

Bangladesh Public Service Commission

Bangladesh Public Service Commission



Syed Giasuddin Ahmed

Professor of Public Administration

University of Dhaka



University of Dhaka
Dhaka, Bangladesh

18 JUN 2026

Published by
The University of Dhaka
Dhaka, Bangladesh

First Published
June 1990

BPATC LIBRARY	
Accession No.	115720
Call No.	350.95492/1113
Source.	Cost

1990

Copyright
The University of Dhaka

Cover design by
Rokunuzzaman

Price Tk. 110.00
US \$ 5.00

Printed at PIB Press
3 Circuit House Road,
Dhaka-1000,

To

My Parents

Late Syed Emaduddin Ahmed

Late Begum Lutfunnehar

CONTENTS

	Page	
Preface	ix	
Tables, Charts and Appendices	xiv	
List of Abbreviations	xv	
Part One		
COMPARATIVE PERSPECTIVE AND HISTORICAL BACKGROUND		
Chapter 1	Public Service Commissions: A Comparative Perspective	3
Chapter 2	Public Service Commission in British India	25
Chapter 3	Public Service Commission in Pakistan	48
Part Two		
BANGLADESH PUBLIC SERVICE COMMISSION		
Chapter 4	Formative Phase	87
Chapter 5	Structural Arrangements	112
Chapter 6	Nature and Scope of Functions	147
Chapter 7	Conclusion	174
	Epilogue	196
	Appendices	201
	Select Bibliography	241
	Index	263

PREFACE

In Bangladesh, two separate public service commissions (PSCs) were initially established in May 1972 under provisions made in President's Order No. 34 (P.O.34) of 1972. The Constitution of Bangladesh, which came into force with effect from 16 December 1972, contains almost the same provisions on PSCs as those of P.O. 34 of 1972. To give effect to the relevant constitutional provisions, the government promulgated afresh an order called the Bangladesh Public Service Commission Order, 1973 (President's Order No. 25 of 1973), on 30 March 1973, which in effect formally regularized the establishment of the two PSCs already in existence since May 1972. In November 1977, the government promulgated the Bangladesh Public Service, Commission Ordinance, 1977 (Ordinance No. LVII of 1977), purporting to establish one single PSC in place of the existing two PSCs. This Ordinance came into force on 22 December 1977 and the stipulated single PSC, designated as Bangladesh Public Service Commission (BPSC), was established with effect from the same date to perform all functions previously entrusted to the two defunct PSCs.

This study on BPSC has three main objectives. First, to present a comprehensive description of the structure and functions of BPSC. Second, to discover the extent to which the structural-functional arrangement of BPSC has been influenced by that of what had been provided in relation to the PSCs in British India and United Pakistan. Third, to assess the consistency between BPSC's existing structural arrangement and mode of functioning and the general principles which provide basis for the establishment of an independent PSC whose structure and functions are normally guaranteed by the state constitution and /or statutes.

In general terms, the effectiveness of a PSC depends on two conditions, which are more important than its legally fixed status and rigid demarcation of its responsibilities. It depends, first, on an unwritten but firmly established convention that the PSC's advice and recommendations are accepted in all service matters specified in the constitution and/or statutes. And Second, it depends on the habit of close consultation and co-operation between the PSC and various government agencies. In addition to pursuing the three "academic"

objectives identified in the preceding paragraph, this study is also designed to probe whether all concerned in civil service management in Bangladesh abide by the spirit of these two "conditions".

The study on BPSC in this book treats two historical periods. A detailed description on the genesis and development of PSCs in British India and United Pakistan is included in the first place to provide necessary background for the study of the PSCs or PSC in Bangladesh. Chapters 2 and 3 in the book consist of this background study up to 1971. The description in these two chapters is then followed by four elaborate chapters (*i.e.*, Chapters 4,5,6 and 7) on BPSC exclusively (including the two PSCs which existed until 1977) covering the period from 1972 to 1988. Chapter 7 is followed by an epilogue which in effect includes a commentary on structural changes made in 1989 relating to BPSC and the Bangladesh Civil Service (BCS).

The study of the PSCs in British India and United Pakistan is mainly based on official government documents. These include officially published materials such as constitutional documents, rules of business, establishment manuals, financial codes, government gazettes, official directories, civil lists, enquiry reports, PSC annual reports. These sources have been complemented by first-hand information gathered through interviews with a few retired Bengali officials (including ex-PSC chairman/members in United Pakistan) who held important government offices in United Pakistan, as well as through personal correspondence with the Federal Public Service Commission in Pakistan. Several standard publications on administration in the subcontinent were also helpful for the study of the PSCs in British India and United Pakistan.

The primary data used for the study of BPSC are official documents, *e.g.*, the Constitution, rules of business, allocation of functions among various government agencies, establishment manuals, financial codes, official gazettes, government orders, annual budgets, recruitment rules, enquiry reports, PSC annual reports. Field work was conducted to supplement these official source materials. An interview schedule (see *Appendix-I*) was designed to collect as much information as possible on Bangladesh's different categories of public employees and their numbers, personnel budget in the public sector, constitutional and statutory basis of BPSC's composition and functions, structural arrangements of BPSC in Dhaka and in its regional offices in the three outlying divisional headquarters (Chittagong, Rajshahi and Khulna), nature and scope of BPSC's functions, extent of governmental control over BPSC, relationship between BPSC and various government agencies, and the dimension of civil service management

problems in Bangladesh.

About fifty government officials (including chairmen, members and officials of BPSC) involved in active civil service management in Bangladesh were interviewed. Not included in this number are other interviewees (*e.g.*, retired chairmen, members and officials of BPSC, retired government officials, university teachers, notary publics) who had personal experience in and knowledge of the functioning and problems of civil service management in Bangladesh. Daily newspapers and weeklies, published accounts on government and politics of Bangladesh, press notes, and official government bulletins were also used to supplement the primary data and information obtained through interviews.

The description in the book is divided into two main parts. Part I consists of three chapters and part II comprises four chapters. Chapter One in Part I is a comparative perspective on PSCs. It provides the theoretical setting against which structure and functioning of the PSC in Bangladesh are to be viewed. Chapters Two and Three in Part I describe in detail the genesis, structure and functions of PSCs in British India and United Pakistan.

Part II is wholly devoted to BPSC. Chapter Four in Part II deals with the formative phase of BPSC, focusing such aspects as post-liberation attempts at improvising a new polity in Bangladesh, establishment of two separate PSCs in 1972, and the efforts and contribution made by the Constitution Drafting Committee (1972) and the Administrative and Services Reorganization Committee (1972) towards such establishment. Chapter Five describes the structural arrangements of BPSC. In particular, it probes the constitutional and statutory basis of BPSC's structure, its memberships, establishments, and relations with the authorities in the executive hierarchy. Chapter Six analyzes in detail the powers and functions of BPSC. Chapter Seven concludes the study by highlighting "real world" operations of BPSC in light of its formal structure and functioning. This concluding chapter is followed by an epilogue which notes in brief latest changes as regards the structure of BPSC and the BCS.

This study on BPSC and its publication have been made possible by the help of many persons and organizations. Research and fieldwork preceding the completion of this study were financed in large part by the University Grants Commission (UGC) of Bangladesh. I am grateful to the UGC for its award of the research grant. The keen interest shown by the University of Dhaka through publishing this study at its own cost must also be mentioned with deep appreciation.

The collection of data through an interview schedule for this study was by no means an easy task. Yet many active and retired officials of

the Governments of Bangladesh and Pakistan unhesitatingly lent their support to this task. I wish to make a blanket acknowledgement of my appreciation to all of them. Special mention should be made of the support and co-operation extended to this study by former BPSC Chairman Mr Fayezuddin Ahmed and present BPSC Chairman Mr S M Al-Hussainy, as well as by Mr M Shamsul Huq Chisty, former Establishment Secretary of the Government of Bangladesh. I remain ever indebted to them.

I must also acknowledge with appreciation the receipt of valuable information on PSCs in United Pakistan through personal interviews with Kazi Anawarul Haque (former chairman of the Central Public Service Commission or CPSC in United Pakistan), Professor Mafiz Uddin Ahmed (ex-member of the CPSC) and Professor M Shafiullah (ex-member of the CPSC) as well as from the Federal Public Service Commission (FPSC) in Islamabad through correspondence. I am specially appreciative of FPSC's dispatch of certain requested documents through its Research Officer Shahzada Begum.

This book in its present form owes a special debt to Professor Nurus Safa of the University of Chittagong (an ex-member of BPSC) who read the entire manuscript and offered very useful suggestions for improvement. The chapter on comparative study of PSCs was read by my former colleague Dr Habib M Zafarullah (now at the University of New England in Australia) and I am appreciative of many valuable suggestions made by him. The final manuscript was reviewed by Professor M Anisuzzaman of the University of Chittagong and Dr M Shamsur Rahman of the University of Rajshahi as official reviewers appointed by the University of Dhaka. Their scholarly comments were invaluablely helpful in revising the manuscript in the form finally published. I express my profound gratitude to both of them.

There are several other persons as well to whom I am deeply obligated for advice and assistance. I must from among them specially mention the names of Professor Emajuddin Ahamed, Pro Vice-Chancellor of the University of Dhaka, Professor A R Jafri of the University of the Punjab (Pakistan), Professor M Mohabbat Khan of the University of Dhaka, Professor Lutful Huq Chowdhury of the University of Dhaka, Professor Nurul Momen of the University of Dhaka, Dr Ratan Lal Chakrabarty of the University of Dhaka, Mr Nur-e-Alam Siddique of the University of Dhaka, Mr Mohammed Iqbal of the University of Chittagong, Mr Didarul Ahsan of the Bangladesh Ministry of Establishment, and Mr Mustafa Majid of the Bangladesh Bank.

The research assistance of my associates and students, namely, Syed Amanul Kibriya, Ashim Kumar Saha, Meer Mohammed Mijanur Rahman, Maksud Chowdhury and M A Yousoof, is gratefully

acknowledged. Mr Mohiuddin typed several revisions of the manuscript with patience and care.

I must also thank Public Relations Officer Mr Nurul Islam of the University of Dhaka and his office staff for overseeing sincerely all work relating to the publication of this book. Thanks are also due to the Manager and technical staff of the Press Institute of Bangladesh or PIB Press who took much care in printing the book.

Finally, I remain solely responsible for all interpretations and errors in the book.

Department of Public Administration
University of Dhaka.

Syed Giasuddin Ahmed

TABLES, CHARTS AND APPENDICES

Table		Page
3.1	List of Seventeen Constituted Services in Pakistan	50
3.2	List of Secretaries of PSC (Central) in Pakistan	62
5.1	Twenty National Scales of Pay in Bangladesh	136
6.1	Total Number of Civil Officers and Employees in Government Offices, Corporations and Autonomous Bodies in Bangladesh as of 1 January 1987	152
6.2	List of Thirty Cadre Services in Bangladesh	160
7.1	Year-wise Number of Cases of Nonacceptance of Advice and Nonconsultation with BPSC from 1972 to 1988	183
7.2	Pattern of PSC Membership in Pakistan and Bangladesh	190
Chart		
5.1	Organization Chart of BPSC Recommended by MLCOS of 1982	138
5.2	Organization Chart and Officials of BPSC	139
Appendix		
Appendix A	List of Chairmen of PSC in the Centre in Pakistan	201
Appendix B	List of Members of PSC in the Centre in Pakistan	204
Appendix C	List of Chairmen of PSC in East Pakistan	209
Appendix D	List of Members of PSC in East Pakistan	211
Appendix E	List of Chairman and Members of BPSC (First)	214
Appendix F	List of Chairman and Members of BPSC (Second)	217
Appendix G	List of Chairmen and Members of BPSC	220
Appendix H	Extract of Chapter II of Part IX of the Constitution on PSCs	228
Appendix I	Interview Schedule	231

LIST OF ABBREVIATIONS

AL	:	Awami League (People's Party)
APDAC	:	Asian and Pacific Development Administration Centre
ASR	:	Administrative Science Review
ASRC	:	Administrative and Services Reorganization Committee
BASC	:	Bangladesh Administrative Staff College
BCS	:	Bangladesh Civil Service/Bengal Civil Service
BGP	:	Bangladesh Government Press
BPSC	:	Bangladesh Public Service Commission/ Bengal Public Service Commission
BPATC	:	Bangladesh Public Administration Training Centre
CENTAS	:	Centre for Administrative Studies
CMLA	:	Chief Martial Law Administrator
COTA	:	Civil Officers' Training Academy
CPSC	:	Central Public Service Commission
CSC	:	Civil Service Commission
CSP	:	Civil Service of Pakistan
CSS	:	Central Secretariat Service/Central Superior Services
EBGP	:	East Bengal Government Press
EPCS	:	East Pakistan Civil Service
EPGP	:	East Pakistan Government Press
EPPSC	:	East Pakistan Public Service Commission
EPSES	:	East Pakistan Senior Education Service
FPSC	:	Federal Public Service Commission
GAR	:	General Administrative Reserve
GPP	:	Government Press of Pakistan/Government Printing Press
HMSO	:	His or Her Majesty's Stationery Office
ICS	:	Indian Civil Service
IP	:	Indian Police
IPS	:	Indian Political Service
IRAS	:	International Review of Administrative Sciences
JP	:	Jatiya Party (National Party)
MLCOS	:	Martial Law Committee for Organizational Set-Up
NIPA	:	National Institute of Public Administration
PCPP	:	Printing Corporation of Pakistan Press
PFS	:	Pakistan Foreign Service
PSC	:	Public Service Commission
PPSC	:	Pakistan Public Service Commission
PSP	:	Police Service of Pakistan
SSP	:	Senior Services Pool
UPSC	:	Union Public Service Commission

Part One

**COMPARATIVE PERSPECTIVE
AND HISTORICAL
BACKGROUND**

CHAPTER ONE

PUBLIC SERVICE COMMISSIONS: A COMPARATIVE PERSPECTIVE

Government employment in most developing countries has considerable attraction for increasing numbers of educated, skilled, semi-skilled and unskilled persons. The main reasons are greater job security, wider promotion prospects, guaranteed retirement benefits, and also what seems an "undue" *elan*, especially in the higher echelons, in the employment under most governments. But persons seeking such employment in many developing countries far outnumber the positions available. Jobs are far more scarce in the private and other non-government sectors. Dysfunctions resulting from job scarcity of such a nature are well known. By far the most common dysfunction is that personnel recruitment processes in many of the developing countries bear the brunt of such evils as nepotism, favouritism and political "pull".

Independent statutory bodies like public service commissions (PSCs) are therefore constituted in most developing countries to conduct examinations and/or interviews and select candidates for the government service. Such independent bodies or PSCs also get involved in decision processes relating to such other important service matters as formulation of recruitment policies, promotion, discipline, determination of government servants' *inter se* seniority, employee appeal, and the matters affecting the terms and conditions of service (*e.g.* salary, allowances, pensions). Involvement of the PSCs in these and other important service matters is of an advisory nature in most cases. 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.

Public service commissions in most developing countries with a British heritage generally discharge their functions remaining outside the executive branch. They are organs for limiting or

qualifying the degree of control of civil servants exercised by the executive.¹ To exercise what remains from that limitation and qualification, there are other organs inside the government. Traditionally, individual ministries/departments are the controlling authorities for employees placed at their disposal for carrying out their respective functions. But departmental control of employees has increasingly been limited by the transfer of authority to a central executive authority, which is known as Ministry of Personnel, Public Grievances and Pensions in India, Establishment Division in Pakistan, Ministry of Establishment in Bangladesh, Ministry of Public Administration and Home Affairs in Sri Lanka, Public Services Department in Malaysia, Personnel Administration Branch of the Finance Ministry in Singapore.²

This chapter presents a comparative perspective on PSCs in developing countries. It aims to amplify the theoretical setting of the rest of the study. After elaborating on different types of PSCs and personnel agencies in the executive hierarchy, it focuses on scope of functions and on status of PSCs both comparatively and analytically.

TYPES OF COMMISSIONS AND OTHER PERSONNEL AGENCIES

Civil service management in countries formerly under British rule may be characterized as pluralist in that the system of management consists of at least two central personnel agencies. One is an independent "collegiate" commission whose functions embrace such important aspects of civil service management as recruitment, promotion, employee appeal, and discipline. The other is a "hierarchical" central administrative organ for regulating the civil service, controlling and supervising internal civil service management, and handling the problems of general civil service management, which are considered as the appropriate business of the executive hierarchy, *e.g.*, the Ministry of Establishment in Bangladesh.³

General civil service management may best be understood in terms of those policy and administrative measures which constitute the framework of national civil service. The measures as such are conceived consistent with what may be called socio-

economic and political imperatives of a country and related to such important spheres as civil service structure, recruitment system, pay administration, training and management development, promotion, discipline and pension. In most cases, these measures are part of broad policy decisions included in the state constitution and special statutes, as well as executive orders issued under authorization provided in the constitution and/or statutes. The overall objective of all these measures is to constitute an "integrated" national civil service manned by competent and qualified personnel. On the other hand, internal civil service management is largely the executive side of general civil service management. It covers routine personnel management and various day-to-day administrative operations such as appointment, transfer and promotion of personnel, job classification, fixation and payment of salaries and other service benefits, performance appraisal, disciplinary actions and sanction of pensions. Internal civil service management also embraces all actions in regard to personnel training and management development.⁴

A collegiate commission is especially designed to offset the evils that might flow from nepotism and political interference in regard to such sensitive service matters as appointment, promotion, employee appeal, and discipline. On the other hand, civil service management by a hierarchical central executive organ is an arrangement which ensures government-wide operational authority to discharge the difficult task of personnel administration. This type of an executive organ seems to be competent in interarticulation of national personnel programmes, monitoring imperative changes, and maintaining working flexibility in personnel policy execution, which in effect constitute important aspects of general civil service management.⁵

By far the most important merit of the pluralist system of civil service management is the advantage of specialization in regard to certain tasks which require not only real independence but also special technical expertise. The drawbacks may be many. In particular, the sharing of duties between the two bodies can cause operational difficulties and lead to serious conflicts.⁶

Apart from the pluralism practised in many countries, civil service management in quite a few countries may also be

characterized as "unitary" in that a single civil service organ in these countries is vested with most centralized functions in the sphere of civil service management. But the structure of such unitary systems is not uniform in all these countries. In general, three distinct variants of the unitary systems may be identified: first, a board or commission; second, a directorate general; and third, a civil service ministry or department.⁷

The Commonwealth Public Service Board in Australia (existed until 1987) was an example of the first variant.⁸ Its basic feature was that a single collegiate board, separate from the administrative hierarchy, was vested with decision-making powers relating to such important aspects of routine civil service management as recruitment, appointment, promotion, and discipline, as well as a centralized role in general civil service management. The centralized role of the Australian Public Service Board in general civil service management was related to policy measures concerning the country's manpower requirements, determination of priorities of development programmes in national civil service against socio-economic and political dictates, and the need to provide the country's administrative machinery with competent and qualified staff.⁹

The main intention of the Australian system was to reconcile within a single apparatus between the "independence" to carry out tasks of recruitment and internal civil service management and the "needs" for general civil service management. The single apparatus was made answerable to the highest political authority, *i.e.*, Parliament. Still, it was likely that the "reconciliation" provided under the previous arrangement might have been ineffective in bringing about the desired results, since an organ might have been legally and technically autonomous but in practice it lacked the confidence of the government of the day. So far this variant has been adopted only in a very few developing countries.

In Southeast Asia, in particular, it seems that only two countries, namely, Thailand and the Philippines, have adopted the Australian unitary system. In Thailand, the Civil Service Commission is composed of the Prime Minister as Chairman and no fewer than twelve but not more than fifteen Commissioners who are appointed by the King. Each Commissioner holds office for a term of two years. The

Commission has extensive decision-making powers in the sphere of personnel policy development and management of public personnel.¹⁰

The Philippine Civil Service Commission, which in effect acts as an agency with considerable centralized authority over the civil service, consists of a Chairman and two Commissioners appointed by the President. They serve for a term of seven years. Directly under Chairman and Commissioners are the Office of Administrative Services and the Commission Secretariat, as well as the Security, Investigation, and Intelligence Staff.¹¹

France's *Direction generale de la fonction publique* meets the criteria of the second variant. It is attached to the Prime Minister, though generally under the direct authority of a junior minister. Its functions are by no means substantial in scope and nature. It is responsible for the general regulations governing the civil service and for pay negotiations. Most internal personnel management functions are part of the domain of the individual departments.¹² In essence, the French system involves a type of organizational structure in which the central civil service organ (i.e., the *Direction generale de la fonction publique*) has become a sort of general staff unit assisting the head of government in determining and putting into general application measures relating to the civil service. Any notion of a super-directorate of personnel is ruled out by the authority that each department asserts in respect of personnel management matters.¹³

The organization of a central organ on the French model is characteristic of a monocratic, hierarchical system which gives the organ only technical autonomy.¹⁴ This type has been adopted in certain countries in Latin America and Africa (mainly French-speaking Africa), and in Iran.¹⁵

Lastly, the establishment of a civil service ministry or department as a single central civil service organ is a recent innovation adopted in some of the African new states. This innovation seems to have marked a new trend in the siting of the central organ of civil service management. But the actual structuring and designation of this central organ are not uniform. Only a few countries have set up a separate, distinct civil service ministry, whereas several other countries have attached the civil

service department to a ministry comprising more than one department.¹⁶

In theory, the unitary system of civil service management has the advantage of greater unity of action and ease of coordination. It also ensures economy of resources. The disadvantages are, briefly, potential over-centralization, red-tape, and ossification.¹⁷

It seems clear from the preceding discussion that the organization of centralized civil service management utilizes *collegiate organs*, usually outside the executive branch, which may be grouped under the common heading "public service commissions". The centralized civil service management also utilizes *hierarchical central organs*, which might be called "central administrative agencies". These two types are found both in pluralist and unitary systems, and they can be classified roughly according to the nature of extent of their powers and functions. In each of these two categories, one may find an organ with powers that are either restricted or broad, and it is the breadth of powers that determines its structure and organization.

Collegiate Public Service Commissions

There may be three distinct types of collegiate commissions on the basis of their powers and functions. They are (i) advisory commissions, (ii) executive commissions with restricted powers, and (iii) executive commissions with broad powers.

Advisory commissions, as in India, Pakistan and Bangladesh, function primarily within pluralist systems and have powers limited to certain important aspects of civil service management (e.g., recruitment, promotion, and discipline). They have no decision-making powers, but they are not exclusively advisory since they discharge functions of an executive nature in respect of recruitment operations. In most pluralist systems having advisory commissions, there is a hierarchical central agency (e.g., Ministry of Establishment in Bangladesh) for regulating the civil service, controlling or supervising internal civil service management, and handling the problems of general civil service management.¹⁸

The type of executive commissions with restricted powers is seen in operation mainly in some African new states which have

adopted a pluralist system (e.g., Sierra Leone, Kenya, Malawi, Botswana, Lesotho). This has, in effect, resulted from the endowment of the civil service commission with powers of decision in matters of appointment, promotion, transfer and discipline. Most executive commissions of this kind may be classified into two groups. The first group consists of commissions which derive their powers from the state constitutions and enjoy genuine independence. The second group, less numerous, comprises those whose functions are based on delegation of powers from the head of state or government on whom the constitutions confer prerogatives.¹⁹

Finally, executive commissions with broad powers are the type which one usually finds in unitary systems where the collegiate organ is the central organ for management of the civil service with wide decision-making powers, e.g., the Commonwealth Public Service Board in Australia (existed until 1987) and the Philippine Civil Service Commission.²⁰

Hierarchical Central Administrative Agencies

Hierarchical central administrative agencies may be classified into two types: (i) those with restricted powers, and (ii) those with broad powers. Hierarchical agencies with restricted powers are found both in pluralist and unitary systems. In pluralist systems, these are agencies existing side by side with executive commissions. For example, in some countries which were formerly under British rule (including Jamaica, Nigeria and Kenya), it appears that a considerable part of the civil service management has been taken away from the exclusive control of the hierarchical authorities. There is a marked tendency to give decision-making powers to PSCs pertaining to appointment, promotion, discipline and dismissal.²¹ In unitary systems, these agencies with restricted powers include those civil service directorates on the French model, as in some francophone African countries, whose duties are confined to general supervision and personnel research, or which specialize in some specific spheres of personnel management.²²

Finally, hierarchical organs with broad powers include central administrative agencies existing side by side with essentially advisory commissions within pluralist systems, e.g.,

Establishment Division in Pakistan, Ministry of Establishment in Bangladesh, Ministry of Personnel, Public Grievances and Pensions in India, Ministry of Public Administration and Home Affairs in Sri Lanka.²³

SCOPE OF FUNCTIONS

In fact, most PSCs both in developed and developing countries were created with the primary aim of freeing the civil servants from allegiance to and dependence upon the politicians. Initially they were merely recruiting agencies designed to ensure that persons entered the service only through merit. The system of control which then developed was intended to prevent specific abuses with no attention whatsoever to other aspects of employment situation. This accounts for the fact that most PSCs so developed had been independent of and largely external to the administrative hierarchy.²⁴

Notwithstanding what was the *raison d'être* of the initial PSCs, it is true however that these commissions in many countries nowadays perform a variety of functions in the sphere of recruitment and civil service management. It is also true that a comparative study of PSCs will reveal interesting differences among them, especially concerning their powers and functions.

For the purpose of this study, a general distinction is made between PSCs with restricted powers and those with broad powers.

Commissions with Restricted Powers

Public service commissions with restricted powers are functioning in most cases in those countries which have drawn their inspiration from the British practices and are generally competent in respect of most questions relating to recruitment and certain aspects of career development (e.g., promotion, discipline, appeal).

An example of a commission with restricted powers is to be found in India. It should be noted here that the composition and functions of PSCs both in the centre and states in India are based on relevant provisions of, and acts/ rules made under, the

Indian Constitution adopted in 1950. The framers of the Constitution in India however recognized the ultimate responsibility of the executive for the proper management of the civil service. They therefore assigned to the commissions what was essentially an advisory and consultative rather than executive role.²⁵

In short, the functions of India's central commission, *viz*, the Union Public Service Commission (UPSC), may be grouped into three main categories: executive, regulatory, and quasi-judicial. The only truly executive function of the UPSC is to conduct examinations for recruitment of qualified persons for entry into the central government service. On the other hand, the regulatory and quasi-judicial functions are of an advisory nature.²⁶

The UPSC tenders advice on matters relating to (i) methods of recruitment, and (ii) principles to be followed in making appointment, promotion and transfer from one service to another and the suitability of candidates for such appointment, promotion and transfer. It also advises on all disciplinary matters affecting the civil servants, including memorials or petitions relating to such matters. Thus, the UPSC has been accorded a status close to the judiciary as its advisory functions in disciplinary matters involve the exercise of judicial discretion.²⁷

Public service commissions in Sri Lanka, Malaysia, Bangladesh and Pakistan also may be grouped in the category of "commissions with restricted powers" together with the PSCs in India.²⁸ But the multiplicity of the commissions in Malaysia seems unique in the group. The Federal Constitution of 1974 in that country provides for the establishment of five separate commissions: (i) Public Services Commission (PSC), (ii) Judicial and Legal Service Commission or JLSC, (iii) Police Force Commission, (iv) Railway Service Commission, and (v) Educational Service Commission. As defined by article 144 (1) of the Constitution, each of the commission is responsible for appointment, confirmation, placement of persons on permanent or pensionable establishments, promotion, transfer, and exercising disciplinary control over members of the service or services on which it has jurisdiction. The Constitution also includes detailed provisions relating to the composition of each of the five commissions. In particular, the PSC consists of a

chairman, a deputy chairman, and not less than four but not more than twelve other members, appointed by the King on the advice of the Prime Minister. The other four commissions are also structured on the similar lines. Although it is not clear whether the PSC precedes the other four commissions in terms of its authority and powers, the chairman of the PSC is an *ex-officio* member of the JLSC and that the Secretariat of the PSC also serves as the Secretariat of the JLSC.²⁹

In Sri Lanka, the Public Service Commission under the 1978 Constitution has limited powers and functions compared with what it had under the 1947 Constitution. Since the cabinet under the present Constitution can decide to retain certain powers relating to recruitment and other service matters and delegate the retained powers to individual ministers, actual powers of the Public Service Commission now relate only to such matters concerning disciplinary action or those referred to it by the cabinet or by individual ministers.³⁰

Commissions with Broad Powers

At present three developing countries such as Thailand, Nigeria and the Philippines may be singled out for the purpose of identifying the commissions with broad powers. By and large, the system of public service commissions in these three countries is based on the model of the US Civil Service Commission³¹ (existed until 1978) as well as the Commonwealth Public Service Board in Australia (existed until 1987).

In Thailand, the commission called Civil Service Commission (CSC) is legally an independent agency attached to the office of the Prime Minister. However, its composition seems unusual. The Prime Minister presides over it as its *ex-officio* chairman. The members of the commission are appointed by the King and must be chosen from among senior civil servants having experience in personnel administration matters and of the rank and status not below that of a director-general. They are appointed for a term of two years.³²

The first civil service commission in Thailand was set up in 1928. At present its powers and functions are regulated by provisions included in the Civil Service Act of 1975. Along with

tasks proper to any institution of this type (*i.e.*, preparing the syllabuses and making arrangements for entrance examinations, keeping employee statistics, and regulating the civil service in virtue of law in force and ensuring scrupulous operations), the CSC has certain powers in disciplinary matters (advisory and/or decision-making), in personnel administration control at the departmental level (task of bringing any irregularity in the application of the law to the notice of the Prime Minister so that remedial measures can be taken), in selection of candidates for the award of fellowship abroad (conduct of tests) and surveillance of the holders of certain types of fellowship (disciplinary action). The Civil Service Act also vests in the CSC such other functions as to establish certain pay levels and determine grades and steps in certain cases.³³

One of the fundamental changes which has come about since the passage of the Civil Service Act of 1975 is the assignment to the CSC the task of promoting a wide range of personnel policies. Yet it seems that the CSC lacks the position of independence because of its close attachment to the office of the Prime Minister.³⁴

It should be noted that there are nine other commissions or personnel agencies in Thailand besides the CSC. These nine commissions/agencies are: (i) Judicial Service Commission, (ii) Teachers Council, (iii) Universities Officials Commission, (iv) Public Prosecutor Service Commission, (v) Provincial Administration Commission, (vi) Municipality Officials Commission, (vii) Bangkok Metropolitan Officials Commission, (viii) Legislative Body Officials Commission, and (ix) Police Officials Commission. But the fact remains that the CSC plays an important role as the central and largest agency. The classification plan implemented in all agencies under the CSC's direct jurisdiction has been widely adopted by other personnel agencies, as well as the CSC's rules and regulations. Key personnel from the CSC are also invited to sit in committees /sub-committees in other personnel agencies. Thus, it seems more often than not that the nine commissions/agencies are strongly influenced by the CSC. Whenever the CSC moves towards a particular goal, they also have to move in the same direction.³⁵

Under Presidential Decree No. 807, otherwise known as the "Civil Service Decree of the Philippines", the Philippine Civil Service Commission is an important collegiate body centrally responsible for providing necessary standards and guidelines for the operation of the Philippine civil service. Pursuant to this Decree, the Civil Service Commission provides central direction and guidance to all agencies of the government in the area of personnel management. This leadership role is achieved centrally through its power to formulate policies, standards, guidelines, plans, and programmes for the proper implementation of all laws affecting the civil service.³⁶ More specifically, the functions of the Philippine Civil Service Commission are:

(i) to promulgate policies, rules, standards for the civil service, and adopt plans and programmes to promote economical, efficient and effective personnel administration in the government;

(ii) to enforce the civil service law and rules by post-auditing personnel actions in the departments and agencies, and applying appropriate sanctions whenever necessary;

(iii) to hear and decide administrative cases brought before it or appeal from the decision of the department or agency head;

(iv) to appoint the personnel and exercise overall supervision and control over the activities of the commission;

(v) to advise the President on matters involving personnel management in the government;

(vi) to assist the improvement of personnel units and programmes in the departments and agencies; and

(vii) to perform such other functions as may be provided by law.³⁷

In Nigeria, the National Public Service Commission has been vested with broad powers and functions in the field of civil service management unlike its counterparts in other Commonwealth countries. It has been given constitutional status and is centrally concerned with all permanent civil servants, including the superscale officers and professionals. Personnel management functions are in fact divided between the Commission and the Establishment Division of the Ministry of Finance. In general, any matter having financial implications is referred to the Establishment Division. More specifically, the

Public Service Commission looks after recruitment, entrance examinations, appointments, qualifications for appointments, promotion, transfers, confirmations, promotion and confirmation examinations, discipline and confidential reports. On the other hand, the Establishment Division is in charge of whitley councils and staff negotiations, establishments, grading, salaries, allowances, conditions of service, staff list and staff records, labour rates and conditions of government labour, wage committees, training within the civil service and courses of instruction, invalidating and casualty procedure, transport and travelling allowances, pensions, and gratuities.³⁸

It appears that the case of Nigeria is slightly different from that of Thailand and the Philippines, since the system adopted has features which tend to classify it in the pluralist category. Moreover, the Public Service Commission in Nigeria is a constitutional body in that the Federal Constitution includes the main principles which regulate the composition and functions of the Public Service Commission. The Commission consists of members appointed for a fixed term on the advice of the Prime Minister. The members are irremovable save for proved incapacity or misbehaviour, and subsequently ineligible for any office in the civil service of the federation. There is no prescribed qualification, but legislators and incumbent civil servants are debarred.³⁹

A few supplementary remarks seem appropriate before concluding this section. It is a truism that the number and scope of activities of civil services handled by the public service commissions vary from one country to another. In some instances, such government personnel as law officers, police, local government officials, even some categories of army officials as in India, are included within the scope of the commissions, whereas there are special commissions/agencies for specific sectors of the civil service (as in Malaysia and Thailand), in other instances. In most cases, the constitutions or the organic law regulate the scope of functions of the commissions, but the breadth of such scope differs from one country to another.

Moreover, since the direct and concentrated exercise of all the functions of a "commission with broad powers" is impracticable, it is necessary that there should be some form of

political pressure, its status must inevitably be very carefully worked out, and the constitutions which establish commissions are in fact particularly careful to settle this question precisely. As a rule most constitutions lay down the principle that the commissions shall be autonomous or independent and not subject to supervision and directives from any other authority. They fix the minimum and maximum number of members of the commissions, method of appointment of the members (either by the head of state alone or on the proposal of the prime minister), their incompatibilities, term of office, and the conditions on which they can be removed from office. The constitutions of some countries also lay down the terms and conditions, as well as certain qualifications, for appointment of chairmen /members of PSCs.⁴⁵

The position of PSCs acting for and on behalf of heads of state, by way of delegation, is more difficult to determine. Commissions of this kind are more strictly bound to the authorities within the hierarchy and their independence is certainly less. This does not mean that they become a mere instrument of respective heads of state. Nor does it imply that their administrative situation is different from that of independent commissions directly endowed by the constitutions with decision-making powers. They are a special form of institution revolving round heads of state. The same is true with regard to commissions set up under the organic law governing the civil service and exercising only limited functions.⁴⁶

In the unitary systems of organization, public service commissions technically are the autonomous institutions, but, more often than not, their members do not enjoy formal guarantees of independence. Generally, chairmen of the commissions under the "unitary" system are regarded as administrative chiefs of civil services, and they do occupy a superior position *vis-a-vis* the commission's members. The chairmanship may be entrusted to a minister, or even exercised by the prime minister, as in Thailand.⁴⁷

While the administrative situation of PSCs can be theoretically established in this way, it is extremely difficult to assess precisely how far autonomy or independence of action really exists. Juridical provisions or the best-established rules are only meaningful to the extent that they are backed by the

spirit underlying the institutions in question. The fact is that the real administrative position of PSCs depends on circumstances and on the attitude of the government concerned. A government is presumably more prone to accept readily the autonomy of an essentially consultative commission, whose opinion or recommendations are not binding upon it, than that of a decision-making commission with whom for various reasons it may come into conflict. Clearly, the existence of executive commissions tends to affect the executive responsibility over civil service management, especially in the conditions prevailing in developing countries.⁴⁸

The functioning of PSCs in most countries so far provides an indication that the government, or even the head of state, may take exception to the presence of a commission endowed with decision-making powers. Perhaps, this may be the reason why many countries have not accepted the system, while a few countries which did adopt the system initially have subsequently slashed the scope of powers of their PSCs.⁴⁹

The theory against an independent PSC with decision-making powers is based on two major premises. First, it has been argued that there could be a whittling away of authority involving countless practical drawbacks and the danger of turning the commission into a sort of state within the state. Second, while it is essential that candidates for the civil service should possess the qualifications required for entry and that these qualifications should be checked objectively, it seems not expedient for the authorities in the hierarchy to divest their powers they normally hold over the career development of their personnel. Clearly, the arguments posit such cautionary note as that the transfer of decision-making powers to an independent PSC may raise practical problems for the whole administrative machinery and that it is not at all healthy for civil service management to be unduly concentrated and conducted without the active collaboration of the authorities within the executive hierarchy.⁵⁰

CONCLUSION

The discussion in this chapter suggests that a PSC has two basic purposes: first, to eliminate patronage in the civil service;

22 Bangladesh Public Service Commission

in a single apparatus (i.e. PSB) wide range responsibilities in recruitment and internal civil service management as well as in regard to most matters of policy and administration of general civil service management. In discharging its responsibilities the defunct PSB had enjoyed the necessary "independence" in policy-making as well as considerable "authority" in execution of such decisions.

