

CIVIL SERVICE REFORMS UNIT
DRAFT POSITION PAPER
ON
CREATION OF DISTRICT SERVICE

General.

Reconstruction of the Civil Service is an essential prerequisite for the effective performance of core government functions at all levels. Implementation of the Devolution Plan will remain incomplete without the restructuring of Civil Services at Federal, Provincial and District levels, including Tehsil.

2. In keeping with the bottom-up approach, the CSRU envisages a two-phased project. The First Phase being focused on the creation of District Services through legislation, and Phase Two would consider the broader agenda of linkages with the Provincial government, through administrative instructions and Rules of Business.

3. The purpose of this Concept Paper is:-

- a. To identify the basic Strategic Direction, for the creation of district service.
- b. Develop recommendations that address the fundamental issues of effective devolution of administrative functions to the district and tehsil levels.
- c. Having created an atmosphere of acceptability, involve the Provincial governments in formulating an implementation plan for gradual introduction of the District Service in the provinces.
- d. An extremely important adjunct to the above steps is, a detailed analysis of existing service structures, and propose a new legal and institutional framework for District Service.

4. **Consensus Building.** In order to build a consensus regarding creation of a district service, it is imperative that a clear demarcation of areas of influence between various stake holders are identified. These are:-

a. **Provincial Governments.**

- (1) **Constitutional Right.** Provinces, legally speaking, have all the constitutional right to organize and structure the District Service

as they want. Thus the basic structure of a district service must come from the provinces.

- (2) The structure may even be different for different provinces, according to their peculiar environments, and this must be acceptable to the Federal Government, as long as it is with-in the broad framework of the Devolution Plan.
- (3) However, the provinces must consult and involve the District Governments, while formulating the proposals for creation of the district service. Ultimately, it is the District Government, which will be administering the District, and will be held responsible for any mal-administration.

b. Federal Government (Establishment Division).

- (1) Creation of a new service, ie District Service, will invariably have a direct, as well as indirect effect and implications for Provincial Services and Federal Services. The Establishment Division must therefore ensure that the service interests of other services are protected.
- (2) The Establishment Division must also ensure, standardization of service structures; service terms and conditions; salary packages and other related service matters remain with-in the rules and regulations applicable to all civil servants.

c. NRB.

- (1) The Devolution Plan is the fountain-head of Local Government Ordinance, which established the “need” for a District Service, to man the Local Government Structures. These structures have a definite role and the district service must help achieve that role.
- (2) NRB, must therefore ensure that, what ever shape the district services assumes, (as proposed by the provinces), the basic and fundamental features of the devolution plan are not distorted by service requirements and service interests. NRB must act as custodian of the concept of devolution.

- (3) Having satisfied itself that the spirit of devolution is reflected in the structure of the District Service, as proposed by the provinces, NRB should carry out legislation for inclusion in the Local Government Ordinance.

Devolution Plan- Context.

5. Beginning in August, 2001, the Government introduced a radically new system of Local government. The ambitious aims of the devolution plan are the following:-
- a. Make bureaucracy subordinate to the elected officials of local governments;
 - b. Devolve administrative, financial and developmental powers to the elected officials and local governments;
 - c. Ensure grass roots level accountability of the elected, as well as, the appointed officials; through internal checks and balance and through external mechanisms of citizens' monitoring and mediation committees;
 - d. Enhance public participation at the local level for all segments of the population.
 - e. Reorient the local administrative structure toward horizontal and participatory decision making in order to help make it more responsive and effective in delivering social, economic and municipal services.
6. In order to achieve these aims of the Devolution Plan, the local government restructuring effort were focused on :-
- a. Placing the elected leader (the District Nazim) at the head of the district government; along with the District Coordinating Officer (DCO); reporting to the elected Nazim regarding administrative issues; shorn of his historical responsibility for law and order; and
 - b. Reorganizing the lower level of municipalities and rural sub-districts into tehsils, under elected councils; and
 - c. Establishing democratic and community outreach and mediation structures at the lower levels in Unions, Villages and Communities.

- d. The devolution effort as visualized by the National Reconstruction Bureau (NRB); can only achieve its intention to complete this political devolution, along with the necessary accompanying fiscal and civil service devolution; with the cooperation of the provinces.

Principles of Decentralization and Local Self-Governance.

