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Editorial

Dear Readers,

The Nation celebrates with traditional fervor and gratefulness, the blissful month of the *Khatam un Nabiyan* Prophet Muhammad (saw), who is undoubtedly a Mercy for all the worlds.

The Pakistan Institute for Parliamentary Services (PIPS) continues to offer quality-oriented legislative, research, capacity building and outreach services to the Members of Parliament and parliamentary committees to the Parliament as well as provincial legislatures. This Issue of the PIPS Parliamentary Research Digest includes analytical articles on civil services reforms in Turkey and UK in addition to proposals for similar effort in the country. A conceptual paper on Support to Parliamentary Committees is also part of this October 2020 issue.

We take the opportunity to pray for early recovery of our dear colleagues and their family members facing the corona virus. *InshALLAH* (SWT) we look forward to continue serving Hon MPs, committees and parliamentary institutions to the best of our efforts and team work in the esteemed leadership of the Board of Governors and feedback of our readers. Do not hesitate to send your feedback at research@pips.gov.pk

Muhammad Rashid Mafzool Zaka

Senior Director General (Research and Legislation)



Visit of HE. Dr. Ghulam Nayab, Secretary General of Meshrano Jirga (Senate House), Afghanistan along with delegation to Pakistan Institute for Parliamentary Services, October 09, 2020

FROM THE PARLIAMENTARY PAPERS

Pakistan Bait-ul-Mal Annual Budget FY 2019-20

Qaiser Iqbal, Librarian
& **Areeb Shirazi**, Young Parliamentary Officer
Information Centre, PIPS

On January 8, 2020, during the 18th session, 2nd Parliamentary Year of the National Assembly, Honorable Minister In-charge of the Poverty Alleviation and Social Safety Division presented the statistics regarding utilization of the Budget of Pakistan Bait-ul-Maal for FY 2019-2012, 1st and 2nd Quarter.

Details of the PBM Annual Budget Allocated:

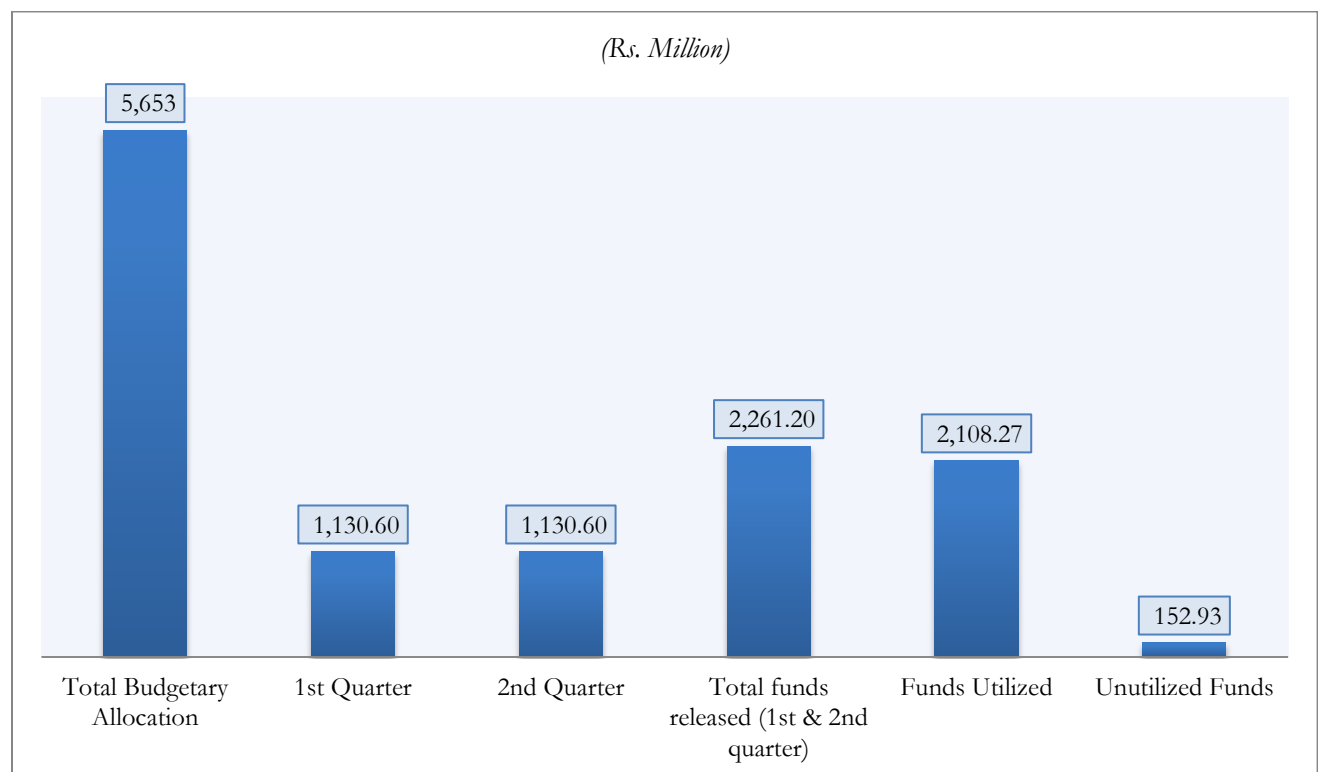


Figure 1 Annual Budget allocated and funds released to Pakistan Bait-ul-Mal during 1st and 2nd quarter of FY 2019-2020

National Assembly of Pakistan
Resolution on Combating Islamophobia
26 October 2020

The National Assembly of the Islamic Republic of Pakistan taking serious note of the recent blasphemous incidents insulting the Holy Prophet

حضرت محمد رسول الله خاتم النبیین صلی الله علیه و علی آله واصحابہ و سلم

through republication of blasphemous caricatures in France and the desecration of the Holy Quran in Norway and Sweden,

Condemns in strongest terms the resurgence of blasphemous and Islamophobic acts by mischievous elements in some parts of the world;

Expresses serious concern at the highly disturbing statements and hate-mongering, specially by leaders like President Macron, justifying unlawful provocation and insult to sentiments of more than a billion Muslims through such hate driven acts, under the garb of freedom of expression;

Recognizing with serious concern that Islamophobia has taken many forms including denigration of the Holy Prophet

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desecration of the Holy Quran, negative profiling by security agencies, killing of innocent people by cow vigilantes, attacks on women for wearing hijabs, ban on minarets, negative propaganda and disinformation campaigns by some media groups, manifestos of far-right and neo-fascist parties that call for expulsion of Muslims.;

Condemns unequivocally the practice of blasphemy and of insulting Prophets of Islam, Christianity and Judaism alike;

Condemns strongly all acts of terror or violence in the name of any religion or belief;

Deplores equating of Islam and Muslims with terrorism which goes against the international consensus and spirit of mutual respect and peaceful co-existence;

With the intention of effectively addressing the issue of Islamophobia,

1. Urges the Government to recall its envoy from Paris;
2. Urges the Government to work within the OIC for designating 15th of March as an International Day to Combat Islamophobia and to ask all OIC Members to boycott French goods;
3. Calls on the Secretary General of the OIC to continue to monitor the phenomenon of Islamophobia and take necessary actions for presenting Islamic countries' common position on the matter especially the issue of blasphemous caricatures of the Holy Prophet

حضرت محمد رسول الله خاتم النبیین صلی الله علیه و علی آله واصحابہ و سلم

and desecration of the Holy Quran;

4. Urges all non-OIC countries to review anti-Muslim discriminatory policies and to refrain from practices that fan intolerance, discrimination, hatred or associate Islam with terror or extremism and ban unlawful provocations;
5. Calls upon all non-OIC countries to provide legal avenues to Muslims residing in their territory for redressal of their genuine grievances.
6. Calls on the UN Secretary General and the UN High Commission for Human Rights, to immediately initiate a global dialogue for inter-faith harmony and the countering of rising islamophobia.