9. See G. E. Caiden, "The Independent Central Personnel Agency- The Experience of the Commonwealth Public Service in Australia", *Public Administration* (London), Vol. XLII Summer 1964, pp. 133-167; "The Commonwealth Public Service Board", in H. Mayer, ed., *Australian Politics: A Second Reader*, Melbourne, Cheshire, 1969, pp. 589-597; S.G. Ahmed, "Public Personnel Management", pp. 292-293.
10. See A. Raksasataya and H. Siedentopf, eds., *Asian Civil Services*, pp. 544-561.
11. *Ibid.*, pp. 367-372.
12. S.G. Ahmed, "Public Personnel Management", p. 297.
13. *Ibid.*
14. *Ibid.* p. 293.
15. United Nations, *Handbook of Civil Service Laws and Practices* (hereafter cited *Handbook of Civil Service*), New York, 1966, pp. 152-163, 241-251.
16. UN, *Central Organs of the Civil Service*, pp. 33, 81-86.
17. *Ibid.*, p. 34.
18. See S.G. Ahmed. *Public Personnel Administration in Bangladesh*, pp. 15-16.
19. UN, *Central Organs of the Civil Service*, pp. 35, 65-70.
20. See Raksasataya and Siedentopf, eds., *Asian Civil Services*, pp. 359-430; S.K. Sharma, "Centralization of Personnel Functions : An Asian Perspective", *International Review of Administrative Sciences*, Vol. XLVII, No. 1, 1981, pp. 60-66.
21. UN, *Central Organs of the Civil Services*, pp. 68-69.
22. *Ibid.*, pp. 35, 77-80.
23. *Ibid.*, pp. 36, 73-76; Raksasataya and Siedentopf, eds., *Asian Civil Services*, pp. xxxi-xxxii; Sharma, "Centralization of Personnel Function", pp. 60-66; S.P. Verma and S.K. Sharma, *Managing Public Personnel System: A Comparative Perspective*, New Delhi, Indian Institute of Public Administration, 1980, pp. 63-73.
24. H.Siedentopf, ed., *Public Personnel Management in Asian Civil Services*, pp. 79-80.
25. See S.B. Bapat, "Public Service Commission - An Indian Approach," *Indian Journal of Public Administration*, Vol. 2, 1956, p. 57.
26. See M.A. Muttalib, *The Union Public Service Commission*, New Delhi, Indian Institute of Public Administration, 1967, pp. 75-87; C.N. Bhalerao,

- Public Service Commissions of India: A Study*, Delhi, Sterling Publishers, 1966, pp. 42-74; Niru Hazarika, *Public Service Commissions: A Study*, Delhi, Liladevi Publications, 1979, pp. 91-130.
27. See Muttalib, *Ibid.*, p. 80. The UPSC discharges certain functions which have not been stipulated in the Indian Constitution. Recruitment to the defence services is outside the purview of the UPSC in that such services do not constitute part of the civil service. In 1949, the UPSC conducted the written examination for cadets of certain wings of the defence services at the request of the defence department. The conduct of written examinations of this type has now become a regular feature of the UPSC's activities.
28. See Rakasataya and Siedentopf, eds., *Asian Civil Services*; H. Siedentopf, ed., *Public Personnel Management in Asian Civil Services*; Verma and Sharma, *Managing Public Personnel Management*; Sharma, "Centralization of Personnel Function".
29. Rakasataya and Siedentopf, eds., pp. 260-270.
30. *Ibid.*, pp. 492-507.
31. For a good summary on the history and work of the US Civil Service Commission (which existed until 1979), see S.G. Ahmed, "Public Personnel Management", pp. 295-296; Donald R. Harvey, *The Civil Service Commission*, New York, Praeger, 1970; and Paul Van Riper, *History of the United States Civil Service*, New York, Harper & Row, 1958.
32. Rakasataya and Siedentopf, eds., *Asian Civil Services*, pp. 544-553; Verma and Sharma, *Managing Public Personnel Management*, pp. 92-93; Sharma, "Centralization of Personnel Function", pp. 60-65.
33. UN, *Central Organs of the Civil Service*, pp. 71-72.
34. *Ibid.*
35. Rakasataya and Siedentopf, eds., *Asian Civil Services*, pp. 544-547.
36. *Ibid.*, pp. 366-368.
37. See Civil Service Commission, *Employee Handbook for the Civil Service Commission*, Quezon City, CSC, 1975, pp. 2-3.
38. See Verma and Sharma, *Managing Public Personnel Management*, pp. 86-87.
39. UN, *Handbook of Civil Service*, pp. 23-24.
40. UN, *Central Organs of the Civil Service*, 69-70.
41. *Ibid.*, pp. 55-56.
42. *Ibid.*, pp. 56-57.
43. See Rakasataya and Siedentopf, eds., *Asian Civil Services*, pp. 359-380, 535-560.
44. UN, *Central Organs of the Civil Service*, pp. 56-58.
45. *Ibid.*, pp. 58-59.
46. *Ibid.*

24 Bangladesh Public Service Commission

47. See Raksasataya and Siedentopf, eds., *Asian Civil Services*, p. 544.
48. UN, *Central Organs of the Civil Service*, p. 58.
49. *Ibid.*
50. *Ibid.*, pp. 65-66.
51. A.P. Sinker, "What are Public Service Commissions for", *Public Administration* (London), Vol. XXXI Autumn, 1953, p. 212.

CHAPTER TWO

PUBLIC SERVICE COMMISSION IN BRITISH INDIA

This chapter describes the genesis and development of public service commissions in British India. In the main, the description will be limited to the development and measures relating to the establishment and functioning of a public service commission at central level under both the Government of India Act of 1919 and the Government of India Act of 1935. The focus will be the legal-constitutional-historical basis and development of British India's public service commissions with special reference to the historical background of the decision to establish the Public Service Commission in 1926, its structure and functions at the initial stage, and the provisions relating to public service commissions both in the centre and the provinces under the Government of India Act of 1935. This chapter also includes a brief note on the origins and development of public service commissions in the provinces. Finally, the chapter concludes with some observations recapitulating the main features of public service commissions in British India.

GENESIS AND DEVELOPMENT

The idea of establishing a public service commission for recruitment to and control of the civil service in British India was first mooted in a Memorandum presented by the Government of India to the Committee on Division of Functions. This Committee on Division of Functions was actually appointed in late 1918 by the Secretary of State for India to inquire into questions connected with the division of functions between the central government and the provincial governments, on the one hand, and between the members of the executive council and ministers in the provincial governments, on the other. The report of this Committee was finally submitted on 26 February 1919.¹

The Government of India reiterated its stand on the question of establishing a public service commission in what seems its

First Despatch to the Secretary of State (5 March 1919) on the Indian Constitutional Reforms suggested by the Montagu-Chelmsford Report (Mont-Ford Report) of April 1918. Paragraph 55 of the Despatch states as follows:

In most of the Dominions where responsible government has been established, the need has been felt of protecting the public service from political influences by the establishment of some permanent office peculiarly charged with the regulation of service matters. We are not prepared at present to develop the case fully for the establishment in India of a public service commission: but we feel that the prospect that the services may come more and more under ministerial control does afford strong grounds for instituting such a body. Accordingly we think that provision should be made for its institution in the new Bill. The Commission should be appointed by the Secretary of State, and its powers and duties regulated by statutory rules to be framed by the same authority; we shall make detailed suggestions upon the matter in our despatch on the Bill.²

The principle which underlay the recommendation contained in both the Memorandum and the Despatch was that, under the proposed Constitutional Reforms embodied in the Mont-Ford Report of April 1918, it was necessary to protect the services from political influences. Section 96 (c) (2) of the Government of India Act of 1919, which was adopted in the British Parliament in December 1919 based on the Constitutional Reforms suggested by the Mont-Ford Report, provided for the establishment in India of a public service commission. As envisaged under this Act, the commission was to discharge such functions in regard to recruitment and control of the civil service in India as might be assigned by rules made by the Secretary of State in Council.³

The dominant theme of the constitutional provision relating to the establishment of a public service commission was that a commission, appointed and controlled by the Secretary of State, would afford an essential safeguard in the working of the Constitutional Reforms incorporated in the Act of 1919, including a check on certain undesirable features that might accompany the reforms. The proposed commission was intended to act as a

sort of "watch-dog" on civil service management of the Government of India, especially in the sphere of recruitment to and control of the services. It was to remain close to the Secretary of State so as to enable him to secure for the civil service stability and security which were considered vital to the civil service's successful working as the impartial and efficient instrument of a government of any complexion.⁴

After coming into force of the Government of India Act of 1919 in March 1921, discussions proceeded for sometimes towards establishing a public service commission. The functions proposed for the commission at that time were practically restricted to recruitment for the services in India. In other words, the proposed commission was to discharge recruitment function exclusively in relation to the services over which the provincial governments had full control. All powers relating to recruitment to and control of the All-India and Central Services were still then controlled by the Secretary of State with the assistance of the Civil Service Commission in England. But as the provincial governments generally resented any extension of powers of the proposed commission to cover recruitment for the Provincial Services, its establishment was held up for sometimes.⁵

In 1923, a new commission called the Royal Commission on Superior Civil Services in India (or Lee Commission) was appointed under the Chairmanship of Lord Lee of Fareham. This Lee Commission revived the proposal of establishing a public service commission in its report submitted in 1924. The Lee Commission not only supported strongly the establishment of a commission, but it also suggested a considerable extension of such commission's functions beyond the supervision of recruitment which had been the dominant theme of the earlier discussions on the proposal.⁶

More specifically, the Lee Commission stressed that the proposed public service commission under the Government of India Act of 1919 was to be an All-India body in so far as it might be invited by the local governments to assist in dealing with the problems of the Provincial Services. The functions of the proposed commission were suggested to include mainly (i) the recruitment of personnel for those services over which the Secretary of State for India would divest himself of most powers

of control under the new Constitutional Reforms envisaged in the Government of India Act of 1919 (*i.e.*, the Central Services to be recruited in India and the transferred All-India Services for which recruitment by the Secretary of State would cease eventually) and the establishment and maintenance of proper standards of qualifications for admission into such recruitment examinations/tests; and (ii) the quasi-judicial functions connected with the disciplinary control and protection of the services.⁷

The Lee Commission made a point quite clear that the proposed public service commission should primarily be concerned with the All-India and Central Services. It should not be normally concerned with the Provincial Services, other than serving a general responsibility with regard to the determination of standards of qualifications and methods of examinations.⁸

The recommendation of the Lee Commission on the establishment of the public service commission was indeed considered one of the cardinal features of its report. This particular recommendation also formed an integral and essential part of the whole structure of its proposals for the future of the services in British India.⁹

It is true as well that the recommendation of the Lee Commission constituted an important subject for consideration by both the Government of India and the Secretary of State. The authorities in India and England were eventually convinced to establish a public service commission in 1926 pursuant to section 96c of the Government of India Act of 1919. The commission was formally inaugurated in the autumn of 1926 under the name "Public Service Commission".¹⁰

COMPOSITION

The Public Service Commission (PSC) so established was decided to be essentially an advisory body. In other words, it was not given the powers of control over the services as contemplated by the Act of 1919 and the Lee Commission.¹¹

As provided under the Act, the Public Service Commission was to consist of five members, including a chairman. Detailed rules called the Public Service Commission (Conditions of

Service) Rules, issued on 25 February 1926, specifying the qualifications, term of office, pay, and other conditions of service of the offices of chairman and members, were passed by the Secretary of State in Council on an earlier date in the same month of 1926. Under these Rules at least two of the members of the Public Service Commission were to be persons who had been in the service of the Crown of India for ten years or more.¹²

The Public Service Commission had comprised in 1926 three Europeans and two Indians. In 1928, it had two Europeans and three Indians. The two Europeans included a member of the Civil Service in England as Chairman of the Commission and a member of the Indian Civil Service (ICS) as Member, whereas the three Indians were a member of a Provincial Civil Service, a former member of the Council of State, and an ex-vice chancellor of an Indian university (Dhaka University). The Commission had a Secretary who was an ICS and a staff of about a dozen persons.¹³

Mr. (later Sir) W. R. Barker was the first Chairman of the Public Service Commission. He had served for a greater part of his service career in the Board of Education in England. He had also held the post of legal adviser in the same Board.¹⁴

Sir W.R. Barker continued as Chairman till 1932. Except his successor Sir David Petric, who belonged to the Indian Police (IP), both the later Chairmen of the Commission were members of the ICS, namely, Sir Eyre Gordon and Sir F. W. Robertson.¹⁵

The Chairman and Members of the Public Service Commission were to be appointed by the Secretary of State in Council for five years. They could be reappointed for either a full term or part of the full term. No Member could be removed before the expiry of his term of office, except by an order made by the Secretary of State in Council.¹⁶

POWERS AND FUNCTIONS

The procedure for the conduct of functions by the PSC, including what seemed its internal business, was duly laid down in a set of rules called the Public Service Commission (Functions) Rules made by an order of the Secretary of State in

115720

LIBRARY
Bangladesh Public Administration
Training Centre Savar, Dhaka.

Council on 22 September 1926. The Rules so made were issued for general information on 14 October 1926.¹⁷

According to the PSC (Functions) Rules of 1926, the functions of the Commission were confined primarily to the All-India and Central Services. More specifically, the scope of the PSC's functions covered such matters relating to the All-India and Central Services as recruitment, disciplinary actions, appeals, representations about particular grievances or claims for compensations by members of these services, and general questions connected with the conditions of service (*e.g.*, pay, allowances and pensions).¹⁸ The PSC also took over the functions of the Staff Selection Board constituted in 1920 to supervise recruitment of office staff for the various departments of the Central Secretariat of the Government of India.¹⁹

Although the work of the PSC had been adjudged to be advisory, a convention was established that in the exercise of its quasi-judicial functions (*e.g.*, discipline, appeals and representations) the advice of the Commission was generally accepted, save in exceptional circumstances. Similarly, the Government of India accepted in most cases the selections made by the PSC for appointment of candidates by nominations, subject of course to any special direction given to the Commission in regard to the class of candidates to be nominated. In such other cases as the questions of policy in regard to recruitment or the determination of conditions of service, the Government of India was reported to have given full weight to the advice of the Commission, although the former had full freedom as per rules to form its own opinion in all matters with regard to recruitment to and control of the services.²⁰

Relations with the Government

The Home Department of the Government of India was given a special position in relation to the PSC as it was the repository of the service matters in general. The requirements of the PSC in regard to its own staff, like those of any other operating agencies in the government, were processed by the Home Department. More conspicuous was the Commission's dependence on the Home Department in the field of finance. The Home Department formulated the budget of the PSC as if

the latter was an attached department of the former. As a matter of fact, the Home Department acted as "filter and funnel" between the Governor-General of India and the Public Service Commission. Like a "funnel" it received all the business intended for the Governor-General, whereas like a "filter" it allowed only what was essential to go up to the Governor-General, keeping back the less important business.²¹

Debates on Status and Authority

The structure and functioning of the PSC, constituted in 1926, came under a detailed review by the Indian Statutory Commission (or Simon Commission) appointed in 1928. This provided an opportunity to assess its functioning until the end of the 1920s. The Memorandum on the PSC submitted by its Chairman (Sir) W.R. Barker to the Simon Commission in his personal capacity was considered a classic exposition of the conception on public service commission as an independent institution.²²

The Memorandum submitted by Sir. W.R. Barker was actually based on the work of public service commissions in the contemporary Dominions of the British Empire. Emphasizing the need for non-interference with the work of the Commission in its own sphere, Sir W.R. Barker observed in general terms that a well-organized government should delegate to an agent the task of selecting efficient instruments to do its work and of regulating the concerns of its domestic establishment in order to set itself free for the far more important tasks of governance. To state in further detail the relevant views of Sir W. R. Barker in his own words:

The business of a Government is to govern. Its servants are not strictly part of the business of Government: they are merely the instruments by which government is carried out. A well organized Government like a well organized business delegates to an agent or subordinate body the task of selecting efficient instruments to do its work and of regulating the concerns of its domestic establishment in order to set itself free for the far more important problems of administration and business on which it is engaged. If it fails to obtain good instruments by this method, it alters the

machinery by which the instruments are obtained. It does not take the machinery into its own hands. This however is not the only reason why well organized Governments establish public service commissions. Governments are concerned with politics and policies and it inevitably happens that as soon as Governments take a direct part in recruiting their services, the recruitment comes to be governed not by a consideration of the method in which the best recruits may be obtained but of the method which best conforms to the political requirements of the hour. The introduction of politics into recruitment for the public services is as fatal to good recruitment as the introduction of uncontrolled nepotism into a business concern is fatal to the successful conduct of a business.²³

In Sir W.R. Barker's view, the Public Service Commission, constituted in 1926, was not truly independent in the discharge of its assigned tasks. Its scope of jurisdiction was too narrow. He therefore made a strong plea to grant to the PSC an independent status and widen its functional jurisdiction.²⁴

True though as it was that the subsequent improvements in regard to the status and functions of the PSC, pursuant to the Constitutional Reforms incorporated in the Government of India Act of 1935, were not fully consistent with what Sir W. R. Barker had convincingly argued in his Memorandum to the Simon Commission, many later advocates of an "independent" public service commission seem to have drawn much conceptual inspiration from his blunt views on the topic.

Nevertheless, Sir W. R. Barker's views did provide some basis towards strengthening the position of the PSC under the Government of India Act of 1935. But the original scheme of the Commission to act mainly as an advisory body was more or less retained in the new Constitutional Act. Secretary of State Sir Samuel Hoare, the man who actually piloted the Bill of the Government of India Act of 1935 in the House of Commons during 1934-35, insisted that the Public Service Commission in India should be an advisory body. Referring to the experience of the public service commissions in the contemporary Dominions of the British Empire, he emphatically argued that a public service commission would likely to have more influence by convention if it was given an advisory role. He in fact sounded a

caution in his famous speech in the House of Commons by saying that:

..... it is the definite view of my advisers both here and in India, that the Public Service Commissions had much better be advisory. Experience goes to show that they are likely to have more influence if they are advisory than if they have mandatory powers. The danger is that if you give them mandatory powers you then set up two governments in a Province and two governments at the Centre, and there is everything to be said against a procedure of that kind. From many points of view it is much better that they should be advisory.²⁵

THE GOVERNMENT OF INDIA ACT OF 1935

The Government of India Act of 1935 extended and defined more precisely the structure and functions of the Public Service Commission. It was redesignated as Federal Public Service Commission (FPSC) under the new Act. One important distinguishing feature of the provisions relating to the FPSC under the Act of 1935 was that it vested the power to appoint the Chairman and Members of the FPSC in the Governor-General acting in his own discretion, whereas such power had been vested in the Secretary of State in Council under the Government of India Act of 1919. At least one half of the Members of the FPSC were required to be persons with ten years of service under the Crown in India.²⁶

After coming into force of the Government of India Act of 1935 with effect from 1st April 1937, the reconstituted FPSC was made responsible for recruitment to such All-India Services as the ICS, IP, Indian Service of Engineers, Indian Educational Service, Indian Medical Service, Indian Agricultural Service, and the Indian Veterinary Service. The FPSC was invested with almost full responsibility with regard to selection of persons into all the Central Services, both class I and class II. The Secretary of State continued however to make part of the recruitment to the ICS, IP and the Indian Medical Service (Civil) with the assistance of the British Civil Service Commission.²⁷

In addition, the FPSC also had a statutory responsibility to advise the Government of India on methods of recruitment to all

posts, the principles of appointments, promotions and transfers (including on suitability of candidates for such appointments, promotions and transfers), disciplinary matters, claims for legal costs incurred by the civil servants in defending their official acts in courts, claims for injury pension, and on any other matters which the Governor-General might refer to the FPSC. Among other matters stipulated to be referred to the FPSC for its advice were cases of domicile, compensation to affected persons after the abolition of their posts, seniority and extension of service beyond retiring age. After the Second World War, the FPSC had increasingly been concerned with promotion functions and with the absorption of war veterans in various services. Normally a Member of the Commission was invited by the appointing authorities in the central government to preside over a departmental promotion committee.²⁸

It should be noted here that the Governor-General was duly empowered to exclude in his own discretion any type of case or cases from the FPSC's purview. The Governor-General did in fact exercise this authority as envisaged in the Act of 1935. He promulgated on 15 April 1937 a set of regulations called the Federal Public Service Commission (Consultation by the Governor-General) Regulations, thereby specifying the cases in which it was not necessary for the Governor-General to consult the FPSC.²⁹

Although the Civil Service Commission in England stopped recruitment to the British Civil Service during World War II, the ICS competition continued in London and India until 1943. The examinations for recruitment in India to the ICS, IP and the Central Services were being held under the supervision of the FPSC till that year. But for about two years thereafter normal recruitment to the services was kept in abeyance. In pursuance of a policy adopted at that time most of the vacancies were reserved for competition among the war veterans. In 1945, when recruitment to the most services resumed, the work of the FPSC increased considerably. The strength of staff of the Commission jumped from 30 to 80 for the task of post-war recruitment.³⁰

Immediately before the partition of India in August 1947, the FPSC comprised a Chairman, three full Members, and two additional Members, namely, Sir F.W. Robertson, ICS

(Chairman); Mr. K. Sanjiva Row of the Indian Audit and Accounts Service (full Member); Mr. W. R. G. Smith, IP (full Member); Lt. Col. M.A. Rahman of the Indian Medical Service (full Member); Mr. N. G. Roughton, ICS (additional Member); and Mr. D. B.S.G. Grubb (additional Member). The FPSC's Secretary was Mr. F. F. C. Edmonds, a member of the Indian Educational Service.³¹

It seems appropriate at this stage to pin-point certain features of the FPSC which seem to have distinguished it from the Public Service Commission constituted under the Government of India Act of 1919. First, unlike the PSC, whose composition and functions had been regulated by rules framed by the Secretary of State in Council, the FPSC's composition and functions were precisely defined by the Government of India Act of 1935. The elaborate composition of the FPSC and the actual manner in which its advice should be sought were however left to be regulated by separate statutory rules framed by the Governor-General in his discretion. In other words, the Government of India Act of 1935 conferred upon the Governor-General almost full powers of control over the FPSC's composition and functions. In more specific terms, it was the Governor-General who was solely responsible in his discretion to (i) make appointment of the Chairman and Members of the Commission, (ii) determine the number of the FPSC's members, their terms of office and conditions of service, (iii) make provision with regard to the numbers of staff of the Commission and their conditions of service, and (iv) make regulations to exclude any matters from the FPSC's purview.³² But it was the Secretary of State who had full powers of control over the composition and functions of the PSC established in 1926 under the Government of India Act of 1919.

Second, the FPSC was envisaged mainly as a central body responsible for recruitment to and control over the All-India and Central Services. The Government of India Act of 1935 included specific provisions purporting to encourage the provinces to set up public service commissions of their own to discharge recruitment and other functions in relation to their services. The Government of India Act of 1919 did not specify whether the provinces should constitute such public service commissions.³³

Third, the Government of India Act of 1919 had expressly provided for a direct and sole role of the British Civil Service Commission in the sphere of recruitment to the services in India,³⁴ whereas the Government of India Act of 1935 was not specific on such role of the British CSC. After the FPSC came into being in 1937, the task of conducting examinations for recruitment to the ICS and other services in India was made part of the FPSC's independent charge.

It should be noted here that the examinations for recruitment to the ICS had since 1922 been conducted simultaneously in England and India. The British Civil Service Commission had been responsible for conducting such examinations both in England and India until 1937. The PSC established in 1926 in India had only been assisting the British CSC in conducting those examinations and the *viva voce* in India.

Thus, it seems that the FPSC became equated with the British Civil Service Commission in term of its "sharing role" in the sphere of recruitment to the ICS in India.³⁵

Finally, regardless of what was envisaged in theory, the FPSC attained in practice a unique position of power and influence because of three important factors. First, the very constitutional basis seems to have provided to the FPSC a moral strength to insist on the fulfilment of the executive's duty to consult the Commission on matters stipulated in the Government of India Act of 1935. Second, a convention was established even before coming into being of the FPSC that the advice of the Commission (both PSC and FPSC) was always accepted save in exceptional circumstances.³⁶ Third, the emergencies during and after World War II compelled the Government of India to make effective use of the services of the FPSC. This was evident from a memorandum under the heading "Extension of Functions of the Federal Public Service Commission" issued by the Home Department of the Government of India on 17 June 1946. This memorandum revealed how keen the Government of India was to involve the FPSC more closely in matters affecting the members of various services in India. In particular, the most important suggestion implied in the memorandum was to entrust the responsibility for selection of persons in the government service wholly to the FPSC. It was also stipulated in the

memorandum that all departments of the Government of India should immediately establish their respective Departmental Promotion Committees and the FPSC be invited to render its expert assistance in as much promotion cases as possible.³⁷

PROVINCIAL PUBLIC SERVICE COMMISSIONS

It seems appropriate to describe in brief the genesis and development of provincial public service commissions before drawing a conclusion of this chapter.

It was actually under the Government of India Act of 1935 that specific provision was first made for the establishment of public service commissions in the provinces. But the idea of establishing such commissions had been mooted in deliberations of certain important committees and commissions preceding the passage of the Government of India Act of 1935. It is true that the Memorandum to the Committee on Division of Functions (26 February 1919) as well as the Despatch to the Secretary of State (5 March 1919) by the Government of India had made no mention of the need of establishing provincial public service commissions. True as well that the Government of India Act of 1919 had envisaged under section 96B(2) to delegate to the provincial governments and /or legislatures the powers to make such laws regulating the provincial services as to secure selection over the widest possible field on the basis of merit and requisite qualifications as well as reduce the risk of political interference. But such provision of the Government of India Act of 1919 by no means construed itself to establish a provincial public service commission.³⁸

The Royal Commission on the Superior Civil Services (or Lee Commission) recommended in its report of 1924 the setting up of a public service commission at central level in India. But it seems that the Lee Commission did not give much thought to the need of establishing similar commissions in the provinces, despite the fact that it was in the provinces where ministerial interferences in the services were likely to be more than at the centre following the formation of responsible governments in the provinces under the Government of India Act of 1919. Although the Lee Commission was of the opinion that the knowledge and

experience of the Central Public Service Commission might be placed at the disposal of the provincial governments, it made a point quite clear that any attempt by that Central Commission to interfere with the Provincial Services would be inconsistent with the principle of provincial autonomy as envisaged in the Act of 1919.³⁹ In other words, the provincial governments should be empowered under the permissive clause of that Act [*i. e.* section 96B (2)] to make recruitment to and exercise control over their services in any way they would think proper.⁴⁰

The fact is that it was still not fully clear to all the provincial governments as to whether they could establish their own public service commissions with a view to making recruitment to and exercising powers of control over their services. Nor did they comprehend well the letter and spirit of the permissive clause of the Act of 1919. As a matter of fact, the responsible governments formed in the provinces pursuant to the Constitutional Act of 1919 lacked both time and wisdom to give effect to what was implied in the Act in relation to the Provincial Services. Political elements of these governments in effect seemed too busy in grappling with multifarious problems which arose in the wake of a shift in the existing style of rule. They seemed as well not well set in their new role for which they had practically no previous experience. Moreover, the political developments in the 1920s following the Constitutional Reforms were so cataclysmic that both the political novices and the ruling bureaucratic elites were truly hesitant to make any innovative move in the sphere of civil service management.

Nevertheless, the Governments of Madras and the Punjab took an initiative as early as in the late 1920s to set up their own public service commissions pursuant to the permissive clause of the Act of 1919. In fact Madras was the first province in British India which established a public service commission of its own. The Madras Public Service Commission came into being in 1929 under an act enacted in the Madras Legislative Assembly in the same year. But the initiative of establishing a public service commission in the Punjab could not bear fruit so soon. Lack of fund was what reported to have actually caused the delay in the establishment of a commission in that province.⁴¹

Madras Public Service Commission

The draft of the Madras PSC Bill was sent to the Central Public Service Commission for its opinion on the Bill before its final passage in the Madras Legislative Assembly in 1929. There was a conflict of opinion among the members of the Central PSC regarding the constitutional position and functions of the proposed PSC in Madras. Chairman W.R. Barker of the Central PSC and other members (excluding Member A. H. Ley) argued that, according to section 96B of the Government of India Act of 1919, only one public service commission was to discharge functions in regard to the recruitment and control of the services in India. They pointed out that this particular provision of the Act represented an integral part of the whole scheme of Indian Constitutional Reforms. The establishment of local public service commissions was outside the contemplation of both the Government of India and the members of the British Parliament who finally approved the scheme of Constitutional Reforms. Although Sir W. R. Barker and other members of the Central PSC disclaimed any intention of their commission to intrude into the field of recruitment and civil service management at provincial level, they emphasized that in course of time the Central PSC should become the recognized expert authority in India on all service matters. Hence, they contended that, though the principle of provincial autonomy might necessitate the setting up of local public service commissions, the latter should be required to consult the Central PSC before advising their own provincial governments on (i) the method of recruitment, (ii) the qualification of candidates, and (iii) the syllabus and standard of written examinations.⁴²

The only member of the Central PSC who gave a dissenting note against the views of Chairman W.R. Barker and other members was Mr. A. H. Ley. He was of the view that the establishment of local public service commissions was quite consistent with what was contemplated by the framers of the Government of India Act of 1919. More specifically, Mr. Ley contended that in such a vast country as in India, with such varying conditions in different provinces, obviously there would be practical difficulties in the exercise of functions of recruitment for the Provincial Services by a central body. Although there

might as an expedient measure be some liaison between the local PSCs and the Central Commission, it was neither practicable nor desirable to make obligatory for the local PSCs to consult the Central Commission in regard to the method of recruitment and the syllabus and standard of examinations.⁴³

It should be noted that the views expressed by Mr. A. H. Ley were subsequently supported by the Simon Commission of 1930, Indian Committee appointed by the East India Association in 1931, British Government White Paper of March 1933, and the Joint Select Committee of 1933 of the British Parliament on the Indian Constitutional Reforms. In particular, the Simon Commission wrote: "The evidence we have had on the question is almost unanimous in recommending the setting up of public service commissions in the provinces. All the provincial governments recommend their establishment and the Provincial Committees take the same view".⁴⁴

The Simon Commission, White Paper and the Joint Select Committee emphasized however that two or more provinces in some cases might have a joint public service commission or that a province should make use of the services of the Central PSC.

It seems however that two fundamental considerations were the prime factors which contributed a great deal towards the establishment of public service commissions in the provinces. One consideration was to secure protection to the Provincial Services from the possible ministerial interference following the formation of responsible governments in the provinces, and the other was to indicate in this way the principle of provincial autonomy which was the cardinal feature of the Indian Constitutional Reforms in the 1920s and 1930s.⁴⁵

The Public Service Commission in Madras, established in 1929, consisted of three members including the chairman. They were to be appointed and removable by the Provincial Governor. They held office up to the age of 60 and were not eligible after retirement for any other office under the Crown in India, excepting the offices of the Chairman and Members in the Central PSC. The powers and functions of the Madras PSC were mainly of an advisory nature. More specifically, the powers and functions of the public service commission in Madras were:

- (i) to advise the provincial government on any matter which the government referred to the Commission with regard to recruitment of persons to any Provincial or Subordinate Service or any special post;
- (ii) to advise the government in regard to the regulations governing any recruitment by competitive examinations as well as conduct such examinations and forward the lists of successful candidates to the government;
- (iii) to advise the government on making rules for recruitment by selection and conduct such selections with the assistance of the concerned government departments;
- (iv) to examine the cases of promotion from Subordinate Service to the Provincial Service and advise the relevant government departments on the suitability of the candidates nominated for promotion by such departments.
- (v) to advise the government on making rules for promotion or confirmation tests, for examinations of the All-India, Provincial or Subordinate Services or Posts, and conduct such tests/ examinations, and notify the concerned authorities in the government the results of such tests/ examinations; and
- (vi) to advise the government on disciplinary matters such as withholding of promotion, reduction of rank, removal or dismissal from service, as well as on appeals made to the government against such disciplinary actions.⁴⁶

Thus, it appears that the powers and functions of the Madras Public Service Commission were both extensive and wide-ranging compared to what had been entrusted to the Central Public Service Commission established in 1926.

Public Service Commissions in the Provinces

The Government of India Act of 1935 provided that there be a public service commission for each province. This Act also provided that two or more provinces might agree among themselves to constitute a joint public service commission to serve the needs of the provinces bound up with such agreement. When the Government of India Act of 1935 came

into force from 1st April 1937, the following provincial public service commissions were gradually established or reconstituted on and after that date:

1. Madras Public Service Commission.
2. Bengal Public Service Commission.
3. Assam Public Service Commission.
4. Bombay and Sind Public Service Commission.
5. The Central Provinces and Berar, Bihar and Orissa Public Service Commission.
6. The Punjab and North-West Frontier Province Public Service Commission.
7. The United Provinces Public Service Commission.

Each provincial public service commission had two to four members including the chairman. The members of the commission were appointed and removal by the Provincial Governor in his discretion. The Governor was empowered to frame rules regarding the conditions of service of the chairman and members. He could also exclude any service, post and matter from the purview of the commission.⁴⁷

CONCLUSION

Indeed the establishment of the Public Service Commission in 1926 constituted an important development in the sphere of civil service management in British India. The initial objective was however part of a measure of "safeguard" envisaged to secure stability and security for the civil service which were considered vital to its successful working as the impartial and efficient instrument of governments of any complexion. But contrary to the original scheme both the Public Service Commission (PSC) and the Federal Public Service Commission (FPSC) were designed to function mainly as an advisory body. The only truly executive function of the PSC and FPSC was to assist in the conduct of examinations on behalf of the British Civil Service Commission or to conduct directly examinations for recruitment to the organized services and civil posts. With regard to such other service matters as the methods of recruitment, principles in making appointments to and promotions within the

services, and discipline, the Government of India Act of 1935, in particular, merely required the Government of India to consult the Commission. But the fact is that both the "recruitment function" and the requirement of "consultation" were circumvented by sub-section (3) of section 266 of the Government of India Act of 1935, which empowered the Governor-General to make regulations in his discretion excluding certain cases or types of cases from the purview of the Commission.

The protagonists of the "advisory" public service commission argued that the authorities in the executive hierarchy should retain the ultimate responsibility for the proper management of the civil service. They also underscored the operational need for the executive authorities to remain responsible in the last resort for the control of the services as well as to have the full freedom to form their own opinion in the field of civil service management.

But the critics had their own points of view. They posed two vital questions: What was the guarantee that the government of the day would consult the commission in all matters stipulated in the Act? What sanction was there that the commission's advice would be accepted in all cases?

It is true that the Government of India Act of 1935 was silent on any safeguards against the dangers surmised by the critics of an "advisory" public service commission. But the authorities both in India and England seemed not nonchalant to the possibility of such dangers. They therefore took specific measures purporting to develop a convention of consulting with and accepting advice of the commission in all matters for which consultation was necessary.⁴⁸ Of course there was due scope for the executive authorities to make their own decision in exceptional circumstances.

It is not clear whether the authorities both in India and England were willing to provide for a device of submitting an "annual report" by the commission to the legislature through the Government of India, specifying the cases in which the various administrative departments did not consult with or accept advice of the commission.

Generally speaking, this device of submitting an annual report to the legislature simultaneously ensures that consultation with the commission is as a rule accepted, and that the executive authorities in the government are free in cases where they consider the matter of sufficient importance to follow their own judgement provided they are prepared to justify their action before the legislature. In other words, the executive has right to disagree with the commission on any matter of recruitment and civil service management, but the exercise of such right makes it incumbent upon the executive to submit the matter to the final judgement of the legislature.⁴⁹

It should be noted here that the Government of Bengal did adopt almost a similar device in accordance with an executive decision taken in November 1939. Indeed this decision reflected good common sense of the authorities of the day which had its effect in minimizing the tendency of non-consultation with and disregard of advice of the commission. In pursuance of this decision, the Bengal Public Service Commission had since 1940 been submitting annually to the Governor a full and frank report in the form of a "note" for the information of the Governor and the Ministers, laying down the full description of its work and the cases in which the Commission was not consulted or its advice was not accepted. After this "note" was duly endorsed by the Governor and Ministers, an abridged copy of this note was to be circulated in printed form for information of all the interested officials and the public.⁵⁰

The outstanding significance of the system of "annual reporting" adopted in Bengal was that it foreshadowed a constitutional recognition in the new states in the subcontinent to the requirement of submitting annually of a full report by public service commissions meant for the members of the legislatures.

In fine, it is not that the requirement of "annual reporting" by the Bengal Public Service Commission constituted the only inherited legacy in the new states of the subcontinent. As a matter of fact, the constitutional provisions relating to public service commissions in India, Pakistan and Bangladesh after 1947 seem to be almost the verbatim reproduction of the corresponding provisions of the Government of India Act of 1935. The extent of later deviation and modification seems not at

all much. The most notable among the fewer such deviation or modification have been the provisions adopted in the constitutions and/or statutes of the new states which tend to underscore the "independence" of public service commissions and adjudge the legislatures as the ultimate authorities over the relationships between the commissions and the executive hierarchy.

Notes

1. See *East India (Constitutional Reforms: Lord Southborough's Committee)*, Vol. I, Cmd. 141, London, Her Majesty's Stationery Office (HMSO), 1919, pp. 77-84.
2. See *East India (Constitutional Reforms)*, Cmd. 123, London, HMSO, 1919, p. 19.
3. See Section 96C (2) of the Government of India Act of 1919.
4. Cf. *Report of the Royal Commission on the Superior Civil Services in India* (hereafter cited as *Lee Commission Report*), Cmd. 2128, London, HMSO, 1924, para 24.
5. Cf. B.B. Misra, *The Administrative History of India, 1834-1947*, New Delhi, Oxford University Press, 1970, p. 240.
6. See "The Memorandum presented to the Committee on Division of Functions by the Government of India" in *East India (Constitutional Reforms: Lord Southborough's Committee)*, Cmd. 141, Despatch to the Secretary of State by the Government of India in *East India (Constitutional Reforms)*, Cmd. 123,
7. See *Lee Commission Report*, p. 14.
8. *Ibid*, p. 16.
9. *Ibid*, para 31.
10. See C.J. Hayes, *Report on the Public Service Commissions of British Commonwealth Countries*, London, Civil Service Commission, 1955, p. 143.
11. Cf. *Memoranda Submitted by the Government of India and the India Office to the Indian Statutory Commission*, Vol. V, Part II, London, HMSO, 1930, pp. 1324-1330; *Secretary of State's Despatch*, No. 14 (Services), 9 April 1925.
12. For full text of these rules, see *Secretary of State's Despatch*, No. 8 (Services), 25 February 1926.
13. See C. J. Hayes, p. 143; C. N. Bhalerao, *Public Service Commissions of India : A Study*, Delhi, Sterling Publishers, 1966, p. 8.
14. *Ibid*.

15. *Ibid.*; M.A. Muttalib, *The Union Public Service Commission*, New Delhi; The Indian Institute of Public Administration, 1967, p. 36.
16. *Cf.* The Public Service Commission (Conditions of Service) Rules, 1926, in *Secretary of State's Despatch*, No. 8 (Services).
17. For full text of the Public Service Commission (Functions) Rules of 1926, see *Secretary of State's Despatch*, No. 14 (Services), 23 September, 1926.
18. *Cf. Memoranda Submitted by the Government of India and the India Office to the Indian Statutory Commission*, Vol. V, Part II p. 1325.
19. Prior to 1920 each individual department used to recruit its own office staff independently. The Secretariat Procedure Committee of 1919 (Chairman: Sir Hubert Llewellyn Smith) recommended in its report to establish a central body for the recruitment of office staff for all civil departments, of the Government of India. The latter duly accepted this recommendation under Home Department's Resolution No. 2366 of 15 September 1920 and accordingly appointed the Central Staff Selection Board to supervise recruitment of office staff for all civil departments. The Board comprised three members including a Chairman. Prior to the appointment of this Board, the Government of India also took a decision to constitute a service called Imperial Secretariat Service consisting of the upper division clerks of the central secretariat; *Cf. Misra, The Administrative History of India*, p. 162. Also see *Report of the Government of India Secretariat Procedure Committee* of 1920, reprinted as *Llewellyn Smith Report*, Karachi, National Institute of Public Administration (NIPA), 1963, pp. 103-107, 162-191.
20. *Memorandum Submitted by the Government of India and the India Office to the Indian Statutory Commission*, Vol. V, Part II pp. 1324-25.
21. Muttalib, pp. 38-39.
22. See Sir W.R. Barker's Memorandum submitted to the Indian Statutory Commission, Vol. XV, *Extracts from Official Oral Evidence*, London, HMSO, 1930, pp. 191-211.
23. *Ibid.*, pp. 191-92.
24. *Ibid.*, p. 194.
25. See House of Commons, *Parliamentary Debates* (Official Report), 5th Series, Vol. 300, London, HMSO, 1935, p. 858.
26. See Bhalerao, p. 9; section 265 of the Government of India Act of 1935.
27. Bhalerao, p. 9.
28. C. J. Hayes, p. 144.
29. For full text of the Federal Public Service Commission (Consultation by the Governor-General) Regulations, see Home Department's Notification No. F. 322/11/35-Ests., Delhi, 1 April 1937, published in *The Gazette of India (Extraordinary)*, 1 April 1937.
30. C.J. Hayes, p. 144.
31. See *The India Office and Burma Office List*, 1947, London, HMSO, 1947, p. 15.

