administered and proper records are kept of the land, exercising various control functions of government, controlling local government bodies, taking immediate action in case of calamity and disaster, registering all important events, such as births, deaths etc, and carrying on the development programs of the country.[4]

On the basis of this analysis the functions of the deputy commissioner can be classified into three categories viz (a) collection of revenue; (b) law and order; and (c) administration.[5]

In the administrative set-up at present the deputy commissioner is "the focus of a number of concentric circles and in each of these segments which have been given different colours, you can see one segment of activities with which he has to deal."[6]

The deputy commissioner is the chief executive authority in the district. His main function is to maintain law and order in the district and he has to administer law on the basis of the legal codes. He is a first class magistrate and possesses Section 30 powers.[7] He supervises the work of all the magistrates in the district and has appellate jurisdiction against the decisions of the second and third class magistrates.

3. *Cambridge History of India*, Camb. 1932, Vol. VI, p. 28.
4. Richard W. Gable, "Organisation of the District", a Field Trip Report on District Administration (August, 1962), pp. 3-18.
5. *Ibid.*
6. Ghulam Yazdani Malik, "District Administration", talk delivered at NIPA, Lahore.
7. Section 30 of the *Code of Criminal Procedure.*

His work in respect of criminal justice is also that of a co-ordinator and he can transfer a case from one court of criminal justice to another or even to his own court. In this respect he is also assisted by an additional district magistrate, who is also a first class magistrate.[8]

As the chief executive of the district administration the deputy commissioner has supervisory functions over the police administration in the district. The district police with the superintendent of police as its head operates under the authority of the district magistrate. The functions of the various kinds of magistrates and police officials are clearly defined in numerous statutory regulations in their normal relationship with the deputy commissioner.[9] In the revenue sector also the deputy commissioner has the role of a collector and in that capacity he is assisted by the sub-divisional officer, the revenue assistant, the assistant collector of the first and second grades and a number of other officials.[10]

Combination of pudicial and executive functions in one functionary has been criticised on several grounds:

> The union of the executive and judicial functions is considered to be a violation of the basic principles of equity. It is remarked that the two functions differ in their very natures and demand two distinct types of mental equipment and outlook which cannot be simultaneously possessed by the same official.
>
> The magistrate responsible for the peace of the district is likely to entertain an unconscious bias in one direction or the other. As such he cannot maintain the detachment and impartiality required in the carrying out of justice. The deputy commissioner may come in conflict with individuals and institutions in the execution of his civil administrative work. It is inexpedient and unsafe, as such, to invest him with judicial powers which could be used against them. Most of the serious criminal cases are Government (until March 23, 1956, Crown) cases. The deputy commissioner represents the Government in the district. He is thus himself the prosecutor as well as the judge.

8. A. H. Aslam, *Deputy Commissioner — A Study in Public Administration* (published by the Department of Political Science, Punjab University, Lahore, 1957).
9. Ghulam Yazdani Malik, *op. cit.*
10. *Ibid.*

His control over the subordinate magistrate is also undesirable. Sometimes he sanctions the prosecution of a particular person and sends the case to one of his own subordinates. In many cases he also gives instructions regarding the case to the magistrate trying it. It is obvious that the subordinate magistrate, whose position and promotion depends on the District Magistrate, would not, in such circumstances, discharge his duties with that independence which ought to be a cardinal feature of a court of justice. Threats like: 'the sentence is inadequate; if this occurs again, I shall report your misconduct to the Government,' can be found in the correspondence between District Magistrate and their subordinates.11

An effort was made to separate judiciary and executive in 1953 by the Punjab Government. The senior judicial magistrates were to be redesignated as district magistrates, judicial magistrates were ordinarily to be promoted to the post of district magistrates and session judges respectively whereas executive magistrates were to be promoted to the posts of deputy commissioners. The scheme was made operative in January, 1954.

This scheme in practice faced serious difficulties. After this separation, there was a general shortage of magistrates in all districts and the deputy commissioner could not appreciate the true worth of this scheme. Some of the deputy commissioners communicated adverse comments on the scheme to the government. As a result the government authorised the deputy commissioner to entrust judicial work to executive magistrates and vice-versa in 1956. This in fact was abandonment of the scheme.

Failure of this scheme demonstrated how concept and ideas borrowed from other administrative system without adequate awareness of the local conditions fail to take root and create further complications. The newly developing countries where law and order problems are not completely solved and where tribal and familial ties defeat the spirit of formal legal procedures cannot afford to toy with separation of power. General need of these countries is a strong government whose decisions are respected and implemented. This purpose can be achieved by consolidating the authority of the representatives of government rather than weakening it. However the magnitude of work of deputy commissioner has increased to an extent that without lowering this burden his efficiency cannot be improved. This can be done in several

11. A. H. Aslam, *op. cit.*, pp. 39-40.

ways. One possible way is to separate the revenue functions of the deputy commissioner from his other functions.

At present in the field of revenue administration the deputy commissioner exercises the powers of a collector. As a matter of fact the system of revenue realisation has been placed on stereotyped foundation laid even before the advent of the British rule. This system had essentially many good points in it and had been found comparatively of immense value. But it would be wrong to assume its efficacy for all times. In a country like the United States many organisational reforms in the field of budget control and revenue realisation were effected particularly in the year 1939-40. In 1955 more reforms were enacted in that country and the Bureau of the Budget that was put under the executive officer in 1939 was again made comparatively autonomous in 1955.

In the complex situation of our country it would be in all fitness to examine the necessity of an autonomous set-up for revenue realisation quite apart from the existing set-up under the direct authority of the collector. This new Bureau of Revenue, autonomous in itself should have an independent police force responsible for detecting revenue or tax evasions. This Bureau should have an authority to realise all taxes from tax-payers and not simply land revenue. Quite a number of countries in the world have similar bureaus which operate as separate entity, for the consideration of cases arising out of the enforcement of revenue laws. The Bureau of Revenue need be given some concrete powers, judicial and executive, for discharge of its duty and be considered independent from political, administrative and executive control as a part of the revenue enforcement program.

Besides promoting efficiency in the field of revenue realisation, this method might lead to better assessment of revenue standards on more scientific lines. It would lessen the already heavy burden of official work on the shoulders of the district officer also.

Another possible way of lightening the work load of the deputy commissioner is to take away from him the coordinating responsibility. This officer is still considered to be the chief of the Nation Building Departments in the district. This leads to unnecessary interference even in the technical aspects of the work of these departments. It breeds jealousies and rivalries. Probably it will help the administration if coordination is done only at secretariat level. The Nation Building Departments should be permitted to work independent of the authority of the deputy commissioner or the commissioner.

To sum up, it is to be noted that two important points have been examined viz: (i) the desirability of the combination of powers in the district administration; methods of its implementation, (ii) the causes of failure of the attempts that have been made for separation of power. It has been argued that separation of power would weaken the authority of the government and law and order problem will become serious. However, a case has been made for lightening the work load of the deputy commissioner which can be done by separating the revenue organisation and by taking away the coordinating responsibilities from the deputy commissioner.

PART V

Local Government and District Administration in other Countries

This part of the book is designed to provide comparative material on local government and district administration. Papers on India and South Rhodesia have special comparative significance because with India, Pakistan shares its administrative heritage and with South Rhodesia its common colonial impact from Britain. The paper on India highlights the process of change in district administration which has been hastened by the impact of freedom. This paper also suggests an incompatibility between a successful local self-government and traditional district administration and that strengthening of the former is likely to lead to the decline of the latter.

The South Rhodesian experiment in separating the judicial and revenue collecting functions from the coordinating responsibility of the deputy commissioner demonstrates how even a society with a predominantly tribal component can undertake necessary administrative reorganisation if it takes its value commitments seriously. Experiences of both countries, India and South Rhodesia, suggest that the traditional administrative set-up cannot be kept totally intact in the changing socio-political conditions of the society.

The local government in France has several similiarities to the contemporary district set-up in Pakistan. Both countries have a strong representative of the central and provincial governments at the local level who not only combines in him police, judicial, coordinative and political functions but also 'controls' the local government institutions. Mr. M. Rafique, author of the paper on France, argues that the institution of prefet as part of the larger bureaucratic complex has kept the administrative fabric of France intact against the forces of political instability and dissension. Pakistan being plagued with similar problems, he emphasises the need of retaining the traditional district set up. How far the political instability and lack of consensus is perpetuated by the existence of an administrative mechanism of political control, however, is a question which needs to be investigated to determine the validity of Mr. Rafique's arguments.

The papers on "Local Government in Britain", "Some Aspects of Scandinavian Local Government" and three papers on County Government in the USA bring out how local government in a stable democracy develops an autonomous character unrestrained by any crippling bureaucratic control. The last paper in this part by Harry J. Friedman suggests a very perceptive hypothesis; the greater the participation of the people in the local government, the smaller the perception of the impact of local government on their lives. His conclusion "that administrative impact is inversely related to political participation" suggests a new angle of viewing the relationship of local self-government and traditional district administration.

THE CHANGING ROLE OF THE DISTRICT OFFICER (1860-1960)*

Haridawar Rai

Introduction

The head of an Indian district is variously described as the district magistrate, the collector or the deputy commissioner. He is also referred to, rather loosely from the point of view of law but accurately from the point of view of the ersponsibilities that he discharges as the district officer. In fact, the official designations applied to this officer — collector, deputy commissioner, or district magistrate — convey but a very imperfect conception of his duties and responsibilities.

When any duty devolves on him by statute, he is referred to as collector or district magistrate, but many of these duties have nothing to do with the magisterial or revenue administration. The collection of revenue and the maintenance of law and order were the chief duties of the magistrate-collector. They still continue to be his important concern. They form, however, only a fraction of the sum-total of his work. With Independence and the commencement of the Five-Year Plans, his responsibilities as a development officer have taken precedence over his traditional functions. In the present article an attempt has been made to describe and discuss some important issues that have come up during the last one hundred years of the history of the office.

II

The Evolution of the Office

The seventy years preceding the Mutiny were 'strongly formative' in experiments in district administration. They witnessed a struggle for recognition and acceptance between the two schools of district administration — the Cornwallis school and the Munro school. The

* This is an abridged version of the essay which won the second prize in the Indian Institute of Public Administration Essay Competition, 1962, and was originally published in *Indian Journal of Public Administration*, 2: 1963. It is being reprinted here with the permission of the Journal and the author.

Cornwallis school of district administration was based on a principle of 'checks and balances' and division of powers. It was opposed to concentration of too much authority in the hands of the collector, and believed in anglicizing the indigenous administrative system. The Munro school, on the contrary, was impressed by the Mughal tradition of concentration of powers in the hands of one man making him the real ruler of the area in his charge.[1]

In 1786, all the elements that were to constitute "the administrative mosaic of British India"[2] were present, though a coherent administrative pattern had yet to emerge. However, by an important decision made that year, the Court of Directors of the East India Company came to the conclusion that "the Collector should be retained as a permanent feature of local administration,"[3] and ordered the Supreme Council "to combine in the person of the Collector, the offices of Revenue Administrator, Civil Judge, and Magistrate." It was felt that the new administrative arrangement would strengthen the sovereignty of the country and power of the executive.[4]

Cornwallis was, in principle, opposed to the concentration of revenue and judicial functions. He, therefore, broke with "the personal, authoritarian tradition of Indian Government and based his work explicitly on the principles of the English political tradition."[5] with which he was well acquainted.

The magistrate and collector in the provinces following the Munro pattern of district administration, such as Bombay, Madras and North Western Provinces during the period 1818 to 1858, was an effective and powerful ruler of the area in his charge and exercised wide discretionary powers. He was "practically a local governor, exercising a wide-ranging superintendence over his district."[6] The Province of Bengal, on the other hand, did not have such a representative of government in its districts who could occupy a position of pre-eminence and primacy and "watch over and promote the general welfare, from every point of view, of the people committed to his charge."[7]

1. Erick Stokes, *The English Utilitarians and India* (Oxford, 1959), pp. 1-3.
2. L.M. Penson, "The Bengal Administrative System (1786-1818)" in H. H. Dodwell, (ed.), *The Cambridge History of India*, Vol. V. (New Delhi, 1958), p. 133.
3. *Ibid.*, p. 133.
4. A. Aspinall, *Cornwallis in Bengal* (Manchester University Press, 1931), p. 132.
5. Erick Stokes, *op. cit.*, p. 4.
6. H. V. Lovett, "District Administration in Bengal, (1818-1858)" in H. H. Dodwell, (ed.), *The Cambridge History of India*, Vol. VI, (New Delhi, 1958), p. 29.
7. *Ibid.*, p.28.

But the Bengal system of district administration under which the district officer was a mere revenue collector underwent a change in 1859. On the recommendations of Halliday, the first lieutenant-governor of Bengal, of Dalhousie, and of Canning, it was decided, immediately after the Mutiny, to bring Bengal in line with other Provinces by having its districts under a district magistrate and collector. The effect of the Mutiny, though stable, was decisive on the role of the district officer. It brought the paternalist system to the height of favour in British estimation. "The Punjab", say Thompson and Garrat, "which had been recently settled in a very direct and personal manner, had shown a very remarkable loyalty to the Company and the appointment of Sir John Lawrence as Viceroy, in 1864, completed the triumph of this school of thought."[8] From 1860, the general policy was to build up a strong cadre of British officials, encouraging them to tour as much as possible.

III

The District Officer in an Era of Triumphant Bureaucracy (1859-1919)

Growth of Special Departments

An important result of the assumption by the Crown of the governance of India was "a widespread belief that the Company's former actions had often been illegal" and, therefore, "must be regularised."[9] The Indian Council's Act of 1861 was followed by the passing of land revenue, and tenancy laws and by the three codes — the Penal Code, the Criminal Procedure Code, and the Civil Procedure Code. All this legislative activity curtailed the executive and discretionary authority of the district officer. The collector, however, continued to be the chief agent of government in his district; he continued to be responsible for its law and order and well-being. But as time passed, his duties came to be discharged in a different manner and by changed methods.

The elaboration of public business led to the division of administration among a number of new departments, usually of a highly specialised nature, tending to absorb part of the duties for which the district officer had been exclusively responsible. These new activities demanded a technical knowledge which could be acquired only by

8. E. Thompson and G.T. Garrat, *Rise and Fulfilment of British Rule in India* (Allahabad, 1954), p. 424.
9. *Ibid*, p. 426.

special training, and so the control which the collector had formerly exercised over them in his district was in part replaced by that of departmental chiefs represented in each district by their officials. There developed, as a consequence, right through the system "a growing rigidity, hardening of arteries, an increasing uniformity, a sense of superiority and a lack of human sympathy, more red-tape, more office work, loss of the old direct human rule of one man ....."[10] The district officer gradually came to pass more of his time at headquarters, less on tour. The telegraph cut down his discretion, just as it cut down the local governor's and even the Governor-General's, and the closer touch between government and local officers made it increasingly necessary for the latter "to solicit sanction before taking action and not to act in anticipation of it."[11]

It was at such a time that Sir George Campbell, one of the staunchest of the paternal school, was appointed lieutenant-governor of Bengal. He intended "to govern actively" by which he meant "to use the power and influence of the executive more actively and decidedly in promoting ..... the honest performance by each class of the obligations which undoubtedly attach to it by law or otherwise ....."[13] His important official move to this end was to strengthen the position of the district officer in the district so that the latter as government representative could help in governing more actively. He was, therefore, anxious to see that "district level officers of specialised departments should not have too many masters and that the district officer should control the local departments."[14] He accordingly introduced changes to make the heads of departments the agents and inspectors on the part of government, bound to aid, counsel and guide their local officers, each in his own department without exercising local authority over them. He desired to make "the magistrate-collectors, no longer the drudges of many departments and masters of none but in fact the general controlling authority over all departments in each district,"[15] and "the real executive chief and administrator of the tract of country committed to him, and supreme over everyone and everything, except the proceedings of the court of Justice."[16]

However, this clear and unequivocal primacy of the district officer was confined to his dealings with the police in the district. Other

10. Philip Woodruff, *The Men Who Ruled India: The Guardians* (London, 1954), p.14.
11. L.S.S. O'Malley, *The Indian Civil Service, 1601-1930* (London, 1931), p. 110.
12. C.E. Buckland, *Bengal Under the Lieutenant-Governors*, Vol. I, (Calcutta, 1902), p. 519.
13. *Ibid.*, p. 519.
14. *Report on the Administration of Bengal*, (1871-72), (Calcutta, 1872), p. 65.
15. *Ibid.*, p. 66.
16. *Ibid.*, p. 67.

district level heads could not be so clearly brought under his direct control. In purely technical aspects of their operations they continued to be guided and supervised by their superiors at the provincial headquarters though even here plenty of vagueness persisted. Though this did not greatly affect his pre-eminence within the area of his authority, it enormously increased his office work and also reduced his capacity to deal directly and personally with the affairs of his district. Towards the close of the viceroyalty of Lord Curzon it became increasingly apparent that civil servants in districts "were generally tied to their desks and found little time for informal contact with the people of their districts."[17]

The Beginning of the Present Century

The Royal Commission upon Decentralisation (1907-1909) which studied the position of the district officer very carefully found that his position had been materially reduced and recommended that "his position as administrative head of the district should be recognised by officers of all special departments."[18] The Commission underlined the unifying influence of the district officer over the various branches of government work in a district and recommended that he should "be entitled to call for any information which he thinks fit from them (officers of special departments) and to have such information given to him spontaneously in matters of importance while any views he may express should receive the fullest consideration."[19]

The changes that came in the wake of the reforms of 1909 were not intended to affect district administration, though in the secretariats "men wondered how it would be possible to carry on government at all. Indeed, all through the reforms period, the district officer took things less tragically than his masters."[20] The district officer however, came to be more overburdened with office work and he could not be "reasonably expected either to become well-acquainted with the people of his district or to exercise over his subordinates that watchful and sympathetic control that is essential to good administration."[21]

17. H. V. Lovett, *op. cit.*, p. 252.
18. *Report of The Royal Commission Upon Decentralisation in India*, Vol. I, (1909), para. 539.
19. *Ibid.*, para 539.
20. P. Woodruff, *op. cit.*, p. 218.
21. *Report of the Bengal District Administration Committee (1913-1914)* (Calcutta, 1914), p. 18.

It must, however, be noted that even towards the close of this period, the district officer, in spite of considerable weakening in his position vis-a-vis other officers of special departments, continued to be the general representative of government in his district and in varying degrees influenced the policy in all these matters. "He is always there in the background to lend his support or, if need be, to mediate between a specialised service and the people."[22] He was still much more than a primus inter pares and acted as "a direct representative of government to whom complaints on every conceivable subject can be addressed, and through whom the government can act."[23]

IV

The District Officer in a Period of Constitutional Reforms (1919-47)

The Effect of the 1919 Reforms on the Position of the District Officer

Up to 1909 at all events, and even in some measure up to 1919, government had been, in its essentials, at one with the civil service. The Indian Civil Servant had been a great ruling corporation and had not been a civil service in the English sense. The ICS man had been mainly responsible to men in his own Service, and ultimately to the Secretary of State for India. He had wielded administrative, executive, judicial and political power. He had been the system of government, and, in the ultimate analysis, the government itself. But under the Montagu-Chelmsford reforms of 1919 all this had to go. The ICS were to work in the context of a new power-structure which had come into existence with the implementation of the reforms in the form of "a Legislative Council in which the majority of the members are elected."[24] The new power affected district administration in various ways.

The influence of the new Legislative Council accentuated the tendency to make departmental activities independent of district officer, especially in the transferred departments, such as Education, Excise,

22. *Report on Indian Constitutional Reforms* (Calcutta, 1918), p. 80.

23. *Ibid.*, p. 81.

24. Government of Bengal, Appointment Department (Reforms) *Report on the Working of the Reformed Constitution in Bengal*, 1921-27, (Calcutta, 1929), p. 188.

Agriculture, Co-operative Credit and Industries. Under the old set-up, the advice of the district officer was sought on questions of policy, and reliance was placed on the advice he gave. Under the new system, although the district officer was still consulted, the views of the Legislative Council and local politicians came to carry more weight than before, and the decisions on both questions of policy and matters of local importance came to be governed by considerations of political expediency.[25] The result was a contraction of the influence of the district officer both in relation to government and in local affairs and a reduction of the scope of his initiative. The district officer was left ordinarily with the duties of enforcing law and order through his control of the magistracy and police, and of collecting the land revenue and other public demands. His were the duties, says a report, "of maintaining the fabric of government and securing a good part of the revenue needed for such maintenance as well as for the benevolent activities of government in which he has no longer much share."[26]

The duties of the district officer in his capacity as collector did not alter appreciably as a result of the reforms. But as district magistrate, the district officer, in most of the Provinces, had, for the most part, a much more anxious time during the reforms period than before. It was his duty to combat the non-co-operation movement and in a great many districts the possibility of serious clashes between the Hindus and Muslims had to be faced on a growing number of occasions.

A basic change that came about in the possition of the district officer as a result of the reforms was a change in respect of his relation with local bodies. This change was "by far the greatest."[27] His function vis-a-vis the local bodies, particularly the district board, became limited to the right to intervene, to prevent action calculated to lead to a breach of the peace or to grave injustice to sections of the population, and to the duty of inspecting the local bodies and reporting his views to the ministry. It was an extension of the principle of dyarchy into the districts.[28]

The introduction of the reforms was not looked upon with approval by a large number of district officers who were all members of the ICS. Even a small measure of popular control, considerably diluted though it was, appeared to them to undermine the whole administrative structure built up assiduously by their predecessors. The Report of the Governments of Bihar and Orissa on the Working of the Reformed Constitution

25. *Ibid.*, p. 189.
26. *Memorandum submitted by the Government of Bihar and Orissa to the Indian Statutory Commission*, Vol. XII, H.M.S.O., (London, 1930), p. 293.
27. *Report on the Working of the Reformed Constitution in Bengal* (1921-27), *op. cit.*, p. 189.
28. *Memorandum submitted by the Government of Bihar and Orissa to the Indian Statutory Commission, op. cit.*, p. 292.

(1923-26) is representative of the views of such a critical and hostile section of the members of the ICS. It says, "The position of the district officer has definitely changed for the worse ..... the new system has inevitably diminished his efficiency."[29] But the Report of a committee appointed by the U.P. Legislative Council to co-operate with the Indian Statutory Commission struck a significantly different note probably because it was presided over by a non-official and consisted of members of the Council. "It is true", the Report admitted, "that there is a tendency on the part of Government which has to justify its actions before a legislature, not to leave entire discretion in the hands of their local officers. This may have resulted in some curtailment of the exercise of the powers vested in the district officer, but no concrete cases have been cited to show that the district officer has found himself hampered in the discharge of his burden of responsibility under the existing system of government."[30] But the fact remained that the ICS disliked the Montagu-Chelmsford reforms and looked upon the act of 1919 "as a fatuous, foolish and premature measure which was doomed to failure."[31] "It had, therefore to be proved a failure," remarks Wilson, "regardless of the fact that in proving it a failure, the flames of a wider and much more ambitious movement were being fanned by these bureaucratic and wrecking Bourbons ....."[32]

The working of the reforms, however, did not affect the dual capacity of the district officer and he still remained "the principal executive agent of government, the one man who can get things done, whether it be the repression on the outbreak of disorder ... or ...the initiative of a child welfare movement ....."[33] He had still very great prestige among the inhabitants of the district. He was the embodiment of government to most of them. He wielded large powers of patronage and was responsible for making a large number of appointments. His recommendations for honorary magistrateships and nominated memberships of all local bodies were ordinarily accepted. He granted seats at ceremonial functions such as "durbars" and the coveted Indian titles and honours and other rewards were conferred at his suggestion.

The Simon Commission which was not in favour of any further weakening of the position of the district officer opined that in spite of

29. Report on the Reformed Constitution (1923-26) in Bihar and Orissa. See, *Reports on the Working Constitution* (1928), p. 424.
30. *Report of the Committee appointed by the United Provinces Legislative Council to Co-operate with the Indian Statutory Commission* (1929), p. 25.
31. Frederick William Wilson, *The Indian Chaos* (London, 1932), p. 29.
32. *Ibid.*, p. 30.
33. *Memorandum submitted by the Government of the United Provinces to the Indian Statutory Commission*, Vol. IX, H.M.S.O., (London, 1930), p. 47.

changes or adjustments the district officer must remain a very important person in the district, "the embodiment of effective authority, and the resource to whom the country-side turns in time of difficulty or crisis."[34] The Commission, therefore, defined the relations between the district officers and the district heads of technical departments and the superintendent of police in such a way as to ensure the primacy of the former as the head of the district and recommended that "except in matters of the pure routine the collectors must be informed of almost every activity in all these departments."[35]

The Impact of Provincial Autonomy on the Office

The working of the Reformed Constitution of 1919 over a period of time had obliged the district officer to adjust himself, even if with reluctance and sometimes cynical disdain, to new demands and changed conditions. The new change under the scheme of provincial autonomy came to be viewed by the district officer "with feelings resigned and wary. On the whole, however, the change proved less startling than might have been expected."[36] He had now to work in juxtaposition with the district organisation of the party running the provincial administration.