Sd/-

Makhdoom Shah Mahmood Hussain Qureshi (Minister for Foreign Affairs), Dr. Shireen M. Mazari (Minister for Human Rights), Mr. Asad Umer (Minister for Planning Development and Special Initiatives), Mr. Shafqat Mahmood (Minister for Federal Education, Professional Training & National Heritage and Culture), Mr. Noor-ul-Haq Qadri (Minister for Religious Affairs and Inter-faith Harmony), Mr. Ghulam Sarwar Khan (Minister for Aviation Division), Mr. Murad Saeed (Minister for Communications), Mr. Muhammad Hammad Azhar (Minister for Industries and Production), Syed Amin-ul-Haque (Minister for Information Technology and Telecommunications), Sahibzada Muhammad Mehboob Sultan (Minister for States and Frontier Regions), Mr. Zaheer-ud-Din Babar Awan (Adviser for Prime Minister on Parliamentary Affairs), Mr. Ali Muhammad Khan (Minister of State for Parliamentary Affairs), Mr. Muhammad Shabbir Ali Qureshi (Minister of State for Housing and Works), Mr. Sheharyar Afridi (Chairman Kashmir Committee), Mr. Khial Zaman (Parliamentary Secretary for Petroleum Division), Mian Muhammad Shafiq (Parliamentary Secretary for Communications), Mr. Abdul Shakoor Shad (Parliamentary Secretary for Cabinet), Mr. Jamil Ahmed Khan (Parliamentary Secretary for Aviation Division), Mr. Saleem Rehman (Parliamentary Secretary for Parliamentary Affairs), Mr. Shaukat Ali (Parliamentary Secretary for Interior), Malik Anwar Taj (Parliamentary Secretary for Defence), Mr. Zahoor Hussain Qureshi (Parliamentary Secretary for Power), Ms. Kunwal Shauzab (Parliamentary Secretary for Planning Development and Special Initiatives), Makhdoom Zain Hussain Qureshi (Parliamentary Secretary for Finance and Revenue), Ms. Aliya Hamza Mali, (Parliamentary Secretary for Commerce), Mr. Muhammad Ahmeer Sultan (Parliamentary Secretary for National Food and Research), Ms. Ghazala Saifi (Parliamentary Secretary for National History and Literary Heritage Division), Mr. Ahsan Iqbal Chaudhary, Ch. Muhammad Barjees Tahir, Malik Muhammad Amir Doger, Raja Pervaiz Ashraf, Syed Naveed Qamar, Mr. Usama Quadri, Ms. Shahida Akhtar Ali, Syed Abrar Ali Shah, Mr. Noor-ul-Hassan Tanvir, Mr. Muhammad Sana Ullah Khan Masti Khel, Mr. Khalid Hussain Magsi, Ms. Shazia Marri, Mr. Faiz Ullah, Mr. Saif Ur Rehman, Moulana Abdul Akbar Chitrali, Mr. Sher Ali Arbab, Mr. Mohsin Dawar, Ms. Shagufta Jumani, Mr. Amir Iqbal, Syed Hussain Tariq, Mr. Riaz-ul-Haq, Mr. Azhar Qayyum Nehra, Mr. Ahmed Raza Maneka, Mr. Atta Ullah, Ms. Nooreen Farooq Khan, Dr. Seemi Bokhari, Dr. Haider Ali Khan, Ch. Muhammad Hamid Hameed, Mr. Muhammad Afzal Khokhar, Mr. Muhammad Junaid Anwar Chaudhary, Mr. Nadeem Abbas, Mr. Mahesh Kumar Malani, Mr. Muhammad Jamal-ud-Din, Mr. Muhammad Khan Daha, Mr. Sikandar Ali Rahoupoto, Mr. Irfan Ali Laghari, Mr. Khalid Ahmed Khan Lund, Ms. Zahra Wadood Fatemi, Ms. Mussarat Asif Khawaja, Dr. Aisha Ghaus Pasha, Dr. Samina Matloob, Ms. Shaza Fatima Khawaja, Ms. Naz Baloch, Ms. Kiran Imran Dar, Syed Javed Husnain, Ms. Munawara Bibi Baloch, Ms. Shahida Rehmani, Mr. Muhammad Alamgir Khan, Mr. Shams-un-Nisa, Mir Ghulam Ali Talpur, Ms. Aliya Kamran, Engr. Sabir Hussain Kaim Khani, Sardar Muhammad Irfan Dogar, Mr. Umar Aslam Khan, Mr. Tahir Sadiq, Haji Imtiaz Ahmed Chaudhry, Syed Faiz-ul-Hassan, Mehar Ghulam Muhammad Lali, Rao Muhammad Ajmal Khan, Rana Tanveer Hussain, Mr. Zahid Akram Durrani, Mr. Muhammad Farooq Azam Malik, Mr. Zulfiqar Ali Khan Dullah, Mr. Ali Khan Jadoon, Mr. Zulfiqar Ali Behan, Mr. Ali Nawaz Awan, Mr. Mukhtar Ahmad Malik, Dr. Darshan, Rana Mubashir Iqbal, Mr. Aamir Talal Gopang, Engr. Usman Khan Tarakai, Mr. Noor Alam Khan, Mr. Arbab Amir Ayub, Malik Karamat Ali Khokhar, Mr. Rahat Aman Ullah Bhatti, Makhdoom Syed Sami-ul-Hassan Gillani, Mr. Riaz Fatyana, Ms. Saira Bano, Mr. Muhammad Abdul Ghafar Watto

OPINION

Civil Services Reforms Towards Inclusion of all Federating Units

Muhammad Rashid Mafzool Zaka,
Senior Director General (Research and Legislation)
and **Abdul Nabi Solangi,** Legislative Officer, PIPS

"If you want to raise the prestige and greatness of Pakistan, you must not fall a victim to any pressure, but do your duty as servants to the people and the State, fearlessly and honestly. Service is the backbone of the State."

[QUAID-E-AZAM MUHAMMAD ALI JINNAH
ADDRESS TO THE CIVIL SERVANTS, 1948]

1. Background

The term "Central Superior Services of Pakistan (CSS)" does not originate from the Constitution nor an Act of Parliament defines the term. It belongs to the colonial era and survived reforms. The use of word "Central" instead of "Federal" and the term "Superior" are legacy of the past. Previously "Central government" is now "Federal government". The Civil Service and the word "Central" are inherited from British Raj and being used till date.

The term "Civil Service of Pakistan" was used in the "*Civil Service of Pakistan (Composition and Cadre) Rules, 1954*".

2. Legal Basis of Civil Service in Pakistan

Civil Service under Constitution

The Constitution of the Islamic Republic of Pakistan 1973, adopted the existing system and provided cover for that until legislation was to be made. It clarifies:

241. Existing rules, etc., to continue.- Until the appropriate Legislature makes a law under Article 240, all rules and orders in force immediately before the commencing day shall, so far as consistent with the provisions of the Constitution, continue in force and may be amended from time to time by the Federal Government or, as the case may be, the Provincial Government.

During the British Raj there existed 'Central Government' and so it does exist in various colonial laws as it was given in the Government of India Act 1935; and it continued till Constitution of Pakistan of 1956.

The Constitution of the Islamic Republic of Pakistan 1973 in Part III, Chapter 3 defined The Federation of Pakistan:

90. The Federal Government.—(1) Subject to the Constitution, the executive authority of the Federation shall be exercised in the name of the President by the Federal Government, consisting of the Prime Minister and the Federal Ministers, which shall act through the Prime Minister, who shall be the chief

executive of the Federation.

(2) In the performance of his functions under the Constitution, the Prime Minister may act either directly or through the Federal Ministers.

With enactment of the 1973 Constitution, class system in the Civil Service was also abolished through '*Civil Servants (Change in Nomenclature of Services and Abolition of Classes) Rules, 1973*'; All-Pakistan Unified Grades (APUG) was formed and the concept of occupational groups was introduced.

The Constitution of Pakistan in Part XII, Chapter 1 provides for Services:

240. Appointments to **service of Pakistan** and conditions of service.- Subject to the Constitution, the appointments to and the conditions of service of persons in the service of Pakistan shall be determined.

(a) in the case of the services of the Federation, posts in connection with the affairs of the Federation and **All-Pakistan Services**, by or under Act of Majlis-e-Shoora (Parliament); and

(b) in the case of the services of a Province and posts in connection with the affairs of a Province, by or under Act of the Provincial Assembly.

Explanation.- In this Article, "All-Pakistan Service" means a service common to the Federation and the Provinces, which was in existence immediately before the commencing day or which may be created by Act of Majlis-e-Shoora (Parliament).

The term "Central Superior Services of Pakistan (CSS)" has nowhere been used. The Constitution of Pakistan consists of terms "Service of Pakistan" and "All-Pakistan Services". Further the Article 260 of the Constitution clarifies:

"service of Pakistan" means any service, post or office in connection with the **affairs of the Federation or of a Province**, and includes an All-Pakistan Service, service in the Armed Forces and any other service declared to be a service of Pakistan by or under Act of Majlis-e-Shoora (Parliament) or of a Provincial Assembly, but does not include service as Speaker, Deputy Speaker, Chairman, Deputy Chairman, Prime Minister, Federal Minister, Minister of State, Chief Minister, Provincial Minister, Attorney-General, Advocate-General, Parliamentary Secretary or Chairman or member of a Law Commission, Chairman or member of the Council of Islamic Ideology, Special Assistant to the Prime Minister, Adviser to the Prime Minister, Special Assistant to a Chief Minister, Adviser to a Chief Minister or member of a House or a Provincial Assembly;

The Federal Government has allocated business under the Rules of Business 1973, which derived powers from the Articles 90 and 99 of the Constitution:

90. The Federal Government.—(1) Subject to the Constitution, the executive authority of the Federation shall be exercised in the name of the President by the Federal Government, consisting of the Prime Minister and the Federal Ministers, which shall act through the Prime Minister, who shall be the chief executive of the Federation.

(2) In the performance of his functions under the Constitution, the Prime Minister may act either directly or through the Federal Ministers.

99. Conduct of business of Federal Government.- (1) All executive actions of the Federal Government

shall be expressed to be taken in the name of the President.