7. Key principles find their most comprehensive expression in the Council of Europe's Charter on Local Self Government which widely serves as a requirement for European nations and as a model for others. These principles relevant to civil service restructuring include:-

- a. **Subsidiarity.** "Government authority, management and services should be exercised to the extent possible by the departments closest to the people, especially local democratically elected bodies."
- b. **Exclusivity.** "Powers given to local authorities should normally be full and exclusive". Minimize situations where several levels of government are vaguely sharing responsibilities. Experience shows that this tendency to "share" powers leads to confusion and a weakening of all units' abilities to serve the people.
- c. **Limited Supervision.** "Any administrative supervision of local authorities may only be exercised according to such procedures and in such cases as are provided for by the constitution or by statute." Although provincial structures have important oversight responsibilities, these must be specifically legislated, not just assumed or practiced out of habit by provincial officials.
- d. **Fiscal Decentralization.** "Local authorities shall be entitled to adequate financial resources, commensurate with their responsibilities."

8. These principles have important implications for the structure and role of the local civil service. In order for local units to achieve the potential of accountability, effectiveness and responsiveness, they must have adequate control over the managerial personnel of their jurisdiction. However, international successful practices demonstrate a range of civil service mechanisms to achieve

this aim. Each country finds the combination that works best in its situation. We too need to find the best combination with-in the context of our socio-political environments.

STRATEGIC PLANNING PERAMETERS

Concept.

9. **District Service.** The government must **create an independent District Service for the administration of a district with-in the overall framework of Provincial jurisdiction.** The main features of the District Service must flow from the principals of decentralization and best practices related to Local Self Governance. These features are:-

- a. The **district service must be fully under the district's employment**, so as to facilitate the District government to exercise authority, and management over the local departments by the local democratically elected bodies.
 - b. **Powers legislated to local authorities should, to the extent possible, be full and exclusive.** Vaguely shared responsibilities by various tiers of government lead to confusion and poor service to the people.
 - c. **Provincial structures have important oversight responsibilities, however, these responsibilities must be specifically legislated** and not usurped or assumed by provincial officials through administrative instructions or "The Rules of Business".
 - d. District Government, and the Local authorities, **must have adequate financial resources, and administrative powers** commensurate with their responsibilities.
10. **Tehsil Municipal Service.**
- a. Ideally, **Tehsil Service should also be a totally independent service.** (The district, with a population of upwards of half a million people, is still too far remote to be easily responsive to the concerns of the people. Further devolution of functions such as primary education, elements of health facilities, and other functions of TMA would support the principal of subsidiarity). However, **an incremental approach** is

recommended. Once the District Service is able to smoothly negotiate the turmoil of transition, and the TMA structures have gained more experience, the second phase of creating a Tehsil Service may be under taken.

- b. The principal of an independent Tehsil Service must however, be embedded in the Law, so as to subsequently facilitate the creation of such a service.
- c. Similarly, the Tehsil Cadres created with-in District Service must be structured in such a manner that these structures subsequently facilitate the emergence of Tehsil Service, rather than hamper it.

11. **Capacity Building Of District Service.** The District Service, in order to assume the responsibilities for which it is being created, **must go through a prolonged process of transition** to build it's capacity to man ALL district posts from with-in it's own service members. Till such time that the district can not fill some of these post with it's own members, it may fill these vacant posts on loan / deputation from members of Provincial Services, or even from the Federal Services. As soon as the district is able to fill a vacant post from it's own members, the requisition to the PPSC will keep reducing. The transition phase will go through following steps:-

- a. **Step One.** By **voluntary absorption** of existing manpower into a district service. Upon enforcement of the legislation regarding creation of a district service; the existing employees of the respective districts and tehsil/town level, shall be offered voluntary absorption in the district service, with the mutual consent of the Provincial Government and the District Government. Upon such absorption, the manpower of the district service shall be managed by an HRM Organization of the District Government.
- b. **Step Two.** By **appointment on deputation** to a District/Tehsil. District/Tehsil posts which can not be filled through voluntary absorption, will be filled by appointment on deputation to a district. Such manpower on deputation, shall be drawn from the Federal Services and Provincial Services and shall be managed by an HRM

Organization of the Provincial Government. **However the over-all “control” over the manpower will be of the district.**

- c. **Step Three.** By **initial direct recruitment**, through requisition by the concerned district, through the PPSC. Once the district structures have been stabilized through voluntary absorption, and by appointments through deputation, the third step of direct recruitment can be initiated by the district through PPSC. The break down may be as under:-

(1). **BPS 1-10.** Induction by initial direct recruitment in the required posts through the HRM Organization of the District.

(2). **BPS 11-16 and 17and Above.** Induction by initial direct recruitment in the required posts through PPSC, in response to a requisition by the district.

