

Draft

Bangladesh Public Service Commission: A Diagnostic Study



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Bangladesh Public Service Commission: A Diagnostic Study

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Preface

The Bangladesh Public Service Commission (PSC) is one of the most important pillars of the National Integrity System having a key role in promoting excellence and integrity in the public service and administration of the country. PSC's independence, political neutrality, transparency, accountability, integrity and effectiveness are fundamental prerequisites for carrying out its functions which include holding of competitive examinations for recruitment to the public service, recommend recruitments, promotions, discipline, employee appeal and other related matters. Lack of credibility and integrity of this vital Constitutional body not only leads to undermining of merit-based appointment in the public service, but is bound to have significant negative impact on the prospect of efficient, professional, transparent and accountable governance.

Alleged partisan influence through politically biased appointment of Chairmen and Members of the Commission, recruitment of ruling party activists and supporters, leakage of question papers for examinations, and various other forms of irregularities and corruption have led to erosion of trust upon this Constitutional body. The depth and breadth of corruption and governance failure in the country are widely perceived to be attributable to a significant extent to the failure of the PSC to ensure a credible process of appointments to the public service. However no comprehensive study has yet been done to diagnose the nature and extent of irregularities, corruption, governance problems and institutional weaknesses of PSC. The main objective of this study is to bridge this gap, and to recommend measures that may contribute to combating irregularities and corruption in the PSC. TIB has undertaken this diagnostic study in recognition of the critical importance of this vital institution, and growing erosion of its credibility.

The study was conducted by Md. Rezaul Karim, Research Officer of TIB, with the research support of Rumana Sharmin, Research Assistant. Other members of TIB's Research Division also provided valuable support including feedback and suggestions at different stages.

Professor Muzaffer Ahmad, Chairman, Board of Trustees of TIB guided and supervised the study, for which we remain grateful. The report has been enriched by suggestions of Mr. M. Hafizuddin Khan, former Adviser to the Caretaker Government and currently Treasurer of TIB.

We gratefully acknowledge contributions of a number of key informants and distinguished individuals who helped the study at various stages by sharing valuable information, knowledge and expert opinion about the subject. For valuable comments and suggestions on an earlier draft of the report we are grateful to Dr. M. Akbar Ali Khan, former Cabinet Secretary & Adviser to the Caretaker Government; Dr. Sadat Hussain, former Cabinet Secretary; Dr. S.M. Al-Hussainy and Professor Md. Mostafa Chowdhury, former Chairmen of PSC; Professor Hamida Banu and Professor Khondoker Bazlul Hoq, former Members of the Commission; Dr. A.M.M. Shawkat Ali, Former Secretary; Professor Syed Giasuddin Ahmed of the Department of Public Administration, University of Dhaka; and Professor Dr. A.Q.M. Mahboob of the Department of Geography and Environmental Science, University of Dhaka. We also appreciate that a set of comments on an earlier draft was sent to us from the Commission, which was given due importance in revising the earlier version and annexed with this report.

We hope that the study will benefit the concerned authorities and stakeholders, especially the PSC, and those who will go through the recruitment process by it in the future. TIB would also welcome any constructive critique and suggestion from anyone which would facilitate further enrichment of the study.

I ftekharuzzaman
Executive Director

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Abbreviations

ACC	Anti- Corruption Commission
APS	Australian Public Service
ASRC	Administrative and Services Reorganization Committee
BAC	Bureau of Anti-Corruption
BCS	Bangladesh Civil Service
BGP	Bangladesh Government Press
BPSC	Bangladesh Public Service Commission
CARC	Civil Administration Restoration Committee
CEC	Chairman of the Exam Committee
COE	Council of Europe
CPSC	Central Public Service Commission
CSRC	Civil Administration Restoration Committee
EPPSC	East Pakistan Public Service Commission
FIs	Field Investigators
FPSC	Federal Public Service Commission
HCAA	Hierarchical Central Administrative Agency
IACC	Independent Anti-Corruption Commission
ICS	Indian Civil Service
IGP	Inspector General of Police
ILA	Implementing Lead Authority
JCD	Jatiyatabadi Chhatra Dal
JS	Jatiya Sangsad (or National Parliament)
KII	Key Informant Interview
KIs	Key Informants
LC	Lee Commission
LPR	Leave Preparatory to Retirement
ME	Ministry of Establishment
MI	Ministry of Information
MLCOS	Martial Law Committee on Organizations and Orders
MLJPA	Ministry of Law, Justice and Parliamentary Affairs
NIS	National Integrity System
OAS	Organization of American States
PARC	Public Administration Reforms Commission
PPSC	Pakistan Public Service Commission
PSC	Public Service Commission
TIB	Transparency International Bangladesh
UN	United Nations
VC	Vice Chancellor
WB	World Bank

Executive Summary

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.

- 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.
- o 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.

Chapter 1

Introduction

1.1 The Context

The Public Service Commission (PSC) is an important pillar of the national integrity system¹ (NIS). It has a very substantial role in promoting excellence in the public administration by selecting the most competent persons for the public services of the republic. The core idea of a public service is based on the philosophy of recruitment of civil/public servants on the basis of merit.²

The first PSC in this sub-continent was established in British India on 1 October 1926 at central level and the Bengal PSC at provincial level on 1 April 1937 under the Government of India Acts of 1919 and 1937 respectively.³ These PSCs carried out their functions as prescribed in the legal mandates with reputation, integrity and proficiency. This tradition continued even by the military rulers of Pakistan after independence in 1947. Immediately after the emergence of Bangladesh, a total of two PSCs were established by merging the entire set-up of East Pakistan PSC and the Regional Office of Central PSC on 9 May 1972 in Dhaka.⁴

However, from the very beginning of their activities, the PSCs faced criticism. The selection of 1st class gazetted officers held in 1972 (e.g., Special Superior Service Examination for the Freedom Fighters, 1972 and for non-freedom fighters, 1973) conducted by the two PSCs were based on only interview. These two exams are criticised for recommending jobs to partisan candidates on political patronage. Over the last one and half decades a number of allegations were raised against the PSC. These include the appointment of Chairman and Members of the Commission on partisan consideration, selection of protagonists of the ruling party through BCS examinations, influence of the ruling party over the ongoing activities of the PSC, leakage of question papers before the examinations are held and so on. The PSC is now considered, to a great extent, as the gateway of the ruling party activists to enter into the civil service. The credibility of this constitutional body does not remain above controversy.

1.1.1 Concept and Nature of PSC: Emergence of the Public Service

The initiative of merit-based recruitment of civil servants in place of political patronage was first introduced in the Ancient Imperial China (i.e., imperial examination) during the Han dynasty (206 BC – 220 AD) and was abolished by the Ch'ing dowager empress (Qing Dynasty) in 1905 under pressure from leading Chinese intellectuals.⁵ The Chinese system was known to Europe in the mid-18th century, and it is believed to have influenced the creation of civil services in Europe. The establishment of civil service commission in England resulted from numerous influences. In the middle of the 19th century, the East India Company, for the first time, requested the King of England to establish an independent commission for selecting, based purely on merit, competent

¹ Transparency International, 'Corruption and Aid Effectiveness', *Working paper No. 4-2006*, September 20, 2006, p.14-15. The concept of the National Integrity System (NIS) has been developed and promoted by TI as part of its approach in preventing corruption. The NIS consists of the key institutions, laws and practices that contribute to integrity, transparency and accountability in a society. The NIS approach provides a framework with which both the extent and causes of corruption in a given national context, as well as the adequacy and effectiveness of national anti-corruption efforts can be analysed.

² <www.u-s-history.com/pages/h965.html> accessed on 15 November 2006.

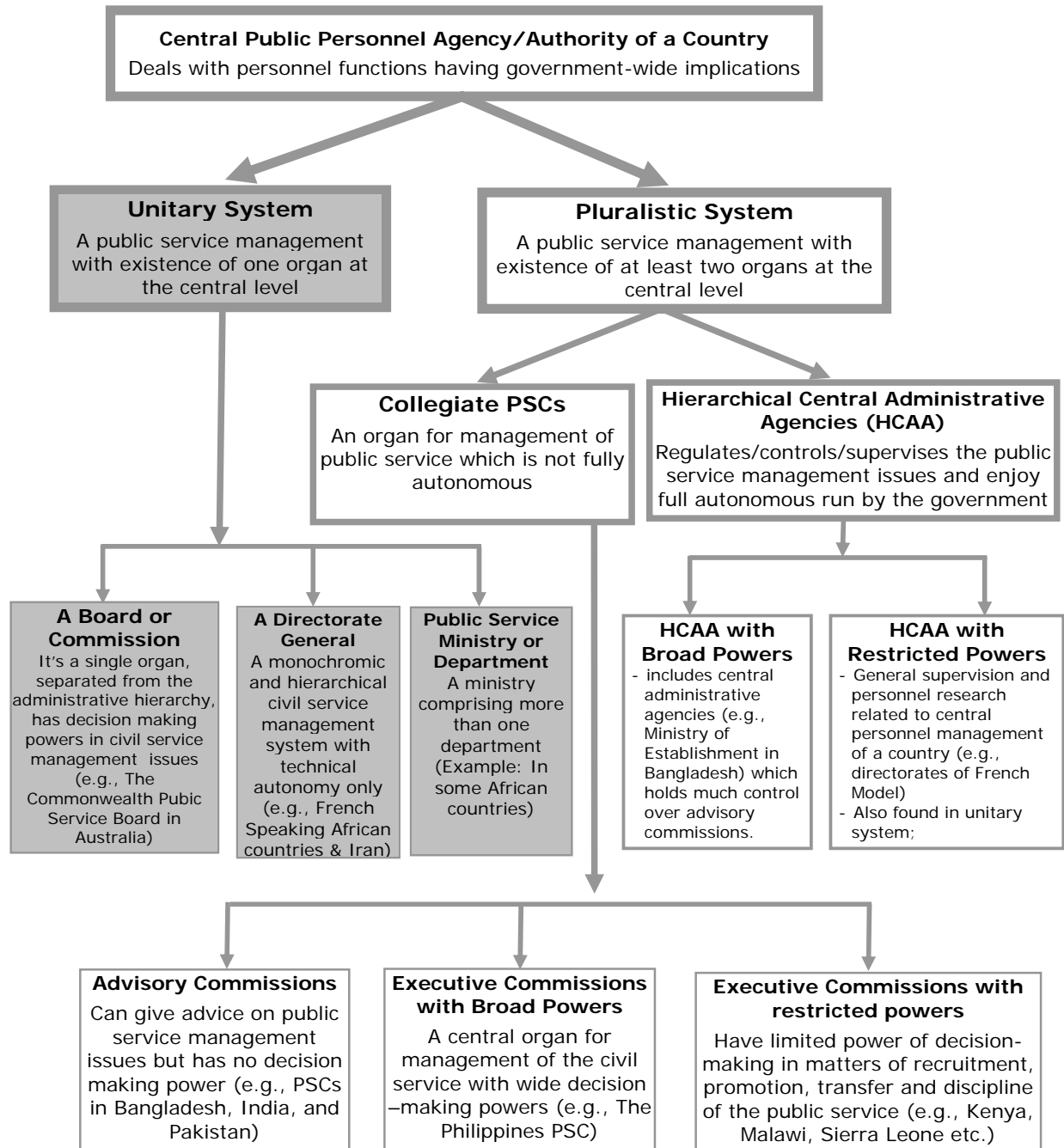
³ Syed Giasuddin Ahmed, *Bangladesh Public Service Commission*, Dhaka University Press, Dhaka, 1990, p 28.

⁴ *PSC Annual Report*, 2005, p 1.

⁵ *The Columbia Electronic Encyclopaedia*, 6th ed. Copyright © 2006, Columbia University Press.

persons. Accordingly, the Northcote-Trevelyan Committee, led by Sir Stafford Northcote and Sir Charles-Trevelyan, was formed. Thus the first ever Public Service Commission was constituted in England on 21 May 1855. The term was first used in designating the administration of British India. Its first application was found in 1854 in England.⁶

Figure 1: Types of Public Service Commissions and Central Public Personnel Agency⁷



⁶ *The Columbia Electronic Encyclopaedia*, Sixth Edition Copyright © 2003, Columbia University Press. Licensed from Columbia University Press.

⁷ Diagram prepared based on Ahmed (1990, 1986, 1984); UN (1966).

According to Ahmed (1990:3-20), the main objective behind constituting a PSC is to ensure that all decisions relating to recruitment, promotion, discipline, employee appeal and other important service matters are made strictly on merit and not on patronage or other grounds. The PSC has two basic purposes: first, elimination of patronage in the civil service; and second, selection of the best persons available and their recruitment.

Based on 'the philosophy of merit based recruitment system' which is also free from all sorts of political patronage and nepotism, the PSC emerged at the mid and late 19th century in Britain and USA respectively. In the USA, the Civil Service Commission was established by Congress in 1871 and was abolished in 1878.⁸ After the assassination of the US President Garfield by a disappointed job seeker in 1881, the movement for re-establishing the 'merit based recruitment system' in place of the 'spoils system' began once again. As a result, the Federal Civil Service Commission was re-established in 1883, in USA under Pendleton Act of 1883 and continued until 1978.

The principles, structure, composition, power and functions, and status of PSC (British India and United Pakistan) were made in accordance with the provisions mandated by the Government of India Acts of 1919 & 1935.⁹ Later on, the Constitutions of India (1950) and Pakistan (1959 & 1962) gave the legal mandates and autonomous status. Further, PSCs were observed to act as advisory body in both periods. This was done to ensure unbiased recruitment to Civil Services and maintain autonomous status of PSCs.

The PSC during Pakistan period was inherited from the Bengal PSC of British India (then EPPSC), CPSC (United Pakistan). No substantial change has yet been made in its structure, composition and functions of PSC since the establishment of the first PSC in the Indian Sub continent in 1926 and in Bengal in 1937. The status of PSC still continues as an advisory, as well as, a Constitutional body in dealing with the recruitment, promotion and disciplinary matters of the 1st class government officers of the republic since its inception.

According to the present structure, the Ministry of Establishment in Bangladesh is the central public personnel management authority which regulates civil service of the country, controls and supervises internal civil management and handles the problems of general public service management (Ahmed, 1990). On the other hand, PSC has no executive power in taking any decision for regulating civil service of the country and its power is limited to give advice and recommendations on recruitment, promotion, employee appeal, and disciplinary matters of public service in Bangladesh. It should be mentioned here that PSC, like its predecessors in British India (i.e., Federal Public Service Commission) and United Pakistan (i.e., Central Public Service Commission and East Pakistan Public Service Commission), is a Constitutional body whose structure, status, power and functions are firmly based on the Constitutional mandates of the People's Republic of Bangladesh.¹⁰

1.1.2 Review of Existing Literature on PSC

Keeping the objectives of the present study in mind, a review of the existing literature was done. A number of studies has focused on the genesis, development, structure and functions, and operational problems of PSC (Ahmed, 1986; Ahmed, 1990; Ali, 2002; Zafarullah and Khan, 2005, Khan, 1998). Some of these studies specifically focused on the genesis and development of PSC with cross country experiences, Constitutional and legal mandates (Ahmed, 1990; Ali, 2002), government's interference in PSC with

⁸ When a political party comes to power, its leaders tend to place many of their faithful followers into important public offices. The use of public offices as rewards for political party work is known as the "Spoils System." www.u-s-history.com/pages/h965.html accessed.

⁹ See Annex 2 for details on the genesis and development of BPSC at glance.

¹⁰ Article 137-141, Part IX, *The Constitution of The People's Republic of Bangladesh*, Chapter II – Public Service Commissions (Modified up to May 31, 2000), p. 55-57, see Annex 1 for details on BPSC in the Constitution of Bangladesh.

empirical evidence and profile of the Chairman and Members of the Commission from 1947 to 1986 (Ahmed, 1990; Ali, 2002), critical review of the recruitment policy of the PSC (Ali, 2002 and 2004; Sikder 2006).

However, although these studies offered various recommendations, they did not cover governance related issues of the PSC, problems of the PSC's operations, and root causes, nature and extent of irregularities in the PSC. The existing literature on PSC so far has not explored the weaknesses in the Constitutional and legal mandates and official documents, and irregularities in PSC's operations (within and outside) extensively. Further, none of the above studies ascertained the perceptions of the service recipients of the PSC on the irregularities and corruptions in the commission over the decades, which have been widely covered in the daily newspapers over the years.

At this backdrop, an initiative was undertaken by Transparency International Bangladesh (TIB) to explore the limitations and reasons behind the growing erosion of trust over the PSC. This study mainly attempts to diagnose the limitations of the Bangladesh Public Service Commission (PSC). In particular, it provides a comprehensive analysis of the root causes, nature and extent of irregularities and corruptions, and then comes out with a set of applicable recommendations.