(2) The Federal Government shall by rules specify the manner in which orders and other instruments made and executed in the name of the President shall be authenticated, and the validity of any order or instrument so authenticated shall not be questioned in any court on the ground that it was not made or executed by the President.

(3) The Federal Government shall also make rules for the allocation and transaction of its business.

Similarly the Provincial Governments have allocated business under the Rules of Business, which derived powers from the Article 193 of the Constitution:

139. Conduct of business of Provincial Government.- (1) All executive actions of the Provincial Government shall be expressed to be taken in the name of the Governor.

(2) The Provincial Government shall by rules specify the manner in which orders and other instruments made and executed in the name of Governor shall be authenticated, and the validity of any order or instrument so authenticated shall not be questioned in any court on the ground that it was not made or executed by the Governor.

(3) The Provincial Government shall also make rules for the allocation and transaction of its business.

3. Appointment of Members of the Civil Service

Appointment in the Civil Service is made through the Public Service Commission at both the Federal and the Provincial levels. Article 242 of the Constitution provided for establishment of Public Service Commissions for appointment of members to Civil Services at Federal and Provincial levels respectively.

242. Public Service Commission. (1) Majlis-e-Shoora (Parliament) in relation to the affairs of the Federation, and the Provincial Assembly of a Province in relation to the affairs of a Province may, by law provide for the establishment and constitution of a Public Service Commission.

(1A) The Chairman of the Public Service Commission constituted **in relation to the affairs of the Federation shall be appointed by the President on the advice of the Prime Minister.**

1B) The Chairman of the Public Service Commission constituted **in relation to affairs of a Province shall be appointed by the Governor on advice of the Chief Minister.**

(2) A Public Service Commission shall perform such functions as may be prescribed by law.

4. Civil Servants Act

The Act was enacted *to regulate the appointment of persons to, and the terms and conditions of service of persons in, the service of Pakistan*. **There is an Act at the Federal level and each province has enacted its own Act.**

- i. Civil Servants Act 1973 (LXXI of 1973)
- ii. The Punjab Civil Servants Act, 1974 (Act VIII of 1974)
- iii. The Sindh Civil Servants Act, 1973 (Sindh Act No. 14 of 1973)
- iv. The Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973)
- v. The Balochistan Civil Servants Act, 1974 (Baln. Act IX of 1974)

The Act does not provide organization of the Occupational Groups or Quota System and such structures have been provided in the Rules framed under the Act.

Civil Servants (Appointment, Transfer and Promotion) Rules exist at both tiers. The qualification and method (the way) of filling of all posts is regulated by these rules.

5. Occupational Groups or Service

Occupational Groups or Service have been defined in the “*Occupational Groups and Services (Promotion, Training & Seniority) Rules, 1990*”. These Rules are framed under the Civil Servants Act, 1973 and were enforced in exercise of the powers conferred by section 25 read with Section 6 and 8 of the Act. In addition following laws pertain to the functions and evolution of various groups:

- i. Cantonments Ordinance, 2002
- ii. Custom Act, 1969
- iii. Federal Board of Revenue Act, 2007
- iv. Income Tax Ordinance, 2001
- v. Pakistan Postal Services Management Board Ordinance, 2002
- vi. Railway Regulatory Authority Ordinance, 2002
- vii. Trade Development Authority of Pakistan Act, 2013

CSS exams conducted by Federal Public Service Commission consist of the Occupational Groups. Occupational Group or Service has been defined in Rule 2(viii) of the Rules as the following:

- a) Accounts Group
- b) Commerce and Trade Group
- c) Customs and Excise Group
- d) District Management Group
- e) Foreign Service of Pakistan
- f) Income Tax Group
- g) Information Group
- h) Military Lands and Cantonment Group
- i) Office Management Group
- j) Police Service of Pakistan
- k) Postal Group
- l) Railways (Commercial & Transportation) Group and
- m) any other service or group which may be notified by the Government as such.

** The Rules are simple to amend as do not require approval of the Parliament.*

*** The Occupational Groups or Service has been changed from time to time with amendment in the Rules.*

6. Quota System

The first Prime Minister of Pakistan Honorable Liaquat Ali Khan introduced the Quota system for the civil service in September 1948, in order to increase the number of Bengalis who were underrepresented through numerically a majority.¹

After East Pakistan experience, the Constitution of 1973 gave protection to the Quota System under Article 27:

27. Safeguard against discrimination in services.- (1) No citizen otherwise qualified for appointment in the service of Pakistan shall be discriminated against in respect of any such appointment on the ground only of race, religion, caste, sex, residence or place of birth:

Provided that, for a period not exceeding forty years from the commencing day, posts may be reserved for persons belonging to any class or area to secure their adequate representation in the service of Pakistan:

Provided further that, in the interest of the said service, specified posts or services may be reserved for members of either sex if such posts or services entail the performance of duties and functions which cannot be adequately performed by members of the other sex:

Provided also that under-representation of any class or area in the service of Pakistan may be redressed in such manner as may be determined by an Act of Majlis-e-Shoora (Parliament):

(2) Nothing in clause (1) shall prevent any Provincial Government, or any local or other authority in a Province, from prescribing, in relation to any post or class of service under that Government or authority, conditions as to residence in the Province, for a period not exceeding three years, prior to appointment under that Government or authority.

The existing distribution of shares of Quota system is calculated on the basis of Establishment Division's S.R.O. No. 747(1)/2020, dated 19th August 2020. The S.R.O, on the directions of the Prime Minister, amended rule 14 of the Civil Servants (Appointment, Promotion & Transfer) Rules, 1973.

Merit/Province/Region Quota system under the S.R.O. No. 747(1)/2020²:

Merit	7.5%
Punjab (including Federal Area of Islamabad)	50 %
Sindh	19 %
The share of Sindh will be further sub-allocated in the following ratio:	
Urban areas namely Karachi, Hyderabad and Sukkur	40 % of 19 % or 7.6 %
Rural areas i.e. rest of Sindh excluding Karachi Hyderabad and Sukkur.	60 % of 19 % or 11.4 %
Khyber Pakhtunkhwa	11.5 %
Balochistan	6 %
Newly merged Districts of Khyber Pakhtunkhwa(Ex-FATA)	3 %
(This share shall not be merged into Khyber Pakhtunkhwa and be observed independently for next 10 years in conjunction with the ten-year Development Plan devised to bring the Ex-FATA at par with the Khyber Pakhtunkhwa socially and economically).	
Gilgit-Baltistan	1 %
Azad Kashmir	2 %

¹ Rizwan Ullah Kokab, "Bureaucratic Institution, Leadership and Breakup of a State: A Case Study of East Pakistan," *Pakistan Vision* 16, no. 2 (2015): 46.

² Establishment Division, "Notification S.R.O No. 747 (1)/ 2020" August 19, 2020", Accessed: 8th September 2020, <http://establishment.gov.pk/Sitelmage/Misc/files/Quota%20of%20Provinces.pdf>

7. Conferring of Functions

Article 98 of the Constitution defines:

98. Conferring of functions on subordinate authorities. On the recommendation of the Federal Government, Majlis-e-Shoora (Parliament) may by law confer functions upon officers or authorities subordinate to the Federal Government.

From the above quoted Article of the Constitution it is clear that the Federal Government can execute authority only where the Federal Legislature has the capacity to Legislate, meaning thereby the Federal Legislative Lists.

Article 97 of the Constitution brings further clarity:

97. Extent of executive authority of Federation.- Subject to the Constitution, the executive authority of the Federation shall extend to the matters with respect to which Majlis-e-Shoora (Parliament) has power to make laws, including exercise of rights, authority and jurisdiction in and in relation to areas outside Pakistan :

Provided that the said authority shall not, save as expressly provided in the Constitution or in any law made by Majlis-e-Shoora (Parliament), extend in any Province to a matter with respect to which the Provincial Assembly has also power to make laws.

For the Provincial Governments, the Article 137 of the Constitution defines:

137. Extent of executive authority of Province.- Subject to the Constitution, the executive authority of the Province shall extend to the matters with respect to which the Provincial Assembly has power to make laws:

Provided that, in any matter with respect to which both Majlis-e-Shoora (Parliament) and the Provincial Assembly of a Province have power to make laws, the executive authority of the Province shall be subject to, and limited by, the executive authority expressly conferred by the Constitution or by law made by Majlis-e-Shoora (Parliament) upon the Federal Government or authorities thereof.

