**[A Judge may laugh; a cynic may not](https://nation.com.pk/21-Jan-2020/a-judge-may-laugh-a-cynic-may-not" \t "_new)**

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The decision to discard the system of District Administration during the tenure of Pervaiz Mushraf was both abrupt and unsavory. It came as a rude shock to the capability of the government to handle law and order situation in the country. All this was done without really any in-depth analysis of different strands of administrative policy that gelled together to empower the district government to have an effective control on security issues. A time tested system, with a standing of over two hundred years, was thrown to the basket in an egoistic manner. Here one may quote Zac Posen, “Chefs have the ego of an actor, and the fashion designer combined”. It is important to note that India defied all such attempts to scuttle the same administrative structure and retains it till to date.

The system, as we inherited it from the British rule in the sub-continent was based upon hard ground realities in the region - the huge area, heterogeneous society, abysmally low level of education and scant regard among the people for the populist thinking and collective living. Alas, not much has changed ever since! Broadly, the system aimed at, among other things, to; a) make district as a hub of administration; b) assign top-priority to the maintenance of law and order; c) ensure a robust revenue administration and d) lend support to important institutions in the government to work in harmony and draw strength from one another. Hence an elaborate system of the district management was established which was to play a pivotal role in the overall administration of the country. The authors of the system made sure that it was backed by an adequate legislative cover, rules, manuals and inspections guide-lines etc. to help address the day to day problems of people. The District Magistrate was the lead figure and enjoyed a considerable influence in the hierarchy of administration. His top-priority was the maintenance of peace and stability in his district. Authority conferred upon him under the Criminal Procedure Code, Police Act and an umpteen number of local and special laws made him an effective coordinator amongst all the nation building departments represented in a district. He being the chief prosecuting officer of the district was duty bound to carefully examine the court decisions in heinous crime, affecting the peace of his district and to file appeals in cases where he suspected that the punishments were not commensurate with the gravity of offences and allowed the offenders to get away rather cheaply.

Besides, the District Administration had the support of executive magistracy to maintain its grip over law and order situation. The magistracy worked in unison with police to proceed against criminal elements. The area magistrate had the first-hand knowledge of security situation in his jurisdiction and was required to regularly sift intelligence reports to update himself on the law and order situation. He while entrusting criminals to the police custody, was supposed to ensure that investigation was fair and the accused were not subjected to any undue pressure. The District Magistrate had the authority to inspect police stations and call for case diaries in important cases to ensure that the investigation met the standards of equity and justice. Not only this, the magistracy also acted as a first line of defence to open up a dialogue with the dissidents in order to defuse the situation before it went out of hand. Magisterial enquiries were conducted to ascertain factual position in cases of heinous crime or serious violations/omissions on the part of government functionaries. Further it was tasked to check black marketing, hoarding and artificial price hike etc. Unfortunately, no such mechanism seems to be working in the present day administration.

The District Administration had a blending role in another sense also. It was by helping to create an enabling environment for the preservation and submission of trustworthy evidence in the courts of law. Our judicial system as one would know, is heavily dependent on the quality of evidence. Any lacuna or ambiguity in the evidence is fatal for the success of the prosecution version and conviction of criminals. Blackstone’s formulation in criminal law says that “it is better that ten guilty persons escape than one innocent suffer”. Under the principles of equity one is innocent until proven guilty. It all really depends on the quality and genuineness of evidence. Under the present scenario, where free arms shooting is a common sight even in the compounds of courts, who will volunteer to appear as a witness and to imperil his life in response to the call of public duty? The erstwhile system had the authority and capacity to exercise strict surveillance over the activities of criminals under general and special laws. They were required to file in bonds of good behaviour failing which they were restrained, gagged or even detained under security regulations.

The post demolition phase of District Administration shows how badly the governance at this level has suffered. Important features of criminal administration have paled into insignificance and there is an utter confusion as to the authorities responsible to administer the relevant provisions of law, having a direct bearing on the security issues. The dilution of the district as a focal point has led to a visible decline of efficiency in state departments to the annoyance of people in general who have to run from pillar to post to find solution to their day to day problems. The government departments are not liable to any independent scrutiny for delivery of service to the public. It is because of unsatisfactory law and order situation and the consequent confusion that has arisen, it is almost impossible to get a reliable evidence for dispute resolution and to punish the offenders, thus compromising a necessary requirement to uphold judicial and administrative justice. This does not augur well for the peace and tranquility of social order in the country.

The Prime Minister of Pakistan has also recently alluded to the revival of magistracy to rev up the writ of the government. His observation has come in the wake of a highly despicable assault on the Punjab Institute of Cardiology by the lawyer community. The incident has smeared the image of the government that looked totally unprepared and clueless in the face of such a big law and order lapse in the history of the Province. The situation was brewing up for the last few days but there was hardly any timely intervention to handle it. The district control has, in fact ,collapsed with hardly any organization and centre of command to deal with abrupt and untoward incidents like the one stated above.

Where do we go from here? Of course, one cannot allow the situation to go down further. It is time for introspection. There is an urgent need to identify the important elements of administrative policy, as partially discussed above, and formulate a mechanism to address the missing links of erstwhile district administration. The sooner it is done the better!