1.2 Rationale

The rationales behind undertaking this study are as follows:

- The PSC is one of the important pillars of the NIS, and it has a crucial role in promoting excellence in future public administration of the country. This study is aimed at meeting the commitment of TIB to conduct diagnostic studies on the NIS institutions under the Making Waves Project.
- Questions upon the transparency, accountability and credibility of the Commission have been raised since 1972 leading towards erosion of trust among the people. To what extent the allegations are true has not been investigated or analysed.
- No comprehensive study has been carried out yet to diagnose the limitations of the PSC.

1.3 Objectives

The broad objective of this study is to diagnose the limitations, irregularities and corruptions in the PSC, and to come up with a set of policy recommendations.

The specific objectives of this study are to:

- Critically review the Constitutional and Legal mandates of PSC.
- Provide an overview of PSC's scope and functions.
- Find out the institutional limitations of PSC and their causes.
- Find out the nature, extent and implications of irregularities in PSC with a special focus on BCS examinations.
- Collect service-receivers' opinion/views on the areas of reforms in PSC.
- Make specific recommendations for policy reforms in PSC.

1.4 Theoretical Framework of the Study

This report follows the three basic principles for an efficient civil service proposed by the Northcote-Trevelyan Committee, led by Sir Stafford Northcote and Sir Charles-Trevelyan in 1854. First, the commission should be detached from the political government. Second, the recruitment to service should be by open competition based on ideals of a

non-partisan career civil service. Third, promotion in service should be on the basis of merit.¹¹

The terms 'public service' and 'civil service' are used synonymously in this report to denote the entire body of the government personnel employed for the service of the republic. The military and elected officials of the republic are excluded from this term. The term 'Bangladesh Public Service Commission' has been operationally defined in this study to refer to an institution or a body which is accountable for executing the functions¹² as proclaimed in the Constitution of Bangladesh. In this report, the term 'PSC' is used for 'Bangladesh Public Service Commission'.

1.5 Methodology

The study is empirical and descriptive in nature. Both qualitative and quantitative data have been presented in this report. The types of data collection tools have been determined on the basis of field situation and nature of informants. The information obtained from both primary and secondary sources have been used to complement each other.

1.5.1 Sources of Information

Information collected from both secondary and primary sources has been used in this study.

Secondary sources of information include books, reports, constitutional and legal documents, gazette notifications on new appointment in BCS cadres, PSC annual reports, news and reports published in national print media, and documents collected from websites.

Primary sources of information include interviews with key informants and candidates who appeared at BCS examinations (who have faced BCS viva voce at least once). Key informants consist of PSC officials and staff (including former and present Chairman, Members, officers and employees), concerned policy makers, eminent bureaucrats, researchers, and Members of the Parliamentary Standing Committee on the Ministry of Establishment.¹³

The following tools were used to collect information from primary sources:

1.5.1.1 Key Informant Interview¹⁴

A total of 35 key informants were interviewed based on a set of checklists. The issues covered in the checklist included the nature and type of irregularities and corruption within the Commission and the root causes behind such irregularities.

1.5.1.2 Opinion Survey

A survey was conducted among the service recipients (BCS examinees) in order to get their opinions and views on the irregularities in PSC, especially in the BCS examination. The questionnaire covered the issues which came out through the discussions with key informants. The survey was done following non-probability sampling techniques. Major issues covered in the questionnaire were:

- Nature of irregularities and corruptions in different stages of BCS Examinations.

¹¹ Cited in A. M. M. Shawkat Ali, *The Lore of the Mandarins: Toward a Non-Partisan Public Service Commission in Bangladesh*, The University Press Limited, Dhaka, 2002, p. 13.

¹² *The Constitution of Bangladesh*, Article 140.

¹³ The names of key informants could not be exposed upon their requests for keeping anonymity.

¹⁴ The persons who have formal or informal linkages with the PSC, or have extensive knowledge, ideas and experiences on issues related to the governance and operations of the PSC.

- Informants' trust on the Chairperson and Members of the PSC, and on declared results of different exams.
- Influences over the PSC.
- Right of access to information.
- Areas of necessary reforms in the BCS examination procedure.

1.5.2 Sampling Technique

Persons who already faced at least one BCS Viva Voce were the population for this survey. Due to lack of availability of official records of such types of BCS examinees, it was not possible to prepare a sampling frame. Under this situation, a non-probability sampling technique (snowball method¹⁵) was used and 434 persons were included as samples for this study. During selection of samples from the field, efforts were made to cover all possible variations of the population.

The participation of informants in the study was completely voluntary. Persons unwilling to participate in the survey were skipped. Identity of the informants has not been disclosed.

1.5.3 Measures for Ensuring Quality of Data

Measures like spot-checking, re-interview and consistency checking were followed to ensure quality of data. The survey team¹⁶, as well as the questionnaire survey were closely monitored and clinically supervised during the survey.

1.5.4 Data Analysis Plan and Techniques

The findings of the study were presented mostly in non-numerical manner. The case stories were not only used as complement to the information but also visualised the issues discussed. Descriptive statistical tools (e.g., pie chart, bar diagram, percentage distribution and frequency distribution) were used.

1.5.5 Duration of the Study

The study was carried out between January and November 2006.

1.6 Scope of Research

Keeping the objectives of this study in mind, following areas/issues have been covered in this study:

1. Review of PSC's constitutional and legal mandate, institutional structure, administrative and financial management, governance and operations.
2. An overview of BCS examinations – the process, problems, and irregularities. The reasons for giving priority to BCS exams are due to its importance in terms of selection of the cream of the future civil servants, and to have a glimpse of the nature and extent of corruption and irregularities. Moreover, the number of recommendations made by the PSC through BCS is the highest among all recommendations made by different types of examinations.

¹⁵ Snowball sampling is a special non-probability method used when the desired sample characteristic is rare. Snowball sampling relies on referrals from initial subjects to generate additional subjects. This sampling technique is often used in hidden populations, which are difficult for researchers to access.

¹⁶ See Annex 24 for the list of Field Investigators who contributed to the Opinion Survey.

1.7 Limitations of the Study

While conducting the study, the research team went through a number of hurdles. As a result, this report bears the following limitations.

- The research team did not receive any official response or co-operation from the PSC authority and PSC Secretariat. A section of high officials in the PSC, bureaucrats, and BCS cadres refused to give interview or to participate in the discussions.
- The very nature of this study required admittance by the BCS candidates as well as the other party(ies) involved in extra-legal transaction for ensuring selection for the BCS cadre. Unfortunately, as it is a win-win situation, neither the service receivers nor the involved official of the PSC admitted to be indulged in such affair. Therefore, this study has to rely largely on information provided by key informants, which are not necessarily substantiated by evidence.
- The available official documents¹⁷ cover only a section of the information with regard to the successful candidates. There is a serious dearth of information with regard to quota, sex, religion and cadre specific data. As a result, the trend of the representation of women and minority community in Bangladesh Civil Service since 1972 could not be identified. The collection of gazette notifications was very challenging and their sorting was also labour-intensive.

1.8 Structure of the Report

This report consists of six chapters. Chapter 1 deals with the context, conceptual framework of the study, nature of PSC, review of existing literature, rationale, objectives, methodology, and scope of the study. Chapter 2 provides an overview of the constitutional and legal framework of the PSC, and its scope and functions. An overview of the institutional structure of the PSC has been provided in Chapter 3. In Chapter 4 the nature and extent of irregularities and corruption that occur in the PSC is discussed in detail. A diagnosis of the limitations of the PSC is discussed in Chapter 5. Chapter 6 provides the conclusion and a set of policy recommendations for promoting excellence in governance within the PSC.

¹⁷ Based on PSC Annual Reports, published results, and gazette notifications on new appointments to BCS Cadres. For the list see references.

Chapter 2

Bangladesh Public Service Commission: Constitutional and Legal Framework

PSC, like the FPSC during British India and CPSC and EPPSC during Pakistani period (1947-1971), is a Constitutional body with advisory status and functions. In order to understand the activities of the PSC, it is imperative to have an overview of the constitutional and legal mandate available for the PSC. This chapter presents a brief overview of the provisions as laid in the Constitution of Bangladesh, relevant laws and regulations, and the scope and functions of the PSC.

2.1 Constitutional and Legal Framework

The position, status, scope and functions of PSC have been clearly determined by the Constitution of Bangladesh. Articles 137 to 141 of the Constitution of the People's Republic of Bangladesh set out in clear and unambiguous terms the scheme for the establishment of the Commission(s), appointment and re-appointment of Chairman and Members, conditions of appointment, terms of office, provisions of resignation, functions of the Commission, and annual report. Any sort of addition, alteration, substitution of the existing provisions can only be made through act(s) passed by the national parliament through certain special amendment procedures specified in the Constitution (Ahmed, 1990:175).

2.1.1 Establishment of the Commission

Article 137 of the Constitution of Bangladesh gives mandate to establish one or more Commissions for the public services of the republic. Accordingly, the Government of Bangladesh established two Commissions titled PSC First and PSC Second on 9 May 1972.¹⁸ The present PSC called 'Bangladesh Public Service Commission' was established on 22 December 1977 by merging the existing two Commissions.¹⁹

2.1.2 Number of Members

The total number of Members of PSC has been fixed at six (minimum) and 15 (maximum), including a Chairman.²⁰ An amendment was made in 1997 for fixing the number of Members at 11.

2.1.3 The Appointing Authority

Under the existing Constitutional mandates, the President of the People's Republic of Bangladesh appoints the Chairman and Members of the PSC with due advice from the Prime Minister.²¹ According to the Constitution, the terms of office of the Chairman and other Members of PSC expires five years after the date on which s/he entered the office, or when s/he attains the age of sixty-five years, whichever is earlier.²²

2.1.4 Qualification and Eligibility Criteria for Chairman and Members

According to the Constitution, not less than one-half of the Members of a Commission shall be persons who have held office for twenty years or more in the service of any

¹⁸ President Order No. 34 of 1972. PSC First was mainly responsible for conducting examinations and tests for selection of suitable persons for appointment to gazetted and non-gazetted civil services (including Class I & II) and civil posts. PSC Second was responsible for conducting tests and exams for selection of persons for the non-gazetted services (e.g., Class III services and posts in the statutory bodies).

¹⁹ This was done under PSC Ordinance No. LVII of 1977.

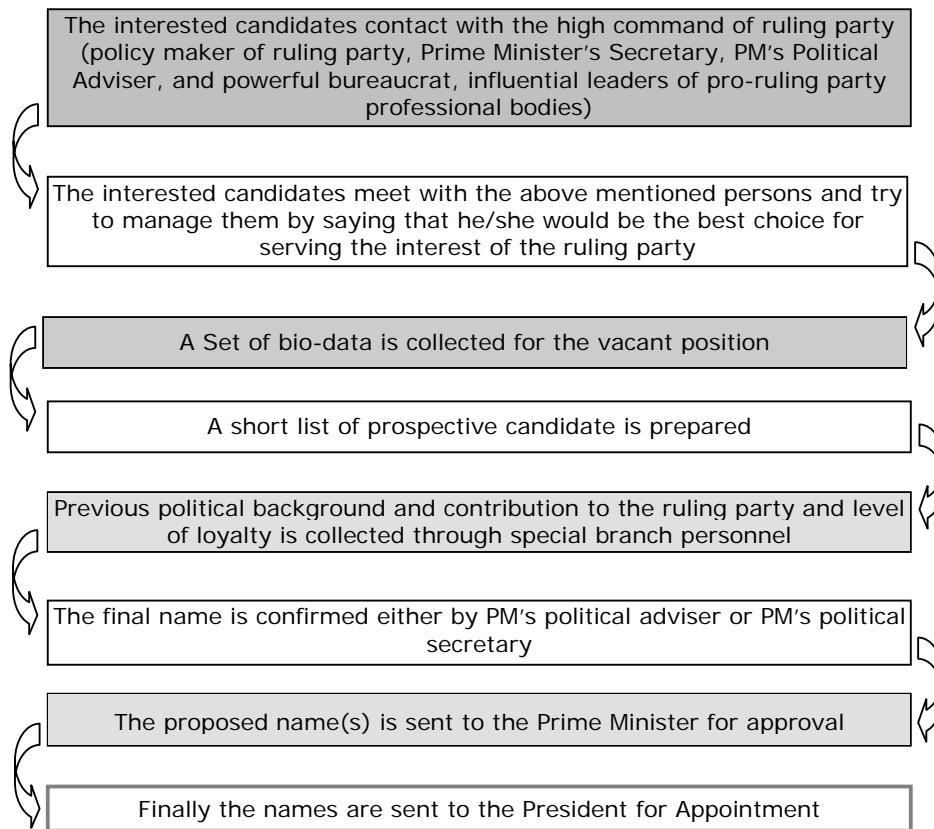
²⁰ PSC Ordinance No. LVII of 1977.

²¹ *The Constitution of Bangladesh*, Article 138(1).

²² *Ibid*, Article 139.

government, which has at any time functioned within the territory of Bangladesh.²³ However, the Constitution has not prescribed any transparent procedure for appointment of PSC Chairman and Members.

Figure 2: Procedures Followed in Appointing Chairman and Members



2.1.5 Rank of the Chairman and Members

Under the existing Warrant of Precedence (1986), the Chairman of PSC is equivalent to the Secretary of the Government (i.e., number "16") and the ranks of PSC Members is "20" which is equivalent to Additional Secretary of the government. It is noteworthy that the ranks of the Attorney General and Auditor-General of Bangladesh (both of these are also constitutional positions) are ranked "16". On the other hand, the ranks of the Chief Election Commissioner and Judges of the Supreme Court (Appellate Division) are "8".²⁴

2.1.6 Terms and Conditions of Service

The law titled *Members of the Bangladesh Public Service Commission (Terms and Conditions of Service)*²⁵ has determined the terms and conditions of the services of Chairman and Members of PSC. The law determined (a) the salaries of the Chairman and Members, (b) entitlement to residential, transport, and telephone facilities, and (c) leave, gratuity, provident fund, travelling allowance and medical facilities.²⁶

²³ *Ibid*, Article 138(2).

²⁴ See Annex 3 for details on Warrant of Precedence.

²⁵ Act No. XXI of 1974.

²⁶ In February 2006, on the basis of Article 138(2) of the Constitution, the existing act was revised titled *The Members of the Bangladesh Public Service Commission (Terms and Conditions of Service) (Amendment) Act 2006* increasing the salary of PSC Chairman and Members under a new Act.

2.1.7 Conduct of Business

The *PSC (Conduct of Business) Rules (1981)* made certain legal provisions for regulating the conduct of its business, e.g. proceedings of the Commission, procedure of the Commission in regard to recruitment to the public services, procedure of the Commission in regard to the disciplinary and other matters.

2.1.8 Removal and Termination

The Constitution mentioned that the Chairman and other Members of PSC should be removed from office like a judge of the Supreme Court.²⁷ Further, a Chairman or other Members of the PSC may resign his office by writing under his own hand addressed to the President. However, the Constitution has given mandates for re-appointment of a Chairman/Member(s) for further one term in PSC if his or her age is found eligible.²⁸

2.1.9 Safeguards of the PSC

The Constitutional and legal mandates and documents on PSC may be termed as safeguards for the Commission. The good governance of PSC, its recipient-friendly operations/services and the credibility of the Commission depend on the proper utilisation of these safeguards by the concerned authority and personnel.²⁹

2.2 Scope and Functions of the PSC

The scope and functions of the PSC have been designed largely in keeping with PSC rules under the Government of India Act of 1919 and 1935, and East Pakistan Public Service Commission (EPPSC) with little bit modification by the government of Bangladesh. According to the existing Constitutional and legal provisions, PSC is essentially an advisory, consultative and 'quasi-judicial' body rather than an executive one. In other words, PSC was not given executive power to control civil services as contemplated by the Act of 1919 and Lee Commission.³⁰

The scope and functions of the PSC is limited to giving recommendations and advice on civil service management related issues e.g., framing recruitment rules and procedures; recruitment, promotion, transfer, discipline, and give advice the President on any matter related to the civil service. However, the PSC may ask the concerned ministries or authorities which does not accept its advice to explain (a) the reasons why it was not accepted; (b) the cases where the commission ought to have been consulted but was not consulted, and (c) the reasons why it was not consulted. In this connection, Ahmed (1990:20) viewed that the effectiveness of the PSC depends on the unwritten but firmly established convention that the advice of a Commission is accepted as a matter of course.

Although PSC is an independent Constitutional body, and its independence and autonomy have been guaranteed under provisions made in the Constitution and President's Orders, as per Schedule I of the Rules of Business (issued in 1975), the Ministry of Establishment solely controls the policy decisions, composition, administration

²⁷ *The Constitution of Bangladesh*, Article 139(2). It states that, "The chairman and other members of such a Commission shall be removed from office except in like manner and on he like grounds as a judge of the Supreme Court." Article 139(3) states that, "A chairman or other members of a Public Service Commission may resign his office by writing under his own hand addressed to the President."

