Dec 8, 2011

**ADAPTING PUBLIC SECTOR SERVICES TO LOCAL DELIVERY**

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1. Economic growth-poverty nexus has been investigated across time and across countries over last five decades. It is now fairly clear that while growth is necessary for the alleviation of poverty it is not sufficient. Human Development and Access to Social Services in a well functioning governance structure distribute the benefits of growth more equitably and lift people out of poverty.

2. The extent to which the State is successfully able to deliver services across a large spectrum of population is a function of its tradition, history, mandate and capability. In Pakistan, the social contract between the State and the society as defined in the constitution makes the government responsible for provision of education and health to the population. The recent 18th amendment to the constitution has gone a step further and makes the Right to Education as a fundamental human right of Pakistani citizens.

3. Empirical literature shows a strong, unconditional and positive relationship between decentralization and accountability. Bardhan and Mukherjee have advocated that electoral decentralization and devolution of public service provision are complementary for pro-poor governance reforms in developing countries.[[1]](#footnote-1) World Development Report (WDR 2004) has argued that the accountability of governments to local communities and marginalized social groups will increase by assigning service delivery functions to politicians who are closer to the people and making them electorally accountable.[[2]](#footnote-2) At micro level Cheema and Mohmand (2006) analyzed a dataset of 364 households in the rural tehsil of Jaranwala in District Faisalabad to gain some insights as to what types of households gain and lose as a result of electoral decentralization and whether the change in post-reform provision between different household types is becoming equitable.[[3]](#footnote-3) The empirical results of their study showed that increased access to development funds and heightened mandates for Union Nazims have resulted in a significant increase in Union level provisions within a short time period. However, the villages to which Nazims belong have had a substantial increase compared to non Nazim villages. They further found that the increase in post-reform provision in Nazim villages is less elite based as it encompasses small peasants, minority peasant biraderies and non-agricultural castes.

4. Governments have found a variety of methods of delivering these services. World Development Report (2004) catalogues successful examples ranging from direct provision by Government, contracting out to the private sector and NGOs, decentralization to local governments, community participation and direct transfers to households.[[4]](#footnote-4) Both the successes and failures of these experiments provide some useful lessons. First, accountability needs to be strengthened between poor people and service providers; between poor people and government institutions and between government institutions and the service providers. Second, poor people’s choices and participation in service delivery will have to be expanded. It is not necessary that the children of the poor families should remain stuck with sub-standard instruction at Government run schools. These children can be provided financial means by the Government to pursue their studies at non-governmental schools of their choice. The same applies to health clinics and hospitals. Mexico and Brazil have lifted millions out of poverty by making cash transfers to the poor families conditional upon participation in education, immunization, vaccination, etc. Third, it is not the availability of financial resources that alone makes the differences in the outcomes. Out of the central governments allocations of the budget for running a school, studies have shown that the actual amount reaching the school after passing through the various channels of government is only 1/10th of the original allocation. The exclusive pre-occupation with

the expenditures on education and health while ignoring the myriad problems of governance of these sectors at all levels is palpably wrong. Reforms in the governance structure of the Public Sector and regulation of the non-government sector will have a much stronger impact on the access and quality of these services by the poor.

5. There is no doubt that the government has responsibility for the health and education of their people as they are considered fundamental human rights. The distinction between the different roles of the government – financier, provider, regulator, policy maker and planner – should always be kept in mind. Financing responsibilities – direct or indirect – should vest in the government and so should the regulatory and planning. Separating the roles of the policy makers and provider, however, is not always easy. Teachers’ Union, Health Professionals alliances and others who benefit from the State patronage attempt to block such attempts. In the delivery of services the government could invoke the assistance and collaboration of other segments of the society who have the requisite expertise and competence but do not have the financial means to scale up, such as Communities, Organizations, NGOs and the private sector. The state-provider relationship in delivering services can be strengthened if the policy maker is successful in drawing and enforcing contracts with the providers and monitor their performance.

6. In cases where the Government takes upon itself to deliver these services through direct provisions, studies have shown that seeking improvements in the efficiency of that spending is the key to reaping substantial benefits. On average, the relationship between public spending on health and education and the outcomes is weak or inconsistent.[[5]](#footnote-5) Most of the public spending on health and education goes to the non poor. School buildings are constructed by the government departments at exorbitant costs, teachers are hired but nepotism, corruption, leakages, weak supervision, lack of accountability do not allow effective delivery of education to the intended beneficiaries. Anecdotal evidence as well as surveys of primary health care and educational facilities have consistently shown high absentee rates among the doctors and the teachers. In contrast to this, examples can be found where teachers and health workers in the non-governmental schools and clinics deliver timely, efficient and courteous services often in difficult circumstances and drawing much less monetary and fringe benefits compared to their counterparts in the government run institutions.

7. It has also been found that for direct delivery by the government the transfer of responsibility for these services to lower tiers of government improves access by the poor people.[[6]](#footnote-6) Local Government management of schools and hospitals and demand-side subsidies to poor people under monitoring and oversight by the Government results in a favorable outcome in education and health.

8. This paper has focused on two essential public services – Education and Health – that are closely correlated with poverty reduction. A review of other services such as water supply, sanitation, nutrition, etc. and social protection and social safety nets such as Baitul Mal, Benazir Income Support Program, Zakat, Private Philanthropy would form an independent study by itself and is therefore not attempted here. The progress in respect to Skill Development, Guaranteed Rural Employment and Works Programs in recent years has been insignificant. Microfinance has begun to make a difference to poverty alleviation but does not qualify as a public service.

