Panel T07-P03 Session 3

The Design of Policy, Governance and Public Service

Title of the paper

Retooling Governance for Improving Public Service Delivery: Case Study of Right to Public Services Commission Khyber Pakhtunkhwa

Author(s)

Saif Ullah Khalid

National School of Public Policy, Lahore Pakistan

saifkhalid2001@yahoo.com
1. Introduction

Every progressive society endeavors to implement good governance for effective and efficient service delivery. Governance basically refers to establish quality relationship between the rulers and ruled (Ali, 2015). When this relationship is based on certain good characteristics, such as accessibility, transparency, participation, accountability and application of rule of law etc., then it is called good governance.

In most developed countries, the system of checks and balances have developed into core of good governance, whereas the developing countries are continuing to confront dysfunctional governance systems such as rent seeking and malfeasance, inefficient allocation of resources and revenue generation, and weak public services delivery (Shah, 2005). As a result, the public trust on state for the delivery of quality services considered not only weak but also declining (Nye and Zelikow, 1997). Fukuyama (1995) has aptly noted that “trust in government is one of the most important foundations upon which the legitimacy and sustainability of political systems are built. It is essential for social cohesion and wellbeing as it affects governments’ ability to govern and enable them to act without having to resort to coercion”. Therefore, public trust matters and minimum level of trust is necessary for governments to carry out basic functions.

In Pakistan, the impact of lack of public trust on government/state in Federally Administered Tribal Areas (FATA) and Provincially Administered Tribal Areas (PATA) in the province of Khyber Pakhtunkhwa (see PCNA report 2010) shows how the non-state actors/militant exploited the distance between the state and citizens vis-à-vis public service delivery. In the report, it is stated that “militants in FATA and KP have exploited frustrations resulting from decades of weak governance, corruption and wide ranging socio-economic deficits: this has resulted in the most acute destabilization of the region in decades, causing huge population displacement and aggravating high levels of vulnerability” (2010: 5). With this setback,
government of Pakistan presented a new ‘vision’ for future of KPK and FATA to be achieved within 10 years, it states that “there is an emerging peace, greater prosperity and tolerance in KP and FATA. A historic transformation is underway, where the voices of all people are being heard, the rule of law is deepening, and the State is increasingly accountable, providing equitable opportunities for better health, education and employment.” This vision was distillation of inputs from different segments of society like politicians, civil society (media, NGOs, elders) and public services (military, bureaucracy and police etc). However, more importantly, it is the bureaucracy that can bridge relationship between state and citizens.

In many developing countries, bureaucracy was considered an engine of growth, development and change (Shafqat, 1999). In Pakistan bureaucracy also provided lead and lauded for its role in economic development and political stability in the early years of independence (Braibanti, 1966). However, with the passage of time, bureaucracy was portrayed as ‘an instrument of oppression’ and were being ‘inimical to their [public] interests’ (Shafqat, 1999). It has been maintained that state power has been predominated by bureaucracy and military. Hussain and Hussain state that “within state apparatus, the bureaucracy and the military have so far been lumped as co-sharers of the piece of the power cake that has accrued to the ‘state apparatus’ as opposed to the political elites in the civil society” (1993: 1). However, they added that there have been changing of balance of power between military and bureaucracy within the state structure.

This is evident from the fact that administratively the decision making in Pakistan involves multi-layered bureaucratic channels, and are more elite centric than public focus (Tanwir and Fennell, 2010). The politicians and bureaucrats are typically inclined to show greater interests in rent-seeking than delivering services wanted by their citizen, which results in inefficiency and tarnish the public trust on government. To regain the trust of public on state, it is imperative to provide quality of public services to the masses (Berman, 1997). As La Porta et al (1997) and Knack and Keefer (1997) provide empirical support for the view that trust is associated with government performance.

Nevertheless, there are persistent efforts going on in the country at national and provincial levels, and recently Right to Services Act (2014) has been passed in the province of Khyber Pakhtunkhwa to introduce the culture of ‘Good Governance’ in public entities. The purpose of
enactment of this law was to improve public service delivery by: providing time bound public services; making public servants/functionaries liable to penalty if fail in services delivery; and provision of compensation to citizen for not receiving services on time. This research study is going to analyse this Right to Services Act, 2014 to see its bearings on public service delivery.

The remainder of the paper is organized as follows. The section II describes the available literature on governance, good governance vis-à-vis public service delivery. After this rationale and objectives are discussed in section III. In next section IV brief methodology on data collection and analysis are elaborated. The findings are discussed in section V. At the end conclusion is made and recommendations form the last section VI.

2. Literature Review

In the progress of human civilization, it has been observed that the government primary functions have evolved from reigning, controlling establishment to a more service-based entity. With the passage of time, public service delivery has been perceived as fundamental function of modern governments, and it is this catalytic role of public service that propelled the government to seek constantly ways for better delivery of public services (Frost and Sullivan, 2012). However, the capacity of developing countries are often limited and monitoring of public services delivery are difficult if not impossible (Afridi, Iversen, and Sharan 2016).

The available literature evinces that there is close link between (good) governance and (quality of) public service delivery. How can these be related? are as follows.

Conceptually, governance and good governance have been defined in many ways and from different perspectives but it lacks uniformity (Khawaja, 2011). Nevertheless, most of the definitions are based on normative assumptions about decision making and its implementation by using different formal and informal structures of organization. For instance, governance refers to “the process of decision making and the process by which decisions are implemented (or not implemented)” (Rao, 2008). The World Bank sees it from two slightly different perspectives, one as “how political power is exercised to manage a nation’s affair” and second, “use of power in the management of a country’s economic and social resources for development” (Khan, 2002). It underlines three aspects of governance: (1) type of political regime; (2) process by which authority is exercised in the management of economic and social
resources; (3) capacity of governments to formulate and implement policies (Agere, 2000). In simple words, it is basically the relationship between the rulers and ruled or governed. The quality of this relationship determines the quality of governance in any country.

With respect to good governance, the term has become a buzzword and “part of the vernacular of a large range of development institutions and other actors within the international arena”. In the same vein, Bas van Gool (2012) notes that “the debate about ‘good governance’ gained momentum in 1990s as a response to growing dissatisfaction with the ineffectiveness of aid policy in the sphere of international development... and the World Bank and IMF, concluded that good policy can only work when it is supported by a good policy environment.” This is also evident from the statement of ex-United Nations Secretary General, Kofi Annan who noted that “good governance is perhaps the single most important factor in eradicating poverty and promoting development” (Gisselquist, 2012). This can be inferred that good governance refers to certain qualities that exist within the state in disseminating its functions and responsibilities. For instance. According to Etounge Manguella (1991 in Landell-Mills & Serageldin, 1991) “Good governance implies presence of rule of law, safeguard of human rights, and existence of honest and efficient government, accountability, transparency, predictability and openness”. The similar indicators/qualities have been articulated by worldwide governance (2014) for promotion of good governance. Any nation state who is performing better in these indicators would achieve all their objectives of development and growth, as evident from studies of different countries (cf: Kohli, 1990; Ali, 2015).

The basic function of government in any nation or state is to provide public service, and governments are formed to bring prosperity and happiness to its public (Nugraha and Domai, 2015; Rashid, 1997). Dwiyanto (2008) notes that the stake for the sustainability of governmental regimes reside on public services, and if community is not satisfied with provision of public services then legitimacy of government falls and vice versa. However, in many developing countries, there are instances that the government cannot afford to provide sufficient and quality of services to its public, as there always remain tradeoff between quantity and quality of public services. That is the reason that a new concept of ‘good enough

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governance’ emerged in development domain. Grindle (2011) refers it as “the minimal conditions of governance necessary to allow political and economic development to occur, contrasting with long and growing list of normative requirements in traditional good governance agenda.” She asserts that most of developing countries are not backward because of lack of resources but because of mismanagement of resources and lack of good governance in their countries (e.g. are Kenya, Argentina, and Indonesia). There are developing countries who have achieved good enough governance such as Costa Rica, Botswana, Kerala, Poland, and Chile etc. (see Grindle, 2002).

In many developing countries, attaining ‘quality’ of services is not without hassle. One of the most cited reason is malpractice like corruption in the form of bribery (Grindle, 2004). There is another political dimension of corruption which is clientelism and patronage, which can be found in both developed and developing countries. However, these are more rampant and institutionalized in developing countries as compared to developed world (see Khan, 2005; 1996; van Gool and Beekers, 2012). Sometime these concepts are used interchangeably (Kitschelt and Wilkinson, 2007), however, the clientelism is broader than patronage as “patronage simply is one specific type of clientelist exchange” (see Hicken, 2011: 295). Nevertheless, according to Clapham’s (1982) “…Clientelism is a relationship of exchange between un-equals.” In other words, “clientelism is a political exchange: a politician (i.e., a patron) gives patronage in exchange for the vote or support of a ‘client’.” Whereas, patronage, in the words of Weingrod (1968: 379) refers to “the way in which party politicians distribute public jobs or special favors in exchange for electoral support.” This has empirically been proved in India by Ward Berenschot (2010) that how on daily basis politicians mediate between state institutions and citizen. This infers that whether it is clientelism or patronage, both leads to inefficiencies in the supply of public goods and services (for details see Robinson and Verdier, 2013).