²⁸ *The Constitution of Bangladesh*, Article 139(1)(4). On ceasing to hold office, a member of a public service Commission shall not be eligible for further employment in the service of the Republic, but, subject to the provisions of clause (1) - a chairman so ceasing shall be eligible for re-appointment for one further term; and (b) a member (other than the chairman) so ceasing shall be eligible for re-appointment for one further term or for appointment as chairman of a PSC.

²⁹ See Annex 4 for details on laws, rules and procedures concerning the formation and functions of the PSC.

³⁰ Report of the Memoranda Submitted by the Government of India and the India Office to the Indian Statutory Commission, Vol. V. Part II, London, HMSO, 1930, p. 1312-1330.

and financial matters of the Commission. The Establishment Division of the ministry interprets and determines the broad scope of functional responsibilities of PSC through issuing various orders, instructions, memoranda, circulars and so forth.³¹ The functional jurisdiction of the Commission now covers only gazetted Class I and Class II officers belonging to government bodies (Zafarulla and Khan, 2005: 103).

The major functions of PSC are as follows:

2.2.1 Framing Recruitment Rules

The role of PSC in framing recruitment rules for both cadre and non-cadre officials are clearly specified in the Constitution. Accordingly, in January 1981, the Ministry of Establishment made a comprehensive set of recruitment rules titled The Establishment Manual of 1980 with due consultation with the PSC. In fact, as the first ever in Bangladesh, this manual clearly fixed the number of posts in cadre services, specified recruitment methods, age limit and qualifications of the candidates. As an advisory body, the PSC gives advice to the various ministries/divisions and attached departments on framing recruitment-related rules for the services/posts under their control including matters relating to (i) the determination of qualifications for and methods of recruitment to

such services/posts; (ii) principles to be followed in making recruitments, promotions and transfers to and within such services/posts under the government (Ahmed, 1986: 303).

An example of PSC's advice on revision of recruitment rules policy

The Commission thinks that persons with at least post-graduate degree should be given opportunity to compete as well as get job in the gazetted posts / positions in the changing era. The Commission hopes that all concerned ministries / divisions / departments would take initiative on urgent basis for necessary changes in the existing recruitment rules, methods and procedures.

Source: PSC Annual Report, 2005, p. 36

2.2.2 Recruitment of Suitable Candidates for the Public Services

The PSC is responsible for conducting competitive tests and examinations for the selection of most competent persons for the 1st class gazetted and non-gazetted posts/positions of the Republic.³² The PSC has the legal mandate to select the suitable persons and give recommendation for appointment to the concerned ministry or departments.³³ This is being done through the following methods since 1972.

Examinations: No recruitment policy or procedure was made till 1981 for recruitment of first class gazetted civil servants of the republic. As a result, PSC arranged competitive examinations for the recruitment of 1st class gazetted officers in different names during 1972-1981. The recruitment rules for the selection of civil servants were made in 1981. Under these rules, the first BCS examination was conducted in 1983. Similar examinations have continued till today. From the beginning of PSC, the Commission recommended a total of 41,413 persons (including 39,431 persons through BCS exams and 1982 through BCS equivalent exams held until 1982) for 1st class gazetted cadres through competitive tests and exams.³⁴

Selection/Interview: Interview is a widely practiced method for recruitment of civil servants for the republic. The available information shows that the PSC has selected a total number of 18,011 persons through interview during 1972-2005. It has been observed that about 55 percent of all recruitments through interview have been done by

³¹ *The Establishment Manual, Vol. I, 1980, pp. 99-114.*

³² *The Constitution of Bangladesh, Article 140.*

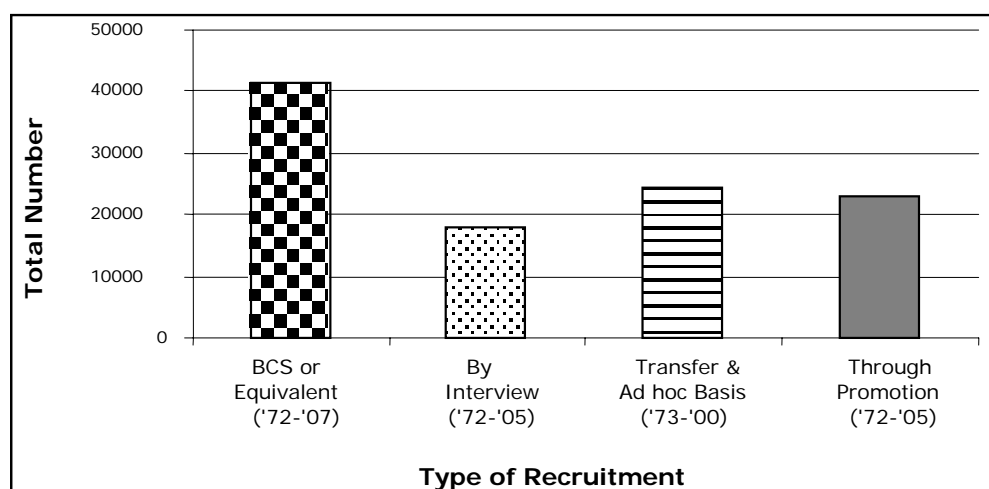
³³ *BPSC Annual Report, 2001, p. 15-16.*

³⁴ See Annex 5 for an overview of BCS or equivalent recruitments since 1972.

the governments during 1977-1985. Since 2002, no information on this type of recruitment has been found.³⁵

Promotion: This type of recruitment is conducted by giving promotion to persons belonging to non-gazetted and Class I posts. In such cases, the ME sends list of the proposed candidates to the Commission together with their service documents, service records (Annual Confidential Reports - ACR) and recruitment rules. The Commission gives advice to the President in respect of the candidates who are recommended depending on whether they have the requisite character and ability for the service or post for which they are proposed for appointment.³⁶ The PSC recommended in favour of 22,911 persons for promotional recruitments during 1972 to 2005.³⁷

Figure 3: Status of Recruitments done by BPSC (1972-2005)³⁸



Transfer and *Ad Hoc* Appointments: For appointments by transfer and deputation of persons from one service to another and to recruit persons on *ad hoc* basis, the concerned ministry/departments seek recommendations from the PSC via the ME. The Commission advises the President in respect of any candidate nominated if his/her qualifications are sufficient and if his/her record proves him/her to have the requisite character and ability for the post. The PSC has recommended in favour of 24,230 candidates for their appointment on *ad hoc* basis during 1973 to 2000. It was observed that about 95.33% *ad hoc* appointments were made within six years of the independence of Bangladesh.

2.2.3 An Overview of All Recruitments Done by the PSC (1972 – 2007)

Since the inception of the PSC in 1972, the highest number of recruitments has been made through BCS or equivalent³⁹ examinations (41,413), followed by promotional examinations (22,911), interview (18,011) and recruitments on *ad hoc* basis (24,230).

2.2.4 Giving Advice on Disciplinary, Appeal and Memorial Matters

As per provision made by the Constitution of Bangladesh⁴⁰, PSC carries out departmental inquiries into disciplinary and appeal matters of the public services and gives

³⁵ See Annex 6 for details on recruitments through interview.

³⁶ *The Bangladesh Public Service Commission (Conduct of Business) Rules*, 1981, p.4.

³⁷ See Annex 11 for details about promotional recruitments.

³⁸ Prepared on the basis of Gazette Notifications of ME; Ali (2002); and PSC Annual Reports.

³⁹ This is the total number of BCS (or equivalent) cadre officers since 1972. But for determining the sample size, a total of 19 BCS exams (out of 25) were considered. It was not possible to collect information on the remaining BCS exams (e.g., 1-4th, 6th, 12th, 23rd) during this study.

⁴⁰ Clause 2 (d), Article 140, *The Constitution of Bangladesh*, 2000.

recommendations to the concerned ministries for necessary departmental actions.⁴¹ It was found that about 82.34% of the disciplinary cases referred from the Ministry of Establishment have been disposed by the Commission since 1972, while about 17.66% cases were kept pending during the same period.⁴²

2.2.5 Preparing and Submitting Annual Report

Preparing annual report on the performance of Commission's functions (year long activities of the PSC) and then submitting it to the President of the Republic is a mandatory function of the PSC.

A number of limitations was identified with regard to the annual reports of the PSC.

- It was observed that the annual reports of successive years same issues are repeated.⁴³ This reflects the fact that preparation of annual report by PSC is almost as a routine work. The measures for ensuring the quality of the report get a little priority.
- Information about the number of recommendations under quota is absent.⁴⁴
- The reports hardly have detail discussion on (a) the cases, if any, in which its advise was not accepted and the reasons why it was not accepted; (b) the cases where the Commission ought to have been consulted and was not consulted, and the reasons why it was not consulted.
- The annual report provides only a descriptive list of the Chairman and Members, officers and staff but contains no information about their job description and previous professional background as well as their outstanding achievements.

From the above discussion, it is evident that the PSC works as an '*advisory*', '*consultative*' and '*quasi-judicial*' body rather than an executive one. The functions are clearly described by constitutional mandates, government orders and establishment manuals of the country. However, there are a number of constitutional and legal limitations. In the Constitution, there is no mention about its independence. The qualification and eligibility criteria of the Chairman and Members are insufficient. The recruitment procedure of the Chairman and Members is not transparent. There is absence of accountability measure – the role of parliament is not clear, the mechanism for removal and termination of Chairman and Members is weak. There is no operations principle (core values), scope and functions specified in any supporting law. There is no provision for budget in the Constitution. Access to information is not guaranteed in the Constitution, and such access is limited/restricted by different regulations. Moreover, there is no provision for making challenges against the decisions taken by the PSC.

⁴¹ *The Bangladesh Pubic Service Commission (Conduct of Business) Rules, 1981*, p.5. It states that "The records of such cases shall be forwarded to the Commission and the opinion given by the Commission shall be part of the record of the case and shall be communicated to the officer concerned along with the orders of the authority empowered to pass orders in the case."

⁴² See Annex 8 for details on disposal of disciplinary cases by the Commission.

⁴³ *Ali, 2002:263*.

⁴⁴ According to some of the key informants, the Commission hides the information on the recommended candidates under quota intentionally in order to save the persons involved in the irregularity that act as a bar against the selection of candidates from minority community.

Chapter 3

Institutional Structure

The term good governance⁴⁵ is one of the widely used development concepts in the recent era. Today, it is acknowledged that poor governance is the root cause of irregularities and corruption in any public service delivery organisation, institution or any other entity. PSC is not an exception in this regard. One central focus of this study is to unearth the root causes of irregularities and corruption in PSC. While doing this, it has been found that the deficiencies in the governance of PSC opened the frontiers of irregularities and corruption to a great extent.

The governance issues of PSC have been briefly discussed through an overview of the institutional structure of the PSC in this chapter.

3.1 Organogram of the PSC: The Commission

There are two management lines in PSC i.e., the Commission and Secretariat. The Chairman of PSC is solely responsible for its administration and overall management. According to the present structure,⁴⁶ there are in total eight constitutional posts – one Chairman and seven (7) Members at the PSC. However, it should be noted that four new Members were appointed in 1997.⁴⁷ According to the organogram, the Members are to work under the Chairman. Four Directors work under four Members, and the Chief Psychologist works under one of these four. The Secretariat of the PSC is assigned to one Member.

3.2 Procedure of Work of the Commission

The Chairman of the Commission control overall administration and policy making activities of PSC. The Chairman also issues necessary orders for making the work schedule and distribution of work among the members and officers of the Commission's Secretariat after due consultation with all other members.⁴⁸ The Chairman can assign any member to perform any particular work of the Commission.

3.3 Professional Background of PSC Chairman and Members⁴⁹

During the Pakistani period between 1947 and 1971, eight Chairmen were appointed for the Central PSC, while seven were appointed for the PSC of East Pakistan. The Chairmen of the CPSC and EPPSC were mostly appointed from government officers. However, after the independence of Bangladesh, so far ten (10) Chairmen have been appointed till date. Six of the Chairmen have been appointed from non-civil service background – five professors from Dhaka University and one college teacher. Since 1991, all the successive Chairmen of the PSC have been appointed from University teachers.

Similar trend can be identified in the appointment of Members to the PSC. During the British and Pakistani periods, majority of the Members came from the civil service

⁴⁵ The term is used here to refer to governance which is transparent, accountable, equitable and responsive to the needs of the people, rule by law and free from any sort of irregularity and corruption, free from all types of negative influences and promotes excellence in governance practices.

⁴⁶ As approved by the President of the People's Republic of Bangladesh on 24 December 1988 and then notified in the Gazettes No. SM/New Appointment/1E-4/86-32, 6 February 1989. For details see Annex 9.

⁴⁷ It was not possible to collect the latest organisational structure of PSC from PSC as the concerned authority in PSC refused to provide any information on the organogram.

⁴⁸ *The Bangladesh Public Service Commission (Conduct of Business) Rules*, 1981.

⁴⁹ See Annex 10 for backgrounds of PSC Chairmen since 1947.

(47.8% and 69.2% respectively). On the other hand, since the independence, PSC Members were largely from universities and colleges (45.57%) (Figure 4).⁵⁰

Figure 4: Professional Background of Chairmen prior to Joining the PSC (1947-2006)⁵¹

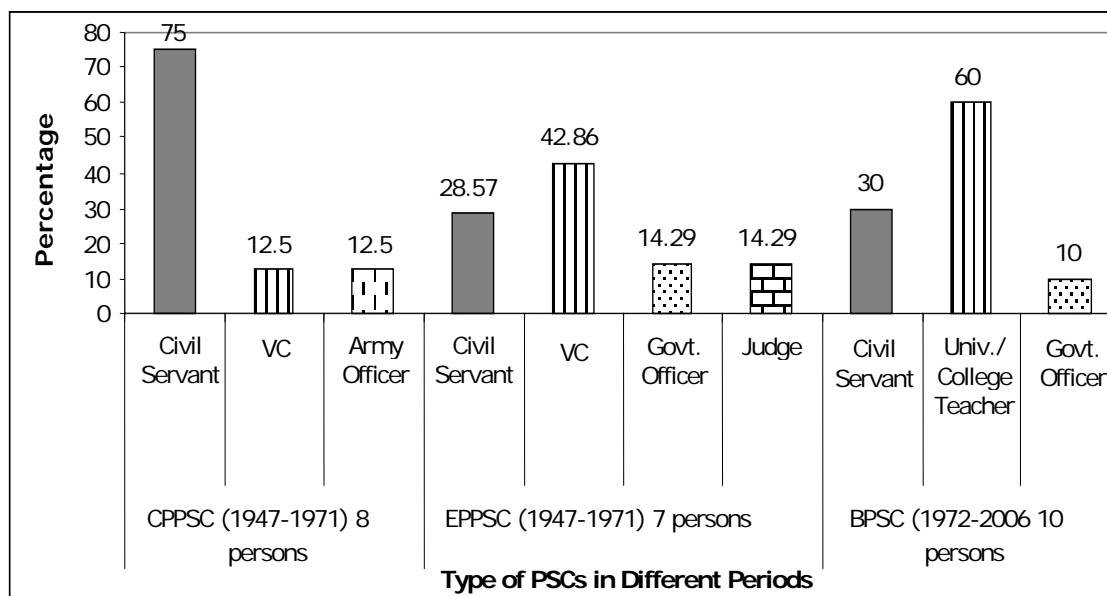
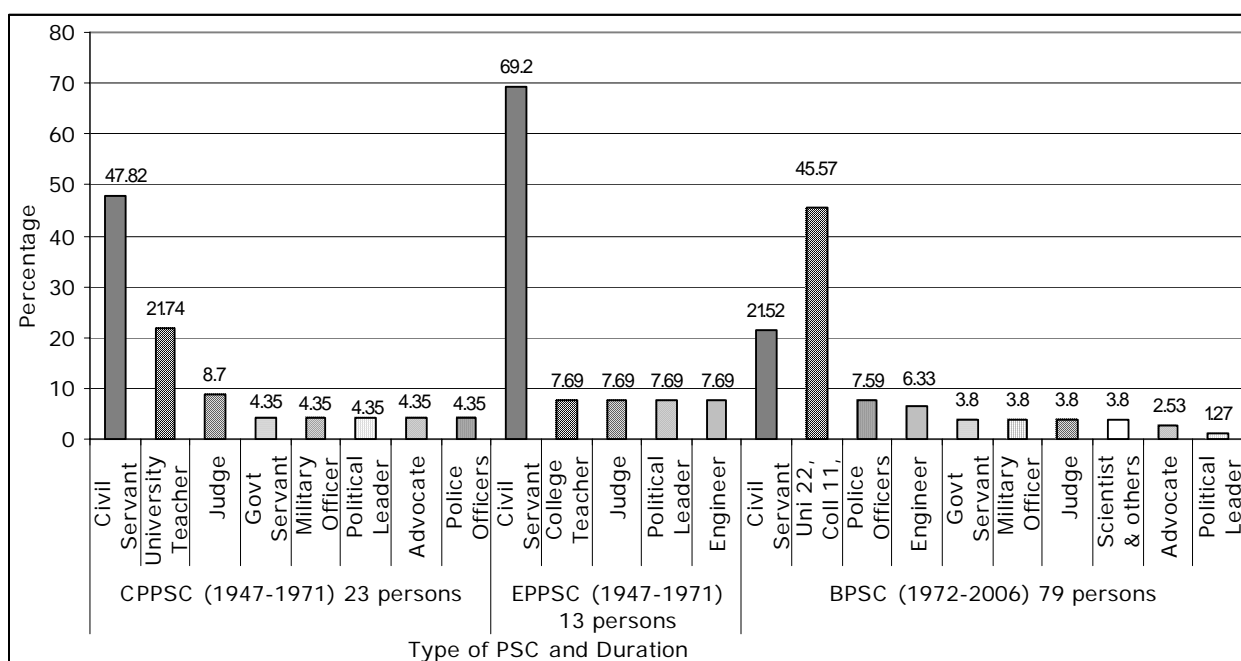


Figure 5: Professional Background of Members Prior to joining the PSC (1947-2006)⁵²



⁵⁰ See Annex 11 for background of PSC Members since 1947.