9. The main argument of this paper, in the light of empirical evidence, is that devolution of service delivery functions, delegation of financial powers, decentralization of authority to take decisions and de-concentration of executive powers together will lead to better accountability of results and hence improved delivery of public services to the poor and the marginalized groups. Even if the underlying patron-client relationship persists the scope for inclusion of clients who were traditionally denied access under a MNA/MPA centered system, will be much wider under a decentralized and devolved system. The representation of the marginalized groups such as women, peasants and labor in the electoral politics enhances the chances of these groups to improved access.[[7]](#footnote-7) Citizen participation mechanisms such as the Citizens Community Boards (CCBs) and School Councils (SCs) can prove to be a powerful instrument for citizen empowerment. In light of this argument, it is regrettable that the 2001 Devolution Plan has been prematurely and abruptly abandoned after the elections of 2008 without any proper assessment of its pluses and minuses. No serious effort was made to retain and build upon its strengths and modify or remove its deficiencies and weaknesses. Unnecessary controversies have been initiated on the points which have nothing to do with the Devolution itself.

 This paper presents a balanced analysis of the strengths and weaknesses of the Devolution Plan and presents some proposals for improving the local government system and delivery of social services.

**WHY LOCAL GOVERNMENT?**

10. The Constitution of Pakistan divides the responsibility of managing the affairs of the Federation of Pakistan among three tiers of the Government – Federal, Provincial and Local. The 18th amendment to the Constitution has transferred a number of subjects that were previously on the Concurrent List to the Provinces. This devolution of powers from the Federal provinces has been accompanied by the award of National Finance Commission that has substantially enhanced the share of the Provinces in the Federal Divisible Pool.

11. At the same time the Provinces have been rightly strengthened there has been a major set back to local government system as all the Provinces have abolished the structures created under the 2001 Devolution Plan. A large number of members of National and Provincial Assembly are opposed to strengthening of local governments and committed to dilute the administrative and financial powers of this third tier. A question therefore arises: What is the justification for a strong local government system?

12. First, Local Governments form an integral part of democratic governance framework that allows greater participation by the citizens in the management and control of their day to day affairs. The trade-offs and assignment of priorities among various development projects are done in more realistic and pragmatic manner under local governments. Their intimate knowledge of the local problems and the solutions to resolve those problems lead to better outcomes and more efficient utilization of resources compared to a more centralized system of resource allocation. Decentralized decision making has proved to be the cornerstone of democratic governance. The benefit-cost analysis and therefore allocative efficiency are superior under a decentralized system.

13. Second, Empirical evidence shows that raising taxes or charging user fees for services at local level is relatively easier. The tax payers can see the visible benefits of such payments. They are reluctant to make contributions to a remote central pot whose purpose is not known. Pakistan with low tax-GDP ratio can mobilize additional resources by gearing up provincial, local taxes through Urban Immovable Property Tax, Capital Gains Tax, Agriculture Tax and user fees and charges.

14. Third, Deprivation Index shows that at least eighty districts suffer from deprivation of basic services.[[8]](#footnote-8) The population of Pakistan has risen from 30 million in 1947 to 180 million today. There is no way that such a large population can be served from Islamabad or the four provincial capitals. The peculiar circumstances and needs of each district require an understanding of its problems and the design of interventions that can address those problems. The criteria of Backwardness and Poverty should be given due weight in the distribution of resources out of the Provincial divisible pool. The better-off and well endowed districts do not deserve as much public resources proportionately to their population as their private incomes are reasonably high. Local level public expenditures should be used to promote equity and welfare.

15. Fourth, It has been observed that access to basic services in Pakistan can be obtained either through money or by approaching the elected representatives. Members of National Assembly or Provincial Assembly mostly remain away from their constituencies and are not always easily accessible. The Local Government Nazims and Councilors, on the contrary, spend most of their time within areas from where they are elected and an ordinary citizen can access them easily. Some visible improvements were seen in access to services after the 2001 local government system. Hasnain (2008)[[9]](#footnote-9) reports on the basis of a survey carried out in 2005 that over 60 percent of the households stated that they would approach a Union Councilor or Nazim for their problems as compared to only 10 percent who said they would approach members of the Provincial or National Assembly reflecting the increase in accessibility of policy makers after devolution. A system in which the bureaucrats control the development departments provides neither access nor accountability for results. Having a system of elected Nazims and Councilors who remain responsive to the needs of their citizens is superior because they are liable to lose their offices if they do not fulfill their responsibilities and duties. The best one can do with a recalcitrant bureaucrat is to transfer him out of that district. But that does not solve the inherent problem of access by the poor.

16. Fifth, the increased representation of the neglected segment of the society i.e. the female population in the local government system had made participation more broad based. Political empowerment of the women is the first step towards the path of generating greater economic opportunities and contribution to economic uplift. Given the interest of the female representatives in the social sectors, education, health, water, sanitation got better attention and resources under the vigilant watch of women councillors. Pakistan has very low female labour force participation rate and political empowerment of women is a precursor for this.

**The 2001 DEVOLUTION PLAN**

17. The 2001 Devolution Plan represented a major attempt in bringing about fundamental structural changes in the local government apparatus as well as a large diminution to the powers of the bureaucracy. Cheema, Khawaja and Qadir[[10]](#footnote-10) have aptly described the new system; “Under devolution, a new elected government was created at the district level and politically linked to local governments at the sub-district level (Tehsil and Union Council). The district government was headed by an elected Nazim and the district administration head - the District Coordination Officer (DCO) reported directly to the elected head of the government. This was a significant departure from the previous system where the de facto head of the district administration, the Deputy Commissioner (DC), reported to the non-elected provincial secretariat. Moreover, the office of the DC has been abolished and the new head of district administration, the DCO is no longer the district magistrate and the district collector.”