There are different models, methods or approaches through which the culture of good governance can be promoted within a country. However, these models need to be customized to align with country contexts (i.e. organizational complexity; geography; political, economic and social culture; and regulatory environment). These models are: public private partnership; new public management; e-government or reform of public administration; and decentralization
(for details see Bundschuh-Rieseneder, 2008; Faguet, 2014; Borzel and Risse, 2005). In addition, there are certain principles of good governance advanced by Hyden, (2007); International Federation of Accountants, (2013); Diarra and Plane (2011); Ladi (2008), which, nevertheless, are controversial. However, as Helao (2015) notes that “when correctly applied and implemented, make it possible for democratic governments to govern and provide services to society in a more effective and efficient manner.” In addition to that UNDP also set principles of governance which have a claim to universal recognition (see table 1). These can be grouped into five broad themes, however, some of these overlap at some point with each other.

With respect to Pakistan, it is lagging in world ranking about governance indicators (2014; 2015). Among the indicators, corruption and accountability are most cited in literature. According to corruption perception index (2016), Pakistan has been ranked at 116 out of 175 countries, after improving its position from 143 in 2010. However, there is still a long way to go to remove this malady from the society. The causes of such poor condition can be traced back to colonial period when colonial masters rewarded lands and titles to those who were loyalists to them, thus leading to corruption and nepotism (Awan, 2004). Since then, this menace has entrenched in the social, economic and political spheres, and no structure, tier or office in public sector is immune from it (Javaid, 2010).

The different dimensions about governance in Pakistan are consistently reflected in literature. For instance, Shaikh, Shan and Wijekuruppu (2016) have analyzed the public service delivery in Pakistan with respect to promotion of e-governance in public sector management. They are of the view that in “despite increasing demand of e-PSD [electronic-public sector development], the creation of ICT infrastructure is far behind the commitment required”. That is the reason that challenges such as gap between citizens and local government, and improper use of public resources still linger and remain an obstacle in the path for social development.
Table 1: Five Principles of Good Governance

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<tr>
<th>The Five Good Governance Principles</th>
<th>The UNDP Principles and related UNDP text on which they are based</th>
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<tr>
<td><strong>1. Legitimacy and Voice</strong></td>
<td><strong>Participation</strong> – all men and women should have a voice in decision-making, either directly or through legitimate intermediate institutions that represent their intention. Such broad participation is built on freedom of association and speech, as well as capacities to participate constructively. <strong>Consensus orientation</strong> – good governance mediates differing interests to reach a broad consensus on what is in the best interest of the group and, where possible, on policies and procedures.</td>
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<td><strong>2. Direction</strong></td>
<td><strong>Strategic vision</strong> – leaders and the public have a broad and long-term perspective on good governance and human development, along with a sense of what is needed for such development. There is also an understanding of the historical, cultural and social complexities in which that perspective is grounded.</td>
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<td><strong>3. Performance</strong></td>
<td><strong>Responsiveness</strong> – institutions and processes try to serve all stakeholders. <strong>Effectiveness and efficiency</strong> – processes and institutions produce results that meet needs while making the best use of resources.</td>
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<td><strong>4. Accountability</strong></td>
<td><strong>Accountability</strong> – decision-makers in government, the private sector and civil society organizations are accountable to the public, as well as to institutional stakeholders. This accountability differs depending on the organizations and whether the decision is internal or external. <strong>Transparency</strong> – transparency is built on the free flow of information. Processes, institutions and information are directly accessible to those concerned with them, and enough information is provided to understand and monitor them.</td>
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<td><strong>5. Fairness</strong></td>
<td><strong>Equity</strong> – all men and women have opportunities to improve or maintain their wellbeing. <strong>Rule of Law</strong> – legal frameworks should be fair and enforced impartially, particularly the laws on human rights.</td>
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On similar lines Ghayur (2006) earlier advocated about e-governance, and opine that “e-government makes it possible for a government’s different departments and organizations to have direct access to grassroots and vice-versa. It cuts down the costs and delivery times for the government and simultaneously becomes a tool for check and balances against the government. The e-government is a tool for good governance—transparency, participation, regulations and accountability.”
With specific reference to social accountability in Pakistan, it has been maintained by Abbas and Ahmed (2014) that this is a new concept in the country but the presence of media has forced the state to demand for their rights. This has resulted in the enactment of Right to Information Act at national, provincial and districts levels to improve the state of service delivery in the country. However, public service delivery for basic social services (like health, education and water & sanitation) remain a major challenge owing to prevailing corrupt practices.

Nevertheless, there are consistent efforts going on in the country to improve the governance indicators for public service delivery, besides corruption and accountability. With respect to accountability mechanism Abbas and Ahmed (2014) have summarized the institutional accountability structures in the country. They are of the view that “the government has institutionalized accountability structures for internal and external accountability in the country. There exist Auditor General Departments, Public Accounts Committee, Ombudsman, Federal Investigation Agency, Anti-Corruption Establishments and National Accountability Bureau. There are clear laws relating to the conduct of business for the public servant and for curbing the menace of corruption. These are Government Servant Rules, 1964, The Civil Servants (efficiency and discipline) Rules, 1973, Pakistan Penal Code XLV of 1860, The Prevention of Corruption Act, 1947, and Federal Investigation Act, 1974.” However, the implementation of these laws remains uncertain which make the system of accountability redundant (Guess, 2005). In addition, the accountability processes are not standardized and are designed according to the needs of each department and not for the public at large (Iftikhar, 2010). This lack of accountability mechanisms has reflected in poor service delivery to the masses, and the trust between state and citizen widened.

To improve governance and to build trust of public on state or government, the provincial government of Khyber Pakhtunkhwa vision “Charter of Good Governance” to cover reforms to provide public service to citizen in transparent and accountable manner. Under this vision and charter, six laws are prominent⁴. These laws are Right to Public Services Act (2014); Right to Information Act (2013); Local Government Act (2013), Khyber Pakhtunkhwa Ehtesab Commission Act (2014), Whistle-blower Act (2015), and Conflict of Interest Act (2016).

⁴ Prominent in a sense that these are mentioned in print and electronic media quite often.
A question may arise about the overlapping of functions between Right to Public Services Commission and provincial Ombudsman department, as both departments are looking after public grievances with respect to public services. However, it is pertinent to note that like RTS, provincial Ombudsman is also recently established in January 2011 in KPK under the Khyber Pakhtunkhwa Ombudsman Act, 2010 which later amended in 2013. The difference between the two are that Ombudsman is looking after mal-administration, supervising and regulating administrative justice but do not deal with policy matters. On the other hand, RTS are dealing with specific notified services and ensuring its delivery within time-frame. It was shared during discussion with representative from RTS that in notified service the RTS has overriding effects and in rest other institutions have.³

This study is going to analyze only the Right to Public Service Act (2014) for its role in ensuring and smoothening public service delivery to the public. The details about the Act and its functions are as follows.

3. Rationale (Aims and Objectives)

In many developing countries, the trust of common man in public sector performance in delivering services consistent with citizen preferences are weak. The reason is that politicians and bureaucrats are typically inclined to show greater interests in rent-seeking behaviours than delivering services needed by their citizens. The case of Pakistan presents the same picture of gloomy governance. In Pakistan, governance in general perception, revolves around law and order situation in the country. However, it is more than that as it “ensure transparency through the exercise of economic, political and administrative authority” (Ali, 2015: 68). If governance is based on certain parameters such as “participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive, follows rule of law…and more important governance is free of corruption” then it can be termed as good governance (Ali, 2015: 69). In Pakistan, the crisis of good governance exists in different forms (political, social, economic, administrative etc) (see Asghar, 2013), because of lagging on principles and parameters of good governance (Abbas and Ahmed, 2016).

³ This was shared by Assistant Registrar, RTS, Peshawar on 3-8-2017.
Nevertheless, there are persistent efforts going on at national and provincial levels to address these issues. It evident from the fact that recently, the provincial government of Khyber Pakhtunkhwa passed laws related to smooth delivery of public services to the public. These laws make the public servants accountable toward public vis-à-vis delivery of services within timebound as stipulated under the law. The law is known as “Right to Services Act” under which Right to Public Services Commission has been established, which oversee the public service delivery and ensure it smooth delivery to the public (Dawn, 2014).

The Right to Public Services Commission started functioning in 2014, and hence, it has not come under the academic investigation of researchers. This research fills this gap and analyse the performance of this new institution with respect to its objective of ensuring public service delivery. In addition, this research explains the reasons for shortcoming in achievements and recommends solutions to overcome.

Research question

To what extent public service delivery has improved in the province, after the enactment of Right to Services Act in the province of KPK? What lessons can be learned for improved governance?

Research objectives

Public service delivery has gained momentum as a fundamental issue in Pakistan. The introduction of RTS Commission in Khyber Pakhtunkhwa is a step toward resolving this issue. This study sets the following objectives:

- Understand the extent of accountability and efficiency mechanisms that are inbuilt in and implemented in the province.
- Explore the gaps in fully implementing this law for improving public service delivery.
- Identify mitigation strategies to fill those gaps.