32. See Section 265 and 266 of the Government of India Act of 1935.
33. Muttalib, pp. 43-44.
34. Cf. Section 97 of the Government of India Act of 1919.
35. Muttalib, p. 44.
36. Cf. *Memoranda Submitted by the Government of India and the India Office to the Indian Statutory Commission*, Vol. V, Part II, pp. 1323-1330.
37. Muttalib, p. 44.
38. Cf. Section 96B (2) of the Government of India Act of 1919; B.B. Misra, *The Bureaucracy in India*, Delhi, Oxford University Press, 1977, p. 214; Lee Commission Report, p. 9.
39. See Lee Commission Report, p. 9.
40. See Bhalerao, pp. 12-14.
41. *Ibid.*
42. See *Memorandum Submitted by the Government of Madras to the Indian Statutory Commission*, Vol. VI, pp. 618-624.
43. Bhalerao, pp. 12-15; Sir W.R. Barker's Memorandum submitted to the Indian Statutory Commission, Vol. XV, *Extracts from Official Oral Evidence*, pp. 210-211.
44. *The Report of the Indian Statutory Commission*, Vol. II p. 294.
45. Bhalerao, p. 13.
46. *Ibid.*, pp. 13-14.
47. *Ibid.*, p. 15.
48. In one of his despatches to the Government of India, the Secretary of State stressed that the proposed public service commission would definitely be advisory in its functions and status. But he at the same time advised the Governor-General that: "I desire that the public service commission will in the meantime be successful, and its creation be justified, in so far as its advice and its recommendations are in fact, and are generally known to be, accepted by you". See *Secretary of State's Despatch*, No. 14, 9 April 1925.
49. See S.B. Bapat, "Public Service Commissions- An Indian Approach", *Indian Journal of Public Administration*, Vol. II, 1956, pp. 57-58.
50. See *Report of the Bengal Administrative Enquiry Committee, 1944-45*, reprinted as *Rowlands Committee Report*, Dhaka, National Institute of Public Administration, 1962, pp. 105-106.

CHAPTER THREE

PUBLIC SERVICE COMMISSION IN PAKISTAN (1947-1971)

Pakistan at partition became a federation consisting of four governor's provinces, one chief commissioner's province (Baluchistan), and a number of small princely states and tribal areas with its central government in Karachi in the West. There were provincial governments in North-West Frontier Province (NWFP), West Punjab, Sind, and East Bengal with their respective headquarters located in Peshawar, Lahore, Karachi and Dacca. Baluchistan was governed from the centre by its appointed chief executive officer designated as chief commissioner.

Both India and Pakistan retained substantially the main framework of British rule and there was much in common in the area of administration of the two countries, particularly in the field covered by the public service commissions.

The main purpose of this chapter is to relate in detail the structure and functions of the public service commission (PSC) at central level in United Pakistan (c. 1947-1971). In more specific terms, the chapter will probe the genesis and development of the PSC in United Pakistan, the constitutional basis of its composition and functions, its relations with the authorities in the executive hierarchy, the pattern of its membership and staffing, and the rationale why the early leaders in Pakistan adjudged the PSC basically as an advisory body. The chapter also includes a brief narrative of the provincial public service commission in East Bengal/East Pakistan.

It seems appropriate however to describe below in some detail the structure of services in United Pakistan preceding the detailed discussion on public service commissions.

STRUCTURE OF SERVICES

The structural organization of Pakistan's civil bureaucracy was both rigid and complex. In particular, the higher

bureaucracy was divided into distinct functional cadres between which little permeation of talent occurred. It was actually the product of a series of practical responses to political and administrative needs of British rule in India tempered by periodic executive and legislative actions and the recommendations of such enquiry committees as Aitchison Commission, Islington Commission and Lee Commission.¹ In addition to functional cadre divisions of the higher bureaucracy, there were class divisions (*i. e.* class I, II, III and IV) and spatial divisions (All-Pakistan, Central, and Provincial) of the services, which were viewed as conducive to the development of service elites and inter-service rivalries, on the one hand, and centralizing rule, on the other.

There were in the main three types of class I posts in the central government of Pakistan. First, posts which were included in a regularly constituted service or cadre. Second, posts which were not in regular services or cadres but which formed part of certain identifiable groups, *e. g.*, economists, scientists, magistrate-lawyers, deputy/assistant educational advisers, deputy/ assistant chiefs in the Planning Commission. Third, an economic pool consisting of 130 posts in the economic ministries, *e.g.*, Finance, Industries, and Commerce.²

For the first category posts, there were seventeen regularly constituted services or cadres as listed in Table 3.1. This division into seventeen cadres was relatively clear-cut. Each was a separate cadre recruited by the PSC (central) by means of competitive examinations and/or interviews. In addition, there existed a small cadre known as the General Administrative Reserve (GAR), consisting of 24 members by April 1969,³ recruited in the early days following partition to augment the small group of officers of the Indian Civil Service (ICS) available to Pakistan. It was generally thought that GAR officers would ultimately be integrated into the cadre of the Civil Service of Pakistan (CSP) since they usually held the CSP posts, but such integration never occurred.⁴

There were quite a few identifiable groups of class I officers engaged in various special activities of the Government of Pakistan. These included officers of the Investment Promotion and Supplies Department; technical and professional officers of the Ministries of Agriculture, Health, and Education; economists

and statisticians in the Planning Commission, Central Statistical Office and elsewhere, scientists in the Pakistan Council of Scientific and Industrial Research, Pakistan Atomic Energy Commission and elsewhere; and the officers of the Civil Aviation and Meteorological Departments.⁵

A Finance and Commerce Pool was created in 1950 but did not function until 1959 when it was reconstituted under the name "Economic Pool" consisting of certain posts in the economic ministries.⁶ The concept of an economic pool derived from pre-partition policy in the central secretariat of the Government of India.⁷ It was considered a device for modifying the rigid exclusivity of cadres by drawing financial talent from various services into a common cadre. Officers under 36 and with at least six years of service, having proven knack for work in economic affairs, were selected for the Economic Pool. One

Table-3.1

List of Seventeen Constituted Services

1. Civil Service of Pakistan.
2. Pakistan Foreign Service.
3. Police Service of Pakistan.
4. Pakistan Audit and Accounts Service.
5. Pakistan Military Accounts Service.
6. Pakistan Taxation Service.
7. Pakistan Railway Accounts Service.
8. Pakistan Customs and Excise Service.
9. Central Engineering Service.
10. Telegraph Engineering Service.
11. Post and Telegraph Traffic Service.
12. Pakistan Postal Service.
13. Pakistan Military Lands and Cantonments Service.
14. Central Information Service.
15. Trade Service of Pakistan.
16. Geological Survey of Pakistan.
17. Central Secretariat Service.

Source: Pakistan, *Report of the Working Group of the Reorganization of the Public Service Structure in Pakistan*, Karachi, Printing Corporation of Pakistan Press, 1969, P. 138.

hundred and thirty positions had been kept reserved for the Economic Pool. Selected officers of the CSP were entitled to 60

percent posts and the officers of the Accounts and Taxation Services were entitled to the remaining 40 percent posts in the Pool. The posts in the Pool were classified into classes A, B and C based on rank. Class A posts had the rank of secretary or its equivalent, class B had the rank of deputy secretary, and class C section officer.⁸

Beyond the seventeen cadres, identifiable groups of class I officers, and the Economic Pool, the structure of services in Pakistan seemed fairly complex. Further discussion on classification of services in Pakistan follows:

Classification of Services

The first broad classification was based on spatial divisions of the services, *i. e.*, the All-Pakistan Services, Central Services, and Provincial Services. The CSP and Police Service of Pakistan (PSP) were All-Pakistan in character in that the officers of these two services served in both the central and provincial governments. This was so because the field posts of these services were largely in the provinces. In the case of the PSP, there were two separate provincial cadres within the framework of an All-Pakistan Service, whereas the CSP was exclusively a centrally organized cadre. The Central Services, such as the Audit and Accounts Service, Military Accounts Service, Taxation Service, Railway Accounts Service, Customs and Excise Service, Central Engineering Service, differed from the two All-Pakistan Services (CSP and PSP) because members of the former services worked exclusively for the central government. After initial recruitment the members of the Central Services worked in the respective attached departments concerned with governmental activities in particular areas. Many of them remained in their respective services throughout their careers, thus acquiring in the process knowledge and experience within specific areas of government operations.

Apart from these All-Pakistan and Central Services, each provincial government had its own services recruited, managed and controlled by appropriate authorities in the province. In terms of service conditions, the Provincial Services were inferior to both the All-Pakistan and Central Services. With the exception of the Provincial Administrative Services, *e.g.*, East Pakistan Civil

the Joint Punjab-NWFP Commission remained in Pakistan with a chairman and two members, one of whom represented NWFP.¹⁷

Before partition there was a joint public service commission for the provinces of Bombay and Sind. This arrangement continued till 1st August 1947, when Sind decided to have a separate commission of its own. At partition therefore the Sind Public Service Commission also remained in Pakistan with its office located in Karachi. It had a chairman and two members at that time.¹⁸

When Bengal was divided in 1947, about a dozen Muslims in the Bengal Public Service Commission left Calcutta for Dacca to form the nucleus of the East Bengal Public Service Commission. It had a chairman but no other members for the first year.¹⁹ Detailed discussion about the East Bengal or East Pakistan Public Service Commission has been included in a separate section in this chapter.

By far the most important characteristic of the PSCs in British India and Pakistan had been their constitutional rather than statutory basis. The Government of India Act (1935) made elaborate provisions for the PSCs (both central and provincial) in chapter III (sections 264-284). The 1956 constitution of Pakistan included equivalent provisions in articles 184-190, which underlay the basic principles for the composition and functioning of all the commissions (central and provincial) in Pakistan. Although the powers of both the central and provincial commissions were identical, their sphere of authority differed significantly. The 1962 constitution of Pakistan, like its predecessors, defined the composition and powers of the PSCs in a fairly long chapter.²⁰

COMPOSITION

The Pakistan Public Service Commission (PPSC) was set up in August 1947 under section 264 of the Government of India Act of 1935 (as adapted in Pakistan), which empowered the Governor-General to appoint a chairman and other members of the Commission, including the powers to determine the number of members, their terms of office and conditions of service. Until August 1947, the Governor-General exercised these

constitutional powers at his own discretion, *i.e.*, he was not obliged to consult his Executive Council in discharging his powers concerning the Federal Public Service Commission.²¹ The object of this "discretion" was to keep the PSC free from political influence.

It appears, however, that after partition the Governors-General of both India and Pakistan had not been invested with any discretionary powers under the Indian Independence Act of 1947.²² From August 1947 to February 1956, the Governor-General in Pakistan was required to act on the advice of the Cabinet. He was to carry out all responsibilities relating to the PPSC on the advice of the Prime Minister, who was also the Minister-in-Charge of the Establishment Branch/Division (central personnel agency of the Government of Pakistan).

The terms and conditions of service of the chairman and members of the PPSC (including its staff) were governed by a separate set of regulations called the Federal Public Service Commission (Conditions of Service) Regulations issued in April 1937. The basic framework of these Regulations was retained in Pakistan even after the 1962 constitution came into force.²³ Thus, the composition and structure of the PPSC were regulated, until February 1956, in accordance with the relevant provisions incorporated in the Government of India Act of 1935 (as adapted for Pakistan) and the Federal Public Service Commission (Conditions of Service) Regulations of 1937. As provided under this Act and the Regulations, the PPSC was to consist of a chairman and not more than four other members to be appointed by the Governor-General for a term of five years.²⁴ The chairman was ineligible for further employment in the service of Pakistan, but a member was eligible for the post of chairman either in the PPSC or in any of the provincial PSCs. At least one half of the members of PPSC was to be taken from the civil servants who had previously been in the government service for not less than ten years.²⁵

The constitution of 1956 retained most provisions of the Government of India Act of 1935 relating to the PSCs. It designated the PPSC as Federal Public Service Commission (FPSC). The President, who replaced the Governor-General as head of state, was duly empowered to appoint a chairman and other members of the FPSC at his own discretion. In other

words, he was not bound to consult the Prime Minister, Cabinet or anyone else in making such appointments. He was also empowered to determine by separate regulations the number and conditions of service of the members (including chairman) and of the staff of the FPSC. At least one half of the FPSC's members should have previously held office in the service of Pakistan for not less than 15 years. The term of office of the chairman and other members was five years. The chairman was not eligible for further employment in the service of Pakistan. A member, however, was eligible for appointment as chairman of the FPSC or to any of the provincial PSCs, but not eligible for any other employment in the service of Pakistan. Removal of a member of the FPSC was made difficult. The procedure provided in the constitution first required a presidential order alleging misbehaviour or infirmity of mind or body. This order then required the approval of the Supreme Court to become effective.²⁶

Evidently, the foregoing constitutional provisions relating to the composition of the FPSC were based on the relevant provisions included in the Government of India Act of 1935. The authors of the 1956 constitution of Pakistan seemed duly concerned to provide for certain "safeguards" to ensure that the FPSC (including the provincial PSCs) could discharge its responsibilities with probity, efficiency and a fair measure of independence. First and foremost, the provision relating to the appointment of the chairman and members by the President at his own discretion was essentially designed to make the FPSC independent of political influence and intimidation.²⁷ In making such appointments, the President was expected to abide by a standing convention, a result of the Lee Commission's recommendations, that members of the PSCs should be drawn from men of the highest public standing, detached as far as practicable from all political associations.²⁸ It is generally believed that the authority in Pakistan (Governor-General/President), invested with discretionary powers to appoint members of the PSCs, did by and large maintain this valued "convention."²⁹

The provisions relating to FPSC under the 1956 constitution contained features to ensure its both "independence" and "expertise". First, the rigid procedure for removing a member of

the FPSC was actually a safety measure to ensure the member's security of service, including freedom of action in the discharge of his constitutional responsibilities in recruitment and civil service management. This in effect accorded the Commission a position of high respect as given to the judges of the High Court and Supreme Court.³⁰ Second, the retention of the provision that at least one half of the FPSC's members should be drawn from among persons in the civil service was good common sense. In general terms, this provision seems to have two potential bearings on the PSC's functioning in that (i) a PSC manned partly or fully by experienced civil servants can act as an expert authority on many vital but complicated service matter, and (ii) it can as well tender advice to the authorities in the hierarchy along non-partisan lines. Third, the ban on seeking further employment in the government service by the Commission's members was a recognition of the undesirability of returning to "executive" duties by persons who had held quasi-judicial office in the Commission, sitting in judgement on their junior service fellows, with access to such sensitive matters as confidential reports and deliberations within the Commission. To have members of the Commission being considered by the government for other appointments might have aroused the possibility of an "ingratiated relationship" between the appointing authority and the Commission's members. It is clear that the job of the Commission envisaged by those drafting the original provisions was work of a quasi-judicial kind requiring great knowledge and experience, mature judgement and freedom from concern of politics and personal ambition. In other words, it was work for which the best qualified persons might well be civil servants nearing the age of retirement, rather than energetic, ambitious younger men anxious to display their fitness for further office and further promotion.

It may be noted that the 1956 constitution of Pakistan remained in force for less than three years from the date of its enforcement on 23 March 1956. It was scrapped on 7 October 1958 by Pakistan's first martial law regime. However, the basic structure and functioning of the FPSC, constituted under the 1956 constitution, remained unchanged until coming into force of the 1962 constitution on 8 June 1962. Again, the provisions of the 1962 constitution relating to the PSCs (central and

provincial) were almost identical with those of the 1965 constitution.

In early 1960, the martial law government in Pakistan constituted a commission called Constitution Commission to suggest a new constitution for the country. The Commission so constituted recommended to retain in the new constitution most provisions of the 1956 constitution relating to the PSCs. It however suggested certain modifications as well. The suggested modifications were as follows:

1. The chairman of a PSC should be appointed in consultation with the retiring chairman and other members should be appointed in consultation with the chairman in office.
2. Both chairman and members of a PSC should be appointed on non-renewable seven-year's terms.
3. The PSC members appointed from the civil service should be entitled to higher rates of pension if they were within five years of retirement at the time of their appointment.
4. The non-official members of a PSC should receive a lucrative gratuity on completion of their respective terms of office.³¹

None of the modifications suggested by the Constitution Commission was finally accepted by the martial law government. Yet the 1962 constitution framed by that government retained most provisions of the 1956 constitution relating to the PSC with such amendments as that: (i) the term of office of both the chairman and members of the PSC would be three years; (ii) a person appointed from the civil service would not be ineligible for further appointment in the government service; and (iii) an official member would no longer be required to have working experience of a certain number of years before his appointment to a PSC.³²

Presumably, the innovations made under the 1962 constitution were based on the past experience of the PSCs both before and after partition. Although the revised three-year's term of office seemed a short period for a chairman/member to acquire due expertise in the discharge of his responsibilities in the PSC, this could be remedied by extending the term of office

of that chairman/member if the appointing authority was willing to give such extension. Moreover, the omission of both the "ban on further appointments" and the "requirement of 15 years of service" removed substantial discouragement from the minds of the civil servants in accepting appointment in the PSCs as well as provided due scope to appoint mid-level, energetic civil servants.

Nevertheless, there still remained such potential dangers as that a chairman/member's proclivity to seek re-employment either in the PSC or outside might affect his "independence" and that the appointment of a comparatively less experienced civil servant in the PSC might impair the gravity of such an esteemed institution.

Membership and Staff

A brief reference to the pattern of membership and staffing of the PSC (PPSC, FPSC, and CPSC) in Pakistan seems appropriate at this stage. It should be noted that both the 1956 and 1962 constitutions did empower the President to determine by separate regulations the "numbers" and "conditions of service" of members and staff of the PSC (central). But the fact is that such regulations were never framed in Pakistan. The Federal Public Service Commission (Conditions of Service) Regulations of 1937 continued in force in Pakistan with necessary modifications from time to time.³³

According to the FPSC (Conditions of Service) Regulations of 1937, the PSC (central) was to be composed of a chairman and other members not exceeding four.³⁴ But it appears from all available records that the PPSC, established in August 1947, initially comprised only one member, Shahid Suhrawardy, formerly a member of the Bengal Public Service Commission. Shahid Suhrawardy also had served as Professor of Fine Arts at Calcutta University before he became a member of the Bengal Public Service Commission. At partition he opted for Pakistan. Accordingly he was offered the membership of the PPSC. Professor Suhrawardy took up the membership in the PPSC on 1st September 1947.³⁵

The first chairman of the PPSC appointed next year (1948) was Mian M. Afzal Hussain who had formerly held the Vice-

Chancellorship of the University of the Punjab (1938-44) and the Chairmanship of the Joint Punjab (later West Punjab) and NWFP Public Service Commission (1945-48).³⁶ Main Afzal Hussain's chairmanship of the PPSC from 1948 through 1952 was indeed marked by uncommon courage and independence, especially during the initial crucial years of Pakistan's history.³⁷

Apart from Mian Afzal Hussain and Professor Suhrawardy, other members who served in the PPSC during this period (1948-52) were Abdul Ghafur Khan (an ex-District and Sessions Judge in Peshawar) and Charles H. Lobo, a former judge of the Sind Chief Court (1944).³⁸ At no time throughout this period (1948-52) the total membership of the PPSC did exceed three, including the chairman.

Mian M. Afzal Hussain was succeeded by (in chronological order) Zakir Hussain (ex-IP), Mian Aminuddin (ex-ICS), Lt. Col. A. S. B. Shah (ex-IPS), Kazi Anawarul Huq (ex-IP), Agha Abdul Hamid (ex-ICS), Nazir Ahmed (ex-ICS), and Ali Asghar (ex-ICS).³⁹ More details about the chairmen who served in the PSC (central) in Pakistan from 1947 to 1971 are furnished in *Appendix-A*.

It should be noted here that most members of the PSC (central) in Pakistan from 1947 to 1971 were also drawn from men of the highest public standing, representing various services and professions (see *Appendix-B*).

By 1971, the CPSC comprised a chairman (Ali Asghar) and four other members, namely, Mafizur Rahman (CSP), M.A. Rahman (ex-Air Vice Marshal), Sher Afzal Khan (ex-ICS), and M. Shafiullah (Professor of Business Administration at Dacca University).⁴⁰

The FPSC (Conditions of Service) Regulations of 1937 also provided for the necessary staff of the Commission comprising a chief executive officer designated as secretary and such grades and numbers of other officers and employees as the Governor-General (until 1956) or the President might determine from time to time. The secretary was to be appointed by the Commission with the approval of the Governor-General/President.⁴¹ Normally, the secretary of the Commission was drawn from one of the cadre services on deputation, usually from the CSP. H.P. Godown, ex-ICS, deputy secretary in the Establishment Branch (Cabinet Secretariat), held concurrently the office of the PPSC's

secretary during the concluding months in 1947 and until April in 1948. The first full-time secretary of the PPSC, Adeeb-ul-Mulk M.S. Mohiyuddin, who joined the post on 1st April 1950, remained in the post only until 31 July 1950. The next full-time secretary of the PPSC, D. Stanton Ife, CSP, joined the post in London on 14 September 1951, where he made a brief study of the working of the Civil Service Commission in England. He reached Karachi on 9 October 1951.⁴²

The main functions and responsibilities of the PSC's secretary were to supervise the work of other subordinate officers and employees in the Commission, maintain liaison with the ministries and departments of the central government, and issue orders and circulars in the name of the Commission. During the initial few years the secretary of the PPSC also acted as *ex-officio* Field Recruiting Officer of the United Nations in Pakistan and recruitment of Pakistani nationals for posts under the United Nations was conducted through him.⁴³

In pursuance of a government decision made in 1959, the secretary of the FPSC was granted *ex-officio* status of a joint secretary to the government in the Establishment Division. Accordingly, the secretary was made responsible for the following functions hitherto handled by the Establishment Division:

- (i) all cases relating to the budget and staff of the FPSC;
- (ii) appointments and other personnel matters (including the conditions of service) of the officers of the FPSC up to the rank of deputy secretary; and
- (iii) other administrative matters such as office accommodation and transport of the FPSC.⁴⁴

The PSC (central) had two regional branch offices (at Dacca and Lahore) other than its main office in Karachi. According to a reorganization scheme implemented with effect from 10 January 1966, each of the branch offices was organized into a full-fledged section under a second class gazetted officer called assistant director.⁴⁵ By December 1971, the Lahore Branch Office had an assistant director and six other non-gazetted staff, whereas the Dacca Branch Office comprised one assistant director and seven other non-gazetted staff (out of the total sanctioned strength of 14 staff including one post of deputy director).⁴⁶

In the main office in Karachi, the secretary was assisted by two directors (class I gazetted), four deputy directors (class 1 gazetted), and a host of other gazetted and non-gazetted officers/ employees. The total number of officers and employees was 214, of which 15 were class I gazetted officers, 15 class II gazetted officers, and as many as 184 who constituted the class III and IV non-gazetted employees.⁴⁷

Mr. Masuood, CSP, who had assumed charge of the office of the CPSC's secretary on 11 March 1964, continued to hold the post till 1st November 1971. He was succeeded by Mohammad Akbar, CSS, who joined as secretary on 15 November 1971.⁴⁸ Table 3.2 is the full list of persons who held the post of secretary of the PSC (central) in Pakistan from 1950 to 1971. The tenure of office of each secretary is shown against each secretary's name.

Table-3.2
List of Secretaries of PSC in Pakistan

1. Adeeb-ul-Mulk M.S. Mohiyuddin	1 April 1950- 31 July 1950
2. D. Stanton Ife, CSP	14 September 1951- 3 November 1954
3. S.F. Meerza, CSP	3 November 1954- 23 April 1957
4. Sardar Ahmed (Officiating) (Deputy Secretary, FPSC)	23 April 1957- 12 January 1959
5. Maj. Gen. (Retd) S.M. Afzal	12 January 1959- 4 April 1962
6. M. S. H. Quraishi, CSP	4 April 1962- 27 February 1964
7. M. M. Masuood, CSP	11 March 1964- 1 November 1971
8. Mohammad Akbar, CSS	15 November 1971- Continued beyond 1971

The second annual report of the PPSC of 1949, published in 1956, reported that the post of the PPSC's secretary remained vacant during the year 1949. The first annual report covering the

period from August 1947 to December 1948 was not published. The annual report of 1949 also reported that Sardar Ahmed, Assistant Secretary, PPSC, was in charge of the current duties of the secretary during 1949. It did not say whether there was any other arrangement. But the Gazette of Pakistan (pt.1, sect. 2, p. 43) of 24 October 1947 had notified that H. P. Godown, ICS, was appointed as secretary of the PPSC from 10 October 1947 in addition to his duties as deputy secretary in the Cabinet Secretariat (Establishment Branch). He was subsequently succeeded by T. E. Rogers, ICS, who was appointed as deputy secretary in the Cabinet Secretariat (Establishment) as well as the secretary of the PPSC from 22 April 1948 (*The Gazette of Pakistan*, pt.1, sect. 2, p. 199, 9 April 1948). It appears from other gazette notifications published in 1948 that T. E. Rogers continued in that capacity throughout the year 1948. Adeeb-ul-Mulk M.S. Mohiyuddin was appointed as the first full-time secretary of the PPSC on 1st April 1950 and held the post only until 31 July 1950. During the intervening periods when there was no one holding the full charge of the office of secretary, usually the senior-most serving official of the PSC(central) held the current charge of the duties of the secretary.

FUNCTIONS

The provisions relating to the powers and functions of the PSCs under the 1956 and 1962 constitutions in Pakistan were much the same as those of the Government of India Act of 1935. In the main, the functions of the PSC (central) were to conduct tests and examinations for the selection of suitable persons for appointment to the services and posts of the central government, and to advise the President concerning any service matter on which the PSC was to be consulted.⁴⁹

Under the 1962 constitution, the President was required to seek consultation with the CPSC on the following matters or principles relating to the services and civil posts connected with the affairs of the central government:

- (i) matters relating to qualifications for and methods of recruitment to services and posts;

- (ii) the principles on which appointments and promotions shall be made;
- (iii) the principles on which persons belonging to one service should be transferred to another;
- (iv) matters affecting terms and conditions of service and proposals adversely affecting pension rights;
- (v) disciplinary matters; and
- (vi) the retirement of certain categories of public officials as specified in the constitution.⁵⁰

Thus, the powers and functions of the PSC (central) as provided formally under the 1962 constitution seemed extensive. In practice, however, it was not the case. The President might, by order made after consulting the PSC, remove any of the aforesaid matters from the latter's jurisdiction⁵¹ Moreover, while he was otherwise required to consult the PSC, there was no compulsion that he must accept the commission's advice. In respect of discharging its constitutional duty to select suitable persons for appointment to various services and posts, the PSC merely acted as a recommending body. It actually conducted the various recruitment tests and examinations according to rules and principles framed by the Establishment Division. On completion of all the stages of a particular recruitment test, the PSC used to submit a list of successful candidates to the Establishment Division along with its recommendation that the candidates included in the list be appointed to the vacant posts notified earlier to the PSC by the Establishment Division. But the PSC's recommendations were not theoretically binding on the government. In short, the powers and functions of the PSC (PPSC, FPSC, and CPSC) in Pakistan had been advisory in nature.

The question as to whether a PSC should have advisory or mandatory powers remained controversial ever since the establishment of the "first" PSC in British India. In 1954, when the provisions regarding the PSCs were being considered in the Constituent Assembly of Pakistan, some members of the Assembly held the view that the PSCs should have mandatory powers in recruitment and other important matters of civil service management. However, the majority of the members opposed

this view on the ground that a PSC invested with such mandatory powers would virtually become a final controlling authority in civil service management. The appointing authorities in government then would have no option but to accept decisions made by the PSC in respect of recruitment to and control of the services. If a decision of the PSC were in conflict with the policy of the government, the possibility was there that such conflict might have led to an undesirable impasse in the overall administration of the services.

However, the majority of the members of the Constituent Assembly in Pakistan agreed in good faith that the PSC's advisory status should be left to be developed in keeping with a standing convention that the government should normally accept its advice.⁵² Thus, the Federal Public Service Commission (FPSC), as designated under the 1956 constitution, was accorded advisory status. The Constitution Commission of 1960 held the same view and the CPSC under the 1962 constitution was also designed basically as an advisory body.⁵³

The framers of both the 1956 and 1962 constitutions recognized the ultimate responsibility of the government for the proper management and control of the civil service. In general terms, this approach of the constitution-makers in Pakistan seems consistent with a general principle that those who are directly responsible for carrying out the task of public service must be left free to judge the adequacy of the temper and the quality of the tools to be employed in that job.⁵⁴

Yet the framers of both the constitutions in Pakistan provided for an innovation which in effect amounted to recognizing the legislature as the ultimate judge of government's actions. The innovation was that the PSCs would submit annually a report on their performances, to be ultimately laid before the legislature, specifying the cases in which their advice was not accepted and where they were not consulted. The report should also include reasons from the government in regard to all cases in which the advice of the PSC was not accepted or where the latter was not consulted.⁵⁵ The main objective of this provision was to ensure that consultation with the PSCs was not overlooked, that the advice of the PSCs was as a rule accepted, and that the government was free, in cases where it considered the matter of

sufficient importance, to follow its own judgement provided it was prepared to justify its action before the legislature.

The constitutional arrangement of "advisory status" of the PSCs evoked a great deal of criticism from many, including some chairman/ members of the PSCs in Pakistan.⁵⁶ By far the most serious criticism was that the PSCs were not given a position of effective command over the field of civil service management. Even within their limited jurisdiction the PSCs were the victims of conflicting policies concerning the services.⁵⁷

In an official note submitted to the President in 1959, the then chairman of the FPSC (Lt. Col. A. S.B. Shah) strongly deplored the fact that the Commission's role was only advisory, that it was treated as an attached department of the Establishment Division, resulting in overlapping of functions between these two organizations, and the denial of freedom to the Commission to perform its administrative functions.⁵⁸

The note of Chairman Lt. Col. (Retd.) A. S. B. Shah and the Establishment Secretary's comments thereon were subsequently forwarded to the Administrative Reorganization Committee (constituted in 1958 by the martial law regime) for its opinions on both the "note" and "comments". The Administrative Reorganization Committee felt that the traditional position of the PSC should not be changed, but suggested some measures in the direction of strengthening its organization and staffing set-up so that it could deal with its assigned responsibilities effectively and expeditiously, as well as checking the growing tendency of ignoring the advice of the PSC by various ministries and departments.⁵⁹

The martial law government seemed not nonchalant to the suggestions of the Administrative Reorganization Committee. It duly accepted the suggestions and took necessary measures to strengthen the functional capability of the PSC (central), as well as to check the persistent tendency of non-consultation with the PSC and non-acceptance of its advice by the ministries and departments. Necessary directives were issued to all the ministries/ departments asking them to consult with the PSC in all cases in which the latter ought to be consulted. The ministries/departments were also asked to accept the advice of the PSC in all cases except where strong grounds existed for disagreement with the PSC's advice. In the case of non-

acceptance of any recommendation of the PSC, the ministries/departments were directed to communicate to the PSC the reasons for non-acceptance in the first place, then submit the case to the President through the Establishment Division for final decision.⁶⁰

In effect, the above and other measures originating from the office of the President (through the Establishment Division) contributed a great deal towards checking the cases of "non-consultation" with and "non-acceptance of advice" of the PSC (central).⁶¹ In its annual report of 1964, the CPSC made a frank admission that: "by and large the government accepted the advice of the Commission".⁶² The CPSC's annual report for the year 1966 observed once again that: "non-consultation with the Commission or utter disregard of its advice has become now an exception".⁶³

By far the most important measure in the direction of strengthening the PSC's (central) authoritative status was to grant, in 1959, *ex-officio* status of a joint secretary to its secretary. As a result of this, the secretary of the PSC was made duly responsible to perform certain important administrative functions of the Commission (which had been previously handled by the Establishment Division) and correspond directly with various ministries and departments.⁶⁴

In general terms, it is likely that some practical benefit may derive from the arrangement in which a PSC acts as an advisory rather than a mandatory body. When one body has to advise and the other body has to accept or reject that advice, none can act irresponsibly and deviate from the path of rectitude and impartiality. If the advice of the PSC is not accepted by the government, the latter must justify its position. If the PSC offers wrong advice, that can be detected and exposed at the executive level. Hence, both the PSC and the government have to remain alert in the discharge of their respective functions. If, however, final authority is vested in the PSC and wrong decisions are made, as in some cases such decisions would certainly be made, public criticism would be directed to such an institution which in fact derives its existence and authority directly from the constitution.⁶⁵

In fact, at the early stage of Pakistan's history, the PSC's (central) circumvented position was not due to its advisory

status. It was actually due to other ineluctable factors, *e.g.*, the immediate post-partition need for improvising an administrative edifice and the early unstable political system. In addition, a persistent tendency in interfering with a standing convention in regard to the acceptance of the PSC's advice had been most conspicuous during the initial years.⁶⁶

PROVINCIAL PUBLIC SERVICE COMMISSION

The genesis and development of provincial public service commissions in British India have already been described in some detail in Chapter Two. It was actually under the Government of India Act of 1935 that a specific provision was first made for the establishment of public service commissions (PSCs) in the provinces. But Madras had established its own PSC even before the Government of India Act of 1935 came into force on 1st April 1937. The Madras PSC was established as early as in 1929 under the permissive clause of the Government of India Act of 1919.

The Government of India Act of 1935 provided that there be a PSC for each province. This Act also provided that two or more provinces might agree among themselves to constitute a joint PSC to serve the needs of the provinces bound up with such agreement.

The provincial government in Bengal finally decided to establish a PSC of its own although there was a proposal from the government of the neighbouring province of Assam to form a PSC jointly with the latter.⁶⁷

The Bengal PSC was officially established on 1st April 1937 on which date the Government of India Act of 1935 came into force. In exercise of the powers conferred by sub-section (2) of section 266 of the Act of 1935, the Governor of Bengal promulgated a set of regulations called the Bengal Public Service Commission Regulations on 1st April 1937. The Regulations so promulgated included detailed provisions as regards the composition of the Bengal PSC, its staff, and the conditions of service of both chairman/members and staff in addition to the basic principles provided under the Government of India Act of 1935. Besides, a separate set of rules to regulate in further detail the manner in which the duties of the Bengal

PSC should be performed was also issued on the same date on which the Bengal PSC Regulations were promulgated.⁶⁸

According to the relevant provisions of the Government of India Act of 1935 and the Bengal PSC Regulations of 1937, the PSC in Bengal was to consist of a chairman and two other members. They were to be appointed by the Governor for five years or less in his discretion. At least one-half of the members (including chairman) should be persons who had held offices for ten years or more under the Crown of India. A chairman/member's tenure of office might be extended by the Governor for any period not exceeding five years, but no one could continue to serve beyond the age of 65. The Governor was also duly empowered to terminate in his discretion the appointment of the chairman and any member of the PSC at any time.⁶⁹

The Government of India Act of 1935 also provided that the retiring chairman of a provincial PSC might be considered for further appointment as chairman or member of the Federal Public Service Commission (FPSC) or as chairman of another provincial PSC, but not for any other employment under the Crown of India. No other member of a provincial commission was eligible for any other appointment under the Crown of India without the approval of the concerned Governor, in the case of an appointment in the provincial government, and of the Governor-General, in the case of any other appointment.⁷⁰

Sir F.W. Robertson, an ex-ICS, was appointed as the first chairman of the Bengal Public Service Commission (BPSC). He had retired from the government service as Divisional Commissioner of the Rajshahi Division before he took over the chairmanship of BPSC in 1937. He held the chairmanship of BPSC until his appointment as chairman of the FPSC in 1940. Of the first two members of BPSC, one was Sir Hasan Suhrawardy, who was the second Muslim in India to become an FRCS. He held the office of the Chief Medical Officer of the Eastern Railway before he became a member of BPSC in 1937. He served BPSC for a year or so (1937-38). The name of the other member appointed in 1937 was S. N. Bose, a Barrister in the Calcutta High Court. He held the membership of BPSC till 1940.⁷¹

Since the establishment of BPSC, a convention was allowed to develop to appoint its chairman and two other members from such three distinct communities in India as Europeans, Muslims, and Hindus. The chairman was always chosen from among the Europeans. Of the remaining two members, one was invariably a Hindu and the other a Muslim.⁷²

Chairman Sir F. W. Robertson was succeeded by Sir E. N. Brandy (an ex-ICS) in 1940. Sir E. N. Brandy was formerly the Chief Secretary of the Government of Bengal. He was considered to be appointed as the Governor of Assam after his retirement from the service. But he was ultimately given the chairmanship of BPSC because of his ill-health. It has been reported that the office of BPSC was shifted from Calcutta to Darjeeling in 1942 (during World War II) to suit Brandy's ill-health. The office of the BPSC was again brought back to Calcutta in 1946. Sir E. N. Brandy left BPSC in 1942 handing over the chairmanship to Sir Arthur Jules Dash, an ex-ICS. Sir A. J. Dash had held the office of the Chief Secretary to the Government of Bengal before he joined BPSC as its chairman.⁷³

Khan Bahadur Abdul Hye, a listed member of the Bengal Civil Service (BCS), became a member of BPSC in 1938 after the departure of Sir Hasan Suhrawardy. He was formerly a District Magistrate. He held the membership till 1940. He was succeeded by Shahid Suhrawardy, formerly a Professor of Fine Arts in the University of Calcutta. Professor Suhrawardy served BPSC until the partition of India in August 1947.⁷⁴

Barrister S. N. Bose held the membership of BPSC till 1940 when Rai Bahadur S. N. Ray, a listed member of the BCS, was appointed in his place. S. N. Roy was formerly a District Magistrate. He continued to serve BPSC until partition in 1947.⁷⁵

When Bengal was divided in 1947, about a dozen Muslim staff of BPSC left Calcutta in or about the third week of August (1947) for Dacca to form the nucleus of a PSC in the eastern part of Pakistan. More specifically, about eight class II and class III non-gazetted Muslim staff and three class IV employees of the BPSC opted for the service in Pakistan at partition. They therefore left Calcutta for Dacca (new provincial capital of East Bengal) on or about 17 August 1947.