The change brought about by the inauguration of the provincial autonomy was a change in emphasis as to the functions of government. It had been the basic assumption in earlier days that the district officer "must concentrate on the first essentials — public order, the swift administration of justice, the prompt payment of taxes moderately assessed, the maintenance of accurate and up to date land records which would prevent disputes. Those had been the four first things." But popular governments, particularly Congress governments, chalked out ambitious program of reconstruction and rural development. By 1939, the year the Indian National Congress laid down the reins of government, the emphasis had changed, and rural upliftment, co-operative banks and village panchayats had come to be regarded as the first concern of the government.

The district officer was in charge of these schemes in villages. In addition, he had to add to his already countless duties "the maddening and infructuous business of answering questions, whether put down for formal answer in the House or sent informally direct, the host of subjects included under the head Rural Development, and the labour of persuading where he had been used to command."[38] Consequently, his office work increased,

34. *Indian Statutory Commission*, Vol. I, H.M.S.O. (London 1930), p. 291.
35. *Ibid.*, p. 286.
36. Philip Woodruff, *op. cit.*, p. 273.
37. *Ibid.*, p. 303.
38. *Ibid.*, p. 303.

he became more circumspect, he did not always find it possible to check land records, and cases took longer and longer to be settled.

V.

The District Officer After Independence

District Officer and Democracy

After Independence, one of the major problems that faced the country was the relationship between the civil servant and the newly created organs of the government. The initial reaction of the democratically constituted governments and legislatures to civil servants was one of distrust and even hostility, for an important plank of the national struggle against the British was the denunciation of the Civil Service which was, in the beginning, mostly British. It was, however, soon overcome because of a deep sense of patriotism and loyalty to the Constitution displayed by the Civil Servants.

The District Officer and Technical or Development Departments

An important thing which was discovered on the eve of and immediately after Independence was that the feeling of departmental loyalties on the part of officers of other departments in the district was much rampant, and that the district officer had no power to force them to comply with his orders. His position vis-a-vis heads of technical departments in the district had become, says the Bengal Administration Enquiry Committee, "thoroughly unsatisfactory both from the point of view of efficiency of the government machinery and the welfare of the people in the district."[39]

An important consequence of this situation was "the independent and disconnected activities of government in the mufassal which had reached a point of confusion."[40] The practice, in fact. was that whenever the government wished to take up any new activity, it created a new department by putting a highly paid and well-qualified man at the government headquarters as director or chief with a few regional officers. They were followed by district officers, gazetted or non-gazetted, at the district level simultaneously or at a later stage, a few field workers were let loose in unmanageable areas without proper training, equipment and

39. *Report of the Bengal Administration Enquiry Committee*, (1944-45) (Alipore, 1945), para 64.
40. *Ibid.*, para 66.

facilities. There was no coordination worth the name between the activities of the field staff of any two departments, and they had no sense of 'common objectives."[41] The result was that "development activities in the district lacked unity of approach and were always hampered for want of sufficient field staff for carrying out extension work."[42]

The District Officer in Development Administration

An outstanding feature of the program introduced since Independence in villages is the Community Development and National Extension Service. It was only appropriate, therefore, that the two reports[43] which influenced most the structure of administrative organisation for implementing these programs suggested a common extension machinery on behalf of the principal development departments of government.

The Grow More Food Enquiry Committee underlined the need for "an organisation for intensive rural work which would reach every farmer and assist in the co-ordinated development of rural life as a whole ..... "[44] and proposed that since the district occupied an important place in the administrative organisation "the development activities should be unified under the collector as Extension Officer assisted by the Specialist Officers."[45] The Planning Commission also suggested that the re-organisation of district administration should provide for:

"(1) strengthening and improvement of the machinery of of general administration.

.....

(3) Integration of activities of various development departments in the district and the provision of a common extension organisation ..... "[46]

The Planning Commission emphasised that in making the detailed administrative arrangements, the States should keep in view an essential point, that is, "the position of the collector as the head of the district, with the district officers of the development departments working with him as a team."[47]

41. Government of India, Ministry of Food and Agriculture , *Report of the Grow More Food Enquiry Committee* (June, 1952), p. 53.
42. Government of India, *The First Five-Year Plan* (New Delhi), p. 129.
43. These two reports are: *the Report of the Grow More Food Enquiry Committee* and *the First Five-Year Plan.*
44. *Report of the Grow More Food Enquiry Committee, op. cit.*, p. 53.
45. *Ibid.*, p. 63.
46. *The First Five-Year Plan, op. cit., p.* 130.
47. *Ibid.*, p. 130.

These suggestions were not only logical but also natural because in the past the role of the collector as. "the Government's principal representative,"[48] had come to be recognized and accepted. Besides this, his functions were never entirely regulatory, and in course of years a great deal of development functions had come to be grafted on his original regulatory functions. He was, by virtue of his position in the official hierarchy, the natural leader of the official team at the district level. He was also capable of becoming a multi-purpose man and was expected to take the lead in the development of the areas entursted to him.

It took, however, a few years before the district officer could actully assume the role intended for him in the development administration. The Community Development Project Administration, which was inaugurated in October 1952, was, initially, not an organic part of the normal administrative machinery and the project areas were "virtual islands in the existing administration."[49] The project executive officer had to work directly under the control and supervision of the development commissioner, and the district officer was completely out of the line of the development, administration.

Consequent on the opening of the N.E.S. Blocks, the program further expanded and the development commissioner found it increasingly difficult to exercise proper supervision and control, to provide for supplies like iron, steel, cement, seeds, fertilizers etc., and to ensure the flow of the best technical advice available to the field worker. Speedy execution of the program was also being hampered by lack of proper delegation of financial and administrative authority.[50]

The experience of the working of the community development projects (basic type) of 1952 further made it clear that it was not adequate to bring about co-ordination among the various heads of departments at the state headquarters. In order to make this a success, it was necessary to ensure co-ordination among the district and sub-divisional heads of departments. The obvious course, therefore, was to confer on the district officer the kind of co-ordinational functions which had been conferred on the development commissioner at the state level, otherwise "neither unity of quality, nor speed of progress can be maintained."[51]

48. *Ibid.*, p. 128.
49. Government of India, The Publication Division, *Road to Welfare State* (New Delhi, 1957). p. 19
50. U.L. Goswami, "The Structure of Development Administration", *The Indian Journal of Public Administration* 2. 1955, p. 110.
51. Planning Commission, P.E.O., *Evaluation Report on the First Year's Working of Community Projects*, (1954), p. 12.

By 1955, such a suggestion was "universally accepted in principle"[52] and the collector was "well on the way to becoming the principal development and welfare officer of the district."[53]

The progress towards actively associating him with the execution of development programs went apace in the subsequent years and the entire program came to be integrated, in course of time, into the administrative system of the country. The U.N. Evaluation Mission Report found in 1959 that "the line of authority and supervision was that of the general administration,"[54] and that the collector functioned "as the co-ordinating officer and the captain of a team consisting of technical officers of the respective development departments."[55]

The pattern of supervisory authority and control of the collector can be said to have a theoretical basis in what is called "dual hierarchy" which, according to Dimock and Dimock, "is so far the best method of solving the problems of co-ordination."[56] This theory was first brought into prominence by Arthur W. Macmahon, John D. Millet and Gladys Ogden in their book, *The Administration of Federal Work Relief*."[57] This theory is vital organisational concept and John D. Millet is of opinion that "only in the theory of dual supervision will we find the means of building an integrated field structure for administrative operations."[58] It rests on a dichotomy between the specialist and generalist and assumes a dual line of supervision and control from the top down and a dual set of loyalities from the bottom up. "The crux of the problem," remark Dimock and Dimock, "is that certain officers must be "administratively responsible to one superior and 'technically' responsible to another."[59]

District administrative organisation in India, like the prefet system in Western European countries, is an example of the system of integrated field structure, with an area specialist at the head of it. "Area

52. Planning Commission, *Evaluation Report on the Second Year's Working of Community Projects*, Vol. 1, P.E.O., (1955), p. 5.
53. *Ibid.*, p. 4.
54. M.J. Cladwell, R. Dumont & M. Read, *Report of a Community Development, Evaluation Mission in India*, (Under the U.N. Program of Technical Assistance) Ministry of Community Development and Cooperation of India, (1959), p. 13.
55. *Ibid.*, p. 13.
56. Marshall E. Dimock & Gladys Ogden Dimock, *Public Administration* (New York & Toronto, 1954), p. 331.
57. Arthur W. Macmahon, John D. Millet, and Gladys Ogden, *The Administration of Federal Work Relief* (Chicago, 1941), pp 264 68.
59. Dimock & Dimock, *op. cit.*, p. 331.

administration with one officer having over-all charge of a particular area has long been a basic concept in Indian administration."[60]

The District Officer in the Scheme of Democratic Decentralisation

With the publication of the Balwantray Mehta Study Team Report (1957), "the most influential survey of local administration which has appeared since Independence,"[61] the question as to what place the district officer should occupy in the scheme of democratic-decentralisation came to agitate the minds of the planners and administrators. The Mehta Team itself recommended that "the Collector will be the Chairman of the Zila Parishad and one of his officers will be the Secretary."[62] The first official conference held at Bangalore in November 1960 studied this problem carefully and resolved:

> The Collector should be kept outside the three-tier system and should be the agent of the Government informed of the happenings and the general trend of events, and, where the Government so decides, to take necessary corrective action. For these purposes, he may be entitled to attend the meetings of the Zila Parishad/Panchayat Samiti or its sub-committees and also call for their records.[63]

A few months later this question, among others, was discussed at the Tenth Development Commissioners' Conference in July 1961, at Hyderabad. The question framed for discussion was as follows:

> What should be the proper relationship between officials and non-officials? In particular, what place should the Collector occupy in the Zila Parishad?[64]

The Conference discussed the question in much detail and resolved that "the Collector should keep in constant touch with the Zila Parishad with regard to the planning and implementation of the various development programs,"[65] but it left to the states to experiment on one of the four available alternatives, namely:

60. V. Nath, "Area Development", *Kurukshetra*, Anniversary Number, 1; 1957, p. 45.
61. Hugh Tinker, "Authority and Community in Village India", *EROPA Review*, 1960, p. 119.
62. *Report of the Team for the Study of Community Projects and National Extension Service*, I, p. 19.
63. *Kurukshetra*, 4: 1961, p. 12.
64. Hyderabad Conference Special, *Kurukshetra*, 12: 1961, p. 4.
65. *Ibid.*, p. 19.

a) The collector should be fully associated with the Panchayati Raj institutions and should be a member and chairman of the Zila Parishad.

b) The collector should be a member of the Zila Parishad and chairman of all its Standing Committees.

c) The collector should be just a member of the Zila Parishad with or without a right to vote.

d) He should be completely outside the Zila Parishad but with a right to take part in the deliberations whenever he considers this necessary.

To these alternatives may be added a fifth one which has been proposed by an important group of public men, Association of Voluntary Agencies for Rural Development.[66] The alternative is: "The collector should be the chief executive officer of the Zila Parishad."

It may be said in favour of the fourth alternative that as an official the district officer has no place in a purely elective body. He should, therefore, function as an agent and representative of state government reporting to it periodically about the activities of the Zila Parishad and other Panchayati Raj institutions much in the same manner as he does for the municipalities today or did for the District Board previously. The merit in this suggestion is that it relieves the collector of a great deal of work and enables him to function as an umpire removed from the din and bustle of local politics. The Maharashtra Committee on Democratic Decentralisation opined that the collector should be outside the Zila Parishad so that "the government will have in him an independent officer who can also evaluate impartially the functioning of the local body and who will also be available for keeping government informed on any matter which is of sufficient importance."[67]

It seems, however, that complete isolation of the district officer, as suggested by the Maharashtra Committee, from the work of the Zila Parishad will amount to his complete separation from the main stream of development efforts in the district. It is difficult to see in what manner he can watch the work of the Zila Parishad unless he has a right to participate in its deliberations whenever he deems it necessary. The

66. The Association of Voluntary Agencies for Rural Development is a voluntary organisation devoted to the welfare of rural community through development of mutual cooperation and understanding among voluntary agencies, (Vide: Report of the Study Team on Democratic Decentralisation in Rajasthan, 1961, p. 19). Also see Report of a Study Team on Panchayati Raj in Andhra Pradesh, 1961, p. 37. The chairman of the Executive Committee of AVARD is Jayaprakash Narayan, the Sarvodaya Leader.

67. Government of Maharashtra, *Report of the Committee on Democratic Decentralisation* (1961), p. 101.

exhortation in the Third Five Year Plan to the district officer to "assist democratic institutions in developing the right conventions in the day to day work..."[68] would remain a will-o'-the-wisp. It is felt that his occasional presence in the Zila Parishad, when an important matter is being discussed, will furnish to the Parishad the advice and guidance of a mature and experienced officer who has considerable prestige in the eyes of the people. But he should not be a voting member of the Zila Parishad for he should be embroiled in group politics in the district. His presence should be to clear up certain misunderstandings, to provide some important information, or to give a mature and impartial advice to the Zila Parishad on a controversial or difficult question.

An important section of public men is of opinion that the district officer should be the chief executive officer of the Zila Parishad in the same way as the block development officer is the chief executive officer of the Panchayat Samiti.[69] In order that the state government is not weakened in relation to these bodies, the AVARD Study Team suggests that "The State Government... can arm itself with the same powers of cancellation and suspension of resolutions in respect of the Zila Parishad as it has in respect of the Panchayat Samiti." With regard to the emergency powers of the district officer, the AVARD Report on Panchayat Raj in Andhra Pradesh has observed that "he could have an independent jurisdiction regarding law and order. In a similar way he should be free to execute such duties as the State Government directs him to do."[70]

But it is difficult to visualise how a collector subordinate to the Zila Parishad as its executive officer can exercise responsibility towards law and order independently or perform other duties as prescribed by the state government without being a suspect to the Zila Parishad. With the district officer subordinate to the Zila Parishad, the state government will be left without any independent observer on the district scene.[71] The new role of the district officer, therefore in relation to the Zila Parishad should involve periodical and informal discussion of affairs of the Zila

68. Government of India, Planning Commission, *Third Five Year Plan* (Delhi, 1961), p. 340.
69. *Report of a Study Team on Democratic Decentralisation in Rajasthan*, AVARD, (1961), p. 19.
70. *Report of a Study Team on Panchayati Raj in Andhra Pradesh* (1961), p. 37.
71. The Maharashtra Committee on Democratic Decentralisation has objected to the collector becoming the executive officer of the Zila Parishad. It says, "The Collector's appointment as Chief Executive Officer is also likely to place him in an embarrassing position as he will have to divide his loyalty between the government and the Council ..... His position will become particularly difficult in matters where there is difference of opinion between the government and the Council. It will be extremely difficult for him to divide his loyalties in compartments and show different personalities at different times according to the authority under which he is operating." (Vide Report, p. 102).

Parishad and senior officers of development departments in the district, It should be the duty of the chief executive officer of the Zila Parishad to keep the district officer regularly informad of the intentions and actions of the Zila Parishad and to avail himself of his advice. It should also be possible for the chairman of the Zila Parishad and the district officer to meet at least twice a month and discuss matters relating to the development of the district with special reference to the activities of the Zila Parishad. It would be from such consultations that the district officer would be able to know when to offer the general advice to the Zila Parishad by being present in its meetings.

There is a mist of uncertainty surrounding the future role of the district officer in Panchayati Raj. There are two schools of thought easily discernible through the mist. One like the AVARD regards the district officer as a sort of scaffolding which is used when a building is in progress, but which must be removed once the building has been completed. But this school is not able to say precisely when the 'scaffolding' should be removed.[72] The other school consisting of planners and administrators holds that even with the establishment of a full-fledged Panchayat Raj the office of the district officer should continue, for the state government must have a trusted agent in the district to act as the ultimate authority for maintaining law and order and as a focal point for common local interests between various authorities.[73]

VI

The Traditional Functions of the District Officers: Changes After Independence

District Officer as Collector

For long the revenue administration was the only centre of government in the district and absorbed all the governmental authority

72. *Report of a Study Team on Panchayati Raj in Andhra Pradesh*, p. 37. It says, "The Collector should work as the Secretary of Zila Parishad, so far as the development departments are concerned. He could have an independent jurisdiction regarding law and order ..... This, of course, will be necessary preliminary step to the complete transfer of all the present functions of Government to the Zila Parishad."

73. The First and Second Five Year Plans suggested various measures for strengthening the position of the district officer. The Third Five Year Plan also assigned an important role to the district officer in facilitating the success of Panchayati Raj and implementing development programs. It says: "He has the duty of ensuring co-ordination at the district level between the Zila Parishad and the technical advice and guidance from departments at the state level." (Vide: p. 340). The Maharashtra Committee on Democratic Decentralisation, which is said to be more radical in its approach to democratic decentralisation than the Mehta Study Team, favoured the retention of "the state sector" in the hands of the district officer. It did not foresee a complete transfer of the whole gamut of district administration to the Panchayati Raj institutions.

that operated in the district.[74] In its early days the administration in the district was conducted by a single organisation which the Revenue Department and the district officer represented. It was a multipurpose department and the officers of the department were multipurpose functionaries. After Independence changes have taken place in the nature and contents of his revenue functions. The abolition of zamindaris has placed new responsibilities on him. Instead of dealing with a few intermediaries responsible for the payment of land revenue, he has now to deal with hundreds of cultivators in connection with land revenue, canal dues, taccavi loans, and many other such things. A huge staff ranging from karmacharis to circle officers has to be engaged and supervised and their service conditions and other things have to be looked into."[75]

Land ceiling laws, levy on land improvement and agricultural income-tax have imposed additional burden on him. Political pressures, in the process of realisation of taxes and dues like taccavi, canal, etc., are occasionally brought to bear upon his officers. Complete recovery of dues is an ideal difficult of realisation.

Consolidation of land holdings and land acquisition are other problems of very difficult nature subsequent to Independence. Land acquisition used to be nominal before Independence. Now, due to various industrial projects and development schemes, considerable land has to be acquired for public purposes. Though he is assisted in the discharge of his heavy revenue work by an additional collector or a revenue officer, as the case may be, the brunt of responsibility has to be borne by him. He is also called upon to dispose of a specified number of revenue cases, besides inspecting tehsil and sub-divisional offices. Though in some of the states the task of rent collection is being gradually made over to the village panchayats, the ultimate responsibility still rests with the collector.

The District Officer as Magistrate

The magisterial functions of the district officer may be dealt with under: maintenance of law and order, and trial of criminal cases and supervision of magisterial courts, that is, functions which are essentially judicial.

74. M. Ruthnaswamy. *Some Influences That Made the British Administrative System in India* (London, 1939), p. 321. Ruthnaswamy observes: "Not tribal settlements, nor historical considerations—such as created the English county or the French province of the ancient regime—created the Indian district. It was the offspring like the French department of the Revolution of administrative convenience."

75. This is especially true of Bihar whose land revenue administration was governed by the Permanent Settlement of 1793, and which, before independence, did not have revenue agencies below the sub-divisional officer.

1. The Maintenance of Law and Order:

The first set of magisterial functions has two facts; (1) the detection and prevention of crime in general, and (2) the prevention and quelling of riots and more serious disturbances. The first is performed mainly by the police, but in the performance of the second, the district magistrate plays an important part. The relation between the district magistrate and the police is delicate and ill-defined. On the one hand, the police of the district have to work under the district superintendent of police and no one else, but on the other the district magistrate is required to exercise a general control over the criminal administration.

Before Independence, the district magistrate and the district superintendent of police, usually, worked together in harmony and co-operation, but instances of clash between them are now often cited. The Uttar Pradesh Police Commission (1960-61) has found that the existing relationship between the district magistrate and the district superintendent of police, based on Section 4 of the Police Act (Act V of 1861), which used to be taken for granted, has assumed the character of a 'controversy'. It is now being argued by the police that "the exercise of supervisory powers by the district magistrate weakens the authority and reduces the position of the superintendent of police."[76] A similar controversy was raised before the Bihar Police Commission (1961) which examined the relationship that should exist between the district magistrate and the superintendent of police. The Commission was of opinion that "the present conflict, wherever existing, is due more to a personalities than a conflict of the system itself."[77] It did not recommend a radical change in the relationship which has been existing between the two since 1861.

2. The Trial of Criminal cases and Supervision of Magisterial Courts:

This particular aspect of the collector's magisterial functions has been affected in those states or parts of states where the scheme of separation of judicial and executive functions has been introduced. The separation scheme of the state of Bihar might illustrate to what extent the magisterial (judicial) powers of the district magistrate have been affected. The scheme envisages that all magistrates and munsif-magistrates trying criminal cases will be under the control of the High Court through the sessions judges, and that the district magistrates and sub-divisional

76. *Report of the Uttar Pradesh Police Commission (1960-61)*, (Allahabad, 1961), p. 15.
77. *Report of the Bihar Police Commission* (1961), (Patna, 1961), P. 150.

magistrates will not have any control over them nor will they have anything further to do with a criminal case after it has been transferred for trial to a munsif or a judicial magistrate. It is only the sessions judge who is to record annual confidential remarks on the work and conduct of the magistrates employed on the judicial side. In the matter of vesting the judicial magistrates with higher powers the sessions judge is to be consulted. The High Court has been vested with the powers of transfer and posting of, and grant of leave to, judicial magistrates.[78]

Now, under the separation scheme, the district magistrate does not inspect trial-registers and case records. Inspections are done by the sessions and assistant sessions judges and the responsibility for proper and speedy disposal of cases is theirs. Functions, however, which are essentially police functions, e.g., the handling of law and order and those of an administrative character, such as issue of licenses for firearms, continue to be discharged by the district magistrate and executive magistrates subordinate to him.

VII

Conclusion

The institution of the district officer has a long history behind it. From time to time there have been changes, additions and subtractions in the duties of the district officer. But on the whole his duties have expanded while his powers have diminished. With the outbreak of the Mutiny the paternalist system of district administration came into prominence resulting in the absolute supremacy of the collector in the district. This trend was, however, soon countered by the growth of governmental functions demanding specialised direction and treatment.

The introduction of dyarchy in 1921 which transferred the control of nation building departments to ministers further restricted his powers. During the Second World War and the post war period, his functions came to expand for a short while, but simultaneously a tendency to departmental autonomy and disconnected functioning of technical departments was also discernible. With the separation of judiciary, the district officer became more and more exclusively an executive magistrate and a collector of revenue.

78. See Bihar Government's Additional Secretary's Letter No. II-HI-301/50-A.11860 dated December 20, 1950, *Compendium of Circulars and Orders of Appointment Department*, Cabinet Secretariat, Government of Bihar, 1961, pp. 696-701.

In the context of community development and N.E.S. programs, he was recently invested with co-ordinational and supervisory power over the district head of technical departments. But again, a tendency in the opposite direction is appearing with the introduction of Panchayati Raj. Under this scheme, his extension functions are being transferred to local bodies and he is being entrusted with the task of guiding, educating and advising them. Full implications of the impact of the scheme on his office are not yet in sight. But it is not unlikely that after the successful working of the Panchayati Raj institution over a reasonable period of time, he may be left with regulatory functions alone.

DISTRICT ADMINISTRATION IN SOUTHERN RHODESIA

D. M. Connolly

Introduction

Before discussing modern administration in Southern Rhodesia, it is necessary, in order to gain perspective, to have some knowledge of the country's history and geographical position.

Southern Rhodesia is a land-locked state in Central Africa. To the north is Northern Rhodesia, to the south, South Africa. On the west lies Bechuanaland and on the east, Mozambique. The northern boundary is the Zambezi River. The country is some 150,000 square miles in extent and has a population of some 3½ million Africans, plus about ¼ million people of other races. Rainfall varies from as little as 6″ per annum in the Southern low-land to over 100″ in parts of the high eastern district. It is a modern state, rich in minerals and agricultural potential, and it has a fair number of industries.