18. The Union Council (UC) was the directly elected tier of the local government structure. Nazims, Naib Nazims and Union Councilors were directly elected through adult franchise with reservations for seats for women, minorities, laborers and peasants. The Union Councils had, on average, about 20,000 population under their jurisdiction and were thus closest to the citizens.

19. Union Nazims, Naib Nazims and Councilors formed the electoral college for electing the Nazims, Naib Nazims of the district and tehsil councils and the Councillors for the reserved seats. The next tier, i.e. Tehsil Council consisted of Union Naib Nazims

as its ex-officio members while the District Council consisted of Union Nazims as its ex-officio members.

20. The elected government and provincial administration were integrated at the district and tehsil levels, the Divisional tier abolished altogether and 12 departments of provincial administration devolved to local level were made accountable to the elected officials of the Local Government. Additionally, the vast majority of public services that were previously under the provincial administration were transferred to the local governments substantially increasing the latter’s and responsibilities. Four districts were classified as city districts and entrusted with additional responsibilities for urban planning and municipal functions in the metropolitan areas of the country. The Devolution Plan created 107 District Governments, 4 City District Governments, 396 Tehsil / Town Councils and 6125 Union Councils in the Country.

21. Cheema et al[[11]](#footnote-11) focused in their study on three types of changes brought about by the 2001 Devolution. (a) Changes in the decision making level of the service, i.e. from the provincial bureaucrats to the district level bureaucracy; (b) Changes in the decision maker accountability – from the bureaucrats to the elected representative at the district level and (c) Changes in the fiscal resources available to the service -.

22. Education Department, Primary Health Care and Management of District and Tehsil hospitals experienced a change of type (a) where the decisions previously made by the Provincial Secretariat and the Provincial Cabinet were transferred to the District Nazim and the Executive District officers. The Municipal services provided by the Local Government and Rural Development Department and Public Health Engineering Departments of the Provincial Government became the sole functional responsibility of the Tehsil Municipal Administration. This was a fundamental shift as the power to allocate resources, prioritize projects and deliver results moved away from 48 provincial departments to 6000 local governments.

23. Under the type (b) Accountability changes, the authors argue that whereas prior to devolution, the de-concentrated provincial bureaucracy at the district level was accountable to their non-elected provincial secretariat the 2001 Devolution made them accountable to the elected heads of districts and Tehsil governments. The de facto head of district administration under the previous system, the District Commissioner who used to report to the non-elected Commissioner under the previous system reported to the elected District Nazim.

24. Their study also found that a ‘rule based’ fiscal transfer system between the provinces and the local governments was established under the 2001 Devolution Plan. Approximately 40 percent of the Provincial Consolidated Fund was distributed among local governments with due weightage given to backwardness in order to ensure some form of equity across districts in the allocation of development funds. The other innovation that these budgetary transfers did not lapse at the end of the year but continued to be retained by the relevant local governments added to the flexibility and presumably some improvement in the efficiency of resource allocation.

25. In 2006-07, approximately Rs.100 billion was transferred to local governments in Punjab – district governments receiving Rs.84 billion, TMAs Rs.12.7 billion and Union Councils Rs.4 billion. In 2002-03 the amount transferred was only Rs.55 billion.

**Assessment of the System (2002-07)**

26. The extent of fiscal decentralization remained limited because the districts continued to depend upon the province for resources, didn’t have the powers to collect new taxes, didn’t have the capacity to levy service or user charges. On the expenditure side, the fixed and growing expenses of the salaries, wages and allowances of the staff devolved to the district governments (although they continue to be provincial servants) did not leave much for either maintenance, operational or development expenditure.

27. The functioning of the District Governments in the first two years was quite promising but the conflict between the provincial elected representatives and the local elected representatives that surfaced after the 2002 provincial and national elections created an adversarial rather than congenial environment. Until then, the Nazims under the supervision of the Army Monitoring teams were carrying out some useful activities for the welfare of their constituents. But as soon as the provincial ministers took offices they realized a substantial shift in power of patronage from them to the District Nazims. This led to a number of amendments particularly in the Police ordinance, that diluted the powers of the Police Command and made the Police force once again subservient to the Chief Minister and the Home Department. The Police rules were never allowed to be finalized, the District Services were never established**,** and the powers of recruitment, transfers and postings of the staff working at the District level remained centralized at the provincial level. The balance of powers, authority and resources between the provincial and the local governments was, in practice, gradually moving away from what was envisaged in the Devolution Plan. The perpetual state of flux, the unease in the political relations, the lack of clarity for the Civil Servants working at the districts and the incomplete transition all affected the service delivery adversely.

28. Wilder (1999)[[12]](#footnote-12) has argued that Political parties, when in government at the provincial level, have tended to view local governments as a competing tier of patronage and as a result they have not made any attempt at empowering the local government system. If anything, they have tended to suspend and/or abolish established local governments when in power. Thus each elected government which has followed the military regimes that introduced local governments, has at the very least ignored these local governments and often suspended them altogether. The repetition of this story after the elections of 2008 lends credence to Wilder’s hypothesis.