At the time of partition in August 1947, BPSC had a chairman named Sir A. J. Dash and two other members, namely, Professor Shahid Suhrawardy and Rai Bahadur S. N. Roy. Sir A. J. Dash joined BPSC in 1942. He opted for the service in Pakistan at partition. He came to Dacca two or three days after partition to organize the establishment of a PSC in East Bengal. Professor Shahid Suhrawardy did not come to Dacca though he also opted for Pakistan. He rather went to Karachi in the western part of Pakistan to become a member of the newly constituted central commission called Pakistan Public Service Commission.⁷⁶

Sir A. J. Dash on arrival at Dacca found no vacant building space to organize even his own sitting place. Within a few days, he however persuaded the then Divisional Commissioner of Dacca Division (M. M. Stuart, ICS) to give a room in the Commissioner's Building (which has now housed the Bangladesh Foreign Ministry) for the use of the newly constituted PSC in East Bengal. In effect this was the only room placed at the disposal of the new provincial commission. It accommodated all the staff who came from Calcutta. For about two to three months after partition, Sir A. J. Dash had to have his own sitting place in the office room of Divisional Commissioner M. M. Stuart. In or about December 1947, he however could manage to get an extra room in the same building for his own office. This was how the new office of the PSC in East Bengal organized in Dacca after partition.⁷⁷

The newly constituted public service commission in East Bengal used for its name as "Public Service Commission, Eastern Pakistan" rather than "East Bengal Public Service Commission", which would have been befitting in consideration of the name of the province, *i. e.*, East Bengal.

Among the staff who came from Calcutta no one was in the gazetted grade. In or about September 1947, Golam Jillani, a Lecturer in Philosophy at the University of Dacca, was appointed as secretary of the Commission purely on a temporary basis. Jillani held the secretaryship for about six months. He left the Commission after the appointment of Khan Bahadur Badiur Rahman of the erstwhile Bengal Senior Education Service (former Assistant Director of Public Instruction of the Government

of East Bengal) as his successor. He was selected for the post through an open competition.⁷⁸

Chairman A. J. Dash ran the PSC single-handed for almost a year after partition. This apparent monocratic management was however duly legitimized through an official order made by the Government of East Bengal. The order in effect empowered Sir A. J. Dash to make decisions alone in contravention of the Rules of Procedure of the Bengal Public Service Commission (issued in 1937), which stipulated collaboration of at least two members (usually the chairman and a member) in a decision-making process in the commission. This in effect testified full trust in the authority of Sir A. J. Dash by the government of the day.⁷⁹

The first member who joined the PSC in East Bengal on 15 September 1948 was Advocate Ahmed Ali Mridha. Advocate Mridha had been a Muslim League member of the East Bengal Legislative Assembly. According to one source, he had been an aspirant for a portfolio in the provincial cabinet. He was, however, made a member of the commission as he could not be accommodated in the cabinet.⁸⁰

The PSC in East Bengal became a full body in November 1948 when Abdus Sobhan Mahmood, an ex-BCS (listed), joined it as a member with effect from 19 November 1948. A. S. Mahmood had been a brilliant student throughout his academic life. He secured first class in Mathematics from Calcutta University. He joined the BCS in 1916 and held the post of District Magistrate in Barisal immediately before his joining the PSC in November 1948.

Sir A. J. Dash relinquished the chairmanship on 15 March 1951 and left East Bengal for England immediately after leaving the office. He was succeeded by Khan Bahadur Mohammad Mahmud, an ex-BCS (listed), who joined the PSC as its chairman on 5 April 1951. He had consecutively held the membership of the East Bengal Board of Revenue and then the Pakistan Jute Board before his joining the PSC as chairman.

It should be noted here that all the successive chairmen of the PSC in East Bengal/East Pakistan after Mohammad Mahmud were also drawn from men of the highest public standing and distinguished service and/or professional backgrounds (see *Appendix-C* for a full list of the PSC's chairmen from 1947 to 1971). Similarly, most of the members of the PSC in East

Bengal/East Pakistan from 1948 to 1971 were drawn from persons of high public standing, good reputation and distinguished service backgrounds (see *Appendix-D*).

The provisions relating to the composition and functions of provincial PSCs under both the 1956 and 1962 constitutions in Pakistan were almost the same as those of the Government of India Act of 1935. In addition, the Bengal PSC Regulations of 1937 and the Rules issued in the same year to regulate the duties of BPSC continued to remain in force in Pakistan even after coming into force of the 1962 constitution. Necessary amendments of these Regulations and Rules were of course made from time to time in Pakistan in keeping with the changed political situations and the provisions of both the 1956 and 1962 constitutions.

In brief, the functions of a provincial PSC under both the 1956 and 1962 constitutions in Pakistan comprised such two broad types as (i) to conduct tests and examinations for the selection of suitable persons for appointment to the civil services of the province concerned and civil posts connected with the affairs of the province, and (ii) to advise the Governor of the province on any matter on which the commission was to be consulted or which was to be referred to the commission by the Governor.⁸¹

As provided under the 1962 constitution in particular, the Governor was required to seek consultation with the provincial PSC on the following matters or principles relating to the provincial services and civil posts:

- (i) matters relating to qualifications for, and methods of recruitment to, services and posts;
- (ii) the principles on which appointments and promotions should be made;
- (iii) the principles on which persons belonging to one service should be transferred to another service;
- (iv) matters affecting terms and conditions of service and proposals adversely affecting pension rights;
- (v) disciplinary matters; and
- (vi) the retirement of a person under paragraph (a) of clause (4) of article 178 of the constitution.⁸²

The Governor was however authorized under both the 1956 and 1962 constitutions to add any additional responsibility to the existing functional jurisdiction of the commission as well as to remove any existing matter from its jurisdiction. Moreover, while he was required to consult the provincial PSC, there was no compulsion that the Governor must accept the commission's advice. In discharging its constitutional duty to select suitable persons for appointment to the various provincial services and posts, the provincial PSC merely acted as a recommending body. It actually conducted the various recruitment tests and examinations according to the rules and principles framed by the Services and General Administration Department or S & GA Department which was the hierarchical central personnel agency of the provincial government.⁸³

On completion of all stages of a particular test and/or examination, the provincial PSC used to submit a list of successful candidates to the S&GA Department along with its recommendation that the selected candidates be appointed to the vacant posts notified earlier to the PSC. But the PSC's recommendation was not theoretically binding on the government. Hence the provincial PSC like the PSC at central level, was very much an advisory body as its decisions in recruitment and civil service management were not binding on the provincial government.

It should be noted here that there were in all three provincial PSCs in Pakistan at partition, namely Public Service Commission, Eastern Pakistan; Sind Public Service Commission; and the Punjab-NWFP Joint Public Service Commission. In other words, there were actually two PSCs which served the needs of the three provinces in the western part of Pakistan.

In September 1955, three governor's provinces (West Punjab, Sind and NWFP), one chief commissioner's province (Baluchistan), and a number of small states and tribal areas in the western part of Pakistan formed parts of an integrated province called West Pakistan. East Bengal remained intact but

it was renamed as East Pakistan. After the 1956 constitution came into force on 23 March 1956, providing for a federal state, both East and West Pakistan became two exclusive provinces in the federation.⁸⁴

Accordingly, the designation of Public Service Commission, Eastern Pakistan, was changed into "East Pakistan Public Service Commission" (a name retained until the disintegration of Pakistan in 1971), while the existing two PSCs in the western part of Pakistan constituted a single commission under the designation "West Pakistan Public Service Commission".⁸⁵

However, one-unit scheme in the western part of Pakistan was scrapped in 1970 by the second martial law regime which seized power in Pakistan in March 1969. The scrapping of one-unit thus made way for the revival of the former three governor's provinces (West Punjab, Sind, and NWFP) as well as the conversion of the former chief commissioner's province (Baluchistan) into a governor's province in the western wing. Four separate provincial governments were immediately set up together with taking necessary measures to establish four separate provincial public service commissions.⁸⁶

CONCLUDING OBSERVATIONS

The PSCs in Pakistan were not the central personnel agencies with mandatory powers in their respective jurisdictions even if they performed important personnel management functions in selecting persons for appointment to various services and posts and advising the governments as regards qualifications of candidates, methods of recruitment, principles in making appointments, promotions and transfer from one service to another, cases of disciplinary actions, as well as the matters affecting the terms and conditions of services and posts. As a matter of fact, the PSC in the centre in Pakistan functioned as if it was an "attached" department of the Establishment Division under the Cabinet Secretariat until October 1958. It was made an "attached" department of the Establishment Division in the President's Secretariat after October 1958. The provincial PSCs were attached to the respective S & GA Departments headed by the Provincial Chief Secretaries.⁸⁷

with the appointment and conditions of services of the chairmen and other members of the commission. In regard to its statutory functions, the PSC had complete freedom to deal with any matters falling within its jurisdiction. The "attachment" of the PSC with the Establishment Division was claimed not to have in any way affected the independent status of the PSCs in discharging its statutory functions.⁹³

In Pakistan, the role of the Establishment Division was considered very important. Operating under the direct control of the chief executive, the Establishment Division acted as a bridge between the PSC and the ministries/departments, on the one hand, and between the President and the PSC, on the other. The justification for this important role of the Establishment Division derived from the fact that the role of the PSC was advisory. It was the Establishment Division which in effect functioned as the executive arm for the PSC. It intervened in all cases where the PSC was unable to persuade a ministry/department to follow its advice.⁹⁴ Hence, the arrangement of the PSC's "attachment" to the Establishment Division was considered an expedient measure to help the PSC to discharge effectively its constitutional responsibilities.

Notes

1. R. Braibanti, *Research on the Bureaucracy of Pakistan*, Durham, N. C., Duke University Press, 1966, pp. 101-112.
2. See *Memorandum Submitted to the Services Reorganization Committee (1969) by the CSP Association* (hereafter cited as the *CSP Association Memorandum of 1969*), reprinted in *Administrative Science Review or ASR* (Dacca), Vol. 4, No. 1, March 1970, pp. 208-211.
3. *Ibid.*, p. 235.
4. Braibanti, *Research on the Bureaucracy of Pakistan*, pp. 136-137.
5. See *Report of the Working Group on the Reorganization of the Public Service Structure in Pakistan*, Karachi, Printing Corporation of Pakistan Press, 1969, p. 138.
6. Cf. M. A. Rahman, ed., *Administrative Reform in Pakistan*, Lahore, Pakistan Administrative Staff College, 1969, pp. 10-11.
7. See Syed Giasuddin Ahmed, *Public Personnel Administration in Bangladesh*, Dhaka, University of Dhaka, 1986, p. 51, note 19.
8. For further details about the origin and composition of the Economic Pool in Pakistan, see Pakistan Government, Establishment Division, *The*

- Establishment Manual*, Vol. I (1947-1967), Karachi, Government Press of Pakistan (GPP), 1968, pp. 445-457.
9. See S.G. Ahmed, *Public Personnel Administration in Bangladesh*, pp. 52-53.
10. M. A. Chaudhuri, *The Civil Service of Pakistan*, Dacca, National Institute of Public Administration (NIPA), 1969, p. 60.
11. S. G. Ahmed, *Public Personnel Administration in Bangladesh*, pp. 53-54.
12. M. A. Chowdhuri, p. 60.
13. S. G. Ahmed, *Public Personnel Administration in Bangladesh*, pp. 54-55.
14. *Ibid*.
15. A. N. S. Hoque, *Administrative Reforms in Pakistan*, Dacca, NIPA, 1970, p. 204.
16. S. G. Ahmed, "Public Service Commission in Pakistan (1947-71)", *Pakistan Administration*, Vol. XXII, No. 2, p. 87.
17. See C. J. Hayes, *Report on the Public Service Commissions of British Commonwealth Countries*, London, Civil Service Commission, 1955, p. 197.
18. *Annual Report of the Sind Public Service Commission, 1947- 48*, Karachi, The Government Press, 1951, p. 1.
19. C. J. Hayes, p. 183.
20. S. G. Ahmed, "Public Service Commission in Pakistan", p. 88.
21. *Cf.* Section 265 of the Government of India Act of 1935.
22. *Cf.* Section 8 of the Indian Independence Act of 1947.
23. Full text of the Federal Public Service Commission (Conditions of Service) Regulations of 1937 was reproduced in Pakistan Government, Establishment Division, *The Establishment Manual*, Vol. II, Karachi, GPP, 1964, pp. 12-18.
24. *Cf.* Regulations 3, 5.
25. *Cf.* Section 65 (1) (3) (a) (b) of the Government of India Act of 1935.
26. *Cf.* Articles 169, 184-187 of the 1956 Constitution of Pakistan.
27. The 1956 Constitution of Pakistan provided for a parliamentary form of government in which the President was to act as titular head of state. He was to be elected by an electoral college consisting of the members of the National Assembly and the two Provincial Assemblies (see article 32). Hence, in a situation where a single political party had absolute control over the Assemblies (which was not the case in Pakistan in reality), it seemed unlikely that the President could have exercised his discretionary power effectively.
28. *Cf. Report of the Royal Commission on the Superior Civil Services in India*, Cmd. 2128, London, His (on Her) Majesty's Stationery Office (HMSO), 1924, para 25.

29. Ali Ahmed, *Role of Higher Civil Servants in Pakistan*, Dacca, NIPA, 1968, pp. 276-77.
30. Cf. Articles 180-185 of the 1962 Constitution of Pakistan.
31. Pakistan Government, *Report of the Constitution Commission*, Karachi, GPP, 1962, pp. 110-112.
32. Cf. Articles 180-185 of the 1962 Constitution of Pakistan.
33. Cf. *The Establishment Manual*, Vol. II, pp. 12-19.
34. It seems Henry F. Goodnow has committed a factual error by saying that: "The 1956 Constitution provided for a three-member Federal Public Service Commission including a Chairman. (See H. F. Goodnow, *The Civil Service of Pakistan*, New Haven, Yale University Press, 1962, p. 145). In fact both the 1956 and 1962 constitutions in Pakistan did not fix the number of the PSC's membership.
35. See *The Gazette of Pakistan*, Part I Section 2, p. 43, 24 October, 1947.
36. Cf. *The Indian and Pakistan Year Book*, 1952, Bombay, Bennet, Coleman, 1952, p. 817.
37. Braibanti, *Research*, p. 124.
38. Cf. *The Indian and Pakistan Year Books*, 1948, 1949, 1950, 1951, 1952-53, Bombay, Bennet, Coleman, 1948-1953.
39. See Ali Ahmed, p. 276. The abbreviations IP, ICS and IPS stand for Indian Police, Indian Civil Service and Indian Political Service, respectively.
40. Pakistan Government, Cabinet Division, *The Official Directory*, Islamabad, Printing Corporation of Pakistan Press (PCPP), 1971, pp. 24-25.
41. See *The Establishment Manual*, Vol. III, Karachi, GPP, 1965, p. 16.
42. See *Third Report of the Pakistan Public Service Commission, 1950-1951* Karachi, Manager of Publications, 1955, p. 1.
43. See *Second Report of the Pakistan Public Service Commission, 1949*, Karachi, Manager of Publications, 1956, p. 2.
44. Cf. *The Establishment Manual*, Vol. III, pp. 55-56.
45. See Central Public Service Commission, *Annual Report for the Year 1966*, Karachi, GPP, 1967, pp. 1-2, 25-26.
46. See Central Public Service Commission, *Annual Report for the Year 1971*, Karachi, PCPP, 1972, pp. 21-22.
47. *Ibid.*
48. *Ibid.*., p.1.
49. See Article 188 (1) of the 1956 Constitution of Pakistan and Article 185 (1) (a) (b) (c) of the 1962 Constitution of Pakistan.
50. Article 185 (2) (a) (b) (c) (d) (e) (f).
51. Cf. *The Establishment Manual*, Vol. III, pp. 26-31.

52. See *Constituent Assembly of Pakistan Debates, Official Reports*, Vol. XVI, Nos. 14 & 15, Karachi, GPP, 1954, pp. 169-178.
53. See *Report of the Constitution Commission*, pp. 122.
54. S. B. Bagat, "Public Service Commission - An Indian Approach", *Indian Journal of Public Administration*, Vol. II, 1956.
55. See Article 190 of the 1956 Constitution of Pakistan and Article 189 of the 1962 Constitution of Pakistan.
56. Braibanti, *Research*, pp. 119-126.
57. See Pakistan Government, National Planning Board, *The First Five Year Plan, 1955-60*, Karachi, GPP, 1957, pp. 115-116.
58. A resume of this note was published in *Report of the Administrative Reorganization Committee*, Karachi, GPP, 1963, pp. 242-243.
59. *Ibid.*, pp. 243-244.
60. Cf. *The Establishment Manual*, Vol. III, pp. 19-33.
61. M. S. H. Quraishi, "Role of Central Public Service Commission", *NIPA Reporter* (Karachi), Vol. II, No. 7, June 1963, pp. 19-20.
62. Central Public Service Commission, *Annual Report for the Year 1964*, Karachi, GPP, 1965, p. 34.
63. Central Public Service Commission, *Annual Report for the Year 1966*, Karachi, GPP, 1967, p. 13.
64. But Braibanti contended that this grant of *ex-officio* status of joint secretary to the PSC's secretary rather made the Establishment Division's control over the PSC (central) more direct and firm (see *Research*, p. 122). One might, however, question this view in that it was only the officers of and above the rank of section officer in the central secretariat who were authorized to issue and execute government orders in the name of the President (see Cabinet Division, *Rules of Business, 1962*, schedule IV). Hence, the grant of joint secretary status to the PSC's secretary was perhaps a measure in the direction of strengthening the PSC's authoritative role in relation to all government agencies.
65. Ali Ahmed, p. 286.
66. Cf. *The Establishment Manual*, Vol. III, pp. 47-49.
67. See Niru Hazarika, *Public Service Commissions: A Study*, Delhi, Leeladevi Publications, 1979, pp. 28-31.
68. Both the Bengal Public Service Commission Regulations of 1937 and the Rules (issued in 1937) to regulate the manner in which the duties of the Bengal Public Service Commission should be performed were reprinted in East Pakistan Government, Services and General Administration Department (S & G A Department), *The East Pakistan Establishment Manual* (corrected up to December 1965), Dacca, East Pakistan Government Press (EPGP), 1968, pp. 132-135.

Part Two

**BANGLADESH PUBLIC
SERVICE COMMISSION**

CHAPTER FOUR

FORMATIVE PHASE

The government machinery and the constitutional and administrative norms of Bangladesh have been subjected to tremendous stresses ever since the liberation of the country in 1971. One such stress was the extraordinary trauma of the birth of Bangladesh. By contrast, a peaceful transfer of power by the British in 1947 had left the underlying structure of government relatively undisturbed and its style relatively unquestioned.

More specifically, the liberation of Bangladesh in December 1971 found an improvised administration in Dacca (former provincial capital of East Pakistan) striving to cope, in the aftermath of the liberation war, with demands of administering a new sovereign state. To compound these difficulties there was a direct repudiation of the existing administration by the returning Bengali politicians and functionaries of the government-in-exile set up in Calcutta during the liberation struggle (c. March 1971-December 1971). Not unnaturally, they claimed sole legitimacy as heirs of that struggle and as properly constituted governmental authority. They were pressing to reject, as collaborators with Pakistan's military regime, those who had remained in post in East Pakistan during the liberation war. The returning exiles considered that those functionaries serving in East Pakistan during the period of the liberation struggle should be deemed displaced, hence requiring their fresh absorption in the set-up of the government-in-exile.

The new political leaders in Bangladesh also had a long-standing grievance against the civil servants, especially those who belonged to the Civil Service of Pakistan (CSP), for it was the latter who as subdivisional and district officers had taken repressive measures against the former. In general, the bureaucracy was viewed as an institution of oppression used by the ruling elites in Pakistan against the people and politicians in East Pakistan. Sheikh Mujibur Rahman (Sheikh Mujib), the Chief of the Awami League (AL), which in effect spearheaded

the liberation struggle in East Pakistan, often became livid with anger when he castigated the bureaucracy. Moulana Abdul Hamid Khan Bhasani, another prominent Bengali leader, could not finish a public speech without making a slur on bureaucracy.¹ This view of the civil servants seems to have prompted the new leaders in Bangladesh to vitiate a standing convention of political non-interference in recruitment and routine civil service management. The politicians saw in the changed socio-political environment an opportunity to achieve dominance over bureaucracy.

The adoption of "socialism" as one of the four state principles enjoined the Government of Bangladesh to extend its functional jurisdiction to a wide variety of state resources (both human and material) and means of production.² Consistent with this state principle, the AL government launched after liberation a programme of large-scale nationalization of big industries and the business concerns left abandoned mostly by the fleeing non-Bengali and other owners. This particular policy of nationalization had two immediate effects. First, it brought a large number of organizations and their officials/employees or workers under direct administrative control of the government. Second, the implementation of nationalization policy resulted in making the government the single largest agency for employment. But problems arose because of the inadequacy and inefficiency of the existing organizational arrangements for dealing with large-scale recruitments and the newly expanded scope of public personnel management.

This chapter deals with the formative phase of Bangladesh Public Service Commission, focusing such aspects as post-liberation attempts at improvising a new polity in Bangladesh, establishment of two separate public service commissions in 1972, and the efforts and contribution made by both the Constitution Drafting Committee and the Administrative Inquiry Committee of 1972 toward such establishment. It also includes a review of the first six years (1972-77) of the two commissions' existence. The chapter concludes with an analysis of the circumstances and developments leading to the establishment of a single public service commission in 1977.

POST-LIBERATION POSITION

Bangladesh was a province of federal Pakistan until December 1971. At that time the provincial government was virtually a small replica of the central government. It had a secretariat, similar to that of the centre, consisting of several departments headed by ministers when there was a popular government. The secretariat departments had their respective attached directorates and subordinate offices on the pattern of the central government. But the main distinguishing feature of the provincial administrative structure was that it had several units of field administration organized hierarchically on a geographic basis: division, district, subdivision thana/development circle.³

Therefore, immediately after liberation, the main concern of the new government in Bangladesh was to devise appropriate measures to transform the existing structure of the provincial administration into a national government administration. What seems to have happened, however, was that the old provincial secretariat became overnight, after 16 December 1971 (*i. e.* the date of liberation), the central secretariat of a national government, while the existing attached directorates and subordinate offices remained much as before, and no change whatsoever was made in respect of the units of field administration.⁴

A serious problem arose with regard to all those East Pakistan based offices of the former central government of Pakistan and the Bengali officials/employees recruited and controlled directly by the central government. On 27 December 1971, the AL Government announced the formation of a committee called the Civil Administration Restoration Committee to examine and suggest ways and means for (i) restoration of civil administration at various levels of administration, (ii) absorption of the officials and employees of various ministries/departments of the former central government of Pakistan, and (iii) amalgamation of the offices of the former central government with comparable ministries/departments of the new government of Bangladesh built upon what had previously been parts of a provincial government.⁵

It should be noted here that, according to a legal instrument called the Laws Continuance Enforcement Order (issued on 10 April 1971), all laws that were in force in Bangladesh (East Pakistan) on or before 25 March 1971 were to continue in force even after the Proclamation of Independence (theoretically from 25 March 1971) made by the government-in-exile. Similarly, all the existing government officials/employees, who would take allegiance to the new government of Bangladesh, were to continue in office on their existing terms and conditions of service.⁶

The new sovereign state of Bangladesh inherited at liberation the entire set-up of the former East Pakistan Public Service Commission (EPPSC) as well as a branch office of the Central Public Service Commission (CPSC) located in Dacca. The former EPPSC comprised a Chairman (Dr. M. A. Rashid, ex-Vice Chancellor, Engineering University) and three other members, namely, Alimdad Khan (listed EPCS), K. A. F. M. Abul Quasem (EPSES), and M. Anawaruzzaman (ex-Chief Engineer, Roads and Highways, East Pakistan Government). Its staff comprised a secretary (Q.A.H.M. Obaidullah, listed EPCS), one assistant secretary (Mobarakuddin), and about 34 non-gazetted employees.⁷

The branch office of the CPSC comprised a skeleton staff of eight including a class II gazetted officer designated as assistant director out of the total sanctioned strength of 14 staff including one vacant post of deputy director. This branch office used to perform such auxiliary functions as distributing application forms for various vacant positions in the central government and receiving the completed forms from the applicants, making arrangements for holding written competitive examinations and *viva voce*, psychological and intelligence tests in Dacca for appointments of persons in the cadre services, as well as arranging competitive interviews for non-cadre positions. The branch office also used to provide information regarding vacancies in the central government to East Pakistan-based prospective applicants.⁸

Although it might appear from some records that the former EPPSC carried on its functions for a while after liberation under a self-assumed designation "Public Service Commission, Bangladesh", such functions were in effect limited to making

advertisements afresh in the official gazettes and newspapers inviting applications for filling some vacant posts in the erstwhile Provincial Services, including the extension of deadlines for receipt of applications for certain vacant posts in supersession of earlier deadlines set before liberation.⁹ But there is hardly any evidence that the self-proclaimed "Public Service Commission, Bangladesh", held any recruitment test or interview or tendered any advice to the new government on any matter relating to the services and posts. Moreover, the former EPPSC's jurisdiction was limited to the Provincial Services only. It had no jurisdiction in respect of the Central Services and the officials/employees of the central government which the Government of Bangladesh inherited at liberation.

True though it is that the Laws Continuance Enforcement Order issued on 10 April 1971 allowed all Bengali government officials and employees to continue in office on their existing terms and conditions of service, the staff of the CPSC's branch office in Dhaka had practically no functions to perform after liberation. It seems that the assistant director (officer-in-charge) of this branch office was not on duty in his post immediately after liberation. As such one Mohammed Abdul Halim (stenographer of this office) was made officiating assistant director purely on temporary basis as part of a measure to sustain the organizational existence of this office.¹⁰

The Civil Administration Restoration Committee (CARC) formed on 27 December 1971 did recommend that both the former EPPSC and the branch office of the CPSC be merged together to form a single public service commission in Bangladesh.¹¹ Except for the mention of this recommendation in the CARC's report, there was no legal and/or administrative measure made by the new government in Bangladesh relating to the former EPPSC and the CPSC's branch office for almost four months after liberation. As such both the commissions' establishments in Bangladesh remained virtually defunct during that period.

ESTABLISHMENT OF TWO COMMISSIONS

To fill what seemed an ineluctable void in the sphere of recruitment and civil service management, the Government of

Bangladesh issued on 8 April 1972 a legal instrument called the Bangladesh Public Service Commissions Order, 1972 (President's Order No. 34 of 1972), which provided for the establishment of two separate public service commissions (PSCs). One of the two commissions provided in President's Order No. 34 of 1972 (PO 34 of 1972) would be called Bangladesh Public Service (First) Commission or BPSC (First), whereas the other would be Bangladesh Public Service (Second) Commission or BPSC (Second).¹²

The main features of PO 34 of 1972 relating to the composition of the two PSCs were that each commission would consist of a chairman and such number of other members to be fixed by the President. The chairman and members of both the PSCs would be appointed by the President for a term of three years. Their terms and conditions of service were also to be determined by orders made by the President until the necessary law in that behalf would be made by Parliament. At least one-half of the members (including the chairman) of a commission should be persons who had held office in "the service of Bangladesh" for not less than fifteen years.¹³

PO 34 of 1972 also specified the respective functions to be performed by BPSC (First) and BPSC (Second). BPSC (First) would be responsible for (i) conducting examinations and tests for the selection of suitable persons for appointment to the gazetted civil services and civil posts, including class I and class II services and posts connected with the affairs of all statutory bodies, and (ii) advising the President (or the chairman /chief executive officer of a statutory body) on service matters specified under clause (2) of section 8 of PO 34 of 1972. BPSC (Second), on the other hand, would conduct examinations and tests for the selection of persons in the non-gazetted services (including the class III services and posts in the statutory bodies) and advise the President (or chairmen/chief executive officers of the statutory bodies) on service matters specified in PO 34 of 1972.¹⁴

A statutory body was defined in PO 34 of 1972 as a local authority, a statutory corporation, or any other body, authority or organization constituted by the government through a legal instrument. But the universities were specifically excluded from this category of statutory bodies.¹⁵

In early May 1972, it seemed clear that the Government of Bangladesh would soon act to give effect to the provisions of PO 34 of 1972. Actually it was the 9th May of 1972 on which date the government formally constituted the two separate PSCs. The oaths of office of the chairmen/members of both the commissions were accordingly administered on 15 May 1972 pursuant to clause (1) of section 6 of PO 34 of 1972. Initially, BPSC (First) consisted of a chairman and three other members and BPSC (Second) comprised five members including a chairman.¹⁶

The Constitution of Bangladesh, which came into force with effect from 16 December 1972, did contain provisions embodying the basic principles as regards the composition and functions of the PSCs. It enumerated the main functions that a PSC should perform and extended the term of office of a chairman/member from three years to five years, but did not specify the number of members of each commission, the terms and conditions of service of the chairman and members, and the respective functional jurisdictions of the two PSCs. Until elaborate provisions for these matters were to be made by law in Parliament, the President was authorized to determine or regulate the same by executive orders made by him.¹⁷ This step to include provisions in the Constitution relating to the PSCs was designed to reinforce the status and authority of the commissions in keeping with the standing tradition and the constitutional principles adopted elsewhere in the subcontinent.

To give effect to the relevant constitutional provisions relating to the PSCs, the government promulgated afresh an order called the Bangladesh Public Service Commissions Order, 1973 (President's Order No. 25 of 1973 or PO 25 of 1973) on 30 March 1973. PO 25 of 1973 in effect formally regularized the establishment of the two PSCs already in existence since May 1972.¹⁸ Prior to the promulgation of PO 25 of 1972, the chairmen/members of both the PSCs took afresh the oaths of office on 20 December 1972 pursuant to article 148 of the Constitution.¹⁹

According to PO 25 of 1973, BPSC (First) should consist of not less than four but not more than twelve members (including a chairman), whereas BPSC (Second) would consist of not less than five but not more than fifteen members including the

chairman. The detailed functions of these two PSCs remained almost the same as those specified in PO 34 of 1972.²⁰

Although the President was duly competent under clause (2) of article 138 of the Constitution to determine by order the terms and conditions of service of the chairmen/members of both the PSCs (until provision in that behalf made by law in Parliament), no such executive order was made by him before Parliament itself formally enacted the Members of the Public Service Commissions (Terms and Conditions of Service) Act in 1974 (Act No. XXI of 1974).²¹ This Act in effect provided a statutory basis for the terms and conditions of service (*e.g.*, salary, allowances, house rents, medical benefits) of the chairmen/members of the PSCs in order to ensure that they could perform their constitutional responsibilities in recruitment and other service matters with probity and freedom.

Subsequently, in November 1978, the President issued an amendment ordinance called the Members of the Public Service Commissions (Terms and Conditions of Service) (Amendment) Ordinance, 1978 (Ordinance No. XLVIII of 1978) with a view to amending certain provisions of Act No. XXI of 1974 following the implementation of a new national pay structure effective from July 1977 and the establishment of a single public service commission in December.²²

CONSTITUTION AND INQUIRY COMMITTEES

It seems appropriate at this stage to probe in some detail the contributions and efforts made by two important committees towards the adoption of constitutional provisions relating to the PSCs and their effective functioning.

On 23 March 1972, the Government of Bangladesh promulgated President's Order No. 22 providing for the establishment of a Constituent Assembly made up of members elected in 1970 from East Pakistan to the National Assembly of Pakistan and to the East Pakistan Provincial Assembly. The Constituent Assembly formed a committee called Constitution Drafting Committee consisting of 34 members in its first session held on 20 April 1972. The Chairman of the Constitution Drafting

Committee was Dr. Kamal Hussain who was then a cabinet minister holding the Law and Parliamentary Affairs portfolio. The Committee's report on the draft constitution was finally presented in the Constituent Assembly on 12 October 1972. The Constituent Assembly formally adopted the Constitution of Bangladesh 4 November 1972 (*i.e.*, only 325 days after the liberation of Bangladesh) after three rounds of reading of the draft extending over 14 days only.²³

There is no evidence that the constitutional provisions relating to the PSCs were subject to prolonged debate at the time of their adoption in the Constituent Assembly. One may perhaps infer several reasons for what seems to have been a hasty passage of the Constitution in general and the constitutional provisions relating to the PSCs in particular. First, the relevant provisions relating to the mode of appointment, tenure, re-employment, removal of the chairman/members of the PSCs bore striking resemblance to what had been included in the Government of India Act of 1935 and the constitutions of 1956 and 1962 in Pakistan. In particular, the constitution-makers in Pakistan had adopted the relevant provisions after long and extensive deliberations.²⁴ By and large, they maintained among themselves a general consensus regarding most proposed measures in respect of regulating the composition and functions of the PSCs in Pakistan. Apart from criticism made against the envisaged "advisory" status of the PSCs, there was little controversy over what were finally included in the constitution adopted in March 1956. It was more likely that the framers of the Constitution in Bangladesh accepted in good faith the stance that their predecessors in Pakistan (including their counterparts in modern India) took in relation to measures pertaining to the PSCs. Moreover, they perhaps thought it wise to adopt certain "tested" measures rather than to take the risk of innovation and deviation. Second, the Constituent Assembly in Bangladesh was virtually a one-party house. It consisted of 404 members, of which all but three belonged to the ruling Awami League. According to one interpretation, rigid party discipline, both in and outside the Assembly restrained many AL members' verbose proclivity at the time of general discussions on the Constitutional Bill.²⁵ Besides, the towering personality of Sheikh Mujib (Leader of the House) and the foresenic ability and erudition of Dr. Kamal

Kamal Hussain (Chairman of the Constitution Drafting Committee) also contributed much to the quick passage of the draft Constitution. Third, a great majority of the members of the Constituent Assembly in Bangladesh had practically no previous experience in legislation and in critical assessment of legislative proposals.²⁶

In April 1972, the Government of Bangladesh constituted an inquiry committee called Administrative and Services Reorganization Committee (ASRC) under the chairmanship of Professor Muzaffar Ahmed Choudhuri (Vice-Chancellor of Dhaka University) to suggest a new service-cum-administrative structure for Bangladesh in light of the politico-administrative changes in liberated Bangladesh. The ASRC did dwell at length on the existing and future structures of services and administration.²⁷ In particular, it made certain important observations on the organization and functions of the PSCs in its report submitted in 1973.

First, the ASRC observed that sound recruitment policies and fair and objective method of recruitment were of basic importance to personnel administration. In Bangladesh, it seemed inevitable that the government would be the single largest employer because of the adoption of a constitutional principle of "socialist economy". But both the Bangladesh economy and the scope of the governmental activities in productive sector seemed still in an embryonic stage. Hence it would be most likely that the job-seekers would far outnumber the jobs available. The ASRC therefore thought it necessary to adopt well-understood and objective criteria for recruitment and avoid any tint of suggestion of bias or favouritism on the part of those entrusted with recruitment. Specifically, it would be absolutely necessary that the constitutional document of a country should provide for the setting up of the PSCs independent of executive with a view to offsetting the possibility of such recruiting agencies as PSCs being subjected to pressure by those in possession of executive power.²⁸

Second, to promote and safeguard the independence, impartiality and integrity of the chairmen/members of the PSCs, it would be desirable for them to be completely above political influences. To secure this objective, a number of such provisions should be incorporated into the Constitution as that the

chairmen/members of the PSCs be appointed by an authority above party politics;²⁹ that the retiring chairmen/members of the PSCs would not be eligible for further appointment in the government service except the higher offices in the PSCs;³⁰ that a member of the PSC would not be removed from office except on the ground of proved misbehaviour, inefficiency or infirmity of mind or body and that the terms of office of the chairmen/members of the PSCs should definitely be laid down in the Constitution.³¹

Third, half of the members of the PSCs should be persons who had held office for 20 years or more in the government service. A member drawn from the non-official category should normally be a graduate in arts or science and/or a person of high achievement in any of the branches of arts, science, or technical or business profession. One or two lady members with requisite qualifications might also be appointed in the PSCs.³²

Fourth, the PSCs would act as the guardians of the merit system. The main functions of the PSCs would be (i) to maintain very high standards of recruitment, (ii) to conduct examinations for appointment to various grades in the civil service, and (iii) to advise the government in regard to the various posts, promotions, transfers, and disciplinary matters. The government should retain however the discretion to extend or curtail the scope of functions of the PSCs.³³

Fifth, the PSCs would primarily act as advisory bodies and their recommendations would not be binding on the government. Because the ultimate responsibility for recruitment and civil service management should rest with the government. Yet it would be desirable that the matter of working relationship between the PSCs and the government should be left to the development of the convention that normally the recommendation of the commissions should be accepted by the government in most cases. The PSCs would submit annual reports about their activities. These reports would show the cases where their advice was not accepted as well as the service matters on which the PSCs ought to have been consulted but were not consulted.³⁴

Sixth, it would be most likely that the PSCs would undertake a gigantic task of recruitment to various posts in all fields of

governmental activities which would rapidly be increasing. The recruitment would increasingly be diverse in character. This would underline the need for adequate staff support being afforded to the PSCs. Thus, the secretaries of the commissions should be the competent persons with 15 to 20 years of experience in the government. The secretary of BPSC (First) should be accorded the rank and status of a joint secretary to the government and the secretary of BPSC (Second) a deputy secretary to the government. The supporting staff other than the secretaries of the PSCs should consist of persons with wide experience in education, scientific research, and practical administration.³⁵

Seventh, the PSCs must set up research units in their offices, which should carry on research in all matters connected with the work of the commissions. These units would be responsible for the collection, compilation and analysis of all relevant data available in the country as well as from different countries of the world. In particular, these research units would collect relevant and useful data available from the reports and other literature published by the PSCs of the Commonwealth and other countries. The main objective of the work of these research units would be to carry on general research with a view to effecting economy, enhancing efficiency and achieving all-round development in administration. They should also be engaged in continuous study of various problems relating to recruitment, training and promotion in the civil service. One important suggestion towards assessing the effectiveness of the methods of recruitment was that the research units should draw up periodical plans for pilot follow-up studies of the performances of civil servants recruited previously by the PSCs. It would also be equally important to constitute effective psychological wings in the PSCs to perform such functions as (i) preparation of job analysis fundamental to the construction of scientific tests of intellectual capacity and other personality traits, (ii) conduct of preliminary research studies for designing selection tests and devices, (iii) construction of scientific tests and evaluative devices for different selection programmes of the commissions, (iv) administration of tests to the candidates and reporting test evidence to the commissions, (v) analysis and interpretation of candidates' performance on a continuous basis

with a view to conducting scientific research to seek solutions to some of the problems vexing those concerned with the task of development, assessment and utilization of the human resources, and (vi) carrying out follow-up research studies for the purpose of validating and refining selection tests and procedures.³⁶

It is true that the foregoing observations of the ASRC contained features characteristic of establishing independent but effective PSCs. Certain important suggestions implicit in such observations as regards the organization and staff requirements of the PSCs, their desirable responsibilities, and their working relationship with the authorities in the executive hierarchy seem consistent with the general principles of organization which have so far provided the basis for establishing the PSCs in most democratic countries.