Southern Rhodseia did not become a unified state until 1890, when it was occupied by Europeans. Prior to that date, the African inhabitants lived in their separate tribal groupings, constantly waging war upon each other. The southern portion was invaded by the Matabele tribe, a warlike offshoot of the South African Zulus, in about 1840, and they held the northern tribes in subjugation until their power was broken in the Matabele war against the Europeans in 1893.

From 1890 until 1923, the country was run by the British South Africa Company, a chartered company whose Chairman was Cecil John Rhodes. In 1894 an administrator was appointed, together with a council of four nominated members. In 1898 a new constitution provided for a legislative council presided over by the administrator. The first magistrates and native commissioners (now known as district commissioners) were appointed.

The country was divided into a number of so-called "native" districts. These were largely occupied by tribesmen living in their age-old communal fashion. There was no free-hold title to land among the Africans; it was all vested in the chiefs.

District commissioners of that time held no statutory powers. Their main duties were those of political officers—to get to know and understand the African population, advise them of government laws, arbitrate in civil disputes, keep the peace, and keep informed of current opinion. It must be remembered that at that time the Africans were completely uneducated, had no written language, no money, lived communally in tribal groupings, and had no previous contact with Western civilization.

Shortly after this district commissioners were given additional duties. They became both judicial and revenue offcers; they allocated land, enquired into complaints, registered dogs, rifles, cattle brands, births and deaths.

In 1923 Southern Rhodesia became a self-governing Colony with a prime minister and elected Parliament. The Chartered Company relinquished control. Under the new constitution certain areas known as native reserves, and now known as tribal trust lands, were set aside for the exclusive use and occupation of the African tribes. This was largely a protective measure to enable the tribesmen to live in their traditional communal manner and to ensure that their lands were not bought or taken over by Europeans.

At the present time, of the 100,000,000 acres in Southern Rhodesia, approximately 40,000,000, is reserved tribal trust land. The remainder is divided, under the Land Apportionment Act, into European Area, African Purchase Area, where they may purchase and obtain title deeds to their own farms, and Unreserved Area, where people of any race may purchase land. There is continual pressure on the government to repeal the Land Apportionment Act so as to throw the whole country open to purchase by people of any race, and there are a variety of arguments for and against this.

II

District Administration

Up until 1962 the country was divided into "native" districts, this term being a carry-over from the past, and which I shall refer to from now on as administrative districts.

Magistrates were stationed in all the larger cities and towns, and performed judicial functions, as well as some revenue collecting and administrative functions.

The fifty administrative districts were (and still are) headed by a district commissioner. Many of these were rural districts and the district commissioner had a variety of duties to perform, viz:-

a) Judicial and quasi-judicial (except in those places where there was a magistrate)

b) Land and land usage, including the preservation of natural resources, general economic development, marketing of stock and agricultural produce.

c) General administration, welfare and advisory services, collection of revenue, animal health.

d) Miscellaneous extraneous duties relating to prisoners aid societies, youth clubs, hospital advisory committees, welfare societies, farmers associations, town management boards, school committees etc.

Unlike Pakistan, the police are not controlled by either the district commissioners or the magistrates. They work independently, although in close co-operation, and they are responsible to their own minister.

The Re-organisation of District Administration

For some years prior to 1961, district commissioners had been complaining bitterly that they were becoming over-burdened with administrative and judicial duties; that a flood of paper work kept them desk-bound; and that they were losing touch with the people they were supposed to help, advise and administer.

The district commissioner was accused of being a "government within a government" since, he represented almost all other departments as well. There was a historical reason for this. The first district commissioners were appointed as a result of a request by the Matabele Chiefs in 1896. They wanted government representatives whom they knew, since they did not understand what "government" meant. As the Secretary for Internal Affairs, in his Annual Report of 1961 said:—

> Here was the beginning of that "government" which, in African eyes, had to be personal, consistent and continuous; the very opposite to that impersonality. remoteness and bureaucratic nature which is the embodiment of the governmental system devised by Europeans and which, even to this day, is so bewildering to the mass of Africans who expect a permanent personality to represent power and authority.....Long before the sarcastic reference to a 'government within a government' gained currency the D.C. became the Government through sheer compliance with African concepts and expectations and the isolation of his duties. There was no one else, except the missionaries and a few traders. It was the personal touch, it was understood.

By the 1930's it began to be realised that the traditional way of life of the rural African, employing his ancient form of primitive cultivation, was leading to over-crowding, overstocking, and a destruction of the country's natural resources. The dilemma facing the government was whether to allow the rural peasant to continue undisturbed in his traditional ways, with minimum interference of the indigenous culture, or whether to embark on an active policy of development and the introduction of more modern methods of agriculture and related technical pursuits. However, the deterioration of the natural resources was becoming so grave that action eventually became imperative. Agricultural officers were employed in all areas to teach new methods; demonstration plots were started; the practice of shifting agriculture was stopped; government poured money into roads, bridges, clinics, dispensaries, assisted mission schools, established cattle marketing centres, grain depots and co-operatives. Development proceeded apace. By 1962 over 90 per cent of all primary school-age children were receiving education, and economically the rural areas had been transformed.

There were still, however, too many cattle on the land. In 1951, therefore, the Land Husbandry Act came into being. This Act aimed at giving a legal right of land and cattle to all those who were cultivating or who owned stock on the day the Act came into being. It aimed at giving a man an economic holding varying from four to fifteen acres of land, and up to 15 head of cattle, depending on the area, its rainfall, fertility etc. It also aimed at introducing a degree of individual tenure, as opposed to the traditional communal method. Once rights had been issued and all available land taken up, no one else would be able to cultivate and must therefore go to the towns to seek employment in industry or commerce. While this legislation worked well as a conservation measure, it ignored the traditional authority of the tribal chief who had always been responsible for allocating land, and it did not overcome the belief in the eyes of the populace that every man had an indefeasible right to cultivate land in a communal context. Further-more, commerce and industry was not able to absorb all the people thus made landless. As a result of all these factors government abandoned any further attempt to implement the Act. Those who had been issued land and grazing rights were entitled to keep them if they wished, and most of them did. The power to allocate any available land in the future was returned to the chiefs but government reserved the right to control overstocking and to ensure the preservation of natural resources.

Throughout this period of some twenty to thirty years, a period which might be termed the "development" phase of administration, the

district commissioner found himself becoming more and more remote from the people. He was involved in all the primary development; he was responsible for the expenditure of large sums of money; he was the co-ordinator of all the technical departments; He controlled the activities of the agricultural officers, and was also the judicial officer. Government, in its rush to modernise and develop the country was inclined to force the pace. The district commissioner as the luckless agent of government policy, was sometimes accused of being harsh, of imposing unpopular measures, of failing to understand the people. This was unavoidable. He had no time to keep in close contact with the people, to explain government policy with tact and patience. Government was doing too much for the people, whether they wanted it or not, and not enough with the people.

It was becoming apparent that district commissioners could not continue to cope with dozens of extraneous duties in addition to handling the complexities of modern administration. A Commission, known as the Robinson Commission, was therefore set up to enquire into these matters. As a result of the recommendations which that Commission made, the following changes have been made:—

1. The Department responsible for all general administration, and under which district commissioners fall, is known as the Department of Internal Affairs.

2. All revenue and administrative functions, except those of a judicial or quasi-judicial nature, have been taken away from magistrates.

3. All revenue functions have been taken away from district commissioners. These are the responsibility of the Revenue Department, and while in the remoter areas their officials may be placed under district commissioners for disciplinary purposes, they are responsible direct to their own head office.

4. All judicial functions, with one exception, which I shall mention, have been removed from district commissioners. As the Robinson Commission stated, "Judicial Officers should be completely divorced from legislative and administrative functions of government and a judicial officer should be, and feel himself to be, free from interference by the Executive."

The exception is in respect of civil cases tried in accordance with African law and custom. These are still heard by district commissioners since magistrates feel that they have not had sufficient training in this

subject to enable them to take over. It is anticipated that they will do so in the near future, however. Paralleling these European courts, a system of Tribal Courts is being built up. Even now most African civil cases which are based on their own customs are tried by their own chiefs.

These measures have alleviated to a considerable extent the burdens placed on district commissioners and have left them more time to concentrate on proper administration, on getting to know the people, on fostering and guiding local government bodies and the community development program. One unavoidable snag is the increased cost to government in the administration of justice. Since the population in the rural areas is fairly sparsely distributed, there is not enough judicial work to warrant the stationing of a magistrate at each of the 50 administrative centres. At present they are only stationed in 14 towns, and therefore have to travel to the remaining 36 centres to conduct periodical court on specified days each week. This is a costly procedure.

III

District Administration and Local Government

Local government, patterned on the British model has been operating successfully in the larger towns and cities for almost as long as there has been Central Government in Southern Rhodesia. This has not been the case, however, in the rural areas. There, apart from small bodies such as farmers' association, intensive conservation area committees and school committees, Central Government has shouldered most of the responsiblities normally left to local authorities. It is true that in 1937 a Native Council's Act came into being with the intention of fostering and establishing local government bodies in the Tribal Trust Lands, but very few of these came into being, largely because their powers were limited, and in any case they were seen as merely an extension of the district commissioner's office. In addition some traditional leaders in the form of chiefs were opposed to their establishment since they saw in them a possible diminution of their own powers.

The Act was repealed and replaced by new legislation in 1957. This later Act has been described by an impartial observer as

> a rare and outstanding document ..... It interprets change as a human problem, and it seeks to meet this problem by the mobilization of the human resources and ambitions within the African communities themselves ..... Far from prescribing regimentation from above, the Act invites self-expression and initiative from within ..... the Act recognises that the

process of transition involves both the traditional and the modern and it seeks to combine the two in a single structure of local government ..... It is a powerful appeal to gather the diffused forces and latent potentials of indigenous society, and to give new vitality and purpose to the sagging and deteriorating order of the African rural communities ..... It embodies the essential administrative approach which might save rural African society from utter disintegration.

This Act provides for the establishment of councils in those areas where the people express a wish for such organisations. These councils consist of both elected and ex-officio members, the latter being the traditional chiefs and headmen. The council is empowered to collect rates and taxes, and receives substantial grants from government, in the form of percentage grants, based on the percentage of revenue a council collects, salary grants, in which government undertakes to pay 50 per cent of a council secretary's salary, provided he is a suitable incumbent, and ad hoc grants for various projects. Councils derive their powers from warrants emanating from the secretary for Internal Affairs. These warrants permit a council to provide almost all the services and facilities which a community is likely to want.

In spite of what might be considered an ideal base for the establishment of functioning, autonomous local authorities, very little has in fact been achieved. The main reasons are probably these:-

1. Central Government has reserved for itself the same powers which it gives to rural councils, and this results in a duplicaton of effort. In fact, in areas where there are no councils, government will provide the services and undertake the development which councils do in areas where they have been established. The people in these latter areas naturally ask themselves why they should bother with an organisation to which they have to contribute rates and taxes when without it government would provide the necessary services.

2. The biggest felt needs of the people at the moment are schools and medical institutions. The responsibility of providing these rests with Central Government and therefore local local government loses favour by not being able to provide the very things most sought after by the people.

3. Government's paternalistic attitude of doing everything for people has diminished the capacity and the will to become actively and constructively involved in their own affairs.

4. Until very recently, district commissioners have been so overburdened that they have not had the time to fan the flames of interest in local government, nor to assist in training council members and chairmen so as to give them a broad understanding of their duties, powers, and functions, and the meaning of local government as a whole.

Quite obviously, in a young country such as this, where people are daily becoming more and more inextricably bound up with a modern industrial economy, where their expectations and demands for increased schooling, more hospitals, houses, services, are constantly rising, no government can hope to do all on its own. Its resources are too slender. The participation of the people, through their own local government authorities becomes essential. They must assist central government by contributing their own resources, whether these be in the form of labour, materials, or taxes, or all or any of them.

We hope to achieve this through both legislative and administrative measures. We plan a Local Government Act which will be non-racial, will provide for the setting up of all types of rural local government. Central Government will state clearly what its own functions are — e.g. secondary schooling, major roads, hospitals, large irrigation works, primary development, defence, police, civil service etc. The services and facilities which individual communities require and which apply only to those communities and not to the nation as a whole, will be their own responsibility, to be achieved through their own local government authorities with central government assistance in the form of grants which will obviously have to be of considerable magnitude. Government will be required to stipulate that outside its own spheres of influence it will provide nothing, so that if any area decides not to form its own local government it must suffer the consequences of a lack of local services. It is envisaged that the construction and management of primary schools and medical clinics and dispensaries will be the responsibility of local government, but that most of the teachers' pay will be provided by Central Government as grants in aid. This will help foster the establishment of local government bodies.

The district commissioner's role in this program will be mainly an educational one. Tactfully and patiently he will have to explain to the people the reasons for and the advantages of local government. Suspicion and distrust will have to be broken down. When local government authorities are formed, the district commissioner will have to be standing by, always available as a friend and adviser, educating

people in their responsibilities, explaining the law, advising on procedure calling in technical experts and generally acting as an educator in the process of establishing self-reliant, progressive communities.

Administration, Local Government and Community Development

Community development, as a government sponsored program, is a new concept in Southern Rhodesia. However, it is probably true to say that in most parts of the world, and Southern Rhodesia is no exception, the principles of community development, of people helping themselves to achieve the things they want, has been practised to a greater or lesser degree. We merely aim to encourage, to assist, and to systematize the process.

No separate Department of Community Development has been set up. Responsibility for the program rests with the Department of Internal Affairs, but the approach is a co-ordinated one through all ministries of government, with the district commissioner as the main co-ordinator at district level. It is recognised that training is the key to the new approach, and, two institutions have been opened for this purpose.

One is the Staff College for senior officials who will receive in-service training in the principles and practice of Community Development, and the other is the Training Institute for Community Development Agents (field workers) and Local Government Secretaries and Treasurers.

We see community development as distinct from, but closely allied to, local government. No government be it central or local can satisfy all the needs of the people. There are many things which small communities can achieve entirely through their own efforts, or with a minimum of outside assistance. Very often, however, the problem, especially in a country with a paternalistic and authoritarian tradition, is that people do not know how to organise themselves for constructive endeavour, do not know how to express their felt needs, do not know how to rate their priorities, do not even know to whom to look for assistance. Too often they sink into apathy because they are unaware of their own potentialities and ability to solve the seemingly unsurmountable. We are at present training community development agents who will work among the rural communities and assist them to organise, formulate plans, carry them out, and later evaluate their achievements. We envisage a community which falls within the area of jurisdiction of a local government authority, and which requires financial aid for a self-help project, obtaining that aid from its local government and not from central

government. Even if central government decides to give a grant to a community development project, it will channel that grant through the local government body, thereby encouraging people to place more faith in and give more support to, their own local institution.

In areas where local government has not been established, we envisage aid for self-help projects coming from funds held for that purpose by district commissioners. This assistance would be very limited, however, not in cash but only in the form of materials, machinery or technicians. We hope that from small beginnings from the feeling of pride which comes from the achievement of self-help projects, will spring a desire for bigger things, for more facilities, which only an organized body with permanent executive staff and continuing funds can provide. In other words we anticipate that communities as they grow, will see the need for local government and band together to form such bodies.

IV

The Future of District Administration

Forecasting the future is probably an unprofitable exercise, but it is reasonably safe to assume that in a country as large as this, decentralised central government in the form of the district commissioner will always be necessary for over-all administrative control. No doubt his role will change. He will become more of a guide, advisor and co-ordinator, and less concerned with direct primary development than he is at the moment.

LOCAL ADMINISTRATION IN FRANCE

M. Rafique

Introduction

In the study of comparative administration, the French system of government occupies a prominent position for a variety of reasons. Just as most of the European nations acknoweldged the superiority of French civilization in its other aspects, they admired its administrative system also and have emulated it wth minor modifications. The system was carried by the French colonists to their new homes in Africa and the Far East. Thus, it is probably, one of the most widely prevalent systems of administration in the world.

The system is of particular interest to countries like Pakistan as the socio-economic conditions for which it was devised were largely similar to those prevailing in Pakistan and other developing nations of Asia and Africa. The two fundamental ideas underlying the French system are:-

a) Widely scattered agricultural communities are best administered by a decentralised system of government.

b) The combination of a State official and local citizens in the government of each area produces best results provided that the main burden is shouldered by a plenipotentiary representative of the State.

It is not surprising that the British found the French pattern more in consonance with the social conditions and administrative traditions of the Indo-Pakistan sub-continent as compared to their own. Another merit of the system is its remarkable capacity to work under weak political direction or even without any political direction at all. Ever since the Revolution, France has suffered from political instability. To the old cleavages of revolutionaries versus clericals and Girondists versus Jacobins have been added the struggle of employees against the employers and of the peasant and the businessmen against the salaried worker and social reformers.

These dissensions in the French electorate have prevented the formation of any clear political consensus. But while legislatures and cabinets have been changing like movie-scenes, the country's administration has been going on apparently unhurt. This property of the French system makes it noteworthy for newly liberated countries where the political consensus is uncertain and the need for building a sound economy and stable government is imperative.

Structure

France has a unitary constitution and the administrative system is regarded as a highly centralized one. The 'high centralization' is, however, relieved by the fact that hardly three or four per cent of the staff of the ministeries is located at Paris, the capital of the country The rest are scattered in the field offices throughout France. Further, there is a substantial measure of deconcentration and decentralization — the first term connotes delegation of authority to State officials in the field while the second one refers to the devolution of powers to autonomous bodies and local councils.

The major units of the Central Government are the ministries each dealing with a specific function — foreign affairs, justice, defence, interior, finance, post-office, housing and reconstruction, health, labour, veteran affairs and control of public sectors of the economy. Each ministry has two parts, central administration and the extension services. The central administration is concerned with making general policy, coordinating services and controlling and stimulating its officials while extension services consists of officials posted in the various parts of the country to run the services provided by the ministry. The extension services of the ministries are, generally, run region-wise but the regions of one ministry may not necessarily be coterminus with those of another or even with the regions of another branch of the same ministry. This maze of regions is extremely inconvenient to the citizens who have to travel to different towns to deal with different ministries or even with different branches of the same ministry.

Administrative Areas

The basic area of local administration in France is the *commune*. It is a legally recognised, politically constituted and administratively organised unit with an average population of 500. In actual practice, however, there is a great disparity both in area and the population of the various communes. The urban and industrial communes have large populations concentrated in small areas while the reverse is the case in rural and agricultural communes. The total number of communes in

France is 38,000 and 35,000 out of them have less than 2,000 inhabitants while 22 have more than 100,000. A commune is both an area of local government and a unit of State administration and has two organs of administration, a mayor and an elected assembly. Subject to certain limitations, a village or town in Pakistan may be taken as a counterpart of the French commune.

The next unit of administration in terms of area is the *canton.* It comprises thirty communes on the average and the use of this administrative area is restricted to elections, judiciary and army. There is no unit of administration in Pakistan strictly corresponding to a canton though a *thana* may be considered as a remote parallel.

An *arrondissement* consists of five or six cantons or 100-150 communes and has an average population of 100,000. It is a purely administrative unit with no corporate status and no elected council. The administration is in the hands of a sub-prefet under the direct control of the *prefet.* The Pakistani counterpart of an arrondissement is the sub-division of a district.

The most important unit of administration in France is the *'departement'.* It is a corporate body with an average of 426 communes, a population of 406,000 and an area of 2363 square miles. There are, however, great individual variation. For example, while the departement of Seine has a population of 5,132,000 that of Lozere has only 83,000 inhabitants. It derives its name from a geographical feature (e.g. a river or mountain) rather than a town. There is a total of 90 *departements* in France divided into four classes — hors class, first class, second class and third class. The group to which a departement belongs is a general guide to its importance and the departement of a particular class is administered by the prefet of the same class with the assistance of an elected council. This classification, however, does not affect the legal status, powers and duties of the departement. The departement, like the commune, is both an area of local government and State administration. There are usually three or four arrondissements in a departement but some have none. Although larger in area and population, a district in Pakistan may be considered the administrative unit corresponding to the French departement.

In 1948, the ninety departements in France were grouped into nine *Igamies* for the maintenance of the public order. They correspond with the old military regions and usually the senior most prefet in the region is designated as *Igame.* He is in command of all the security forces in the region including police, militia and military and is responsible for

the maintenance of the public order in all grave emergencies whether civil or military.

In June, 1960, the departements in France were divided into twenty one groups for the purpose of economic planning and expansion. These *Program Regions* are administered by the interdepartmental conference (consisting of all the prefets in the regions and a General Inspector of Economy) and a Regional Economic Expansion Committee which includes representatives of agriculture, trade, industry and the workers. They are responsible for the preparation of a plan for the economic development of the region and keeping it up to date.

The creation of the last two administrative units in recent years underlines the need for the grouping of departements for certain purposes for which they are not found individually sufficient. In Pakistan, we have similar grouping in the shape of *divisions*. Although the divisions were originally conceived for the control, supervision and coordination of the district officers, the commissioners in consultation with the Divisional Councils are now dealing with economic planning and coordination in much the same way as the coordinating prefets of the French program regions.

In addition to the above areas, most of the ministries are organized on a regional basis but the number of regions varies from ministry to ministry and even in different branches of the same ministry. To quote an example, the administration of water and forest conservation is scattered over 41 regions while rural engineering under the same ministry has 61 regions. The sixteen regions in common to the ministries of public health and labour and social security are better known than the others.

From the above it is clear that the essential areas of administration deserving a detailed notice in the study of local administration in France are the commune and the departement. The arrondissement is a purely administrative unit devised to lessen the prefet's burden and its main utility lies in being a liaison between the prefecture and the communes. The sub-prefet incharge of an arrondissement has important functions to perform as a technical advisor to the mayors, appointing authority of certain communal officials and tutelage authority for the communes. He may be entrusted with additional responsibilities by the prefet, but in the absence of an elected assembly he depends on the support of the prefet rather than that of the arrondissement.

II

Administration of a Commune

The present system of local administration in France with the commune and the departement as basic units and a juxtaposition of an executive official and a local assembly at each level was introduced by Napoleon to make the administration uniform and rational. Local authorities in France are an integral part of the State machinery and as such any discussion of local administration must include both the State administration as well as the work of the local bodies.

While the departement is an artificial area demarcated by considerations of administrative expediency, the commune is a naturally cohesive unit.

The administration of a commune is in the hands of a *Conseil Municipal* elected every six years by universal sufferage and a mayor elected by the conseil. In the beginning, both the mayor and the Conseil Municipal were nominated by the Central Government and while the mayor acted as the all-powerful executive, the conseil was merely a consultative body. The Conseil Municipal became an elected body in 1831 and the mayor became an elected officer in 1881. The conseil got full powers of decision through the Act of 1884 and the mayor is bound by its decisions in purely communal matters. The Conseil Municipal meets at least four times a year besides extraordinary sessions called at the discretion of the mayor or one-third of the members. The meetings are presided over by the mayor and, in his absence, by the senior assistant mayor. The decisions are taken by simple majority. The decisions of the Conseil Municipal in the following matters are, however, subject to ratification of the appropriate controlling authority:-

1. Communal budget.
2. Acquisition or sale of communal property.
3. Changes in the names of the streets.
4. Alignment, abolition or widening of communal roads.
5. Raising of loans.
6. Setting up markets.
7. Participation in industrial or commercial services.

The apparent rigour of the State control is, however, diluted by two exclusive powers of the Conseil Municipal namely, the power of initiative in matters other than obligatory and the exclusive control of the communal property. Further, if the controlling authority remains silent on a matter referred to it for ratification for a specified period,

tacit approval may be assumed. The period is forty days in the case of prefet's and sub-prefets and ninety days in the case of minister or the *Conseil d'Etat*. The prefet's refusal to approve a decision is appealable to the Conseil d'Etat on a law-point and to the Minister of Interior in other cases.

Functions of Conseil Municipal

To avoid imposition of onerous duties on small communes or constricting the initiative of the larger ones, the law only prescribes certain definite duties to be compulsorily performed by the Conseil Municipals. For the rest, it allows them to provide for "all matters of communal interest". As to the interpretation of what is and what is not 'of communal interest', the Conseil d'Etat has the final say.