29. The internal dynamics arising due to the flawed design of the Local Government system also took a toll. The integration of rural and urban areas within a common framework led to lop sided decision making. District headquarters, for example, which were predominantly urban centers, were neglected because the majority of the members of the District Council deciding the allocations for development projects hailed from the rural areas. The integration had exactly the opposite effect – the fragmentation of development projects in small schemes catering to the narrow needs of the local communities without any sense of priority, linkages or broad coverage. Ideally, the transfer of resources from the urban to rural areas should be a welcome move but such a transfer in absence of a district plan without specifying the goals to be achieved and assessing the cost-benefits of the approved schemes can be counter productive.

30. Urban-rural integration did not recognize and cater to the needs of the growing urbanization. Residents of urban areas and cities within the districts resented what they termed as the tyranny of the rural majority that deprived them of the services and infrastructure they deserved.

31. The indirect election of the District Nazim through the Union Council and Tehsil Council Nazims reinforced the tendency of fragmentation of the development schemes. According to Hasnain (2008)[[13]](#footnote-13) there were 17,000 development schemes in the development portfolio of the districts in Punjab. These were typically neighborhood – specific schemes – construction or rehabilitation of a small road or drains. The average size of a typical scheme varied between Rs.0.3 million for water and sanitation to Rs.1.5 million for road. This was not the total picture as it did not include the block allocation to the Union Councils and the CCB schemes. In order to keep his voters happy, the District Nazim would have very little choice but to acquiesce to the pressures exerted by the Union and Tehsil Nazims to allocate resources equally. The difference between ‘equal’ and ‘equitable’ distribution of resources should be understood as it is the crux of the problem. Under ‘equal’ distribution scheme there is no clear relationship between the needs of the community and the intended interventions. Rich and poor communities will receive a fixed slice of the pie irrespective of the intensity of their hunger or appetite. ‘Equitable’ distribution takes into account the differences in the initial endowments and conditions of the intended beneficiaries. Those who are poor, marginalized, live in remote or geographically disadvantaged areas and cannot earn decent incomes on their own would be given higher allocations relative to those who are better off. Public resources thus supplement the private incomes of the poor and help them in lifting out of poverty.

32. It is interesting to note that while the provincial governments did take ‘backwardness’ into account in the allocation of development funds across districts and the allocation was thus equitable to some extent, the district governments were unable to do the same within the district due to the inherent flaw in the design of the system pointed out earlier. The District Nazim became hostage to the blackmailing of the members of District Councils who would either withhold the approval of the budget or threatened to move a vote of no confidence. The Nazims were unable to assert their fidiceriary responsibilities.

33. The significant increase in reservations of seats for peasants and women was a healthy move under the 2001 Devolution Plan. The higher representation particularly of the women (one third of the total seats were reserved for them) did and could have changed the quality and the composition of expenditures. This would have resulted in increased allocations towards education, drinking water, health and sanitation compared to the male preferred infrastructure projects. The empirical evidence on this correlation is, however, hard to obtain and therefore this assertion remains purely conjectural drawn from casual empiricism based on the visits of the author to the districts.

34. The alienation of the powerful District Management Group (DMG) and the Provincial Civil Services (PCS) Cadres caused by the abolition of the posts of the Commissioner, Deputy Commissioner and Assistant Commissioner was also a stumbling block in the smooth functioning of the new Local Government system. On one hand, the Police force was perceived to have got much stronger as they were taken out of the supervising ambit of the District Coordination officer and made directly accountable to District Nazim. On the other hand, the executive authority of the DCO was diluted as magisterial powers were taken away although he/she was expected to perform duties in regard to maintenance of law and order, removal of encroachments, price controls, etc. The Provincial Secretaries belonging to the DMG and PCS, retained considerable administrative authority over the district bureaucrats and used these powers to make elected Nazims ineffective. A tripartite confrontational mode in which the Provincial Ministers and Secretaries aligned themselves against the District Nazims was responsible for most of the practical difficulties faced by the citizens in access to services.

35. The debate on the local government system has been muddied by the historical experience of Pakistan whereby the military governments upon assumption of power have always taken legal and constitutional steps to strengthen the local government system. The elected political governments at the national and provincial levels have reversed or diluted these systems when they come to power. Their ostensible reason for doing so was that a non-representative government co-opted the local governments to justify their legitimacy of their rule. This suspicion was not far from the truth as the Basic Democracies System of Ayub Khan was indeed used as an electoral college to elect him. Zia’s decision to hold the elections on non-party basis debarring the established political parties was also perceived in the same light. Musharraf’s 2001 Devolution Plan suffered from the same flaw, i.e. elections were held on non-party system and the District Nazims were indirectly elected through an electoral college consisting of the Union Councils and Tehsil Nazims. The two major political parties were of the view that the Nazims elected in this way were intended to become an instrument of state patronage in order to neutralize the popular appeal and support of the traditional parties.

36. The result of this stop-go arrangement has been a weak and ineffective presence of the State nearer the doorsteps of the citizens and perpetuation of a remotely controlled highly centralized but still dysfunctional system of governance particularly in the delivery of essential public services. Had the Local Government system been allowed to evolve and take its national course it would have been responsive today to the needs of the citizens particularly the poor. The abrupt disruptions and demolitions have resulted in continuing struggle to find a workable system after 64 years of our existence. The tension between the attempts of the provincial and national elected politicians to pre-empt favors and patronage for themselves and the decentralized decision making whereby the communities and their local representatives make decisions that maximize their collective welfare lies at the heart of this struggle.