Although the ASRC's report was never made public because both the government of the day and the bureaucracy seemed allergic to some of its outspoken views and the Constitution of Bangladesh was adopted several months before the submission of this report to the government, the provisions included in the Constitution relating to the PSCs did foreshadow much consistency with what the ASRC suggested in this regard.

Detailed discussions on constitutional provisions relating to the composition and functions of public service commissions are included in Chapters Five and Six in this book.

A REVIEW OF FIRST SIX YEARS

There is reason to believe that both the former EPPSC and the CPSC's Dhaka branch office had only been theoretically in existence in Bangladesh during the initial four to five months after liberation. The *locus standi* of these two commissions became more complicated after the promulgation of PO 34 of 1972 under which an *ex post facto* legal measure was taken to abolish the establishments of both the provincial and central commissions effective from 25 March 1971, *i.e.*, the date on which the Proclamation of Independence was made by the government-in-exile.³⁷

Clause (2) of section II of PO 34 of 1972 provided in clear terms that any tests or examinations conducted, advice given, or

any other functions performed by the two commissions, including any decisions taken in pursuance of such tests, examinations or advice during the period from 26 March to 16 December in 1971, should be deemed invalid. However, a saving clause was made in the same section of PO 34 that the President might after due review declare to be valid any of such tests, examinations or advice, or other functions, and pass such orders as he might deem appropriate.³⁸

Naturally, immediately after liberation there arose a great deal of confusion as regards the decisions and recommendations made by both the commissions during the period of the liberation war (c. 26 March – 16 December 1971) in respect of recruitment and other service matters. The government of Bengali exiles, which seized effective power in Dhaka on and from 16 December 1971, pursued from the beginning a general policy to quash everything done or executed by the former central and provincial governments within the territory of former East Pakistan. For example, the new government in Bangladesh made a decision immediately after liberation to invalidate all public and/or final passing-out examinations at all school, college and university levels held between 25 March to 16 December in 1971 and to hold examinations afresh at all such levels in 1972 according to hurriedly designed certain condensed syllabi.³⁹ Unfortunately, such seemingly "chauvinistic" decision proved an outright loss of one full academic year to thousands of examinees throughout the country. The government also at the same time refused to accept many fresh appointments of civil servants made during this period.

It should be noted that the central and provincial public service commissions conducted in 1970 certain written competitive examinations for the selection of fresh recruits for both the Central and Provincial Services (e.g., CSP, Police Service of Pakistan or PSP, East Pakistan Civil Service or EPCS). In most cases the results of these written examinations were announced before 25 March 1971. But the *viva voce*, psychological and intelligence tests were held after 25 March 1971 and the candidates who finally qualified in these examinations/tests were offered appointments in both the Central and Provincial Services. A good number of the finally

successful candidates accepted in good faith such offers of appointments. But the Government of Bangladesh after liberation refused to retain all those appointees who had accepted appointments in the services of the central and provincial governments before 16 December 1971.⁴⁰

BPSC (First) in 1972 conducted afresh a series of special oral and psychological tests for those Bengali candidates who had qualified in the written part of the erstwhile Central Superior Services (CSS), PSP, and EPCS examinations held in 1970. Accordingly, it prepared new lists of successful candidates from among those who took these special tests for final appointment in various class I posts in the service of Bangladesh, subject to the successful completion of specified periods of induction training at the National Institute of Public Administration (NIPA) and the Civil Officers' Training Academy (COTA).⁴¹

Nevertheless, a good number of the previously successful candidates, especially those who had before liberation accepted appointments in the erstwhile Central Services (*e.g.*, CSP, PSP, Pakistan Foreign Service or PFS, Pakistan Audit and Accounts Service or PA&AS), opted to abstain from seeking fresh recruitment in Bangladesh. Perhaps their decision to do so was influenced by two factors. First, these pre-liberation appointees already suffered a jolt by having been declared ineligible to retain their appointments in the service of Bangladesh. Their only fault was that they had accepted appointments despite the call by the government-in-exile for non-cooperation with Pakistan's military regime. Against this disparaging background, they were naturally reluctant to take a fresh chance of being ousted by their fellow competitors (especially those who had not either accepted or gotten appointments before liberation) and by the newly appointed all Bengali members in the PSC. Second, most pre-liberation appointees could foresee no prospect of continued high status to the civil servants in Bangladesh.⁴²

Although it was the constitutional duty of both the PSCs to conduct tests and examinations for the selection of suitable persons in the service of Bangladesh, the Establishment Division (hierarchical central personnel agency of the Government of Bangladesh) had a prime responsibility to lay down the basic recruitment policy, including a general oversight

to ensure that all recruitment were made in accordance with the broad constitutional guidelines and the established recruitment rules. Consistent with the broad constitutional principles, declared national policy guidelines, and the model recruitment rules made by the Establishment Division, each ministry/division could frame its own recruitment rules and enforce them with the approval of the Establishment Division, Ministries of Law and Finance, and the PSCs, as the case may be. The ministries/divisions also could recruit their own personnel but only after the fresh recruits were duly declared qualified in the tests/examinations conducted by the PSCs, including necessary certifications by the latter that the successful candidates might be appointed to the notified vacant posts.⁴³

Nevertheless, the constitutional position of the PSCs in Bangladesh was quite clear. Recruitment was the prime responsibility of the PSCs in their own rights and it was made constitutionally obligatory on the part of the government (including the statutory bodies) to seek advice and consultation with the PSCs on many important service matters (including recruitment) affecting the career incidents of persons in the services and posts of both the government and statutory bodies.

It need not have to be elaborated that both recruitment and civil service management in Bangladesh were virtually in a state of disarray after liberation. In particular, recruitment of fresh personnel seemed irregular and infrequent because of the government's inability to introduce promptly a new civil service structure. Whatever sporadic recruitments were made during the initial years of Bangladesh's history lacked both merit and qualitative criteria. Moreover, the process of service reorganization in Bangladesh since liberation had not at all been smooth and rapid.⁴⁴

However, the government announced an interim recruitment policy in September 1972. The pressing considerations of the war of liberation and its aftermath seem to have what largely moulded the recruitment policy so announced. It contained features characteristic of affecting the principle of recruitment on merit and introducing the concept of appointment on the district

and divisional quotas for different groups like freedom fighters and affected women⁴⁵

In brief, the interim recruitment policy had two main objectives: first, to reward in a form of giving employments to those who had actively fought the liberation war and/or who had been affected physically or otherwise by that war; and second, to ensure an equitable representation of persons in the services from all regions of the country. The regional representation stressed that all future vacancies in government, semi-government, autonomous, and other government aided organizations must be filled by candidates from all the districts on the basis of population of the respective districts. When the number of vacancies would be so small that it would not be possible to distribute evenly such vacancies district-wise, the vacancies should be distributed division-wise on the basis of population. The district/division-wise quotas should be calculated class-wise (*i.e.* class I, II, III & IV) as specified in the policy. When the number of vacancies would be smaller than 4 (*e.g.*, 3 vacancies against the existing 4 administrative divisions), the division having least representation in a particular service should be given weightage in filling the vacancies.⁴⁶

The interim recruitment policy provided however that 20% of all vacancies in class I services and posts should be filled on merit, 30% quota of vacancies would be reserved for the freedom fighters, 10% for the affected women and the remaining 40% would be filled on the basis of district/division quotas. The respective quotas for merit, freedom fighters, and the affected women should be calculated on the total available vacancies class-wise without affecting the district/division-wise quotas.⁴⁷

As a matter of fact, it was never expected that the interim recruitment policy would solve the post-liberation problems in recruitment and civil service management once for all. As envisaged, this policy was essentially an interim measure, reflecting more an expedient arrangement rather than a rational one.

But not all expediciencies can bring about the desired results in all cases. It so happened in the case of the interim recruitment policy as well. Actually what was most urgently needed together with this recruitment policy was a clear-cut civil service policy in light of the emergent politico-administrative changes in liberated

Bangladesh. Moreover, the process of service reorganization in Bangladesh could not proceed smoothly due to persistent rivalries and jealousies among the existing civil servants and civil employees belonging to various erstwhile cadres, non-cadres, classes (I, II, III & IV), and organizations. As a result recruitment to the various services and posts during the initial few years in Bangladesh followed little systematic procedure.⁴⁸

The annual reports of both the PSCs made consistent complaints to the effect that most ministries/departments, including the statutory bodies, had persistently been reluctant to frame the necessary recruitment rules for the services and posts under their control. They seemed more inclined to fill most vacant posts through *ad-hoc* appointments, thereby evading unscrupulously the jurisdiction of the PSCs.⁴⁹ In its annual report of 1974, BPSC (First) made a strong recommendation that there should be held every year a combined competitive examination on the pattern of the CSS examinations held in Pakistan to fill the vacancies of superior civil posts under various ministries/departments.⁵⁰

Finally, in October 1976, the Government of Bangladesh acceded to the recommendation made by BPSC (First) in its annual report of 1974. Accordingly, the government framed the Superior Posts (Examination for Recruitment) Rules of 1976, which laid down detailed provisions as regards the intending candidates' age limit and academic qualifications, including the syllabi for such examination.⁵¹ On the basis of the Rules so framed in 1976, BPSC (First) arranged in 1977 to hold a combined competitive examination to select candidates for 130 superior posts.⁵²

It should be noted however that prior to the competitive examination held in 1977, BPSC (First) also had conducted two special superior service examinations for the selection of certain categories of class I and class II civil servants. The first special superior service examination was held in October 1972. It was solely based on a competitive oral test and meant exclusively for the freedom fighters having at least a bachelor's degree. About 2351 freedom fighters appeared in the test and almost all of them were finally offered jobs in class I and class II gazetted services and posts.⁵³

The other special superior service examination, held in June 1973, was open to all possessing at least a bachelor's degree and the age not above 27. This examination had a written part as well as a *viva voce* test. The written part consisted of two papers only. Paper I with 200 total marks was basically designed to test the candidates' language proficiency (both Bengali and English), whereas the Paper II of 150 total marks covered general knowledge, elementary science, and current affairs for ascertaining the candidates' level of knowledge in these specific areas.

In addition, the candidates who had qualified in the written part of the 1973 special superior service examination were called for a *viva voce* test of 150 total marks. The candidates securing 36% marks in aggregate were finally declared successful in the examination.⁵⁴

A total of 2775 candidates appeared in the written examination, of which 1736 were called for the *viva voce* test. Finally 1074 candidates out of the 1736 were declared qualified in the special superior service examination of 1973. But the fact remains that the method, standard and syllabi of both 1972 and 1973 examinations lacked competitive and qualitative criteria.⁵⁵ It seems therefore quite likely that most of the 1972 and 1973 recruits lacked such qualification and personal traits as high academic achievements, caliber, integrity and leadership generally demanded of a civil servant.

BPSC (Second) also seemed not very effective in discharging its assigned responsibilities in recruitment and other service matters during the period of its existence from 1972 to 1977.⁵⁶ The published annual reports of this commission do testify to this effect. For example, BPSC (Second) in the year 1975 interviewed 4481 candidates for 2276 class II and class III non-gazetted vacant posts both in the government and statutory bodies. After the interview the commission however found 2081 candidates suitable for recruitment and accordingly sent its recommendations to the concerned appointing authorities for giving appointments to these 2081 successful candidates. But the appointing authorities could finally give appointments to only 505 of the 2081 recommended candidates. They gave no reasons as to why as many as 1576 recommended candidates were not appointed.⁵⁷ It was not unlikely that the authorities in

the government and statutory bodies were not willing to give up the hitherto exercised control over matters of recruitment of their low grade employees. But such attitude of the appointing authorities did have an effect in undermining this commission's position as an independent constitutional body in recruitment and civil service management.

ESTABLISHMENT OF A SINGLE COMMISSION

Bangladesh is a unitary state. It has no subnational units like the states or provinces as in India and Pakistan. Usually it is in a federal state that one finds more than one PSC. But in Bangladesh two separate commissions were constituted after liberation within the framework of one national government. Perhaps the initial Bangladesh decision was taken for two circumstantial reasons. First, Bangladesh inherited at liberation two separate commission establishments, *i.e.*, the entire machinery of the provincial PSC and a regional branch office of Pakistan's CPSC with its building, staff, and other facilities. Hence, it was likely that the Government of Bangladesh did not want to disturb the existing separateness of the two commissions' establishments other than adding the numerical terms "First" and "Second" in redesignating the two newly constituted PSCs. Second, unlike the pre-liberation system as well as the policy what seems to have been in operation in most other countries, PO 34 of 1972 (including PO 25 of 1973) entrusted the PSCs in Bangladesh with additional functions of recruitment to and control of the services and posts in the statutory bodies.⁵⁸ Certainly it would have been a very difficult task for a single commission to handle this additional load of functions in relation to the statutory bodies. For Bangladesh at liberation inherited a large number of statutory bodies whose magnitude increased further with the addition thereto of a large number of private banks, insurance companies, industries, and enterprises nationalized immediately after liberation.⁵⁹ According to an official survey made in 1972, all statutory bodies (including railways but excluding the universities) had as many as 191,701 officials and employees as against 396,837 officers and employees in the government offices throughout the country.⁶⁰ Obviously this number went on swelling in subsequent

years because of the scarce job opportunities in the dwindled private sector.

Considering the magnitude of the personnel problems emanating from factors directly or indirectly linked to the post-liberation circumstances and public policies, perhaps the new government in Bangladesh had justifiable grounds for its decision to establish the two separate commissions. For the establishment as such made it possible to apportion between the two commissions the responsibilities in recruitment and other service matters pertaining to the national civil service and the services and posts under the statutory bodies.

Nevertheless, even the establishment of two commissions seemed inadequate. In particular, BPSC (First) had repeatedly been complaining about the deficiency of its staff, office accommodation, and other facilities in dealing with the increased functional responsibilities reposed in it.⁶¹

Moreover, the inclusion of the services and posts of the statutory bodies within the jurisdiction of the commissions seems to have created some practical personnel management problems. First, the very object of conferring flexibility on a statutory body in its operation, especially in the sphere of its personnel administration, was negated by the legal measure of including its services and posts within the jurisdiction of the PSCs. It seems to have had the effect of restricting such a statutory body from selecting its own personnel freely and expeditiously in keeping with its special needs.⁶² Second, speaking in general terms, personnel management principles in most statutory bodies are determined in view of the job specialities needed in each organization, the availability of potential personnel (especially in technical and professional fields) and the lack of job security and social status usually accorded to civil servants, which considerations perforce call for maintaining provisions for compensatory service conditions such as higher emoluments, lucrative annual bonus, and retirement gratuity for services and posts in statutory bodies. In such circumstances, there may have to be a good deal of variation in respect of personnel matters among the various statutory bodies, on the one hand, and between statutory bodies and the civil service, on the other. It seems likely that the members of the PSCs in Bangladesh were not fully conversant

with the special needs of recruitment and personnel management in the statutory bodies, which in turn presumably led to tardy selection of personnel, improper staffing, and inefficient functioning in most of the statutory bodies.⁶³ Third, during the AL regime in Bangladesh from January 1972 to August 1975, most senior appointments in many statutory bodies, especially in the nationalized banks, insurance companies, industries, and other enterprises, were largely made on the basis of nepotism and favouritism shown to the supporters and sympathizers of the AL leaders.⁶⁴ It was therefore likely that during this period in particular the PSCs were precluded from exercising effective jurisdiction in respect of recruitment and other service matters of the statutory bodies.

However, in April 1976, the government had to take a legal measure by promulgating an ordinance called the Bangladesh Public Service Commissions (Amendment) Ordinance, 1976 (Ordinance No. XX of 1976) with a view to remedying what seemed a latent dysfunction stemming from vesting the PSCs with recruitment and other functions in relation to the statutory bodies. This Ordinance at last relieved the PSCs of their existing responsibilities relating to recruitment and other service matters of the statutory bodies.⁶⁵ After this measure it soon became apparent that the existing two commissions did not have enough functions to perform. Moreover, the policy-makers in the government also finally concluded that there could be no justification to retain two separate commissions in a unitary state. Hence, in November 1977, the government promulgated the Bangladesh Public Service Commission Ordinance, 1977 (Ordinance No. LVII of 1977), purporting to establish one single PSC in place of the existing two commissions. Ordinance No. LVII of 1977 came into force on 22 December 1977. Accordingly, a new commission named Bangladesh Public Service Commission (BPSC) was established with effect from this date to perform all functions previously entrusted to BPSC (First) and BPSC (Second). The BPSC Ordinance of 1977 also fixed the number of members of the new commission between six (minimum) and fifteen (maximum), including the chairman.⁶⁶ At the time of its inception on 22 December 1977, the membership of BPSC consisted of a chairman and eleven other members.⁶⁷

Notes

1. Emajuddin Ahamed, *Development Administration : Bangladesh*, Dacca, Centre for Administrative Studies (CENTAS), 1981, p. 40.
2. See articles 8-10 in Part II of the Constitution of Bangladesh (as modified up to 25 January 1975). But these articles were subsequently amended under Proclamation Order No. 1 of 1977 with a view to giving a new interpretation of the state principle "socialism"; cf. articles 8-10 in Part II of the Constitution of Bangladesh (as modified up to 31 May 1986).
3. See Syed Giasuddin Ahmed, *Public Personnel Administration in Bangladesh*, Dhaka, University of Dhaka, 1986, pp. 139-140.
4. S. G. Ahmed, "Ten Years of the Bangladesh Polity", *The Dhaka University Studies*, Vol. XLI, Part-A, December 1984, pp. 130-131.
5. See *Report of the Civil Administration Restoration Committee*, Part I, Dacca, Bangladesh Government Press (BGP), January 1972, pp. 9-10.
6. Full text of the Laws Continuance Enforcement Order of 1971 was published in *The Bangladesh Gazette, Extraordinary*, 23 May 1972.
7. Cf. *The East Pakistan Civil List*, 1967-68, Part I, No. II, Dacca, East Pakistan Government Press (EPGP), 1971, p. 4; East Pakistan Public Service Commission, *Report on the Activities of the East Pakistan Public Service Commission during the year ending on the 31st December 1968*, Dacca, EPGP, 1969, pp. 1-3.
8. S. G. Ahmed, *Public Personnel Administration in Bangladesh*, p. 105.
9. *Ibid.*, p. 281.
10. Cf. *The Bangladesh Gazette*, No. 7, 17 February 1972, p. 125.
11. See *Report of the Civil Administration Restoration Committee*, p. A-21.
12. See S. G. Ahmed, *Public Personnel Administration in Bangladesh*, pp. 281-282.
13. See Section 5(3) of PO 34 of 1972. According to an explanation inserted immediately after this section, "the service of Bangladesh shall be deemed to include the service of Pakistan before the commencement of this order."
14. Cf. Section 8 of PO 34 of 1972.
15. Cf. Section 2(g) of PO 34 of 1972.
16. See BPSC (First), *Annual Report*, 1972, pp. 1-2; BPSC (Second), *Annual Report*, 1972, p. 1.
17. Cf. articles 137-139 of the Constitution of Bangladesh (1975).
18. See Clause (2) of section 3 of PO 25 of 1973.
19. See BPSC (First), *Annual Report*, 1972, p. 1; BPSC (Second), *Annual Report*, 1972, p. 1.
20. Cf. sections 5 and 6 of PO 25 of 1973.

21. Full text of Act No. XXI of 1974 has been reprinted in Bangladesh Government, Establishment Division, *The Establishment Manual*, Vol. I, Dacca, BGP, 1980, pp. 104-106.
22. Full text of Ordinance No. XLVI of 1978 was published in *The Bangladesh Gazette, Extraordinary*, 21 November 1978.
23. See A. F. Huq, "Constitution-Making in Bangladesh", in *Pacific Affairs*, Vol. IV, No. 1, 1973, pp. 59-69.
24. Cf. *Constituent Assembly of Pakistan Debates, Official Reports*, 1954, Karachi, Government Press of Pakistan (GPP), 1954, Vols. XII-XVI, Part II, pp. 135-185.
25. A. F. Huq, pp. 68-69.
26. See, S. G. Ahmed, *Public Personnel Administration in Bangladesh*, p. 290.
27. See S. G. Ahmed, *The Image of Public Service in Bangladesh*, Dacca, CENTAS, 1975, pp. 125-129.
28. Cf. *Report of the Administrative and Services Reorganization Committee (Report of the ASRC)*, Part I Services, Dacca, April 1973, pp. 67 - 68.
29. The ASRC's implied contention was that the chairman/members of a commission should be appointed by the President "acting in his discretion". But the relevant article (*i. e.* article 138) of the Constitution of Bangladesh adopted in December 1972 did not incorporate such phrase. The Committee therefore recommended that such phrase "acting in his discretion" must be incorporated in the Constitution; Cf. *Report of the ASRC*, p. 68.
30. In other words, a member of either of the two PSCs could be appointed as chairman of that particular commission he had previously been serving or a member of BPSC (Second) could be appointed as a member of BPSC (First).
31. A member of the commission would not be removed from office except by a procedure applicable to the removal of a judge of the Supreme Court.
32. See, *Report of the ASRC.*, p. 69.
33. *Ibid.*, p. 69.
34. *Ibid.*
35. *Ibid.*, pp. 69-70.
36. *Ibid.*, pp. 70-71.
37. Cf. Clause (1) of section II of PO 34 of 1972.
38. Cf. Clause (2) of section II of PO 34 of 1972.
39. See *The Bangladesh Observer*, 24 December, 1971.
40. See S. G. Ahmed, *Public Personnel Administration in Bangladesh*, pp. 280-281.
41. See BPSC (First), *Annual Report, 1974*, pp. 3- 4; S. G. Ahmed, *The Image of Public Service in Bangladesh*, p. 85.

42. This writer personally knew of a few of the pre-liberation appointees who after liberation decided not to seek fresh recruitment in the service of Bangladesh. Most of these appointees after liberation either accepted teaching jobs in the universities in Bangladesh or somehow managed to secure fellowships for higher studies in foreign universities.
43. See S. G. Ahmed, *Public Personnel Administration in Bangladesh*, p. 247.
44. Cf. S. G. Ahmed, *The Image of Public Service in Bangladesh*, pp. 80-85.
45. See A. K.M. Hedayetul Huq, "Role of the Public Service Commission in the Recruitment of Personnel in Bangladesh", in *Career Planning in Bangladesh*, Dhaka, Bangladesh Public Administration Training Centre (BPATC), 1986, pp. 79-80.
46. *Ibid.*; also see *The Establishment Manual*, Vol. I, 1980, pp. 56-57.
47. *Ibid.*
48. S. G. Ahmed, *Public Personnel Administration in Bangladesh*, pp. 248-249.
49. *Ibid.*
50. BPSC (First), *Annual Report*, 1974, p.3.
51. See *The Establishment Manual*, Vol. I, 1980, pp. 41-55.
52. S. G. Ahmed, *Public Personnel Administration in Bangladesh*, p. 249.
53. S. G. Ahmed, *The Image of Public Service in Bangladesh*, pp. 81-86.
54. *Ibid.*
55. *Ibid.*
56. A. K. M. Hedayetul Huq, p. 83.
57. See BPSC (Second), *Annual Report*, 1975, p. 23.
58. Cf. Sections 5 and 6 of PO 25 of 1973; Sections 8 and 9 of PO 34 of 1972.
59. Cf. S. G. Ahmed, *The Image of Public Service in Bangladesh*, p. 43.
60. See Bangladesh, *National Pay Commission, Report*, Vol. I (Main Text), annexure 5, p. 192.
61. Cf. BPSC (First), *Annual Reports*, 1972-76.
62. For an extensive understanding of the problems of administration (both general and personnel) in the statutory bodies in Bangladesh, see F.H. Yusuf, *Nationalization of Industries in Bangladesh*, Dhaka, National Institute of Local Government, 1985, pp. 112-158.
63. This assumption is based on information supplied by a few senior officials of some statutory bodies in Bangladesh whom the writer personally knew.
64. See S. G. Ahmed, "Ten Years of the Bangladesh Polity".
65. Full text of Ordinance No. XX of 1976 was published in *The Bangladesh Gazette, Extraordinary*, 1 April 1976.
66. Full text of Ordinance No. LVII of 1977 was published in *The Bangladesh Gazette, Extraordinary*, 28 November 1977.
67. BPSC (First and Second), *Annual Report*, 1977, p. 1.

CHAPTER FIVE

STRUCTURAL ARRANGEMENTS

This chapter deals with the structural arrangements of Bangladesh Public Service Commission (BPSC). More specifically, it describes the constitutional and statutory basis of BPSC's structure, its memberships, establishment, and relations with the authorities in the executive hierarchy. To begin with, it seems appropriate to include a brief narrative on the Bangladesh polity before the detailed study on the structural arrangement of BPSC.

The Constitution of Bangladesh, originally adopted in December 1972, provided for a parliamentary form of government. Article 48(3) of the Constitution stipulated in clear terms that the President should act in accordance with the advice of the Prime Minister in discharging his functions, except the function of appointing a prime minister pursuant to article 56(3). Hence the President under the "original" Constitution was merely the titular head of state. He in effect acted on the advice of the Prime Minister in regard to recruitment to and control of the civil service. All necessary rules regulating recruitment and service conditions of the government servants were also made by the President in accordance with advice tendered by the Prime Minister. In other words, although theoretically the civil servants were the servants of the President, in practice they were the servants of the Prime Minister and Cabinet. The ultimate powers of control over the civil service actually lay in the hands of the Prime Minister.¹

On 25 January 1975, the Constitution was amended to provide for a presidential form of government. The Constitution so amended provided that the President would henceforward be elected by direct election on the basis of universal adult franchise. Previously he was to be elected by the members of Parliament. Also an additional provision was included in the "amended" Constitution for a post of Vice-President.² Therefore, the executive authority of the Government of Bangladesh has since the January (1975) amendment been entirely vested in the hands of the President. The President exercises such authority, either directly or through subordinate officers, in accordance

the provisions of the Constitution. All executive actions of the government are expressed in his name. He specifies by rules the manner in which orders and other instruments made in his name are to be attested or authenticated. He is also duly empowered to make rules for the allocation and transaction of the business of the government.³

It is not that Bangladesh has since liberation been enjoying an uninterrupted civilian rule. Eight months after the January (1975) amendment of the Constitution, a brutal coup overthrew and killed Sheikh Mujibur Rahman (Sheikh Mujib), the "father of the nation". Almost simultaneously a martial law was proclaimed in the country resulting in the suspension of the Constitution and democratic political processes as well as the dissolution of Parliament. From August 1975 to April 1979, the country was ruled by the military with the help of the civil bureaucracy.⁴

Following the national parliamentary elections in February 1979 and the withdrawal of martial law in April the same year, a gradual transition to a somewhat controlled democracy took place. But this did not last very long. A little over five years after Sheikh Mujib was assassinated, his successor, Lt. General Ziaur Rahman (General Zia) was also gunned down by a faction of the Bangladesh army in May 1981. On 24 March 1982, *i.e.*, two days before the national holiday (March 26) marking Bangladesh's split from Pakistan eleven years ago, army Chief-of-Staff Lt. General H. M. Ershad (General Ershad) successfully led a lightning coup and ousted President (Justice) Abdus Sattar, who had been installed in place of fallen President General Zia. General Ershad proclaimed martial law, suspended the Constitution, and installed himself as the Chief Martial Law Administrator (CMLA). Later, in December 1983, he took over the presidency as well.⁵

A series of developments took place in the Bangladesh polity following the assumption of the presidency by General Ershad in December 1983. He moved in March 1985 to have the legitimacy of his authority affirmed by holding a national referendum (March 21) of his "assumed" presidency. January 1986 saw the formation of a new political party called Jatiya Party (Nationalist Party) with the overt blessing from General Ershad. After several postponements, the parliamentary

elections were finally held in May 1986. As expected, General Ershad's Jatiya Party (JP) emerged with 208 of the 330 seats in the Jatiya Sangsad (Parliament).

General Ershad relinquished the office of the chief of army staff on 30 August 1986 which strategic post he had been holding since 1978. Two days later he formally joined the newly formed JP as its chairman of which he was the sole progenitor. He then acted to consolidate the "legitimacy" of his presidency through an "arranged" presidential election held on 15 October 1986. On 10 November 1986, a bill called Seventh Amendment Bill, purporting to legalize all martial law acts from 24 March 1982 to 10 November 1986, was moved and passed in Parliament. The same day General Ershad formally announced the withdrawal of martial law. The withdrawal of martial law thus signalled the revival of the country's Constitution after almost four and a half years of its suspension.

The "third" Parliament in Bangladesh ("first Parliament was elected in March 1973 and the "second" in February 1979) elected in May 1986 could last a little over a year. It was dissolved by President Ershad on 6 December 1987. The dissolution, however, was preceded by a mass movement launched by the opposition political parties against Ershad's regime. The mass movement gradually gained momentum as because the two major opposition parties, the Awami League (AL) and the Bangladesh Nationalist Party or BNP (AL's arch rival) came closer on a one-point demand to unseat the Ershad government. It was both violent and destructive. Violent outbursts on the streets and university campuses, strikes by the government employees and industrial workers, damages to the public transports and buildings, mammoth opposition rallies, and deaths and casualties resulting from repressive actions by the government law enforcing agencies became so spontaneous and regular that President Ershad seemed at times unnerved to face the situation. Before the end of the year 1987, it became very clear to him that he should now act. He therefore proclaimed a state of emergency in the country on 27 November 1987 under which all political activities were banned and the enforcement of certain fundamental rights was suspended. Then

came the dissolution of Parliament on 6 December 1987.

However, some allowance had to be granted under the emergency to the opposition parties with a view to enticing them to participate in the parliamentary elections to be held within ninety days as stipulated in the Constitution. The elections were finally held on 3 March 1988 without the participation of most major opposition parties, including the AL and BNP, and with lowest ever turnout of voters. This time President Ershad's JP bagged 238 seats in the newly elected Parliament of 300 seats. But as the year 1988 went on, the two major alliances led by the AL and BNP distanced from each other due to fundamental differences among them. Hence the "one-point" movement of the opposition against Ershad's government faltered away paving way for the incumbents strengthening their hold on the reins of government. On 13 April 1988 the emergency was lifted. The newly elected "fourth" Parliament went into session on 25 April 1988. By the end of the year 1988, President Ershad seemed relaxed in his position, although the "legitimacy" of his government remained an issue to be questioned by the opposition parties in the country as well as by the interested and "influential" critics abroad.⁶

True though it is that the civilian rule was interrupted first by General Zia's regime (c. August 1975 - April 1979) and then by General Ershad's military rule (c. March 1982 - November 1986), the organization and functioning of BPSC remained much the same as what should have been under the civilian rule.⁷ Necessary decrees were issued immediately after the promulgation of both the martial laws purporting to sustain the organization and functioning of such constitutional bodies as the Supreme Court, Comptroller and Auditor General's Office and Election Commission.⁸

Nevertheless, the suspension of the Constitution and the "one-point" political processes did interfere with BPSC's functioning as an independent body in the sphere of recruitment and service management. Both the ruling military leaders and the civilian leaders in the executive hierarchy seemed allergic to the role of BPSC. Such attitude of the former was reflected in the fact that they were not taking regularly the due advice of BPSC and/or its recommendations on many important service

matters. Harsh punitive actions were taken against the erring civil servants under such statutory measures as the Government Servants (Special Provisions) Ordinance of 1979 and Martial Law Regulation No. 9 of 1982 without consulting the BPSC.

Moreover, in the absence of Parliament, the annual reports on the performances of BPSC during the years under military rule escaped the attention and criticisms of both the news media and the public as they could not be presented before Parliament in keeping with a constitutional provision.⁹

CONSTITUTIONAL AND STATUTORY BASIS

BPSC is a constitutional body. In other words, the structure and functions of BPSC are based on provisions incorporated in the Constitution. Any amendment of the constitutional provisions relating to BPSC by way of addition, alteration, substitution or repeal can only be made by an act passed in Parliament through certain special amendment procedures specified in the Constitution.¹⁰

Article 137 of the Constitution provides for the establishment of one or more public service commissions (PSCs), each of which shall consist of a chairman and such other members as shall be prescribed by executive orders made by the President subject to the final approval accorded to such orders in Parliament. This constitutional provision relating to the composition of PSCs must be read in conjunction with Ordinance No. LVII of 1977, which in effect provides for only one commission with the number of members (including a chairman) fixed between six (minimum) and fifteen (maximum).¹¹ It is actually under this Ordinance that the existing BPSC (First) established on 22 December 1977 in place of BPSC (First) BPSC (Second) constituted in May 1972.

Appendix H is a verbatim reproduction of the basic provisions relating to the composition and functions of a PSC as included in the Constitution of Bangladesh.

Clause (1) of article 138 of the Constitution provides that the chairman and other members of a PSC shall be appointed by the President. At least five members of a commission shall be persons who have held offices for twenty years or more in the service of the Government.

which has at any time functioned within the territory of Bangladesh. Clause (2) of the same article further provides that the conditions of service of the chairman/members of a PSC shall be determined by separate orders made by the President subject to any law made in that behalf by Parliament.

It seems worth recapitulating that the Government of India Act of 1935 and both the 1956 and 1962 constitutions in Pakistan also contained provisions as to how the PSCs and their memberships should be composed. In particular, they provided that the chairman/members of the PSC at central level should be appointed by the Governor-General/President "in his own discretion." Similarly, the chairmen/members of the provincial PSCs were to be appointed by the provincial governors "in their own discretion."¹² The main objective of adding the phrase "in his or their own discretion" to the relevant article or articles, envisaging the appointing power of the Governor-General/President or the provincial governors, was to keep the PSCs free from political influence.

But the constitution-makers in Bangladesh did not think it necessary to add the phrase "in his own discretion" to article 138 (1) in the Constitution which provides the appointing power in relation to the chairman/ members of a PSC. This seems a significant omission in the Constitution of Bangladesh.¹³

In pursuance of clause (2) of article 138 of the Constitution, Parliament enacted Act No. XXI in 1974 which determined in detail the terms and conditions of service (salary, allowances, leave, provident fund, gratuity, and such fringe benefits as rent, accommodation, transport and telephone) of the chairmen/members of both the PSCs established in 1972. But in November 1977 when the government announced a new pay structure (effective from 1st July 1977) and the two were merged into one single commission called the Bangladesh Public Service Commission (BPSC), it became necessary to amend Act No. XXI of 1974 through the promulgation of an ordinance called the Members of the Public Service Commissions (Terms and Conditions of Service) Ordinance, 1978 (Ordinance No. XLVII of 1978). This ordinance was deemed to have taken effect from 22 July 1977 although the amendments made in this ordinance regarding salary, allowances and privileges of the

chairman/members of BPSC (established on 22 December 1977, were to be deemed to have taken effect from 1st July 1977, *i.e.*, the date from which the new national pay structure was made effective.¹⁴

The new national pay structure was once again modified in June 1985. Therefore, it became necessary to amend again some clauses of Act No. XXI of 1974 as well as of Ordinance No. XLVII of 1978 by promulgating an amendment ordinance called the Members of the Bangladesh Public Service Commission (Terms and Conditions of Service) (Amendment) Ordinance, 1985 (Ordinance No. XLVII of 1985) on 9 October 1985. Ordinance No. XLVII of 1985 was deemed to have come into force on 1st June 1985, *i.e.*, the date on and from which the modified new national pay structure was introduced.¹⁵ Subsequently some minor amendments of Act No. XXI of 1974 were also made through another ordinance (Ordinance No. XXVIII of 1988) published in the Bangladesh Gazette (Extraordinary) on 3 November 1988.

Hence the terms and conditions of service of the chairman/members of BPSC are at present regulated by provisions laid down in Act No. XXI of 1974, including the amendment provisions incorporated in the three subsequent amendment ordinances, *i.e.*, Ordinance No. XLVII of 1978, Ordinance No. XLVII of 1985 and Ordinance No. XXVII of 1988.

According to Act No. XXI of 1974 and its subsequent amendments, the chairman of BPSC is entitled to receive Taka 6000.00 as salary, Taka 400.00 as dearness allowance, and Taka 100.00 as medical allowance per month (with no tax on such salary and allowances payable to the government) which are equivalent to the salary and allowances received by the secretary to the government. In addition, the chairman is entitled to (i) a rent-free government accommodation or allowance of Taka 2500.00 per month; (ii) whole-time government transport on payment of Taka 200.00 per month; (iii) one telephone set at his residence with no charge for the rentals and calls; (iv) a sumptuary allowance of Taka 250.00 per month; and (v) re-imbursement of electricity and gas charges in the residence up to Taka 200.00 per month. The chairman is also entitled to such medical facilities for himself and his family members as are ad-

government servant, *i.e.*, a free cabin in government hospitals and all necessary free attendances/examinations (including all medical tests free of cost) by the physicians/specialists while under treatment in hospitals. Besides, a chairman of BPSC appointed from among persons outside the civil service or other public/semi-public organizations (*i.e.*, persons who receive no service pension) is entitled to a gratuity equivalent to one month's pay for each completed year as chairman in BPSC.

The monthly salary of a member of BPSC is fixed at Taka 5500.00, Taka 5700.00 or Taka 6000.00 depending on the last salary drawn by him or her in the previous post in the government or other organizations. A member who did not hold any government or other post previously normally receives Taka 5500.00 (fixed) per month. In addition, each member is entitled to the same benefits (*i.e.*, medical, accommodation or house rent at the rate of 40% of basic salary, transport, telephone, electricity, water, gas and gratuity) to which the chairman is entitled. His/her monthly sumptuary allowance is Taka 200.00.¹⁶

The "rank numbers" of the chairman/members of BPSC in the Warrant of Precedence tend to constitute an index of their status in relation to officials in the executive hierarchy. The existing Warrant of Precedence ranks the chairman of BPSC with a full secretary to the government, although the chairman of BPSC precedes everyone listed in that rank member, *i.e.*, number "17". But the rank number of the cabinet secretary in the Warrant of Precedence is "13" and that of the Attorney-General/Comptroller and Auditor-General is "16". On the other hand, members of BPSC have been given the rank number of an officer holding the status of an additional secretary (*i.e.*, number "21") but placed one rank below the officers actually holding the posts of additional secretaries to the government (*i.e.*, number "20").¹⁷

It should be noted here that the Royal Warrant of Precedence in effect before partition ranked the chairman of the Federal Public Service Commission (FPSC) as number "25" (which was one rank above a full secretary to the central government) and the members of the FPSC as number "29" (equal to a joint secretary to the central government). Chairmen of the provincial PSCs were ranked with the provincial chief secretaries (*i.e.*, number "28"), whereas the members of the same commissions

were ranked with the additional deputy secretaries to the central government (*i.e.*, number "45"). The Warrant of Precedence in United Pakistan, published through an extraordinary gazette notification of 9 March 1963, ranked the chairman of the Central Public Service Commission with a full secretary to the central government (*i.e.*, number "20") and the chairman of the provincial PSCs with the full secretaries to the provincial governments (*i.e.*, number "24").¹⁸

According to article 139 of the Constitution, the term of office of the chairman/members of BPSC is five years, or until they reach the age of sixty-two, whichever is earlier. They can be removed from office in like manner and on like grounds as a judge of the Supreme Court is removed. The procedure for the removal of a Supreme Court judge first requires a presidential order alleging misbehaviour, or infirmity of mind or body. This order then requires the approval of the Supreme Judicial Council to become effective. The Supreme Judicial Council is to be composed of the Chief Justice and two next senior judges of the Supreme Court.¹⁹

After the completion of a term of five years, a member of BPSC is not eligible for further employment in the government service, except the chairman who is eligible for re-appointment for an additional term and another member (other than the chairman) whose tenure can be renewed for an extra term or who may be appointed as chairman of BPSC, provided both of them have not reached the age of sixty-two.²⁰

As stated in the introductory section of this chapter, the Constitution and "democratic" political processes in Bangladesh were suspended twice during the last eighteen years of Bangladesh's history. The assassination of Sheikh Mujib on 15 August 1975 ushered in the first martial law regime with General Zia becoming ultimately the most powerful and effective leader. But the suspension of the Constitution did not change much the basic administrative structure of the country. Besides, certain important constitutional bodies such as the Supreme Court, BPSC, Election Commission, and the Office of the Comptroller and Auditor-General were allowed to function as usual under certain martial law regulations issued by both the martial law regimes.²¹ In other words, most constitutional

provisions relating to these constitutional bodies were kept in operation even if the Constitution was suspended.