12. **Contractual Appointments.** An extremely essential adjunct to the devolution plan is the concept of “**contractual appointments**” at the grass roots level. The concept visualizes the removal of “civil servants” from as many posts as possible in the district/tehsil, and filling these post with “**contract appointments**”. These contract appointments should be “**job specific**” and “**grade specific**”; with no guaranties for further promotion. In order to provide quick and positive response to the needs of the public, functions like education, health and sanitation and other functions of TMA need to be devolved to the lowest possible rung of administration. If a person wants promotion, he must **apply afresh for the “next job” and compete to get selected.** Mobility is thus provided by suitability and selection, not by seniority and length of service. Thus very many posts in the districts and tehsils can be identified, which need to be filled by contract appointment, in sectors like education, health, agriculture, literacy, community development, IT etc. Areas like Finance, Planning, Accounts, Works and Services, Revenue, and Law may be filled by regular civil servants. If the contractual system is not made part of the devolution process, there will be a host of “cadres” for the district service, with its own system of seniority and promotions, postings and connected problems. Thus, in order to reduce the problem areas, **there is a definite need to make “contractual appointments” as an essential part of the process of creating a district service.**

13. It is understandable, that contractual system will be **very difficult to sell politically**. The sea of mediocrity will always overwhelm the island of excellence. This basically is the question of political will, which can only be answered politically. **An incremental approach may be adopted**, where we may establish the principal in Educational sector; graduate to Health sector and then move on to other sectors.

14. **Mobility To District Service.**

- a. **Contract Employees.** No mobility, as the nature of their contract would be Job specific and Grade specific.
- b. **District Regular Employees.** Mobility with-in the district will be possible, however, if a district employee wishes to move to some other district, he will have to resign from his service with the district, and seek employment with the other district, through PPSC according to the laid down procedure.
- c. A district employee wanting to join a Provincial Service will similarly have to resign his service with the district and seek employment with the Province through PPSC, according to laid down procedure.
- d. The highest grade that a member of district service can rise will be BPS 19 (EDO). In order to provide the service with further opportunities of advancement, there should be an opening for such an individual for lateral induction into Provincial Service, through PPSC; and into NES, through FPSC.

Changing Role of Provincial Governments.

15. Although responsibilities for specific functions and personnel responsible for these functions will report primarily to the districts and tehsils, the local governments are **NOT AUTONOMOUS or separated from their province**. All personnel must follow provincial laws and regulations, meet service standards established by the province, and follow procedures regarding personnel and financial management that are established by the province. Indeed the overall power and the responsibility of the province does not diminish under the proposed arrangement. The power to direct, guide, and regulate the work of the

District and Tehsil, when exercised correctly, exceeds the power and effectiveness of direct supervision of service delivery.

16. The provinces will require to **change their attitude towards district management**. They may confine their responsibilities to the following areas, and may yet retain an effective control over district management in an indirect manner. These responsibilities may be :-

- a. Assist the districts and tehsils to implement changes in the local government civil service and employment relations.
- b. Establish the overall procedures of financial management and reporting and personnel management to be adhered to by the local administration.
- c. Establish overall procedures for personnel management, especially procedures and processes for arbitration and review of employment disputes.
- d. Hear and rule on specific grievances on the part of local civil service staff, regarding wrongful termination or other issues of personnel management.
- e. Hear and rule on complaints against either the District or Tehsil administration, or against the elected councils and leaders, regarding deviations from provincial policies, regulations, or law.
- f. Establish and provide training programmes and institutions in support of the local government civil service.
- g. Provide professional guidance, standards, and technical assistance and skills to technical staff in the districts and tehsils.
- h. Provide specific periodic oversight and inspection regarding the performance of districts and tehsils as mandated by law.
- i. Provide such guidance, oversight, and support to local administration as required under the law, passed by the Provincial Assembly. Not through "Rules of Business".

Personnel Management Organizations.

17. The extremely important aspect of personnel management requires new structures and new management techniques at all tiers i.e. provincial, district and tehsil levels.

- a. **Provincial HRM Organization.** S&GAD already exists, however it would require reorganization and restructuring to meet new challenges.
- b. **District HRM Organization.** A new structure will be required at the district level to administer and manage recruitment, training, promotion, maintenance of records, career planning, discipline, retirement and pension matters of the District Service.
- c. **Tehsil HRM Organization.** Similarly, a new structure at Tehsil level would be required to administer the Tehsil Cadres, and subsequently manage the Tehsil Service once it comes into being.