⁵¹ Prepared based on Ahmed (1990: 201-227) and BPSC Annual Reports.

⁵² *Ibid.*

3.4 PSC Secretariat

The Secretary is the administrative head of the commission's secretariat. The Chairman and Members of the Commission, in fact, give all sorts of policy decisions/directions to the Secretariat of the Commission. The PSC Secretariat is responsible for implementing the decisions taken by the Commission. The Ministry of Establishment sends all correspondences to the Chairman and Members of the Commission through PSC Secretariat. An Additional Secretary of the Government of Bangladesh is given appointment as Secretary to the PSC Secretariat. The Commission has no power to compel the concerned ministries or departments to implement its recommendations / advice. The authorities may or may not accept PSC's recommendations.

3.4.1 Functional Units of the PSC Secretariat at a Glance

For better coordination and smooth implementation of PSC's ongoing operations, the Secretariat is divided into 11 Sections/Unites. These are, Administrative Section⁵³, Recruitment Section, two (2) Examination Sections, Confidential Section, Computer Section, Accounts Section, Psychology Section, Research Section, BCS Cadre section, Library Section, etc.⁵⁴ An overview of the important units of BPSC is given below.

Administrative Section: This section is responsible for over all supervision of the tasks of various sections in the Headquarter, as well as, in the zonal offices. The major tasks of the Administration Section are to:

- Maintain communication with ministries/divisions and their attached departments.
- Deal with service matters of all non-gazetted employees in the PSC.
- Prepare working papers and to attend meetings of the Commission and to circulate minutes of the meetings to all concerned.
- Face visitors to the PSC and provide necessary information as per their demand.;
- Attend meetings in the ministries/divisions on behalf of the PSC.;
- Responsible for maintenance and control of office vehicles, equipments, etc.; and
- Implement all orders taken by the commission.

Recruitment Section: This section is responsible for arranging all sorts of competitive tests and exams for selection of suitable persons to the vacant posts (1st and 2nd class gazetted posts) of the republic.

Confidential Section: This section is mainly responsible for tabulation, scrutiny and prepare merit list, and keep records of all documents and result sheets of the examinees.

Computer Section: This section is created for data entry, composing of all documents of various units (including draft Annual Report), putting on the registration numbers in the admit card through OMR Scanning machine, preparing attendance sheet of all exams, scrutinising answer sheets through OMR scanning machine, delivering duplicate admit card, and assisting research section.⁵⁵

Accounts Section: This section is responsible for dealing with the accounts and finance matters of the PSC.

Psychology Section: This section conducts psychological tests and exams for the examinees. This unit has recently been abolished.

⁵³ Syed Giasuddin Ahmed, *Bangladesh Public Service Commission, University of Dhaka, Bangladesh, 1990, p. 133.*

⁵⁴ BPSC *Annual Report 2005*, p.6.

⁵⁵ *Ibid*, pp. 34-35.

Research Section: This unit is responsible to carry out research on the background of the candidates. The findings of the research are given in the annual reports.

Library Section: The Chairman and Members of the Commission, officers and employees of the Secretariat use this library. Researchers from several organisations can use it with appropriate approval. This library contains more than 20 thousand books, 18 Bangla and English daily newspapers, and several national and international magazines. This library was established with its own budget. Modern cataloguing system e.g., AACR-2 has been followed for arranging all books and documents in the library.

3.4.2 PSC Headquarter Regional Offices

The PSC does not have its own building till today. At present, the headquarters of BPSC is located in the old airport building at Tejgaon in Dhaka. PSC's own 11 storied building is now under construction at Agargaon, Dhaka.

A total of five Regional Offices of the PSC Secretariat have been established in the divisional cities and towns, i.e., Chittagong, Rajshahi, Khulna, Barishal, and Sylhet, with a view to ensure easy access to PSC's services for the service recipients of these divisions. More specifically, the functions of the zonal offices include disseminating general and specific information regarding job prospects in the government service, supplying application forms to persons seeking government service, shifting application received at the zonal offices, issuing letters of interview or admit cards, and arranging competitive examinations/interviews. A total of ten employees work in each zonal office (including one 1st class officer, one 2nd class officer, three 3rd class and five 4th class employees). One Assistant Director (1st class officer) heads each Regional Office.

3.4.3 Human Resource in the PSC

A total of 344 positions (62 positions as 1st class, 52 as 2nd class, 134 as 3rd class and 96 as 4th class) are allocated for the secretariat of the Commission.⁵⁶ It was observed that the PSC is running short of adequate human resource. A total of 51 positions (15 percent of total posts) mentioned as vacant in the Commission's 2005 Annual Report. At present, out of the 11 units of the Secretariat there are only seven (7) Directors for 7 units and the four units are administered by four (4) Deputy Directors.

3.4.4 Procedures of Staff Recruitment in the PSC

The first recruitment rules for recruitment of the Officers and employees of the PSC were passed by the government through a gazette notification on 22 April 1982.⁵⁷ These rules cover the information on the name of the posts, qualification and eligibility criteria regarding the posts i.e., education, age, and methods of recruitment. This rule was then replaced by another revised rule promulgated by the government.⁵⁸ The PSC 1st class non-gazetted officers (or Assistant Director) are recruited by the PSC like other non-gazetted employees of the republic. Other employees (belonging to 2nd to 4th Class) of the PSC are also recruited under the existing recruitment rules mandated.

3.4.5 Non-Transferable Job

PSC officers and employees are not transferred to other ministries, departments, or statutory bodies of the government. The 1st class officers are transferred to the Regional Offices but they return back to the central office immediately after being promoted as Deputy Secretary, since the regional offices has no such position.

⁵⁶ See Annex 12 for details of the human resource at the PSC.

⁵⁷ *PSC Officers and Employees Recruitment Rules*, Government of Bangladesh, Chief Martial Law Administrator Secretariat, Establishment Division, Recruitment Section, Notification, Dhaka, April 21, 1982.

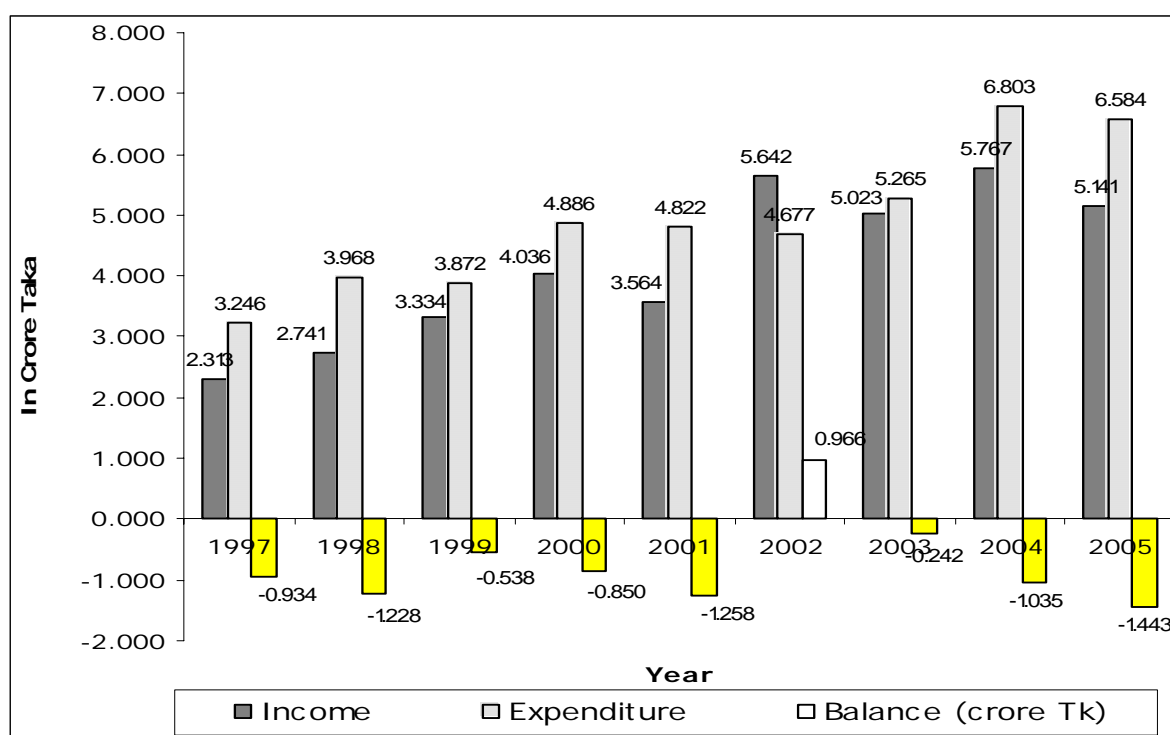
⁵⁸ *PSC Officers and Employees Recruitment Rules*, Government of Bangladesh, Ministry of Establishment, Administration Section, Notification, Dhaka, November 21, 1990.

3.5 Financial Issues

3.5.1 Budgetary Regulations

The PSC is a constitutional body. However, its budget is approved by the Ministry of Finance. The annual audit is done by the Office of the Comptroller and Auditor General (CAG). From the available data, it is observed that during 1997 and 2005 in most of the years the PSC overspent according to its income.⁵⁹ The net budget received from the state treasury was 14% to 31% during the same period. However, only in 2002 the PSC had surplus income (17%) more than that of its internal expenditure. All types of procurement in the PSC also need sanctions by the concerned ministry. All earnings of the PSC (e.g., application fees and examination charges realised from the examinees) go to the government treasury. Moreover, the PSC always has to depend on the Ministry of Establishment's patronage for the sanction of house rents, travelling allowances and medical benefits for its Chairman, Members and staff (Ahmed, 1990:141).

Figure 6: Income and Expenditure of the PSC (1997 – 2005)



Allegations were made about the grabbing of internal entertaining allowance and special remuneration for the Commissions over years. It was further alleged that the audit team of CAGB is managed with bribe. Key informants from the PSC informed that there is very special budget which varies between Tk. one lac to five lac (Tk 1,00,000 – Tk 5,00,000) for managing the audit team.

It may be noted that the Commission is able to meet all of its expenditures with its earnings. This can only be made possible through the proper utilisation of the Commission's annual expenditures in a fair, transparent, justified and accountable way.

⁵⁹ For detail of PSC's yearly budget, see Annex 23.

Chapter 4

BCS Examinations: Irregularities and Corruption

Among all the functions of the PSC as laid in the Constitution of Bangladesh, the most important is the conduction of Bangladesh Civil Service (BCS) examinations. BCS examination is seen as the gateway for entry into the most prestigious civil service of the republic.

However, allegations were made over the years against different types of irregularities with regard to BCS examinations. All the daily newspapers published reports/views and opinions on different irregularities in BCS exam over the years. Such allegations include leakage of BCS question papers, selection of civil servants on political connection,⁶⁰ and nepotism and corruption of few Members, officials and employees. The irregularities in the whole BCS process have tainted the image of the constitutional body, as well as, its past glory in its recruiting process.

In this chapter, an overview of BCS examinations has been explored. This includes the process, problems, and irregularities involved in BCS examinations. The reasons for giving priority to BCS exams are due to its importance in terms of selection of the cream of the future civil servants, and to have a glimpse of the nature and extent of corruption and irregularities. Moreover, the number of recommendations made by the PSC through BCS is the highest among all recommendations made by different types of examinations.

4.1 An Overview of PSC's Recruitment Activities (1972-March 2007)

During 1972- March 2007, PSC has selected a total number of 41,413 persons through BCS examinations or equivalent type of exams⁶¹ in 28 cadres.⁶² This is followed by 24,230 persons on *ad hoc* basis (1973-2000), 22,911 persons through promotional examination (1972-2005) and 18,011 persons through interview (1972-2005).⁶³

From 1972 to 1981, before the establishment of the single PSC merging the two PSCs, a total number of 1,982 persons were recommended through seven Superior Service Examinations or equivalent examinations. Needless to mention here that all of the recommendations were made for the 1st Class Gazetted Officers.

Since 1982 onwards, a total number of 39,431 persons have been recommended by the PSC through 27 BCS Examinations. Among these, ten (2nd, 3rd, 4th, 6th, 7th, 12th, 14th, 16th, 19th, and 26th BCS Examinations) were special BCS Exams. The 23rd BCS was conducted for the recruitment of the dependants of the freedom fighters. However, the result was withheld through a High Court injunction. It is pertinent to mention that the process of this examination started during one government and finished during the successive government. The result of the 23rd BCS examination was withheld mainly due to government interference.

⁶⁰ *The Daily Shamokal*, January 28, 2007; *The Daily Sangbad*, October 1, 2006; *The Daily Inquilab* April 2, 2006; *The Bangladesh Observer*, July 26, 2005; *The Daily Star*, March 4, 2005; *The Daily Ittefaq*, September 28, 2005.

⁶¹ This is the total number of BCS (or equivalent) cadre officers since 1972. See Annex 5 for details on the candidates recruited through BCS and BCS Equivalent Examinations.

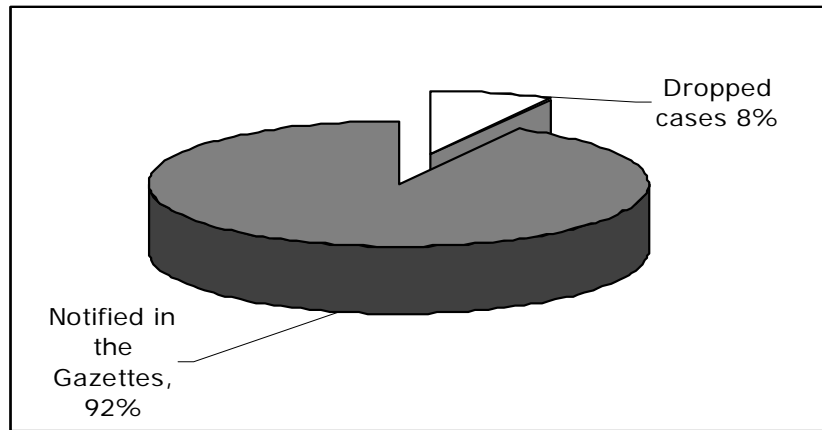
⁶² See Annex 13 for details on list of BCS Cadres.

⁶³ The above data is based collected published materials such as the Annual Reports of the PSC and Ali (2002).

The average time spent for each BCS Examination (General) was 24.75 months and 14 months for BCS Examination (Special).⁶⁴ However, the average time spent for BCS examinations since 1982 was 20.08 months. The process include from the formation of the committee to publication of the result. It has been observed that the examinations process of the 21st and the 22nd BCS took more than 35 months. The process of these examinations started during one government and ended during the following government. The 24th BCS examination was delayed as the preliminary test was taken twice. The first time it was alleged that the question paper of the preliminary test was leaked out, and later this was cancelled by the PSC facing strong protest from the candidates.

However, it is noteworthy that all the candidates recommended by the PSC are not appointed. Based on the collected Gazette Notifications of 19 BCS examinations, it was observed that 8.43% (2,736 out of 32,464) BCS examinees recommended by the PSC finally did not get BCS job (Figure 7).⁶⁵

Figure 7: BCS Candidates Dropped by the Ministry of Establishment⁶⁶



4.1.1 Representation of Religious and Ethnic Minority⁶⁷

Equal opportunity for all citizens in respect of employment or office in the service of the republic irrespective of religion, race, caste, sex or place of birth has been clearly proclaimed in the Constitution.⁶⁸ At the same time, the Constitution has not prevented the state from making any special provision in favour of any backward section of citizens for the purpose of securing their adequate representation in the service of the republic.⁶⁹ PSC is expected to follow Constitutional mandates during selection of competent persons for the civil service of the republic.