The compulsory functions include the following:-

1. Maintenance of official buildings and cemeteries.
2. The provision for the salaries and pensions of the communal employees and debt service.
3. The communal share of the expenditure on public assistance and education.
4. Maintenance of communal roads.
5. Expenses of rural police and other security services.
6. In communes with a population of more than 20,000, maintenance of a bureau of hygiene and disinfection service.

If the Conseil Municipal fails to provide for any of these items in their budget, the prefet can himself do so at the time of approving it. While a Conseil Municipal is bound to provide for obligatory expenditure, it has the exclusive and unfettered right to intiate, control, administer or terminate any service of communal interest. The communal services can be provided either as a monopoly of the commune, a concession to a contractor or by participation in a private company. All these forms are subject to well-defined rules.

Besides, the compulsory functions enumerated above, communes run public utility services such as water, distribution of gas and electricity, transport, funerals, disposal of refuse, municipal abattoirs, housing, cheap restaurants for artisans, municipal baths, dispensaries, technical institutes and educational cinemas. The Conseil d'Etat whose permission is necessary for every new public utility has veered from its original defence of private enterprise to a broader interpretation of 'public welfare' and allows the local authorities to step in wherever private enterprise is inadequate or inefficient.

In poor rural communes, it is a problem to provide essential services which involve a large outlay. The difficulty is overcome by the administrative device of a *syndicat intercommunal* whereby two or more communes agree to join hands to provide a particular service to their inhabitants. The Conseil d'Etat has power to even force the recalcitrant communes to join a particular syndicate in the public interest. There is a large number of such syndicates in France administering services like water, gas and electric supply. Sometimes, when a commune becomes too inadequate to provide even the minimum requirements of local administration, it can, on its own request, be merged with its neighbour.

The budget of an average commune is balanced at about Rs. 50,000. There are, however, great individual variations. While in some Pyrenean communes, the budget is as low as Rs. 400, some urban communes spend millions. The sources of revenue are, local taxes, the additional centimes, State grants and subventions and the income from commercial and industrial undertakings.

There are great variations in the imposition and assessment of taxes and they roughly account for 40 per cent of the communal budget. Additional centimes is a fraction of the State tax which the State used to levy on real and personal estate. Though State has abolished the original tax, the communes still collect their share. Income from this tax constitute 15 to 20 per cent of the average income of the communes. One important source of income to communes is the subsidies and grants from the Central Government which may take the form of contributions to specific projects or unspecified grants to relatively poor communes.

The Mayor

The mayor is elected by the Conseil Municipal and is usually a man of considerable influence and prestige in the commune. His status is comparable to the German 'burgomaster' and is much higher than that of the English mayor. The job is coveted by senior politicians and a large number of Senators are also mayors in their communes.

The mayor has to shoulder a dual responsibility as the executive head of the communal administration and as a State official entrusted with specific administrative tasks. While acting in the former capacity he is fully responsible to the Conseil Municipal but as a State official he is subordinate to the prefet and the conseil cannot interfere with his work.

As the communal executive, the mayor is responsible for implementing the decision of the Conseil Municipal, running communal services, framing the budget, collection of taxes, authorising expenditure

and controlling the employees. He has a substantial measure of discretion in these matters but the Conseil Municipal can appeal to the law if he oversteps his authority or acts corruptly. He can also be called to order by the prefet and can even be removed by the Minister for Interior in case he fails to carry out the decisions of the Conseil.

Under the law of 1884, the mayor is responsible for maintaining the "public security, morality and hygiene" in his commune. His duties under this head include maintenance of peace, repression of violence, prevention of public calamities, security of highways, apprehension of lunatics, inspection of weights and measures and ensuring purity of salable goods. In the exercise of these powers, the mayor can, with the approval of the prefet or the sub-prefet, issue ordinances which have the force of law and can only be declared ultra vires by the Conseil d'Etat. Only communes with less than 10,000 inhabitants employ policemen of their own but the mayors everywhere can rely on the national police to enforce their ordinances.

As a State official, the mayor is entrusted with the responsibility of collecting statistics, registering marriages, births and deaths, maintaining military conscription lists, publishing laws and electoral rolls and issuing certificates for entry into state service or educational institutions. In discharging these duties, the mayor is responsible to the prefet or the sub-prefet who can intervene if the mayor's work is not satisfactory. In the preformance of his duties, the mayor is assisted by assistant mayors and the staff employed by the commune. In mountain hamlets, the mayor may have no assistant except the local school-master while in larger communes he may have six, or seven assistant mayors incharge of various divisions of business and a permanent staff of thousands divided into four cadres—administrative, technical, miscellaneous and manual workers. The commune of Colmar, for example, has six assistant mayors, each having the charge of some of the ten divisons—record and statistics; police municipal; cultural; social public health; technical economic; municipal enterprises; finance, property and central. Two permanent 'secretaries general' assist the mayor and his assistants in the supervision of the various divisions.

III

Administration of Departement

The administration of a departement is shared by the prefet who is a State official and an elected assembly called the *Conseil General.* One member is elected from each canton and the strength of the Conseil

varies from 20 in some third class departements to 68 in the Nord which is a hors class departement. The members are elected by adult suffrage for six years and half the conseil retires every third year. Although the Conseil General (having the prefet instead of its president as its executive) is not a fully decentralised assembly like the Conseil Municipal, it has greater prestige and influence and exercises wider administrative powers. The departement being the constituency for national elections, the political significance of the Conseil is considerable and a number of members of the Parliament are members of their respective Conseils General. No political party can overlook the importance of elections to these councils.

The Conseil General meets twice a year. The first session is held in April and cannot last for more than a fortnight while the second one in which the budget is voted is held between August and October and may last for a month. At the latter session, the conseil elects its president, vice-presidents and a secretary for one year. The post of the president is a coveted one and is, in a number of departements, held by a member of the Parliament. Besides ordinary sessions, special sessions can be convened by the prefet, its standing committee, the commission departmental, or two-thirds of the councillors. The meetings are presided over and controlled by the president and are attended by the prefet, his secretary general and other senior officials of the State as well as the departement. The sessions are open to the public and the press and the proceedings are given wide publicity. Usually, the discussion follows the presentation of his report by the prefet who is the executive officer of the departement; but there is no restriction on the subjects that can be discussed by the Conseil. They can discuss and criticise any aspect of state or departmental administration and can call upon State and departmental officials to furnish reports or answer questions on their work. The officials can, however, speak only with the permission of the prefet. The only taboo for a Conseil General is a political motion. The prefet can forbid the conseil from taking up such a motion and on their persistence, he, accompanied by other officials may leave the house which makes the proceedings thereafter illegal.

Functions and Powers of the Conseil General

The Conseil's powers are laid down by the Act of 1871 and are, as in the each of the Conseil Municipal, couched in general terms prescribing certain compulsory functions and allowing it to intervene in all matters of departmental interest. The only limitation is that the council should not meddle with matters reserved for the State or

for private enterprise. Besides departmental affairs, the council also deals with some aspects of communal administration and watches over State administrations within the departement. It also acts as an agent of the State in organizing national services.

Of the departmental affairs, the more important ones are: departmental property and estates, departmental highways, all schemes financed from departmental funds, the public assistance institutions in the departement, the various welfare services, some aspects of public educat.on and litigation on behalf of the departement.

The more important items of the control exercised by the Conseil General over communal affairs are: scale of public assistance, rates charged by hospitals, allocation of communes to hospitals, apportioning of cost of intercommunal work in case of dispute, allotment of highway sectors to communes for maintenance, distribution of grants from the National Equalisation Fund and making grants from its own departmental Equalisation Fund. In general all matters affecting more than one commune in the departement are within the purview of the Conseil General.

In state affairs, the Conseil has the following functions to perform:—

a) It provides and maintains the buildings of the prefectures, sub-prefectures, educational offices, court houses, detention quarters and barracks of the police.

b) Individual councillors are nominated to State bodies like military tribunals for exemption from national service.

c) A number of State services like free medical assistance, family allowances, assistance for the old and the crippled, anti-tuberculosis and anti-cancer campaigns, maternity welfare and protection of neglected children are run by the department under the control and supervision of the Conseil General. The State contributions to these services range between 28 per cent to 90 per cent while the rest is paid by the departments and the communes concerned. The conseils are consulted by the central ministers in making grants for churches and charitable institutions, kindergarten or agricultural associations in the department and for fixing priorities in these matters. The conseil's views are also sought and given due weight by the government on matters concerning the departement as a whole.

As in the case of a commune, the sources of departmental revenue are local taxes, the additional centimes, state subventions and grants from the Equalisation Fund. The main items of expenditure are, public assistance, departmental highways, departmental buildings. administration

and education. The larger departements spend sizeable amounts on encouragement of agriculture, industry, art and science. The revenue and expenditure in various departements vary considerably depending on the population, economic condition and the services run in the department, The budget is a balanced one and is subject to the approval of the Minister of Interior.

Control and Supervision

Central control is exercised by the Ministers of the Interior and Finance through prefets, the Conseil d'Etat and the inspectors of the ministries. The Minister of Interior while sanctioning the departmental budget can strike out any item of expenditude on the ground that it is illegal or the Conseil has not provided enough for obligatory items or the scheme is unworkable. If the Minister's decision involves a point of law, the Conseil can appeal to the Conseil d'Etat; otherwise it may resort to political pressure through the Parliament. The Minister can also insert items of obligatory expenditure (mainly on State services run by the department) if the Conseil General fails to provide for them. Certain types of extraordinary local taxes are subject to the prior approval of the Conseil d'Etat and the permission of the Minister is necessary if a loan exceeding a certain size of lasting for more than thirty years is to be raised. The prefet can only challenge the legality of the Conseil's decision within ten days of the closing of the session, and if the Conseil d'Etat does not annul it within six weeks, the decision becomes effective by default.

The *Commission Departmentale* is a sort of standing committee chosen every year by the Conseil General from amongst its members to watch over the implementation of the conseil's decisions by the prefet during the period when the conseil is not in session. Its powers are carefully laid down so that it can neither supplant its parent body nor can it challenge the prefet's authority as the executive of the departement. It has four to seven councillors (depending on the size of the conseil) and usually every arrondissement in the departement is given representation on it. Its main job is to examine the prefet's accounts each month and to check expenditure against the budgetary allocations. The annual budget and agenda of the Conseil meetings is also laid before it in advance and is presented to the Conseil General along with its report. This saves much time and enables the Conseil to concentrate on really important or controversial matters. Money reserved for unforeseen expenditure and that raised by loan can only be spent if authorised by this Committee. The fixing of priorities in departmental works is also done by it.

State Administrations in the Departement

Although a number of ministries are organized on a regional basis, they consider the departement to be a convenient unit of administration and have their offices there. The armed services, the judiciary, the judicial police, the post and telegraph services and the Ministry of ex-Servicemen all have their officers in the departement and the prefet has some exceptional powers over them. He, however, has a more direct relation with the State services which help and supplement departmental services. These include education, finance, civil and mining engineers, health, agriculture, economic planning, taxation, information, labour etc. Of the State services on whose behalf the departement exercises powers, the most important are; public assistance, education, highways and town planning.

Role of the Prefet

The prefet is the pivot of French administration and the sole legal representative and incarnation of the State in the departement. While the officials of each exterior service specialise in one branch of work and are responsible to one minister only, the prefet is the personal representative of every minister. The Minister of Interior who is generally respons ble for the safety, stability and tranquility of the population has the prefet as his direct subordinate and the delegate of this general power of internal government. Prior to 1850, the prefet's powers were couched in most general terms which helped him to establish his supremacy over all other officials. But after 1951, his powers have been gradually codified with specific additional burdens. There are few laws dealing with the internal administration of the country which do not envisage the prefet's intervention at some stage or other. At the moment, his total enumerated powers amount to more than 5000. The role of the prefet is partly administrative, partly political and partly social. His constitutional position is simply stated in Article 72 of the Constitution of De Gaulle's Fifth Republic as *government's delegate* "responsible for the national interests, for the administrative supervision, and for seeing that the laws are respected." This constitutional phraseology is too general to explain the extent of the prefect's functions which may be classified under the following heads:—

1. Political

As a political agent, the prefet acts as the eyes, ears and the mouth-piece of the Central Government. He is expected to support and project the policies of the government in all the affairs of the departement. He

is also expected to keep the government in touch with the political and electoral trends and apprise them of the working of public services in the departement. While showing unqualified loyalty to government policies, it is his duty to point out disadvantages or unpleasant reactions apprehended from a particular item of policy.

2. *Police Power*

As a delegate of the Minister of Interior, maintenance of law and order is the primary responsibility of the prefet. He ensures the internal and external security by guarding against plots, espionage, sedition, mischievous aliens, press and public demontsrations. He ensures that all laws are obeyed especially those relating to public health, security and morality. To achieve these ends, he has the powers to issue binding regulations and ordinances and to enforce them through a highly organized police force.

The prefet is the chief of the police force in the departement and exercises wide disciplinary powers (including those of transfer) over the force leaving only technical matters to the police commissioner. He can call in the militia and the army in case of emergency when he has the absolute power to act without other considerations than those for the general welfare and safety. The ministers of Agriculture, Industries, Commerce, Public Health, Labour, Public Works and Inferior have delegated their functions affecting public and social welfare to the prefet who is responsible to enforce the laws in this behalf through his ordinances

3. Judicial Powers

In his capacity of being the sole legal representative of the State, the prefet is responsible for all litigation in the State's name. Article 10 of the Criminal Code empowers him to search premises, seize documents and to arrest individuals without warrant if he suspects a person or institution of acting to the prejudice of internal or external security of the State. The prefet being the executive authority in his departement, few legal judgments can be executed without his support. In some cases, the prefets have even ignored ejectment orders of courts on farmers in the interest of public order. He can suspend proceedings of civil courts pending the decision of higher courts on a disputed jurisdiction. He supervises the administration of prisons and has the power to legalise documents. It is also his duty to publish the laws and keep a record of them.

From his constitutional position of being the sole legal representative of the State, the prefet derives his supremacy over all other officials in the departement. It is the duty of the prefet to coordinate and control the work of the officials of technical services and ensure the general direction of all the activities of the State officials in the departement. In matters of policy, coordination and supervision, the ministers deal with the prefet and not with their own officials whom they consult only in technical matters. Powers of decisions at the department level are delegated by the ministers to the prefet instead of their own officials. Thus the prefet controls and initiates general policy in the departement and is the channel of communication between the technical officials and their ministers who keep him informed in all the important matters.

This position was shaken to some extent during and after the last World War but has been re-established since 1963 when there was a strong demand from local authorities and associations for the re-establishment of the traditional and understandable system of government. A set of decrees passed in September, 1953, declared the prefet to be the personal delegate to all the ministers and the departmental heads of technical ministries were reminded that they were under the prefet's authority in all matters of general administration although they retained initiative and responsibility in their technical functions. The ministers were ordered to delegate all those powers to the prefet which they had delegated to their own officials during war years. At present, the prefet is not only a lawful superior of the other state officials in his area, writing their conduct reports, but his position vis-a-vis the central ministers is also strengthened. His decisions which are subject to ratification by a minister, become effective if the minister does not decide within two months. The officers of other ministries act as his technical advisors in their respective fields e.g. education, public works, finance, agriculture, industry, labour, health and welfare. The prefecture has a bureau dealing with administrative matters of each of these services while the technical job is done by the agencies themselves. There are at least 30 technical services run by ministries in each departement. The prefet has the power to appoint many junior officials of these services e.g. tax collectors, teachers, postmasters, sanitary officers and telegraph clerks etc. Money can only be paid out of State funds on his authority and all State contracts for work in the department require his signature.

5. Chief Executive of the Department

As chief executive of the departement, the prefet administers its affairs under the control of the Conseil General. In the Constitution of 1946, there was a proposal to make the chairman of the Conseil General its chief executive but neither the government nor the Conseils wanted to implement it and the prefet retains his traditional position. In his capacity as the executive of the departement, the prefet is charged with the preparation of departmental budget, appointment of officials paid out of departmental fund, contracts and litigation on behalf of the department and the execution of the decisions of the Conseil General. The prefet is expected to consult the chairman of the Conseil General as long as it does not slow down the administration. The chairman seldom makes full use of his legal powers of supervision of the prefet's work as executive of the departement.

6. Tutelage Powers

The State while giving corporate status to the communes and entrusting them with some civic responsibilities wants to exercise a close scrutiny and control over their activities. The prefet acts as the State authority for the purpose and makes the conseils and their mayors obey the law. He also acts as their general guide and channel of communication with the government. As controlling authority of communes, the prefet approves their budgets and ratifies certain specified decisions of the mayors and the Conseils Municipal. He can inscribe obligatory expenditure in the communal budget if the Conseil Municipal fails to provide for it. Every resolution of the Conseil Municipal is sent to the prefecture for record. The decision becomes effective after a fortnight unless the prefet challenges its legality on one of the following grounds:

a) that it is ultra vires;

b) that it was not taken in a properly authorised meeting;

c) that it was taken in the presence of a councillor who was an interested party.

The prefet's finding in these matters can be appealed against to the Conseil d'Etat. The decisions requiring ratification, however, only become executory if approved by the prefet or if he remains silent over them for forty days. The prefet can suspend a mayor for one month for acts prejudicial to the good order or efficient working of communal administration. He also acts as arbitrator between communal and administrative authorities in disputed cases. The prefet can delegate his tutelage powers to sub-prefets within their respective arrondissements.

7. *Social Powers*

Under this head are grouped those miscellaneous powers which are put to judicious use by prefets to influence social policy in favour of general welfare of the society. This might become essential in view of the threat to social order posed by a persistent and aggressive demand for social reform from an active part of the population and stiff opposition from the conservative peasantry. In case of acquisition of property, number and siting of schools and their syllabi, public assistance and town and country planning, he has direct and wide powers as chairman of departmental commissions constituted for the purpose. Besides, many ministers place special funds at his disposal for local development. The Minister of Interior has authorised the prefets to grant upto 15 million francs on any project in the departement in one year and it is proposed to raise the sum to 50 million. The prefet nominates representatives to hospitals, orphanages and welfare centres and organizes campaigns against tuberculosis, venereal diseases and cancer. He has a right to inspect and supervise the supply of electricity, water and housing programs and drainage and forbid schemes harmful to public interest. The prefet also intervenes to maintain industrial peace and uses his credit and authority to bring the parties to terms. The prefet's comprehension, his knowledge of economic and social life, his art of negotiation, his faculty for convincing, his clarity and his impartiality can be great assets in making leeway in the field of social policy which has been equally neglected by the politicians and the local authorities.

Pressure Groups

The apparently vast powers of the prefet are substantially cramped by the constant need for compromise between divergent points of view prevailing in the country and his own dual responsibility to the State and the department. As agent of the State, it is his duty to enforce laws and taxes which may be unpopular while as the departmental executive he represents local interests before the State. In the discharge of the first functions, he incurs all the blame for the failings of the government and is sometimes even made the scape-goat. If he shows too much solicitude for local interests, he may be considered ineffective and spineless by the government. On the political side, the prefet has to integrate the demands of the French Left for direct and positive intervention by the State to strike a social and economic balance and those of the Right to protect individualism by suppressing the collectivists. To make things worse, even the Left reacts sharply if the government uses its compulsive authority so necessary to fulfil their doctrines. It is

thus the lot of the prefet to step on the toes of one group or the other whatever line he takes. The local politicians especially the members of the Parliament with their petty problems and conflicting political aspirations are also a force to reckon with. Their influence is neutralised to a large extent by the multiplicity of parties and groups and the prefet manages to appease those who really matter through minor appointments, trading licenses, decorations, expediting business and political advice. The political dissensions and clash of interest between local authorities also claim a good deal of the prefet's attention and call into play his best qualities of mediation and persuasion. In the domain of local and sectional interests, he is constantly at pains to reconcile the rural and urban interests and the conflicting demands of the farmers, the trade unions, chambers of commerce, religious and nationalist groups, hoteliers etc. It is obvious that this walking on the tight rope of expediency makes the prefet's role extremely delicate and calls for the highest degree of intelligence, professional skill, political acumen and astuteness. He must possess the diplomatic arts of a glib tongue, a manner which is neither subservient nor patronising and a capacity to mix with all types of men. With the exceptions of some mediocre and weak prefets of the Third Republic and Vichy Regime, the prefets have generally shown themselves equal to their job. Their labours are rewarded by high prestige and influence, a comfortable salary and other amenities befitting their station and responsibilities.

Organization of the Prefecture

The prefecture is a microcosm of central government in the departement. In the discharge of his onerous duties, the prefet of an average departement is assisted by two principal officers — the secretary general and the chef-de-cabinet. The former is a senior sub-prefet and the latter a junior one. In addition, each arrondissement in the departement is in the charge of a sub-prefet. The office of the prefet is divided into two to five branches depending on the size and importance of the departement.

In an average prefecture, there are three branches or divisions (a) General Administration and Police, (b) Finance and Communal Administration, Education and Public Assistance and (iii) Social and Economic affairs. In smaller departements, the second division is divided between the other two and in the larger departements the Police and Public assistance may account for separate divisions.

The divisions are further subdivided into bureaux each dealing with one or more subjects of a division. For example, the social and economic division may be subdivided into bureaus each dealing with Agriculture,

Industry, Labour, Commerce, Public works and Social Welfare. Each division is in the charge of a chef-de-division and each bureau is in the charge of a chef-de-bureau. The secretary general is charged with the organization, establishment, supervision and administration of the prefecture and relieves the prefet from routine work and the details of administration. In a second class prefecture, the number of permanent staff is betwene 20—100 while in larger ones it may be 300—400. The chef-de-cabinet, who is usually a junior member of the corps prefectoral acts as the personal assistant to the prefet and looks after confidential affairs, political questions and ward of honours and other subjects entrusted to the prefet's cabinet. He accompanies and represents the prefet in social and ceremonial functions and is available for all kinds of confidential odd jobs.

Besides the prefecture, there are the offices of departmental services headed by technical chiefs.

VI

Conclusions

The chronic instablity of the political system has confirmed the strongly individualistic and critical French in their distrust of the central authority and whatever proceeds from it. Throughout the Third and the Fourth Republics while it was always possible to conjure up a parliamentary majority on the basis of status quo, no agreement was possible in solving the major national problems of rationalization of taxation, church schools, alcohol industry and social reform. This is the natural outcome of the divergence between the political power controlled by the agriculturists and the far greater economic importance of the industrial enterprise and the workers. The vigour and stability of the local administration ever since the Revolution stands in glaring contrast with the instability and inefficiency of the Central Government. A systematic structure of local government guided and supervised by accomplished administrators imbued with the highest ideals of service has put the country's administration on so sure a footing that political crises and revolutions have little effect on its vitality. A genuine social and political homogeneity is achieved by the concentration of administrative services in the department under the care of a strong elected body and the prefet and by establishing the primacy of the latter over all other officials in his jurdisdiction. Though impatient of authority, the French generally respect and appreciate the work done by the corps prefectoral. The demands for reviving their powers and opposition to regionalism and effective control by the president of the Conseil General show the public confidence in higher civil service and is a tribute to their ability and probity. Local

administration has, however, come in for some criticism for its immobility in the social and economic f.eld, inadequacy of the department as an administrative unit, dull uniformity of administration in communes without regard to size, social structure and economic interest and the limited autonomy allowed to local government institutions. As for social reform, it is the province of the Central Government and the local authorities whether elected or official are too much involved in local and sectional interests to cut across them. Even then, the local officers have made a major contribution to the cause of social welfare by a judicius use of their 'social' powers. The officers have to keep in mind that they would become objects of envy if they supply the deficiencies of the politicians and at the same time will be dubbed as incompetent if they do not. Th's coupled with the frequent changes in regimes and the constant need for readjustment has, to some extent, curbed the initiative of local officers but the mean thus achieved is perhaps the best possible in the face of bitterly divided opinion on the subject.

The insufficiency of the departement has been redeemed by the establ shment of Igamies and the Program Regions. The revival of old prov.nces or super-prefets is considered inexpedient both on political and administrative grounds. Nobody seriously wants a departure from the traditional and well-understood prefet system which has stood the test of time.

The argument against limited autonomy will impress few Frenchmen as it is generally agreed that unguided local government is bound to be re-actionary and will lead to anarchy, disorder and wasteful expenditure. Even the politicians demand safeguards against irresponsible action by the elected counc'ls. Administrative and fiscal controls on local councils have, in no way, detracted from their importance and the partic.pation by the electorate and their representatives in local affairs is much more lively than in countries where the local councils claim full autonomy. The uniform'ty of administration in large industrial areas and small rural hamlets is an outcome of the French partiality to system and efficiency rather than a pragmatic approach based on experimentation. There is, however, need for special status for local government of large industrial communes on the lines of Paris City.