**Impact of Devolution on Service Delivery**

37. The latest Social Audit Survey 2009-10 of 12,000 households drawn from 21 districts in all four provinces found that 56 percent favored the continuation of the local government system with high proportions in Punjab and Sindh.[[14]](#footnote-14) The level of satisfaction with the Union Councils was 33.8 percent but the situation regarding support and social acceptability of women’s participation seemed to have improved. 60 percent of women Union Councilors said that people in their constituencies were happy with them.

38. Satisfaction levels of households with various public services varied but by 2009-10 satisfaction with roads, sewerage and sanitation, garbage disposal, water supply, health and education had improved although in percentage terms only less than half of the households expressed satisfaction with the services. Public education showed the highest – 58 percent satisfaction level.

39. Social Policy Development Centre (SPDC) carried out a survey of 12 districts in the four provinces and found that the rate of enhancement in literacy of the population and access to water supply and sanitation had increased perceptibly in the post-devolution period.[[15]](#footnote-15) However, there were no indications of any impact of devolution on health indicators.

40. The devolution process was beginning to contribute to a faster improvement in enrolment at the primary level and literacy in the country. The SPDC Report observed that “if this effort at enhancing human capabilities is sustained then it augurs well for achieving more reduction in the incidence of poverty during the coming years. However, the lack of significant change to date in the trend of health indicators, gender equality and regional disparities limits the potential impact of local governments on poverty in the post-devolution scenario.” According to this Report while most of the functions of a local nature had been devolved to the local governments, a number of issues had to be resolved in the design and speed of implementation of the Devolution Plan.

* The need for the intermediate tier, the Tehsil Municipal Administration was questioned.
* A wide range of services were transferred in one go to local governments which stretched their capacity to the limits. A more gradualist strategy could have minimized such challenges.
* The Provincial governments, even after the passage of six years, were not fully prepared to devolve power to local governments.
* Institutional structures to improve accountability and people’s participation in the system were either not operational or not performing according to the mandate given by the LGO.
* ‘State Capture’ by Local Elites was an important and persistent challenges. The overwhelming influence of family, Biradari, tribal ties and political maneuvering of Union Councilors in return of lucrative benefits was quite evident.
* Over 90 percent of expenditure of local governments was financed by transfers from the Provincial governments. Lack of enhancement in local fiscal powers was a major weakness in the process of fiscal decentralization. The share of local governments in the provincial allocable pool was about 40 percent but the share in total public expenditure was only 13 percent.
* The largest share in the current expenditure of local government budgets was on primary and secondary education, in excess of 60 percent. On the development side, a significant part was allocated for construction of roads. Health was the most neglected sector receiving less than 10 percent of the development allocation in most cases.
* While current transfers did not lead to significant fiscal equalization, development transfers were the prime instruments for removing inter-district differentials in access to services over time. However, their role was limited by the relative smallness of size.
* Resource mobilization at Provincial and Local levels remained substantially under exploited. Land revenue accounted for less than 1 percent of the agriculture income while the effective rate of property taxation of rental incomes is about 5 percent as opposed to the statutory rate of 20 percent or more.

41. An analysis of the district development priorities in Punjab carried out by Hasnain (2008) revealed four stylized facts.[[16]](#footnote-16) First, physical infrastructure, in particular roads, was by far the highest priority of the district governments. Second, these infrastructures schemes were small and largely neighborhood specific. Third, district policy makers appeared to attach a lower priority in operations and maintenance than their Provincial counterparts. Finally, Provincial interventions in education and health appear to have provided additional incentives for districts to prioritize the physical infrastructure sectors.

42. The devolution to the districts in respect of primary and secondary education and primary and secondary education, and health care although made on paper, remained patchy and incomplete. Through a variety of measures including control on finances, the actual delivery of these services remained sub optimal due to the tension between the Provincial and the District governments. A more supportive rather than an intrusive role by the Provisional Governments along with effective monitoring and accountability would have made a difference for the better. The data shows that 21 percent of the Annual Development Program of Punjab spent on education and health remained with the respective provincial departments. Provincial recurrent expenditures in education and health also grew annually by 48 percent and 16 percent annually during the post-devolution period.

43. The Punjab government launched a high profile Punjab Education Sector Reform Program with a number of interventions for primary and middle schools. The funding for the provision of missing facilities was transferred to local governments as tied grants. The centralized decision making in the hands of the Provincial Education department and the local MPA reduced both the availability of funds as well as the prioritization by the District Governments. The implementation of the projects under this program was entrusted to the National Logistics Corporation in 2006. The districts therefore served mainly as a conduit for funds with no role in the identification, planning or execution of these schemes. The same situation prevailed in the Health Sector Reform Program and the CMAPSD (Chief Minister Accelerated Program for Social Development).

**Reforming the Local Government System[[17]](#footnote-17)**

44. The 18th amendment and NFC award have the potential to overcome some of the structural difficulties and micro-economic distortions that have been keeping Pakistan as an underachiever economically and socially. In a multi-ethnic and multi-linguistic society with one of the Federating units being much advanced relative to others and enjoying political dominance, de-concentration of powers and equitable sharing of resources among the provinces make a lot of sense. Just like competitive markets allow decentralized decision making to unleash entrepreneurial energies and economic growth, devolved units of state should be able to ensure judicious and equitable distribution of economic gains provided proper checks and balances are put in place.

