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Bangladesh Public Service Commission: A Diagnostic Study

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Executive Summary¹

The Public Service Commission (PSC), as a key pillar of the National Integrity System, has a critical role in establishing and promoting transparent and accountable governance in the country. The Constitution of Bangladesh under Articles 137-141 has assigned the Commission the role of selecting the most competent persons for the public service of the republic through competitive examinations and tests in a fair and transparent manner. The PSC is also mandated to advise the President in framing recruitment rules; promotion, transfer and disciplinary matters; employees' appeals and memorials; and other matters related to the public service. The degree to which the country will have a professional, honest, neutral and fair public service rests on the integrity, effectiveness and credibility of the PSC.

From the very beginning of the PSC's operations, its credibility has been subject of debate, reaching its nadir recently. Appointment of Chairman and Members in PSC on political consideration, recruitment of ruling party activists and supporters, leakage of BCS question papers, and selection by bribery are among the most frequently raised allegations about the PSC which have contributed to a massive erosion of trust and credibility of this Constitutional body. However, no major initiative has yet been taken to diagnose the root causes, nature, and extent of these irregularities, and recommend appropriate measures. This study is an attempt to bridge this gap.

Information and data obtained from both primary and secondary sources form the basis of this study, which have been supplemented by a series of discussion with key informants and review of published documents (e.g., PSC related Constitutional mandates, rules and regulations, government orders, gazettes, inquiry reports, annual reports and other publicly available documents). The primary data were collected through a survey of 434 BCS examinees (both successful and unsuccessful) for which a semi-structured questionnaire was used. Failure of the PSC authority to extend desired cooperation was the main contributing factor for limitations of this study.

An Overview of the PSC

Constitutional Mandate: Article 137-141 of the Constitution of Bangladesh.

Legal Mandates: Presidential Order No. 34 (on May 9, 1972), PSC Ordinance No. LVII of 1977, BCS Recruitment Rules of 1981, PSC Officers & Employees Recruitment Rules, 1990.

¹ The report was released on 22 March 2007 at VIP Lounge, National Press Club, Bangladesh Transparency International Bangladesh.



- Provision of Chairman : 1
- Total No. Chairman till date (1972-2006) : 10
- Provision of Members : 6-15
- Total No. of Members (1972-2006) : 79
- Human Resource in the PSC Secretariat : 344 (first class 62; 2nd class 52; 3rd class 134; 4th class 96)
- BCS equivalent exams held during 1972-1981 : 7
- Recommended through BCS equivalent exams : 1,982
- BCS exams held during 1982-2006 : 27
- Recommended for appointment through BCS examinations : 39,431
- Recommended for appointment through interview only : 18,011 (1972 – 2005).
- Recommended for appointment through promotion : 22,911 (1972 – 2005).
- Recommended for transfers and ad hoc positions : 24,230 (1973-2000).
- Average time spent (for General BCS Exam: 24.75 months; Special BCS Exam.: 14 months).
- General Cadre gazetted : 6,256 (21.11% in 19 BCS Exams).
- Professional Cadre gazetted: 23,373 (78.89% in 19 BCS Exams).
- Female appointments in 19 gazettes of BCS Exams including 10% quota: 6,142 (15.39% in general cadre and 22.15% in professional cadre in 19 BCS Exams).
- Non-Muslim appointments in 19 gazettes of BCS Exams including 5% tribal quota: 3,163 (8.46% in BCS General Cadre and 11.27% in professional cadre).

Structural limitations

1. Although the PSC is an independent body, its Secretariat is practically under the control of the government. The internal recruitments, disciplinary and administrative issues of the PSC are influenced by the government.
2. Qualification, eligibility criteria and appointment procedure for appointment of Chairman and Members are not clearly defined, nor transparent.
3. Barring few exceptions Chairmen and Members have been appointed on partisan political consideration since 1972, making the Commission an outfit serving partisan political interests, and a recruitment agency of candidates aligned to the ruling party(ies).
4. Lower rank of Chairman/Members compared to other Constitutional bodies has created scope of interference in PSC from the bureaucracy.
5. There is no specific accountability mechanism especially for the Chairman and Members.
6. There is lack of sufficient deterrence including disciplinary actions against the corrupt, who include personnel at all levels.
7. PSC Members were found to be involved in various income-earning as well as partisan political activities.