Some strikingly similar features in the two countries make the French example in administration especially valuable for us. Like France, ours is a large country with a predominantly agricultural population l'ving in villages at long distances from the few cities or substantial towns that we have. Villages are mostly distinct, isolated and self-centred local units and have little idea of a national minimum of social services. The

poverty and ignorance of rural masses is more acute in Pakistan than France and results in the same resistance to local taxation, and a general suspicion of development plans Other problems created by the diversity of nature, economic interest, regional tradition and a pleasure in the liberty to inaction are also met with in Pakistan, only more accentuated than in France. All these factors underline the need for concentration and personalisation of executive power at a local level and the dovetailing of state activity with local government to facilitate quick decisions and mutual help. It is not surprising to find that the pattern of local administration in both the countries took a similar shape. Like the prefet, the deputy commissioner is the local administrator charged with all aspects of internal government. There is, however, some difference in the role of the two officers in as much as the deputy commissioner is, more directly concerned with the collection of revenue, supervision of criminal courts and land administration than his French counterpart. On the other hand, although the deputy commissioner is theoretically the adviser and coordinator for all governmental activity, his primacy and powers vis-a-vis technical administrations in the district are not clearly established with the result that he is less effective in this field than the prefet. With the economic development and increase of national and social services, the power of administration is bound to grow. For the sake of continuity and zest in local affairs, it would be better to deconcentrate this power instead of retaining it at the central or provincial level. The problems of direction, coordination and supervision on the spot which are already cropping up are likely to become more and more acute. The solution lies in a lively and intelligent public participation under the supervision and guidance of the local administrator who should be made responsible for the general direction of State policy in all fields. The idea of officer-in-council, if properly developed, can adequatedly serve this purpose.

Another aspect of the French administration that deserve attention is the protection of the independence and the security of the civil servant. Full freedom of conscience and constitutional guarantee against vicitimization for opinion or belief is provided. As a result, the French civil servants, and notably the corps prefectoral are imbued with the highest ideals of service and there are few who put advancement above honour, politics above honesty and personal relations above national interest.

The system of administrative courts together with the court of accounts and the fiscal inspectorates serves as an instrument of internal control evolved by the administration itself in the absence of effective political control. On the one hand, it protects the individual against official abuses and, on the other, it safeguards officials against vexations, obstacles

and personal liability. It benefits the administration and inspires confidence in public that it is working in accordance with established and, therefore, non-arbitrary rules.

The French division of departments into four classes according to their size and importance has much to recommend in it. It ensures the appointment of more experienced and better qualified persons to important areas. The appointment of brash, inexperienced or those whom even long experience have not taught much in important departments would shake public confidence and have abiding ill effects on the administration. Such prefets will not be able to hold their own against officers of other departments whom they are expected to control. The classification also helps in retaining really good prefets in the field service by accommodating their seniority through transfer to a senior department instead of the compulsion to kick them up to the secretariat and put raw and inexperienced youth incharge of departments.

The French experience in local government is also significant as it demonstrates how fiscal and administrative controls can be combined with local autonomy in the interest of prompt, smooth and predictable conduct of business. The system of local finances, especially the device of Equalization Fund, is of particular interest in the context of the problems of our local councils.

The need for rapid development and the related phenomenon of social uplift has been stressed by national and foreign experts and has been adopted as a matter of top priority in the national policy. The problems of modern bureaucracy and the need for rapid economic growth require an empirical frame of mind able to appreciate the importance of rational planning and forecasting. At the same time, we should not overlook the inequities inherent in pure empiricism which tends to ignore non-economic aspects of life which have deeper meaning for man. The literary and humanistic tradition which preponderates in the civil services of this country is a valuable instrument to those who have to make decisions involving values. A synthesis of this classical tradition with the modern empiricism is what is required for economic and social development that does not lead to a materialistic and totalitarian order.

LOCAL GOVERNMENT IN BRITAIN

P.A. Tobin

From the outset I would like to stress the point that Local Government in the UK should really be entitled *local self-government.* This is the essence of the philosophy which lies behind our system. There are no representatives of Central Government in the local regions as there are in France, in India or in this country. We believe that the basic concept of the devolution of administrative responsibility to locally elected bodies is a fundamental part of the democratic function as we believe in it. To achieve this, we accept some reduction in the total efficiency of the system, tending to view with grave suspicion any moves by Central Government in Whitehall to extend its influence too deeply into local affairs.

History

Government on a local basis has a long history in Britain and has been part of the administrative system for many centuries. But in its present shape it dates back only to the latter part of the 19th Century when local governments by elected local authorities acting in accordance with powers and duties conferred on them by Parliament was first properly established.

Along the years there have been numerous examinations into the working of the local government system, and indeed over the past five or six years there has been a series of Government Commissions reviewing the situation. One, dealing with Greater London, has completed its work and published its findings which were largely incorporated into a new Act of Parliament passed last year. Two others, dealing respectively with England and with Wales, are still sitting but have published a number of final reports as well as some draft proposals.

Basic Principles

The following are some of the basic principles which underline the British system of Local Government:—

a) Public Services should be run by the most *local* body that can administer them effectively.

b) Public Services should be governed as far as possible by *elected* authorities, and to this end it is convenient to have multi-purpose authorities—which we call *Councils.*

c) Local Councils may only do what the *law specifically authorises* them to do. This contrast with the situation in some parts of the world where local councils may do anything they wish which does not conflict with the general law of the land.

Before going on to describe the work of the various local authorities I should first point out that there are certain types of local body which, although exercising local functions and providing certain fundamental services, do not possess the characteristics of councils elected by the local populace. Certain services, such as the supply of water, the provision of public transport, the management of public markets and the management of ports and harbours are often carried out by private enterprise in some form or other. Other authorities are responsible for supply of electricity or gas. Central Government departments such as the Post Office or the Ministry of Labour exercise their functions through regional offices instead of delegating their responsibility to local authorities.

A word too about the local administration of justice so that we may clear this aspect of the problem out of the way. The whole of England and Wales is divided into areas for the administration of justice. These areas normally coincide with those covered by the ancient counties and boroughs. Local justices of peace appointed by Central Government have the power to hold petty session courts for the trial of minor offences. The more serious offences are tried at assizes held by a judge of the High Court periodically in each county. For civil disputes not involving a crime there are the county courts presided over by properly qualified judges. The expenses of providing and carrying on the county courts is borne by the Central Government.

This very brief reference to the system of administering justice is intended only to emphasise that local government authorities are not concerned with the holding of courts and the trial of offences or disputes. They are only involved in that they have to contribute towards the expenses of the administration of justice at assizes and quarter sessions.

Types of Local Authority

For the purposes of local government England and Wales are divided into Administrative Counties and County Boroughs. The latter are the large cities and towns—83 of them, including the giants such as Birmingham, Manchester, Liverpool, as well as some smaller cities and towns e.g. Oxford. The minimum size to-day for the creation of a new County Borough is 100,000 inhabitants. The main point to note regarding a County Borough is that it is a single-tier authority, providing all services for the inhabitants within its jurisdiction. It it thus known as an all-purpose authority.

For all other parts of the country outside the County Boroughs there is a multi-tier system. The principal unit is the Administrative County for which the elected body is the County Council. There are 62 of these in England and Wales. Some of the larger counties such as Yorkshire in fact contain more than one Administrative County. In this case each of the three aidings forms a separate administrative unit. Each Administrative County covers a considerable area and the council is charged with the provision of the most important local government services—particularly those which can be most effectively administered over a wide area—e.g. education and the fire service. Within each county there are District Councils charged with responsibility for the more local services. These may be called Urban District Councils or Rural District Councils. Sometimes the term 'Municipal Borough' may be used as virtually synonymous with Urban District. Below the Rural District Councils again we find the Parishes, but these are of relatively minor significance in our context and I do not propose to deal with them in detail.

The working of the system will become clearer if you look at the diagram on page 284 which shows the lay-out of one typical Administrative County, in this case Oxfordshire.

Functions of Local Authorities

Every local authority must provide and administer such public services as Acts of Parliament prescribe. It may also provide additional services under the permissive powers of a general act or under powers granted to it by special legislation. The services provided depend upon the type of council. Broadly speaking they are of three kinds:—

a) *Environmental* services
b) *Protective* services
c) *Personal* serivces

Environmental services are services designed to secure good order, amenities and public health. They include drainage, sewerage, street cleaning,refuse collection and disposal, control of nuisances, supervision of water supplies, food hygiene, public safety on the highways, street lighting the provision of public baths and lavatories, the provision of parks and recreation grounds, as well as town and country planning.

Protective services include the fire service, police service and civil defence service.

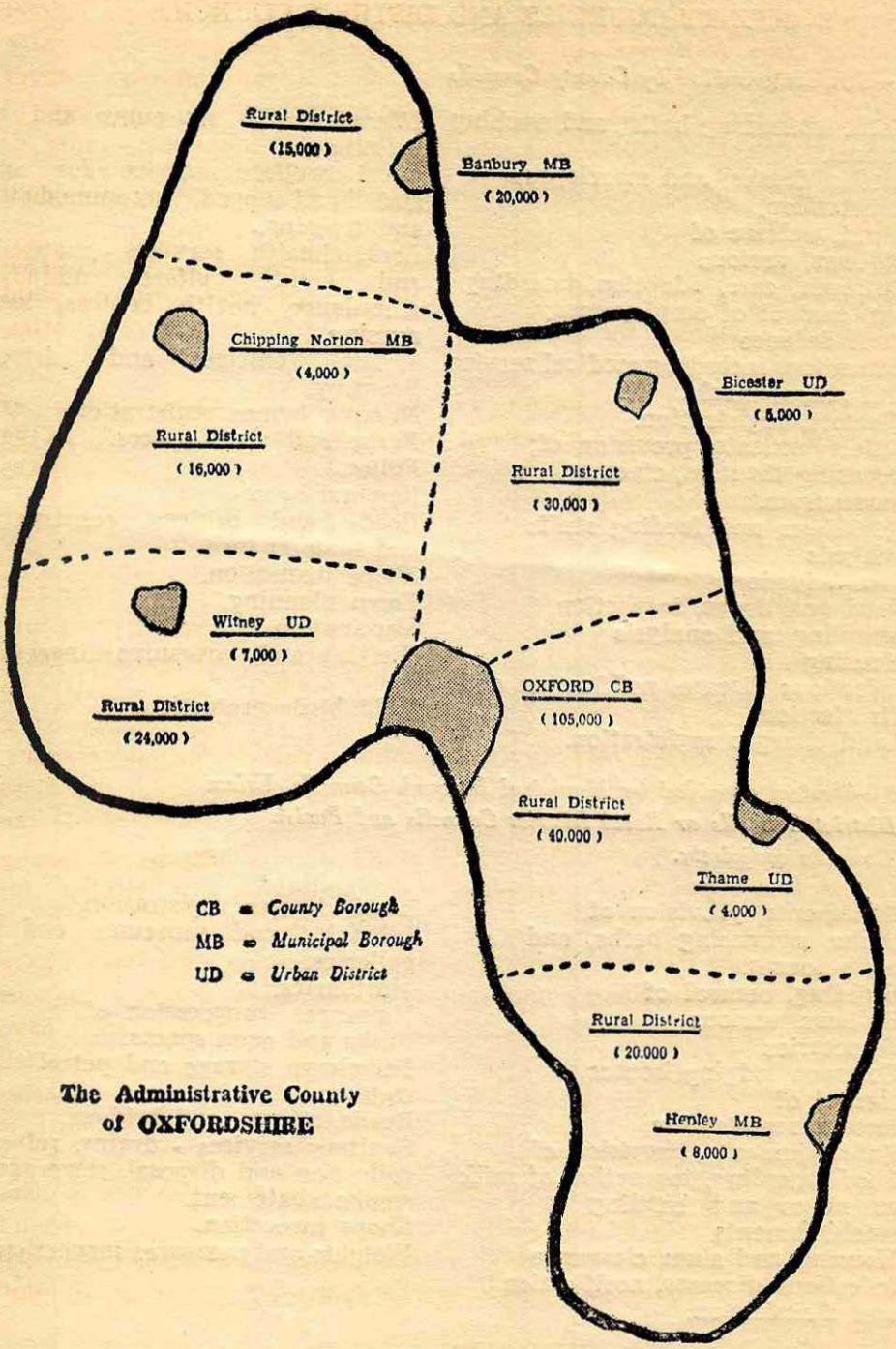
Personal services range from education and housing to the provision of entertainment and include certain health services, maternity and child welfare, the welfare of the aged and the provision and upkeep of libraries, museums and art galleries.

The division of responsibilty for the provision of these services as between County Councils and District Councils is given on page 285. In the large urbanised areas County Borough Councils provide all the services covered by both these categories.

Electoral System

Elections to local councils are held at fixed intervals and according to rules laid down by Act of Parliament. The rules and the voting procedure are substantially the same as those which apply to parliamentary elections, all persons over 21 having a vote. Candidates for election, who must satisfy a number of legal, residential and personal requirements, may stand either as representatives of a political party or as independents. Councillors serve for three years after election. In some councils there is a complete election every three years; in others one-third of the council is elected each year. The council area is divided into wards, usually not exceeding about ten in number, and candidates are elected for each ward. Elected councillors are unpaid but receive expenses.

County Councils and Borough Councils of all types have another set of appointments within their power. Each of these councils has a group of members know as Aldermen. These Aldermen must have the same electoral qualifications as councillors but they are not elected by the public but by the council itself. They normally form one-quarter of the total membership of the council. It will be seen therefore that it is possible to become an Alderman without being elected by the people at large and this possibility is often made use of by local authorities to offer the post to some worthy and duly qualified local citizen who would otherwise not be available to serve on the council. It also provides an opportunity of bringing into public service some persons with suitable



The Administrative County of OXFORDSHIRE

DIVISION OF RESPONSIBILITIES BETWEEN COUNTY COUNCILS AND DISTRICT COUNCILS

A—Services provided by County Councils

Bath. Swimming baths, and washing houses.
Births, deaths, and marriages, registration.
Blind, welfare of
By-laws, various
Children, care, adoption, boarding out, control of employment.
Civil defence
Education, including medical service and school meals.
Electors, registration.
Entertainments, provision of; licensing theatres, cinemas, rececourses.
Fertilizers and feeding stuffs analysis
Fire brigade
Food and drugs, inspection, sampling, and analysis
Housing
Infectious disease, notification and disinfection.
Land charges registration.
Libraries and museums and art galleries.
Local welfare service for aged and handicapped, accommodiation and training.
Local health services - maternity and child welfare, midwives, ambulance, health centres, home nursing.
Motor vehicles and drivers' licensing.
Nursing homes registration.
Parks and open spaces.
Police.
Remand hames
Roads and bridges, construction and maintenance.
Shops inspection.
Town planning.
Vaccination
Weights and measures inspection
Wild birds protection.

B—Services provided by Municipal Borough Councils, Urban District Councils or Rural District Councils and Parish Councils conjointly.

Allotments, provision of
Baths, swimming baths, and wash-houses.
Building, control of
By-laws, various
Cemeteries
Common lodging houses, control of
lectors, registration
Entertainments, provision of
Food sampling, inspection of milk at shops and battling establishments.
Housing and slum clearance
Infectious diseases, notification and disinfection.
Land charges registration
Libraries and museums and art galleries.
Mortuaries.
Nuisances, suppression of
Parks and open spaces.
Petroleum storage and petrol stations.
Roads, streets, and bridges.
Sanitary services - drains, refuse collection and disposal, sewerage smoke abatement.
Shops inspection.
Weights and measures inspection.

temprament and experience who do not wish to get deeply involved in local politics. Where the local council is influenced by political considerations the majority party on a council can strengthen its majority by appointing its own supporters to fill vacancies among the Aldermen. Aldermen are normally elected for six years instead of three and thus provide for a measure of continuity at the time of elections.

The presiding member of the council is known as the Chairman or, in the case of Boroughs, as the Mayor—Lord Mayor in large cities, He remains in office for one year only. While the council has the power to pay to the Chairman or Mayor such remuneration as they think fit, many local authorities refrain from making use of this power, feeling that service to the public by members of local authorities should be unpaid and that the payment of salaries to members may lead to various abuses.

Working of Local Councils

Local Councils generally have a large number of members—from 30 up to as many as 150 in the case of large cities. Moreover they have a wide variety of functions to carry out and in consequence they have adopted the system of administration by committees.

The work of the local authority is normally organized on the following basis. Questions of policy and principle are generally decided by the whole council; committees and sub-committees are then appointed to supervise the administration of various services. The execution of policy rests with salaried officers and employees appointed and paid by the councils.

The council will establish a series of committees covering the main functions, e.g. Housing,. Highways, Public Health, Education, Police—and each councillor may serve on two or more such committees. The committees may have certain powers delegated to them by the full council or may have to put forward recommendations for final decision by the council.

The Council employs a number of paid officials. All local authorities are required by law to appoint a Clerk. He is known as the Town Clerk in the case of a Borough and as the Clerk of the Council in the case of other authorities. The post of Clerk to the authority is a highly important one and, although he might not appear on an organisational chart as senior to his official colleagues, he is in fact regarded as the first among equals and responsible for the coordination of the work of the Council. His main function is to guide, influence and manage the whole organisation so that it runs in accordance with the legal powers and duties of the authority and in accordance with the policy laid down by the

Council and its committees. He is the official mouth-piece of the Council in its dealings with the public. He conducts the principal official correspondence of the Council. He sits in the council chamber and, either in person or by a representative from his department, attends the meetings of all committees. The Clerk is often a solicitor by training and is responsible for the legal work of the Council. His salary may range from £2000 p.a. in the case of a small Borough to as much as £7500 p.a. in a large city.

The appointment of other officials will vary with the status of the authority but a number are to be found in the majority of councils. These would include the treasurer, medical officer of health, surveyor, education officer, welfare officer etc. These officers will serve the committees concerned with their particular work and, through the committees, the Council.

It should be noted that this system of working through committees contrasts with the City Manager system as practised in the United States and Ireland, where the City Manager is more in the role of a Managing Director and directly responsible for all the city services.

Relations with Government Departments

The Ministry of Housing and Local Government is the main link between local authorities and the Central Government. This Ministry is chiefly concerned with general questions relating to the election and management of local councils and specifically with housing, which is among the most important of all local government activities.

Other ministries which have direct relations with local authorities on matters within their control include:

a) *Ministry of Education*

Responsible for general control of the national system of education.

b) *Ministry of Health*

Responsible for general oversight of the public health services and those personal medical services for which local councils are responsible.

c) *Ministry of Transport*

Responsible for the development of trunk roads and for collaboration with local councils on other main roads.

d) *Home Office*

Responsible for the oversight of the police and fire services, and for the care of children in need of protection.

Police Forces

One word should be said specifically about police forces which are administered independently by each Administrative County and Council Borough. These are supervised by a standing joint committee of County Councillors and Justices of the peace. In County Boroughs, the authority is known as the watch committee of the Borough Council. The chief constable is responsible directly to these committees for the efficient administration of the local police force, but arrangements for recruitment, payment, discipline and general standard of police forces throughout the country are closely supervised by the Home Office which may, in certain circumstances intervene, for example, in the selection of a Chief Constable.

Control by Central Government

Control is exercised primarily through the legislation which prescribes and limits the duties and powers of local authorities. Further control involves supervision from departments of the relevant ministries, as well as by the issue of advisory circulars, by inspections, enquiries and the examination of statistics.

The ministries set standards which local councils must follow. This is to avoid both extravagance on the one hand and too low standards on the other. Local councils cannot borrow money for capital expenditure on new projects without a loan sanction from the ministry concerned and, if the appropriate standards are not complied with, approval to loans from government sources will not be granted.

The most important of the inspection services is that concerned with schools Inspectors from the Ministry of Education travel round schools in the areas and advise as well as criticise, passing on good ideas from one school to another. There is also an inspection service for the police and the fire service.

Finance of Local Government

Local authority current expenditure at present amounts annually to about £1,800 million. This is financed from government grants, local rates and charges for certain services — plus interest and dividend on capital invested. Capital expenditure is mainly financed by borrowing either through raising a loan on the stock exchange or from private individuals and lenders. If they cannot raise the money from any other source then the Council obtains a loan from a government agency.

Most government grants towards revenue are paid on an annual basis, either as specific grants for a particular purpose such as housing, on the basis of a stipulated sum for each house erected, or as grants on a

percentage basis towards the cost of a service — for instance the police. The main source of government support however is the general grant which accounts for about four-fifths of all current grants. A special grant may be given to the poorer councils to help them maintain their services at a reasonable standard. The grants are determined each year.

On average, government grants provide about 55 per cent of the local councils' annual revenue and the revenue from rates about 45 per cent. Rates are a form of local taxation paid by the owners of land or buildings as a contribution to the cost of local authority services. It is in fact a tax on property, based on the annual rental value of the property as assessed by a branch of the Inland Revenue which is a central government agency. The rate is settled by the council each year according to the estimated expenditure. If, for example, the rate is fixd at 10 shillings in the pound, then the occupier of a house valued at £100 p.a. rental must pay £50 in rates to the local council for that year.

Auditing

The accounts of most local councils are audited by officers known as district auditors. They are appointed by the Minister of Housing and Local Government but have an independent status conferred on them by Parliament and are not subject to the Minister's direction or control.

District auditors are responsible for verifying the legality of items of expenditure and, if any has been incurred illegally, the district auditor can require the persons responsible to pay the amount involved themselves. The district auditor may also comment on the wisdom of current financial policy even though the transactions involved may have been legally correct.

Trends and Problems

The development of local government over the long period of its history has followed a clearly defined pattern. Up to the early 1930s there was a straight-forward expansion of the range of services to be provided. Since that time, however, there has been a tendency to take away certain responsibilities from local authorities and for these to be administered by the central government or by some specially created bodies.

As the range of services to be provided by local authorities increases, problems of efficiency arise. The geographical areas which are best suited

to ordinary local services are often not ideal for the administration of such features as roads, water supply or drainage. Similarly, police, fire and transport services cannot be efficiently organised if the administrative unit is too circumscribed.

Following the pattern which started under the emergency situation of the last World War there has been a tendency since 1945 to establish areas larger than the County as administrative units. Certain important services have been transferred to national authorities for administration on a regional basis. This tendency has again come to prominence in recent months with the problems of the so-called depressed areas such as North-East England. There is a lasting conflict between the increased efficiency to be obtained by larger administrative areas and the resulting dimunition in local influence on affairs. The difficulty of conducting elections for representatives on these more widely based organisations has led to members being appointed — a negation of the democratic process. Another set of problems concern the shift of population from the country to the towns; from old towns to new towns; from the North of the country to the South. All these dictate some adjustments to the local government system. Linked with these is the overall problem of the growth of the great urban areas which continually spill over into suburban and rural districts so that there are continual claims for an extension of the area over which the County Borough has jurisdiction.

A feature of the past 30 years or more has been the gradual intrusion of party politics into local government affairs. It is now unusual for council members to be elected other than on a party basis. Many people feel council that this has led to a serious decline in the effectiveness with which genuine local interests are safeguarded in the various councils.

Even with this political flavour local administration still does not arouse sufficient interest among the populace. Only about 35 per cent of the electorate take the trouble to vote in local elections as opposed to 75—80 per cent who do so for parliamentary elections.

Conclusions

Local Government in Britain is in another transitional stage and, from the investigations of the Royal Commissions, there will doubtless emerge changes which will have a profound effect upon individual authorities but which are unlikely to affect fundamentally the overall structure and form of local government in the country.

No central government can contemplate abandoning the system which has helped to bestow the civilising influence of modern public services on the country at large and which has made it possible for local authorities to share the cost of such services with the central government. There will always be the need for bodies with local experience and knowledge to take a full share in the administration of the country—for even a relatively small country such as Britain cannot be run entirely from Whitehall. Nor indeed would we wish it to be.

SOME ASPECTS OF SCANDINAVIAN LOCAL GOVERNMENT

James S. Roberts

Introduction

The purpose of this paper is to present and discuss certain features of local government in the Scandinavian countries. Particular attention will be given to (1) the nature and extent of citizen participation in local government and (2) the role of the county within the general governmental structure. As an area for study, "Scandinavia" usually includes Denmark, Norway, Sweden, Finland, and Iceland. Although much of the material will apply to all five countries, specific references will be limited to the first three mentioned.