45. In the short turn the transition can prove to be de-stabilizing for macro-economic management but viable solutions are available for these problems. The enhanced level of National Finance Commission (NFC) transfers to the provinces and the retention of the expenditures of devolved ministries by the Federal Government would create pressures on fiscal balances. This can be resolved by establishing an integrated fiscal framework in which the Federal and Provincial budgets are anchored. The Council of Common Interests (CCI) should discuss, debate, and approve this framework and the budgets of the Federation and the Federating units presented within this framework.[[18]](#footnote-18) Tax effort by the Provinces themselves can be encouraged by providing a matching grant out of the Divisible Pool. The setting up of Sindh Revenue Board (SRB) is a welcome step which in future should take over all the revenue collection functions of the Province. Other provinces should also set up similar institutions for own revenue mobilization.

46. The transfer of legislative, legal, financial and administrative powers from the Federal Government to the Provinces necessitate changes in the governance structures, systems and processes. The relationships between the Federal, Provincial and Local governments have to be redefined. For these changes to be meaningful and make a difference in the delivery of public services a number of complementary reforms have to be undertaken in the areas of simplification of business processes, revamping human resource management policies and setting up credible and effective accountability mechanisms.

47. The devolution process should now extend to create a vibrant local government system with clear demarcation of responsibilities between the Provincial and the local governments embedded in a permanent legal arrangement. The Provincial Governments should take steps to revive the Provincial Finance Commissions for further allocations to the District Governments.

48. There were many disadvantages of the 2001 System that needed to be rectified or removed.

49. First, the District Nazims were elected indirectly by the Union Nazims and were thus beholden to them and served at their pleasure. Most of the time the budgetary allocations were made not on the basis of the development priorities of the district as such but the individual preferences of the Union Nazims. To avoid this, the distortion created by non-party basis and indirect election of District Nazim should be removed. The elections at each tier should be competed by all political parties and the District Nazim should directly contest a District-wide election in which all registered voters should vote. These steps would strengthen political linkages between the District and Provincial governments and also free the District Nazims from the clutches of the Union Council and Tehsil Nazims.

50. Second, the powers of law and order, revenue records and disaster management should not reside with the District Nazims as their decisions are mostly driven by partisanship and narrow parochial considerations. These functions can best be performed by competent, neutral and non-political civil servants who are trusted by all the citizens across the political spectrum.[[19]](#footnote-19) The weakening of law enforcement system, the tampering of land revenue records and the poor management of national disasters became too apparent after 2001. The DCOs should be assigned these functions instead of District Nazims and the Police Order 2002 implemented in its unadulterated form with some checks built in, accountabilities clearly established and Police force taken out of the disciplinary rules under the Civil Service Act.

51. Third, there was no administrative linkage between the Union, Tehsil and District Governments. Each tier was supposed to work independent of each other and consequently the lack of coordination among various agencies led to inefficient outcomes. The District Nazim, being the head of the local government, should have statutory and legal powers to convene, consult, and give directions to the Tehsil Nazim or Union Nazim for resolving problems and conflicts that are cross jurisdictional.

52. Fourth, the accountability of the local governments proved to be perfunctory and almost non-existent. The Provincial Governments did not exercise effective control of the departments devolved to the Districts. As the powers of recruitment, transfers and postings, disciplinary actions continued to remain vested in the Provincial departments the diarchy proved to be fatal for effective functioning of the devolved departments. Corruption at the district government level could not be contained due to inadequate supervisory arrangements evolved by the Provincial Governments. The 18th amendment has strengthened the Auditor General of Pakistan and the Provincial Governments should use the Auditor General and strengthen the monitoring and accountability of the Local Governments. The Provincial Government should also be responsible for all the regulatory functions including setting the standards, for example, for health, environment, food, agriculture, education, etc.

53. Fifth, as urbanization takes hold and about half of Pakistan’s population is projected to live in the cities by 2025 or around that period it is imperative that the management of metropolitan areas and large cities should follow a different model than the traditional District Government. Public transport, city zoning, commercial, industrial and residential development, water, sanitation, solid waste disposal and sewerage have to be managed in a holistic manner. In some instances, the Metropolitan Government may delegate responsibilities among various tiers and different providers but it will have to keep the planning, regulation, oversight and monitoring under its direct control.

54. Sixth, the separation of Provincial and District Service Cadres had not been implemented until 2008 although it was envisaged in the law and agreed by the Provincial Governments. Most of the functionaries in Grades 1 – 16 were, in fact, working in the Districts and their reallocation to District Service would have removed frictions and made a difference in the effectiveness of the delivery of basic services. For example, Punjab had two-thirds of its 1 million employees working in the districts.

55. Each province should design a system of Local Government system peculiar to its own needs after consultations with all the stakeholders and the political actors and reach a consensus. The weaknesses of the 2001 system should be addressed while the strengths of the system should be consolidated. The service delivery under the proposed system can be improved by introducing a set of reforms particularly in the education and health sectors. The chances for such a system to be overthrown in the future would be minimized and hopefully it will be able to survive the changes in political regimes.

**Service Delivery under the 2001 Devolution Plan**

**EDUCATION**

56. The District Governments were made responsible under the 2001 devolution for all primary, secondary and higher secondary education. They could recruit teachers up to BPS 16. Authority over staffing – hiring, firing and transfers – for BPS 17 and above remained with the provincial governments. The ban on wholesale recruitment of teachers by the Provincial Governments and the authority to relax the ban in individual cases resided in the Chief Minister. This backdoor tactic, in fact, made the District Governments wholly dependent on the whims and caprices of the Chief Minister. In case the latter belonged to the same political party or was a close political ally of the District Nazim, relaxations were granted. In other cases the authority was exercised to penalize the Nazim so that the posts remained unfilled for quite some time. As many teachers owed their appointments to the Members of the Provincial or National Assembly they did not adhere to the discipline of the EDO. Teacher absenteeism was rampant in such cases.