4. Research Methodology

This exploratory study examines and analyzes the impact and bearings of Right to Public Services Act (2014), recently enacted by Khyber Pakhtunkhwa government, on public. The

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scope and nature of this research required that empirical data be collected, analyzed and interpreted to put into perspective and explain governance practices and service delivery in the Khyber Pakhtunkhwa. A case study approach has been adopted in this research, comprising primarily on qualitative tools of interviews and focus group discussions. However, where extremely necessary, the observation technique was also utilized. The selection of these tools was premised to obtain insider’s view on governance and exploring improvement in public service delivery vis-à-vis introducing good governance.

For this research total of 24 interviews were conducted (see Annex 6), comprise officers from the RTS commission, the complainants and the concerned departments. This three-pronged approach helped in understanding the issues in-depth. The involvement of commission was important as they are arbitrators between complainants and departments. The discussion with complainants helped in understanding the merit of the redressal, and the concerned department reflected on the causes of such complaints, beside effectiveness and efficiency of their departments.

This research study is not without limitations, as it couldn’t cover all the sixteen notified services departments in all districts of KPK because of time and financial resources availability. It was important to collect data from best performing districts and low performing districts vis-à-vis public service delivery, nevertheless, against the above exposition, only Peshawar district was focused for these notified services. Some of the respondents were contacted through telephones as they were residing in far flung areas within the districts of Peshawar.

The rest of the study are bifurcated into three parts, the first part warrants some description about the case study with respect to its functioning, objectives, responsibilities and administrative setup. Second part is about general perception about the Right to Public Services Commission in view of public, notified departments and commission itself; lastly, third part is about issues and challenges with the commission with respect to functioning and ensuring public service delivery in KPK.
5. Introduction to Right to Public Services Commission

The current provincial government in Khyber Pakhtunkhwa came to power in 2013 with promises to conduct across the board accountability. This motto is vivid from the party name which means ‘movement for justice’ party. Soon after coming to power, the provincial government passed 30 laws in just one year (Governance Support Project, 2014). Among those 30 laws, 6 are very prominent and very much related to public rights and service delivery and are enacted by the provincial government in the province. These laws are Right to Information, Right to Services, Conflict of Interest, Whistle-blower, Ehtisab Commission, and Local Government Acts.

Objectives: When delve deep into the intentions for passing such laws, it can be learned that governance structure was very much politicized and the state failed in fulfilling the expectations of the masses in the province, for having weak administrative capacity and societal legitimacy. The state/government failure is evident from the fact that when trust between state and citizen widened, the people took arms against the state with the support of indigenous and exogenous factors in some parts of the province (Khan, 2010; Avis, 2016). Asfar, Kahkonen, Lanyi, Meagher and Rutherford (1999: 22), has rightly noted that it is basically “the prevalence of trust among local population, and between citizens and government to influence public service delivery.” Therefore, ‘Charter of Good Governance’ was chalked out by the government for introduction of governance reforms in the province.

The Pildat report (2015) quotes the Chief Minister of KPK for advocacy and promotion of these laws. According to the report, “RTI and RTS were enacted to ensure transparency and efficient service delivery in the government departments and institutions, while the Whistle Blower Law and Conflict of Interest Law were in the offing which would provide incentives to common people as well as government official for identifying stealing of the public properties and smuggling etc., and ensure prohibition of taking personal benefits from public offices…the creation of an independent Ehtesab (Accountability) Commission was a novel idea of the KP government, for having no trust NAB [National Accountability Bureau]…the KP Ehtesab Commission was fully independent and free of any influence...”
With specific reference to Right to Public Services Act, the law was enacted on Jan 14, 2014, to provide quality services to the citizen or customer on time. This law makes it obligatory on government officials working in service provision departments to provide services within stipulated time-period. The significant part of this law is that it provides a time-line for provision of services and provides a forum to hear complaints against the non-provision of services sought from public department. More importantly, compensation is given to those citizens who do not receive the desired services in the prescribe time limit. It is also pertinent to note that those officers/departments who are performing well in provision of services to the citizens, are rewarded by the provincial government.

**Notified services:** When this law was enacted in 2014, only four services were notified, which were deemed very important for public as most of the people needed such services and where the perception was that public servants were charging money (illegally) for that. These four services were issuance of *fard* (land ownership certificate), birth and death certificates, building plan and domicile certificate (see Annex 1). Later, the number of notified services increased to sixteen which can be seen in (Annex 2). But the numbers of notified services do not stop here and it can be increased or decreased as per amendment(s) in the law. Recently, after hearing complaints from public, the RTS Commission has prepared new list of thirty-five suggested services that need to be added in the notified services, but it is lengthy procedure as these services need to be passed from Provincial Assembly to become part of the law.

**Organizational setup:** Administrative hierarchy of Right to Public Service Commission is very limited and falls under the administrative control of Chief Secretary in the province. At secretariat level, the commission is headed by a Chief and he is assisted by two Commissioners-one Commissioner is looking after legal matters whereas the other Commissioner is responsible for administrative matters (Annex 3). There is one position each for Secretary, Assistant Registrar, Data Analyst and Budget and Accounts Officer. Besides that, there are 26 District Monitoring Officers (DMO) posted in each district in KPK. The position of DMOs is very important one as they address the issues of citizens in case of any delay occur in provision of services by registering their complaints. Besides assisting public, they also visit the departments and inquire about delay in services provision, and collect data on monthly basis from different
departments about the number of services provided to public and check if any delay has occurred. Since DMOs are directly dealing with designated officers in departments the commission believe that fear-element has been inflicted in the hearts of public servants, that there is someone who can ask or make them accountable for their duties.

*Replicated model*: A question may arise that which model has KPK copied or was it indigenously developed. The law has been copied from Bihar State of India\(^5\). Though it is not documented but from different interviews with the head of political party in the KPK province, it has been maintained that “this law focuses on improving public service delivery within the existing legal framework…this law will change everything…as Nitish Kumar [Indian Politician] has managed to turn around his Bihar state (by introducing a similar law).”\(^6\) However, since in Bihar state it started its operations in 2011 (bit earlier than KPK), they have notified 50 services so far (for details see Mathur, 2012). The administrative setup in Bihar is quite different from KPK, as they have District Commissioners for RTS in every district unlikely in KPK where only two commissioners are looking after the whole setup\(^7\). The rest like rules, procedures and even titles of officers are almost the same. The complete procedure as underlined in the RTS Act in KPK are as follows.

*Performance Management System*: The RTS commission has a software, known as PMS, developed for them by PCNA to monitor the public-sector entities notified under the Act. In the first step, the District Monitoring Officers send request for data collection to front desk officers in departments. The requisite data is about number of citizens entertained in the provision of respective services, and in what time, to check if services were provided in prescribe time-limit under the law. The data are generally shared in soft form, but in some instances, in hard form as well. The DMO with the assistance of Junior Clerk enter the data in PMS. The Data Analyst retrieve the data from PMS and prepare a report on compliance and non-compliance cases, and share that with every district DMO for checking non-compliance

\(^5\) There are total 29 states in India, and according to Commissioner RTS this law is implemented in 22 states so far.
\(^7\) This was shared by Assistant Registrar in RTS Commission Peshawar on 3rd August 2017.
cases. The DMO are instructed to contact citizens who received services beyond prescribed time limit, if they are willing, DMO can register complaint on their behalf (as DMO cannot take this initiative from its own). In some cases, citizens express willingness but in most cases citizens do not want to appeal against the department rather put blame on oneself for getting delayed. This infers, that besides raising awareness, RTS officers encourage citizens to take the initiative and lodge a complaint, and not the other way around in which citizens come to RTS office and register complaints. Though there are cases in which citizen approach the RTS but that are very rare. It is pertinent to note that DMOs are not visiting every tier of the department, as it not possible financially and humanly. They usually establish relations with designated officers in each department for collection of data, and head of the department in district if complaints arise against designated officer(s).

Procedure for registering complaint: For provision of service, officers in public offices has been designated under this law who are mandated to act according to the guidelines specified in the RTS law for provision of services to applicant. Over not complying to the requester, a requester can lodge a complaint against the relevant designated officer for failing to provide the services to the dedicated Commission enacted under Sub Section (2) of section (4) of the RTS Act 2014. After the date of registering complaint, the appellate authority under Sub section (4) of section (5) RTS Act is bound to decide over the compliant within 30 working days. However, if the complainant or the designated officer does not agree with the appellate authority decision in that case s/he can lodge and appeal to the RTS Commission under Section (4) of the law which shall decide upon the case within 60 working days. Under section 11 and 12, the RTS Commission or the Appellate Authority under the RTS Act may impose a fine and by order direct that a portion of such fine not exceeding seventy (70) per cent, may be awarded to the person aggrieved, as compensation. the RTS law reads sub section (2) of section (6). The fine limit imposed on a delinquent official extends from 500 to 25000 Rupees along with recommending disciplinary action against the designated official in the service rules related to her/him.
5.1. General Perception about Right to Public Services Commission and its performances

As mentioned earlier, the Right to Public Services Act, passed in Jan 2014 and started its operation in 2015. This is quite new department in term of its operations and about it staffing. Therefore, in this research a three-prong approach has been adopted to collect information from stakeholders. First is the commission itself; second are the concerned departments notified under the Act, 2014; and third is general-public for whom this department was established.