No attempt will be made to relate the material presented directly to the problems of governmental administration at the district level in Pakistan. The relevance of the experiences and institutions of one country to the problems of another is never easily established, and, in the present context, the difficulties are complicated by obviously great differences in such factors as culture, technological advancement, literacy, ethnic and linguistic homogeneity, political stability, and level of material well-being. Yet, Pakistan is a society in transition. It has newly acquired the capacity to set its own political, social and economic goals and to select and develop the institutions necessary for the efficient achievement of these goals. There should be no limit to the search for new ideas. Already in both the public and private sectors, Pakistan is using Norwegians, Danes and Swedes in development programs. Scandinavian institutions such as the "Ombudsman" are being considered by the Pakistan government. With respect to district administration, the Scandinavian scene may well provide new insights which will add both ideas and perspective to the development of Pakistani institutions.

Generalizing with respect to Scandinavia can be done only with some distortion. Each of the countries considered has its own institutions, but the similarities in language, culture, social and political structures as well as historical interrelationships give a meaningful degree of unity to the "Scandinavian area". Over the centuries the political boundaries separating these countries have frequently changed and each country,

at various periods, has been dominated by another Scandinavian country. Their legal systems have similar roots and new laws and institutions are freely borrowed. In recent years there has been an active attempt to unify Scandinavian law and to develop similar social and economic programs. National individuality remains, but the unity of the Scandinavian area is such that, at least at the level of local government, valid generalizations can be made.

Each of the Scandinavian countries has a representative government based on wide public participation. The basic structure of each government is set forth in a constitution which also limits the sphere of government activity as a safeguard of popular rights. Technically, Norway, Denmark, Sweden are monarchies, but the positions of the kings are, politically speaking, similar to that of the present British queen. Except for Finland, the party structure in each country has provided a high degree of stability in government.

Irrespective of the party in power, the program of each country has been steadily in the direction of greater public concern for general welfare through economic and social legislation. Collectivism, however, has been un-hurried and evolutionary. Economic planning has not been directed toward comprehensive government ownership, direction and control but toward the extensive use of fiscal controls to develop an economic framework in which the economy of the nation can develop. The objective of much social welfare legislation is "minimum care" rather than "standardization". Each country has broad programs for family welfare, health and rehabilitation, and social security.

The extensive governmental programs are administered nationally by a well-trained cadre of career civil servants. Public administration in Scandinavia is characterized by a high prestige value of public employment, independence of civil servants from political pressure, and autonomy of administrative action.

Structure

Government in the Scandinavian countries is basically three-tiered: central, county or provincial, and communal levels, but there are subclasses and special units. Each country, for example, has ecclesiastical parishes with minor governmental functions. The larger Scandinavian cities have a special status which combines provincial and local functions. The basic local units are divided into rural and urban communes, and the latter are variously classified on the basis of population and functions.

At the county or district level, Scandinavian government is quite similar. Each nation is divided, into a relatively small number of districts. Denmark has 22 "amt", Norway 18 "fylker" and Sweden 24 "Iän". The larger cities such as Stockholm, Oslo, and Bergen lie outside the regular county structure. In Denmark all cities and large towns are outside the county structure. These large municipal units have both county and local functions. Each county is headed by a "governor" who is appointed by the central government. Great care is taken in the selection of a governor, which is conceived as a position of great honour, and the appointment is usually for life. In Sweden and Denmark the provincial councils are popularly elected for a four-year period by proportional representation. In Norway the chairmen of all the communes in the county constitute the County Council. Many counties are traditional subdivisions with some constitutional guarantees. However, the governments of the Scandinavian countries are unitary rather than federal.

The Governing Process

At both the local and provincial levels the councils which legally direct local government are, for the most part, too large for operating efficiency. Actual governing is in the hands of special committees responsible to the councils and usually selected from, but not limited to the membership of the council. The number of committees has grown tremendously in recent years. The sessions of the committees are usually limited to committee members. Most committees choose their own chairman and have wide discretion as to procedure and agenda.

Although there are many purely titular aspects to the Governor's position, he has an important governing role to perform. He represents the "King" or "the Government" in the county. In Sweden, he is the highest police authority and has duties and responsibilities with respect to a wide range of county functions. In certain cases, the Governor may exercise a suspensive veto over laws approved by the county councils. The general supervisory power of the Governor is exercised through the Office of the Governor which is divided into administrative and financial divisions.

Allocation of Governmental Functions

Throughout Scandinavian history there has been an almost continual ebb and flow in the power of local government. In the Middle Ages and again during the democratic reforms of the nineteenth century, local government was strong. The modern trend, however, is toward

increased centralization. More and more, the county government is becoming the agency through which the policies of the national government are administered on the national level. However, the, traditions of local government are strong and participation is vigorous within the limited sphere of local authority.

Basically local governments have two types of duties. One is to carry out certain functions assigned them by the central government. The second is to enact and carry out programs within the limited area not covered by national legislation. This second category may include such activities as financial support for limited road building, rural electrification, purchase of land, operation of public utilities, providing for the housing of doctors and teachers residing in the commune, contributing to the development of social activities, adult educational programs, and the granting of educational scholarships. The statutory functions assigned local government cover a far wider area including the administration of poor relief, child and youth welfare, health services, local law enforcement, libraries, town planning and fire protection. To support these functions the communes have certain taxing powers.

Citizen Participation

A great strength of Scandinavian government at the communal and county level is the participation of a large number of able laymen in the governing process. With respect to Sweden, it was recently estimated that about 130,000 [1] citizens were actively serving their 1,000 local governmental units. For the most part those engaged in local government work were part-time and received no salaries. An 1862 Swedish law made local governmental positions honorary and without compensation. Only in recent years have communities begun to employ full-time paid employees and to remunerate laymen.

Participation in local government is looked upon as a civil duty. In Sweden, a person who has served as a member of a communal council for four years, or is over 60, or is a full-time government employee may refuse to serve, but otherwise a person who is selected or elected must serve. Under such a system, it is quite common to find persons of national and international reputation serving on local juvenile detention boards, library committees and welfare boards. The number of committees has grown tremendously in recent years, and the complaint is now heard that a very few capable people are called upon to do too much.

1. Total population of Sweden is more than 7 millions.

Such lay participation in local administration has a number of advantages. Administration of local affairs is in the hands of persons who have personal contact with the community. Often these people demonstrate such ability that they are called upon to serve higher levels of government. Local government thus serves as a training ground for higher office.

The Scandinavian system of citizen participation is not beyond criticism. Modern local government needs specialists. Problems of police and fire protection, urban planning, social welfare administration, recreational facilities; sewerage and sanitation, etc., need to be directed and managed by persons trained in these areas. It can be argued, however, that the sharing of local governmental responsibilities among central, district, and local government permits both the enthusiasm and local understanding derived from lay participation and the technical competence of the expert.

Intergovernmental Relations

In all the Scandinavian countries, the central government possesses the capacity to direct, control, and alter local government. Tradition and popular support makes it difficult for the central government to alter the structure of local government or completely remove certain functions from local jurisdiction. However, largely through the county or district, the central government is continually circumscribing certain local powers and promoting and directing the exercise of others.

Programs adopted by the national government which concern local government are administered in various ways. Some state agencies have subdivisional units within their own structure working on the local level. Others utilize the lower governmental units. By far the most important organization serving the central government on the local level is the county. In each of the Scandinavian countries, the county basically is an administrative district for the central government. Responsibility for much of the administration rests in the office of the County Governor, but the County Councils have the responsibility for appointing members to certain county boards which serve as administrative units of national programs.

The goal of intergovernmental relations seems to be to involve as much local talent as possible to support the effective administration of national programs. The pattern for doing this varies considerably but the objective remains. The committee is the key to local participation

whether it be on the county or commune level. In some cases the committee is charged directly with administering state programs and selects and directs its own employees to that end. Such is true of the work of county committees for hospitals, public schools, and various welfare services. However, general standards of competence for those employed in such activities are set by the supervisory national agencies such as the Board of Health or Board of Education. Another frequent pattern is to have state agencies operating through their own officers on the local level, but these officers usually serve under or with the advice of locally appointed boards. Such boards are usually appointed by the County Councils and presided over by the Governor.

The gentle interweaving of various levels of government in the administration of governmental programs is perhaps best presented by looking at specific program areas:

A. *Education*

Particularly in Norway and Sweden where geographical conditions favour decentralization, education has been traditionally a local function Even to the limited extent that education was centralized under the state church after the Reformation, there was parish autonomy and local authorities did much to support poor students and provide additional facilities. The limited state system was supplemented by an informal but surprisingly effective system of itinerant teachers who moved from farm to farm, and village to village, teaching small groups of children and receiving room, board, and compensation from the locality.

Such an educational system, however, could not meet the needs of modern, technically advanced societies and the educational system of all the Scandinavian countries have become heavily centralized, but with a continual awareness of the need for local participation. The state sets minimum standards but the community can set additional requirements. Recently the Swedish government set a basic seven-year educational program for all students but many local units provided an eight or nine year course. The state is responsible for the major costs of the educational system, but the local authorities provide funds for a wide variety of educational purposes such as books, equipment, teacher training, school buildings and adult education. The responsibility for raising local funds and the utilization of state grants is shared by county and communal authorities. The rural and urban communes have general responsibility for supplementing the primary educational system and share with the county the responsibility of supplementing other

educational functions. The county's function is to support and supervise, for the central government, many of the educational functions of the communes, and to support special types of educational programs such as the "Folk High Schools" for adult education.

B. *Public Health*

Health services in the Scandinavian countries are so extensive that, for the purposes of this paper, only illustrations of the activities of the various governmental levels will be given.

Over 150 years ago in Sweden and Denmark, government decrees placed the responsibility for providing general hospitals on the County and Borough councils, and the function has remained there ever since. Norway, again for geographical reasons, has a more decentralized hospital system. Many special hospitals are run by the State. These include special training hospitals attached to medical colleges, mental hospitals, and hospitals for cancer, tuberculosis, and other types of illness needing special diagnostic and therapeutic equipment. The responsibility of the county for maintaining general hospitals, extends into almost every function other than the appointment of chief physicians and surgeons which is done, in effect, by the central health department.

With respect to general health services, Denmark has a unique system of "sick clubs" which are voluntary health insurance societies. The term "voluntary" should be qualified somewhat in that a Dane who is not a member of such a society is subjected to a special tax. However, most Danes are free to join any of several clubs and the services he receives depend to some extent on the club he joins. The "sick club" system covers virtually the whole Danish population and is supported in various ways by every governmental level. The central government contributes financial support to each club on a per capita basis. The counties make special arrangements with the clubs for hospital services, and many local communes take the initiative in establishing the club. These simply illustrate a vast network of services which are designed to meet Denmark's health needs.

Norway and Sweden use a different system. State insurance systems help meet the cost of medical expenditures, but inexpensive medical care is available through an extensive district health system. Sweden is divided into 570 health districts each headed by a state-paid medical officer. Particularly in sparsely populated rural districts, the "provincial physician" and the public health nurses who assist him are

the main source of medical care. In more populated areas, medical care is given by private physicians or through the out-patient division of of county hospitals.

Although it cannot be discussed here, it should be recognized that the public health picture in Scandinavia includes special maternity care, health examinations for children, control of epidemic diseases, and care and rehabilitation of mentally and physically handicapped in addition to a vast number of special programs to treat special health problems. The role of the Swedish county can be inferred from the fact that about 85 percent of the county expenditures go for health purposes. The Swedish county provides, in addition to hospital care, special homes for invalids, nurse and midwife services, child welfare centers, and centers for dental care. Such a listing is only illustrative not comprehensive.

C. *Urban Development*

Industrialization and urbanization in Scandinavia, as elsewhere, produced haphazard urban growth which was uneconomical, unsightly, and unhealthy. Each of the Scandinavian countries has passed legislation designed to provide for urban renewal and planned growth. The Danish Town Planning Act of 1938 as amended will serve as an example. The Act required all Danish towns of over 1,000 population to prepare a plan for the future growth of their communities. Technical assistance was offered to the community with respect to proper zoning of residential, commercial and manufacturing districts, the providing of recreational and educational facilities, and the development of an adequate road system. The community then developed its own plan. This plan, however, would have to be approved by the Ministry of Housing. The basic principle of town planning has been expressed as follows:

"You (the city) may do what you like, but not where you like."

Town planning is giving way to the need for regional planning. In this area there is need for greater participation by the county, although the present tendency seems to be for the central government to set up special coordinating committees for regional planning.

Concluding Observations

Priorities may differ, but as one moves down the governmental hierarchy, the problems of government the world over become surprisingly similar. At the local level there is common concern for

public safety, adequate water supply, improved sanitation, public health, planned urban development, adequate transportation facilities, schools, recreation areas, and similar matters. It is with respect to these problems that comparative study holds much of real meaning and value for Pakistan. Obviously, nothing in this paper has been presented in detail necessary for practical application. It is hoped, however, that it has pointed to a valuable area of study and provides a somewhat unique perspective on a familiar area of governmental problems. The Scandinavian societies are small, but they have been fortunate in being able to develop institutional arrangements in an enlightened and reasonably stable political setting. What they have done, and are doing, is worthy of study and consideration.

THE COUNTY GOVERNMENT IN THE UNITED STATES *

Ute M. and David A. Macuk

Concept

American county government is so complex and varies to such a degree from state to state that its analysis presents certain difficulties. State government in the United States reflects the concept of the federal government of the country with its division into executive, legislative and judicial branches, better known as the "Checks and Balances" system.

The county system within the states is a significant part of this form of government and despite wide diversity in detail, the governing bodies of most counties are built along common lines.

Counties are a sub-division of the state and were created primarily to serve the purposes of the state. This is in contrast to the city, which, although created by the state, is mainly intended to suit the interests of those within its jurisdiction.

The county is an agency of the state and subject to almost unlimited control by the state. Only a few newer counties have been granted a certain amount of home rule (more control of their own affairs through the frame of a county charter) whereas home rule for most cities is an established fact. Home rule has been granted to several counties in California, Maryland and a few other states. However, state imposed limitations and controls notwithstanding, the counties have always been recognized as a unit of local government with a considerable amount, of autonomy enjoying a large measure of self-government.

In many states the county is the unit upon which representation in the state legislatures is based; thus its importance as a political division is great. Of higher importance, however, is the county as an administrative district. Elections are conducted, and taxes assessed, levied and collected by county officials. The county is given authority for the construction and maintenance of main highways, bridges and, in places, the responsibility of providing other public works. The county is responsible for the proper functioning of relief and welfare agencies. In addition, the system of

* This paper is based on the following books —
Clyde F. Snider, *Local Government in Rural America* (New York, 1957); Paul W. Wagner, (ed.), *County Agent Across the Nation* (Durham, North Carolina, 1960) and William Munro, *Government of the United States* (New York, 1950).

elementary schools is organized on a county basis (particularly in southern states).

Finally, in serving as a judicial district, the county administers criminal and civil laws. The registry of deeds, probating of wills, maintenance of court houses and institutions of correction also form part of the counties' judicial tasks.

II

Evolution of County Government

The county system in the U.S.A. has developed from the system of government adopted during pre-revolutionary days by the settlers of the English colonies in the newly discovered continent. It is rooted in the English form of rural government of the Anglo Saxon period.

When the first permanent settlements in America were made in the 17th century, English rural government had changed little. At the head of the county or shire were two officials, the sheriff and lord lieutenant. Less dignified or powerful was the office of the coroner; his duty was mainly the investigation of sudden deaths. The real work of county administration fell to the justices-of-the-peace. There were from 20 to 60 of these in each county. Their power and duties were numerous. (A writer of the time names 293 statutes passed before 1603 in which justices are mentioned and given jurisdiction.)[1]

The most important function of the justices was the regular quarter session held four times a year in each county. It was primarily a court of criminal jurisdiction for all but the most petty and the most serious crimes. However, the meetings were also charged with the care of roads and bridges, county property, and with the levying of taxes.

Some important functions which later came within the sphere of civil administration in America were under the control of the ecclesiastical courts, held by the bishop or a judge appointed by him. These functions included all matters connected with marriage and divorce, the proof of wills, letters of guardianship and the administration of personal estates.

The entire system of rural administration was under the control of an energetic national government. The bulk of administration was performed by county officials drawn from the propertied classes but acting under instructions from above. In form it was highly centralized, but control was not systematically organized. Such were the local institutions with which the English colonists in America were familiar.

1. C.F. Snyder, *op. cit.*, p. 8.

And although most of them were introduced into the new colonies, different conditions led to many important changes.

The thirteen colonies which formed the nucleus of the U.S. were themselves the outgrowth of small settlements planted along the Atlantic seaboard in the 17th century. The first settler's motives in coming to America were not the founding of new states—they were mostly organized as trading companies with company charters. This soon proved to be an insufficient form of local government. Company charters gave way to colony charters or the people established their own local governments without waiting for formal authority.

The lines of this political development were not paralell in the first colonies. During the colonial period four distinctly different forms of rural government appeared. All to some extent improved on their English heritage, but introduced modifications and changes to suit their particular needs.

In the New England Colonies severe climate and the danger of Indian attack dictated compact settlements. Moreover, because of their religious beliefs, they tended to be a closed society. In the New England colonies the unit of local government was the town, with its town meeting of citizens and its elective local officers. The town raised its own taxes, created its own laws, elected its local officers and sent its representatives annually to the colonial legislature. Although the town was the primary unit of local government, the county in the New England area was established and influenced the county system throughout the country. In Massachusetts the colony was divided into 4 judicial districts and at the same time 3 militia districts were created. By 1613 four shires or counties had definitely been organized and additional counties were established afterwards.

The Southern Colonies established the county as their chief unit of local administration. The use of this larger unit was possible because friendly relations with the Indians allowed the population to be more widely scattered and to develop the plantation system of agriculture. Officials were the sheriff and the coroner, both appointed by the governor. There was no general meeting of the inhabitants to vote on taxes or other matters of local policy. As in the English counties of the time, most of the work fell to the justices-of-the-peace, who served in administrative as well as judicial capacities; they were appointed by the governor. The establishment of parishes was common throughout the Southern Colonies. The parishes were generally sub-divisions of the colonies and although important, the county overshadowed the parish as a district of local administration.

In the Middle Colonies a mixed type of local government developed and solved the problems brought on by various earlier forms of local government. It was a combination of the town and county system, with an elective county board of town supervisors. The supervisor had important administrative duties in his own town and a dominant place on the town's own board of officials. The supervisors of several towns (and representatives from any city within the county) constituted the county board. This board had all the powers for fiscal and administrative management of county affairs. The office of the justice-of-the peace existed but it slowly diminished in importance, its powers being gradually transferred to the supervisors.

In Pennsylvania a fourth system developed in which both county and town existed but with the town subordinate and not represented on the county board of commissioners. Three elected commissioners became the chief county administrative authority, corresponding in their importance to the board of supervisors in the middle colonies. There was the office of the sheriff which was filled by popular election.

State and Territorial Governments

The American Revolution in 1776 did not sweep away fundamental institutions, and for the most part the main features of the old system continued in the various states. Towns in New England and the middle states remained unaltered; so did the parishes in the south. There was a tendency in most states toward decentralization, with an increase of local influence in the choosing of county officials. However, local influence was exercised mainly through members of the legislature. Direct election of the old appointive offices was established in only a few places.

Most states created after the revolution adopted either the southern system of rural government or the system used in the previous middle colonies and Pennsylvania. The New England system was not copied, since it had mainly been dictated by the type of its settlers, living in close knit communities.

The North West Territory

In the North West Territory and the states formed therefrom local government too was influenced largely by the institutions of older states. An ordinance of the year 1787 enacted by the Confederation of Congress for the government of the territory provided that prior to establishment of an elective general assembly, the officials serving in a legislative capacity should adopt for the territory such laws of the original states as they deemed necessary and suited to local conditions. County officers were appointed by the territorial governors.

The states created in the Great Plains, the Rocky Mountain Region and the Far West developed a fifth plan. It was similar to the southern type but did not make use of the southern type county board, instead the Pennsylvania county board system was adopted.

Changes in the county systems of the older states gradually took place. Starting about 1830 some of the older states began to institute a broader application of the elective system. Sheriffs, coroners, justices of the peace, constables, county clerks, etc. began to be placed on the electoral rolls. Old appointive offices were made elective, and new elective offices were established.

Recent Development

By the time of the Civil War, the main features in the development of the county system had been established. Throughout the United States the states were divided into counties, each differing to some degree in organization, but each having a large number of elective offices. During the present century the general outline of county government has remained much the same as it was after the Civil War. Two major developments have occurred, however, within this established framework.

One of these has been the development of the "special purpose district." There has been a tendency to increase the number of districts which provide services which can be administered and financed more satisfactorily through such special purpose units than through the workings of individual county, township, or municipal governments. Examples of such special purpose districts are sanitary districts, fire protection districts, park districts, etc.

Another major development has been the decline of the township as a unit of local government. More and more states have transferred the major functions performed by townships to county jurisdiction. Thus, as township government loses in importance, the county government gains. The additional functions now being assumed by counties more than ever call for efficient administration on the part of county officials.

III

Function and Structure

Function

County governments perform two types of functions: (a) those required of them by the state and (b) those permitted by the state but which the county does not have to perform. Most functions of county government fall under the first category, i.e. maintenance of law and order, care of prisoners, upkeep of roads, advancement of agriculture, etc.

An example of the second type function would be the establishment of public recreation facilities, something which wealthier and more progressive counties might develop, but which would be far down on the development program of their poorer county cousins.

Counties serve as a political, administrative, and judicial districts.

a) *Political*: Counties serve as the units upon which representation in the state legislature is based. They also are generally entrusted with the conduct of elections.

b) *Administrative*: The county's work in this area is much more important than its work as a political unit. Counties administer tax programs, road building and repair programs. and public welfare and employment schemes. Also in the administrative field we find the maintenance of law and order through a system of sheriffs with deputies, and, in some areas, the unit of organization for the state militia.

c) *Judicial*: The county serves as a district for the administration of civil and criminal law. It also acts as a recorder of documents and probator of wills. It is almost always responsible for the maintenance of court houses and institutions of correction.

Structure

As noted earlier, counties in the United States vary greatly as to size. Thus in the physical or geographic sense one can not properly describe the "structure" of a typical U.S. county. A common feature to all counties, however, is their organizational structure.

Every county government has as its center the county seat. The county seat is the location of the county court house and the offices of county officials.

Every county government has as its center — the county seat. The agency. This agency is most often referred to as the county board although various titles are used, for example, board of commissioners, board of choosen freeholders, levy court, board of directors, county council, etc. Members of the county board are generally called commissioners or supervisors. Their method of election varies from state to state. Some are chosen by the voters of the county at large, sometimes they are taken from townships within the county one or two from each, while in some counties the county board is made up of the county judge, the local justice-of-the-peace and certain ex-officio members.

When the county board consists of several members (this is usually the case) the general rule is that no official action can be taken when the board is not legally in session. This is to avoid members

binding the county by their individual actions or even by action concurred in by a majority.

The size of county boards varies greatly. Half the counties have governing bodies of three members or less: thirty per cent have four or five members: and 20 per cent a higher number. In 119 counties there is only one member, while in 107 there are over thirty members per board.

The term of office of county board members varies almost as much as does the size of the boards. The most common arrangement is to elect members for four-year overlapping terms. In the state of Michigan the members are elected for one year terms, while in some southern states the chairman of the board serves a term of eight years.

Generally speaking, the functions of the county boards may be grouped under six headings; financial, highways, other public works, welfare work (including relief and prisons), elections, and miscellaneous.

Financial: Most county boards have the right to make appropriations for and supervise expenditures, and to levy taxes to cover these expenditures. In addition the county board also borrows money on the county's credit in order to finance the building of roads, county buildings, etc. It often serves as an appeal tribunal from the assessments levied by county assessors.

Roads: In most states the important rural highways and associated bridges are planned, constructed and repaired by the county.

Public Works: Other public works are also carried out by the county. These include the construction of the court house, county jails, and other buildings occupied by county officials or agencies. The management, upkeep, and repair of these buildings is the responsibility of the county boards.

When a project concerns all the municipalities of a county, the county board is responsible for its implementation.

Welfare Work: The county, rather than the municipality, is the unit responsible for functioning of welfare and charitable programs. The county also acts in many cases as the agency through which state or federal funds for relief is distributed. The county is also responsible for the establishment of houses of correction and their operation.