57. The funding for education came mainly from the Provincial allocations but was mostly consumed on salaries and allowances leaving very little amount for other expenses. The USAID team found that in Sialkot District as much as 95 percent of the budget funds were allocated for salaries and only 5 percent for non-salary expenses. The physical conditions of schools were poor with no electricity or water available.[[20]](#footnote-20)

58. Teacher training had become a popular hobby horse for the donors to the extent that the teachers in Thatta were reported to be spending as many as 17 days on different training courses organized by various donors.[[21]](#footnote-21) Despite such heavy investment in teacher training the outcomes were not very encouraging.

**Reforming Education Service Delivery**[[22]](#footnote-22)

59. Reforms in the delivery of public services have to be embedded in the broader reforms of the public administration, institutions and incentives. In absence of the broad based restructuring of Civil Services, the re-engineering of business processes, the use of IT tools for monitoring performance and regulatory bodies overseeing the executing agencies, the sectoral reforms in Education and Health will have limited impact.

60. First, there is a clear need for delineating responsibility for provision of education among the various tiers of the government. The Federal Government should deal with curriculum and higher education financing, standards and regulations, The Provincial Governments should be responsible for college education, technical and vocational training while District Governments take charge of primary, secondary and high schools.

61. Second, to bring about coordination and ensure uniformity in standards of public, private and non-profit schools, a District Education Board should be established in each district. The Board will consist of eminent persons enjoying a good reputation and the District Education Officer will act as the Secretary of the Board and implement the decisions taken by the Board.

62. Third, like the Sindh and KP Governments there should be separation between management and teaching cadres in other provinces too. While the selection to management cadre will be open to the teachers having the right aptitude all teachers can progress in their teaching careers without becoming head master / principal / education officers.

63. Fourth, teachers’ cadres should be de-linked from the National Pay Scales. Educational attainments in backward districts will not improve unless the compensation package is aligned with local market conditions. If, for example, a lady science teacher in Musakhel has to be paid Rs.15,000/- per month to attract her to work in this backward district she should be given that package. In contrast if qualified lady science teachers in Karachi or Lahore may be available at a salary of Rs.12,000/- per month those teachers should be paid that amount. Otherwise the present distortions – teachers appointed in backward districts are transferred to big cities along with their posts under political influence - will continue to persist. Examples abound that the rural schools have no Maths teacher but schools in Lahore may have six Maths teachers with only 60 students.

64. Fifth, all teachers should be appointed from among the candidates domiciled in a district through a test conducted by the District Public Service Commission on merit alone. These posts will be non-transferable. Other posts for which suitable candidates are not available locally can be filled in from outside the district. The powers of recruitment, transfer, promotion, disciplinary actions will all reside with the District Education Board.

65. Sixth, the School Management Committees (SMCs) and / or Parent-Teachers Association (PTAs) should be empowered to effectively oversee the internal management of the school, i.e. keeping school infrastructure in good shape, ensuring teachers attend the school and resolving other problems faced by the schools. Budgetary resources would have to be given to the SMCs but they will be accountable to the District Education Board for results.

66. The head teachers / principals will be given appropriate administrative authority to carry out the day-to-day operations of the school. They will also be given powers to initiate action against recalcitrant teachers.

67. Seventh, The District Education Board should be allocated funds annually for carrying out the approved infrastructure projects, operations and maintenance and training of teachers in all the schools. The training will be delivered by the Provincial Governments who will also test the competencies of the teachers and the learning achievements of the students on an annual basis. Funds allocated to the District Boards will be audited regularly by the Audit Department.

68. Eighth, children from low income families should be given the option to choose private schools provided these schools meet prescribed eligibility criteria. These schools will be given per capita grant for the students from low income families. The activities of the Education Foundations in the provinces should be expanded and supported to find other suitable means of fostering public-private partnership.

69. Ninth, a decentralized and empowered educational network can function efficiently only if it is monitored continuously. A Management Information System (MIS) should help the District Boards in monitoring the performance of the schools. For example, if the primary school in a locality is producing a constant stream of pupils for enrolment in higher classes, the up-gradation to the elementary school could take place immediately.

70. Finally, all talented students from poor families and backward districts who secure admissions in private schools, professional colleges, business administration institutes, and institutions of higher learning should be awarded scholarships for pursuing their studies. Eligibility criteria should be announced before hand and advertisements should be placed inviting applications for scholarships.

**HEALTH**

71. The LGO 2001 devolved health services (Basic & rural health, child and maternal health, population welfare, district and tehsil hospitals) to the District Governments with the exception of the large teaching hospitals and medical or dental colleges which remained under the direct control of the Provincial government. The fundamental structural discrepancy in the system was that the control over the health manpower was exercised both by the Provincial Health Department and the elected District Nazim. The EDO Health at the district level was answerable for service delivery to the elected District Nazim and for his career progression to the Province. All medical staff report to EDO Health but their postings and transfers were controlled by the Provincial Health Department. The procurement for medicines was also carried out by the provincial government which resulted in delays, mismatches in demand and requirements, and non-availability of medicines when required by the patients. The nominal fees collected by each health facility, although not sufficient to cover even a fraction of total costs, were not allowed to be retained by the District Government. These receipts had to be deposited in the provincial government account. The dual control also led to lax supervision and weak accountability with posts lying unfilled and high absenteeism rate among health staff. These factors limited the impact of devolution on the delivery of health services.

**Reforming Health Service Delivery**[[23]](#footnote-23)

72. Health reforms, more difficult to enforce because of the powerful influence of the medical profession have to follow multiple tracks.