As far as understanding about RTS is concerned, except for commission officers, neither the departments are fully aware nor the public have clear idea what it is all about. This was explained by commissioner of RTS that this department is in its embryonic stage and they have not even covered the whole province with respect to awareness, and so far, awareness campaigns are limited to few districts. Most of the notified departments’ respondents uses wild guesses about the functions of RTS, however, to large extent their guesses were matching with the objectives of RTS. Most of the notified departments representatives limited the functions of RTS to just collection of information on monthly basis. For instance, in one interview it was stated that “RTS is basically a department whose function is to get public aware about their rights, how to get public services, if not getting desired services then where to approach…” (Irfan Ullah, Secretary Union Council, for death, birth and marriage certificates, Peshawar).

When approached complainant for his views about RTS, he expressed that “I only know about RTS that if any department is not working then there is vigilant body over it which is RTS…” (Zafeer Ullah, Complainant of Water and Sanitation Services Peshawar). The most appropriate response was recorded from an officer who opined that “the aim of RTS was to ensure that government agencies should work according to the law and within stipulated time frame. No doubt government agencies were doing jobs but with no time-limits, now this law specify time-limits…” (Commissioner RTS, Peshawar). It was also shared that many services have streamlined because of RTS in KPK. This was further augmented by another respondent that even though public are getting delayed services from public servant but still public are thankful to public servants. This law makes public service as right instead of a favour. She added that “our main objective is that public should know about their own rights. If things are not done in stipulated time then we can act against concerned officers. In general, public are thankful to
officer even after getting services quite late. We want to instil in public that these are public servants and they are for our service, and we can make them accountable.” (District Monitoring Officer, Peshawar).

The RTS commission was established with certain goals and objectives. Though it is quite premature to assess it against achieving set objectives, but from interviews with complainants and commission officers, it has been learned that whoever approached the RTS (irrespective of the number or percentage of population) have expressed his/her satisfaction with RTS vis-à-vis improvement in public service delivery. The objectives as envisioned in Charter of Good Governance by the incumbent government, are quite broad, such as, to improve governance, enhance transparency, and elimination of corruption. While keeping in view those objectives, the RTS commission was formed. When inquired whether RTS has or is achieving it objectives, most of the respondents including complainants, designated officers from notified departments and commission, all were of the view that RTS is on its way toward achieving its milestones/objectives, but the level of satisfaction varied from 60-90 percent. During discussion with respondents from commission, few credited the fall in the level of corruption in the province to the newly introduced governance reforms by provincial government, which include RTS commission. They supported their statements by citing a study conducted by Free and Fair Election Network (FAFEN, 2016)8, who notes that Khyber Pakhtunkhwa is the least corrupt province and has less instances of paying bribes to public servants in the country. This was also added that this RTS department fulfils two objectives, one, it is a check on public sector departments, and second, gives surety and hope to public that if public servants are not listening to them, there is a department (RTS) who listen to them. Few respondents from notified departments added that it is basically alternative option available with public (for instance ombudsman), and endorsed the complaint culture for reducing the gap between departments and public, provided RTS is committed.

Appreciations: More importantly, this commission and the services it notified are very common or everyone needs it directly or indirectly. In Pakistan where culture of corruption and *sifarish* (recommendation) is rampant that for poor masses or those who have no reference cannot get their job done without hassle (see for instance, Islam, 2004). Few respondents opine that this law addresses the issues of maximum number of population in the province. For instance, one respondent stated that “*this law affects the lives of maximum number of people. An influential person or upper-class individual may not need this law, as he has many networks, know people directly and his telephone call do the magic...this law is for 95-98% poor people who have no access to public offices...*” (Commissioner RTS, Peshawar). Therefore, this department has given a hope to the people. However, another interviewee observed an intrinsic problem in general and poor public in the country, that they do not have courage to speak against the government officers as being afraid of sever repercussions in the future. Eqbal Ahmad describes it very eloquently, as he notes in his article on culture of complaint (Dawn, 14\(^{th}\) June, 1994) in Pakistan that “*given the level of sophistication and consciousness, one is surprised by this people's stoicism. Why don't you complain? I would ask. "To whom?" they usually ask, and occasionally: "We have so much work to do." Complaining takes a listener and leisure they seem to be saying, and they have neither."* This is also in general-public knowledge that government procedures are so lengthy, so they prefer to avoid it. This fear undermines the performance of the commission with respect to complaint registering. That is the reason that so far only 20 complaints have been registered and resolved by RTS successfully (see Annex 4 for details).

**Accountability and Efficiency:** One of the main objectives of Right to Public Service Act, 2014 is to introduce the culture of good governance, with streamlining public services in accountable and efficient manners. As stated in the Act, 2014, section (3) and if public servant fails in delivery of services in stipulated time, section (11) recommends penalty on the officer(s) involved. To what extent the public perceive that accountability and efficiency have sufficiently addressed in the Act, as well as have brought into the implementation, the opinion of respondents differed. From the commission perspective, these elements of accountability and efficiency is inbuilt in the system, and they have experienced it in the field. One respondent stated that “*in my view there is accountability, as we are getting data from them every month,*
irrespective of the fact that it is genuine or fake, but still there is check on them. Before the introduction of this law, there was no one who could ask the patwari about ‘Fard’ and its issuance on time, it was all dependent on his mood and availability. Now most of the public confirm that patwari has stopped extorting/demanding money for issuance of Fard document. So, accountability is obviously there...” (District Monitoring Officer, RTS Peshawar). However, so far, the imposition of fine is very rare and seldom opted. The reason being forwarded that if an officer from notified departments complete their work within time-limits [after first appeal] then RTS do not push him too much. On the contrary, another respondent from the commission was not happy with strictness of accountability mechanisms. He was of the view, “usually, appellate authority takes decisions based on his departmental rules and regulations. We know and have observed generally that appellate authority would defend his designated officer...” (Assistant Registrar, RTS Commission, Peshawar). The instances of such support can be seen in case of patwaris in land revenue and SHOs in police departments. It has also been added, that if an officer is held responsible for delaying in provision of services he is reprimanded, but he is also rewarded wherever there is satisfaction and expectations are met. Therefore, accountability and appreciation goes together. However, this view was contested by one respondent from department. He was of the view that “I don’t see any post rectification feedback in RTS. When we address the complaint, and inform the RTS, we do not hear anything from them, no appreciation no feedback...it[RTS] is dead end...” (Zonal Manager, WSSP, Peshawar). This also infers lack of coordination and communication between departments and RTS commission.

With respect to departments, very few were aware of such penalties imposed by the government. There was one incident in Deputy Commissioner Office, in which a patwari was fined 25000 rupees, and that incident was cited in the commissioner office as well. That was rare example as such in RTS. In a focus group discussion with three secretaries from different union councils in Peshawar, when this issue was raised, they got astonished and retorted with confidence that “public would not complaint against us [wouldn’t hold us accountable], as we belong to same village [chuckle]... [covering themselves added] ...we are doing their work not

9 Fard is a document showing details of ownership about a piece of land as per in the books of patwari, however, it is not the final evidence for establishing the ownership of a property.
because of RTS but having own village connections...[" This means village connections are stronger than accountability mechanisms in RTS which results in weak response from public in lodging complaints. However, the information shared by RTS also showed that there were rare examples of delaying in issuance of birth, death and marriage certificates. One respondent thanked the lack of awareness in public about these accountability mechanisms, he stated that “the fine amount is too much [Rs. 25000], the law should not be that much stringent...public are not aware otherwise would have implemented it more forcefully...” (Town Officer, Building Plan, Peshawar).

With respect to efficiency, the views in the commission differed as well. Few were of the opinion, that the time line set in the Act regarding notified services, are quite sufficient, as these have been decided with the consultations of different stakeholders. Whereas, one respondent raised concerns about giving more time to departments. It was stated that “the time limit should be reduced for speedy justice...once I asked an officer in department that have you received our letter [about complaint and data collection] and they replied ‘yes’, but added we have still few more days to respond...” (District Monitoring Officer, Peshawar). The departments were quite contented about the time-line whereas, general-public had no idea about these time lines, as they were happy to get it at least within set time-frame.

To what extent the notified departments are happy about their inclusion in list of departments under the Act. As this new law/Act puts some responsibilities on head of departments notified under the Act. This question was asked with the intention to compare it with Right to Information Act, about which officers complained that they have been overburdened by the RTI Act, under which they are bound to collect and send requisite information to information-seekers. However, interestingly and unlike RTI, most of the respondents in RTS commission as well as in notified departments categorically denied for being burdened except for one respondent. He was of the view that “yes, it is burden on departments, and when an officer transfer from another province to KPK, this burden falls on his shoulder...” however, this statement was not clarified, as doing his job and ensuring service delivery does not cost

10 Interview with Public Information Officer in Excise and Taxation Department, Peshawar, in September 2015.
anything. On the contrary, other respondents from departments maintained that it has rather ensured efficiency. In addition, RTS is not demanding something that is beyond their job description, all these services are responsibilities of (designated) officers to provide to public. An interesting point was shared that appellate authority (head of department) in departments are given more time to get things done, and the reason behind it was that now the public are not fully aware of this law, but as public get awareness they will start using RTS and so that complaints would be easily handled.