8. Conclusion and Way forward

- i. **Constitutional Provisions identifying name, mandate and role of civil services:**
The Constitution of Pakistan should have clear articles on title of service, the laid-out mandate of the civil services of the country in ensuring spirit of serving the people of Pakistan as well as core values expected from them. The Constitution should categorically mention that: “Public Servants and other public officials are obliged to carry out their duties with loyalty to the Constitution and the laws.”
- ii. **Core Values:** Civil Servants are termed as servants of the state by the father of Nation, Quaid e Azam Muhammad Ali Jinnah. Therefore, core values of Loyalty to the Constitution and the Laws, Non-Partisanship, Professionalism, Effectiveness, Efficiency and Accountability should be reiterated in the Constitution, the Act and the Rules so that they be internationalized during their trainings and institutional job experience.
- iii. **Consolidated law on Civil Services:** All current laws, act and ordinances pertaining to civil services and functions of various occupational groups should be consolidated

in to a National Civil Servants Law having all major provisions in one comprehensive Act, which may identify key 9-10 service classes/occupational groups, that may include: General Administrative Service, Technical Services, Health Services and Auxiliary Health Services, Education and Teaching Services, Lawyer Services, Religious Services, Security Services (police), Auxiliary/Support Services, Local Authority Services, and National Intelligence Services. These should be permanent employees with standardized terms and conditions that are made comparable to international parameters. The reform currents in the international civil service regime have also brought into practice the idea of **outsourcing**. Similarly, public organizations in Pakistan must be allowed to increasingly outsource support functions such as cleaning, waste collection, personnel transport, catering, security and IT services.

- iv. **Civil Servants' Trade Union:** Digging deep into the dynamics of civil-servants in developed democracies like Turkey, civil services trade unions are certainly providing useful analysis for learning best practices in civil service reforms. The Consolidated Act must clearly mention the mechanism of election, mandate and working of the civil servants' trade union, which can prove beneficial for addressing issues pertaining to civil servants as well as provide readily available platform of consultation for reforms.
- v. **Strategic Planning and Business Management Model:** As a result of reforms inspired from international trends, the Pakistani public organizations must adopt **business management practices**, e.g the introduction of strategic plans with Key Performance Indicators in the shape of workplan and performance-based budgeting (business plan) with the aim of increasing fiscal transparency and accountability. Under the Law on Civil Services, public authorities must be required to prepare strategic plans covering a five-year period, and their medium and long term objectives, basic principles and policies, aims and priorities, performance criteria, and methods to achieve these objectives as well as resource estimates. The annual workplan (KPIs) along with resource/budget estimates together may be formulated in an annual business plan that must be approved in the Ministry concerned before putting up budget presentations to parliamentary committees in (budget making exercise). They are also bound to prepare and publicly announce annual activity reports mentioning the outcome of their activities as well as ensure internal auditing mechanisms.
- vi. **Revision of Occupational Groups:** Since the Constitution limits extent of executive authority of the government to the extent only where the respective Assembly has the powers to legislate, so after the 18th Amendment as much of the subjects have been devolved to the provinces, there is much need for the Occupational Groups to be revised.
- vii. **Devolving of Security/Police Services to Provinces:** The role of Police Service is crucial for governing society and keeping order in masses. After the 18th Amendment, the Khyber Pakhtunkhwa took lead and enforced '*Khyber Pakhtunkhwa Police Act, 2017*'. Previously there existed colonial gift, the 'Police Act 1861', which brought by the British Raj for the purpose of making it an instrument for the colonial government to keep the natives on a tight leash and later on Police Order 2002 was enforced as an attempt to bring reforms in the system. But Police Order 2002 could

merely survive. It is said that the Khyber Pakhtunkhwa Police Act, 2017 brought reforms to policing in the Khyber Pakhtunkhwa, including specialized service cadres. Now as the Provincial Assemblies have the competence to make laws governing Policing, so the Security Services of Pakistan (SSP) domain that may include police, rangers and even narcotics control services, etc can be given to provinces after detailed consultation and consensus through the Ministry of Inter Provincial Coordination. Further duplication can be avoided given the fact that Provincial Public Service Commissions are already making selections for the positions of Deputy Superintendent of Police (DSP).

viii. New General Administration Service to replace District Management Group:

The District Management Group/Pakistan Administrative Service is considered to be most important service of the Civil Service of Pakistan. The group became tooth-less after the local government system of 2002 and the powerful post of Deputy Commissioner (DC) was converted into District Coordination Officer (DCO). If development functions are transferred to the representatives, then existing District Management will merely deal with Land Revenue functions for which induction of Assistant Commissioners (ACs) is already being made by the Provincial Public Service Commissions. Therefore, the Deputy Commissioners may be devolved as a provincial tier service, but with additional and key responsibility of Disaster/Hazard Risk Management by giving all PDMAs (Provincial Disaster Management Authorities PDMAs) and local 1122 services in their operational supervision and oversight. It will markedly enhance country's quick response to public in day to day emergency service-delivery and imperative preparedness viz a viz disaster and risk management.

ix. Technical Services/Group replacing OMG comprising subject experts and representation from all Federating Units:

There is dire need that a Technical Services Group replaces the Office Management Group (OMG) as mother of all groups as officers belonging to this group must be specialists/experts in relevant academic field in order to serve in concerned Ministry/Division. Pakistan, being a federation, operationalized many functions of various Divisions to the provinces and now those Divisions are making policies and coordination. In this case, following options may then be deliberated to reach a consensus as a major breakthrough towards much vibrant civil services:

- a. **OPTION ONE: At the Federal Level,** the seats should be allocated according to i. Disciplines so as to promote specialization e.g. candidates with cluster of similar academic disciplines such as accounts, economics, financial management and audit to compete for seats of same nature in various Ministries, specialists in another cluster of subjects such as political science, international relations, law and strategic studies compete for relevant Ministries of Foreign Affairs, Defense, Law, Parliamentary Affairs, etc. ii. Equal representation of Technical service from all the federating units may be ensured so that over the years at the federal government level, it should be blend of all federating units.
- b. **OPTION TWO: Each province may have Technical Services Group** having experts with qualification and exposure in specific laid-out clusters of subjects/disciplines as discussed above.

CONCEPT**Professional Support to Committees in the Parliament****Tehseen Khalid**

Director (Research), PIPS

1. Introduction

Parliaments operate through committees which are often termed as “mini-legislatures” that work under the authority of parliament. Various types of committees are formed in the parliament such as standing committees (corresponding to each government department), select committees, joint parliamentary committees, special committees and others. The Standing Committees often monitor the performance of their respective departments, conduct legislative reviews where necessary, assess a newly introduced legislation in the parliament, evaluate the subject matter referred to them by the Parliament and submit their recommendations/ report before the House.

Parliaments around the globe provide necessary staff comprising of a secretary to the committee and clerical staff to support the work of committees. The committees require adequate research support for understanding and deliberating on the issues under consideration and for preparing reports of committees. Parliaments have developed various mechanisms to cater for the needs of the committees. Most of the parliaments provide research and legislative support through the in-house research and legislation directorates. Some parliaments have developed a comprehensive research and library section that provide confidential and timely research support in the form of parliamentary briefs or legislative briefs. The library of UK House of Commons is one such example. In some countries, the committees are empowered to seek assistance from specialist advisors for conducting inquiries or to perform a task for a short-term. The parliament provides funding to the standing committees for hiring such individuals. In some countries, specialized Parliamentary Institutions have been established that provide research and legislative support to the members of parliament in addition to providing capacity building services to Members of Parliament to enhance their understanding of parliamentary procedures and organizing roundtables, seminars and conferences for bridging gap between key stakeholders to tackle issues of national and international significance. Congressional Research Service, USA; Pakistan Institute for Parliamentary Services, Pakistan; King Prajadhipok’s Institute, Thailand; Library and Reference, Research, Documentation and Information Service, India are few such examples.

Aim of the study

This paper seeks to identify best practices of research and legislative support to parliamentary committees in Australia, Canada, France, Germany, UK and USA.

2. Best Practices of Professional Support to Committees

The best practices of some selected countries have been shared in the following paragraphs to understand their system and identify best practices that can be adopted by the Standing Committees in Pakistan.

A. Australia

In Australia, the Committee Office has nine secretariats and a total of 65 staffers. Each secretariat provides support to 2-3 committees except few committees that are supported by a single secretariat.¹

Secretariats consist of a secretary, two to three inquiry secretaries, some additional research staff and two administrative officers – although staffing levels change between secretariats in response to changing workloads. Secretariats provide support through:

- i. provision of research support
- ii. drafting proposed terms of reference, briefing papers and committee reports
- iii. provision of procedural advice on the operation and powers of a committee

In Australia, staff of secretariats are employees of the department and are responsible to and under the direction of the Clerk of the House rather than individual committees or chairs. Staff are employed under the Parliamentary Service Act 1999 and subject to a parliamentary Service Values and Code of Conduct which includes the requirement to provide:

non-partisan and impartial advice ... to committees of each house, to joint committees of both Houses and to senators and members of the House of Representatives.²

The Standing Committees may also be provided staff on part-time basis. Many times one secretary handles many committees. The number of staffers allocated to each committee greatly depends upon its terms of reference, nature of work, number of enquiries, and availability of funds and or personnel. The Committee can hire specialist advisers for a handling a particular enquiry or performing a specific task for a short period. These advisors are hired from the government sector for a part time or full time basis to support their work. The experts/ specialist advisors are remunerated at agreed rates and reimbursed the travel expenses. However, the hiring of advisors depends upon the availability of funds. In past, many committees have employed advisors, e.g. a Select Committee appointed a legal counsel to seek advice on a matter concerning the conduct of a Judge.³

B. Canada

In the House of Commons of Canada, the committee is generally assisted by a clerk and a researcher. The clerk acts as the administrative officer for the committee and performs all procedural tasks. The committee can seek assistance from the research staff of the Library of

¹ Mrian Harris, "The role of parliamentary committees in the light of the twentieth anniversary of the Australian House of Representatives modern committee system," (ASGP, IPU, 2008).