Nevertheless, a void was created in view of the suspension of "democratic" political processes and the dissolution of Parliament during the periods under martial law regimes. In particular, political overseeing of such constitutional body as BPSC was conspicuously missing. The constitutional requirement of submitting the annual reports of BPSC before Parliament could not be effected.

It seems that General Zia's martial law regime (c. August 1975 – April 1979) did not interfere much with the organization and functioning of BPSC other than effecting perforce the merger of BPSC (First) and BPSC (Second) in December 1977. The appointing and removal powers in relation to the chairman/members of BPSC remained much the same as envisaged in the Constitution. The President continued to be the appointing authority and the removal of a member of BPSC was subject to procedures provided under article 96 of the Constitution originally adopted in 1972. The Supreme Judicial Council was revived in pursuance of clause (3) of Section 7 of Martial Law Proclamation Order No. 1 of 1977 issued on 23 April 1977.²²

It should be noted here that the Supreme Judicial Council had actually been abolished under provisions included in the Fourth Amendment of the Constitution made by the Awami League regime on 25 January 1975, *i.e.*, about eight months before the advent of the first martial law regime.²³

But the second martial law regime of General Ershad (c. March 1982 - November 1986) seemed unduly apt to interfere in matters of civil service management. The CMLA/President under the second martial law regime assumed the sole authority of appointing and removing a member of BPSC pursuant to the Proclamation of Martial Law of 24 March 1982.²⁴ Sub-paragraph (4) of Paragraph 10 of a schedule annexed to this Proclamation clearly stated that a member of BPSC may be removed from office by the President without assigning any reason. The CMLA/President did twice resort to this "removing power" and two members of BPSC (Dr. Abul Quasem and Dr. M.A. Halim) were removed by him from the Commission in 1985.²⁵ There is no precedent that such arbitrary removal of a

member of the PSC ever occurred in British India, United Pakistan, and during the years before 1985 in Bangladesh.

Structural changes such as slashing BPSC's membership, officers and other staff were also made by the second martial law regime as part of its bid to minimize administrative costs of the government machinery. The Martial Law Committee on Organizational Set-Up (MLCOS), formed in April 1982, recommended to fix BPSC's membership at six (including the chairman), reduce its officers and staff from 264 to 222, as well as to cut down expenditure on transport, accommodation, stationeries, and so forth. The MLCOS also suggested certain qualifications that the chairman and members should possess and prescribed the charter of duties of the chairman /members and other personnel of BPSC.²⁶

One should take note of the fact that the membership of BPSC had been fixed between six (minimum) and fifteen (maximum) by clause (2) of section 3 of Ordinance No. LVII of 1977 issued by the President in exercise of powers vested in him under article 138 of the Constitution. The slashing of BPSC's membership by the second martial law regime seems to have been a gross violation of statutory provisions incorporated in Ordinance No. LVII of 1977.

MEMBERSHIP

The Constitution has not specified any qualifications for the chairman/members of BPSC except a condition that not less than one-half of the members of the Commission should be from among persons who have worked in the government service for twenty years or more. In other words, this condition of the Constitution stipulates that at least one-half of the members of BPSC would be selected from among senior civil servants. They would at least be the university graduates in various disciplines.

But the qualifications of the members of BPSC from among persons outside the government service have not been specified in the Constitution. Presumably, the authors of the Constitution assumed that the concerned appointing authority would not deflect from a principle which the Lee Commission stressed while making the following observation as early as in 1924:

We would venture, however, to emphasize the paramount importance of securing as members of the Commission, men of the highest public standing, who will appreciate the vital and intimate relationship which should exist between the state and its servants. These Commissioners should be detached so far as practicable from all political associations and should possess, in the case of two of their number at least, high judicial and other legal qualifications. They should, we suggest, be whole-time officers and their emoluments should not be less than those of High Court Judges.²⁷

The Administrative and Services Reorganization Committee (ASRC), constituted in 1972 under the chairmanship of Professor Muzaffar Ahmed Chowdhuri, did specify certain qualifications for the non-official members of the PSCs. The ASRC underscored the need that a PSC's member drawn from the non-official category should normally be a graduate in arts and science and/or a person of high achievements in any of the branches of arts, science, or technical/business profession. It also suggested that one or two lady members with requisite qualifications might be appointed in the PSCs.²⁸

The MLCOS of 1982 probed in detail the structure and functions of BPSC. It made an observation by way of writing a specific report on BPSC that no criteria were being followed for the selection of chairmen/members of the PSCs in Bangladesh. The MLCOS stressed that the chairman of BPSC should be an eminent person with proven personal integrity and administrative ability, high academic attainments, and who held twenty years of service in class I position in the government or semi-government organizations in the rank of a secretary to the government. Preferably he should be a generalist civil servant having vast experience in the government service.²⁹

Similarly, the members of BPSC should normally be selected from among eminent persons with proven integrity, administrative ability, and high academic achievements. Members from the official category should consist of such persons who served in the government or semi-government organizations for at least twenty years, preferably in the rank and status of a secretary/additional secretary, whereas the members from educationist, scientist and other categories should be

persons of high distinction and professional excellence in such fields as medicine, engineering, law, journalism, business and education.³⁰

The MLCOS suggested that the membership of BPSC should be fixed at six (including the chairman) instead of the maximum number of fifteen members as provided under Ordinance No. LVII of 1977. Of the five members suggested by the MLCOS, one should be from among persons of retired judges of the Supreme Court or lawyers fulfilling the qualifications for being selected as judges of the Supreme Court; one from the scientific or technical fields, *e.g.*, retired professors or vice-chancellors of the universities or retired chief engineers; one from the medical profession (retired professors/principals of medical colleges); one from among renowned educationists and /or principals of colleges (including teaching colleges); and the remaining one should be selected from among the civil servants or retired military officers not below the rank of an additional secretary.³¹

It is true that predetermination of any qualifications for the chairmen/members of the PSCs had never been a tradition both in British India and United Pakistan. It was firmly believed by those who originally drafted the constitutional provisions relating to the PSCs that the appointing authorities would never deflect from securing as chairmen/members of the commissions persons of the highest public standing. They should be detached so far as practicable from all political associations.

But there are good reasons to believe that the appointing authorities in Bangladesh have not since liberation been guided by that principle which the Lee Commission of 1924 stressed in selecting persons for appointment as chairmen/members in the PSCs. Nor the authorities in Bangladesh seem to have been duly concerned in giving the chairmen/members of the PSCs their traditionally recognized freedom, status and service privileges.

Bangladesh Public Service (First) Commission

When BPSC (First) was set up in May 1972, of its first chairman and three founder-members, Chairman A.Q.M. Bazlul Karim³² was formerly a Professor in Soil Science at the University

of Dhaka. One member (Shiba Prashanna Lahiri) was an ex-government college principal; one an ex-EPCS officer (Alimdad Khan) and formerly a member of East Pakistan Public Service Commission (EPPSC); and the third member was an officer from one of the erstwhile Provincial Engineering Services (Aowlad Hossain).³² Notably, none was from the erstwhile CSP or from any of the former Central Services in Pakistan.

Chairman (Dr.) A. Q. M. Bazlul Karim had no previous experience in the government service. Nor was he known to have any special ability in the sphere of civil service management. However, the three founder-members seem to have been eminent persons in their respective fields of profession. Member Alimdad Khan was an ex-member of EPPSC. He also had served as secretary of EPPSC before becoming its member.³³

Until the establishment of the single commission (*i.e.* BPSC) on 22 December 1977, there were in all seven members appointed on different dates in BPSC (First) in addition to the three founder-members. They were Dr. Sheikh Mohammad Mobarak Hossain (an ex-medical college principal), appointed on 23 April 1973; A. B. M. Moksed Ali (an ex-private college principal), appointed on 14 November 1973; Abdul Hannan Chowdhury (an ex-EPCS in the judicial branch), appointed on 4 December 1973; Adeluddin Ahmed (an advocate of the Supreme Court), appointed on 26 November 1974; Shamsuddin Ahmed (an ex-EPCS and formerly the Secretary of the Bangladesh Ministry of Home), appointed on 18 April 1975; Hafez Habibur Rahman (an ex-teacher of political science in a private college), appointed on 7 August 1975, and Dr. Shafia Khatun (formerly an associate professor in the Institute of Education and Research or IER at the University of Dhaka), appointed on 26 July 1977.³⁴

The total membership of BPSC (First) stood at six immediately preceding the establishment of the single commission (BPSC) on 22 December 1977, namely, Dr. A. Q. M. Bazlul Karim (Chairman), A.B.M. Moksed Ali, A. Hannan Chowdhury, Shamsuddin Ahmed, Hafez Habibur Rahman, and Dr. Shafia Khatun.³⁵ Again, none was from the CSP or other Central Services.³⁶

Bangladesh Public Service (Second) Commission

Bangladesh Public Service (Second) Commission or BPSC (Second) came into being exactly on the same date (9 May 1977) on which BPSC (First) was established. It had a chairman and six founder-members appointed on 15 May 1972. The chairman's name was Mohiuddin Ahmed (an ex-PSP), who had formerly been an Inspector-General of Police (IGP) in East Pakistan. The names of the six founder-members were Mohammad Anawaruzzaman (ex-Chief Engineer of Construction and Building Department in East Pakistan); Bazlul Rahman (ex-PSP), formerly a Deputy Inspector-General of Police (DIGP) in East Pakistan; Ekramul Kabir (an ex-EPCS and formerly a deputy secretary); Joadur Rahman Jahid (ex-EPCS and formerly a deputy secretary); Santosh Bhushan Das (an ex-private college principal); and Begum Mahmuda Rahman (an ex-government girls school head mistress).³⁷

In all ten members (excluding the chairman) were appointed on different dates in BPSC (Second) between May 1972 to December 1977. Immediately before the establishment of BPSC on 22 December 1977, the total membership of BPSC (Second) was eight, namely, Mohiuddin Ahmed (Chairman), Joadur Rahim Jahid, Santosh Bhushan Das, Begum Mahmuda Rahman, Bipin Bihari Das (an ex-DIG of Prison), Ekramul Haque (ex-EPCS and formerly a deputy secretary), M. A. Awal (ex-PSP and formerly a DIGP), and Azharul Islam (advocate and an ex-member of Parliament).³⁸

It should be noted once again that BPSC (Second) was constituted specifically to conduct tests and examinations for the selection of persons for appointment in the non-gazetted services and posts (*i.e.*, class II, class III, and class IV services and posts) and to advise the President on certain service matters relating to these services and posts. Presumably, the position of BPSC (Second) in functional terms was not at par with that of BPSC (First) because the latter was assigned to conduct tests and examinations for the selection of persons in the class I gazetted services and posts (including some class II gazetted services and posts) and advise the President on specified service matters relating to class I services and posts.

The responsibility of BPSC (First) seemed therefore relatively of a higher nature.

Interestingly, however, it seems that the chairman and most members of BPSC (Second) were drawn from among persons relatively of higher public standing and distinguished service backgrounds. The chairman of BPSC (Second) belonged to the ex-PSP who entered the government service as a member of the Indian Police (IP) as early as in 1940. Two other members of BPSC (Second) were also drawn from among ex-members of the PSP.

Nevertheless, three members of BPSC (Second) seem to have been appointed largely on political considerations. Its founder-member Begum Mahmuda Rahman was merely an ex-school head mistress but she was the wife of an influential AL leader (Late Masihur Rahman) who had been a central government minister in Prime Minister H. S. Suhrawardy's Cabinet in 1956-1957. Another founder-member Santosh Bhushan Das was merely a private college principal prior to his appointment as a member of BPSC (Second). Advocate Azharul Islam was an AL member in Parliament immediately before he became a member of BPSC (Second).³⁹

Bangladesh Public Service Commission

After Ordinance No. LVII of 1977 came into force on 22 December 1977, which in effect provided for the establishment of a single commission in place of BPSC (First) and BPSC (Second), the newly established single commission called Bangladesh Public Service Commission (BPSC) comprised a chairman and eleven other members, namely, M. Moyeedul Islam (Chairman), A. B. M. Mokshed Ali, A. Hannan Chowdhury, Shamsuddin Ahmed, Hafez Habibur Rahman, Dr. Shafia Khatun, Ekramul Haque, M.A. Awal, Azharul Islam, Begum Mahmuda Rahman, Joy Gobinda Bhowmick, and Begum Azizun Nessa.⁴⁰

Dr. B. Karim, chairman of the defunct BPSC (First), completed his term of five years on 15 December 1977 and was replaced by Moyeedul Islam who in effect took over the chairmanship of the newly established BPSC with effect from 22 December 1977. M. Islam was formerly the Chairman of

Bangladesh Life Insurance Corporation which comprised several life insurance companies nationalized in 1972. Immediately before liberation he was the Managing Director of Pakistan Insurance Corporation whose headquarters was in Karachi.

It is not that Dr. Karim was unwilling to continue as chairman for an additional term. He did have the age to get an extension of his term. But the new regime of General Zia seemed not in favour of giving Dr. Karim such an extension. Perhaps Dr. Karim's close link with the AL regime cost him his chairmanship.⁴¹ He resumed teaching at the University of Dhaka immediately after leaving the chairmanship of BPSC (First).

Newly appointed Chairman M. Moyeedul Islam had never held a post in the civil service either in the Government of Pakistan or under any of the provincial governments. He had, however, served as an Instructor in Pakistan Military Academy in Kakul (West Pakistan) at about the same time General Zia had been a trainee in that Academy. It is generally believed that Moyeedul Islam's earlier acquaintance with General Zia helped him to secure the dignity of chairmanship of BPSC.

Ali, Chowdhury, Ahmed, Rahman, and Dr. Khatun, who had been members of BPSC (First), were reappointed as members of the newly constituted BPSC to serve for the unexpired periods of their respective terms of office. Similarly, Haque, Awal, Azharul Islam, and Begum Mahmuda Rahman, all previously of BPSC (Second), were reappointed to the new Commission for the remaining periods of their terms of office. Two new members, namely, Joy Gobinda Bhowmick (an ex-district sub-judge) and Begum Azizun Nessa (an ex-Joint Director of Public Instruction) were appointed for the full term of five years with effect from 22 December 1977.⁴² It is noteworthy that the membership of the new Commission drew none from the CSP.

Moyeedul Islam relinquished the chairmanship of BPSC on 21 December 1982 on completion of his term of five years. Although he had no previous experience in civil service management and never held a high civil post in the government, he was by no means an ineffective chairman. He ran BPSC better than before. He was known to be a man of high personal integrity and honesty as well as of intellectual knack. He also proved to be a man of commanding personality. The report goes

that he on many occasions faced boldly the authorities in the executive hierarchy in asserting the decisions of BPSC especially in those service matters in which BPSC ought to be consulted.⁴³

Moyeedul Islam was succeeded by Fayezeuddin Ahmed on 22 December 1982 who had been the Establishment Secretary of the Government of Bangladesh immediately before he became the chairman of BPSC. Fayezeuddin was an ex-EPCS. He joined the government service in 1948. He defected the service of the Government of East Pakistan and joined the government-in-exile in Calcutta during the war of liberation in 1971.

Fayezeuddin was the first chairman of a PSC in Bangladesh appointed from among the generalist civil servants. In fact, it was the general practice both in British India and United Pakistan to appoint the chairmen of the PSCs (both in the centre and the provinces) from among either senior or retired civil servants, mostly the generalist civil servants (*i.e.*, ICS, CSP, EPCS).

Besides, Fayezeuddin Ahmed was directly involved in civil service management as Establishment Secretary for about four years from September 1978 to December 1982. He also had held the secretaryship of some other important ministries/divisions before he took over the office of secretary of the Establishment Division in September 1978. He left BPSC on 31 May 1986 after reaching the age of sixty-two years.⁴⁴

Present Chairman S. M. Al-Hussein was appointed as Fayezeuddin Ahmed's successor on 1st June 1986. Al-Hussein graduated from Shibpur Engineering College (West Bengal) in or about 1950. He is the first technocrat civil servant appointed as chairman in a PSC in Bangladesh. He was the Managing Director of the Bangladesh Krishi Bank immediately before his appointment as BPSC's chairman. He also had been a member of the Bangladesh Planning Commission and had held secretaryships of some ministries/divisions of the Government of Bangladesh.

BPSC had a chairman and eleven other members at the time of its inception on 22 December 1977. During the period from January 1978 to December 1988, as many as twenty-six members held offices in BPSC on varying terms, excluding the three chairmen. But beginning in late 1978 the size of membership of BPSC gradually dwindled, mostly through the

exodus of some members after their terms of office expired. Besides, the martial law government of General Ershad took a decision in 1985 to fix the size of membership of BPSC at eight (including the chairmen) as part of its drive to minimize administrative costs.⁴⁵

A survey of the chairmen/members holding offices in BPSC from 1978 to 1988 has revealed that in December 1978 the BPSC comprised a total of ten members including the chairman, in December 1979 it consisted of a chairman and eight members, in December 1980 a chairman and five members and this size of six constituted a continuing pattern in December of 1981, 1982, and 1983. In December 1984, it had a total of seven members including the chairman. The membership has remained static at eight (including the chairman) from December 1985 to December 1988.⁴⁶

In December 1988, BPSC consisted of a chairman and seven other members, namely, S. M. Al-Husseiny (Chairman), Dr. Mohammed Abdur Raquib (formerly he was the Vice Chancellor of the University of Rajshahi), Brigadier (Retd.) A.K.M. Shamsul Islam (an ex-Director-General in the Education Directorate), Dr. Shafia Khatun (formerly a Professor of IER at the University of Dhaka), Badruddin Ahmed Chowdhury (an ex-Additional Chief Engineer of the Roads and Highways Department), Professor Mohammed Abul Hossain (an ex-Professor of Medical Colleges), Lt. Col. (Retd.) Khandakar Mahbubur Rahman (ex-Chairman of Bangladesh Parjatan Corporation), and Mohammed Abdul Hai (ex-EPCS and a retired Joint Secretary to the Government of Bangladesh).⁴⁷

Interestingly, no one from the erstwhile CSP has so far been appointed in BPSC either as chairman or a member. Except for the inclusion of only one member from the ex-PSP (M. A. Awal), even any members of other erstwhile Central Services have not yet been appointed as chairman or members of BPSC. This seems quite contrary to what had been the practice in United Pakistan. The PSC in the centre in particular from 1947 to 1971 drew chairmen/members mostly from the CSP and other Central Services.⁴⁸

It seems necessary to note once again that two members, namely, Dr. Abul Quasem and Dr. M. A. Halim, were removed from BPSC in 1985 by the President in exercise of an authority

conferred upon him under sub-paragraph (4) of paragraph 10 of a schedule annexed to the Proclamation of Martial Law of 24 March 1982. This authority empowered the President alone to remove a member of BPSC without assigning any reason. But article 96 of the Constitution, which remained under suspension when the President used this martial law authority, requires the approval of the Supreme Judicial Council before removing a member of BPSC.

Both Dr. Abul Quasem and Dr. M. A. Halim belonged to the medical service of the government. Dr. Quasem was removed on 27 January 1985 and Dr. Halim on 6 August in the same year. Dr. Quasem had previously served as Principal of the Dhaka Medical College. He was holding the post of President of Bangladesh Medical Association (a professional association of the medical practitioners) about the same time he was a member of BPSC from 16 July 1983 to 27 January 1985. Dr. Halim was an ex-Professor in Medical Colleges. He was an Additional Secretary in the Ministry of Establishment immediately before his appointment as a member of BPSC on 10 February 1985.⁴⁹

The government gave no reason whatsoever for removing both Dr. Quasem and Dr. Halim. But the story goes that Dr. Quasem was removed as he was holding an elective office of a national professional association especially at a time when the professional civil servants (*i.e.*, the members of the medical, engineering and agricultural services) were on strike in protest against disadvantageous service conditions offered to them under the existing service structure.⁵⁰ On the other hand, Dr. Halim was removed as he was not keeping in with his fellow colleagues in the Commission.⁵¹

ESTABLISHMENT

At present the headquarters of BPSC is located in the old airport building at Tejgaon in Dhaka. It was scattered at four different places in Dhaka until May 1984. At that time the offices of the chairman and most members (including secretary's office) were located in Chamery House at 17 Topkhana Road near the Bangladesh Secretariat. The offices of two members and the research section of BPSC were situated in a building (House

No. 30) within Dhanmandi Residential Area (DRA) at Road No. 2. The remaining two offices of BPSC (House No. 34 at Road No. 7 in DRA and the fourth floor of the Commissioner's Building at Segunbagicha) accommodated mostly the officers and other supporting staff, including a small library in the house at Road No. 7 in DRA.⁵²

Before the merger of the commission in December 1977, BPSC (First) had its establishment located in the houses at Road Nos. 2 and 7 in DRA, whereas the establishment of BPSC (Second) was located in Chemery House near the Bangladesh Secretariat and in the Commissioner's Building at Segunbagicha. In addition, BPSC (Second) also had three zonal offices in the three outlying divisional headquarters, *i.e.*, Khulna, Chittagong and Rajshahi.⁵³

Therefore, the establishment of BPSC immediately after the merger in December 1977 comprised the manpower, buildings and other resources of the former two commissions scattered at four different places in Dhaka and in the three outlying divisional headquarters. In effect, this dispersive pattern of the building spaces of BPSC continued until May 1984 when the government allotted to it the old airport building at Tejgaon with a view to locating at one place all the four separate offices in Dhaka.

Functional Units and Personnel

The business of BPSC in the headquarters is conducted in twelve such distinct sections as establishment section, accounts section, two service sections, two recruitment sections, examination section, confidential section, BCS cadre section, psychology section, research section, and library section. In addition, there are four separate zonal offices of BPSC in Dhaka, Khulna, Chittagong, and Rajshahi. The zonal office in Dhaka for Dhaka Division is located in the same building where the headquarters of BPSC is located.

BPSC has a senior-level officer, designated as secretary, who acts as a sort of chief executive officer of the Commission under the direct control of BPSC's chairman. He belongs to class I gazetted service and is placed in the fifth pay grade (*i.e.*,

Taka 3700-125-4825) of the modified new scales of pay, which is equivalent to the pay grade of a deputy secretary in the Secretariat.

Detailed responsibilities of BPSC's secretary include: (i) overall supervision of the working in various sections in the headquarters as well as in the zonal offices; (ii) receipt of all communications from various ministries/divisions and their attached departments; (iii) communication of BPSC's decisions regarding selection of candidates for appointment and promotion, recruitment rules, determination of seniority, discipline, and other matters on which BPSC ought to be consulted by various ministries/divisions/departments; (iv) handling of service matters of all non-gazetted employees of BPSC; (v) preparing working papers for and attending meetings of the Commission and to circulate minutes of the meetings to all concerned; (vi) attending to visitors to BPSC and furnishing information to them; (vii) attending meetings in the ministries/divisions on behalf of BPSC; (viii) maintenance and control of office vehicles and equipments; and (ix) carrying out all orders of BPSC.⁵⁴

BPSC's senior-most director Mohammed Mohsin is now holding the current charge of the office of BPSC's secretary. He took over this current charge on 23 February 1985 after the departure of Mirza Anawar Ahmed (an ex-EPCS) who held the secretaryship of BPSC since early 1981. Mohsin joined BPSC (First) as a director in 1975. He had served before in the Central Bureau of Education of the Government of Pakistan as a class I officer in such posts as publication officer and specialist. After liberation in December 1971, he joined the Bangladesh Ministry of Education as an officer on special duty. He underwent a three-month long overseas training in England in the field of "international personnel management" during the year of 1981.⁵⁵

It may be mentioned here that the secretaryship in the PSCs in United Pakistan (as well as at most time in Bangladesh until February 1985) had been held by officers on deputation from the government service, especially from such service cadres as CSP and EPCS (from ex-EPCS cadre in Bangladesh). The secretaryship of the PSC at central level in particular had always been held by a member of the CSP holding the rank and status

of a joint secretary to the central government. But in Bangladesh none above the rank of a deputy secretary has so far been appointed as secretary either in BPSC (First) or BPSC (Second) until December 1977 and in BPSC thereafter. Mohsin's predecessor Mirza Anwar Ahmed had served as a senior deputy secretary in the Bangladesh Secretariat before joining BPSC as its secretary in early 1981.

Moreover, there is no standing government order in Bangladesh that BPSC's secretary would be granted the rank and status of a secretariat officer (*e.g.*, deputy or joint secretaryship) if the incumbent of the post is selected from among persons outside the secretariat officers.⁵⁶

In the headquarters of BPSC in Dhaka, there are until December 1988 three senior officers, of whom two are designated as director and the remaining one as psychologist, who work under the overall supervision of the secretary. In fact there are three posts of director in the headquarters including the substantive directorship of Mohammed Mohsin who has been holding as well the current charge of BPSC's secretaryship since February 1985. He has under his direct administrative control one deputy secretary in-charge of administration, accounts and enquiry.

Of the two directors in the head office, one is in charge of examinations. He is assisted by three deputy directors. One of the three deputy directors looks after the examination sections, one deals with confidential matters, and the other oversees matters of the cadre services. Each of the three deputy directors in charge of examinations, confidential matters, and cadre services has two subordinate officers designated as assistant director.

The other director in the head office looks after two such sections as recruitment and services. He has under him two deputy directors, one research officer, four assistant directors, and two junior research officers. The psychologist, assisted by a junior psychologist, has a small office of four personnel.⁵⁷

In addition, BPSC also has four directors in charge of the four zonal offices. Each of the four zonal directors is assisted by an assistant director and other necessary subordinate staff. The

private secretary to the chairman of BPSC in the head office is also an officer designated as assistant director.⁵⁸

Thus, the host of BPSC's officers and staff includes a secretary in the fifth pay grade, who works as a sort of chief executive officer of the Commission; one psychologist and six directors (including four zonal directors) in the sixth pay grade (Taka 2800-125-4425); one deputy secretary, one research officer, and six deputy directors in the eleventh pay grade (Taka 1650-100-2250-EB-110-3020). All these sixteen officers belong to the class I gazetted service. BPSC's class II gazetted officers include fourteen assistant directors (including four zonal assistant directors) and two junior research officers who have been placed in the twelfth pay grade (Taka 1350-90-2250-EB-100-2750). In addition, BPSC has 141 class III and 57 class IV non-gazetted staff in the head office and four zonal offices.⁵⁹

It should be noted that the existing national pay structure in Bangladesh consists of twenty national pay scales ranging from the lowest Taka 500 to highest Taka 6000. These scales are officially called Modified New Scales of Pay (MNSP) and have been given effect from June 1985. The MNSP covers almost all employees and officials in the government service including those who work in various corporations, autonomous and semi-autonomous bodies, nationalised banks and financial institutions (See Table 5.1).

The strength of staff in each of the four zonal offices varies depending on the varying functional needs in each office. In December 1988, the total number of staff (including a director and one assistant director) in each of the Khulna and Rajshahi Zonal Offices was nineteen, whereas it was twenty in the Dhaka Zonal Office and eighteen in the Chittagong Zonal Office.⁶⁰

The main objective of establishing the three zonal offices in the outlying divisional headquarters (*i.e.*, Chittagong, Khulna and Rajshahi) is to ensure easy access to BPSC's services to all persons (including those who work in the government service) who live in and around these places but who perforce seek employment, promotion, or disposition of certain personnel matters. In so doing the zonal offices actually afford much financial relief and time-saving to many potential candidates and working government employees who would otherwise have to come to Dhaka from remote corners of the country. More

specifically, the functions of the zonal offices include disseminating from time to time general/specific information regarding job prospects in the government service, supplying application forms to persons seeking employment in the government service, sifting applications received at the zonal offices, issuing letters of interview or admit cards, arranging competitive examinations/interviews, and so forth.⁶¹

Table 5.1
Twenty National Scales of Pay

<i>Pay Grade</i>	<i>Scales of Pay</i>
I	Taka 6000 (Fixed)
II	Taka 5700 (Fixed)
III	Taka 4750-150-5500
IV	Taka 4200-150-5250
V	Taka 3700-125-4825
VI	Taka 2800-125-4425
VII	Taka 2400-120-3600
VIII	Taka 1850-110-2620-120-3220
IX	Taka 1650-100-2250-EB-110-3020
X	Taka 1350-90-2250-BE-100-2750
XI	Taka 1000-70-1560-EB-90-2280
XII	Taka 900-65-1550-EB-75-2075
XIII	Taka 850-55-1400-EB-60-1700
XVI	Taka 800-50-1300-EB-55-1630
XV	Taka 750-45-1200-EB-50-1550
XVI	Taka 700-40-1100-EB-45-1415
XVII	Taka 650-35-1000-EB-40-1280
XVIII	Taka 600-30-900-EB-35-1110
XIX	Taka 550-25-725-EB-30-965
XX	Taka 500-20-860

Note: The abbreviation EB stands for 'efficiency bar'.

Although there is also a separate zonal office meant for Dhaka Division, providing the same services as other zonal offices do to persons living within the jurisdiction of this Division, it is structurally an integral part of the headquarters and works side by side with the personnel of the latter. It is located within the same premises of BPSC's existing head office.

BPSC also has a small library in the same building where its head office is located with one librarian, one assistant librarian, and a cataloguer, all non-gazetted staff of the Commission.⁶²

Therefore, in terms of a class-wise break-up of all the existing officers and staff, BPSC consists of 16 class I gazetted officers, 16 class II gazetted officers, 141 class III non-gazetted staff, and 57 class IV non-gazetted employees. The grant total of all officers and staff of BPSC stands at 230 until December 1988.⁶³

When the two commissions were amalgamated in December 1977 to form the existing BPSC, the latter at that time had a sanctioned strength of 35 gazetted officers (class I and class II) and 208 non-gazetted staff (class III and class IV) in the headquarters, plus 3 class II gazetted officers and 63 non-gazetted staff in the three zonal offices. In all there were 309 sanctioned posts of officers and staff in BPSC.⁶⁴

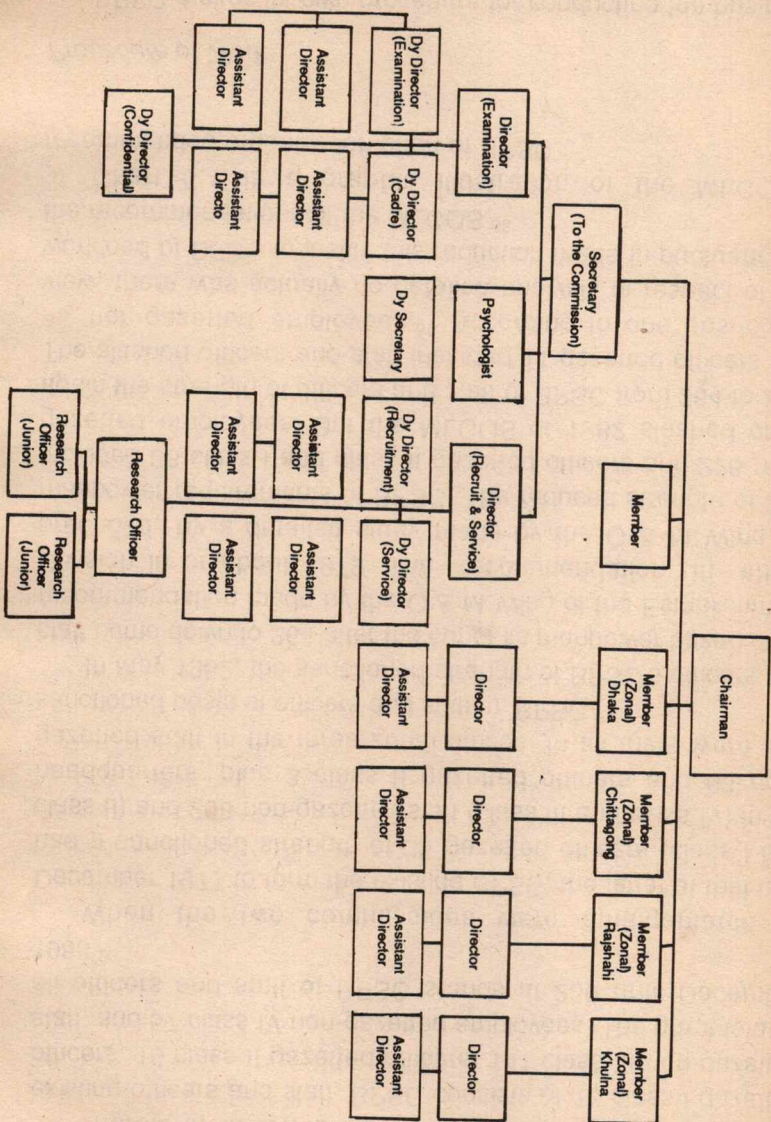
In May 1982, the sanctioned strength of BPSC's officers and staff came down to 264 after the cut of its manpower based on a recommendation made by the O & M Wing of the Establishment Division in or about 1979. The recommendation in effect preceded by a detailed study made by the O & M Wing on manpower requirements of BPSC. The reduced strength of 264 included 36 class I and class II gazetted officers and 228 non-gazetted employees. But the MLCOS of 1982 slashed once again the strength of officers and staff of BPSC from 264 to 215. The slashed officers and staff included 11 gazetted officers and 45 non-gazetted employees.⁶⁵ According to one observer's view, there was actually no detailed analysis in respect of the workload of BPSC to justify this reduction made in pursuance of the recommendations of the MLCOS.⁶⁶

Chart 5.1 is a graphic illustration of the MLCOS's recommended organisation chart of BPSC.

Procedure of Work

BPSC makes its own procedure for conducting the business pertaining to recruitment and other service matters. It draws elaborate schedules specifying the distribution of work among its members, including the officers and staff. Necessary orders making the work schedules and specifying the distribution of

Chart 5.1
Bangladesh Public Service Commission
(MLCOS's Recommended Chart)

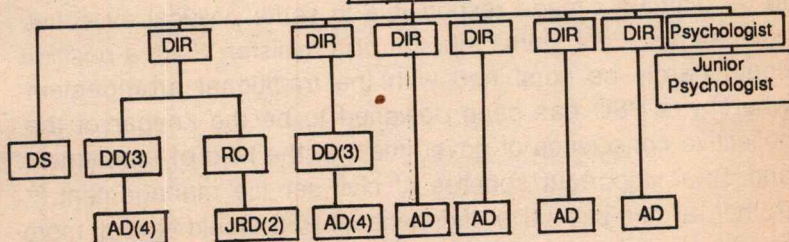


work are made by the chairman after due consultation with all other members.⁶⁷

According to the existing procedure of work, each member is entrusted with the responsibility of selecting personnel (both fresh recruits and promotees) pertaining to a group of ministries/divisions and their attached departments and subordinate offices. Each of the four zonal offices is also placed under the administrative control of a member. While all the existing eight members (including the chairman) share the work of continuous recruitment of various categories of personnel through participating in interviews and/or *viva voce* tests, a select number of the members divide among themselves additional functions relating to such other service matters as framing of recruitment rules, disciplinary actions, *inter se* seniority of the civil servants, and departmental examinations, depending on the magnitude of their existing recruitment functions and the special skills that they might have in relation to these and other service matters. The chairman has, however, the overall control over BPSC's administration and policy-making.⁶⁸

The overall staffing and structural pattern of BPSC is shown in chart 5.2.

Chart 5.2
Bangladesh Public Service Commission
(Staffing Pattern)



Abbreviations

DIR - Director
DS - Deputy Secretary
DD - Deputy Director

RO - Research Officer
AD - Assistant Director
JRO - Junior Research Officer

Note : Numericals within parentheses indicate the strength of members/officers with same designations. This chart is based on information collected in 1988. No effort is made to update this chart to reflect changes which might have taken place after December 1988.