Since RTS is newly established department, and even some notified departments’ heads (newly transferred to KPK) are not clear about its functioning, and they call the commission office quite often for clarifications. A question was raised about the attitude of different departments with the representatives of RTS and responses on letters sent to notified departments. It was shared that in the beginning RTS’s letters to the appellate authority (head of department) used to be in requests forms and very lenient. Resultantly, the department were taking it casual and used to respond very late. Then a new chief commissioner (retried judge) was appointed and tone of the letters changed and so do the response—which is quite good now.

One interesting finding about RTS Act is that it has facilitated the state in different manners and try to establish coordination between departments, which unfortunately, is lacking in many departments as described earlier in case of WSSP. The secretaries in union councils, who are assigned the tasks of issuance of death, birth and marriage certificates, are also collecting information for National Database Registration Authority (NADRA). The NADRA has installed a software in union council’s office computers and secretaries enter the data of population with respect to new births, deaths or marriages. At the end of the month NADRA representatives visit their offices and get the backup of those information to update NADRA database. On one hand, demographic information is collected for NADRA but also revenue in the form of fees are generated for NADRA in far flung areas of KPK which otherwise would have been impossible for residents to visit NADRA.

To sum up, this RTS commission is committed to ensure the delivery of notified public services to the citizens, and has been appreciated from all corners (who have utilized the services). However, their outreach is limited, and so do the understanding about it and its’ objectives
among the citizens and departments. Besides that, there still many lacunas in the implementation and administrative side as well as in the law that need to be fixed. Some of these discussed in issues and challenges.

5.2. Issues and Challenges in Right to Public Services Commission

The establishment and functioning of RTS are appreciated by commission, notified departments and public, for being effective and efficient to large extent. However, there are still some issues and challenges that hinder its smooth functioning and achieving its objectives in true sense. 

**Lack of awareness:**

Since the department is newly established very few people know about it and its functions. Even the notified departments have limited or no knowledge at all about the functioning. To them it is just data collecting body but don’t fully understand the reasons and objectives behind it. As far as awareness are concerned, the department of RTS has been able to spread its message to few districts only, even though its representatives are sitting in all districts of the province. It was shared by an interviewee that “the main issue RTS is currently confronting is inadequate awareness. We are trying our level best to spread the message to whole province, and have exhausted every possibility and channels for that like, newspaper, radio, television, holding seminars with local government. Our target is to reach to 39000 union councillors to educate them about RTS…” (Commissioner, RTS, Peshawar). However, another respondent added, that “partially the blame for lack of awareness falls on RTS, as it is our responsibility to educate the masses about their rights and inform the notified departments about their duties.” (Budget and Accounts Officer, RTS, Peshawar). The reason for this lacking is not resources but administrative problems, i.e., the position of chief commissioner has been vacant for the last six months, since RTS commission is not complete (no chief commissioner, only two commissioners), therefore, decision about awareness and financial matters cannot be taken. Since chief commissioner is to be appointed by provincial government, there seem some lethargic response from that side. Prior to that the position of chief commissioner was run by one commissioner (as additional charge), but when his time/tenure of six months (as admissible in Act) completed, since then it remains vacant, which has brought many things to standstill. Therefore, on one side government is appreciating its efforts for establishing such forum for
ensuring service delivery but on the other hand, the urgencies of the matters related to RTS are ignored for whatever reasons.

Lack of courage:
According to Zubair Bhatti\textsuperscript{11}, a formal complaint culture has not been developed so far in Pakistan. No doubt, informally, every person has grudges and complaints against his bosses of public sector entities, but nobody has courage to face such hassle, and that is the dilemma. This is vivid from earlier statements in which department never or seldom acts against its own employees. In addition, the poor people have no access to reach to the higher-ups in any department to lodge their complaints, resultantly, as shared during discussion with respondents, that poor people have become used to late services in Pakistan. The commission informed that because of continuous encouragement the number of complaints have increased almost three times (from 100 to 290 in whole province) in one year time. This infers, that it will take long time to give this surety to public to realize that things can be get on time and on merit. It is also pertinent to note that it is not the shortage of complaints but the redressal mechanism for addressing the grievances that matter for poor people to raise their voices.

Data collection and analysis:
The RTS has rightly placed District Monitoring Officers (DMOs) in every district of the province, and a Data Analyst in the secretariat office, but the job they are doing is very superficial. The DMOs are being asked collect information from departments about the provision of notified services to the public. They are totally relying on departments for that information. The DMOs have no tool to rectify it except calling those citizens who have been mentioned by the department that they received services beyond prescribed time frame. When they (RTS) receive that information, it is already late to approach citizens for the services they already received. That is the reason most of the citizen decline to lodged complaints for the services which they have received despite the fact being late. Secondly, they seldom call those

citizens, who received services on time as communicated by departments for further verifications, because DMOs receive only non-compliances data from Data Analyst. Likewise, the role of Data Analyst is not more than just describing the numbers. The officer never goes deep into the causes of delaying of services provision and recommends suggestions for improvement. He is just updating the software and retrieving reports with no real inputs for data analysis. For instance, from the data he can easily spot on about (in)consistency of problems in specific department or about specific service. He can communicate this information to his DMO to check why the problem persists. Either the post is vacant, or officer is on leave, insufficiency or incompetency etc, these are some of the observations that can easily come to forefront.

Therefore, on one hand, DMOs are not monitoring services in real time to facilitate citizens instantly and second, the analyst is just describing things instead of doing any research analysis to improve the plight of service provision.

*Authenticity and validity of data:*

The RTS has no specific mechanism to check whether the data shared by departments are correct and to what extent. Since the number of citizens whose information shared is in thousands from across the province, it is quite difficult to ascertain the authenticity of it with respect to compliances with time prescribed in the law, as random checking/verification is not sufficient about each department every month. Since the data is generated from departments, there are more chances of fudging and tampering in the information. The data analyst in RTS believe that data share is valid, as they receive it from officials via official emails, and if in hard form then it must be signed by concerned officers from department, after that we entertain the data. However, the DMO believe that since department give them data, so authenticity is challenged as data can be tampered. A question was raised that if there are fudging then why would departments share data of non-compliances? It was responded by DMO that they [designated officers] do not know about the law and prescribed limits in it, so they share it as it is. Secondly, there are designated officers [e.g. Patwari] who is not collecting data, rather getting his work done by his assistants, and the assistants do not know about the law and how to fill it in the proforma, so there are many mistakes, which ultimately, to be borne by patwari, as he signed the documents. This infers three things: first, there can be chances of tampering
and fudging; second, since they are not aware of the prescribed time-limit, real information can be shared with RTS, but this is not the case with everyone; third, if this practice continues like this then it would badly impact the public service delivery and harm the objectives set by this law.

**Lack of coordination and communication:**

It has been observed that on one side RTS commission and notified departments rarely arrange meetings, because of which there are miscommunication about services. To facilitate the public outside the purview of notified service, RTS commission can entertain a complaint under section 24 of the Act (under miscellaneous services). However, since there is communication gap between RTS and departments, sometimes these complaints/requests do not get entertained. Similarly, there have been many instances, in which departments have issues with other concerned department, which obstruct public service delivery. Most prominent was Water Sanitation and Services Peshawar (WSSP). There are three main areas where WSSP deals: solid waste disposal site, drainage and sewerage, and water supply. They usually have issues with Building Control Agency, Works Department, Peshawar Development Authority and WAPDA for electricity related issues. Therefore, this lack of coordination and communication affects the smooth public service delivery.

**Change of mindset:**

It has been learned that public have categorized malpractices, levels and types of corruption. Usually, misuse of authority is not considered as something bad as compared to illicitly earned or acquired money. The reason could be that in Pakistani context, the understanding and definition of corruption has been limited to looting public money, and all other violations like misuse of authority, favouritism, nepotism, recommendations are not even considered to be part of corruption (for details see Khalid, 2016). During the field visit, a new connotation of corruption has been observed that if you harm the national exchequer then it is bad otherwise looting or extorting money from public do not matter to them. This was mentioned with specific reference to patwari, and union councils’ secretaries who are charging more from the public.

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12 The Annex 5 shows that some of the services resolved by RTS was outside the purview of notified services, but have been successfully settled.
then official rates, or for those services which are supposed to be free from government. One respondent shared that “*patwari is taking money from public and do not harm national exchequer...British officers knew that whoever will be posted on this position would do corruption...*” Similarly, about union councils, the secretaries are charging more money from public after assessing his financial position. This was acknowledged by three union councils’ secretaries “…we assess individual financial position and based on that we charge them extra for these services...we have been told during the training to charge 20-30 rupees extra per form, but we inform them[public] that we are charging more than fee...”, however, the problem arises when extra charging reaches to 200-600 rupees, depending upon the location, as disclosed by two union councils’ secretaries. This mindset of distinction between looting public or public money (national exchequer) must be changed and should be treat both as bad.