There is 5% tribal quota for the ethnic minorities. Till date the total number of candidates from religious and ethnic minorities getting BCS job is 3,163 (10.67% of total recruitment through BCS). Among them 8.46% were for general cadres and 11.27% for professional cadres.

⁶⁴ For details see Annex 13A on the time spent for each BCS exam.

⁶⁵ See Annex 14 for an overview of BCS examinees recommended by BPSC but dropped by the Ministry of Establishment.

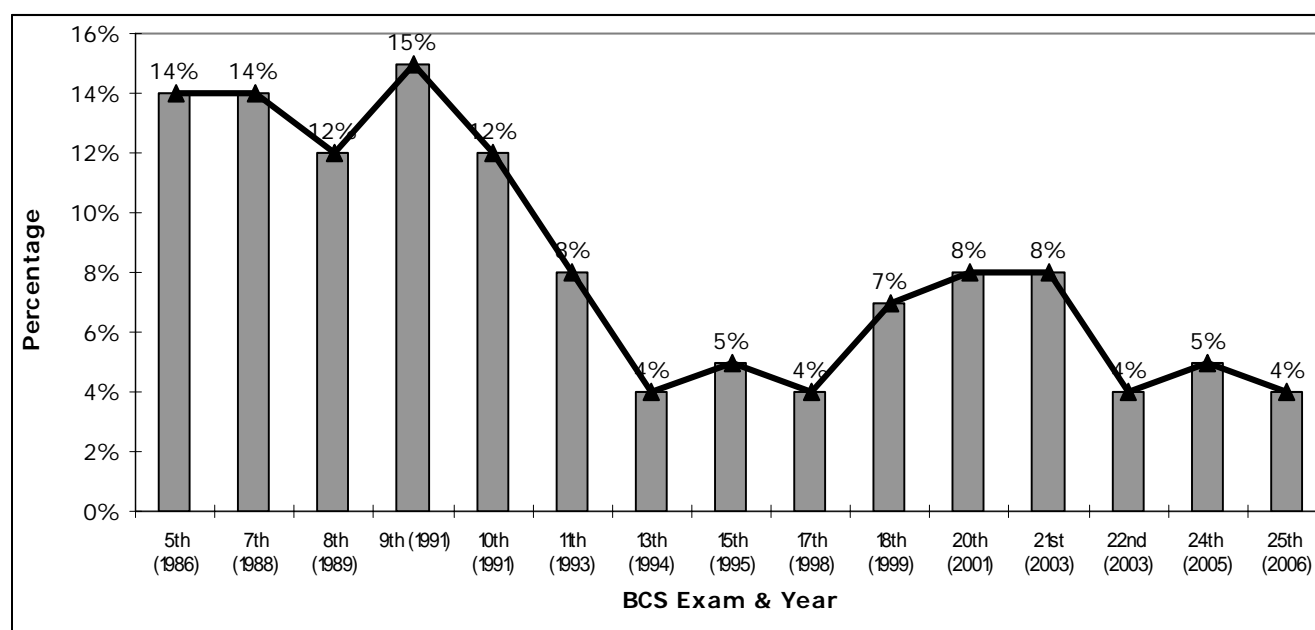
⁶⁶ Gazette Notifications and BPSC Annual Reports.

⁶⁷ See Annex 15 for details of BCS Cadre officers Notified in the Gazettes (by sex and religion).

⁶⁸ *The Constitution of Bangladesh*, Article 29 (3).

⁶⁹ *The Constitution of Bangladesh*, Article 29 (2).

Figure 8: Representation of Religious and Ethnic Minority



However, during conducting the study, any official document or research on the trend of representation of minority community (in terms of religion and ethnicity) in the Bangladesh Civil Service was not found. Based on information of 19 Gazettes⁷⁰ that were available to the research team, it is observed that in case of general cadre, there was a sharp decline from 11th BCS examination (held in 1993) and continued until 15th BCS exam (1995). Again from 20th BCS examination the representation of religious minority community in BCS professional cadres began to decrease which continued till 26th BCS examination (2006).⁷¹ The trend⁷² shows that the representation of the Hindu, Buddhist and Christian BCS examinees appointed to BCS jobs (including 5% quota for tribal population) in the cadres⁷³ was noticeably higher during 1982-1990 than that of 1991-1996, 2001-2006 and 1996-2001.

4.1.2 Representation of Women in BCS Cadres

Women constitute almost half of the country's population. A large portion of the workforce consists of the female workers. However, so far only about one-fifth of the BCS cadre officers has been recruited from females. The number of female examinees getting BCS job is 6,142 (20.73%), among whom 15.39% belonged to general cadres, and 22.16% professional cadres.⁷⁴ The representation of women in the general cadre has gradually been increasing since the 5th BCS examination.

4.2 Procedure of Selection and Appointment for BCS Cadres

The selection and final appointment of a BCS cadre require a bulk of activities. Both the New Appointment Section of the Ministry of Establishment and the PSC have to be

⁷⁰ It is pertinent to mention that the study team identified sex and religion of persons notified in the collected gazettes manually. Based on religion, all BCS cadre officers were divided into two groups – Muslims and other religions (Hindu, Buddhist and Christian). The tribal cadre officers were included in the other religions category.

⁷¹ Representation of religious and ethnic minority in BCS Professional Cadre.

⁷² Information on the 1st to 4th, 6th, and 12th BCS Exams were not included here due to failure to collect these Gazette Notifications.

⁷³ General cadres like administration, police, foreign affairs, customs and taxation etc. are fundamentally important in the public administration of Bangladesh.

⁷⁴ See Annex 16B for details representation of women in BCS Cadre (General and Professional).

involved directly in these activities. The involvement of the ministry and the PSC can be described as follows.

Requisition: Different ministries, directorates, divisions, and statutory bodies send requisition to the New Appointment Section of the Ministry of Establishment to select BCS Officers through BCS examination. The New Appointment Section of the Ministry of Establishment sends letter to the PSC Secretary to select suitable persons for vacant posts. This letter covers recruitment policy, procedures, and total vacant posts against cadres. PSC Secretary receives requisition and sends it to the Chairman for necessary action.

Formation of Examination Committee: A three-member Exam Committee is formed (one Member as Chairman of the committee, Controller and one Director of PSC). The committee is given responsibility to conduct the whole BCS exam.

Initial Activities of BCS Exam: A number of activities follow the formation of the examination committee. The date of distribution of the application form and banks, total vacant posts and cadres, eligibility/non-eligibility of applicants, required documents to be submitted, the examination fee, conditions of the examinations, examination rules, recruitment process and policy, and the authority of the PSC are fixed and mentioned through circulars in newspapers.

Preparation of Question Papers: The Chairman of the Examination Committee (CEC) selects at least three examiners for one subject. The CEC then contacts with the examiners, and requests them to send draft question. A guideline is also sent to the examiners. The CEC sits with the question makers and finalises question papers and then gets these type-written by his/her trusted staff. The question papers are finalised under direct supervision of the CEC. Question papers are preserved in the Triple Protected Control Room in the PSC. The question papers are then printed from BG Press and preserved with maximum security.

Different Stages of the Examination: Preliminary test, written test, and viva voce are held according to the schedule.

Preparation of Merit List: A merit list prepared after examining the answer sheets checked by concerned experts i.e., teachers of different universities, and after the tabulation is done.

Publication of Result: The PSC publishes the result and sends the list of selected candidates to the ministry with recommendation for appointment.

Police verification and Medical Check-up: Police verification is arranged by the Ministry with the support from the Ministry of Home Affairs. Medical check-up is arranged by the Ministry of Establishment with the support from the Ministry of Health and Family Welfare.

Final Appointment: Final appointment is given by the Ministry of Establishment through Gazette Notification.

Figure 9: Stages of BCS Examination

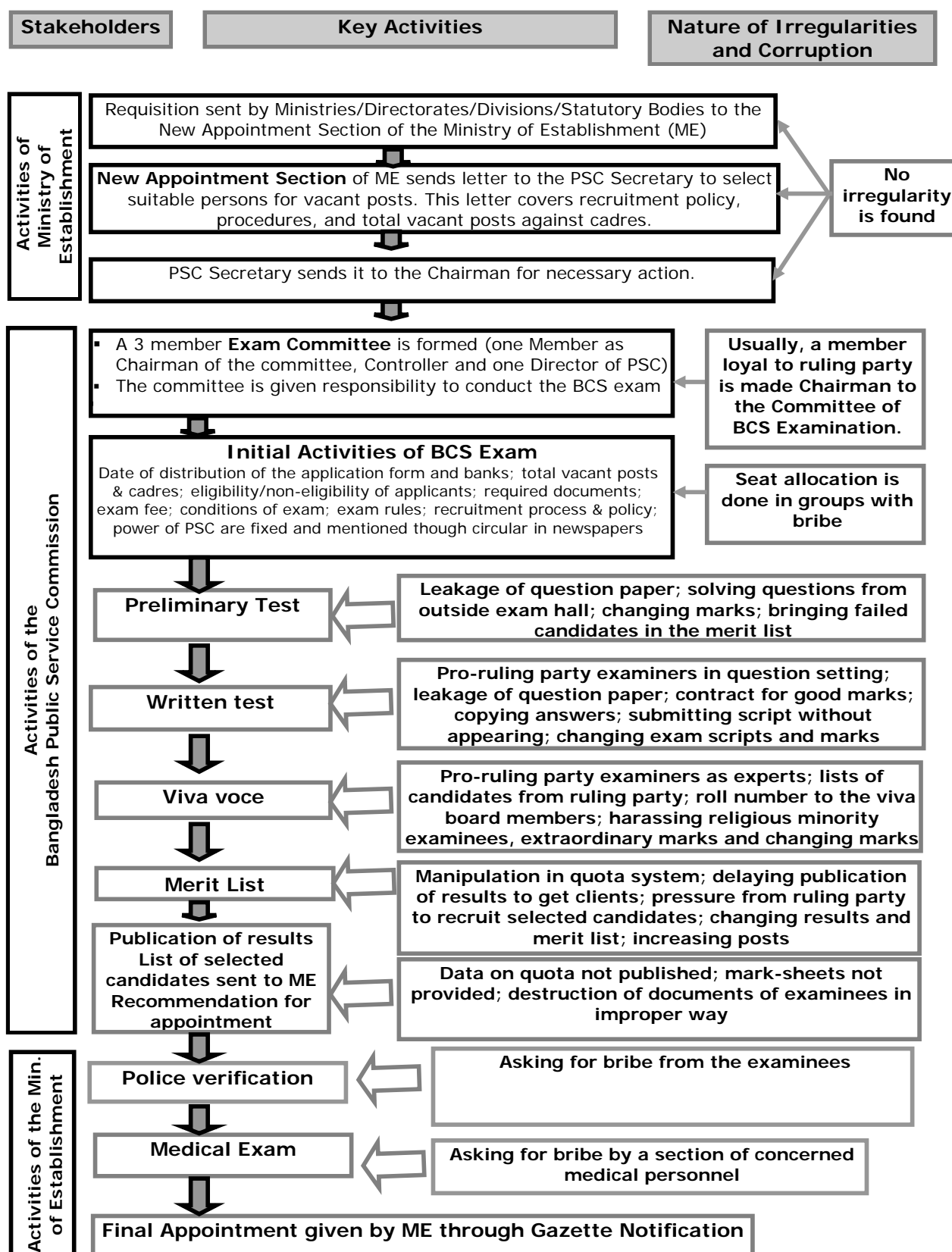
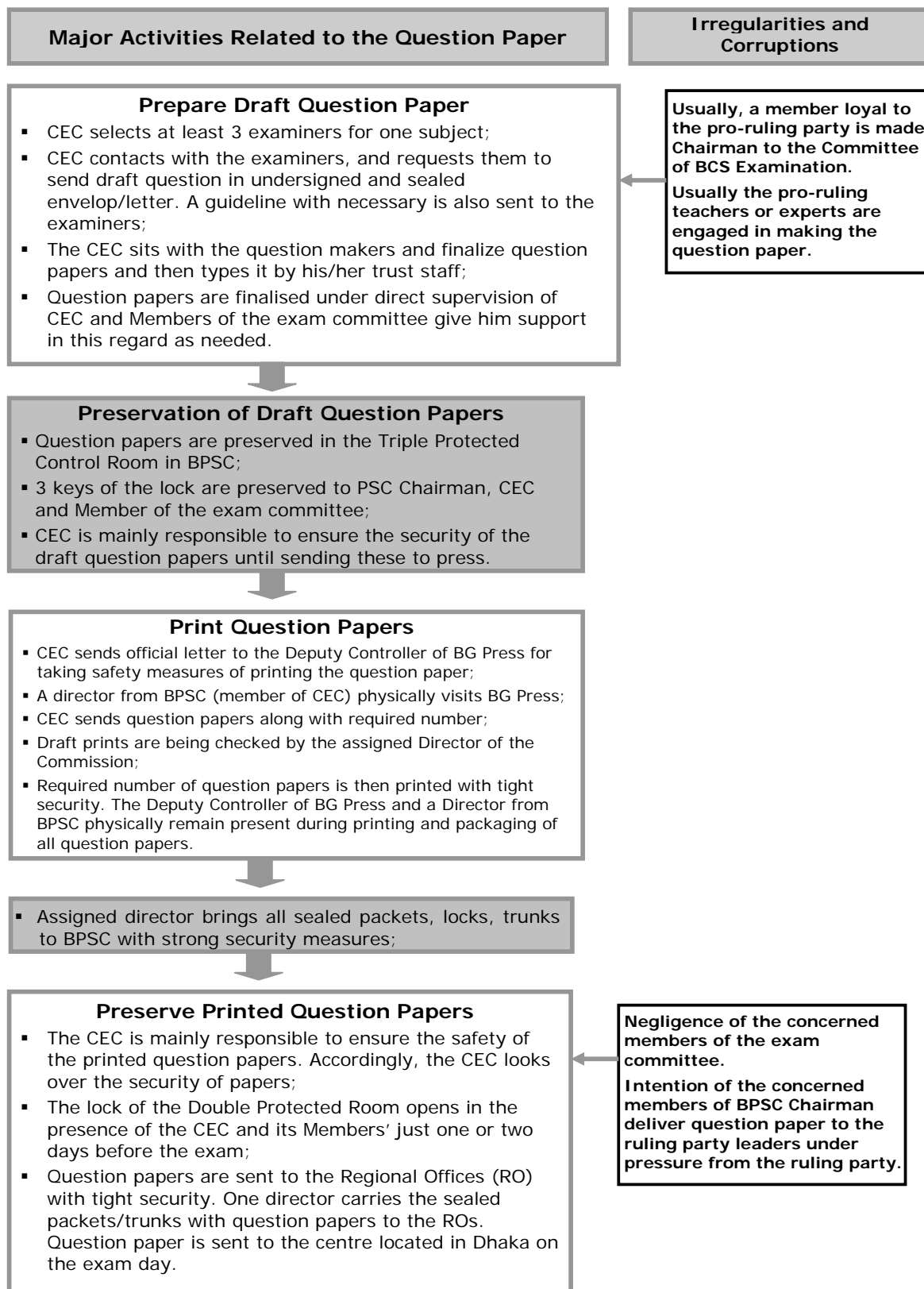


Figure 10: Major Activities Regarding BCS Question Papers



4.3 Irregularities in BCS Examinations: Feedback from the Examinees

It was found that irregularities and corruptions of BCS examinations start at the very beginning. Figure 8 clearly presents key irregularities at different stages of the process. These types of irregularities were identified from the in-depth interviews of key informants. Later the research team conducted a survey among BCS examinees (both successful and unsuccessful) in order to verify the information given by the key informants. In the following section a brief discussion of the findings has been presented.⁷⁵

It should be mentioned here that only a portion of the examinees get BCS cadre posts through unfair means and corruption with unscrupulous dealing with a section of the PSC personnel. However, the research team could not measure the portion of such candidates. Nonetheless, the types of irregularities and corruption as discussed below were identified by the team.

4.3.1 Reasons for Appearing at BCS Examinations

The respondents were asked why they appeared at the BCS examinations. The highest number of them mentioned that they wanted a first class job (60.1%), will have high status and social security (54.1%), a secured job (42.3%), will be able to serve the people and country (29.8%), and financial solvency (20.4%).

4.3.2 Leakage of BCS Question Papers

The preparation, printing, preservation and distribution of BCS question paper include a series of activities along with involvement of large number of personnel both in the PSC and Bangladesh Government Press (BG Press) (Figure 9). The Chairman of the Examination Committee of each BCS is fundamentally responsible for doing these with utmost integrity and efficiency. During the printing of question papers, officers and employees of BG Press are involved, but everything is done under supervision and monitoring of the Chair of the Examination Committee.