RELATIONS WITH GOVERNMENT

The mode of relationship between a PSC and the government has been a controversial issue ever since the establishment of the "first" public service commission in British India in 1926. The protagonists of an independent "executive" commission have always been stressing that the PSC should be genuinely an independent body. It should have extensive power in the field of civil service management as well as in such spheres as its own staffing and finance. The chairman/members of a PSC should have direct access to the head of government (president or prime minister) whenever they wish such a course in settling their disputes with the authorities in the executive hierarchy and/or any issues having bearing on the procurement of such provisions as adequate staff and finance to enable them discharge their tasks as effective commissioners. In other words, exponents of a genuinely independent PSC have been arguing that the PSC should be a high-powered body having an edge on the authorities in the executive hierarchy.⁶⁹

Whatever advantages there might be in that course, that to charge the PSC with powers and functions similar to those of an authority in the executive hierarchy (*i.e.*, a ministry/division) would bring the former too much into the arena of public business and so would tend to undermine the position of independence it has succeeded in maintaining for itself. In the capacity of government's general "house-keeper", it would have to be ultimately made responsible to some political executive such as president, prime minister or a minister. Such a position could hardly be combined with the traditional arrangement whereby a PSC has been designed to be the keeper of the collective conscience of government in the field of recruitment and other important spheres of civil service management.⁷⁰ Rather, a "non-executive" independent PSC would fit itself more appropriately into such role as "the keeper of the collective conscience of government". The opponents of independent "executive" PSCs have been arguing that any extension of the powers and functions of a PSC must lie within the same independent but advisory field as envisaged by those who drafted the original provisions relating to PSCs.⁷¹

Although Schedule I of the Rules of Business of the Government of Bangladesh has listed BPSC as one of the organizations whose such matters as adequate staff and finance are part of the business of the Ministry of Establishment, the former can by no means be considered an attached or subordinate organization of the latter. In fact, BPSC is a constitutional body and the Establishment Ministry is its administrative agency. Establishment Ministry's role as an administrative agency is reflected through such processes as extending to BPSC all necessary assistances in discharging its constitutional responsibilities in the field of recruitment and other specified service matters, ensuring that BPSC's recommendations are not overlooked by various ministries/divisions and their attached departments/offices, and attending to provide for adequate staff and finance.⁷²

In fact, BPSC's relations with the government are siphoned through the Establishment Ministry. Consistent with a standing convention, it is expected that the chairman/members of BPSC should not approach the President or resolve differences with the ministries/divisions except through the Establishment Ministry. BPSC, however, can deal directly with the ministries/divisions in respect of certain service matters provided such relations have been allowed by prior orders made by the Establishment Ministry, or which do not have any bearing on contravening any existing service regulations laid down by that Ministry. Normally all references to BPSC must be made in an official letter addressed to the secretary of BPSC. A ministry/division must also inform BPSC as to what action it has taken on any recommendation given by the latter in relation to a service matter. When a difference arises which cannot be settled mutually between a ministry/division and BPSC, it must be referred to the Establishment Ministry which takes up the matter with the President for final orders.⁷³

Therefore, BPSC is kept by the Establishment Ministry in a strictly formal position. It is not unlikely that this seemingly circumvented position of BPSC might often give rise to frictions if the Establishment Ministry's general responsibility for civil service management cannot be readily distinguished from BPSC's constitutionally guaranteed role in the field of recruitment and other specified spheres of civil service

management. Occurrences of "friction" seem most likely especially in a country like Bangladesh where nepotism and political interferences in recruitment and civil service management are typical features.⁷⁴

According to views expressed by a senior official, although the Establishment Ministry has an "edge" in terms of administrative overseeing of some important matters of BPSC, the former does not normally influence the latter in the discharge of its constitutionally assigned functions. Rather, the Establishment Ministry helps the 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 concerning such service matters on which BPSC has a constitutionally guaranteed role.⁷⁵ The recommendations of BPSC are accepted as a matter of course, though the ministries/divisions reserve the right not to accept all recommendations. In fact, each case of refusal by the ministries/divisions to accept the recommendations of BPSC is reflected in the annual reports which the latter submits to the President to be ultimately laid before Parliament. Seemingly, the device of BPSC's relationship with the Establishment Ministry, which in effect acts as the "hierarchical" central personnel agency, is an expedient measure designed to ensure an overall operational view in the sphere of civil service management.⁷⁶

Notes

1. See Syed Giasuddin Ahmed, *Public Personnel Administration in Bangladesh*, Dhaka, University of Dhaka, 1986, p. 195.
2. *Ibid.*
3. Article 56 of the Constitution of the People's Republic of Bangladesh (hereinafter cited as the Constitution of Bangladesh).
4. See S. G. Ahmed, "The First Decade of Political History of Bangladesh", in *Proceedings of the Fourth International Symposium on Asian Studies*, 1982, Vol. IV (South and Southeast Asia), Hong Kong, Asian Research Service, 1982, pp. 511-519.
5. See S. G. Ahmed and M. M. Khan, "Bangladesh", in V. Subramaniam, ed., *Public Administration in the Third World*, Connecticut, Green Wood Press, 1990, pp. 17. 41.

6. *Ibid.* For political and other related developments of the years 1986, 1987 and 1988 in chronological order, see *Bichitra* (Bengali weekly), 2 January 1987, pp. 25-66; *Bichitra*, 8 January 1988, pp. 11-34; *Bichitra*, 6 January 1989, pp. 7-33; *The Bangladesh Observer*, 1 January 1987, p. 9; *The Bangladesh Observer*, 1 January 1988, p. 7; and *The Bangladesh Observer*, 1 January 1989, pp. 8-9.
7. *Ibid.* It should be noted here that the Fifth Amendment of the Constitution adopted in Parliament on 6 April 1979 also legalized acts and orders made by General Zia's martial law regime during the period from 15 August 1975 to April 1979; see Appendix XXV in the Constitution of Bangladesh.
8. Ministry of Law and Parliamentary Affairs, *Handbook of Proclamations and Martial Law Regulations, 1975* (as modified up to 7 April 1979), Dhaka, Government Printing Press (GPP), 1980, pp. 1-2; Ministry of Law and Justice, *Handbook of Proclamations, Martial Law Regulations and Orders, 1982* (as modified up to 31st October 1984), Dhaka, GPP, 1985, pp. 7-8.
9. See article 141 in the Constitution of Bangladesh.
10. See article 142.
11. Cf. section 3(2) in Ordinance No. LVII of 1977 published in *The Bangladesh Gazette*, 28 November 1977.
12. Cf. S. G. Ahmed, "Public Service Commission in Pakistan (1947-1971)", *Pakistan Administration*, Vol. XXII, No. 2, 1985, pp. 88-89.
13. One may argue that the phrase "in his own discretion" had no significance in British India as there existed practically no scope for political influences in the field of recruitment and civil service management. Even the role of the indigenous political elements in the polity in the 1920s and after seemed ineffective in view of the "special responsibilities" of the governor-general/provincial governors. In Pakistan, under the 1956 constitution, the president was to act as titular head of state. He was to be elected by an electoral college consisting of the members of the national assembly and the two provincial assemblies (see article 32). In a situation when a single political party had an absolute control over the assemblies (which was not the case in Pakistan in reality), it was more unlikely that the president could have exercised his discretionary powers effectively. The phrase "in his own discretion" was however omitted from the 1962 constitution because of the fact that the president under that constitution was the head of both state and government. He was also intimately linked with national politics as he was supposed to contest elections for the presidency as a nominee of a political party.
14. Full text of Ordinance No. XLVII of 1978 was published in *The Bangladesh Gazette (Extraordinary)* 21 November 1978. The text of Act No. XXI of 1974 was reprinted in Establishment Division, *The Establishment Manual*, Vol. I, Dhaka, Bangladesh Government Press (BGP), 1980, pp. 104. A minor amendment of Act No. XXI of 1974 was made in the same year through the passage of Act No. LXV, which may be seen in *The Establishment Manual*, Vol. I, p. 106.

- 144 Bangladesh Public Service Commission
15. Full text of Ordinance No. XLVII of 1985 was published in *The Bangladesh Gazette (Extraordinary)*, 9 October, 1985.
16. See Act No. XXI of 1974 (including Act No. LXV of 1974) and its subsequent amendments.
17. See Cabinet Division, *Warrant of Precedence*, 1986, Dhaka, BGP, 1986.
18. See Ralph Braibanti, *Research on the Bureaucracy of Pakistan*, Durham, N. C., Duke University Press, 1966, pp. 120-122. No citation is made in this source about the rank number of a member of the Central Public Service Commission (CPSC). However, a former member of the CPSC (now living in Dhaka) has informed this author that a member of the CPSC was given the rank of a joint secretary to the central government in Pakistan.
19. See article 96 of the Constitution of Bangladesh.
20. See article 139 (4).
21. See *Handbook of Proclamations and Martial Law Regulations*, 1975 and *Handbook of Proclamations, Martial Law Regulations and Orders*, 1982.
22. See Appendix XVII in the Constitution of Bangladesh.
23. See Appendix IV in the Constitution of Bangladesh.
24. See *Handbook of Proclamations, Martial Law Regulations and Orders of 1982*, pp. 7-8.
25. See *The Bangladesh Observer*, dated 31 January 1985.
26. *Report of the Martial Law Committee on Organizational Set-up (Report of the MLCOS)*, Phase II, Volume II, Part II, Chapter: Public Service Commission, Dhaka, BGP, 1982, pp. 1-6. The government however increased BPSC's membership from six to eight in 1985.
27. *Report of the Royal Commission on the Superior Civil Services in India* (Chairman: Viscount Lee of Fareham), Cmd. 2128, London, 1924, p. 14.
28. *Report of the Administrative and Services Reorganization Committee (Report of the ASRC)*, Part I: *The Services*, 1973, p. 69.
29. *Report of the MLCOS*, p. 4.
30. *Ibid.*
31. *Ibid.*
32. BPSC (First), *Annual Report for 1972*, Dhaka, BGP, 1973, pp. 1-2.
33. See Appendix E in this book for further details.
34. *Ibid.*
35. BPSC, *Annual Report for 1977*, Dhaka, pp. 12-13.
36. See Appendix E in this book for further details.
37. BPSC (Second), *Annual Report for 1972*, Dhaka, 1973, pp. 1-2.
38. BPSC, *Annual Report for 1977, Dhaka, 1978*, pp. 231-232. Also see Appendix F in this book for further details.
39. See appendix F in this book for further details.

40. BPSC, *Annual Report for 1977*, Dhaka, 1978, pp. 1-2.
41. This assumption is based on an interview with Dr. A.Q.M. Bazlul Karim.
42. BPSC, *Annual Report for 1978*, Dhaka, 1979, p.1
43. This impression is based on interviews with Moyeedul Islam as well as with others who worked under Chairman Islam.
44. See BPSC, *Annual Report for 1986*, Dhaka, 1987, p.1.
45. Information on BPSC's membership was supplied by the Ministry of Establishment.
46. See BPSC, *Annual Reports for 1978 to 1986*, Dhaka, 1979 - 1987.
47. See Appendix G in this book for further details.
48. Cf. Appendices A and B in this book.
49. See Appendix G in this book for further details.
50. For a selected list of demands placed before the government by the aggrieved professional civil servants, see *The Bangladesh Observer*, 25 December 1986.
51. The author gathered this information from a reliable source.
52. See S. G. Ahmed, *Public Personnel Administration in Bangladesh*, pp. 293 -294.
53. *Ibid.*
54. See *Report of the MLCOS*, p. 10.
55. See BPSC, *Annual Report for 1981*, Dhaka, 1982, p. 2.
56. The Bangladesh Public Service Commission (Officers and Employees) Recruitment Rules, published in *The Bangladesh Gazette (Extraordinary)* on 22 April 1982, provide in clear terms that the secretary of BPSC should be selected from among suitable officers of the government service. There remains however a scope for selecting one of the directors of BPSC for that post until the availability of such a government officer.
57. Information on establishments, officers and staff of BPSC was supplied by the Ministry of Establishment and Bangladesh Public Service Commission.
58. *Ibid.*
59. *Ibid.*
60. See BPSC, *Annual Report for 1988*, Dhaka, 1989, pp. 59-62.
61. *Ibid.*, pp. 51-52.
62. *Ibid.*, pp. 51-52, 59-62.
63. *Ibid.*
64. See A. K. M. Hedayetul Huq, "Role of the Public Service Commission in the Recruitment of Personnel in Bangladesh", in *Career Planning in Bangladesh*, Dhaka, Bangladesh Public Administration Training Centre, 1986, p. 82.
65. See *Report of the MLCOS*, p. 6.

66. A. K. M. Hedayetul Huq, 82.
67. See BPSC, *The Bangladesh Public Service Commission (Conduct of Business) Rules, 1981*, Dhaka, BGP, 1981, pp. 1-5; S. G. Ahmed, *Public Personnel Administration in Bangladesh*, pp. 294-295.
68. *Ibid.*
69. See Sir W. R. Barker's Memorandum submitted to the Indian Statutory Commission, Vol. XV: *Extracts from Official Oral Evidence*, London, His Majesty's Stationery Office 1930, pp. 191-211.
70. Cf. *Reports on the Reorganization of The Central Government, 1945-46* (reprinted as *Tottenham Reports* by National Institute of Public Administration, Karachi, 1963, pp. 82-83.)
71. *Ibid.*
72. This represents the view of the senior officials of the Ministry of Establishment.
73. Cf. S. G. Ahmed, *Public Personnel Administration in Bangladesh*, pp. 295-296.
74. *Ibid.*
75. This description on BPSC's relations with the government is based on opinions expressed by Establishment Secretary M. S. H. Chishty in interviews with him.
76. See S.G. Ahmed, *Public Personnel Administration in Bangladesh*, pp. 297-298.

CHAPTER SIX

NATURE AND SCOPE OF FUNCTIONS

The powers and functions of public service commissions (PSCs) both at central and provincial levels in British India had by no means been extensive notwithstanding the intention of the Lee Commission to give such commissions wide powers so that recruitment and other service matters could be insulated from partisan considerations. The functional responsibilities of PSCs both in Pakistan and India after 1947 have largely been designed in keeping with what the authorities in British India had envisaged. In Bangladesh, it seems that the tradition has been maintained more or less intact.

The purpose of this chapter is to probe in detail the powers and functions of Bangladesh Public Service Commission (BPSC).

CONSTITUTIONAL BASIS

The basic functions of BPSC have been enumerated in clear terms in article 140 of the Constitution of Bangladesh. In short, the article provides that it shall be the duty of a public service commission (a) to conduct tests and examinations for the selection of suitable persons for appointment to the civil service of Bangladesh; (b) to advise the President on any service matter on which the PSC is consulted under clause (2) of article 140 or on any matter connected with its functions which is referred to the PSC by the President; and (c) to perform such other functions as may be prescribed by law.

Appendix H is an extract of Chapter II of Part IX of the Constitution on PSCs which contains basic provisions relating to the composition and functions of a PSC or PSCs in Bangladesh.

Clause (2) of article 140 provides that the President shall, subject to any law made by Parliament and any regulation which may be made by the President (after due consultation with BPSC), consult BPSC with respect to (a) matters relating to qualifications for and methods of recruitment to the civil service

of Bangladesh; (b) principles to be followed in making appointment to that service and promotions and transfers from one branch of the service to another, and the suitability of candidates for such appointments, promotions and transfers; (c) matters affecting the terms and conditions (including pension rights) of that service; and (d) the discipline of the civil service.

In essence, the main objective of including the provisions in the Constitution relating to the functions of BPSC is to ensure that the Commission discharges its powers and functions on a firm basis, as well as without fear and favour, especially in respect of such important service matters as recruitment, promotion, service seniority, and discipline.

Extra-Constitutional Basis

It should be noted, however, that the exercise of functions by BPSC under clauses (1) and (2) of article 140 of the Constitution seems to have been somewhat circumscribed by a set of regulations called the Bangladesh Public Service Commission (Consultation) Regulations issued by the President on 27 October 1979.¹

Regulation 3 of the Bangladesh Public Service Commission (Consultation) Regulations of 1979 (hereafter cited as the BPSC Consultation Regulations of 1979) provides in clear terms that it shall not be necessary to consult BPSC in regard to any matter mentioned in sub-clauses (a) and (b) of clause (2) of article 140 of the Constitution in the case of (i) the services and posts specified in Schedule I of the BPSC Consultation Regulations of 1979; (ii) the posts appointment to which requires the specific order of the President under the Rules of Business of 1975.²

However, the provisions of Regulation 3 of the BPSC Consultation Regulations of 1979 do not apply to any proposal for (i) alteration of the existing qualifications prescribed for entry into any service, department or office, or branch of any service under the government; and (ii) prescription of the qualifications for entry into new services or posts under the government.³

Regulation 4 of the BPSC Consultation Regulations of 1979 further provides that it shall not be necessary to consult BPSC with regard to the selection for appointment (a) to a class I

service or post of any officer who is already a member of a class I service or holding a class I post; (b) to any civil service or post of any officer or member of any of the defence services on secondment or contract after retirement or release; (c) to a class II service or post of any officer by transfer from another class II service or post; (d) to a civil service or civil post which is, or is declared by the government to be, a lower subordinate service or, as the case may be, a lower subordinate post; (e) to a post in New National Pay Scales Nos. XIX and XX (*i.e.*, Taka 550-965 and Taka 500-860); (f) to a post in a divisional office, a district or a subordinate office to which the appointment may be made by the head or other officer of the office, excepting the post which is filled by the heads of departments on centralized basis; (g) to a class III service or post in New National Pay Scales Nos. XIII to XVIII (*i.e.*, Taka 850-1700, Taka 800-1630, Taka 750-1550, Taka 700-1415, Taka 650-1280, and Taka 600-1110; and (h) to the services and posts specified in Schedule I otherwise than in accordance with methods mentioned in (a) and (b) above.⁴

In addition, regulation 5 of the BPSC Consultation Regulations of 1979 provides that, notwithstanding anything contained in regulation 4, consultation with BPSC would not be necessary in respect of such cases as (a) selection for appointment to any post where the recruitment being made from outside Bangladesh and the approval of the President has been obtained to such recruitment; (b) selection for appointment to civilian posts under the Ministry of Defence, except educational posts in training institutions and appointments under the Meteorological Department; (c) selection for appointment to a post if the officer to be appointed is not likely to hold the post for more than six months and BPSC has not been able to recommend a suitable candidate within 15 days after being asked to do so (if it is the case that BPSC has been consulted and has not consented to such appointment, such officer shall not hold the post or any other post in continuation of it for more than six months); and (d) re-employment of superannuated officers on contract basis.⁵

Over and above, the BPSC Consultation Regulations of 1979 have specifically provided that consultation with BPSC shall not be necessary (i) in any disciplinary matter except

before passing any order of imposing the penalty of removal, dismissal or compulsory retirement from service or reduction in rank of a class I or class II gazetted officer; (ii) in any disciplinary matter relating to civilians appointed to posts connected with defence (notwithstanding anything contained in regulation 6); (iii) in cases of promotion within the same class of service; (iv) with regard to any appointment to a part-time post; (v) with regard to termination of probation of any person; (vi) with regard to the discharge or reversion of any officer otherwise than as a penalty; (vii) with regard to termination of employment of any person in accordance with the terms of his contract employment; (viii) with regard to the imposition of any penalty laid down in any rule or order for failure to pass any test or examination within a specified time; and (ix) with regard to appeals, reviews and memorials in disciplinary cases.⁶

It seems clear from the foregoing discussions that the BPSC Consultation Regulations of 1979 and their subsequent amendments have been basically designed to limit broad functional responsibilities which the Constitution originally conferred upon BPSC. According to the provisions of the BPSC Consultation Regulations of 1979, the authorities in the executive hierarchy are now in no way obliged to consult BPSC in such important matters as recruitment, promotion and discipline of persons in the class III and class IV services and posts. In effect, the bulk of the government employees belong to these two categories. One may also have an impression that the role of BPSC in matters of recruitment, promotion and discipline of persons in the class I and class II services and posts seems to have been circumscribed by the provisions of the BPSC Consultation Regulations of 1979 as well.

It should be noted here that the Bangladesh Civil Service (BCS) Recruitment Rules, issued in January 1981, have provided no effective role of BPSC in regard to appointment on promotion of class I civil servants. Because, according to the BCS Recruitment Rules, BPSC seems only concerned with the function of direct recruitment of persons into the class I services/posts from outside and promotion from class II to class I services/posts from within. Rule 5 of the BCS Recruitment Rules of 1981 provides in clear terms that an appointment on promotion to a specified post of a class I service shall be made

on the recommendation of the Council Committee on Promotion, Superior Selection Board, or the Special Promotion Committee, as the case may be, constituted by the government in this behalf.⁷

Moreover, Schedule I of the BPSC Consultation Regulations of 1979 has specified a good number of class I and class II gazetted posts under various ministries/divisions and departments which can be filled by fresh recruits without the consultation of BPSC. In other words, BPSC is only responsible for arranging tests and examinations for the selection of persons for appointment to the entry posts of the thirty cadre services and for such non-cadre class I posts which have not been taken away from the purview of BPSC. Besides, appointments on promotion to posts in the class I services/posts are filled by the promotees from the class II services/posts on recommendation of BPSC.

In Bangladesh, the total number of class I and class II civil servants serving in the ministries/divisions within the Secretariat and in the departments/directorates outside the Secretariat was estimated at 38,214 as on 1st January 1987. This total included 27,778 class I civil servants and 10,436 class II civil servants. The sanctioned posts (*i.e.* 49,861) were much higher than the existing civil servants (*i.e.* 38,214). The total government officials and employees in all the four classes (I, II, III, IV) were estimated at 658,368 as on 1st January 1987 as against sanctioned posts of 739,007. The grand total of the existing officials and employees in the government as well as in the autonomous bodies and corporations was 1,090,333 as against the sanctioned posts of 1,225,784 (see Table 6.1) as on 1st January 1987.

It is needless to point out here that the relevant provisions purporting to enable the authorities in the executive hierarchy to make certain types of appointments without consultation with BPSC, including a constitutional authorization reposed in that hierarchy to make regulations with a view to excluding perforce appointments and other service matters from the purview of BPSC, is part of a long-standing tradition. In the subcontinent, the genesis of this special measure may be traced back to the Federal Public Service Commission (Consultations by the Governor-General) Regulations promulgated in April 1937.⁸ After

the partition of British India in 1947, a similar provision was made in law both in India and United Pakistan, thereby enabling the respective governments to make regulations for excluding certain cases or types of cases from the purview of the PSCs.⁹

Table 6.1
Total Number of Civil Officials and Employees in
Government Offices, Corporations and Autonomous
Bodies in Bangladesh as of January 1987

Class	Ministries/Divisions (Secretariat)		Departments/Direc- torates.		Autonomous Bodies/ Corporations		Total	
	Sanc- tioned	Exist- ing	Sanc- tioned	Exist- ing	Sanc- tioned	Exist- ing	Sanc- tioned	Exist- ing
1	2	3	4	5	6	7	8	9
Class-I... ..	1,836	1,631	34,830	26,147	41,544	36,295	78,210	64,073
Class-II ...	47	29	13,148	10,407	27,112	24,780	40,307	35,216
Class-III.. ..	3,817	3,439	473,572	421,820	132,038	106,503	609,427	531,762
Class-IV ..	2,091	1,992	209,666	192,903	84,395	75,159	296,152	270,054
Labour /others	...		...		201,688	189,228	201,688	189,228
Grand Total..	7,791	7,091	731,216	651,277	486,777	431,965	1,225,784	1,090,333

Source: Ministry of Establishment, *Statistics of Civil Officers and Employees of the Government of the People's Republic of Bangladesh, 1987* (as on 1st January, 1987), Dhaka, BGP, 1989, p. 1.

There are several arguments in support of conferring upon the executive authorities the power to exclude certain appointments and service matters from the purview of the PSC. First, it is most likely that there are many posts of such a nature that the responsibility for making selection for appointments thereto should be placed on the shoulders of the government, and it is inappropriate that the government should always consult an outside body in selecting the appointees. Second, it might well be unnecessary, as well as impracticable, to seek consultation with the commission in respect of a large number of low grade posts which are mostly filled by semi-skilled or unskilled personnel. Third, the government more often than not

has to take the initiative to find personnel with high technical qualifications and offer appointments to them on special service conditions, for such persons do not normally apply for jobs and appear for interviews before the commission. Fourth, there might be times when genuine emergencies arise and immediate appointment has to be made, leaving no time to consult the commission.¹⁰

Despite the logic of the foregoing arguments, the provision of authorization reposed in the executive authorities to exclude certain recruitments and service matters from the purview of the PSC holds out two potential dangers. First, the executive authorities might at times be tempted to abuse such "authorization". Second, such outright authorization may well have effects in undermining the constitutional position and role of the PSCs.

As a measure of safeguard against the dangers which may stem from the "special authorization" reposed in the executive authorities, the Constitution of Bangladesh contains a rider clause purporting to ensure that the government should normally make a decision to exclude any service matter only after due consultation with BPSC.¹¹ If it happens that the government has excluded any matter from the purview of BPSC in defiance of the advice of the latter, such intransigent act is normally reflected in the BPSC's annual reports, which are eventually laid before Parliament. Hence, it is possible for Parliament to act as the ultimate judge on any decision of the government in excluding a service matter against the advice of BPSC.¹²

Annual Reports

According to article 141 of the Constitution, it is envisaged that BPSC shall, not later than the first day of March each year, prepare and submit to the President an annual report on its functions performed during the previous calendar year. The report shall be accompanied by a memorandum setting out (so far as is known to BPSC) the cases (if any) in which its advice was not accepted and the reasons furnished by the government for not accepting the advice, as well as the cases in which BPSC ought to have been consulted but was not consulted, and the

reasons why it was not consulted. The President shall cause the report and memorandum to be laid before Parliament at its first session held after 31st March in the year in which the report is submitted.

The publication of the annual reports by BPSC (First) and BPSC (Second) from 1972 to 1977 and by BPSC from 1978 has been regular. These reports published in Bengali since 1972, the title of the annual report of BPSC for 1988 is *Bangladesh Sarkari Karma Commission, Barshik Prothibedan, 1394-95* (Bengali year). The English version of this title is *Bangladesh Public Service Commission , Annual Report, 1988*. In this book the English version of these reports' title has been used.

The annual reports have gradually increased both in length and quality. The report of BPSC (First) for 1972 was 56 pages, whereas the report of BPSC for 1988 was 224 pages. The earlier reports were largely descriptive; except for the regular reporting of routine recruitment functions and the service matters on which the commissions tendered advice to the government (reporting as well a few cases in which the commissions' advice had not been accepted by the government), very little insight into the actual problems of the commissions could be gleaned from them. Starting with the report for the year 1978, however, the amount and quality of statistical data have improved.

The annual report of BPSC for 1988 contains three main parts. Each part consists of several chapters. This report altogether consists of nineteen chapters and several appendices which complement descriptions and analyses made in the chapters. In fact, the appendices have covered as many as 168 pages (out of the total 224 pages) reporting each and every case of selection for fresh appointment and promotion as well as various other service matters on which BPSC has tendered advice to the government.

In addition, the descriptions and analyses in some of the chapters have also been amplified by statistical data in tables as well as by figures and diagrams, which seem very helpful in understanding the pattern of recruitment of government servants and the dimension of personnel management problems. These tables, figures, diagrams and appendices make the annual reports of BPSC extremely valuable for further research.

The constitutional provision of preparing and submitting the annual reports by BPSC to Parliament through the President is no innovation in Bangladesh. Such provision was made both in the 1956 and 1962 constitutions in United Pakistan. The Indian Constitution (adopted in 1950) also has provided for the same device.¹³

Understandably, the inclusion of the provision of submitting annual reports by PSCs is considered essential in the context that the Government in Bangladesh, as in most countries in the subcontinent, has been invested with sole responsibility (both in policy-making and operational terms) in matters of recruitment to and control of the civil service. To offset this executive preponderance, the provision in question purports to recognize the legislature as the ultimate judge of the governmental actions. This provision in effect is designed to ensure that consultation with the PSC is not overlooked, and that the advice of PSC is as a rule accepted. At the same time, it implies due freedom for the government, in cases where it considers the matter of sufficient importance, to follow its own judgement, provided the government is prepared to justify its actions before the legislature.¹⁴

SCOPE OF FUNCTIONS

The Constitution as well as such specific statutes as the Bangladesh Public Service Commission Ordinance (Ordinance No. LVII) promulgated in November 1977 (hereafter cited as Ordinance No. LVII of 1977) and the BPSC Consultation Regulations of 1979 include only the basic guidelines relating to the functions of BPSC. In effect, it is the President who, in exercise of the powers conferred under article 56 of the Constitution, makes rules for the allocation and transaction of all business of the government. According to Schedule I of the Rules of Business (issued in 1975), the PSC is an item of function allocated to the Ministry of Establishment.¹⁵ In other words, the Establishment Ministry acts as the administrative ministry of BPSC. The former controls most matters in respect of policy, composition, administration and finance of BPSC, including BPSC's relationships with other ministries/divisions. Actually, it is the Establishment Ministry which has been formally

invested with the authority to interpret and determine the broad scope of functional responsibilities of BPSC through the issuance of various orders, instructions, memoranda, circulars, and so forth.¹⁶

However, there is no bar implied under any constitutional provisions and/or statutes that BPSC cannot make necessary procedures for regulating the conduct of its own business. In effect, BPSC is a constitutional body and its both independence and autonomy have been guaranteed under provisions made in the Constitution and other statutes.

In 1981, BPSC did issue a set of rules for regulating the conduct of its own business.¹⁷ The set of rules was issued through an official circular called the Bangladesh Public Service Commission (Conduct of Business) Rules, 1981, under the signature of the BPSC's secretary. It contains five separate parts (Part I to V) and describes in detail the proceedings of the Commission, procedure in regard to recruitment to the public services, and the procedure in regard to disciplinary and other matters.¹⁸

According to the relevant constitutional provisions, as well as the BPSC Conduct of Business Rules of 1981, BPSC Consultation Regulations of 1979, and the BPSC annual reports so far published, BPSC performs such important functions as to (i) advise various ministries/divisions on framing necessary recruitment rules for the services/posts under their respective control as well as on matters relating to the determination of qualifications for and methods of recruitment to such services/posts, principles to be followed in making recruitments, promotions and transfers to and within such services/posts; (ii) conduct competitive and selection examinations and/or interviews for direct recruitment of persons to services/posts under different ministries/divisions (including all necessary assistances in designing the syllabi of such examinations); (iii) conduct psychological and intelligence tests for candidates who qualify in the competitive examinations held under the supervision of BPSC to select fresh recruits to various cadre services; (iv) conduct tests and/or interviews for promotion of government servants from one class of service to another (*e.g.*, from class II to class I); (v) select candidates from the serving temporary government servants for appointment in permanent

substantive posts; (vi) endorse *ad hoc* appointments made under various ministries/divisions; (vii) tender advice on the determination of *inter se* seniority position of government officers, especially for the purpose of preparing individual civil lists of the cadre services; (viii) examine and approve of rules and syllabi of the various departmental/ professional examinations as well as conduct such examinations for government servants; (ix) advise on matters affecting the terms and conditions of service (including pension rights) of government servants; and (x) advise on disciplinary and appeal matters affecting the government servants.¹⁹

In addition, BPSC also performs functions in the field of personnel research. These functions include research and statistical analyses on aptitudes and socio-economic, regional, academic, and institutional backgrounds of persons seeking employment in the government service.²⁰

Detailed description on certain important functions of Bangladesh Public Service Commission follows.

Recruitment Rules

The responsibility to frame recruitment rules for the various services/posts primarily lies with the ministries/divisions and attached departments concerned with administering their respective services/posts.²¹ But, according to rules framed under provisions of the Constitution, the concerned ministries/divisions and departments must seek consultation with and clearance from the Ministry of Establishment, Ministry of Finance, Ministry of Law, and BPSC before the drafts of recruitment rules are finalized.²² All individual recruitment rules are required to be finally submitted to the President for approval after the respective ministers-in-charge concur with such draft rules.²³

In effect the role of BPSC in framing recruitment rules is clearly specified in clause (2) of article 140 of the Constitution, which enjoins the President to seek consultation with BPSC on matters relating to the determination of qualifications for and methods of recruitment to various services/posts under the government, including the principles to be followed in making appointments, promotions and transfers to and within those services/posts. But, according to provisions made in Ordinance

No. LVII of 1977 as well as the BPSC Consultation Regulations of 1979, consultation with BPSC is not necessary in respect of certain service matters. Also both Ordinance No. LVII of 1977 and the BPSC Consultation Regulations of 1979 vest in the President an authorization to exclude such other service matters from the purview of BPSC as he might deem necessary from time to time.²⁴

The recruitment of government servants in Bangladesh was hardly based on a merit-oriented selection system until the introduction of a new service structure in 1981. Whatever recruitment made until then seemed irregular and erratic. The annual reports of BPSC (First) and BPSC published in the seventies repeatedly noted a persistent "dilly-dallying" tendency among most ministries/divisions and their attached departments in respect of framing necessary recruitment rules for services/posts under their respective control. Also allegations have it that many ministries/divisions and departments carried on for long large-scale *ad hoc* appointment of personnel on the excuse that no recruitment rules existed. In many cases these appointing authorities did not even bother to comply with the standing statutory obligation of seeking consultation with BPSC in making such appointments.²⁵

However, the BPSC annual report of 1980 sounded a happy note. It admitted that the government finally achieved a breakthrough by announcing a new service structure consisting of twenty-eight cadre services.²⁶ Accordingly, in January 1981, the Establishment Division (later Establishment Ministry), after due consultation with BPSC, promulgated a set of recruitment rules, which in effect fixed the number of posts in each cadre service and specified as well the methods of recruitment, age limits, and qualifications for appointment to posts included in each of the twenty-eight cadre services.²⁷ Subsequently, in 1985, two additional cadre services were also created. Thus, the total number of cadre services in Bangladesh now stands at 30.²⁸

Table 6.2 lists the thirty cadre services constituted under provisions made in the BCS Recruitment Rules issued in January 1981.

It should be noted, however, that the thirty cadre services do not constitute the whole of the civil service in Bangladesh. Many non-cadre services/posts (other than these thirty cadre services)

still exist which also form part of the civil service in Bangladesh. The strength of non-cadre officers is not much less than that of the cadre officials. They in effect constitute about 42 percent of the sanctioned strength of class I officials in the government, *i.e.*, 36,636 (consisting of both cadre and non-cadre officials). Separate recruitment rules are also to be framed for each of the non-cadre services/posts, thus fixing the number of posts of a non-cadre service and specifying as well the methods of recruitment, age limits, and qualifications for appointment to posts in the non-cadre service or to a non-cadre post.

According to the BPSC annual report of 1988, necessary recruitment rules for most of the non-cadre services/posts have already been framed by the concerned ministries/divisions and departments after due consultation with BPSC, except for the rules of a few non-cadre services/posts which were still to be framed till the end of the year 1988. However, BPSC felt the need that some of the already framed recruitment rules should be revised or reframed as because the concerned ministries/divisions and departments have been facing problems in implementing these recruitment rules.²⁹

The main distinction between a cadre and non-cadre service/post is that a cadre service is constituted under law with a number of positions, a distinct hierarchy of positions, and well-defined functions for each step in the hierarchy. Cadre officers' progression within the service is almost secured and they can also move from one department to another in the government. On the other hand, non-cadre services/posts are based mostly on positions with no definite prospects for mobility either horizontally or vertically. Non-cadre officers usually serve throughout their service career in one particular department to which they have been originally recruited.

Recruitment

The existing recruitment rules for various services/posts provide that an appointment to a specified post in the government service is made either by direct recruitment, or by promotion, or by transfer or deputation. Again, an appointment by direct recruitment is made by any of the three different methods: (i) competitive written examination plus *viva voce* and

psychological test; (ii) interview; and (iii) written examination only.

Table 6.2
List of Thirty Cadre Services

1. Bangladesh Civil Service (Administrative: Administrative)
2. Bangladesh Civil Service (Administrative: Food)
3. Bangladesh Civil Service (Administrative: Co-operative)
4. Bangladesh Civil Service (Agriculture: Agriculture)
5. Bangladesh Civil Service (Agriculture: Forest)
6. Bangladesh Civil Service (Agriculture: Fisheries)
7. Bangladesh Civil Service (Agriculture: Livestock)
8. Bangladesh Civil Service (Education: General Education)
9. Bangladesh Civil Service (Education: Technical Education)
10. Bangladesh Civil Service (Economic and Trade: Economic)
11. Bangladesh Civil Service (Economic and Trade: Trade)
12. Bangladesh Civil Service (Economic and Trade: Statistical)
13. Bangladesh Civil Service (Engineering: Public Works)
14. Bangladesh Civil Service (Engineering: Public Health)
15. Bangladesh Civil Service (Engineering: Roads and Highways)
16. Bangladesh Civil Service (Engineering: Tele-Communication)
17. Bangladesh Civil Service (Finance: Audit and Accounts)
18. Bangladesh Civil Service (Finance: Customs and Excise)
19. Bangladesh Civil Service (Finance: Taxation)
20. Bangladesh Civil Service (Foreign Affairs)
21. Bangladesh Civil Service (Health and Family Planning: Health)
22. Bangladesh Civil Service (Health and Family Planning: Family Planning)
23. Bangladesh Civil Service (Information)
24. Bangladesh Civil Service (Judicial)
25. Bangladesh Civil Service (Postal)
26. Bangladesh Civil Service (Enforcement: Police)
27. Bangladesh Civil Service (Enforcement: Answer)
28. Bangladesh Civil Service (Railway: Transportation and Commercial)
29. Bangladesh Civil Service (Railway: Engineering)
30. Bangladesh Civil Service (Secretariat).

BPSC, subject to provisions as laid down in Ordinance No. LVII of 1977 and the BPSC Consultation Regulations of 1979, has a constitutional duty to select suitable persons for appointment to various services/posts in the government service. By directives issued by the Establishment Ministry, almost all ministries/divisions and departments are duly permitted to make direct correspondence with BPSC in the form of "requisitions" (prescribed requisition forms), together with all relevant papers and information (*e.g.*, number of vacancies and

relevant recruitment rules), for the purpose of selecting candidates for services/posts under their administrative control. While making such requisitions to BPSC, care should be taken to ensure that no particular candidate is recommended for a vacant post.³⁰ On receipt of formal requests from the ministries/divisions and departments, it is then the responsibility of BPSC to invite applications for the notified vacant posts, conduct examinations and/or interviews, select candidates, and send the names of selected candidates to the ministries/divisions and departments along with the recommendation that the candidates so selected be appointed to the vacant posts.

Although the ministries/divisions and departments are expected more often than not to accept BPSC's recommendations, it is likely that some ministries/divisions and departments may not like certain candidates recommended by BPSC and refuse therefore to give final appointments to them. According to the Rules of Business of 1975, such cases of non-acceptance by the appointing authorities have to be referred to the President for final decision.³¹ If the President, after due consideration, also concurs with the stance taken by the ministries/divisions and departments concerned, the matters are required to be reflected in the BPSC annual reports according to a constitutional provision.³²

By far the most important function of BPSC is to conduct combined competitive examinations for direct recruitment of persons into various cadre services constituted in 1981. The BCS Recruitment Rules, issued in January 1981, which provide for detailed procedures and criteria for appointment of fresh recruits to the newly constituted thirty cadre services, clearly stipulated that: "No appointment to a service by direct recruitment shall be made except upon recommendation of the Commission".³³

BPSC conducted five combined competitive examinations since the introduction of the new service structure in 1981. These examinations called Bangladesh Civil Service (BCS) examinations were held in 1982, 1983, 1984, 1985 (actually held in 1986), and 1986 (actually held in 1988). The last BCS examination of 1986 was held in early 1988 to fill 2,298 vacant posts under various cadre services. As many as 33,504 persons

had applied for these posts. Finally 32,400 of them were found eligible to sit for the examination. The result of the written examination of this last BCS examination of 1986 was announced in September 1988. In all 4,516 candidates finally came out successful in the written examination out of the total number of 16,678 eligible candidates who had actually appeared in the BCS examination of 1986 (held in 1988).³⁴

In August 1988, BPSC published an advertisement in the leading newspapers of the country inviting applications for the BCS examination of 1988 to be held early in 1989 to fill 1,629 posts under seventeen cadre services. The seventeen cadre services include the BCS (Administrative), BCS (Ansar), BCS (Audit and Accounts), BCS (Co-operative), BCS (Customs and Excise), BCS (Foreign), BCS (Information), BCS (Police), BCS (Postal), BCS (Railway : Transportation and Commercial), BCS (Secretariat), BCS (Taxation), BCS (Trade), BCS (Agriculture), BCS (Economic), BCS (Fisheries), BCS (General Education), BCS (Health), BCS (Judicial), BCS (Livestock), BCS (Railway: Engineering), BCS (Statistical), and the BCS (Tele-Communication).³⁵ The government in effect decided not to hold the BCS examination of 1987.