**Side-lining political elites:**
Like many developing countries, in Pakistan public services cannot be attained without hassle or involvement of political elites (patron-client relationship). Few of the services notified in RTS, are related to local government setup. The objective of provision of some services at doorstep was to remove this patron-client relationship. For that purpose, the position of secretary union council is not affiliated with any political party, he is government servant under local government, and a check on these local political representatives in terms of monitoring and disbursing funds for local development. In addition, it is the secretary union council who issues the birth, death and marriage certificates and not the local Nazim. Beside that, water and sanitation services Peshawar (WSSP) is involved in provision of services in urban union councils in Peshawar. These different provision of services, at one side has side-lined the role of political elites (elders) in the locality and a relationship has been developed between a state and citizen. However, on the other hand, to have say in the locality and to remain in the limelight, the political representatives are not ready to give up these responsibilities (to oblige local population for votes).

**Loopholes**
One interesting point was raised, that what if penalty have been imposed on designated officer by his appellate authority, let say 25000 rupees (to max) for not providing the services within time, and even 70 percent of that amount is paid to the complainant, the law is silent and does
not guide what will the complainant do about service. In other words, he got the fine amount but not the service, so what is next, that is missing part in the law. Imposition of fine is not the ultimate solution. It should be amended and added in the law that imposition of fine plus ensuring of service delivery. In addition, the law does not punish or reprimand the designated officer directly, who is the main culprit for not providing the services on time.

Resources availability:
From the discussion with officers in commission at secretariat level, they agreed that resources are sufficient and sometimes they do not utilize it fully. The resources issues were raised at the field level, in which field officers (DMOs) had no independent offices. Currently, they have been placed at deputy commissioner office with no supporting staff, just DMO and junior clerk. This dependence on deputy commissioner officer undermine the working of RTS, as they are observing his performance against the notified services. It was shared that “obviously, if you are putting a check on DC and ask for favour to accommodate us, then this wouldn’t work like this…” The DMO Peshawar has been placed in the room of Assistant Programmer who owns the keys and the DMO has to wait till his office get opened. This infers, there is too much dependence, which gets the morale of DMOs down in pursuing the objectives of RTS wholeheartedly. No doubt financially, the RTS commission has no issues but there is shortage of human resource. For instance, there are total 89 posts with 51 filled and 38 vacant positions, which has implications on the performance of RTS as well as public service delivery.

To sum up, there are still issues and challenges that need to be addressed for streamlining the functions of RTS and to ensure public service delivery. Some are related to commission, while others are related to departments and citizens.

6. Conclusion
The main purpose of this research was to analyze the functions of Right to Public Service Commission, newly established under the Right to Public Service Act, 2014 in Khyber Pakhtunkhwa. In addition, to assess to what extent, public service delivery in the province has improved because of this law and its implementation. Since this law has been enacted only in Khyber Pakhtunkhwa, therefore, selected for this case-study research. The discussion and
findings was bifurcated into three parts, the first part warranted some description about the case study with respect to its objectives, functions, responsibilities and administrative setup, as no research investigation of this has been done before. Second is about general perception about RTS and its performances, in views of public, notified departments and commission. Last part is about issues and challenges with the commission with respect to functioning and ensuring public service delivery.

The RTS law is among one the thirty laws recently passed by KP provincial assembly in milieu of ‘charter of good governance’ as envision by the government. The purpose of enactment of this law takes its’ roots in the bad governance experienced in Malakand region in the province, where the widened relationship between state and citizen led to arms conflict. Since governance is about quality of relationship between rulers and ruled, this law of RTS aims to reduce the gap between the rulers and ruled/governed and sole objective is to improve public service delivery. This model for improving governance has been adopted/emulated from Indian state of Bihar. There are three basic functions of RTS commission: 1) time bound delivery of public services to citizens; 2) if government functionaries fail in provision of service then he would be penalized (500-25000 rupees fine and disciplinary action can also be taken by the respective department); 3) compensation to citizen who did not get the requisite/requested services within prescribed time limit. So far sixteen services have been notified by the government.

Administratively, the setup is very limited, the commission comprise of one chief commissioner, and two commissioners. The District Monitoring Officers (DMOs) are the field staff of RTS, with mandate of collecting information on notified services and assist the citizen in complaint registration. However, keeping in view the objectives of RTS, the job performed by DMOs and Data Analyst are not sufficient in ensuring public service delivery.

With respect to general perception and understanding about RTS, very few people know about the intents and objectives of its formation. In perspective of most of notified departments, it is just data collection body, but not sure about the purpose of data collection. With respect to satisfaction with public service delivery, the level of satisfaction ranged from 60-90 percent, and not 100 percent, as the department is quite new and countable citizens have utilized the services of RTS. This law was appreciated as being common man law, and addresses the issues of 95-98% poor people who have no access to public services. The positive contribution of this
law is it has side-lined the local political representatives in attaining certain number of services without any reference or recommendation. This is the first law of the country in which complainant are compensated for not receiving the service, however, put extra penalty if the lodged case/allegation turned out false against public servant.

The elements of accountability and efficiency have been appreciated by departments but interestingly the penalty/fine has not been imposed yet. On the other hands, it was also stated that if performance of designated officers is good, then officers are also rewarded/appreciated within their respective departments, so accountability and appreciation goes hand-in-hand.

With respect to efficiency, views differ on the prescribed-time limit, the department representative opine that it was sufficient but RTS commission believed that time should be reduced for speedy justice or public service delivery. It was suggested by departments that RTS should not act against those who have not delivered in time but it should penalize the officer in case he declines to provide service, however, this is not logical suggestion, as procrastination is endemic problem in Pakistan bureaucracy.

To fully utilize the RTS as tool for improving governance and service delivery, some factors are hindering its performance in the province. The RTS commission is in its embryonic stage, and few people and departments know about it and the services it offered as compared to ombudsman office. Currently, the main issue RTS is facing is incomplete commission, as chief commission position is vacant for the last six months, because of which decisions related to awareness campaigns and financial matters cannot be made. It has been observed that the job performed by DMOs and Data Analyst (as titles suggest) are very superficial. The DMOs are not collecting real time data and Data Analyst is not analyzing as he supposed to be. They are relying on departments for these data and have no proper mechanisms to check the authenticities and validity. Just inciting public for lodging complaints against departments if they were not satisfied with public service, is not the right way of improving public service delivery. It has also been learned that public lack courage to stand against the public servant, as public servants not only support each other, but also the government procedure are too lengthy and nobody wants to get into that hassle. For them it is better to have service a bit late than falling in such quagmire of official formalities.
Due to lack of coordination and communication, the RTS sends requests to different departments which are generally beyond their jurisdiction. The RTS law permits the RTS commission to register complaints (under section 24) against departments (beyond the notified services), but this communication gap ends it as futile effort. With respect to resources, there is no shortage in financial and physical resources, however, there are still many vacant positions that need to be filled but since commission is not complete, this problem will linger for sometimes which will negatively impact the public service delivery.

There are still many loopholes in the law, for which it cannot be termed as ‘the best’ or complete in every respect. For instance, the law is silent about a designated officer who have been fined, but there is no surety about public service delivery.

To sum up, Right to Public Services Act and Commission, is indeed a right step toward ensuring good governance and public service delivery in the province. However, this is in its embryonic stage, and it is too premature to call it as ‘best model’ for other provinces or at national level. Nevertheless, it has improved the service delivery in notified services and has put a check on public sector departments vis-à-vis its performances and accountability.

7. Recommendations

Since this new department and for improvement in service delivery, multiple suggestions can be forwarded. However, keeping in view the issues and challenges face by RTS Commission, the following most notable recommendations and suggestions are forwarded.

1. To improve the coordination and communication between RTS commission and notified departments, continuous meetings should be held. By this way departments can be sensitized about their responsibilities and updated about developments in addressing issues in public service delivery.

2. The role of DMO as RTS should not be limited to data collection and lodging complaints about public for which services has already been received. The RTS should work more proactively, and should monitor the workings of departments in real time. That would require more human resource, however, if that is not viable solution, monitoring teams should be established like the Education and Health Departments have in KPK, and take spontaneous action against officers failing in their duties. Similarly, the Data Analyst, should not be limited
to descriptive of compliances and non-compliances information. To improve the service delivery, root-causes of the matters need to be addressed. So that complaints may not arise, instead of taking post-scenario actions.

3. To improve public service delivery and for speedy justice, District Commissioners instead of DMO should be installed as experienced in India. Now, the appellate authority resides in departmental office, how can one expect that head of the department (for instance DC) will take drastic action against his office employee (e.g. patwari). The district commissioner if installed, will be external to department and watchdog on office rather than someone from inside the office. Though the RTS commission has such plans but again it all depends on political will and involvement of different stakeholders, as its human psyche that nobody wants to be monitored or accountable to anyone.

4. There are different complaint cells in the province serving the same purposes, for instance, Chief Minister Compliant Cell, the Deputy Commissioner Complaint Cell, provincial and federal Ombudsman, all these need to be streamlined, so that departments, against whom the complaint has registered, focus on one forum, and avoid confusion.

5. The Right to Service Commission should arrange own office with all requisites. They don’t have any suitable office, using the office of DC, obviously undermines the check on his office.