Allegations against the leakage of BCS question paper have become regular. Almost all the daily newspapers covered news on the leakage of BCS question paper in recent years.⁷⁶ Among the respondents of the survey, 97.67% informed that the incident of leakage of question papers is true. At the same time, denying such allegations⁷⁷ by the PSC authority is also a very common phenomenon. The PSC is yet to take effective measures to track down persons involved in the leakage of question papers of different examination it conducted. After a strong student movement, an inquiry committee⁷⁸ was formed for investigating the leakage of 24th BCS examination but the report of the inquiry committee is not made public till today.

The findings of the opinion survey demonstrate that the corrupt employees (35%) and officials (29%), Members and persons appointed on political consideration (28%), question preserver/distributor/deliverer (24%), student leaders/activists of ruling party (23%), the Chairman and few Members of the exam committee (20%) are mainly

⁷⁵ For details on the survey see the section on 'Methodology' in Chapter 1.

⁷⁶ *The Independent*, November 19, 2005; *The Financial Express*, November 19, 2005; *The New Nation*, November 27, 2006; *The News Today*, November 20, 2005; *The Daily Inqilab*, November 20, 2005; *The Ajker Kagoj*, November 20, 2005; *The Daily Jugantor*, November 20, 2005; *The Daily Janakantha*, November 20, 2005 and December 25, 2006; *The Daily Songbad*, November 20, 2005; *The Daily Bhorer Kagoj*, November 20, 2005; *The Daily Star*, August 11, 2003; *The Daily Bangla Bazar*, November 20, 2006.

⁷⁷ *The Daily Ittefaq*, November 19, 2005; *The New Age*, November 19, 2005; *The Daily Star*, March 6, 2005.

⁷⁸ The committee was formed with the then PSC Members Prof. Mohammed Mohabbat Khan as Chairman of the inquiry committee, Professor Hasanuzzaman Chowdhury and Professor Md. Mahfuzur Rahman.

involved in leakage of BCS question papers.⁷⁹ Some of the key informants informed that such leakage of question papers is done in exchange of Tk 1 to 5 lac at source.

4.3.3 Amount of bribes in BCS Exams

A summary of bribes usually taken from BCS examinees for different contracts is given below:

Table 4.1: A Summary of Amount of Bribes in BCS Examinations

Nature of Contract	Total Amount of Bribe ⁸⁰
Seating arrangement in groups	Tk. 500 – 1,000 per examinee
Book Exam Hall	Tk. 1,000 – 3,000 per examinee for one exam
Preliminary Test Question Paper	Tk. 50 – 2,000 at examinee level Tk. 1,00,000 – 5,00,000 at source ⁸¹
Pass Preliminary Test	Tk. 30,000 – 1,00,000
Change or replace exam scripts (i.e., to write or solve questions after completion of exam)	Tk. 3,000 – 5,000 for each script
Solve question papers from outside exam hall	Tk. 1,000 – 2,000
Submission of script without attending exam	Examinees under contract or examinees belong to the list sent from the high command of ruling party.
Know result before publication	Tk. 500 – 1,000 per person
Contract for good marks in viva voice	Tk. 3 – 5 lac
Contract for good cadre	Administration/Police Cadre : Tk. 5-7 lac Customs and Excise/Taxation: Tk. 8-10 lac* Professional Cadre : Tk 2-3 lac
Unsuccessful candidates in the merit list	Administration/Police Cadre : Tk.8-10 lac Customs and Excise/Taxation: Tk. 10-12 lac * Professional Cadre : Tk 3-5 lac

*Examinees under contract or examinees belong to the list sent from the high command of ruling party.

4.3.4 Selling of BCS Question Papers

Making money by selling BCS question paper is a common phenomenon, as reported in national dailies.⁸² However, the newspapers also mentioned that they did not find any evidence of leakage of question paper although a syndicate made crores of taka by selling fake question papers. But effective measure to stop such business is not yet been undertaken by the PSC or concerned authority.

⁷⁹ During consultation with PSC Members, a section of PSC Directors, officers, few former PSC Members strongly opined (on condition of anonymity), "The Chairman of the examination committee is solely responsible for all the activities of a BCS examination. The leak out of question paper totally depends on his will. If PSC Chairman and the Chairman of the examination committee take cautionary measures, the leak out of question is beyond the question."

⁸⁰ The amount of money depends on the negotiation capacity of the examinees.

⁸¹ Between Commission and coaching centre or persons involved in selling question.

⁸² *The Daily Prothom Alo*, March 19, 2006; *The Daily Dinkal*, March 19, 2006; *The Daily Ittefaq*, March 19, 2006; *The Daily Jugantor*, March 19, 2006; *The Daily Janakantha*, March 19, 2006.

4.3.5 Seat Allocation in Groups with Bribe

Irregularity in allocation of seats for the BCS examinees in groups exists. 91% of the respondents informed that they have heard or seen about managing the seating arrangement in groups. Such arrangement is done in exchange of bribes that varies between Tk 500-1,000.

4.3.6 Delivering BCS Question Paper to the Examinees

Few of the key informants mentioned that few of the target examinees are sent directly to the exam hall just one hour before the exam begins. Each examinee has to pay Tk 50,000 to 1,00,000 for all question papers of a BCS exam. A section of ruling party student wing activists, few coaching centres and a section of high officials and employees are involve in such business. 59% of the respondents of the survey also mentioned similar type of irregularity.

Seat Allocation in Group

"I have faced 24th and 25th BCS Viva voce, but I could not get job. I offered my friends to appear in the 27th BCS exam together. They responded positively and we managed a third class employee of PSC to serve our purpose. We gave him 500 taka each. We got our seats together in the 27th BCS preliminary examination. In the written test, we also did the same thing. But now we are thinking about the viva to get a channel to ensure our cadres."

"Our team consist of 18 examinees attended at the 27th BCS Preliminary Test by managing our seats together. We all are the student of the department of Chemistry of Dhaka University. One of our friends had a relative, working as a 4th class employee at PSC. Our seats were at Dhaka Alia Madrasah in Bakshibajar where we shared our answers jointly. It took taka 418 for each Member of our group."

4.3.7 Ensuring Success in the Preliminary Test

This is usually done immediately after preliminary test is held. The candidates who are able to manage channel/connection in PSC with bribe can avail this opportunity. This is done by changing the score of the preliminary test or solving the OMR Sheet once again by the examinee. The candidates belong to the list of the names sent from the high command of ruling party need not pay for this. However, the general candidates have to pay Tk 30,000-1,00,000 for passing in the preliminary test. 42% of the respondents informed that they are familiar with this kind of irregularity.

4.3.8 Copying in BCS Exams

This is done by writing exam scripts with the support of books, guides and notes openly, copying from fellow examinees, collecting answers through mobile phone, giving proxy in place of other examinee, and collecting answers from washrooms.⁸³ This is done by booking the rooms of exam centre either with bribe or political influence. Among the respondents of the survey, 43.5% mentioned that they have either seen or heard of attending BCS exams by booking the exam hall with bribe or political influence. This usually costs between Tk 1,000 – 3,000 per candidate.

4.3.9 Solving Questions outside the Exam Hall

This sort of irregularity usually occurs in the written exams conducted by the PSC. With the help of PSC employees, vigilants and persons responsible for booking and arrangement of the exam hall are usually involved with this irregularity. During the time of exam the particular examinee(s) send their question paper or part of the question paper out side of the exam hall through the above mentioned persons. The questions are solved by the persons who wait outside of the exam hall. It was also learnt that a section of examinees usually hire person(s) to solve the questions. The hired person is given Tk 1,000-5,000 for each subject. The friends and relatives of the candidates also help the examinees regarding the matter. However, the survey shows only 35% informants are aware about the existence of this sort of practice.

⁸³ *The Daily Shamokal*, March 27, 2006; *The Daily Janakantha*, April 24, 2006.

4.3.10 Submitting Exam Script without Appearing at the Exam Hall

A candidate can submit exam script without attending the BCS exam. It was found that although this requires bribing, the ruling party student wings, leaders, activists usually do not have to bribe for this. According to some of the key informants, from the 20th BCS exam this practice started to ensure the ruling party activists successful in BCS exams. However, a section of PSC officers and employees took this opportunity and continued it for financial gains.

Table 4.2: Irregularities and Corruptions in BCS: Respondents' View

Irregularities and Corruptions	Response		Total Percentage	Total Informants
	Yes	No		
Interference of government in PSC	97.25	2.75	100.00	433*
Leakage of BCS question papers	98.2	1.8	100.00	433*
Seat allocation in groups with bribe	91.2	8.8	100.00	434
Delivering BCS question paper to the examinees	59.0	41.0	100.00	434
Copying Answers in BCS Exam	43.5%	56.5%	100.00	434
Solving exam question papers outside exam hall	35.0	65.0	100.00	434
Giving exam by booking exam hall room	43.5	56.5	100.00	434
Submitting exam script without appearing at the exam hall	21.0	79.0	100.00	434
Ensuring passing in the preliminary test	42.2	57.8	100.00	434
Changing or replacing exam scripts	49.3	50.7	100.00	434
Changing marks	64.5	35.5	100.00	434
Failed Candidates in the merit list	24.5	75.5	100.00	434*
Giving list to the viva board members	90.1	9.9	100.00	434
Extraordinary marks in Viva Voce	78.5	21.5	100.00	433*
Calling the candidate to commission after viva Voce	37.6	62.4	100.00	434
Contract for good cadre/whole BCS examination	57.4	42.6	100.00	434
BCS job based on political connection with Ruling Party	90.1	9.9	100.00	434
Leakage of BCS Results	66.8	33.2	100.00	434
Whether written exam scripts are properly evaluated or not	35.7	64.3	100.00	414*
Re-evaluation of the test and exams conducted by PSC	83.9	16.1	100.00	411*
Trust in PSC's arranged examinations and tests	51.58	48.42	100.00	434

* Missing response

4.3.11 Replacing Exam Scripts

Some of the key informants from the PSC informed that the written scripts (including OMR Sheet of the Preliminary Test) can be changed in the exam day or immediately before the written scripts are sent to the examiners. With the help of some of the top level personnel, officers and employees of the PSC, the written scripts of the target examinees are separated. Blank papers are then sent to the examinees from PSC to solve the questions and submit again. Without changing the cover paper of the written scripts, the re-written papers are replaced by papers of the scripts except the cover page(s). 49% of the respondents are also aware of this irregularity. This usually costs Tk 3,000 – Tk 5,000 for each script.

Changing/Replacing exam script

'X' who was known to me got written scripts on Bangladesh and International Affairs in the 18th BCS examination. His elder brother, a teacher of Rajshahi University, was an examiner. He got BCS written scripts on Bangladesh/International Affairs and called his younger brother (i.g., X) to search his own script. "X" got his own script and wrote down some answers in the empty pages of the script. It is believed that "X" was finally recommended by PSC in Family Planning Cadre.

4.3.12 Changing Marks

Changing of exam marks (increasing or decreasing) happens as informed by key informants. This is done for getting BCS cadre by ruling party leaders/activists of student wings and candidates under contract. More than half of the informants (65%) informed that changing marks is done in BCS exams.

Allegations have been made against few Members, Chairman of the Exam Committee, PSC Chairman, a section of staff in the computer section, system analyst, and a syndicate (i.e., persons with whom the candidates make contract for job) in PSC. The marks of the candidates are increased to such extent so that the contracted examinees get BCS cadres. The changing of marks is usually done immediately after the completion of the initial draft of the merit list. From the high officials in PSC, it was also learnt that this sort of irregularity is also done just before the result is published after getting a list from the high command of the ruling party.

4.3.13 Leakage of BCS Results

Among the respondents, 66.8% informed that they know about leakage of BCS result in exchange of bribe before it is published. BCS examinees can get their result (e.g., preliminary, written or final result) through managing a section of PSC officers and employees of the computer and confidential section, even few Members involved in the exam process with bribe.

4.3.14 Failed Candidates in the Merit List

Failed candidates are often brought in the merit list through corruption. This is usually done after completion of the initial merit list of the examinees. Examinees included in the list sent from the high command of the ruling party are the beneficiaries. Many of the key informants from the PSC informed that the merit list is changed even just before the final result is published. However, only 26.7% respondents are aware of this. The national daily newspapers also published reports on this irregularity.⁸⁴

⁸⁴ *The Daily Jugantor*, April, 5, 2005.

Failed candidates in the merit list

"One of my friends who were an active activist of a pro-ruling party student wing appeared at the 25th BCS examination without well preparation. After completion of his viva voce, he informed me that he did not do well in the viva voce. But finally, he was selected by PSC in BCS police cadre. While discussing with him it was learnt that his name was sent to PSC along with the roll number of ruling party activists/supporters from high command of ruling party." - **One of the**

Respondents

The amount of money either for getting good cadre or to get a position in the merit list (although he or she was unsuccessful in the exams) depends on the negotiation capacity of the examinees. The candidates recommended by the high command of the ruling party need not to pay bribe to PSC officials. However, they often have to pay bribe to the student leader(s) of the ruling party through whom her/his name is recommended to include in the list for BCS job.

4.3.15 Irregularities in Viva Voce

Allegations are often made against the irregularities that occur in the viva voce of the BCS exam process. A viva board consists of three Members of the Commission (including one Member of the Commission as Chairman, one expert from the respective subject/cadre and one representative/bureaucrat from the government. Usually a joint secretary level or higher personnel is sent from the Ministry of Establishment as Government representative to the Commission for viva board. Until the 26th BCS examination, a total of 200 marks (out of total 1000) were allocated for the viva voce. From the 27th BCS, a total of 100 marks have been allocated. No specific guideline is followed for the viva voce.

In the past, more than 90% marks were given to a section of examinees (especially the ruling party candidates or the candidates under contract with the PSC Members).

Attitude towards Hindu BCS examinees

An external (a professor of Dhaka University) of BCS viva board, reputed for his close connection with a leading Islamist party in Bangladesh and for his strong moral courage, decided to boycott BCS viva board. He informed that one of the female meritorious students of his department got first class in both graduate and post-graduate levels and showed excellent performance in the viva voce. When she came out from the viva board, the Chairman of that board said, "This candidate belongs to 'H Group' (i.e., Hindu). She will be settled in India whenever she gets opportunity. The country will be looser if we recommend her for BCS job. So, we cannot give her higher marks."

This external was surprised and began to bargain to give her at least eighty percent in the viva voce as her performance was the best amongst all the candidates in that day. But the Chairman of that board refused to do that. He tried his best to give proper justice to that candidate but failed, as another Member of the board was in favour of the Chairman. Finally, he came out of the viva board and decided to keep himself away from any sort of involvement with PSC in the near future.

However, now it has become a very common phenomenon. It is pertinent to note that no transparent guideline or manual has been followed for conducting the viva voce. From the survey it was observed that candidates are asked about their respective subject studied at graduate or post-graduate level (70%), rationales of preferred cadre (31%), general knowledge (31%) and personal issues (26%).⁸⁵

Major allegations of irregularity in the viva boards include:

- **Identification of Candidates:** The Chairman of the exam committee and PSC Chairman sit together to distribute the target candidates in different viva boards through a slips (including their roll number). Roll number of the listed candidates is delivered to the Chairman/Member of the viva boards.

⁸⁵ See Annex 17 for the types of questions asked in the BCS viva board.

- **Instruction to Externals:** The externals of the boards are also given instruction by the Chairman of the viva boards to avoid uncomfortable situation to the listed candidates.
- **Discrimination in Questions:** The listed candidates are usually asked easy questions while other candidates are asked critical questions. Viva voce of the target candidates' end in a short time than that of the general candidates.
- **Rude Behaviour of Board Members:** The findings demonstrate that about 31% of the respondents received non-cooperation and rude behaviour from the board members.
- **Discrimination against Non-Muslim Candidates:** In the viva boards in the recent BCS exams non-Muslim candidates faced uncomfortable questions as well as rude behaviour from the board members.⁸⁶
- **Extra-ordinary Marks**⁸⁷: Extraordinary marks vary between 80-90% of the allocated marks. Candidates can confirm extraordinary marks in the viva voce with Tk 50,000 to Tk 5,00,000. 79% of the respondents also informed about this.
- **Calling Candidates to PSC after Viva Voce:** The targeted candidates are called over mobile phone to meet with a certain Member at PSC in a certain time. The candidates are also asked to wait and meet with the Member in a specific time on the day of BCS viva of the target candidates. Upon the meeting the candidate is asked to pay a certain amount of money in order to confirm the job. The drivers, personnel assistants/officers/agents help the concerned Member(s) in this regard. About 27% of the respondents informed that they know about this kind of incidents. Usually the targeted candidates are called in immediately after the completion of the viva voce.

Calling BCS Examinees after Viva Voce

'X', a candidate of the 25th BCS examination is a meritorious student. Immediately after completion of viva voce, the Chairman of his viva board sent his Personal Assistant to 'X', asking to meet him in his office at 2.00 p.m. on the same day. Accordingly, 'X' met the Member who demanded Tk 3 lac offering him to ensure BCS job. 'X' refused to go for a contract with the Member, as he had full confidence of getting job in the 25th BCS. But after the publication of the result, 'X' became surprised and frustrated noticing that his roll number was not in the result sheet.