STRATEGIC OPTIONS

Concept.

18. **Constitutional Provision Regarding Civil Services.**

- a. The basis for establishment of various Civil Services at the federal and provincial levels has been provided in Article 240 of the Constitution. This provides for the services of a Federal Service, and in connection with the affairs of the provinces, the services of a Provincial Service.
- b. The Devolution Plan has created the necessity of firmly establishing a District Government and a District Administration to run it. As a corollary, to this major change, there is an urgent need to create a District Service. The shape of the District Service and its relationship with the Provincial Service, are matters to be resolved subsequently, through exchange of views with the provinces.
- c. **Proposal.** Thus it is proposed to constitute an Independent District Civil Service at the tier of district government.

(1). **A District Civil Service.** BPS 1 -19 only.

(2). **An All Pakistan Civil Service.** BPS 19 and above:-

APCS. Officers of BPS 19 and below, may be selected into APCS, through a central exam, (by FPSC), which would be open to all three services; and made to go through a Senior Common Training. Thus they will be APUG and can be posted to ANY Federal, Provincial, or District post. This will also open up opportunities to provide a fast track to some deserving officers.

19. **Confine Services to Constitutional Areas.** Federal Civil Service should be **confined to man Federal Posts** in connection with the affairs of the federation. The APUG status, which means a service common to the federation and the provinces, including districts, must be done away with {except as explained in Para18c(4) above}. **Thus the Federal Service will not hold posts out side the Federal Government as a routine.**
20. **Concept of Bottom-Up Approach.**
 - a. **Present Situation.** At present, the selection of CSS candidates for Federal Civil Service, provides officers to man APUG posts at the Federal, Provincial as well as District levels. The reason given, and logically too, is that an individual must acquire the experience at district level to be able to man posts at Provincial and Federal level. This procedure is viewed by the Provinces as federal intervention in provincial affairs, right down to the district level, causing political problems; and also causing all sorts of resentment with-in the services and groups.
 - b. This also provides an excuse to Provinces, to induct low quality Provincial Service manpower in APUG posts, under the garb of protecting provincial interest.
 - c. **Proposed Change.** CSRU wants to change this approach. It must be a bottom up approach. Instead of Federal Government sending Officers to Provinces and Districts; it should be the other way around; Provinces should send its officers to man District as well as Federal posts. For this proposal to be successful and workable, the quality of induction (both at Federal as well as Provincial levels), must be the same. Induction criteria at FPSC and PPSC, has to be the same. The present impression about the quality of induction at the provincial level being some what lower than the quality of induction at the federal level has to be corrected.
 - d. **Logic.** The logic governing this proposal is:-
 - (1). The best quality of induction (quality like DMG) is required at the District Level, for better service delivery at BPS 17. At present, the best quality of induction capacity is not available

at District level, nor at the Provincial level. This quality is only available at the Federal level. Thus, the selection procedure at PPSC has to be brought at par with the selection system at FPSC. The candidate should decide whether he/she wants to join the Federal Service or Provincial Service, both being equal in quality and opportunities.

- (2). Also the present inductees in DMG, may be asked to volunteer for induction into provincial service of their choice, or stay in federal service. It can be reasonably presumed that junior DMG officers might like to join the Provincial Service, (if the two services are structured as equals, there are BPS17-18-19 DMG posts available at district level), and the senior lot may opt to stay in Federal Service.
- (3). Having served in the District, in BPS 17, as DDOs, these officers must be groomed, (in junior and middle ranks) at the other two levels of government, ie, at Provincial, and Federal levels. There would be less opportunities of posting at federal level, (because of restructuring of federal secretariats), and more at provincial level.
- (4). Thus, on promotion, the best BPS-18 officers would be posted back to the district as DOs; and best BPS-19 officers would be posted back as the EDOs in a District.
- (5). Simultaneously, induct the best officers, into NES, in BPS 19; (from Federal Service, Provincial Service as well as from District Service, through a selection exam), for policy making posts, in BPS 19 - 22; at the federal/ provincial/ district offices. Thus the best BPS 19 officers will be posted as EDOs in the districts, and the best BPS 20 officers will be posted as DCOs in the district; as Secretaries in the province; and as Joint Secretaries at Federal Offices.
- (6). An ELITE group, would thus have been created, without having to go through a formal process of creating one through NES.

21. **Contract System of Employment.** In order to improve the quality of induction and also to reduce the size of the government, the terms "Government Servant" and "Civil Servant" have to be redefined. There is no logic in grouping all 1-22 grades as Government/Civil Servants.