6. One of the main issue RTS is currently facing is lack of awareness. Since chief commission is not available, and decision about seminars and workshops cannot be made, the available commissioners may involve or coordinate with other non-governmental organizations and civil-society organizations in localities to utilise their forums for such campaigns. The RTS has experience it once with Human Rights Organizations, this practice doesn’t cost anything and message can be spread conveniently and meaningfully to large number of population. In addition, the role of religious seminaries, and mosques can also be utilized for that purposes where large number of people get together. WSSP is utilizing the services of Imam of mosques for sake of awareness and information.

7. The position of Chief Commissioner should be filled in, to streamline the pending financial and non-financial matters.
8. Though most of the departments agree about stipulated time prescribed in the law, however, the RTS should revisit it with departments representatives for consultation and recalculation, so that efficiency in work and services may not get disturbed.

9. When fine is inflicted on designated office, and 70 percent of that amount is paid to complainant, the law does not guide about complainant who did not receive the service. It should be added in the law that imposition of fine plus ensuring public service delivery.

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Annex 1 First four services notified under RTS Act, 2014
Annex 2  Notified Public Services by Right to Public Service Act, 2014

Notified Public Services under the KPK Right to Public Services Act 2014

Service Information

The Provincial Government has so far notified the following 16 important public services under section 4 of the KPK RTS Act 2014. The time limit, the designated officers responsible for providing the services and appellate authority has been specified for each notified service.

Whereas any citizen who doesn't receive the notified service in stipulated time can le an appeal against the designated officer before the concerned appellate authority. However, any citizen can le/apply to the RTS directly under section 24 if he/she doesn't receive service.

<table>
<thead>
<tr>
<th>S. No</th>
<th>NAME OF SERVICE</th>
<th>GIVEN TIME LIMIT</th>
<th>DESIGNATED OFFICER</th>
<th>APPELLATE AUTHORITY</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Registration of FIR/ Daily Diary</td>
<td>Instantly</td>
<td>S.H.O</td>
<td>District Police Officer</td>
</tr>
<tr>
<td>2</td>
<td>Issuance of Domicile Certificate</td>
<td>10 Days</td>
<td>Additional Deputy Commission/ AC (HQ)</td>
<td>Deputy Commissioner</td>
</tr>
<tr>
<td>3</td>
<td>Issuance of Fard (Land documents)</td>
<td>7 Days</td>
<td>Patwari</td>
<td>Deputy Commissioner</td>
</tr>
<tr>
<td>4</td>
<td>Death/ Birth Certificate</td>
<td>2 Days</td>
<td>Secretary Union Council</td>
<td>AD Local Govt</td>
</tr>
<tr>
<td>5</td>
<td>Approval of Building Plan (Residential)</td>
<td>30 Days</td>
<td>Assistant Municipal Officer</td>
<td>Chief Municipal Officer</td>
</tr>
<tr>
<td>6</td>
<td>OPD (Medical Services)</td>
<td>2 Hours</td>
<td>Medical Officer</td>
<td>MS/ DHO</td>
</tr>
<tr>
<td></td>
<td>Emergency (Medical)</td>
<td>30 Minutes</td>
<td>Casualty Medical Officer</td>
<td>MS/ DHO</td>
</tr>
<tr>
<td>7</td>
<td>Issuance of Drug License</td>
<td>10 Days</td>
<td>Drug Inspector</td>
<td>DHO</td>
</tr>
<tr>
<td></td>
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<tr>
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<td></td>
</tr>
<tr>
<td>8</td>
<td>a) Issuance of Driving License (Learner)</td>
<td>On the same Day</td>
<td>Director Transport in Peshawar &amp; ADC/AC in other Districts</td>
<td>Secretary Transport</td>
</tr>
<tr>
<td></td>
<td>b) Issuance of fresh Driving License</td>
<td>On the same Day</td>
<td>Director Transport in Peshawar &amp; ADC/AC in other Districts</td>
<td>Secretary Transport</td>
</tr>
<tr>
<td></td>
<td>c) Renewal of Driving License</td>
<td>On the same Day</td>
<td>Director Transport in Peshawar &amp; ADC in other districts</td>
<td>Secretary Transport &amp; Mass Transit</td>
</tr>
<tr>
<td>9</td>
<td>a) Processing of Arms license till sending for verification to police</td>
<td>07 Days</td>
<td>Deputy Commissioner</td>
<td>Concerned Commissioner</td>
</tr>
<tr>
<td></td>
<td>b) Verification of the Applicant</td>
<td>15 Days</td>
<td>District Police Officer</td>
<td>Regional Police Officer</td>
</tr>
<tr>
<td></td>
<td>c) Issuance Arms License</td>
<td>15 Days after verification</td>
<td>Deputy Commissioner</td>
<td>Concerned Commissioner</td>
</tr>
<tr>
<td></td>
<td>d) All Pakistan &amp; Cartridge</td>
<td>10 Days</td>
<td>Deputy Secretary Admin Home Department</td>
<td>Secretary Home Department</td>
</tr>
<tr>
<td>10</td>
<td>Release of Funds from Provincial Zakat Administration to District Zakat Committees</td>
<td>within 20 Days after approval of Provincial zakat council</td>
<td>Section Officer (ZBU)</td>
<td>Chairman Provincial Zakat Council KPK</td>
</tr>
<tr>
<td></td>
<td>Release of Funds from Provincial Zakat Committees to local Zakat Committees</td>
<td>within 20 Days after receipt of funds from District Zakat Office</td>
<td>Chairman Local Zakat Committee</td>
<td>Chairman District Zakat Committee</td>
</tr>
<tr>
<td></td>
<td>a) Grant of Jahez fund</td>
<td>within 20 Days after approval of Distt zakat Committee</td>
<td>Distt Zakat Officer</td>
<td>Chairman Distt Zakat Committee</td>
</tr>
<tr>
<td>No.</td>
<td>Description</td>
<td>Time Frame</td>
<td>Competent Authority</td>
<td>Chairperson Authority</td>
</tr>
<tr>
<td>-----</td>
<td>------------------------------------------------------------------------------</td>
<td>------------------</td>
<td>----------------------------------------------------------</td>
<td>------------------------------------------------------</td>
</tr>
<tr>
<td>b)</td>
<td>Educational Scholarships (Mora, Technical &amp; Deeni Madaris)</td>
<td>within 20 Days after approval of Distt zakat Committee</td>
<td>Distt Zakat Officer</td>
<td>Chairman Distt Zakat Committee</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c)</td>
<td>Issuance of Istehqaq Certificate (All the Musahiqeen-e-Zakat)</td>
<td>Within 10 Days of the receipt of application</td>
<td>Chairman Local Zakat Committee</td>
<td>Chairman District Zakat Committee</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d)</td>
<td>Disbursement of Zakat fund to the Mustahiqeen (Deserving)</td>
<td>Within 20 Days of the receipt of fund from District Zakat Committee</td>
<td>Chairman Local Zakat Committee</td>
<td>Chairman District Zakat Committee</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Grant of Water connection</td>
<td>2 Weeks</td>
<td>(i) Zonal Manager WSSP for Peshawar</td>
<td>GM Operation, WSSP Peshawar.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(ii) Municipal officers in urban Ares of other Borders</td>
<td>Chief Municipal Officer</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(iii) SDO, PHED in Rural Areas of other Districts</td>
<td>XEN, PHED</td>
</tr>
<tr>
<td>12</td>
<td>Approval of Building plans (Commercial) Outside walled city of Peshawar</td>
<td>2 Months</td>
<td>Tehsil Municipal Administration (TMA)</td>
<td>Tehsil Municipal Officer (TMO)</td>
</tr>
<tr>
<td>13</td>
<td>Approval of Building plans (Commercial) in</td>
<td>1 Month</td>
<td>-do -</td>
<td>-do -</td>
</tr>
<tr>
<td>No.</td>
<td>Service Request</td>
<td>Timeframe</td>
<td>Responsible Person</td>
<td></td>
</tr>
<tr>
<td>-----</td>
<td>----------------</td>
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<td>--------------------</td>
<td></td>
</tr>
</tbody>
</table>
| 14  | Supply of clean drinking water | As per Govt policy/priority (Phase Wise) | (i) Zonal Manager, WSSP for Peshawar.  
(ii) SDO, PHED in other Districts.  
(iii) GM Operations WSSP Peshawar.  
(iv) SE.PHED |
| 15  | Disposal of Garbage/Solid waste | Within 36 hours | (i) Zonal Manager WSSP for Peshawar.  
(ii) Municipal officers in urban area of other Districts.  
(iii) GM Operations WSSP Peshawar.  
(iv) TMO |
| 16  | a) Issuance of Wood Permit to entitled citizens for construction of house | 60 Days | Divisional Forest officer Concerned  
Conservator of Forest Concerned |
|     | b) Grant of trees for domestic use to resident right holders of Guzara Forest | 60 Days | Divisional Forest officer Concerned  
Conservator of Forest Concerned |
Annex 3 Organogram Right to Public Service Commission KPK
Annex 4 Successfully resolved cases by RTS, KPK