4.3.16 Contract for Whole BCS Exam

Another trend for securing a BCS cadre job is through a package contract. More than half of the respondents (57.8%) are informed about such contract. Allegations have been made against a few Members for their involvement in making contract with a part of the BCS examinees. It is interesting to note that 67% of the successful candidates among the respondents admitted about such irregularity. Such package costs from Tk two lac to 10 lac, depending on the type of cadre, reference and negotiation capacity of the candidate. It was learnt that a segment of personnel from all level at the PSC, and leaders and activists of the ruling party through the party high command are integral part of such package. The term 'Good Cadre' is often used mainly for the BCS cadres such as administration, police, foreign service, taxation, and customs and excise. These cadres are considered by common people as the most prestigious and powerful cadres in the civil service.⁸⁸

⁸⁶ A Member who resigned from PSC in June 2005 was known for his preference for Muslim candidates and negligence of non-Muslim candidates. It is widely known that this Member used to ask questions from the *Holy Quran* and *Hadith* to the Muslim candidates. Those who failed to give satisfactory answers had to face misbehaviour from this Member.

⁸⁷ *The Daily Shamokal*, January 28, 2007.

⁸⁸ *The Daily Shamokal*, January 28, 2007.

Contract to ensure BCS job

'A' was serious to become a BCS cadre. In the 25th BCS, he met a Member of PSC, who demanded Tk 5 lac to ensure his job. 'A' managed his father to collect the bribe by selling cultivable land. The Member assured him while taking the bribe. But when the final result was published, 'A' did not find his roll number in the merit list. After hearing this news, his father had a cardiac arrest and was hospitalised. 'A' met the Member once again and asked about the issue. The Member told him that as there were few candidates from the ruling party high command, he was unable to manage a cadre for him. He then assured him a cadre in the next BCS exam. However, unfortunately the age of 'A' for getting government job was already exceeded by that time.

4.3.17 BCS job based on Political Connection with Ruling Party

This sort of irregularity is widely discussed phenomenon since the beginning of operations of PSC in Bangladesh. The recruitment of pro-ruling party supporters, student wing leaders and relatives of ruling party leaders is nothing new in Bangladesh. This sort of practice has become a matter of open secret from the 20th BCS and onwards.⁸⁹ The Chairman and Members of the Commission can not ignore or overlook the request of the high command of the ruling party, as all of them have been appointed in the Commission purely on political patronage.⁹⁰ Almost all the informants (90%) informed that they are aware about such instances where a list of candidates is sent to the Members of the viva board.

BCS Job based on political patronage

'Y' and his friend appeared at the 25th BCS examination. After completion of written exams, the friend of 'Y' could not think of getting BCS job. But, finally she was recommended for BCS Administration on political consideration. She was a relative of an influential Member of the Parliament.

'Z', Assistant General Secretary of a student wing of a political party, passed BCS in Civil Engineering after several efforts. He was placed 3rd position in the final merit list of the 25th BCS and got Foreign Affairs cadre. After hearing this news, the fellow residents of his dormitory and students of the university were astonished as well as frustrated, as his name was included in the list sent from the high command of the ruling party.

4.3.18 BCS Job with Fake Certificates

The issue of getting BCS jobs by submitting certificates of dependants of freedom fighters generated a lot of criticism and controversies in the 20th BCS exam.⁹¹ However, this trend is still continuing.

The White Paper published by the Prime Minister's Office mentioned that a total of nine BCS Examinees did not identify themselves as children of freedom fighter in the BCS Application Form. However, later they submitted certificates claiming to be freedom fighters' children. The Commission recommended all of them for administration (5),

⁸⁹ *The Daily Star*, September 30, 2005. Usually, the Office Secretary of the student wing of the ruling party of the Universities collect or receive photocopies of the admit cards/roll number of the candidates. He then makes a preliminary list and gives it to the President of University unit. The President then sends the list to the President and General Secretary of the central unit of the student's wing of the ruling party. The top two leaders of this central unit again verify the names in the list. After verifying, the list is sent to the high command or the ruling party office for recommendation. The ruling party high command receives similar kinds of lists from other protagonist professional bodies and party leaders. The list is then finalised and sent either to the PSC Chairman directly or to a Member of the Commission.

⁹⁰ *The Daily Shamokal*, April 16, 2005; *The Daily Amer Desh*, June 3, 2006; *The Daily Janakantha*, June 6, 2006; *The Daily Star*, September 22 & 30, 2005, *The Bangladesh Observer*, March 3, 2005; *The Daily Shamokal*, January 28, 2007.

⁹¹ *The Daily Manob Jamin*, May 8, 2002.

police (2), medical (1), and family planning (1) cadres in the 20th BCS exam.⁹² A case was filed against a former Chairman of the Commission for his alleged involvement regarding the above-mentioned irregularity.

4.3.19 Manipulations in Quota System

PSC is supposed to follow the existing quota policy⁹³ during selection of competent candidates through BCS examinations. However, the process the PSC follows in this regard is not transparent. The PSC and the Ministry of Establishment do not mention in the merit list or Gazette Notifications how many candidates are selected under the quota. Further, the BCS examinees are barred from making challenges. Thus, in absence of transparency within the quota distribution, there are opportunities for irregularities. Such irregularities can be identified by verifying the quota of all cadres recommended by the PSC between the 20th to 26th BCS exams.

4.3.20 Money-making Business by PSC Staff

It has been observed that a section of PSC officers and employees collect money from the examinees by giving them assurance of giving jobs.⁹⁴ Such irregularity has been observed during the 20th-27th BCS exams. The amount of money varies according to the importance of the cadre. For example, administration and police cadre require Tk 5-7 lac and Tk 2-3 lac for technical or educational cadres. Those who can manage connections in the PSC can avail this opportunity. One PSC staff, usually make contract during the ongoing process of an examination conducted by the PSC. Usually the total amount of money is returned to the concerned candidate for whom the job cannot be confirmed. However, candidates without strong political connection or moral courage never get back the total amount. A section of PSC staff and officers intentionally make delay of functions and activities related to BCS examination in order to manage clients. Agents are used to receive bribes from such clients.⁹⁵

4.3.21 Syndicate(s) in PSC

The staff of the PSC is not transferred to other ministries or offices of the government. Due to the absence of the provision of transfer, a number of syndicates or groups have emerged. Such groups are not affected by the changes in the government. These syndicates are involved in different kinds of irregularities as mentioned previously. According to some of the key informants, these groups are much organised. They are so strong that they can defy any official step against their activities. They also informed that the employees involved in these kinds of activities also work for the interest of the ruling party at all times.

4.3.22 Unpublished Inquiry Reports

Inquiry reports prepared by the concerned inquiry committees do not see the light of the day. The inquiry report on the leakage of question paper of the 24th BCS exam has not been made public till today. The research team met the Chairman, Secretary and Members of the Commission with the aim to have a look at the report. However, all of them refused to show the same.⁹⁶

⁹² Irregularities in Selection of BCS Candidates in 20th BCS Exam, Part III, p.42, *White Paper on Misuse of Power, Irregularities and Corruptions during Awami League's Rule (1996-2001)*, Prime Minister's Office, April, 2002.

⁹³ Merit 45%, freedom fighters 30%, district 10%, women 10%, and tribal 5%.

⁹⁴ *The Daily Shamokal*, January 28, 2007; *The Daily Janakantha*, October 17, 2006.

⁹⁵ *The Daily Shamokal*, January 28, 2007. At least two agents of two Members of the Commission was identified, who have been operating since the 24th BCS exams. They work as middlemen between Members and job seekers who seek opportunity to get job with bribe. Close relatives of the concerned Members are deployed to take bribe from the job seekers.

⁹⁶ Some of the key informants including Members of the inquiry committee, and Directors informed that the report was vanished as involvement of high officials came out through the investigation.

4.3.23 Destruction of Documents of Examinees in Improper way

Destruction of documents without following the rules⁹⁷ is a serious matter of concern. Since the 24th BCS the documents of unsuccessful candidates have been destroyed/burnt immediately after the result is published. PSC high officials informed that official rules for destruction of documents are not properly maintained. They also suggested that by investigating the following documents of unsuccessful along with the successful candidates, a great deal of irregularities could be brought out:

1. Application form (PSC Form No. I).
2. Application form (PSC Form No. II).
3. Submitted documents by the examinees along with the application.
4. Original sheet of preliminary test completed by the examinee(s).
5. Result sheet of Preliminary Test.
6. Mark sheet of written exam.
7. Scripts of written exam.
8. Tabulation sheet of preliminary and written exams.
9. Viva result sheet.
10. Final result sheet.

4.4 Credibility of PSC: From Service Recipients' Point of View

The roles of PSC have been a matter of question since the beginning of its operations in 1972.⁹⁸ The findings of the survey also demonstrate a very poor level of trust over PSC – only 1.85% respondents expressed their full trust over the role of PSC. 48.42% of the respondents believe that the evaluation of their exam was not done properly, and they are not satisfied with the process. The respondents identified the following as major reasons for distrust on the evaluation by the PSC:

- Marks of the examination is not published.
- Assessment done by in-experienced/ less qualified competent examiners.
- Assessment of a huge number of scripts by one examiner.
- Restriction of right to re-examination.
- Absence of specific standard/ instruction for assessment of scripts.
- Selection of BCS examinees on political consideration.
- Change marks (increasing or decreasing marks).
- Give roll number of certain examinees to the examiners while delivering scripts to the examiners.
- Involve non-experts in evaluating scripts.
- Nepotism in distributing script/ political biasness during assessment.
- Political influence/ interest during assessment.
- Corruption of few Members, PSC officers and employees.
- Absence of accountability of concerned persons.

A major portion of them (one-third) also expressed that they have no trust over the Chairman and Members of the PSC. They identified that they become Members by showing loyalty on ruling party, corrupt persons are appointed as Chairman and Members, there are tendencies to deny any claims without investigation, many of them take bribes, there have been leakage of question papers over the years, they make contract with the examinees by calling them to the PSC, competent candidates do not get jobs, few members show communal attitudes, few Members actively participate in political programmes/activities, they have failed in publishing investigation reports, there is no transparency in the recruitment process, and there is a tendency to reject complaints without investigation.

⁹⁷ Government of Bangladesh, *Weeding and Destruction of Records Secretariat Instructions, 1976*. For the detail procedure, see Annex 18 on weeding and destruction of documents (in Bangla).

⁹⁸ *The Daily Janakantha*, November 22, 2005; *The New Age*, November 19, 2005; *The Daily Shamokal*, January 28, 2007; *The Daily Bhorer Kagoj*, January 15, 2007.

Chapter 5

Diagnosis of the Limitations of the PSC

This chapter provides a diagnosis of the major limitations of the PSC. As an important institution under the NIS, the PSC should follow the basic principles of a public service managing authority. The diagnosis of the limitations of the PSC is primarily focused around the three indicators as mentioned in the conceptual framework described in the first chapter. According to the indicators, the PSC should be detached from the political government, and the recruitment to service should be by open competition based on ideals of a non-partisan career civil service.

5.1 Constitutional and Legal Limitations

The following constitutional and legal limitations have been identified that paved the way towards irregularities and corruption in the PSC.

5.1.1 Insufficient Qualification and Eligibility Criteria

It is observed that the existing qualification and eligibility criteria are not sufficient for selecting competent persons as Chairmen and Members.⁹⁹

5.1.2 Absence of a Transparent Selection Procedure

Since 1972, the whole process of selection of Chairman and Members has shown an absolute lack of transparency (Ali, 2002:188). Under the existing Constitutional mandate¹⁰⁰, the appointment of Chairman and Members are made by the President of the Republic in accordance with advice from the Prime Minister. Accordingly, the appointments for these Constitutional positions completely depend on the will of the Chief Executive of the country. The common people are kept in the dark about how a person is selected as Chairman or Member of the Commission.

It is observed that the existing mandates have given lots of scopes for appointment of Chairman and Members on political consideration. In Bangladesh, both the Prime Minister and the President are elected by the majority of the MPs. Both the Chief Executive and Head of the State come from the ruling party or alliance. Due to lack of specific selection procedure and qualification criteria, it is observed that protagonist bureaucrats (civil and military) and university teachers having close connection, loyalty or trust of influential ministers, Prime Minister's Office, influential leaders of pro-ruling party professional bodies (e.g. University teachers' associations, student wings) have become Chairmen and Members of the Commission since 1972.¹⁰¹

Among those who were appointed as Members since 1996, 74% had formal political positions in their respective associations, or relatives of leaders of the ruling party/alliance (Figure 10), while the rest are known to have high political connections which attributed to their becoming Members. It is no secret that some Chairmen and Members of PSC over the years have been appointed on political grounds.¹⁰² PSC has also become a haven for persons in the service of Republic who are retired or have gone on Leave Preparatory to Retirement (LPR).¹⁰³

⁹⁹ *The Constitution of Bangladesh*, Article 138 (1).

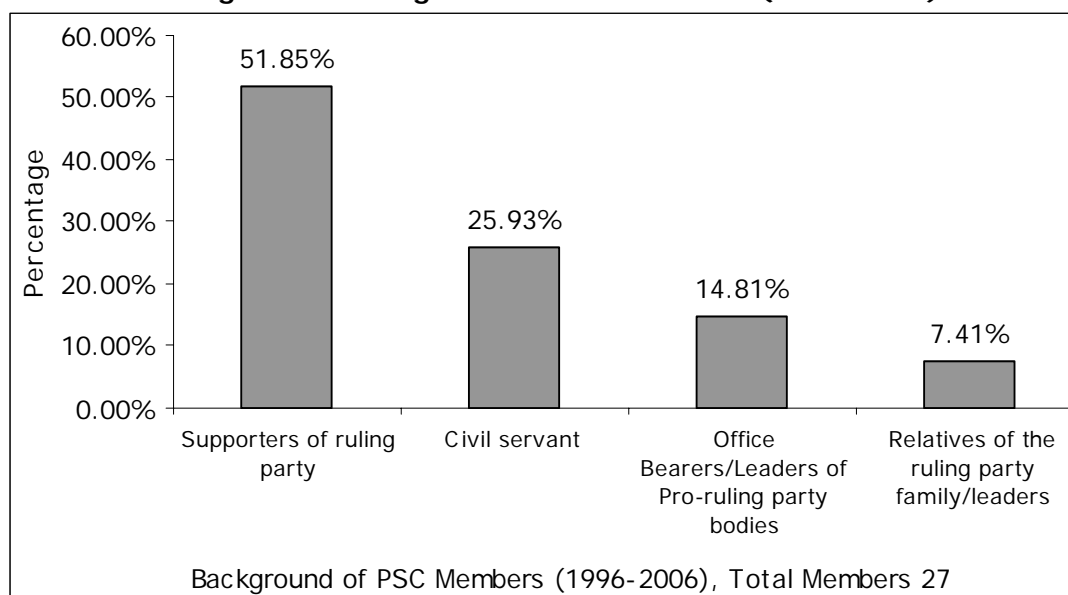
¹⁰⁰ *Ibid.*

¹⁰¹ *The Daily Amader Shamoy*, January 24, 2007.

¹⁰² Habib Zaharullah and Mohammad Mohabbat Khan, 2005:104-105.

¹⁰³ AMM Shawkat Ali, 2002:188.

Figure 11: Background of PSC Members (1996-2006)



5.1.3 Absence of Accountability Measures for Chairman and Members

Any specific legal provision or guidelines for ensuring the accountability of Chairman and Members do not exist. Few of the key informants including some Members opined such absence of accountability measures may encourage a section of Members along with the Chairman to be involved in unconstitutional activities and irregularities such as involvement in political campaign.

5.1.4 Lower Rank of the Chairman and Members

The Chairman and Members of the PSC hold the lowest status among the constitutional bodies of Bangladesh.¹⁰⁴ The rank of the Members is lower than that of the additional secretaries to the government. It is identified that the undermined positions of PSC Chairman and Members in the Warrant of Precedence have created opportunity for interference by the bureaucracy upon the PSC in discharging its functions as mandated by the Constitution.

5.1.5 Weak Mechanism for Removal or Termination

Through the existing provisions, it is difficult to remove or terminate a corrupt Chairman or Member. Although there have been allegations against the PSC Chairman and some of the Members, the President of the Republic has not taken any initiative to investigate the allegations and take disciplinary action.¹⁰⁵

5.1.6 Absence of Operations Principles

The PSC does not have any operations principles, vision and mission of the Commission. This dearth has been considered as opportunities by the consecutive governments to sway from the core principles of the public service.

5.1.7 Lack of Access to Information

The right to access to information is considered an integral part of freedom of expression (or 'oxygen of democracy'¹⁰⁶) and fundamental human rights¹⁰⁷ which lays the foundation

¹⁰⁴ *Warrant of Precedence of Bangladesh*, 1986 (revised in 2003).