73. First, a separate Health Management Cadre be established by each Provincial Government, to provide duly trained and experienced managers for administrative / managerial posts in hospitals and institutions and in development projects / programmes and District / Provincial health administration. The persons selected to man this cadre would fill in all positions of administrations of tehsil, district, teaching and specialized health cadre facilities, DDOs and EDOs Health and other management positions in the Provincial Health Department. An open, transparent, merit based system of recruitment and satisfactory completion of mandatory training at different levels would be used to select the persons in this Cadre.

74. Management cadre would be different from the Clinical and Teaching Cadre, with its own career progression path. Recruitment rules should allow both internal and external recruitment. However, all senior level management positions should be advertised and selection based on merit.

75. Second, the office of the Director General (DG) Health at the provincial levels, should be made responsible for developing norms and standards, with reference to establishing policy, operational guidelines and regulatory framework for fostering public private partnerships. An independent Drug Regulatory Authority (DRA) at the Federal level must be setup as a priority. In terms of its governance arrangements, the DRA should be fully autonomous.

76. Health regulatory authorities should be present at the provincial levels to implement these frameworks and to mainstream the role of the private sector into the delivery of healthcare, the services of bona fide NGOs into the national development process and to foster public not-for-profit relationships at an overarching level. The licensing standards prescribed by these authorities should be strictly enforced to keep unqualified practitioners away from practicing medicine.

77. Third, there is a need to strengthen inter-sectoral linkages of the health sector with social welfare, water and sanitation, and population sectors. A district level coordination mechanism to synergize the roles and contributions of all the actors in the health sector should be established in form of a District Health Board drawn from the various sectors. Integration of national vertical health programs should also be done through district coordination mechanism.

78. The District Health Boards should consist of prominent citizens of repute from the public and private sectors; the EDO health should be the secretary of the board, with operational responsibilities, whereas one of the eminent members either from the public/private sector should chair the Board. The Board would be an oversight body, to plan, guide, oversee and coordinate the delivery of health, within the district, in line with local needs, albeit within the national health policy framework.

79. Fourth, to overcome the problem of teaching faculty not paying attention to the patients the annual performance reports of members belonging to the Teaching Cadres, should include the proportion of time given to patient care (daily rounds/ward visits/OPD/cases attended), time spent in student training (lectures, supervision of thesis, etc.); and contribution in the field of medical research (number of publications in peer reviewed journals and not local hospital journals). Promotion criteria should be revised; teaching staff should be statutorily bound to contribute to quality patient care as well as research.

80. Fifth, medical and vocational training to produce nurses, paramedics, etc. may be allowed in the private sector, subject to proper regulation for complying with quality of output. Incentives may be provided to private investors to set up institutions complying with minimum prescribed standards. In areas where the government has limited absorptive capacity; the government can suitably subsidize the private sector for training manpower. Federal Government should prepare a 5 to 10 years Health Manpower Plan, whose implementation should be done by the Provinces in collaboration with the private sector.

81. Sixth, the pay scales of Health professionals should be delinked from the National Pay Scales. The Pay and Pension Commission (2010) has proposed a separate pay scale for Health Professionals. This pay scale should be introduced along with performance based increments in all provinces also.

**CONCLUSION**

82. The 18th amendment to the Constitution, the NFC award of 2010 and the Implementation Commission headed by Senator Raza Rabbani have helped clarify the structure, roles, responsibilities between the Federal and the Provincial governments to a large extent. The missing link at present to the devolution of responsibilities to the Local Governments that form the cornerstone of public service delivery at the grass root level. This paper makes some suggestions to fill in this gap based on the extensive consultations in 2006 – 2008 with a large number of stakeholders throughout the country. For example, the creation of a District Civil Service structure in addition to the existing All Pakistan, Federal and Provincial Services would help improve the effectiveness of the delivery of services at the local level.

83. These structural reforms will not be successful if complementary reforms in the simplification of business processes, revamping human resource management policies and setting us credible and effective accountability mechanisms are not put in place. Specific recommendations in each of the above areas have been developed after a broad consensus and are contained in the 2008 Report of the National Commission for Government Reforms (NCGR) [[24]](#footnote-24) and the Pay and Pension Commission 2010 Report [[25]](#footnote-25) - A systematic and informed discussion and adoption of the agreed reforms will go a long way in moving forward in the right direction. As the time spare for implementation is quite long it is advisable to phase them out with these having immediate highest pay offs taking the lead.

84. This analytical survey of the 2001 Local Government Reforms shows a number of strengths that need to be retained and built into the new Local Government System by the Provincial Governments. It is apparent, despite a short period of the time elapsed, that the devolution, decentralization and de-concentration along with the elections at the local levels do spread the benefits more widely, bring efficiency in service delivery and improve access to local representatives. Limited micro level studies have shown that non-elites and marginalized groups have participated in the post-reform provision of services. The weaknesses are also many and have to be removed or neutralized by appropriate policy and institutional changes. The abolition of a neutral, non-political civil servant responsible for law and order, revenue records and disaster management has weakened the writ of the State at the grass root level and led to biases in the administration of justice, increase in discretionary favors and laxity in enforcement of laws. The need for reforms in the service delivery of education and health in the light of the experience gained since 2001 is well established. Previously underprovided villages did receive provision of services but spatial and social inequality of provision between villages and social groups have also been reinforced. Patron-client factions organized by village influentials determined the winners and losers of post-reform provision. The proposed reforms would go a long way in overcoming the distortions and deficiencies of the Devolution System.

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