² Harris, ""Role of parliamentary committees", p.8.

³ Parliament of Australia, "Committee Administration-Staff and Advisers," Parliament of Australia, https://www.aph.gov.au/About_Parliament/House_of_Representatives/Powers_practice_and_procedure/Practice7/HTML/Chapter18/Committee_administration%E2%80%94staff_and_advisers.

Parliament on request. In Canada, the committees are empowered to hire services of experts, technical, professional and clerical staff.⁴

It can also seek specialized additional assistance from an expert outside the library on ad-hoc basis. In such cases, the committee bears the expenses of such individuals from its budget. Sometimes, the committee can engage ‘consultant’ for assisting them in conducting a particular enquiry or study a matter. Furthermore, the committee can hire additional support staff on contract basis. However, the approval of such staff is obtained from the committee through a motion where the mandate, duration of contract and rates are specified. The committee bears such expenses from its budget. The guidelines set by the ‘Board of Internal Economy’ are followed for hiring the outside staff.⁵

C. France

In the National Assembly of France, each Standing Committee has at its disposal its own team of ‘Parliamentary Civil Servants’ that is managed by a Secretariat. The Committee Secretariat is staffed with 56 advisers. A separate ‘Monitoring and Legislative Studies Unit’ provides technical support in legislative scrutiny. It comprises of staff of 33 advisers.⁶

D. Germany

In German Bundestag, there are 23 permanent committees in addition to 3-4 parliamentary commissions and/or councils such as the Parliamentary Commissioner, “to safeguard basic rights and to assist the Bundestag in exercising parliamentary oversight” a task enshrined in the Basic Law (the German constitution). Each committee is supported by the relative committee secretariat (committee office) comprising of one secretary, clerical assistants and secretariat staff. Occasionally the staff members from civil service are also hired. The entire staff belongs to German Bundestag administration.⁷

The Library of the German Bundestag is a comprehensive facility and one of the best in the world, providing for comprehensive research support to the Members of Parliament and Committees. Besides having a stock of 1000 volumes taken over from the Parliamentary Council, it now has over 1.5 million volumes, comprising of collection of specialist literature and special collections.⁸ The Bundestag Library serves the Members of the Bundestag and the parliamentary groups. It also supports the committee secretariats and organizational units of the Bundestag

⁴ House of Commons Canada, “Standing Orders of the House of Commons”, House of Commons, Canada, April 20, 2020.

⁵ Marleau, Robert, and Camille Montpetit. *House of Commons procedure and practice: Committees*. (Canada: House of Commons, 2000). Vol. 8527.

⁶ France, National Assembly, *The National Assembly in the French Institutions* trans. Declan McCavana, (Paris, National Assembly, 2013) http://www.assemblee-nationale.fr/connaissance/fiches_synthese/septembre2012/national-assembly.pdf

⁷ German Bundestag, “The Committee Chairpersons,” German Bundestag, Accessed October 20, 2020, <https://www.bundestag.de/en/parliament/function/legislation/11comchair-245872>

⁸ German Bundestag, “The library of the German Bundestag”, accessed October 22, 2020, <https://www.bundestag.de/en/documents/library/library-197902>

administration by making available to them publications required on an everyday basis for their work.⁹

E. UK

In UK, the Select Committees possess permanent staff comprising of a clerk of the committee, second clerk, one to two specialists and one to two administrative staff. The committee specialists manage the individual enquiries referred to the committee. This permanent staff works for the whole committee under the guidance of the chair. Every member of the committee can also take assistance of the staff for their work related to the committee. The committees are empowered to appoint advisors or experts for a particular enquiry or for seeking guidance related to a particular issue under consideration.

The specialist advisers are paid from the centrally managed budget. The committees can also seek research support from the House. Such as Parliamentary Office of Science and Technology (POST) (for issues related to science and technology) and Scrutiny Unit of the Committee Office (which provides specialist assistance on drafting bills and financial matters).¹⁰

The House of Commons Library, UK prepares impartial policy briefing papers and statistical research papers as well as quick-read articles, in-depth research, and interactive data visualisations. MPs and those who work for them can request information and research from House of Commons Library that has a team of subject specialists. These Specialists/ Expert researchers answer requests related to legislation, policies, constituency-level statistics and more. All requests are confidential.¹¹

F. USA

In USA, staff is provided to committees for carrying out their functions effectively. Usually, a number of legislative proposals (bills) are referred to the committees where they pass through in-depth scrutiny and relatively few become law. The Chairperson of the committee belongs to the ruling party while his counterpart is from minority party often termed as “ranking member”. Hence, the staff working for majority party is known as “majority staff” and for minority party is called “minority staff”. Although the responsibilities of staff vary from one to another committee, a typical committee possesses professional and administrative staff.

The professional staff comprises of:

- i. A staff director- the committee’s top administrator who looks after the committees work such as agenda, schedules of meetings, hearings. He is also responsible for hiring the staff of the Chairperson and managing their activities
- ii. Counsel-an attorney for drafting legislation and carrying out evaluation of bills and related technical work. The attorney usually provides legal expertise and guidance on the legal issues under consideration of the committee,

⁹ Bundestag, “The Library”.

¹⁰ UK Parliament, “MPs Guide to Procedure,” UK Parliament. <https://guidetoprocedure.parliament.uk/mps-guide-to-procedure>

¹¹ UK Parliament, “House of Commons Library”, accessed October 22, 2020, <https://commonslibrary.parliament.uk/about-us/services>.

- iii. lawyers, investigators, associate staff, economists and experts (depending upon the need of the committee)

The committees can hire experts as “consultants” to support their work or perform a specific task for a limited time on daily basis or for the entire tenure. Some major committees of the House such as Rules, Appropriations, etc. hire associate staff for carrying out research work and perform other tasks relating to legislation pending before the committee.¹²

G. Pakistan

In Pakistan, each house (Senate and National Assembly) has set up 34 Standing Committees corresponding to each government department. Besides these standing committees, many other committees have been formulated such as special committees, select committees, Parliamentary committees, functional committees and other committees to handle various issues. A committee is usually assisted by a Secretary/Director staff, Assistant/ Superintendent and necessary clerical staff.

In both houses of the Parliament, the research and legislative support to the committees is usually provided by following four channels:

- i. An Assistant draftsman and Deputy Draftsman appointed by the Ministry of Law who provides legal opinion and assistance on the Bill referred to the committee. Each Bill is examined, scrutinized and vetted by the Law and Justice Division before the submission of report of the committee in the House¹³.
- ii. Legislative Drafting Council in the National Assembly or Legislative Drafting Cell in the Senate of Pakistan provides legal assistance to private members on private member legislation.
- iii. The in-house Research Directorates of both Houses (Senate and National Assembly).
- iv. The Research & Legislation Team of the Pakistan Institute for Parliamentary Services also caters for provision of Research on Demand, Anticipated Researches and technical reports for committees in addition to drafting and assessing bills and laws.

There is no exclusive budget allocated to committees for hiring the services of experts or advisors. However, the committees have inherent powers to call for experts and specialists and demand for records/ persons/ papers from the respective government departments¹⁴ in addition to rules providing for holding public hearings with stakeholders.

3. How Standing Committees can be strengthened?

The Standing Committees of the House play an important role of the oversight of the government departments. According to the Rule 201 of the Rules of Procedures of National Assembly of Pakistan, the Standing Committees are empowered to examine a ‘Bill, subject or

¹² “The Role of the Congressional Staff” Society of General Internal Medicine, <https://www.sgim.org/File%20Library/SGIM/Communities/Advocacy/Advocacy%20101/THE-ROLE-OF-CONGRESSIONAL-STAFF.pdf>

¹³ Directives Issued by the Speaker, National Assembly of Pakistan, Islamabad, February 20, 2018.

¹⁴ Commonwealth Parliamentary Association, “The Parliament of Pakistan-Parliamentary Detail,” CPA, <http://www.cpahq.org/cpahq/core/parliamentinfo.aspx?committee=pakistan>

matter' referred to it by the House, examine expenditures, delegated legislation, administration, public petitions as well as policies of the concerned Ministry. The Standing Committees can also make recommendations on the Public Sector Development Programs (PSDP) that is submitted before the committee before 31st January of the preceding financial year.