Elections: Various duties are performed by county boards in regard to elections. In almost all counties the county board has charge of

election machinery. It designates polling stations, maintains voter's registration lists, appoints poll officials, and canvasses returns.

Miscellaneous: Among the miscellaneous powers of the county are the appointment of various county officials, the granting of charters or organizations, the licensing of pedlers, and other odds and ends of jurisdiction.

The County Judicial System: Virtually every county maintains a county court, but it is not organized the same way in every county. Some states have a judge for each county, while others have a judge riding a circuit made up of several counties; some states provide more than one judge for each county. At any rate, the county court system forms an integral part of a state's judicial set up.

County Officers

A brief rundown of county officers and their responsibilities will help to outline more clearly the functions of county government. These officers may be divided into two categories, judicial and non-judicial.

Judicial

Sheriff: The sheriff is to be found in every county in the United States. Except in South Carolina, he is popularly elected. The sheriff is responsible for the custody of prisoners and is helped in this assignment by deputies appointed by him. The sheriff was formerly known for his law enforcement function, but this aspect of his work has become negligible in recent years.

Prosecuting Attorney: This official conducts criminal prosecutions in the trial courts. He often serves more than one county in his capacity as prosecutor. In most states he is elected to office. Should he be serving as prosecuting attorney for one county only. he generally acts as the legal advisor to the county board and county officers.

Clerk of Court: The clerk processes and records the files of the general courts. The clerk is strictly assigned to the county court and would not, as is often the case of the county judge or prosecuting attorney be responsible for or assigned to cover two or more counties. Except for three states, the county clerk's position is an elective one.

Coroner: As noted in section I, the coroner's position is clothed in antiquity. His only remaining function of any significance is to view the body of persons having died under mysterious circumstances and to determine if a crime may have been committed. The coroner's position is usually filled by general election.

County Judge: In twenty states a county judge is elected to preside over the trial court.[2] In a few states he also serves as the chairman of the county board.

Probate Judge: In 19 states the slate of elective officers contains the position of probate judge.[3] His position calls upon him to appoint administrators or guardians and to supervise the disposition of the estates of those persons who die intestate. He is often the judge of the juvenile court.

Non-Judicial

Many states include the elective office of county clerk in their county systems. He is generally the principal recording officer of the county and usually is clerk to the board of commissioners. He often performs certain duties in the field of finance.

Registrar of Deeds: In about half of the states, the election ballots include the registrar or recorder of deeds. In addition to registering deeds, he often issues licenses and performs some, if not all, of the functions performed by the county clerk in other states.

Auditor: The auditor is the chief finance officer of the county and often serves as clerk to the board. This position is not found in all states. The incumbent is hardly ever auditor in the fine sense of the word, and an outside audit is generally desirable.

Treasurer: In eighty per cent of the states the voters elect a county treasurer. He acts as custodian of the public funds and often serves as a tax collector.

Surveyor (Engineer): In thirty one states the county engineer is elected to office, while in the remainder, the engineer is appointed by the county board.[4] He is concerned with the delineation of county land and highways.

Superintendent of Schools: In thirty nine states there are county superintendents of schools.[5] In twenty three of these states the office is elective, while in the others the office is filled by appointment.

Other minor officials, such as justices-of-the-peace, are included in the administrative set-up of various counties throughout the United States. Their functions and titles, however, vary greatly and it would serve no purpose to give a complete listing of them in this paper.

2. Paul W. Wagner, *op. cit.*, p. 16.
3. *Ibid.*
4. *Ibid.*, p. 18.
5. *Ibid.*, p. 18.

IV

Reform and Future Trends

The American voter, paying more attention to close-at-home city elections and highly significant state and national contests, tends to let county politics fade into the background. The county thus often slips under the domination of professional politicians who bring to it the title of "the jungle of American politics."

More and more, however, as alert minded citizens turn their attention to clearing this jungle, do we find reform taking place in the American county system.

This reform generally involves five changes in the present county system —

1. Reorganization of county boards.
2. Unification of the county executive.
3. Reduction of elective offices.
4. Application of Civil Service reform to counties.
5. Introduction of new business methods.

Reorganization of County Board

In many states the county boards are too large and have become unwieldy in operation. Students of the county system recommend that a county board consisting of seven members is sufficient to conduct the normal business of the board. For best results the members of the board should be elected by the electorate of the county or by a proportional representative system and have the same powers allowed to councils under the city manager form of government, i.e. enact ordinances, make appropriations, authorize borrowing, grant franchises and decide questions of a general nature. They would not assume a direct share in the administrative work of the county government; this responsibility would be given to the county manager.

Unification of the County Executive

In most counties there is no county official comparable to the president, governor, or mayor in national, state, or city governments. This results in a distribution of executive responsibilities — some of it going to the county board with the rest devolving upon various county officers. This scattering of responsibility is gradually being brought to a halt by the formation of a unified executive with ultimate executive authority. Many progressive counties have adopted the "county manager" plan under which a professional administrator is given the responsibility for carrying out the executive duties of the county.

Progress toward the development of central executive authority and responsibility in the county system has been often slowed down by those having vested political interests in the older system.

Reducation of Elective Officers

There appears to be a welcome trend toward fewer elective offices in the county system. The elective principle when applied to positions such as those of assessor, clerk, auditor, etc. means only that the ballot is lengthened to such an extent that it is impossible for the voter to adequately judge the merits of opposing candidates. As a result he generally votes the "party" ticket, thus often voting for persons not as fully qualified as would be objectively appointed office holders.

It seems obvious that administrative positions should be filled by the appointment of qualified administrative specialists. Fortunately, this principle is being followed in more and more counties.

Application of Civil Service Reform to Counties

The 'spoils system', whereby political influence is used to obtain a position in government service, was once the bane of American political life. Reforms achieved under the Civil Service system, under which positions and promotions are awarded on merit and the passing of examinations, has largely done away with the "spoils system" in state and municipal administrations. Unfortunately the county stands as one of the last strongholds of the "spoils system" in America. It remains to be seen how long entrenched political interests can prevent the Civil Service system, vigorously advocated by reform elements, from wiping out this blot on the American political scene.

Introduction of new Business Methods

During the past two decades great progress has been made in the field of public and business administration. Although most city and state governments have adopted much in the way of new business methods, the counties have fallen behind on this score. In some counties, for example, each officer does his own purchasing for his department instead of ordering and drawing his requirements from a central county purchasing agency.

Here then is an area in which a future trend is clearly desired, if only for the purposes of economy on the part of county boards.

THE COUNTY IN THE UNITED STATES OF AMERICA

Don R. Larson

In writing on the American County I feel I am associating with an old friend. I was born in a county (as are most persons in the United States — but how many of them can claim birth in a county named minnehaha?) I was brought up by a county (my father was a county judge for 35 years, and was one of the first county juvenile judges in the United States), educated to college level by a county (ours was a county school system); married through a county controlled licensing system, and my favorite non-teaching jobs prior to coming to Pakistan 20 months ago were county-related. I was privileged to help start the metropolitan movement in Dade County, Florida, and served on the Miami Metropolitan Municipal Board, and the first Dade County Charter Commission, appointed by the state legislature. Public Administration Service (PAS) of Chicago put me in charge of its study of Metropolitan Sacramento, in which the County of Sacramento was the basic frame of reference. PAS also assigned me to the urban county study of Fairfax County, Virginia, and after formulating a new system of government for such a rapidly growing urban unit, I was invited to stay on in Fairfax to see if this plan could be put on the statute books. My impressive title was "Special Legislative and Governmental Consultant to Fairfax County, Virginia". We got the plan on the statute books in 1960; to my knowledge it has not yet been adopted by the County.

I must not prolong this introduction except to say that I have enjoyed county parks, county golf courses, county auditoria and marinas, I have been in, but have not entirely enjoyed, excellent county hospitals, I have avoided county jails except as a visitor; I expect that those who survive me will have to get the permission of some county to locate me in a final resting place.

II

Historical Development

The American County is one of our most historic institutions. As a copy (but not an exact one) of the English county, it came into existence as early as 1634 when Virginia was divided into eight shires or counties, Maryland in 1620 when three counties were established followed

by Massachusetts in 1643; Connecticut in 1666 and New York in 1683. All of the American colonies, except Georgia, had established counties before the American Revolution. In some of the colonies local units of government came into existence a few years before a central provincial government could be established. It is important to remember that the counties in the United States antedate the creation of our states and our central government by almost 150 years.

Although this is not an historical treatise, it should be mentioned that there were some differences between American counties and English counties from the very beginning, and there were in fact considerable differences between the counties in the various colonies. The differences might be shown by the fact that very early in Virginia a county was not only a judicial unit, but was also a unit for military, highway, and fiscal administration. Almost from the beginning in that colony, and a few years later in other colonies, counties became the unit of representation for the Colonial Assembly. During the same period the county remained almost completely unimportant in the New England area, and especially in Rhode Island, where the town became the major unit of local government. A county in these areas was almost entirely a judicial entity, although the county did have some general supervision over the other units of local government.

A minor difference from England was the fact that in some of the colonies the sheriff was not accepted as the major county officer. In fact in Massachusetts in 1654, an elective county treasurer had to be created in order to handle fiscal affairs, because of the absence of a sheriff from the Massachusetts system. There was also a tremendous difference in the time in which the elective feature took over from appointment by the Governor for the small council or board which had charge of county affairs. The first recorded system of representation is probably that of Massachusetts in 1650, in which representative commissioners were selected from each town to meet at the shire town to equalize apportionment of taxes between the various towns. The first real system of elected councils apparently was that of New York, in 1691, at which time elective county boards of town supervisors were established, and this became the principal feature of county government in New York. Some time later it was copied in other colonies.

Following the Revolution, and during the rapid spread of population from the east to the west, the newer states almost entirely adopted the county as the basic unit of local government. There were many modifications which will show up as we discuss the features of a

judicial county, but the most important one of the early period of American westward expansion was, of course, the tremendous development of the elective principle. Not only did the newer states provide for the election of governing councils of various types, but almost every sort of public official was made the subject of popular selection. The shift to the county as a basic unit of local government was so complete when the newer western and middle-western states were admitted in the 1850's, 60's and 70's, that the county was adopted almost as an exclusive unit in the local realm, replacing towns and townships and other competing units. Thus by approximately 1870, almost the entire area of the United States had been formed into counties, and since that date new counties have been created by subdividing or altering counties, or by making boundary adjustments between and among counties. This historic note ends then with the general statement that during the 19th century the counties became the most usual and most prevailing unit of local government in the United States; and although late in the century, they began to lose occasionally powers or functions to state governments, it can be said that all counties have increased in significance during that century — and indeed the 20th century.

III

Characteristics of US Counties

In discussing the characteristics of the typical American county, it should be noted that it is impossible to generalize with accuracy about any particular level or unit of government in the United States. Yet generalization is an absolute must, for if we were not to generalize at this point, the product would be a book or a series of books instead of a brief paper summarizing the past and present position of this unit of government. Keeping in mind then the obvious dangers of generalization, these are the characteristics of the typical county of the United States, or of counties as a class in the U.S.

1. *They are historic.* As we have already noted, the counties are among the oldest units of government in the United States.

2. *They are varied.* They have small populations — Loving County. Texas, has a population of 285 people — and they have large populations —Cook County, Illinois, with over 4 million population, is the largest. The average county has approximately 43,000.

They are tiny — Arlington County, Virginia, with 25 square miles is officially the smallest (several first-class city-counties in Virginia

have one square mile each); they are large — the largest in San Bernadino, California with over 20,000 sq. miles (larger than some of our U.S. states). The average county has about 1,000 square miles in it.

They are weak — some of our more rural counties have only the functions of a judicial district; they are strong — a county like Los Angeles County, California, has every attribute of a high powered, completely urban unit of government, providing all types of services to millions of urban and rural residents alike.

They are strangely distributed — there are 3 counties operating in the State of Delaware and there are 254 counties in existence in the State of Texas.

3. *They are Hardy.* Or as we call it in the United States, "tough." It is not impossible to kill a county, but it is next to impossible to do it. In the State of Connecticut, after years of comparative desuetude, the nine counties in the State were actually abolished. There was a net loss of three counties in the 15 years that ensued before a thorough census of government was completed in 1957. During that very busy 15-year period, full of urban change and other war and post-war dislocations, only one new county was created in the United States — the county of Las Alamos, New Mexico — and four counties disappeared as a result of consolidation or, in the case of two, disappearance by virtue of becoming first-class cities in Virginia. This means that in one of the most vigorous decades and a half of American urban growth, only a net loss of three counties occurred in the United States.

It might be stressed that the reason that counties are so hardy is that they were structured into constitutional fabric created in all of our states during years of complete rural domination. The state legislatures, which control the destinies of our sub-units of government, were also built by rural dominated state constitutions, and reflect a consistent rural bias. As a result, county boundary lines are just about as sacred as anything in the U.S. is, governmentally speaking. It is not only virtually impossible to abolish a county, or to divide a county; it is almost impossible to touch the boundary line of any given county and change it to reflect the changes in the configuration or population of a given area.

4. *They are resistant to change.* Not only are counties a hardy breed, but they are slow to change. A typical American county looks today approximately the same in structure and method of operation as it did 50 or 100 years ago. In all honesty, it must be stressed that this is partly because the large majority of American counties are still rural in nature,

and there are very few reasons why these units should reflect modern thinking about government and politics. As we shall see when we describe the traditional county, they are still typified by the old-fashioned commission system or, as an alternative, a large and unwieldy board of supervisors, by short terms of office, and by an absence of the most modern techniques of government in such fields as finance, personnel, and management in general.

5. *They have endless possibilities for future development.* As the next sections of this paper will show, much can be done with the county to meet modern needs. It can be a most effective instrument for meeting 20th century urban governmental problems. The magnificent jobs that have been done by Los Angeles County in California; by Dade County, Florida; by Nashville County, Tennessee; by Baton Rouge, Louisiana; by Fulton County in the Atlanta Plan, and others of this type are examples. Remarkable achievements have also been made through city-county consolidation in such cities as New York, Philadelphia, Boston, and New Orleans. The many counties in California and other states that have gone over completely to home rule as the basis for their system (and in many cases, the county manager plan), have risen to meet modern needs in a most spectacular manner. These are exceptions to the rule, but they do indicate quite clearly that the county as a vehicle for change in the modern era is perfectly acceptable and spectacular results can be achieved by using it properly. It is, therefore, an elastic, as well as a tough and unelastic, agency or unit of government.

IV

The Traditional County

In describing the traditional county, we are talking about over 90 percent of the 3,047 counties in the US. We are talking about a rural unit, one that has its roots in the 18th and 19th centuries; and one that takes its prevailing characteristics from those developed during the 19th century in America. My purpose here shall be simply to summarize what the traditional rural county looks like from the standpoint of its legal basis, its structural characteristics, and its major functions.

All counties in the US are creatures of the state, and not of the central government or the Constitution of the US. The Federal Constitution is in fact virtualy silent on the subject of local government, leaving this field, by its silence, to each of the 50 States.

The traditional county seems to be more closely a creature of the State, and it is linked to the State most intimately by history, by its

functions, and by the degree of. State control which is maintained. The difference between this and the most modern county will be clear when we discuss the features of the modern county.

Counties were originally created in order to help the State exercise its functions within the sub-divisions at that time considered appropriate in size. It must be stressed that they were created as agents of the State, in order to carry out State functions and State purposes. They were not originally created as units of local self-government. This is one of the reasons that many of our counties seem very large; and this is why their court, highway, welfare and health functions still predominate. These are the major functions of the State; they are also the major functions of the counties, the agents of the State for carrying out these basic functions. Counties are created either in the State constitution (a few constitutions even list names of the counties and some of them show boundaries) or by statute created persuant to constitutional authorization.

The traditional county is unique structurally in that it almost completely disregards the threefold separation of powers theory which is so characteristic of US governmental units. In the county, the legislative and executive powers are hopelessly confused in a commission or a board, loosely called the governing body. The other major unit in the county is the court system, which is in effect basically an extension of the State Judicial machinery. In addition to this mixture of legislative and executive functions and the existence of the court system as an extension of the State judiciary, the traditional county has these four main characteristics:

1. Legislative domination. In the county, the governing body is by all standards of judgment, the leading governmental entity (except where the courts play the leading role in the most rural of the counties). Governing bodies take two primary forms. In the Commission system, a group of 3 to 7 men, generally elected for a two-year term, for a board of county commissioners. In over two-thirds of the counties of the United States, the members of this governing body are elected by the people and are elected exclusively to serve as a member of this governing body. In the other one-third of the systems, the members of the boards or commissioners also possess some additional administrative or judicial functions, and are not in every case elected. We must say, however, in the typical county a governing board is elected by the people, and it is the most important element of government in that county.

The other major type of system, other than the small commission system, is the supervisor system, in which a large representative body of 50 to 100 persons is elected to serve as the policy making body of the county. Large boards of supervisors of this kind are more typical in the north-eastern States.

2. The second key characteristic is a derivative of the first and is the lack of real executive section. In the case of the small commission system, a chairman is elected but he usually has no special status or special powers. Specifically he does not have the veto power. Each of the members of the board acts in an administrative-executive capacity, as well as in a policy-making capacity. The administrative functions of the county are divided between these men — one may be in charge of law enforcement, one of health activities, one welfare, and so forth to cover the major functions of a county. It is also true that in the larger boards of supervisors, a chief executive usually is nothing more than a presiding officer with no special powers and no veto power.

3. The long ballot system is a key feature of these governments. By this we mean that there are a large number of elective officers, usually more than six and often as high as ten or fifteen. Here is a list of a typical set of elective officers in a typical county: judges, sheriff, prosecuting attorney, coroner, clerk, clerk of courts, treasurer, auditor, recorder of deeds, surveyor, road or highway commissioners, and board of assessors.

4. The terms of these officers are generally of short duration, with two to four year terms being most common; there is considerable rotation in office (although there are some very great exceptions to this rule), and these officers receive comparatively low pay, often simply a per diem, for their services. In slightly over half of the counties, the terms of the county board members are staggered so that only part of the membership would expire in any one year.

Before leaving the nature of the traditional county structure, it should be mentioned that of the more than 2,000 counties having boards of commissioners, les than 400 elect all of the board members at large. More than 800 choose all members by districts; and the remaining counties make some use of the district principle of representation. In the case of "township supervisor" types of systems and those in which the governing body is made up of justices of the peace, the judges or the commissioners are almost exclusively elected from subdivisions of the county. In sum total, about half of the nation's counties elect all or part of their board members by districts; an additional 21 percent

require district residence; and in another 10 percent members are chosen from townships or other sub-units. Less than one-fifth of the counties elect all board members at large.

Thus, the main characteristic of the traditional county in our country is the fusion of legislative and administrative responsibility in one "governing body". And yet, because of the long ballot and the extremely sizeable powers given to the other county officials, the system fails to center either policy making or administration in this nominal governing body. This mixture produces potential chaos. Let me give you a word picture of this situation from one of the better governed states, in the words of George Spicer of Virginia:

An examination of the structure of the counties revealed a picture of extreme administrative confusion. Their work was distributed among many different officers, boards, and other agencies, the number approaching fifty in many cases. These agencies were found to be manned by from sixty to ninety officers and employees selected in at least four different ways and, therefore, responsible to various sources of authority. Approximately one-third were appointed by the judge of the circuit court, some were appointed by state boards or departments, some by the boards of supervisors and subordinate boards, and the rest were elected by the voters of the county. There is no means, through an executive head or otherwise, of coordinating the work of these various officers and agencies so as to produce a unified administrative organization to eliminate over lapping of functions and agents, and to effect proper economy in the operation of county government.

VI

The Emerging County

Before briefly describing the modern counties, let me point out that there are a few which are in a transitional stage. These I call "emerging" counties. Two types deserve special mention, and it will be of executive-legislative separation of powers. In one of these forms, an seen that both are characterized by the introduction of a greater degree elective chief executive is selected at large. As an example, in Nassau and Westchester Counties in New York, and San Mateo County in California, a short ballot is used for the selection of a county chief executive. He is given a certain administrative-executive function, including considerable amount of appointing power. Similar to this, but using an appointed chief executive is the CAO (Chief Administrative Officer) system as used in Los Angeles County since 1938. In this system

a county board hires a "quasi manager" and turns all administrative details over to him. His powers are not quite as extensive as those of a typical manager, but his position is such as to make this county quite different governmentally from the traditional one we have described. In several of the Virginia counties an executive secretary is being employed in much the same way although somewhat less administrative power is given to this officer.

The Modern County

Most modern counties in the United States are those which have been granted formal county home rule and, thus, have had the opportunity of building their own systems of government, limited only by the basic provisions of the State constitution and State statures. These are found now in California, Maryland, Ohio, Texas, Washington, Oregon, Minnesota, and New York, with one or two special home rule situations in a few other States. In these States, something more than 200 counties are permitted to construct their own home rule charters, yet only about ten percent of these counties have thus far acted. This is not to be taken as an accurate measure of the interest in county home rule, since several other counties have proposed charters but have failed to obtain the required popular vote for ratification. Though the charters that have been written in these counties vary considerably, it can be said that in general they possess these characteristics: each charter provides for an elective county governing body with the members chosen in most cases from single member districts, the typical size of the governing body is five, charters provide for a merit system for the selection of county employees; and the majority of the charters establish modern budgetary procedures. There has been some reduction in the number of elective officers, and the most striking feature is the provision in almost all the charters for some sort of chief executive officer charged with general administrative authority and responsibility.

This brings us to the main feature of the modern counties — the county manager system. In a number of the charter counties a full fledged county manager has been put in charge of administrative matters, precisely on the model of the best city manager cities in our country. By this time in the United States, over 20 county managers can be found, and the National Association of County Officials claims that over seventy counties use some form of chief administrative officer.

In the county manager counties, virtually complete control of administration is vested in an appointed manager. He serves at the pleasure of the governing body; department heads and other employees are appointed by him, sometimes with the approval of the governing

body but in any case they become his responsibility. The Council in this system handles all policy determination and retains political responsibility for the overall quality of administration. The manager can be removed from office at any time by the governing body although in some of the systems provision for a period of notice is provided.

Where a strong elective executive has been created in the charter (as in some of the charter counties) or where a full fledged county manager has been put in charge of administration, the county unit achieves the type of separation of powers which has characterized the other main units of American government. I do not believe I am oversimplifying when I say that these reforms have in almost every case worked out extremely well. It is not difficult to predict that as the urban revolution continues in the United States, this type of change will become easier to achieve and more characteristic of the evolution of the American county.

Functions of the Traditional County

We have noticed that one of the main original functions of the county is the judicial function, handled by county courts and justices of the peace. It is because the courts were so important in the origin of the county that most of our county seats are graced by a huge building which is called the "Court House". The county political machine that has developed in many of our units is known affectionally as the "Court House Gang". Judicial functions remain to this day one of the main functions of the county, with the county being used as the local extension of the state judicial system. Typically the courts are separate from the governing body, although in about one-third of the states and about one-fourth of the counties, the governing bodies and the courts do tend to become mixed as far as the personnel is concerned with the members of the governing bodies possessing some judicial duties. These would bear some resemblance to the use of the basic democracy units as concilation courts in Pakistan.

In addition to the judicial, these are the main functions: law enforcement; assessment and collection of taxes; the recording of wills, deeds and mortgages; surveys of land; welfare and charitable institutions (the county poor farm is one of our traditional institutions); farm to market roads, both construction and maintenance; and education in a limited sense (except in 15 states).

The function of education, so important in the United States, bears a special footnote here. Typically, the schools have been organized and operated through special school districts. At one time these ran well over

100,000 units in the United States. There are, however, 15 states (12 in the South and 3 in the West) that employ the county unit plan of school administration. Under this system a school board, usually elected, has under its control all of the rural schools, and in a few states the urban schools as well. In 15 other states of the U.S. there are county school boards, but they serve more in a mild supervisory or advisory capacity. Thus it can be said that in less than one-third of the states does the county serve as the main unit for education up to the college level.

Functions of the Modern County

It is difficult to discuss the functions of the modern county for in some of these counties every function is performed that one can imagine to be performed by local government. Here our counties become much like the county-boroughs of England; and if a local governmental function is performed, it is performed by this modern county unit. Education would be an appropriate function in such a county; much more responsibility would be taken for highway construction and development; planning and zoning powers are typical of such counties; more would be done in public health, including the probability of a large and modern county hospital; libraries, parks and recreation, airports and seaports, strong public works programs, storm drainage, mosquito control, building inspection, economic and industrial development — these round out the types of functions to be found in a modern county. Here in essence the county has been recognized as an urban government unit and has been given, either by home rule or by gradual devolution of powers, all of the functions necessary and appropriate to modern urban living. The structure of these counties, their tax resources; their methods of operation show much greater resemblance to that of a typical city than to that of the rural counterpart of these modern urban counties.