¹⁰⁵ The Chairman and other Members of such a Commission shall be removed from office except in like manner and on he like grounds as a judge of the Supreme Court. (Source: Article 139. (2), Source: *The Constitution of the People's Republic of Bangladesh*, 2000).

¹⁰⁶ Article 19, *The Public's Right to Know: Principles of Freedom of Information Legislation* (London: Article 19, International Standards Series, June 1999), 1.

of good governance¹⁰⁸, and builds a relationship of trust with the public.¹⁰⁹ The Council of Europe (COE), the Organisation of American States (OAS) and the African Nations¹¹⁰, and more than sixty countries¹¹¹ (including India, Nepal and Pakistan) have made provisions for freedom of information for all.

However, it is observed that access to information for the service-recipients of the PSC is almost absent.¹¹² The existing Official Secrets Act has not only restricts the freedom of information to the service recipients of the PSC, but also served as a safeguard for protecting the persons involved in irregularities and corruption.

Laws Hindering the Right to Access to Information

Evidence Act, 1872, Section 123

....no one is permitted to give evidence derived from unpublished official records relating to 'Affairs of State', except with the permission of the Departmental head who may either grant or withhold the permission.

Official Secrets Act, 1923, Section 5

... if any person possessing any document or information which has been entrusted to him in confidence by any government official, or which he has obtained as an official, (a) wilfully communicates it to any unauthorised persons; (b) uses it for the benefit of foreign power, (c) retains it in breach of duty, (d) fails to take reasonable care so as to endanger its safety, he shall be guilty of an offence.

Rules of Business, 1975, Section 26(1)

... Government servants to communicate information, acquired directly or indirectly from official documents or relating to official matter, to the press, to non-officials or even officials belonging to other government officers.

The Government Servants (Conduct) Rules, 1979, Section 19

.. a government servant shall not disclose the contents of any official document or communicate any information of official nature, directly or indirectly to government servants of other ministries, or departments or to non-official persons or to the press.

5.1.8 Denial of Right to Justice

Under the existing provisions no examinee can challenge any decision related to BCS or any other exam/test conducted by the PSC. The decision(s) taken by the PSC regarding examinations will be considered as absolute. No request will be considered for re-evaluation of answer sheets/scripts.¹¹³ The service-recipients of the PSC and a section of its high officials hold the view that existing restrictions on re-evaluation or re-examination of results declared by PSC has, in fact, created a great deal of opportunities for irregularities.

¹⁰⁷ *Universal Declaration of Human Rights*, Article 19. Every one has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek receive and impart information and ideas through any media regardless of all frontiers.

¹⁰⁸ World Bank (July 1996), *Government That Works, Reforming the Public Sector*, The University Press Limited, Dhaka, p 65.

¹⁰⁹ *XIX Articles 19*, Global Campaign for Free Expression, UK, London, April 2005, p. 10.

¹¹⁰ Cited in the Universal Declaration of Human Rights, UN General Assembly Resolution 217A (III), adopted 10 December 1948; International Covenant on Civil and Political Rights, UN General Assembly Resolution 2200 A (XXI), adopted December 16, 1966, in force March 23, 1976; American Convention on Human Rights, adopted November 1969 in force July 18, 1978; European Convention on Human Rights, Adopted November 4, 1950, in force September 3, 1953; African Charter on Human and Peoples' Rights, adopted June 26, 1981, in force October 21, 1986.

¹¹¹ Concept Paper on International Right to Know Day, Transparency International Bangladesh, Sep. 28, 2006.

¹¹² See Annex 19 for details on the issues the service-recipients of the PSC want to know about.

¹¹³ *Circular* on 27th BCS Examination (No. BPSC-CE./Section/31/2005/311, 17/07/2005).

5.2 Dependence on the Government

The relationship between PSC and the government has been a controversial issue since the establishment of the first PSC in British India on 1 October 1926 (Ahmed, 1990:140). However, according to the functions of the PSC, the following issues reflect PSC's dependence upon the government:

- PSC is a division under the Ministry of Establishment. No legal provision has yet been made to establish PSC as a separate entity, which will be accountable to the National Parliament and President simultaneously;
- PSC is a Constitutional body to give support to the central public personnel organ of the government;
- It gives only recommendations on appointment, disciplinary, promotion, transfer cases related to the 1st class gazetted and non-gazetted civil servants of the republic;
- PSC gives recommendations to the Ministry of Establishment on service-related issues only after request from the ministry; and
- PSC has no role in implementing its recommendations sent to the ministry on service-related matters.

Table 5.1: An Overview of the Relationship between BPSC and the Ministry of Establishment

Ministry of Establishment (ME)	BPSC
▪ The central public personnel administration body/agency of the government.	▪ Give support to the central public personnel organ of the government.
▪ Has executive power in the civil service.	▪ Has advisory and quasi-judicial power only.
▪ Works as per instruction of the government.	▪ Can work independently if the Commission desires.
▪ Regulate and manage all cadres of the services of the republic. Can recruit directly at all levels of the government except the 1st class gazetted and non-gazetted posts/services.	▪ Major functions are to recommend 1st gazetted and non-gazetted civil servants for the services of the republic.
▪ Implement recommendations as provided by BPSC, but ME may not fully or partially implement PSC's advice. In such cases, ME has to give explanation to the BPSC.	▪ Give only recommendation on disciplinary, promotion, transfer cases related to the 1st class gazetted and non-gazetted civil servants.
▪ Works under rules and regulations/instructions made by government.	▪ The Commission works as per Constitutional and legal mandates.
▪ Only civil servants get appointment at Ministry of Establishment.	▪ Consists of both civil and non-civil servants.
▪ An essential part of the ruling government.	▪ Give supports to Ministry of Establishment.
▪ Has to inform BPSC as to what action it has taken on any recommendation given by the latter in relation to a service matter. ¹¹⁴	▪ BPSC gives recommendations to the ME on service related issues only after request from Ministry of Establishment.
▪ Helps BPSC in discharging its functions effectively through the issuance of certain general instructions to all ministries/divisions, stipulating that they should always seek advice from and accept the recommendations of BPSC. ¹¹⁵	▪ Has no role in implementing its recommendations sent to the Ministry of Establishment on service related matters.
▪ A hierarchical central personnel agency which regulates the all levels of government services run by the government.	▪ Collegiate type of public service management organ or body for management of civil service which is also not fully autonomous.

¹¹⁴ Ahmed, 1990:141

¹¹⁵ *Ibid*, p. 141.

5.2.1 Financial Dependence

The Commission has no freedom in its budgetary and financial matters. All financial issues relating to its revenue expenditure including capital expenditure for any development scheme is controlled by the Ministry of Establishment. All income of the PSC (e.g., application fees and examination charges realised from the examinees) goes to the government treasury. Moreover, the PSC depends on the Ministry of Establishment for sanctioning the house rent, travelling allowances and medical benefits for its Chairman, Members and staff. In fact, by controlling the financial and administrative matters of PSC, the independence of commission, is thereby denied.

5.3 Lack of Accountability Measures

5.3.1 Little Role played by the Parliament

The Parliamentary Standing Committee on the Ministry of Establishment (PSCME) under no legal provision can on the specific role and functions of. Due to this gap, the PSCME cannot take any effective initiative to combat irregularities in the PSC.

Even due to sheer majority, attempts by some of the MPs to establish accountability for Chairman and Members of the Commission failed. On the proposed bill titled 'Members of the Bangladesh Public Service Commission (Terms and Conditions of Service) (Amendment) Bill, 2006' two MPs placed a 'Note of Dissent'. In the note of dissent, the concerned MPs pointed out the allegation of corruption and irregularities practiced by the Chairman and Members of the PSC. However, it was ignored and finally passed in the parliament.

5.3.2 Controversial Role of Few Members and Chairmen

In recent years, PSC Chairmen and Members have faced a lot of criticism due to their controversial activities. A Member of the PSC took part in electoral campaign in 2006, as he sought nomination from the four-party alliance.¹¹⁶ Another member expressed his gratefulness to the Prime Minister and the Mayor of a city corporation at a public meeting in March 2006.

The Bureau of Anti-Corruption (now Anti-corruption Commission) filed cases against a former Chairman of the PSC for alleged involvement in appointing persons in government service under freedom fighters quota through fake documents.¹¹⁷ The concerned person, however, claimed that the legal cases filed against him are false, baseless and with the intention to harass him publicly.¹¹⁸

5.3.3 Politicised Confidential Section

Pro-ruling party staff is usually transferred to the Confidential Section immediately after taking over by a new government. This is done to ensure partisan recruitments without facing any trouble.

5.4 Institutional Limitations

A number of institutional limitations have played significant roles for the PSC in its poor performance.

5.4.1 Rented Office for the Commission

Over the last 35 years since independence, the PSC does not have its own building till today.

¹¹⁶ *The Daily Bhorer Kagoj*, 27 January, 2006; *The Daily Sangbad*, 27 January, 2006; *The Daily Korotoya*, June 5, 2006; *The Daily Shamokal*, January 28, 2007.

¹¹⁷ *The Daily Star*, May 15, 2002; *The Independent*, May 15, 2002; *The Daily Inquilab*, May 15, 2002; *The Daily Janakantha*, May 16, 2002; *The Financial Express* May 15, 2002.

¹¹⁸ *The Bhorer Kagoj*, May 9, 2002.

5.4.2 Inadequate Human Resource

The Commission suffers from inadequate human resources. It has repeatedly recommended for creating the post of Deputy Director for Zonal Offices in its annual reports. However, the government has not taken any measure regarding the issue.¹¹⁹ A total of 51 positions (15 percent of required posts/positions) are vacant as mentioned in the Commission's Annual Report, 2005. Moreover, although the number of PSC Members was increased from 6 to 11, the number of required officers and employees were not increased accordingly due to lack of allocation of fund from the concerned ministries. The shortage of manpower in PSC is seen as one of the fundamental problems for carrying its mandated functions.

5.4.3 Recruitment, Promotion & Transfer of Internal Staff on Political Consideration

The first recruitment rules for recruitment of officers and employees in PSC were made in April 22, 1982.¹²⁰ It is observed that since 1991, the recruitment of PSC staff (especially the 1st & 2nd class officers) has been done on political consideration.

During the same period officers and employees known as supporters of the ruling party have been transferred to important sections like BCS recruitment and confidential section, and given promotions. Officers considered as barriers/threats against the interests of the ruling party have been made Officers on Special Duty (OSD) and sent back to the Ministry of Establishment.

5.4.4 Limited Career of the PSC Officials

The highest level of position for the 1st class officers of the PSC Secretariat is limited up to the Controller of the Commission.¹²¹ Joint Secretaries (or above) of the Government has been given appointment as Secretary of the Commission through transfer or deputation since 1972, for which position the PSC staff are not considered.

5.4.5 Syndicates in PSC

The non-transferable nature of the job, the officers and employees of the PSC Secretariat has led to the emergence of syndicates in the PSC. These syndicates are so strong that even the Chairman cannot take any action against these groups.

5.4.6 No Capacity-building Programme for the PSC Staff

There is no training programme for improving the capacity of the Commission's officers and employees. It is learnt that the lack of capacity building programme in PSC is to some extent responsible for delaying the result of various exams.

5.4.7 Lack of Modern Technology and Documentation

The Commission seriously lacks modern technical support. It has no website of its own. Major activities of the administration, accounting and library sections are done manually. A network based management information system is absent in the PSC. There is also absence of a computer system to formulate recruitment rules and/or policy, promotion of officers and employees, and other regular tasks. There is also a serious lack of proper documentation.

5.4.8 Research Section

The Research Section has not yet conducted any research on the trend of the representation of the population, in terms of religion, ethnicity and sex of the recommended BCS posts. No substantial study on problems/limitations of the ongoing operations of the PSC has been carried out since its establishment in 1972.

¹¹⁹ BPSC Annual Report, 2005, p. 11.

¹²⁰ Bangladesh Public Service Commission (Officers and Employees) Recruitment Rules, Government of Bangladesh, Gazette No. SRO 125-L/82/ED/Rectt/IE-1/79 PSC, April 22, 1982.

¹²¹ BPSC Officers and Employees Recruitment Rules, SRO 125-L/82/ED/IE-1/79 PSC, Government of Bangladesh, April 22, 1982, p. 4.

5.4.9 Library

The library of the PSC is inaccessible for the common people. It is not modernised and the PSC seems to have no plan to turn it into a modern library.

5.4.10 No Printing Press for the PSC

Printing press is required to print question papers every year for various competitive tests and exams conducted by the PSC. Still it has to depend on the BG Press to print all these. However, there are risks of leakage of question papers in printing these outside BG Press. The PSC requested the government for allocation of budget for establishment of its own printing press. But the PSC has not received any positive response regarding this matter till today.¹²²

5.4.11 Inadequate Office Equipments

The number of photocopier, scanner, fax machine, selves/racks, space for storage of the exam scripts and documents of the examinees are inadequate. Thousands of applications of the examinees along with the documents in various exams conducted by the PSC are kept in open space inside the PSC building. These very often get damaged by rain and insects, or get lost due to improper filing and unsafe preservation.

5.5 Irregularities in BCS Examinations

5.5.1 Recruitment System under the BCS Examination Process

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

5.5.2 Irregularities in BCS Examinations

The following irregularities have been identified in the BCS examinations. Such irregularities have contributed to the erosion of trust among the candidates as well as the common people on the fairness of the recruitment by the PSC.

- The Leakage of question paper has been happening on regular basis since the 24th BCS examination.
- With financial contract or on political consideration irregularities have been done during all phases of BCS examinations. Such irregularities include planned seating arrangement, submission of examination scripts without appearing at the exam hall, change of exam scripts on payment, change of the merit list and results, new candidates added on payment and on political consideration, and high marks given arbitrarily in Viva Voce to the candidates under contract or to political cadres and activists.
- Extortion by a section of the PSC staff is the reflection of the emergence of syndicates within the PSC. This also includes calling candidates by PSC Members at the commission for negotiation.
- Appointment of Chairman, Members and transfer on deputation based on political consideration result in heavy influence by the ruling party in the selection process through BCS and other similar examinations. The primary aim of such influence is to infiltrate the civil service with protagonists of the ruling party/coalition, which, in future will act as a supporting group. This is evident in pressures to recruit the persons belonging to the list sent from the high command of the ruling party. This also includes allowance of selection with fake certificate under different quota since

¹²² BPSC Annual Report, 2005, p. 10.

the 20th BCS examination, and non-publication of data on the specific quota of the recommended cadres.

- Non-publication of mark-sheets and destruction of documents of BCS examination without maintaining proper procedures is a reflection of the absence of transparency in the process of recruitment through BCS examinations. This non-transparency is further enhanced by the provision barring candidates from challenging the PSC throughout the process.

Chapter 6

Conclusion and Recommendations

A number of limitations in the constitutional and legal mandates and procedures of the operations of PSC have contributed to opportunities for irregularities and corruptions in the PSC. Absence of effective accountability at all levels and transparency in the operations of the PSC have further created scope of irregularities in the PSC. The PSC has been considerably used as a body for a partisan appointment of Chairman and Members, and for recruitment pro-ruling party activists and supporters for the civil services since 1972. The credibility of PSC was never beyond questions and doubts.

No legal mandate or watchdog body can ensure the end of irregularities and corruptions from any public service delivery institution unless there is sincere political will from the government. On the other hand, competent persons with strong moral courage, integrity, relevant experience and professional commitment can run a constitutional body like the PSC.

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

6. The PSC should be reconstituted immediately composed of a Chairperson and Members with impeccable professional excellence and undisputed integrity, efficiency and credibility.
7. 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.
8. 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.
9. 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.
10. 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

3. The PSC must be granted full independence in terms of administrative and financial control befitting the challenge facing it.
4. 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:

5. Persons of high integrity, strong moral courage, personality and commitment.
6. Must have knowledge and experiences on public administration.
7. Prepared to disassociate from any other position of financial benefit.
8. 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.
- o 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

6. 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.
7. The existing generalised exam system should be abolished and cadre-specific examination should be introduced to ensure efficiency and professionalism in service.
8. The new examination system must ensure evaluation by relevant, honest and skilled examiners.
9. A set of transparent guidelines must be prepared and publicly available consisting of the examination rules and recruitment process.
10. 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

3. The existing quota system for freedom fighters and district are no longer considered logical and should be abolished.
4. 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.

12. Access to Information

4. The mark sheet of the successful candidates should be given to the examinees on compulsory basis immediately after the result is published;
5. The result sheet of all examinees (both successful and unsuccessful) must be published on the website.

6. Existing restrictions against challenging the result of examinations should be immediately abolished.

9. Other Management Issues

7. A website for PSC should be established with all information.
8. Computerised data base and MIS should be established with all information of public interest publicly available through various means including website.
9. A Human Resource Unit should be established at PSC, with special emphasis on training and capacity building of the staff.
10. All personnel of the staff should be recruited based on relevant academic background, merit and skills.
11. 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.
12. 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.

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