Depending upon the nature of their work, the committees need expert support for understanding the problems and challenges, the implications of draft Bill(s), and more importantly the role of the relevant Ministries or Departments. Lack of professional staff or enough resources have an impact on the performance of committees. In developed countries, the committees are supported with a group of professionals including researchers, lawyers, investigators and experts that assist in dealing with the matter referred to it by the House, carrying out evaluation of Bills and providing guidance on issues under consideration in addition to carrying out research where required e.g. UK, USA, Australia and Canada. However, in Pakistan where on one hand, the committees enjoy strong legal support by Law and Justice Division in the form of legal expert, on the other hand, there is severe shortage of adequate research staff. This lack of research support to the standing committees often leads to their ineffectiveness. Hence, it is imperative to understand the nature of work to be carried out by the committee and strengthen them with professional support in shape of researchers, lawyers, economists, advisers and experts. To fill this gap, both Houses of the Parliament can adopt following strategies to empower their committees viz a viz professional support.

- 1. Role of Council of Chairmen:** As per Rule 249 of the Rules of Procedures of National Assembly, there is a Council of Chairmen headed by the Speaker National Assembly. It consists of chairmen of all Standing Committees. Similar committee also exists in the Senate of Pakistan that is headed by the Chairman, Senate of Pakistan. The Council looks into the matters related to the Standing Committees. It is a very important forum where chairmen of committees can deliberate on the importance of professional staff for the standing committee. This challenge of lack of professional staff can be tackled by finding way out either by amending existing rules or making arrangements otherwise.
- 2. Research Support to the Standing Committees:** The research directorates provide research support to various committees as well as the individual members of Parliament on demand. As of today, Senate comprises of 104 members while National Assembly comprises of 342 members while existing strength of researchers in Senate is ten (10) and staffers in legislative council is four (04); in the National Assembly around twenty-five (25) researchers and four (04) professionals in drafting council while in PIPS six (04) researchers and two legislative officers (02) are working. Thus, there is dire need of permanent research support that is exclusive to each standing committee. Various approaches can be adopted for strengthening parliamentary committees. The committees can be empowered to hire research assistants or young parliamentary interns for providing day to day informational research services to committee members either for short time or for the entire duration of the committee.
- 3. Hiring of Advisers/ Consultants:** It is not necessary that every committee staff must belong to the Secretariat of both Houses. Sometimes the expertise can be acquired from outside the Parliament. The fundamental principal is to ensure non-partisan approach while facilitating standing committees in their work. Moreover, "having independent staff allows them to provide reliable technical advice to the various members of the

committees and ensures a working climate that can, in some way, overcome the distinction between majority and opposition”.¹⁵ Hence, the committees can be empowered to hire services of advisers from academic institution and/or public organization/civil services for a part time or full time basis to support their work. This practice is in vogue in Australian Parliament, UK and USA where committees can actively engage consultants or advisers to support their work or for seeking guidance on a particular matter. The consultants can be hired either for a short duration for completing a specific task or for the entire tenure of the committee. A committee can be provided enough funding for hiring them or they can be financed through a centrally managed budget.

4. Funding for Commissioning Research:

Sometimes the committees face difficult situation when a complex issue or matter is under consideration and independent analysis is required apart from the facts revealed by the departments. Under such circumstances, the committees can be enabled to commission research when required from the independent researchers, expert. Such experts can be financed through a centrally managed budget.

5. Developing Linkages with Academia:

The parliament of Pakistan can develop linkages with academia through signing bilateral agreements for seeking support of experts and making best use of knowledge and research capacity of academic institutions. Moreover, systematic viable connections can also be built with the research funding organizations through which wider research community can be engaged effectively for the working with committees. This initiative can markedly enhance the performance of Standing Committees especially through exclusive research support and expert opinion provided by the academic professionals and research community.

Parliamentary Committees always need professional support in carrying out their activities especially for analyzing Bills, conducting researches or an enquiry, and examining expenditures for ensuring effective oversight of the government departments. Parliaments of the developed countries such as UK, USA, Australia, Canada and France have provided such support to committees. In Pakistan, Standing Committees have inherent powers to call for experts, and specialists and demand for records/ persons/ papers from the respective government departments. Legislative support is usually provided by the Law and Justice Division. However, there is dearth of exclusive research support for each Standing Committee. The Council of Chairmen in both House can effectively play its role by chalking out mechanism of acquiring permanent professional support for Standing Committees. Besides in-House support from relevant departments and PIPS, committees may hire professionals and expert researchers, on need basis. Professional assistance of a dedicated expert working under the functional authority of every Chairperson of Standing Committee can markedly enhance effectiveness of such committees. Similarly existing researchers can be placed with committees seeing their functional and academic specialization.

¹⁵ Alian Declamp, *How can parliamentary committees be made more effective?* Rada For Europe, March, 2018.

ANALYSIS

Civil Service Reforms in Turkey and United Kingdom

Fakiha Mahmood

Research Officer, PIPS

Abstract

A glance over reforms in the civil service of Turkey and United Kingdom over the past four to five decades reveals the common trend of New Public Management (NPM) concepts and processes in varying shapes and degrees. Some of these include denationalization and the influence of business management practices in public sector organizations. Despite the recurring themes, reform efforts to change the civil service in both the countries have been influenced from domestic context especially with regard to existing political environment, the response of the bureaucracy, as well as the historical legacy which continues to shape the conduct of civil service even in the modern times. Hence the development of civil service has taken different pathways in terms of processes and structures in both countries. This paper presents a brief overview of the structures and processes of existing civil service in both countries, and includes various reform efforts carried with the aim to improve the efficiency and effectiveness of public countries in Turkey and United Kingdom. The study shows that the process of reform is continuous as well as sporadic. Some of the actors, processes and practices have significantly altered, however some of the features have resisted even the most radical reform efforts.

1. Introduction

“Reforming civil service is important in improving governance, service delivery, economic policy and public financial management.”¹ The close proximity of civil service with the government leadership defines its interwoven nature within the political system. Various internal or external factors necessitate reforms in the civil service structures and processes.

A glance over reforms in the civil service of Turkey and United Kingdom over the past four to five decades reveals the common trend of New Public Management (NPM) concepts and processes in varying shapes and degrees. Various countries have resorted privatization apart from reducing the overall number of employees in the state owned organization, as they get influenced from the management practices of non-state enterprises. Despite its wider interpretation the NPM primarily results in the adoption of systems where organizational restructuring is carried out apart from paying more attention to the performance of employees.

Despite the recurring themes, reform efforts to change the civil service in both the countries have been influenced from domestic context especially with regard to existing political environment, the response of the bureaucracy, as well as the historical legacy which continues to shape the conduct of civil service even in the modern times. Hence the development of civil service has taken different pathways in terms of processes and structures in both countries.

This paper looks upon the civil service reforms in Turkey and United Kingdom. The article presents a brief overview of the structures and processes of existing civil service in both

¹ Sumedh Rao, “Civil Service Reform: Topic Guide,” (GSDRC: University of Birmingham, 2013), http://www.gsdrc.org/docs/open/csr_topicguide_2013.pdf.

countries, and includes various reform efforts carried with the aim to improve the efficiency and effectiveness of public countries in these countries.

2. Turkey

2.1 Civil service in Turkey: an overview

The civil service in Turkey is organized in central and local administrations. The Republic of Turkey is a unitary state in terms of public administration. The system maintains a delicate balance between centralization and decentralization.² Inhabited with a population of 83,154,997 (as of 2019), Turkey has 81 provinces, 922 districts, 386 towns and sub-municipalities, and 18,280 villages.³

Important milestones in the development of Turkish civil service regime include: a) the enactment of Memurin Act 1926, this law re-organized public personnel system on career and merit principles; b) the establishment of Public Administration Institute for Turkey and the Middle East (TODAİE or PAITME) as a result of the technical assistance agreement signed between Turkey and UN in 1952; c) the establishment of State Personnel Presidency under the Law numbered 160 and dated 1960, the ongoing changes are also envisaging the change of name of Personnel Departments to Human Resources Department; d) the adoption of Civil Servants Act No. 657, adopted in 1965; and e) the adoption of central examination system for the appointment of public officials in 1999 called the Public Personnel Selection Examination (KPSS). Moreover, the administrative reforms as part of transition to the presidential system post 2017 have created a new overarching system for the civil service in Turkey.

Under the Civil Servants Law numbered 657, which is the prime legislative instruments for civil service in Turkey, there are four separate statuses in government sector employment including civil servant, contracted personnel, temporary personnel and worker. As of March 2018, the Turkish civil servants holding permanent positions are 2,430,101 in number. Those employed under other three categories include 530, 727 personnel.⁴ It is noteworthy that the Law categorically stipulates that the government entities cannot hire employees other than these four categories.

Article 36 of the Civil Servants Law enumerates 10 service classes, these include: General Administrative Services Class, Technical Services Class, Health Services and Auxiliary Health Services Class, Education and Teaching Services Class, Lawyer Services Class, Religious Services Class, Security Services Class, Auxiliary/Support Services Class, Local Authority Services Class, and National Intelligence Services Class.⁵

² Mustafa Altunok, "Development of Turkish Public Administration," in *Global Encyclopedia of Public Administration, Public Policy and Governance*, ed. Ali Farazmand, 2018, https://doi.org/10.1007/978-3-319-31816-5_3675-1.

³ Turkish Statistical Institute, "Turkey in Statistics 2019," June 2020, <http://www.turkstat.gov.tr>.