VI

Factors Responsible for the "Dark Continent"

Before concluding this paper with a few comments on the differences between local government in Pakistan and the county system in the United States, I should like to comment on some of the reasons why our county government in the United States has come to be called the "dark continent of American politics". A number of factors are responsible for this rather unpleasant reputation, but in the interest of brevity, I shall comment on only three or four of the major factors responsible.

First of all, let me stress again the remarkable resistance to change

which our counties have shown. The vast majority of our counties still appear essentially the same as the 18th and 19th century structures and basically retain the methods of operation of that period. The outsider may well ask why this is permitted to happen in a country noted for its progress, its acceptance of change. The main reason is, as we have already noticed, that the counties were formed in an agrarian period and have become structured into constitutions written by rural people. These constitutions were written to make change virtually impossible. It is for this same reason that most of the states are still plagued with rural dominated legislatures — legislatures that are, in general, not interested in changing the county picture. They like it as it is. They are prospering with it as it is. Change to them means selling out to the city folks — taking a chance of losing their prestige and power. The "Court House Gang" is distinctly linked with state political leadership and with other vested interests. Any change would break these connections. As a result, by and large, change is not permitted. For example all the powerful county units in a given state would violently oppose tampering with the boundary lines of any one county, for fear of setting a precedent that might soon involve other counties in the dangerous game of change. As a result, everybody opposes county boundary changes. The same goes for tampering with methods of operation or matters of structure. The county, then, is the closest thing we have to an unchangeable rock in the American structure of government.

Another factor responsible for the "dark continent" is the lack of public interest in county governmental affairs. There is a great deal of normal apathy in the United States just as there is in many other countries of the world, but this apathy becomes quite spectacular when applied to county matters. It is not so much that counties are unimportant, for they are quite important in the life of the average person. It is true, however, that the more spectacular functions of local government have shifted over either to municipalities or to special districts or authorities set up to care for rapidly changing conditions on the local scene. Thus, if a major water project is in the offing, the typical solution is a large special corporation or authority to work on this in an area that usually exceeds the size of one county. In many of the larger and more spectacular functions the State has come to play a major role, thus depriving the county of the center of the stage. So as the State, the municipality, and special districts and authorities meet the more pressing problems, they tax more and spend more and end up with more civic sense appeal than does the ageing and tottering county.

Another cause for the somewhat sad plight of counties is the lack of attention given to them by reformers, scholars, and reform organizations. Again this is partly because of the slowness of the counties in taking on additional functions, and the interest given by reformers and scholars to municipal, State, and national levels. It is admitted that counties have difficulties because of their geographic spread and the infinite variety in detail. Also there are few organizations which exist to stimulate interest and change in county governments. The National Association of County Officials is about the only one and although it is relatively young, it is making real progress. As a result, there are few books, few articles, few civic reform movements that give the county the center of the stage.

All of this adds up to a general frustration bred of long neglect. This frustration pops up in a paragraph from the old standby political science textbook in the United States written by Ogg and Ray:

> In county governments, we have generally had about the poorest kind of government. Politics has been exploited to the highest degree. Nepotism has been practiced to the limit. Patronage has been rampant. Supervisory officials, as well as elected officers, have been compelled to give far too much time to the consideration of patronage. Incompetency of subordinates and waste have been the rule rather than the exception. Corruption, too, has found its place in wake of spoils.

I must not leave the audience with the feeling that nothing has been happening in this field. The depression helped to highlight the costs of such a "costly and antiquated patchwork", and there are movements in some states to upgrade the counties to a more efficient unit of government. I have spoken of the emerging counties and of counties that are truly modern. There are more organizations coming up to help NACO in its fight for better county government, including strong "Leagues" of counties in many States affiliated with NACO. The spirit of municipal reform which has hit our country in several times since the turn of the century has had its effects in bringing additional attention to all units of local government. The fact that the manager system has been adopted by some 2,000 cities in the U.S. — an undreamed of number a short time ago — has had its impact. Administrative reforms have become respectable and commonplace in the municipal field, and a modern city without a merit system, a budget, and central purchasing is now almost unknown. Most important of all is the very slow trend toward

county home rule in a number of our States, the tendency to set up optional forms of government for counties from which counties may choose, and the adoption in many of our counties of the manager system or chief executive system. These completely change the old rural county structure which was characterized by the fusion of executive and legislative power. There is much hope for the county in our country.

VII

Pakistan District and the American County

I stated earlier that there is almost infinite variety among the American counties. This obviously means that if we were to search throughout our country we could find county units with considerable similarity to a district in Pakistan. For example, I could find a county of approximately the same size as districts, many of ours are similar in age to district pattern which reaches back well into the British period, and I could find some in which the governing body was made up of representatives from towns and townships much as district councils in Pakistan are made up partially from representation from the tehsil level. In other words, I could go and find one or more counties in our country which look in some ways like a district in Pakistan. This, however, would be stretching the point.

If I take a typical or average county, differences appear to be much more significant than the similarities. Let me give the four major differences that I see:

1. Our counties are units of government built directly on the populace; there are no effective tiers between the county and the people. There are other units within a county, such as town, townships, or cities, but these are more governments within another government, not foundations on which the county unit is built. The important thing to note is that the county operates directly on the people. It places its taxes directly on the people, it collects them directly from the people, and its functions are applied directly on the population. It does not operate through the cities or through the towns or townships in the typical county in the U.S. Furthermore, our county is not a coordinating unit in any real sense. It is a specific unit of government set up by the State to carry out certain functions directly relating to the people.

2. Our Councils at the county level are directly elected by the people. There are no nominated members in a typical county. nor are there any official members who hold their positions on an ex-officio basis.

3. We do not use the institution or device known as the "controlling authority," as it is found in the Basic Democracy Order. The

county is created by the State as its agent, and when the State gives powers or functions to a sub-unit, they are given with few strings attached, if any. If State funds are directly involved, there is apt to be more supervision, but even then such supervision would not normally be placed in the hands of a "controlling authority." By and large the county officials are free to function as they like within their delegated realms. They are basically answerable to the electorate, and not to a higher authority.

4. Our counties have a freer and more flexible power to tax. Taken together with the increased tendency towards rather liberal State aid to counties, I would say that the financial picture of the typical county of the US is stronger than I understand that of the district to be in Pakistan. Taking in view the very short history of Pakistan as an independent nation, it would be amazing were this not a fact. I mention it here because it is interesting to note that in our country it is found that the property tax is not a sufficient source of revenue for our counties, and it has been found that State supplements to local taxation are necessary in most of the States. In the past, the property tax produced over 90 percent of the income of the counties of the U.S. Most recent estimates indicate that it now produces about 45 percent of county revenue with State aid providing approximately 36 percent--other sources 19. Thus even in a country which is supposed to be characterized by good material conditions, it has been found necessary for higher levels to come to the financial rescue of the county units. This trend may be found to be more and more true as Pakistan continues its development of local self-government.

In conclusion, the question may well be asked—can Pakistan learn anything from the study of American counties? The answer of course, must be yes, even though we become more and more skittish about suggesting that one nation may learn from another. It is my thesis that we can learn from Pakistan and its system of Basic Democracy and that Pakistan can learn from the experience of anybody anywhere in the world. Most important, I think, is that Pakistan can learn, by studying the American county history, how to avoid some of our mistakes. Taking the last point we have made above, it might learn not to force local units of government to attempt to live by local taxation, and might wish to go much earlier than would normally be expected to a system of central assessment and collection of taxation and the use of grants in aid for the major source of financing for local governments. Much of our history would indicate that this would be a wise move in a developing country.

THE AMERICAN COUNTY AND PAKISTANI DISTRICT: A COMPARISON OF ADMINISTRATIVE IMPACT

Harry J. Friedman

Introduction

Comparing two sharply different local government units, the county in the United States and the district in Pakistan, present a host of difficulties. The first impulse is to look for those functions which appear to be similar in both places and those which appear to be different, on the assumption that the most significant comparisons can be made in that way.

In fact, there is a growing body of literature which advocates and attempts to implement the comparison of administration from the point of view of functions common to all administrative systems, the structures which carry out those functions and their styles of performance. Within such a framework it is possible for the analyst to compare key variables which account for differences and similarities in administrative systems.[1]

Such a method of analysis, however, may overlook what appears to be another important basis for examining the county and the district, the degree of impact on the public. This approach adds another dimension to the study of what counties and districts do and adds it from the perspective of the private citizen, the one who has the most to gain or lose by activities of governmental organizations.

For the purposes of this paper, the concept which will serve as a focus of attention and as a unit of comparative analysis will be termed, *"administrative impact." This will be defined as the private citizen's perception*

1. One of the most prominent "structure function" analyst is Professor Fred W. Riggs, whose voluminous writings on the subject explore many aspects of comparative and development administration. See, as a beginning, his "Agraria and Industria" in William J. Siffin (ed.), *Toward the Comparative Study of Public Administration* (Bloomington, 1959). Others, of course, have been writing about comparative politics and administration from a similar perspective, including Gabriel Almond and Coleman. *The Politics of the Developing Areas* (Princeton, 1960), and S.N. Eisenstadt and Bert F. Hoselitz in Joseph La Palombara (ed.), *Bureaucracy and Political Development*, (Princeton, 1963). For one review of the literature in comparative administration, see Ferrel Heady, "Recent Literature on Comparative Public Administration," *Administrative Science Quarterly*, 5, 1960.

of the extent to which the administrative functions of a particular public administration jurisdiction affect his daily life. It does not mean the same thing as the effectiveness of government programs or the efficiency by which they are implemented.

There will be no attempt to measure precisely the degrees of impact from counties and districts on private citizens. Instead, the discussion will centre on the categories in which such a proposition can be examined.

The major vehicle for the expression of administrative impact is the role of the chief executive official in the Pakistani district. Counties and districts may be compared, among other way, on the basis of scope and level of jurisdiction, political participation and trends in administrative reforms. But the most forceful difference is the existence of the district official and the lack of his counterpart in the county. A discussion of jurisdiction, participation, executive officials and reforms will provide the setting for an elaboration of "administrative impact."

Jurisdiction: Scope and Level

The county is among the "original" local governments and units of self-government in the United States. In the thirteen colonies which were forerunners of the independent nation, the predominantly rural aspect of the population required fairly large geographical units of decision- making in the solution of local problems.

Farmers were geographically scattered and, when common problems required formal meetings, they had to travel for varying amounts of distance to come together. Under the circumstances, such meetings were infrequent and rather loosely structured, depending on such constitutional devices as discussion, consensus, voting and, gradually, elections to conduct business. An early version of a similar form of government was the historic New England Town Meeting in the north eastern part of the United States, still persisting to this day, although in a modified form.

Strictly speaking, county government did not evolve in every state from these early beginnings. In fact, a few states do not have separate county governments and, in some other states, incorporated towns do most of the "governing" instead of counties. The central point to remember here, however, is that the county of today owes its origin to a rural history which affects its current functioning. But the sociological patterns of the nation have changed. The shifting maze of population trends, first coalescing into increasingly congested urban areas, then shattering, more

recently, into a variety of suburban types, has left the counties still exercising their powers and functions largely over rural areas which no longer contain most of the population of the nation.[2]

County governments, then, extend their jurisdictions in almost every state of the United States over the rural areas where lives the smallest number of people. This is one of the reasons that few persons pay much attention to the nature of county government. At the local level, the more glamorous city governments attract the most attention of the greatest number of persons. Even among those living in rural areas, few know who their county officials are, the scope of county powers and the variety of county functions. This condition persists despite the fact that citizens pay taxes to counties and elect the governing bodies.

Not only is the scarcity of population in rural-oriented sections responsible for the small impact of county government administration on the private citizen, but this "invisibility" may also be due in part to the level of jurisdiction in which counties are found. In the federal system of the United States, the state governments obviously cover a smaller jurisdictional area than the nation government, but in certain limited spheres, they are constitutionally equal to the national government and therefore, in those limited spheres, on the same "level." County governments, however, are creatures of the states, with their very existene determined by the states and therefore at a lower "level" than the states.

All but three states, then, contain many counties, of varied sizes, shapes and significance, numbering more than 3,000 in all the states of the United States. Despite this widespread prevalence of counties, most citizens respond to the activities of either the "higher level," the state government, or to the non-rural urban units, the cities and towns. The state government seems more "important." Its activities are reported more readily and fully by the mass media and this factor may be a reflection, again in part, of the "higher level" of its jurdisdiction.

The district in Pakistan, too, possesses a jurisdiction which is smaller in geographical scope and lower in hierarchical level than the

2. It should be made clear at the outset that most of this discussion concerning counties refers to the rural areas. Urban centers are also governed by counties. in addition to their city governments, but they frequently pose a different set of problems, despite the fact that urban counties also have a relatively small administrative impact. In sheer numbers, most counties govern rural areas, just as, in Pakistan, most districts govern rural areas.

province, but it also possesses a much greater "visibility" for the Pakistani citizen than does the American county for the American citizen. The district, too, has a strong rural orientation, but of a different kind from the county's. District officials are as important in urban areas as they are in rural and the district does not represent a rural government counterpart to the city, as does the county in so many areas in the United States.

A partial explanation of the difference lies in the continuing characteristic of a rurally dominated population in Pakistan and in some historical trends. Because so much of the population is non-urban, the rural orientation of the district government is in conformity with the prevailing orientation of the district population. That is, the rural oriented district government is the key to serving and administering the bulk of the population, which is rural. This is in contrast to the rural-oriented county government in a land where the bulk of the population is urban.

In support of this contrast is the historical tradition in Pakistan, now dating back many generations, for most of the citizens to turn to the district officials to fulfill most of their governmental expectations. When private problems require public solving, most persons will submit these demands to the district government, not the provincial or national government. This type of public articulation in the United States, on the other hand, has not been directed toward the county for many generations. Most persons will tend to turn to the state and national governments for such fulfillment.

Oddly enough, the historical differences persist despite the fact that both systems harken back to a British heritage. In the case of the American county, however, the roots are embedded in English soil and the flowering of the plant in the United States produced only modifications, not a different species. There was never, for instance, a strong, centralized English colonial adminisration to dominate the development of the counties in the American colonies.

The British influence on the Pakistani district, on the other hand, was solidified during the era of British India into a tightly detailed administrative structure, welded to the basic political system so firmly that it persisted, quite unchanged, after Independence. The two systems, of course, grew out of different colonial circumstances, the nature of which, though interesting, need not concern us here.

Political Participation[3]

Although the scope and level of jurisdiction differ between the county and district, a much sharper distinction arises in considering the degrees of political participation in each. Counties are the focus of a great deal of political activity by organized groups on the American local government scene.

In fact, one of the major points this paper is attempting to make is that *active political participation by large numbers of persons tends to reduce the degree of administrative impact.* That is to say, there are different values at stake. An integrated, forceful, hierarchical district administration makes a greater administrative impact on the private citizen than one which would be diffused and restrained. On the other hand, under a diffused, restrained system, one having less impact, there may be more scope for a competitive political process to determine the course of major decisions. To phrase it another way, *the greater the administrative impact, the smaller the amount of political participation and vice versa.*[4]

In the county political process, voters elect the main governing officials, political parties organize local interests into supporting groups, issues are debated in campaigns and constituents identify with different political personalities. Residents of the county express their awareness of county government by participating in policy-making in one or more of these ways. They are more concerned with either the resolution of broad policy issues or, sometimes, who controls political power than they are in the administration of county functions.

District residents in Pakistan, on the other hand, are exposed less to the processes governing the resolution of broad policy issues. They have, historically, participated less in the conflicts and compromises which

3. Political participation is defined here as participation by private citizens in one or more of a variety of ways, such as voting, joining pressure groups and political parties, attending political meetings, etc., in which private citizens attempt to influence the formulation and outcome of public policy-making.

   Political participation is related, of course, to a much broader context of social phenomena. As Daniel Lerner has put it, "..... political behavior is but one aspect of a behavioral matrix. People acquire the capacity for political participation by learning, under the permissive conditions of mobility, how to participate in all sectors of public life. The mechanism is empathy and its operation produces opinion on public matters. The outcome is a skill syndrome, a capacity to rearrange one's self-system on short notice, which flourishes in a setting of balanced urbanism, literacy, media participation." See Daniel Lerner, *The Passing of Traditional Society* (Glencoe, Illinois, 1958), p. 85.

4. For a broader discussion of some additio nal implications of this view, see Fred W. Riggs, "Bureaucrats and Political Development: A Paradoxical View," especially pp. 120-138, in La Palombara, *op. cit.*

constitute the politics or policy determination. As a consequence, what they are more concerned with is the nature of the administrative functions which affect their daily lives.

The traditional functions which have had the greatest impact on the private citizen are law enforcement, judicial administration and revenue collection. To these have been added, in recent years, a wide variety of development and welfare functions, including those in health, education, agriculture, public works and others.

In all these cases, both the old and the new, the public wants to know to what extent it will be affected and how. The question asked is, "What will the latest government action do to me?" rather than, "what can I do to bring about certain government actions?" Furthermore, the public is far more likely to be aware of the district and sub-district offices carrying out these functions than of the provincial and national departments sponsoring and supervising the programs.

Surprisingly, the functions which counties perform in the United States are not too different, on paper, at least, from those in the Pakistani district. In the county, too, the number and variety of functions have increased enormously through the years, some of them newly undertaken by government, some of them merely transferred from smaller units, such as townships, to the county.[5]

But despite its growth in functions and the corresponding rise in expenditures, the rural American county is thought of less often and by fewer people as the source of these administrative functions. In law enforcement, the public thinks of the "state police," not the county sheriff; in construction and maintenance of roads, the public thinks of the state and national governments' highway systems more frequently than the counties', (although half of the nation's total highway mileage is under county jurisdiction). Similar reactions could be noted for other functions.

These repeated examples of large and numerous administrative functions without the corresponding administrative impact found in the Pakistani district are attributable to the differences in political participation and the public concern with different types of problems. But there is an additional reason which may account even more for the difference in administrative impact. That reason lies in the nature of the position of chief executive officer. The familiar presence of the deputy

5. Clyde F. Snider, "American County Government: A Mid Century Review," *American Political Science Review*, 46. 1952, pp. 66-80.

commissioner or district magistrate in Pakistan is totally absent in American counties.

Executive Official

Most counties in the United States are governed by an elected board, the exact title of which varies in the different states. These members of the county governing body are not the only elected officials, however. As one writer has pointed out, "..... there is still to be found in most counties a considerable list of officers whose election is required by constitution or statute. Most common among these elective offices are those of sheriff, coroner, clerk, treasurer, recorder or registrar of deeds, attorney, surveyor, superintendent of schools, and assessor, though others in considerable variety are found in different states."[6]

Almost all the rural counties lack a chief executive or a "manager," one office which would be responsible for overall implementation of "higher" policy. Consequently, the general public may be concerned with the several offices at election time only or primarily, in the same sense that it is concerned with all offices which are to be filled by voting, but most citizens pay little attention to the nature of the duties and how they are administered.

Contrast this situation with the district in Pakistan, where the deputy commissioner (DC) has been, historically, and still is, largely, the "personification" of government. Although he is no longer close to being an "absolute monarch" in his relation to the public, the deputy commissioner is still the focus of almost everything the private citizen is concerned with when he requires or desires government action.

The deputy commissioner, in his role of implementing and enforcing decisions made by provincial and national authorities, epitomizes the greatest extent of "administrative impact". No comparable position exists in the American county and the extent of "administrative impact" growing out of the existing offices is considerably less than in the Pakistani district.

Trends in Reforms

In recent years, certain changes have been going on in both countries at the administrative level under discussion. The direction of both types of changes may be toward each other; that is, in certain respects, the American county may be increasing the extent of its "administrative impact" and, in certain respects, the Pakistani district may be decreasing

6. *Ibid.*, p. 72.

its extent. If such trends do exist and if they continue without going too far in the opposite direction, both may benefit from the changes, although probably neither the county nor the district will change so much as to become exactly the same as each other.

The trends may be discerned in the following patterns, starting first with the American system. Two factors which may increase the county's "administrative impact" are the expansion of state administrative control over county government and the slow incorporation of a county executive position.

At first glance, it may not seem as if the expansion of state control and supervision can increase the public's perception of the county's impact. State supervision ranges from the mere giving of advice or information to direct administration of local services, although the most frequent pattern is in the form of state-aid programs. In the latter case, funds are made available from states to counties in such fields as welfare, education, health and highways, with conditions attached to ensure that certain minimum standards of administration are met.

The tendency of these types of controls is to make the county more of an administrative arm for state programs, as it is intended to be, anyway, according to state constitutions. As such controls take hold, the effect is to decentralize administrative programs and therefore to make the public more conscious of the fact that the county is the unit administering those programs which affect the daily lives of its citizens. In this respect, the county begins to resemble the Pakistani district more than it did in the past. Such an effect has been slow in developing, in the rural counties, but it may well continue gradually over a lengthy period of time.

Of greater significance, but much less developed, is the slow tentative growth of a county executive position. "An individual officer charged with general oversight of an integrated administrative system"[7] is a long way from existence for most counties and those which already have a position similar to that are a few urban areas. But in some states, one of the traditional elective officers has assumed a degree of supervisory authority over administration and, although he may be presently a county clerk, an auditor or even a judge, there could be the germ of an evolutionary trend in the making, an evolution toward a chief executive position for the county.

7. *Ibid.*, p. 71.

Again, this is a long way from the degree of administrative impact exercised in the integrated Pakistani district system, but the two, highly different, systems, may be coming closer together. In Pakistan, two trends may be evolving to move the district in an opposite direction, toward that of the county. One of these is the long-term devolution of the deputy commissioner's authority in technical functions, the tendency for specialized officials to take on more of the burden of complex district affairs. The other is the more recent effect, or potential effect, of elective officials on the district scene, particularly in Basic Democracies.

In the first case, the rise in importance of the technical specialist, one of the results may be a reduction in the extremely dominating administrative role of the deputy commissioner.[8] Although he still, as was indicated earlier retains much of the aura of his historical position, the deputy commissioner is less of the "personification of government" than he used to be and, consequently, may contribute slightly less to the degree of administrttive impact found in the district.

In the second case, the effect of elective officials on the district scene, there has been an attempt to broaden the decision-making process in district affairs. Elected officials in the councils, even though they are indirect representatives from the lower-tier Union Councils, are expected to express viewpoints which represent those of at least some private citizens.

They are also expected to try to influence policy-making in a direction which favours those whom they represent. In short, they are expected, by some, at least, to help enhance the political participation role of the general public and extension of political participation, as was seen in the case of the American county, can be expected to result in decreasing administrative impact.

Unexplored Problems

The remarks in this paper should not in any way be construed as an attempt to prove an inevitable relationship of a given set of facts. It is merely an attempt partially to explore whether a concept, such as "administrative impact," can be used profitably to compare administrative units of government and, therefore, to understand them better.

In order to test the usefulness of this approach to a limited set of problems, a variety of measurements would be necessary to "flesh out"

8. For a more varied elaboration of this point, see some of the writings by Masihuzzaman on the different roles played by deputy commissioners.

the very thin skeleton that now exists. For example, surveys of private citizens' reactions to administrative functions would help to measure degrees of impact. Furthermore, more precise historical comparisons would help to establish more accurately the relationship between "political participation" and "administrative impact," as well as helping to refine definitions of both. In addition, it would be helpful to apply more functional indexes to the comparison, perhaps including materials on taxation, budgeting and similar governmental processes.

Although these methods may be added, modified or, in fact, totally rejected, a more fundamental problems is open to further exploration; that is, to what extent is "administrative impact" related to the whole subject-matter area of development? Without attempting, at this time, to resolve the difficulty that many different definitions of development currently exist, one point, in particular, perhaps should be noted. The concept of administrative impact is related to the same issue of values as is the concept of development, the same problem which requires nations to select forms and programs of government from among a variety of choices.

If the thesis is correct, that administrative impact is inversely related to political participation, then choices have to be made among policies favouring either impact or participation. If such choices are not rationally practicable, then ways must be sought to reconcile the requirements of development administration and development politics so that they strengthen each other.

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