DISTRICT SERVICE

Establishment of District Cadres.

22. **District Management Cadre.** All eleven District Offices (BPS17-19) will be manned by a Cadre known as District Management Cadre (DMC).

a. Posts of District Coordination Officer (DCO), TMOs and some specified EDOs like EDO Finance and Planning, EDO Revenue etc will be reserved as NES posts. All others will be DMC posts.

b. Until specially recruited and trained officers (BPS 17-18) are available, all posts of DMC shall be filled in from amongst the officers from the existing services in the following manner:-

(1).from Federal Service.

(2).from Provincial Service.

23. **District Technical Cadre.** A District Technical Cadre to be created.

a. District Technical Cadre shall consist of all local posts in BPS 17 and above of the offices in a District Government, except posts specified in para 22a above.

b. Until specially recruited and trained officers (BPS17) are available, all posts of District Technical Cadre shall be filled in from amongst the officers of existing provincial services and cadres.

c. Contract appointments to be resorted to in Schools, Hospitals etc.

24. **District Local Cadre.** This cadre will consist of all posts in BPS 1-16 in the offices of a district government. Till such time that these posts can not be filled by the district, the Province will fill these posts by appointment on deputation. DLC Posts will also be filled by following two methods, and their management shall vest in HRM Office in the District:-

a. Upon creation of the cadre, the existing employees in BPS 1-16 of the respective districts shall be absorbed in respective Local Government.

b. By initial recruitment in the required BPS 1-10, through requisition to HRM Office in the District, and for BPS 11-16, through PPSC.

25. **Tehsil Technical Cadre.**

a. Tehsil Technical Cadre consisting of all local posts in BPS 17 and above of the offices in a Tehsil or Town Municipal Administration, except the posts specified in para 22a above.

b. Until specially recruited and trained officers (BPS 17) are available, all posts of Tehsil Technical Cadre shall be filled in from amongst the officers of existing provincial services and cadres.

c. Contract appointment to be integral to the system.

26. **Tehsil Local Cadre.** This cadre will consist of all posts in BPS 1-16 in the offices of a Tehsil Municipal Administration. Till such time that these posts can not be filled by the Tehsil, District and Province will fill these through deputation.

27. **Structures and Functions of District HRM Office.**

The structure and functions of HRM Offices in the District will be:-

- a. District Human Resource Management Office shall be under the administrative control of a District Officer in BPS-18 who shall report to the DCO.
- b. The District Human Resource Management office shall consist of sections, for recruitment, training, promotion, maintenance of personnel record, career planning discipline, retirement and pension matters each headed by a Deputy District Officer.
- c. The District Human Resource Management Office shall be responsible to periodically prepare and forward the requisition for the posts falling vacant in a quarter to the Provincial Public Service Commission describing the qualifications, pay scale, age and other requirement of the posts.
- d. As soon as the recommendations of the Provincial Public Service Commission are received the appointments letters shall be issued to the selected candidates in the order of merit determined by the Commission and inform the District Nazim accordingly.
- e. The District Human Resource Management Office shall be the secretariat of the District Selection Committee and which will be responsible to recruit and promote officials in Basic Pay Scale 1 to 15 in the district local cadres.
- f. The District Human Resource Management Office shall prepare a capacity building plan for training and development of all employees in the district and depute the selected officers during a year for attending training and the selected officers shall be approved for training by District Nazim.
- g. The District Human Resource Management Office in consultation with the Law Groups of Offices, deal with the litigation cases.
- h. The District Human Resource Management Office in consultation with the Information Technology Group of Offices utilize to the maximum possible extent the computerization for maintaining the personnel record.

28. **Tehsil HRM Office.** Similarly, the Tehsil HRM Office shall act a Secretariat of the Tehsil Selection Committee which will be responsible to recruit and promote officials in BPS 1-16 in the Tehsil.

29. **Management and Regulation of District Cadres.**

- a. The District HRM Office shall maintain the lists of all employees in BPS 11-19, in accordance with the functional specialty of the officers on coming into force of this chapter. Similarly District Offices will maintain the record of all employees in BPS 1-10.
- b. District Government or Tehsil Municipal Administration may select any one officer, of the requisite BPS from amongst the officers of the provincial service, cadre or functional list as provided, for posting in a district or Tehsil / Town post on deputation in the manner as specified.
- c. The matters relating to recruitment, training, posting and transfer and discipline of the District Local Cadre and Tehsil or Town Local Cadre shall be regulated by the concerned Administration as approved by the respective Council.