⁴ Yılmaz Üstüner and Nilay Yavuz, "Public Administration in Turkey," in *Global Encyclopedia of Public Administration, Public Policy and Governance*, ed. Ali Farazmand, 2018, https://doi.org/10.1007/978-3-319-31816-5_3485-1.

⁵ Zeynep Pembegül, "Human Resources Management Initiatives in Turkish Public Sector: an exploratory study," (MSc. Diss., Middle East Technical University, 2013), 60-66.

The Turkish Constitution Assembly adopted the Constitution on October 18, 1982. It has been amended several times later on. Article 128 consists of general principle relating to public service. Article 128 and 129 pertains to the Turkish civil servants, which state that “Public Servants and other public officials are obliged to carry out their duties with loyalty to the Constitution and the laws.”

2.2 Civil service reforms in Turkey

The public administration in Turkey has gone through the reform exercise in each decade since 1960s. The reform efforts were focused on specific aspect and levels of the system. These changes have been pressed from both internal as well as external factors. The external factors include the loan agreements with international financial institutions like IMF and the World Bank, and more importantly Turkey’s aspirations for full EU membership. Internally, the aspiration of the Justice and Development Party (AKP) which has been leading the Turkish polity since 2002 has played a significant part in recent administrative reforms. Moreover, the demands for reform from various sections of society including the business community and the civil society have culminated into the changes in the civil structure.⁶

Though most of them were made with the objective of increasing the efficacy and productivity of the civil service, similar inferences were drawn in almost all of these efforts. These reforms mostly focused on the reorganization of the institutional-organizational aspects. Moreover, the influence of foreign practices has been one of the key characteristics of the civil service reform in Turkey. The implementation of foreign traditions without taking into account the indigenous context has also caused some problems in the implementation of suggested reforms. In early 1980s Turkey, in tandem with the emerging global currents, began implementing the so called **New Public Management (NPM)** concepts and practices, reducing the stakes of government in many public sector organizations and reducing the number of public sector employees is among key features of the NPM.⁷

Aggressive **privatization** policies reduced size of public sector entities from 42 to 27 between 1985 and 2009. The estimated revenue from privatization reached 38 billion USD between 1986 and 2009. Various independent **regulatory authorities** had been established, as part of the emerging global currents of neoliberalism in 1990s. Majority of these regulatory authorities are still functioning. However these entities, which are supposed to function in a neutral manner, face backlash out of the culture of political control over public sector organizations.

The reform currents in the civil service regime have also brought into practice the idea of **outsourcing**. Turkish public organizations increasingly outsource support functions. As a result of reforms inspired from international trends, the Turkish public organizations have adopted **business management practices**, for example the introduction of strategic plans and performance-based budgeting. Under the Law no. 5018 on Public Financial Management and Control (KMYKK) enacted in 2003 public authorities are required to prepare strategic plans

⁶ Süleyman Sözen, “Recent Administrative Reforms in Turkey: A Preliminary Assessment,” *International Journal of Business and Social Science* vol. 3 no. 9 (May 2012), http://ijbssnet.com/journals/Vol_3_No_9_May_2012/19.pdf.

⁷ Sozen, “Administrative Reforms”.

focusing on specific time period and identifying the resource allocation. Moreover, they are expected to outline their objectives both in medium and long-term. As part of internal auditing mechanisms, they are supposed to make public their activities on annual basis.

The principle of **decentralization** in terms of strengthening the local governments is among the agenda of the civil service reforms in Turkey. The centralization of bureaucratic structure has often invited criticism for being non-receptive towards the needs of citizens. The AKP government has particularly focused on strengthening the local governments. For that matter the government has introduced various legislations. These legislative instruments have expanded the duties, responsibilities and powers of local governments. Local governments are empowered to outsource almost every service in their field of responsibilities.

As part of the decentralization program, the establishment of **Regional Development Agencies** is noteworthy. The AKP government introduced these agencies, under the Law no. 5449 on Development Agencies, with the objective of developing synergy among various stakeholders in public as well as private sector. The aim is to tap the indigenous potential. The ultimate result is the acceleration of regional development in line with principles and policies envisaged in national development plans. No less than 26 in number, these agencies have legal status and represented by the Chairman of the Board of Directors, i.e. the governor. Furthermore, the Council of Ministers issued the Regulation on Principle and Procedures Governing Public Service Delivery. In accordance with these Regulations, administrators are required to produce their service standards and present them before the public. The move is aimed at cutting red tape and simplifying complex administrative procedures.⁸

2.3 Post 2017 administrative reforms

Turkey held a constitutional referendum on April 16, 2017 to embrace a presidential system. Bringing the military under complete civilian control is one of the key objectives of recent system revamp in Turkey. Under the new system some executive offices have been formed, seen as the closest public institutions to the Office of the President. With the abolition of the office of Prime Ministry, various public institutions of this office have been transferred to the Presidency. Earlier the Council of Ministers had primary role in the appointment of senior public officials among other functions. Under the new dispensation, almost all powers of the Council of Ministers have been transferred to the Presidency. The Council no more retains the authority to issue bylaws and decrees. Its role is more related to consultation, coordination and monitoring.⁹

3. United Kingdom

3.1 Overview of civil service in UK

In the United Kingdom, the civil service is made up of all government organizations (except for the Foreign & Commonwealth Office, the Secretary of State has the power to manage Foreign Service). It also includes the Welsh Assembly Government and the Scottish Government. Civil

⁸ Sozen, "Administrative Reforms".

⁹ Mehmet Zahid Sobaci, Özer Köseoğlu and Nebi Miş, "Reforming the policy making process in Turkey's new presidential system," *Insight Turkey* vol. 20, no. 4 (2018), 183-210, DOI: 10.25253/99.2018204.08.

service is the United Kingdom develops and implements the policies of the government of the day.¹⁰

The civil service headcount in UK stands at 456,410 as of March 2020. On a full-time equivalent (FTE) basis civil service employment in UK stands at 423,770. The distribution of grades in descending orders along with their head count and median salary is as follows: a) Senior Civil Service Level (SCS level: Head count, 6,450; Median salary, £81,440) b) Grade 6 and 7 (G6/7: Head count, 55,310; Median salary, £56,020) c) Higher Executive Officers/Senior Executive Officers (HEO/SEO: Head count, 120,790; Median salary, £35,110) d) Executive Officers (EO: Head count, 116,540; Median salary, £26,890) e) Administrative Assistants/Administrative Officers (AA/AO: Head count, 141,900; Median salary, £20,500).¹¹

The Civil Service Commission in the United Kingdom is responsible for the selection of civil servants on merit on the basis of fair and open competition. It helps safeguard an impartial Civil Service. The Commission has been working under the Royal Prerogative since 1855. The Constitutional Reform and Governance Act 2010 established the Civil Service Commission on a statutory basis.

3.2 Civil service reforms in UK since 1980s

The post war Britain emerged as a vast welfare state based on a dynamic public realm. However, the capacity of the public sector to lead the economy began faltering from late 1960s. As expenditure swelled at a rate greater than revenues from taxation, a fiscal deficit began emerging which exacerbated during 1970s. Public expenditure was 26% of the GDP in 1939, it rose to 52% in 1979. While one in ten workers in employed in public sector in 1930s, as of 1976 one in five workers was employed in the public sector. The growing fiscal crisis culminated in the request for loan from the IMF in 1977 with the conditions attached to reduce fiscal expenditure. Facing these challenges the governments in power during 1970s sought ways to cut public spending.¹²

The civil service in UK went through most significant reforms since Second World War in early 1980s. The Conservative governments which came to power in the decade of 1980 adopted the international currents of **New Public Management (NPM)** for civil service reforms in UK. The image of “inefficient and bureaucratic moribund organizations that serve not the public, but instead the people that work for them” came under direct attack in the reform agenda. The NPM model sought to change this image with the introduction of private sector management practices.¹³

¹⁰ UK Government, <https://www.gov.uk/government/organisations/civil-service/about/our-governance#contents>.

¹¹ Cabinet Office National Statistics, “Civil Service Statistics 2020,” as of March 31, 2020, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/911987/Statistical_bulletin_-_Civil_Service_Statistics_2020.pdf.

¹² Louise Dalingswater, “Civil Service Reform and the Legacy of Thatcherism,” *British Society Observatory* vol. 17 (2015), 61-78, <https://doi.org/10.4000/osb.1765>.

¹³ Andrew Hodder, “Employment Relations in the UK Civil Service,” *Personnel Review* vol. 44, no. 6 (2015), 930-948, <https://doi.org/10.1108/PR-09-2013-0160>.