Operational limitations

1. It has no programme for capacity development of staff. The Commission lacks technical skill; most of the huge task of recruitment related activities are done manually. It does not have a website.
2. It lacks manpower while 15% sanctioned posts are vacant in the Secretariat.
3. Officers and employees of PSC are recruited usually on political consideration and exchange of bribes.



4. Pro-ruling party staff are usually transferred to the important Units of PSC (such as Confidential and Recruitment Units).
5. A network of corrupt officials has developed in the PSC Secretariat earning unauthorised income by involving themselves in leakage of questions, contracting with the job seekers, helping ruling party supporters for getting job, etc. The network is too strong for any internal disciplinary action.

Irregularities in Examination & Related Issues

1. Recruitment System under the BCS Examination Process

1. The examination system is archaic and outdated lacking the scope of proper assessment of the competency of candidates.
2. Because of lack of transparent assessment criteria for examinations, there is scope of irregularities and corruption in the recruitment process.
3. There have been blatant examples of partisan recruitments in important cadres like administration and police.

2. Irregularities in BCS examination

1. Contractual selection based on transaction of bribery is rampant.
 - a. Contract in getting attractive cadres for those who made it to the merit list
 - i. Administration/Police Cadre : Tk. 5-7 lac
 - ii. Customs/Tax : Tk. 8-10 lac
 - iii. Professional Cadre : Tk. 2-3 lac
 - b. Contract for selecting candidates who failed to make it to the merit list
 - i. Administration/Police Cadre : Tk. 8-10 lac
 - ii. Customs/Tax : Tk. 10-12 lac
 - iii. Professional Cadre : Tk. 3-5 lac
2. The Leakage of question paper has been happening on regular basis since the 24th BCS examination.
3. Seat allocation is also done with bribe.
4. Exam scripts are submitted without appearing at the exam hall. Exam scripts are changed on payment basis.
5. Merit list and results are changed. Successful candidates are dropped from merit list by adding new candidates on payment of bribe and on political consideration.
6. High marks are given arbitrarily in Viva Voce to the candidates under contract or to political cadres and activists.
7. Candidates are asked to answer controversial questions like who is the declarer of independence of Bangladesh.
8. Pressures to recruit persons belonging to lists sent from the high command of the ruling party.
9. Candidates are called by PSC Members at the commission for negotiation.
10. Selection allowed with fake certificate since 20th BCS examination.
11. Documents of BCS examination are destroyed without maintaining proper procedures (e.g., Secretariat Regulations 1974).
12. Candidates are not provided with mark-sheets.
13. PSC never publishes data on the specific quota of recommended candidates.



3. Quota system

1. The quota system is implemented without transparency.
2. Outcome of the quota policy has never been made public by PSC or ME. Official documents, gazette notifications do not have data regarding quota of the BCS cadres.
3. Discrimination against religious minorities has happened in the BCS examinations.

4. Reporting for accountability

1. The annual reports of PSC are little more than a formality. Information are repeated over the years with hardly any in-depth analysis, nor are there any data to enable accountability and transparency.
2. There is no provision for discussion on Annual Report of the PSC in the National Parliament.
3. Official Secrets Act is used as a convenient tool to deny information, which works as a safeguard for corrupt officials.

5. Impact of irregularities in PSC

1. Politicisation of public service.
2. Merit and skill are no longer the basis of appointment to public service.
3. Public servants start their service life with corruption and have the logic and motivation to get involved in the same throughout.
4. Deterioration in the standard and quality of human resources in public service resulting in mediocrity or even lower level of efficiency.



Recommendations

The following recommendations have been made with regard to ensuring good governance within the PSC.

1. Re-Constitution of the Commission and Punishment of the Corrupt

1. The PSC should be reconstituted immediately composed of a Chairperson and Members with impeccable professional excellence and undisputed integrity, efficiency and credibility.
2. A Special Committee should be formed to accomplish the above and recommend measures for reforming the Commission with special emphasis on neutrality, independence and effectiveness of the Commission.
3. The Anti-corruption Commission should be called upon to investigate into all sorts of irregularities and corruptions held in PSC at all levels including former and present Chairman, Members, officers and employees and their dependents.
4. The Chairperson, Members and staff of Commission must reveal their income, assets and liabilities and those of their immediate family members and regularly update the same.
5. Investigations should include all recruitments especially the 20-27th BCS exams conducted by PSC during the last 15 years.