<table>
<thead>
<tr>
<th>S.No</th>
<th>Applicant Name</th>
<th>Service</th>
<th>District</th>
<th>Date of Receiving of Appeal</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>394</td>
<td>Zafeer Ullah</td>
<td>Garbage Disposal</td>
<td>Peshawar</td>
<td>27/1/2017</td>
<td>Successfully Resolved</td>
</tr>
<tr>
<td>395</td>
<td>Amjif Ali Shah</td>
<td>Supply of Drinking Water</td>
<td>Peshawar</td>
<td>15/12/2016</td>
<td>Successfully Resolved</td>
</tr>
<tr>
<td>396</td>
<td>Nishat Perveen</td>
<td>FIR</td>
<td>Peshawar</td>
<td>11/10/2016</td>
<td>Successfully Resolved</td>
</tr>
<tr>
<td>398</td>
<td>Nawaz Khan</td>
<td>Supply of Drinking Water</td>
<td>Peshawar</td>
<td>29/11/2016</td>
<td>Successfully Resolved</td>
</tr>
<tr>
<td>400</td>
<td>Syeda Aqeeela Rizwi</td>
<td>FIR</td>
<td>Peshawar</td>
<td>11/03/2016</td>
<td>Successfully Resolved</td>
</tr>
<tr>
<td>401</td>
<td>Sajida Baigam</td>
<td>FIR</td>
<td>Peshawar</td>
<td>11/03/2016</td>
<td>Successfully Resolved</td>
</tr>
<tr>
<td>402</td>
<td>Muhammad Saleem Khan</td>
<td>FIR</td>
<td>Peshawar</td>
<td>09/10/2016</td>
<td>Successfully Resolved</td>
</tr>
<tr>
<td>403</td>
<td>Abdul Rehman</td>
<td>FIR</td>
<td>Peshawar</td>
<td>25/8/2016</td>
<td>Successfully Resolved</td>
</tr>
<tr>
<td>408</td>
<td>Yasmeen Bibi</td>
<td>FIR</td>
<td>Peshawar</td>
<td>04/08/2016</td>
<td>Successfully Resolved</td>
</tr>
<tr>
<td>463</td>
<td>Aizaz Shamshad</td>
<td>Disposal of Garbage</td>
<td>Peshawar</td>
<td>19/5/2015</td>
<td>Successfully Resolved</td>
</tr>
<tr>
<td>464</td>
<td>Rahmat Jan</td>
<td>FIR</td>
<td>Peshawar</td>
<td>18/5/2015</td>
<td>Successfully Resolved</td>
</tr>
<tr>
<td>465</td>
<td>Abid Ali</td>
<td>Garbage Disposal</td>
<td>Peshawar</td>
<td>19/5/2015</td>
<td>Successfully Resolved</td>
</tr>
<tr>
<td>489</td>
<td>Irum Azmat</td>
<td>Driving License</td>
<td>Peshawar</td>
<td>30/01/2017</td>
<td>Successfully Resolved</td>
</tr>
</tbody>
</table>
Annex 5 Successfully resolved cases by RTS outside its purview, KPK

<table>
<thead>
<tr>
<th>S.No</th>
<th>Applicant Name</th>
<th>Service</th>
<th>District</th>
<th>Date of Receiving of Appeal</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>14</td>
<td>Sareer Khan</td>
<td>Non-Provision of Health Care Services</td>
<td>Peshawar</td>
<td>03/02/2015</td>
<td>Successfully Resolved</td>
</tr>
<tr>
<td>26</td>
<td>Dr. Sarfraz Ahmad</td>
<td>Non-Provision of travel and daily allowance</td>
<td>Peshawar</td>
<td>04/06/2016</td>
<td>Successfully Resolved</td>
</tr>
<tr>
<td>29</td>
<td>Imran Khan</td>
<td>Non Provision of Master Plan</td>
<td>Peshawar</td>
<td>28-7-2016</td>
<td>Successfully Resolved</td>
</tr>
<tr>
<td>30</td>
<td>Razmeen Khan</td>
<td>Inquiry of Road Construction</td>
<td>Peshawar</td>
<td>08/01/2016</td>
<td>Successfully Resolved</td>
</tr>
<tr>
<td>32</td>
<td>Hira Feroz</td>
<td>Restoration of Previous Order of appointment</td>
<td>Peshawar</td>
<td>08/01/2016</td>
<td>Successfully Resolved</td>
</tr>
<tr>
<td>35</td>
<td>Gul Rehman</td>
<td>Investigation into FIR</td>
<td>Peshawar</td>
<td>08/10/2016</td>
<td>Successfully Resolved</td>
</tr>
<tr>
<td>38</td>
<td>Syed Ashfaq</td>
<td>Allotment of Membership in Railway Housing Society</td>
<td>Peshawar</td>
<td>09/02/2016</td>
<td>Successfully Resolved</td>
</tr>
<tr>
<td>39</td>
<td>Fazal Wahab</td>
<td>Appointment against post of PST</td>
<td>Peshawar</td>
<td>20-9-2016</td>
<td>Successfully Resolved</td>
</tr>
<tr>
<td>40</td>
<td>Oxford Public School</td>
<td>allotment of Plot</td>
<td>Peshawar</td>
<td>15-8-2016</td>
<td>Successfully Resolved</td>
</tr>
<tr>
<td>42</td>
<td>Mr. Muhammad Khan</td>
<td>financial Assistant, Natural Disaster</td>
<td>Peshawar</td>
<td>09/02/2016</td>
<td>Successfully Resolved</td>
</tr>
<tr>
<td>43</td>
<td>Qazi Waheed Udin</td>
<td>Repairing of Road</td>
<td>Peshawar</td>
<td>25-8-2016</td>
<td>Successfully Resolved</td>
</tr>
<tr>
<td>44</td>
<td>Sayeda Aqeela Rizwi</td>
<td>Non-investigation of FIR</td>
<td>Peshawar</td>
<td>11/03/2016</td>
<td>Successfully Resolved</td>
</tr>
<tr>
<td>45</td>
<td>Fazal Akbar</td>
<td>Poor Drainage System</td>
<td>Peshawar</td>
<td>31-1-2017</td>
<td>Successfully Resolved</td>
</tr>
</tbody>
</table>
Annex 6 List of interviewees

<table>
<thead>
<tr>
<th>Name/Designation</th>
<th>Department/Commission /Complainant</th>
<th>Remark</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shah Saib Commissioner RTS</td>
<td>Right to Services Commission</td>
<td>Held two interviews with him</td>
</tr>
<tr>
<td>Babar Hayat Assistant Registrar</td>
<td>Right to Services Commission</td>
<td>Legal section of RTS</td>
</tr>
<tr>
<td>Shahab Data Analyst</td>
<td>Right to Services Commission</td>
<td></td>
</tr>
<tr>
<td>Samia Sarwar, District Monitoring Officer</td>
<td>Right to Services Commission</td>
<td>Held two interviews</td>
</tr>
<tr>
<td>Himayat Ullah Budget and Accounts Officer</td>
<td>Right to Services Commission</td>
<td></td>
</tr>
<tr>
<td>Baz Khan Office Assistant</td>
<td>Right to Services Commission</td>
<td>Assist Data Analyst</td>
</tr>
<tr>
<td>Zardad Khan Incharge Licence Branch</td>
<td>Deputy Commissioner Office</td>
<td>Issuance of arms license</td>
</tr>
<tr>
<td>Irfan Ullah Union Council Secretary</td>
<td>Local Government Department</td>
<td>Issuance of death, birth and marriage certificates</td>
</tr>
<tr>
<td>Zahoor Khan Union Council Secretary</td>
<td>Local Government Department</td>
<td>Issuance of death, birth and marriage certificates</td>
</tr>
<tr>
<td>Sardam Alam Union Council Secretary</td>
<td>Local Government Department</td>
<td>Issuance of death, birth and marriage certificates</td>
</tr>
<tr>
<td>Maria Manager Solid Waste</td>
<td>Water and Sanitation Services Peshawar</td>
<td></td>
</tr>
<tr>
<td>Name</td>
<td>Position</td>
<td>Department</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>-------------------------------</td>
<td>---------------------------------</td>
</tr>
<tr>
<td>Turab Shah Zonal Manager</td>
<td>Water and Sanitation Services</td>
<td>Peshawar</td>
</tr>
<tr>
<td>Muhammad Adil Patwari</td>
<td>Land revenue</td>
<td></td>
</tr>
<tr>
<td>Asif Wahab Assistant</td>
<td>Deputy Commissioner Office</td>
<td></td>
</tr>
<tr>
<td>Intiaz Khan Computer</td>
<td>Deputy Commissioner Office</td>
<td></td>
</tr>
<tr>
<td>Rasheed Ullah Town Officer</td>
<td>Tehsil Municipal Office</td>
<td></td>
</tr>
<tr>
<td>Zafeer Ullah</td>
<td>Complainant</td>
<td></td>
</tr>
<tr>
<td>Jawad Shah</td>
<td>Complainant</td>
<td></td>
</tr>
<tr>
<td>Muhammad Shahab</td>
<td>Complainant</td>
<td></td>
</tr>
<tr>
<td>M. Idrees</td>
<td>Complainant</td>
<td></td>
</tr>
<tr>
<td>Saeed Rauf</td>
<td>Complainant</td>
<td></td>
</tr>
</tbody>
</table>