Starting in 1982, government implemented **management control systems and performance indicator** across the civil service through the **Financial Management Initiative (FMI)**. Within two years, every department of central government had put in place a computerized budgeting system. Departments were facilitated to develop initiatives with the broad parameters provided by the government. The **Efficiency Unit** established in 1979 got new vigor with the appointment of Sir Robin Ibbs as its chair in 1983, it was successful in reducing the level of civil service employees by 20 percent between 1979 and 1986.¹⁴ The **privatization** of public sector entities also played significant role in reducing the number of employees. The **MINIS (Management Information System for Ministers)** was put in place in order to bring on record the activities of each department in terms of who did what, why and how much it cost. **New national audit bodies** were established to regulate the flow of public money in an efficient manner.¹⁵

Subsequently, a major portion of **civil service was separated from departments and organized under agencies** such as Pension Agency etc. The move culminated as part of the famous next steps reforms. Named so because of the government publication of 1988 “Improving Management in Government: the New Steps.” Resultantly, the departments were left only to concentrate on policy while two thirds of civil service personnel were recruited for agencies vested with the responsibility to pursue the government policy in terms of service provision, though the distinction between the two often blurs. Around 34 agencies were formed employing almost 80,000 personnel. The system of **performance-related pay (PRP)** was also introduced in 1988. The PRP is defined as a “payment system whereby some part (conceivably all) of someone’s pay depends on an assessment of performance against predetermined criteria.”¹⁶ Furthermore, some responsibilities were “**outsourced to individual departments or agencies**” which were earlier concentrated in the Cabinet Office. In 1996 a **non-statutory civil service code** was introduced which was given statutory cover under the Constitutional Reform and Governance Act 2010.¹⁷

The Labour government launched the ‘Modernizing Government’ initiative and established a Performance and Innovation Unit at the Cabinet Office. Reform efforts deepened after 2001 general election. A **Delivery and Reform Team** began working in a new set of units. In 2004, a Professional Skills for Government Initiative was launched to impart training to civil servants in leadership and core skills.

Departmental Boards were established in order to add input of experts outside the civil service in the strategic matters. Nevertheless, the most important shift was “the increasing power of the Treasury through its system of **Public Service Agreements** for each department.” Following the Lyons report of 2004, there was also **sharing of functions and merging of some departments**. For example “the Inland Revenue and Customs and Excise were merged.” In the aftermath of the financial crisis in 2008-9, the Prime Minister Gordon Brown **slashed the expenditures** of senior civil service as well as consultancy and marketing. Some of the arms-

¹⁴ Hodder, “Employment Relations”.

¹⁵ Dalingwater, “Reform and the Legacy”.

¹⁶ Dalingwater, “Reform and the Legacy”.

¹⁷ Oonagh Gay, “Civil Service Reform,” *House of Commons Library*, November 2010.

length bodies were merged in order to cut the expenditure. The Treasury presented the “Putting the Frontline First: Smarter Government” initiative in Parliament in November 2009.¹⁸

3.3 Civil Service Reform Plan 2012

The Coalition Government’s Plan of 2012 endorses the “current model of a permanent, politically impartial Civil Service” for the fact that “it exists to serve the Government of the day, while retaining the flexibility to serve future Governments.” However, the economic challenges emerging out of the 2008 downturn, rising consumer expectations, massive demographic shifts due to an aging and growing population require some public service reforms. Therefore, the Plan suggests pushing power away from Whitehall and empowering service users and communities.¹⁹ Nevertheless, the one year follow-up report of the 2012 Plan acknowledged less than half targets set forth in the Plan could actually be met. The resistance from the civil servants was one of the major factors for lack of implementation.

4. Conclusion

The study of civil reforms in Turkey and United Kingdom provides useful insights into the ways of improving government efficiency through effective use of professionally trained bureaucracy. Both the case studies demonstrate that the decade of 1980s onward witnessed radical reforms which were inspired from the international currents of New Public Management (NPM) concepts besides the domestic compulsions. Some of these like privatization, downsizing and adoption of private sector business management practices are found in both Turkey and United Kingdom.

It is noteworthy that foreign influence, e.g. the impact of international institutions like IMF and World Bank, in domestic alteration is not specific to developing countries. Even developed countries like UK are not immune from foreign influence. The case of UK demonstrates that it also experienced harsh IMF conditions in order to cope with the fiscal deficit issue, and carried out civil service reforms to this end in line with international trends. The study shows that the process of reform is continuous as well as sporadic. Some of the actors, processes and practices have significantly altered, however some of the features have resisted even the most radical reform efforts.

While due to limited scope of this article the subject of civil servants’ unions could not be included in this study. The success or failure of civil service reform efforts depends very much on the role of trade unions of the civil servants in countries where they exist as per the given legal framework. Both Turkey and United Kingdom have active civil servants’ unions which significantly impact upon the civil service reform process. Digging deep into the dynamics of civil servants trade unions can certainly provide useful analysis for learning best practices in civil service reforms.

¹⁸ Gay, “Civil Service Reform”.

¹⁹ H M Government, “The Civil Service Reform Plan,” June 2012, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/305148/Civil-Service-Reform-Plan-final.pdf.

Pakistan Bait-ul-Mal Annual Budget (*continued*)

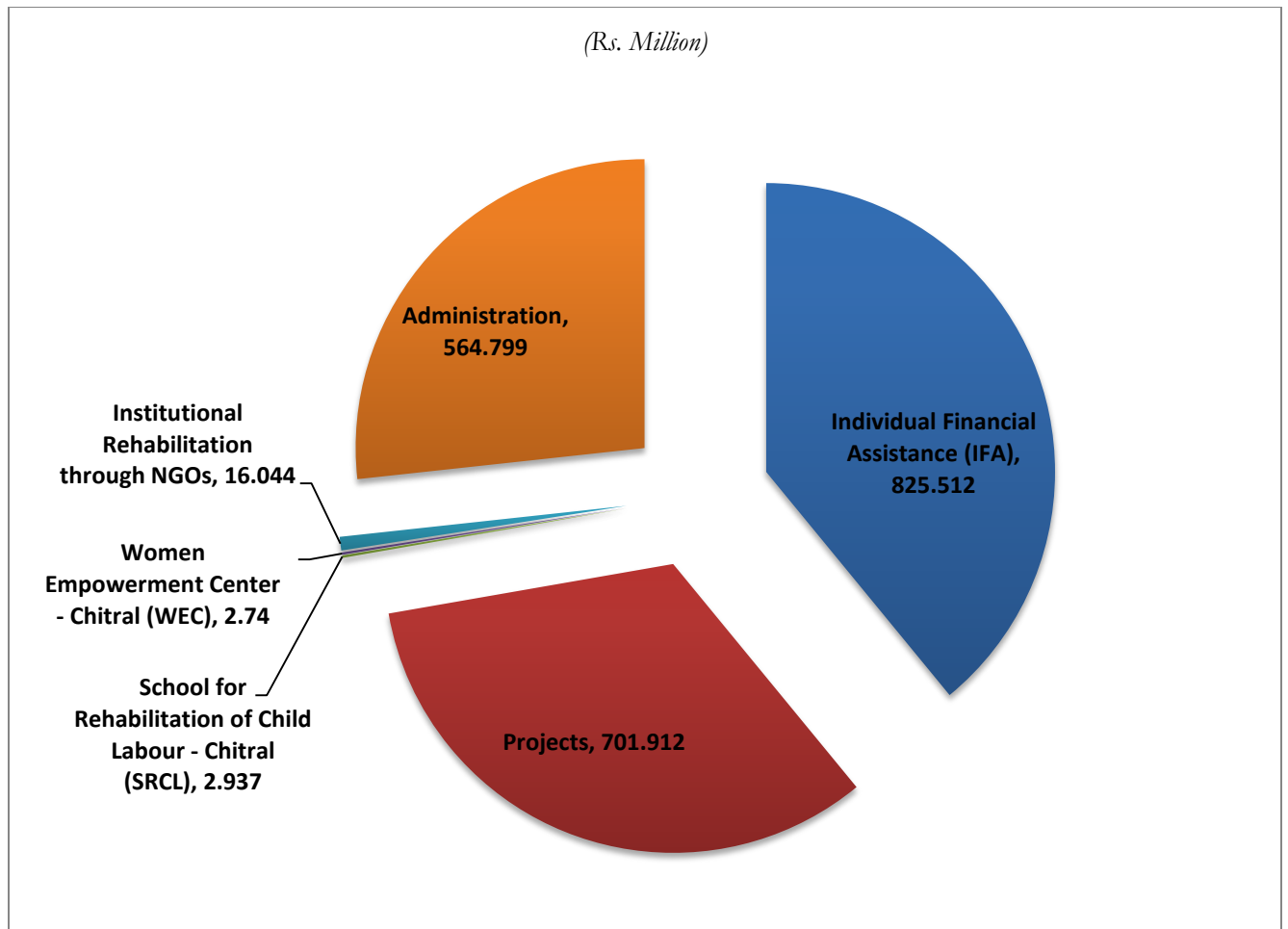


Figure 2 Head-wise details of funds utilized during 1st and 2nd quarter of FY 2019-2020



Honorable Barrister Muhammad Ali Khan Saif, Secretary General, International Parliamentarians Congress and Mr. Muhammad Anwar, Executive Director, Pakistan Institute for Parliamentary Services signing a Memorandum of Understanding on October 23, 2020



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Ataturk Avenue (Service Road), F-5/2, Islamabad

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