2. Independence and Accountability of the PSC

1. The PSC must be granted full independence in terms of administrative and financial control befitting the challenge facing it.
2. The Commission must have internal self-regulatory and transparency mechanism in place, while it must be externally reportable to the Parliament through Standing Committee on Public Service.

3. Qualification and Eligibility Criteria for Chairman and Members

The Chairman and Members of the Commission must be:

1. Persons of high integrity, strong moral courage, personality and commitment.
2. Must have knowledge and experiences on public administration.
3. Prepared to disassociate from any other position of financial benefit.
4. Must have sound health and proven non-communal attitude.

4. Selection of Chairman and Members

The present practice under which the Chief Executive is the ultimate appointing authority of the Chairman and Members of the Commission must be replaced by a creating a Search Committee consisting of the Chief Executive, Chief Justice, Leader of the Opposition in the Parliament, Eminent retired Civil Servant of impeccable record and credibility, non-partisan and professionally acclaimed educationist and civil society member and a media person with similar credibility. Selection process may be as follows:

- o Step I: Make a list of the competent persons for appointing as member and chairman of any constitutional body.
- o Step II: Send the list to the anti-corruption commission to assess their credibility, service records and assets.
- o Step III: Publish the names of the proposed persons along with their qualification and assets in electronic and print media.
- o Step IV: Make a short list of the proposed persons and send it to the Parliament for general discussion. The parliament will send the list to the Search Committee.



- Step V: The Search Committee will finalise the panel of the Chairman and Members and send it to the President for approval.

5. Rank of Chairman/Members

The status and rank of the Chairmen of the PSC should be made equivalent to a Minister, and members should be equivalent to the Judges of the Appellate Division of the Supreme Court.

6. Reforms in Examination and Recruitment System

1. An Examination and Recruitment Reform Committee should be formed to modernise the examination and recruitment system meeting the challenges of the service for which recruitments are made, with particular emphasis on the merit-based recruitment, complete abolition of partisan political or any other influence in the recruitment, and specific needs of the various cadres.
2. The existing generalised exam system should be abolished and cadre-specific examination should be introduced to ensure efficiency and professionalism in service.
3. The new examination system must ensure evaluation by relevant, honest and skilled examiners.
4. A set of transparent guidelines must be prepared and publicly available consisting of the examination rules and recruitment process.
5. The Commission should have a Complain Box to receive complaints and suggestions from the service receivers. All complains should be duly addressed and results made public.

7. Quota System

1. The existing quota system for freedom fighters and district are no longer considered logical and should be abolished.
2. At least 75% of places should be on purely merit basis, while the remaining may be distributed for affirmative action on the basis of gender, ethnic and religious identity.

8. Access to Information

1. The mark sheet of the successful candidates should be given to the examinees on compulsory basis immediately after the result is published;
2. The result sheet of all examinees (both successful and unsuccessful) must be published on the website.
3. Existing restrictions against challenging the result of examinations should be immediately abolished.

9. Other Management Issues

1. A website for PSC should be established with all information.
2. Computerised data base and MIS should be established with all information of public interest publicly available through various means including website.
3. A Human Resource Unit should be established at PSC, with special emphasis on training and capacity building of the staff.
4. All personnel of the staff should be recruited based on relevant academic background, merit and skills.
5. Should recruit totally new officers and employees for the commission purely based on relevant academic background, merit and necessary skills. The



reconstruction Committee on PSC will determine the required number of the staff for PSC through feasibility study.

6. The Secretary of the PSC should be equivalent to the Secretary of the government.

10. PSC's Integrity Statement and Citizen's Committee

- Initiative should be taken to introduce Integrity Statement/Code of Ethics for the PSC.
- A Committee of Concerned Citizens composed of persons with proven integrity, efficiency and commitment may be constituted to keep watch on the activities and performance of the PSC and to suggest measure to make the PSC efficient and honest.

11. Anti-corruption Hotline on Public Service Commission

- A hotline (phone number or mail box) may be introduced in the office of the Anti-corruption Commission (ACC) of Bangladesh to receive all sorts of complaints related to irregularities and corruption of the PSC. The Special Reform Committee on the PSC and ACC may jointly explore the specific structure, and working procedure of this hotline.