It should be noted here that before the introduction of the new service structure in 1981, recruitment to various services/posts in the government followed little systematic procedure. Most PSC annual reports before 1981 repeatedly made a complaint that the ministries/divisions and departments had persistently been reluctant to frame the necessary recruitment rules for the services/posts under their control. They seemed to be more inclined to fill most vacant posts through *ad hoc* appointments; thereby they unscrupulously evaded the jurisdiction of the PSC.³⁶ In its annual report of 1974, BPSC (First) made a strong recommendation that there should be held every year a combined competitive examination, presumably on the model of the Central Superior Services examinations held in United Pakistan, to fill the vacancies of superior civil posts under various ministries/ divisions and departments.³⁷

In October 1976, the government finally framed a set of rules called the Superior Posts (Examination for Recruitment) Rules, 1976, in accordance with the recommendation made by BPCS (First). These Rules laid down detailed provisions as regards

such matters as age limits and academic qualifications of the candidates who would intend to appear in the Superior Posts examinations, including the syllabi of the examinations.³⁸

BPSC (First) accordingly arranged to hold in 1977 a combined competitive examination under these Rules to select candidates for 130 superior posts under various ministries/divisions and departments. The second and last competitive examination under the Superior Posts Rules was held in 1979 to select candidates for 180 superior posts.³⁹

BPSC (First) also had conducted two special superior services examinations in 1972 and 1973, respectively, prior to the competitive examinations held in 1977 and 1979. But the method, standard and syllabi of these two special examinations seemed very much inconsistent with the generally accepted competitive and qualitative criteria.⁴⁰

It should be noted that the Constitution has vested in BPSC the responsibility of conducting tests and examinations for recruitment of persons in the government service. The relevant constitutional provision implies that all recruitments in the government service should be made through BPSC. But it is not the case in actual practice. BPSC's jurisdiction relating to recruitments seems to have been somewhat circumscribed by a number of rules, regulations and orders made by the President. These include Ordinance No. LVII of 1977, the Consultation Regulations of 1979, the BCS Recruitment Rules of 1981, and a notification issued on 1st December 1986.⁴¹ It appears after an examination of these ordinance, rules, regulations and notification that presently BPSC's role relating to recruitment is limited to class I and class II gazetted posts only. This limited role of BPSC means the recruitment of fresh recruits in the government service. Again, this "limited role" has further been slashed by the Consultation Regulations of 1979 which in effect have taken away a large number of class I and Class II gazetted posts from the purview of BPSC.⁴² In other words, the ministries/divisions and departments themselves can make recruitment directly to certain class I and class II gazetted posts without any consultation with BPSC.⁴³

However, the BCS Recruitment Rules of 1981 have specifically provided that all fresh recruits for class I posts in the thirty cadre services are to be made through BPSC.⁴⁴ It seems

that the government has no intention of taking away this important recruitment function from the purview of BPSC. Recruitment to the cadre or constituted services has regularly been made through the PSC since the liberation of Bangladesh.

Promotion, Transfer and Deputation

BPSC's jurisdiction relating to appointments by promotion, transfer and deputation seems very limited. According to section 5 of the BCS Recruitment Rules of 1981, BPSC is supposed to be involved only in making appointment by promotion to the National Pay Scale of Taka 1650-3020 (*i.e.*, the scale of class I gazetted entry posts) from a post of lower class (*i.e.*, from non-gazetted class II posts). All other appointments by promotion to other higher class I posts placed in the National Pay Scale of Taka 1850-3220 and above are to be processed by the respective ministries/divisions and departments and the Establishment Ministry on the recommendation of the Special Selection Committee, the Superior Selection Board, and the Council Committee on Senior Promotion, as the case may be, constituted by the government.⁴⁵

The normal procedure for appointment by promotion from a class II post to a vacant class I gazetted post is that the ministry/division or department concerned should send to BPSC a list of all eligible candidates serving in class II posts together with all relevant documents, *e. g.*, recruitment rules and the confidential character rolls of the candidates. BPSC then selects a candidate from the list and sends recommendation to the ministry/division or department that the candidate so selected be appointed to the vacant post. According to the existing system, BPSC's recommendation is primarily based on the relative seniority and efficiency recorded in the Annual Confidential Reports (ACRs) of all the candidates.⁴⁶

In cases of appointments by transfer and deputation, it appears that BPSC plays no effective role except that BPSC is consulted by the Establishment Ministry when a member of a particular service is considered to be transferred or posted on deputation to another service (*e.g.*, from the administrative service to foreign service), especially on matters of principle involved in making such transfer. As a matter of fact, almost all

cases of senior appointments by promotion, transfer and deputation are processed directly by the Establishment Ministry on the recommendation of the Superior Selection Board and the Council Committee on Promotion.⁴⁷

Discipline

According to clauses (7) and (8) of section 7 of the Government Servants (Discipline and Appeal) Rules of 1985, if a controlling authority, having regard to its findings on a disciplinary charge against a government official, is of the opinion that the penalty of removal or dismissal from service should be imposed on the accused official, and if it is a case in which consultation with BPSC is necessary, the controlling authority shall forward the proceedings of the departmental enquiry to BPSC for advice. Subject to any regulations made by the President (*e.g.*, the Consultation Regulations of 1979), providing for matters on which consultation with BPSC is not necessary, all disciplinary proceedings against the class I and class II gazetted officials which propose to impose major penalties such as removal or dismissal from service are required to be forwarded to BPSC for advice. After receiving a case of departmental disciplinary proceedings, BPSC makes its own examination and gives its advice accordingly. The relevant controlling authority may undertake re-examination after the case has been received back from BPSC in order to see whether any exceptional circumstances exist which would justify a departure in any respect for disagreeing with the advice of BPSC. If the controlling authority finds valid reasons to disagree with the advice of BPSC, it seeks consultation with BPSC afresh. In the event of an impasse, the case at issue is submitted to the President through the Establishment Ministry for final order.⁴⁸

Although there is hardly any valid evidence to believe that the government has at any time deflected from its constitutional obligation to consult BPSC on matters pertaining to the discipline of the government officials, the BPSC annual reports have repeatedly noted gross irregularity in the conduct of most disciplinary proceedings at departmental levels. In particular, the disciplinary enquiries at departmental levels are often conducted with little regard to the procedures laid down in the

Discipline Rules. In many cases the controlling authorities forward to BPSC insufficient papers and information relating to the disciplinary proceedings. Moreover, the reports of the enquiry officers/boards in many cases are found inaccurate and vague. Hence, BPSC often deems it necessary to send the papers of the departmental enquiries back to the controlling authorities for re-submission with complete information. It happens quite often that such papers move back and forth like a shuttlecock. As a result, the final dispensation of advice by BPSC becomes a tardy process in many cases which doubtless causes untold hardship to many accused government officials.⁴⁹

Departmental Examinations

BPSC also plays an important role in conducting specified departmental/professional examinations meant for the junior officials in the government service. The departmental examination is a long-standing system purporting to measure general efficiency of the junior officers in their respective areas of employment. It is also designed to assess an officer's level of knowledge (both in theoretical and practical terms) of employment. The recruitment rules of most services/posts require that the junior officers pass two separate standards of departmental examination (*i.e.*, lower standard and higher standard) sometime during the initial years of their service career. The subjects of the departmental examinations include civil law, criminal law, accountancy, general knowledge, land revenue administration, labour law, forest law, secretariat procedures, and so forth.⁵⁰

Every officer must clear departmental examinations in two phases. According to provisions made in the relevant recruitment rules or other regulations, salary increment and/or promotion to senior grade of an officer is held up, including the likelihood of a disciplinary action against the officer who could not pass the departmental examinations on two or more occasions, or who fails to appear at such examinations within a specified period of time.⁵¹

BPSC holds departmental examinations half-yearly. Each examination consists of subjects of both lower and higher standards so that the examinee-officers can select appropriate

subjects and levels. Normally the onus is with the officers themselves to approach BPSC through their respective ministries/divisions and departments to enlist to appear at their due departmental examinations. On receiving the list of officers BPSC arranges to hire a suitable examination hall (usually from an educational institution), set questions, mark scripts, and notify the results accordingly to both the examinee-officers and their controlling authorities in the executive hierarchy.⁵²

According to views expressed by BPSC itself, there has since liberation been a general evasive tendency prevailing among the junior officers as regards clearing of their departmental examinations. Also it has become a regular feature that many junior officers, who initially enlist their names for these examinations, do not finally turn up at the examination halls on the due dates. BPSC has specifically reported a number of cases such as that some officers have fully or for certain period of time been exempted from clearing of their departmental examinations. It has also cited cases in which officers in some ministries/divisions and departments have managed to secure substantive appointment or promotion to higher grades without the clearance of their departmental examinations.⁵³

Moreover, the subjects and syllabi of departmental examinations are still based on what had initially been the emphasis having predominant bearing on the administration of law and order and the collection of land revenue. These are yet to be re-designed in the context of modern administrative needs, especially in keeping with needs attuned to relevant job specializations and development administration.⁵⁴

BPSC further points out that most reference materials which the officers must read before their scheduled departmental examinations, such as law books, instruction manuals, financial codes, are out of print. Some of these out-of-print materials are what BPSC is supposed to supply to the officers at the examination hall for answering questions in some subjects. The continued scarcity of these materials is therefore reported to have been causing much inconvenience to both BPSC and the officers who intend to appear at departmental examinations. In addition, the government has not yet taken any effective measure to translate these reference materials from English into Bengali in keeping with an official government policy made after

liberation with a view to encouraging the examinee-officers to write their examination papers in Bengali.

Senior Scale Examination

The BCS Recruitment Rules of 1981 provide that no person in any of the cadre services would be promoted to the Senior Scale of Taka 2800-4425 of the National Pay Scales unless he/she would be found fit in a test or examination to be conducted by the Special Promotion Committee.⁵⁶ But in 1987 the government took a decision to entrust BPSC with the function of holding this Senior Scale Promotion examination and accordingly made detailed procedures.⁵⁷

The Senior Scale examination for the officers of the cadre services was held for the first time in August 1987. In all 2,273 officers had initially enlisted their names, out of which only 275 officers finally came out successful in all the three papers.⁵⁸

The second Senior Scale examination was held in August 1988. BPSC conducted both the examinations. The third Senior Scale examination is scheduled to be held in February 1989.⁵⁹

The results of the examinee-officers who appear at the Senior Scale examinations are forwarded by BPSC to the concerned controlling ministries/divisions, which in effect make final decisions as regards the promotion of the officers to the Senior Scale of Taka 2800-4425. BPSC has no recommending authority in this regard. Its responsibility is only to design the syllabus of the Senior Scale examination (in consultation with the Establishment Ministry), set question papers, mark scripts, and forward the results to the concerned ministries/divisions. However, the detailed procedures of the Senior Scale examination have been made after due consultation with BPSC and published in the official gazette by an order of the President.

According to the procedures made by the government, an officer of a cadre service, who is confirmed in his/her cadre post and who has completed four years of service in the confirmed post, would be eligible to appear at the Senior Scale examination. He/she could appear at this examination only once in a calendar year. No officer is allowed to take part in more than three examinations in total within a period of nine years of his/her service in the cadre.⁶⁰ An officer can sit for all the three

papers at one time. He/she also may appear in one or two papers and clear the remaining paper or papers at subsequent examinations. The Senior Scale examination is held twice in a calendar year. Full marks for each paper of the three are 100 and pass marks are 50. The duration of the examination of each paper is three hours. The first paper tests the general knowledge of the examinee-officers on Bangladesh and current affairs; the second paper tests the knowledge on laws, rules and regulations applicable to all government offices; and the third paper assesses to what extent the officers are conversant with matters relating to the functions reposed in them as members of their respective cadres.⁶¹

Personnel Research

BPSC performs some important functions in the field of personnel research though the Constitution and other statutes make no specific provision in this regard. It has a small functional unit called Research Section which is charged with carrying out relevant functions in the area of personnel research. In the main, BPSC's personnel research is centered round compiling data and computing statistical analyses relating to persons seeking employment in the government service. Compilation of data consists of retrieving comprehensive information regarding the number of vacancies occurring in various ministries/divisions and departments, the number of applicants for such vacancies, number of candidates who appear at the recruitment examinations and/or interviews, including the number of those who qualify at such examinations/interviews and who finally receive appointments in the government service. Other related facts such as the candidates' academic institutions, qualifications, age, parental occupations, place of birth (including the places where they have spent the greater part of their lives) are also collected and compiled in due format. The work of statistical analyses consists of computing, *inter alia*, what percentage of applicants for a particular post or group of posts (including the cadre posts which are filled through combined competitive examinations) actually appear at the scheduled examinations/interviews and what percentage finally succeed and receive appointments. Efforts

are also made to compute correlations between the successful candidates (especially those who receive appointments in the cadre services through combined competitive examinations) and their academic institutions, places of residence, and so forth.⁶² The annual reports of BPSC in most cases reflect the computations and statistical analyses through charts, graphs, diagrams, as well as supporting observations.⁶³ In fact, the Research Section of BPSC does all work relating to the preparation and publication of BPSC's annual reports.

BPSC itself considers that its current personnel research functions are deficient both in nature and scope. This deficiency is solely attributed to the existing inadequacy of qualified staff in its Research Section. In suggesting some measures for improvement in the sphere of its personnel research functions, BPSC, in its annual report of 1980, specifically underscored that its existing Research Section should be replaced by an upgraded functional unit to be called "Integrated Research Development Division". This new unit should be headed by a senior grade professionally qualified officer, who would be assisted by other adequate junior grade research officers and statisticians with suitable qualifications and expertise in the field of personnel research. In effect this proposed organizational measure purported to set up a highly effective personnel research unit within the BPSC establishment which, apart from carrying out its own routine research functions, should have been able to provide valuable assistance to other government agencies, especially the Establishment Ministry, Education Ministry and the Planning Commission, in fixing priorities in their respective plans for development in the spheres of civil service, education, manpower resource, etc.⁶⁴

The BPSC annual report of 1981 (including the reports published subsequently), however, made no reference to the above scheme for improvement of personnel research functions suggested by BPSC in its annual report of 1980. The subsequent reports also contained no reiteration pressing for budgetary provisions for the implementation of the "suggested scheme". It seems likely that the government was reluctant to accord sanction to the "scheme" in view of economic stringency.

Notes

1. For full text of the Bangladesh Public Service Commission (Consultation) Regulations of 1979, see Ministry of Establishment and Reorganization, *A Hand Book of Important Laws, Rules and Orders on Personnel and Office Administration in Bangladesh* (hereafter cited *A Hand Book of Important Laws*), Dhaka, Bangladesh Government Press (BGP), 1984. pp. 173-182.
2. Cabinet Division, *Rules of Business, 1975* (revised up to June 1987), Dhaka, BGP, pp. 19-25.
3. See *A Hand Book of Important Laws*, pp. 173-175.
4. According to a notification issued by the Ministry of Establishment under an order of the President on 1 December 1986; all class III services/posts have been excluded from the purview of BPSC.
5. The term "appointment" includes employment in a temporary or officiating capacity, see the BPSC Consultation Regulations of 1979 in *A Hand Book of Important Laws*, p. 174.
6. See *A Hand Book of Important Laws*, pp. 174-176.
7. Syed Giasuddin Ahmed, *Public Personnel Administration in Bangladesh*, Dhaka, University of Dhaka, 1986, pp. 308-309.
8. Full text of the Federal Public Service Commission (Consultations by the Governor-General) Regulations, 1937 was published in *The Gazette of India, Extraordinary*, 1 April 1937.
9. See Pakistan, Establishment Division. *The Establishment Manual*, Vol. III, Karachi, Government Press of Pakistan (GPP), 1965, pp. 26-33; S. B. Bapat, "Public Service Commission-- An Indian Approach", *Indian Journal of Public Administration*, Vol. II, 1956, pp. 54-59.
10. See S. B. Bapat, p.57.
11. See article 140 (2) of the Constitution of Bangladesh.
12. See S. G. Ahmed, *Public Personnel Administration in Bangladesh*, pp. 300-302.
13. See article 323 of the Constitution of India.
14. S. G. Ahmed, *Public Personnel Administration in Bangladesh*, p.302.
15. See *Rules of Business of 1975*, Schedule I, p. 23.
16. See Establishment Division, *The Establishment Manual*, Vol. I, 1980, pp. 99-114.
17. BPSC, *The Bangladesh Public Service Commission (Conduct of Business) Rules*, 1981, Dhaka, BGP, 1981.
18. *Ibid.*
19. See BPSC, *Annual Reports*, 1972-1987.
20. S. G. Ahmed, *Public Personnel Administration in Bangladesh*, pp. 313-314.
21. *Ibid.*, pp. 304-306.
22. *Ibid.*

23. See *The Establishment Manual*, Vol. I, 1980, pp. 50-53.
24. S. G. Ahmed, *Public Personnel Administration in Bangladesh*, pp. 298-301.
25. See *The Establishment Manual*, Vol. I, 1980, p. 50.
26. BPSC, *Annual Report*, 1980, p. 3.
27. See Establishment Division, *The Bangladesh Civil Service Recruitment Rules 1981*, Dhaka, BGP, 1981.
28. See S. G. Ahmed, "Structure of Services in Bangladesh", in Bangladesh Public Administration Training Centre, *Career Planning in Bangladesh*, Dhaka, 1986, p. 53.
29. See BPSC, *Annual Report 1988*, p. 5. For more detail about the strength of cadre and non-cadre officials in Bangladesh, see Akbar Ali Khan and Mosharraf Hossain, "Post-Entry Training in Bangladesh Civil Service: A Survey of the Problems and Potentials", in BPATC, *Post-Entry Training in Bangladesh Civil Service: The Challenge and Response*, Dhaka, 1986, pp. 4-5, 31-35.
30. See *The Establishment Manual*. Vol. I, 1980, pp. 106-107.
31. See Rule 6, Schedule III (20).
32. See article 141 of the Constitution of Bangladesh.
33. Rule 4 (2).
34. See BPSC, *Annual Report 1988*, pp. 7 - 8.
35. See *Ittefaq*, 30 August 1988.
36. See BPSC (First), *Annual Reports*, 1975 - 1977.
37. BPSC (First), *Annual Report*, 1974, p.3.
38. See *The Establishment Manual*, Vol. I, 1980, pp. 41-55.
39. See BPSC (First), *Annual Report 1977*; BPSC, *Annual Reports 1978 and 1979*.
40. S. G. Ahmed, *The Image of Public Service in Bangladesh*, Dhaka, CENTAS, 1975, pp. 81-86.
41. See Ministry of Establishment, *Notification No. S. R. D. 445 A-L / 86 /ME/RI/S-9/ 86*, 1 December 1986.
42. See Schedule I of the BPSC Consultation Regulations of 1979.
43. *Ibid*.
44. See The BCS Recruitment Rules of 1981.
45. *Ibid*. Rule 5.
46. See *The Establishment Manual*, Vol. I, 1980, pp. 106-107.
47. S. G. Ahmed, *Public Personnel Administration in Bangladesh*, pp. 308-309.
48. See *The Government Servants (Discipline and Appeal) Rules of 1985 in Some Important Service and Financial Rules*, Vol. I, October 1985, Dhaka, Agrani Bank, pp. 71-90.
49. See BPSC, *Annual Report 1980*, p. 17.

50. See *A Hand Book of Important Laws*, pp. 230-245.
51. *The Establishment Manual*, Vol. I, 1980, p. 243.
52. BPSC, *Annual Report 1980*, pp. 16-17.
53. *Ibid.*
54. *Ibid.*
55. *Ibid.*
56. See The BCS Recruitment Rules of 1981, Rule 5.
57. See *The Bangladesh Gazette, Extraordinary*, 5 February 1986.
58. BPSC, *Annual Report 1987*, pp. 9-10.
59. See an advertisement published in *The Bangladesh Observer*, 16 October 1988.
60. An officer failing to pass in all the three subjects within the period of ninth year of his/her service may appear in three more examinations in successive three years after a gap of two years from the date commencing after his/her ninth year of service and, in case of his/her failure in these examinations, he/she shall not be allowed any further chance to appear in any examination; see *The Bangladesh Gazette, Extraordinary*.
61. See *The Bangladesh Gazette, Extraordinary*.
62. S. G. Ahmed, *Public Personnel Administration in Bangladesh*, pp. 313-315.
63. See BPSC, *Annual Reports 1986 and 1987*.
64. BPSC, *Annual Report 1980*, p. 18.

CHAPTER SEVEN

CONCLUSION

This study was designed to achieve three main objectives. First, to present a comprehensive description of the structure and functions of Bangladesh Public Service Commission (BPSC). Second, to discover the extent to which the structural-functional arrangement of BPSC has been influenced by that of what had been provided in relation to the public service commissions (PSCs) in British India and United Pakistan. Third, to assess the consistency between BPSC's existing structural arrangement and mode of functioning and the general principles which provide basis for the establishment of an independent public service commission (PCS) whose organization and functions are normally guaranteed by provisions made in the state constitutions and/or statutes.

Part II of the book accounts for the achievement of the first objective. Three elaborate chapters in this part have described the formative phase of BPSC, its structural arrangements, as well as its nature and scope of functions. The second objective has been fulfilled in two ways: first, by including two elaborate chapters (Chapter 2 and Chapter 3) on British India and United Pakistan; second, by tracing at appropriate stages development in Bangladesh (in Part II) back to what had evolved and existed in British India and United Pakistan. This final chapter now deals with the third objective.

The description in this concluding chapter is divided into three main sections. The first section is a summary of BPSC's formal structure and functioning. The second section pinpoints the main problems of BPSC which in effect reflect its "real world" operations. The third and last section consists of concluding comments.

FORMAL STRUCTURE

From a purely formal-legal perspective, the PSC in Bangladesh seems to fit into the type of an independent constitutional body with advisory status but whose powers and functions are restricted. In short, independent constitutional

PSCs with advisory status are functioning in most cases in those countries which have drawn their inspiration from the British practices and are generally competent in respect of most questions relating to recruitment and such other important career incidents of the civil servants as promotion, discipline and appeal. A summary of the formal structure and functioning of BPSC that follows will show how well it fits into the type of an advisory PSC with restricted powers.

The PSC in Bangladesh, like its predecessors in British India and United Pakistan, is a body whose structure and functions are firmly based on the constitutional provisions. Any amendment of these provisions can only be made by an act passed in Parliament through certain special amendment procedures specified in the Constitution. The number of members of BPSC is fixed between six to fifteen (including a chairman) by an order made by the President in pursuance of the constitutional provisions.¹ The chairman and other members of BPSC are to be appointed by the President. At least one-half of the members of BPSC must be persons who have held offices in the civil service of Bangladesh for twenty years or more. The term of office of the chairman and other members is five years, or until they reach the age of sixty-two, whichever is earlier. They can be removed from office only in like manner and on like grounds as a Judge of the Supreme Court is removed.² A member is not eligible for further employment in the civil service after retirement from BPSC, except the chairman who is eligible for re-appointment for one additional term, and another member (other than the chairman) whose tenure can be renewed for an extra term or who may be appointed as chairman of BPSC. The terms and conditions of service (salary, allowances and other privileges) of the chairman and members are regulated by provisions laid down in Act No. XXI of 1974, including amendment provisions subsequently incorporated in Ordinance No. XLVII of 1978, Ordinance No. XXVII of 1985 and Ordinance No. XXVIII of 1988. These statutory measures purport to ensure that the chairman and members of BPSC perform their constitutional responsibility in recruitment and other service matters with probity and freedom.

BPSC is considered a central personnel agency in that it has a constitutional duty to conduct tests and examinations for

the selection of civil servants. It also advises the government on such important service matters as promotion, discipline and determination of service conditions. The reasons for investing an independent body with functions in recruitment and other service matters are well known. First, in a least developing country like Bangladesh, employment in government service holds considerable attraction for the growing number of educated youths. Candidates for government service usually far outnumber the jobs available. Hence it is essential that basic responsibility for conducting examinations and selecting candidates is in the hands of an autonomous statutory body that is genuinely independent from "political" pressures. The objective is to ensure that all appointments to the civil service are made strictly on merit and not on patronage grounds. Second, a commission, which normally consists of civil servants with long and wide range experience in various fields of government administration as well as of such distinguished persons as senior educationists, lawyers and business executives, is in a good position to handle recruitment and other technical and complex service matters.

The framers of the Constitution in Bangladesh seem to have been well aware of the merit of an independent body for the purpose of recruitment and control of certain important service matters. Accordingly, they envisaged the PSC as a machinery outside the executive branch purporting to limit or qualify the degree of control over civil servants exercised by the various executive agencies. In regard to composition of the PSC, the pattern was designed to ensure sufficient weight to the viewpoint of the civil servants themselves. Thus, the appointing authority is bound under the Constitution to see that at least half of the members of the PSC are persons who have been themselves in the ranks of civil servants for at least twenty years. To ensure the independence of the PSC, the framers of the Constitution thought it fit to provide that the persons who have been members of the commission would be debarred from any employment under the government. The object evidently was to leave no room even for suspicion that the promise or prospect of further employment under the executive government might operate or be used to influence the judgement of members of the commission.

Nevertheless, when it comes to the definition of powers and functions of the PSC, the framers of the Constitution recognized the ultimate responsibility of the executive government for the proper management of the services. Therefore, they assigned to the PSC what was essentially an advisory, consultative and 'quasi-judicial' rather than an executive role. But at the same time it was felt necessary to provide for some measures to ensure "equality of opportunity" to all and to see that nepotism and favouritism have no scope. In an effort to balance the ultimate responsibility of the executive government with the need for an independent consideration of problems relating to recruitment and other service matters, the Constitution of Bangladesh provides a series of inter-locking safeguards.³ The submission of annual reports by the PSC to Parliament is one of such safeguards.

It is true that the exercise of functions by BPSC in recruitment is circumscribed by a set of regulations called the Bangladesh Public Service Commission (Consultation) Regulations issued by the President in 1979 (hereafter cited as BPSC Consultation Regulations of 1979). These regulations were issued by the President in exercise of the powers conferred upon him by clause (2) of article 140 of the Constitution as well as after due consultation with BPSC. Article 140 (2) of the Constitution provides that the President may, after due consultation with BPSC, make rules as necessary with a view to excluding certain appointments and service matters from the purview of BPSC. The provision of this article is actually part of a long standing tradition in the subcontinent. The genesis of this special measure may be traced back to the Federal Public Service Commission (Consultations by the Governor-General) Regulations promulgated in British India in 1937. Similar provisions were made in law both in India and United Pakistan after partition with a view to enabling the respective governments to make regulations for excluding certain cases or types of cases from the purview of the PSCs.⁴

There are several arguments in support of conferring upon the executive authorities the power to exclude certain appointments and service matters from the purview of the PSC. First, there are many posts of such a nature that the responsibility thereto should be placed on the shoulders of the

government. Second, it might well be impracticable to seek consultation with the PSC in respect of a large number of low grade posts which are mostly filled by semi-skilled or unskilled personnel. Third, the government often has to take the initiative to find persons with high technical qualifications and offer appointments to them on special service conditions, for such persons may not bother to apply and appear for interviews before the PSC. Fourth, there might be times when genuine emergencies arise and immediate appointment has to be made, leaving no time to consult the PSC.⁵

The preceding paragraphs have depicted the main features of the formal structure and functioning of BPSC. The features seem to conform to those of an advisory public service commission whose powers and functions are guaranteed by provisions made in the Constitution and other statutes. But gaps between formal structures reflecting legal instruments and regulations, on the one hand, and "real world" operations of such structures, on the other, are common place in most polities. In Bangladesh, the gap is especially wide. The primary reason for the discrepancy between actual operation and the formal structure and functioning is the volatile political environment in which the PSCs (BPSC and former two PSCs) in Bangladesh have had to function since 1971. After presenting an overview of certain gross irregularities in recruitment in particular, ten specific problems relating to BPSC's organization and functions will be identified and discussed.

ACTUAL OPERATIONS

Despite due safeguard measures made in the Constitution and relevant statutes, BPSC seems not to have been very effective in discharging its responsibilities in recruitment and appointments specified in the Constitution and statutes. A close review of the BPSC's annual reports published so far reveals that BPSC (including former two PSCs) has since liberation been engaged in a constant struggle to maintain its position as an independent constitutional body in recruiting persons for the government. Such a review also indicates that persistent disregard of BPSC's recommendations relating to recruitment by the government and the latter's irregular use of powers in

recruitment matters have led to the evils from which the country has suffered most. Violations of statutory rules and irregular appointments and promotions have become a common feature since liberation. Progressively, irregularities have increased and fair open selection for positions has become difficult. Promotions on merit have been rare. Appointing authorities always have favourites whom they try to push. Unqualified persons have been appointed to technical posts in preference to qualified persons. Subterfuges employed are many and varied. For example, a minister enjoys the privilege of appointing his own private secretary. A person appointed through the use of that privilege is then pushed to a better, more remunerative and permanent position. This process has been repeated without remorse. A person appointed to a post without advertisement and without any competition has been retained in the post for months, or even years, and then his name has been sent to the PSC for approval with a strong recommendation. If the PSC has the courage to insist on advertisement, the qualifications demanded by the department concerned have been woven round the favoured one. Thus, a person with accrued merit and the support of the departmental representative in the selection board has scored over a candidate with higher basic qualifications and superior potentialities. There have been some interesting cases where persons rejected by the PSC repeatedly went from one temporary post to another for years. Several appointments in senior positions have been given to persons not recommended by the PSC and in some cases in preference to the PSC's nominees.⁶

The Constitution of Bangladesh has vested in the PSC the responsibility of conducting tests and examinations for recruitment of persons in the government service. The relevant constitutional provisions stipulate that all recruitments in the government service should be made through the PSC. But it is not the case in actual practice. The PSC's jurisdiction relating to recruitments seems to have been somewhat circumscribed by a number of rules, regulations and orders made by the President. It appears after an examination of these rules, regulations and orders that presently the PSC's role relating to recruitment is limited to class I and class II gazetted posts only. This "limited role" has further been slashed by the BPSC Consultation

Regulations of 1979 which in effect have taken away a large number of class I and class II gazetted posts from the purview of the PSC. In other words, the ministries/divisions and departments themselves can make recruitment directly to certain class I and class II gazetted posts without any consultation with the PSC.⁷

The most important aspect of Bangladesh's new civil service structure is the establishment of the Senior Services Pool (SSP) which consists of senior posts requiring diversified experience, administrative leadership and high level coordination functions. The SSP officers are to fill most posts of deputy secretary, joint secretary, additional secretary, and secretary in the Bangladesh Secretariat, as well as certain posts of ambassador in Bangladesh's missions abroad. According to the SSP Order issued in 1979, selection of officers for the entry posts of deputy secretary in the SSP is to be made by the government in consultation with the PSC through certain specified competitive examinations and/or interviews to be conducted by the latter.⁸

Although the SSP came into being in 1979 and its members have since been selected, the government retained for long the powers to select the SSP officers without any consultation with the PSC. It was as late as in 1988 that the government finally asked BPSC to arrange an examination for the selection of certain class I officers for thirty posts of deputy secretary in the SSP.⁹ Accordingly, BPSC announced a programme in December 1988 for holding the examination.¹⁰ But suddenly the much awaited "first" SSP examination was postponed for "unavoidable reasons" according to an official notification published in the newspapers on 10 January 1989 by BPSC.¹¹ This writer was unable to ascertain the actual reasons for the government's sudden decision to postpone the first SSP examination. Whatever might have been the "reasons" for the postponement, one cannot help forming an impression that, perhaps, the government is still undecided as to whether it would vest in BPSC the responsibility of recruiting members for the SSP.

It is true that the Constitution provides due safeguards against the "dangers" that may stem from situations similar to what have been described in the preceding paragraphs. Article 141 of the Constitution stipulates that the PSC shall prepare

annually a report on its functions performed during a calendar year. The PSC shall submit this report to the President accompanied by a memorandum setting out the cases (so far as is known to the PSC) in which any advice of the PSC was not accepted and the reasons furnished by the government for not accepting such advice, including the cases, if any, in which the PSC ought to have been consulted but was not consulted, and the reasons why the PSC was not consulted. The President shall cause the report and memorandum to be laid before Parliament early in each year following the year for which the report was prepared.

The constitutional provision for submitting the annual reports to Parliament purports in effect to recognize the legislature as the ultimate judge of government's actions in recruitment and civil service management. It is basically designed to ensure that consultation with the PSC is not overlooked, and that the advice of the PSC is as a rule accepted.

Table 7.1 presents a tabular statement of the cases of nonacceptance of BPSC's advice, as well as the cases of nonconsultation with BPSC based on the memoranda published in the annual reports of BPSC (First) from 1972 to 1977 and of BPSC from 1978 to 1988. Column 1 in the table lists the years for which the reports were prepared; column 2 lists the number of cases in which BPSC's advice was not accepted by the government; column 3 states whether the government gave its reasons or not; column 4 lists the number of cases of nonconsultation; column 5 states whether the government gave its reasons for not consulting; and finally column 6 notes the reactions of BPSC.

However, table 7.1 should not be considered as the true picture of the "real world" position. According to sources close to BPSC, the memoranda published in the annual reports did not include many cases of nonacceptance of advice and nonconsultation which were not officially known to BPSC. It seems also not unlikely that BPSC lacked courage to include many cases in the memoranda and ask the executive authorities to justify their actions before Parliament, although BPSC was not totally unaware of such cases. The table shows that the annual reports from 1975 to 1979 reported higher number of cases of nonconsultation. There were also many cases of nonacceptance

of advice and nonconsultation reported in the PSC reports for which the executive authorities did not give any reasons whatsoever. BPSC seemed also not happy with whatever reasons given in some cases. Thus, even a constitutionally laid down safeguard does not always guarantee that the executive authorities shall never err or commit breach of their privileges.

Moreover, according to the parliamentary proceedings published in volumes as well as in the leading dailies, members of Parliament hardly raised discussions on the contents of the PSC reports and/or criticised irregularities in recruitment and other service matters included in the annual reports. In other words, the parliamentarians in Bangladesh seemed always apathetic to such important national matters as recruitment and civil service management. It is only the dailies and weeklies which have since liberation been carrying news items on the irregularities in recruitment and civil service management as well as publishing grievances of the affected persons usually in the "letters to editor's" columns.

Ten Specific Problems

In addition to what has been described in the preceding paragraphs as regards the "real world" position of BPSC, especially in relation to recruitment matters, ten specific problems of BPSC in general have also been identified and discussed below.

First, the offices of BPSC (First) and BPSC (Second) were situated at four different places in Dhaka until the merger of the two PSCs in December 1977. From December 1977 to May 1984, the single BPSC had its head office located at the same four places in Dhaka. In May 1984, BPSC and its all Dhaka-based offices moved to the old airport building at Tejgaon. But the existing building facility of BPSC seems far inadequate to its needs in accommodating the offices of its chairman, members, officers, staff, and library, as well as in holding various types of recruitment examinations/interviews which run almost on a continuous basis. In particular, BPSC does not have any building facility of its own in which to hold combined competitive examinations such as the Bangladesh Civil Service or BCS

Table 7.1
Yearwise Number of Cases of Nonacceptance of Advice and
Nonconsultation with BPSC from 1972 to 1988

1	2	3	4	5	6
1972	Nil	--	Nil	--	--
1973	1	Reasons given	1	Reasons given	BPSC seems not satisfied
1974	1	Reasons given	Nil	--	No comment
1975	1	Reasons given	16	Reasons given for 12 cases; fault admitted in 2 cases; and no reason given for 2 cases.	No comment
1976	1	No reasons given	10	Reasons given for 3 case; fault admitted in 3 cases; no reasons given for 3 cases; and no reasons received in 2 cases as yet.	No comment
1977	1	Reasons given	18	Reasons given for 8 cases; fault admitted in 2 cases; and no reasons received for 8 cases.	BPSC seems not happy
1978	1	Reasons given	25	Reasons given for 21 cases; and no reasons received for 4 cases.	Reasons in most cases seem not satisfactory
1979	Nil	--	63	Reasons given for 44 cases; fault admitted in 1 case; and no reasons received for 18 cases.	Reasons in most cases seem not satisfactory
1980	Nil	7		Reasons given for 4 cases; and no reasons received for 3 cases.	No comment
1981	Nil	--	7	Reasons given for 7 cases.	More explanations asked in 1 case
1982	Nil	--	2	No reasons given	No comment
1983	2	No reasons received	2	No reasons given in 1 case and fault admitted in 1 case.	BPSC seems not happy
1984	1	No reasons received	1	Reasons given	BPSC seems not happy
1985	2	No reasons received	1	Reasons given	BPSC seems not happy
1986	2	No reasons received	Nil	--	No comment
1987	1	No reasons received	Nil	--	No comment
1988	Nil	--	Nil	--	--

examinations as well as other examinations for appointments on promotion.

One should take note of a fact that in all 16,678 candidates finally appeared in the BCS examination held in 1988. Initially as many as 33,504 persons had applied to sit in this examination seeking recruitment to 2,298 BCS vacant posts, but the applications of 1,104 persons were rejected for not fulfilling the requisite conditions.¹² There is a clear indication that the number of persons seeking government employment through the BCS examinations will continue to increase in subsequent years in view of the dwindling job opportunities in the private and other non-government sectors. Besides, a considerable number of government officials in each batch appear in the departmental or promotional examinations held at different scheduled times every year under the supervision of BPSC.¹³

Therefore, there are valid reasons to believe that BPSC does really need adequate building space to accommodate its offices especially to handle all routine but tedious work of scrutinizing, sorting and processing the ever-increasing numbers of job applications as well as to do both administrative and confidential work before and after the examinations. Although it is not practically possible to provide to BPSC an exclusive campus with several big buildings for holding the BCS examinations, it should have at least a building of its own with spacious halls to hold the departmental/promotional examinations. Because it often faces serious problems in hiring hall facilities from the educational institutions as the latter might have to hold their own scheduled examinations at or about the same time. Moreover, it seems not always possible to make necessary security arrangements in and around the hired educational institutions during all BPSC-sponsored examinations.¹⁴

The government did decide sometime after liberation to construct a new building complex at a place near the Bangladesh Secretariat for BPSC so that it could have its inordinately scattered offices located at one place. Subsequently, the government changed its mind and decided to construct the planned building complex at a place in Sher-e-Bangla Nagar. But the construction of the new building complex has yet to begin despite repeated requests made by BPSC to the government.¹⁵

Second, as workload increased, the number of officers and staff of BPSC has become increasingly inadequate. By the end of 1987, BPSC had 16 class I gazetted officers, 16 class II gazetted officers, 127 class III non-gazetted staff, and 67 class IV non-gazetted employees. The grand total of all officers and staff of BPSC stood at 225 in December 1987.¹⁶

When the two former PSCs were amalgamated in December 1977 to form the existing BPSC, the latter at that time had a sanctioned strength of 309 officers and staff, which included 38 class I and class II gazetted officers and 271 class III and class IV non-gazetted employees. In May 1982, the sanctioned strength of BPSC's officers and staff came down to 264 from 309 after the cut of its manpower based on a recommendation made by the O & M Wing of the Establishment Ministry in or about 1979. Immediately after the May (1982) cut of BPSC's officers and staff, the Martial Law Committee on Organizational Set-up or MLCOS (constituted in 1982) reviewed once again BPSC's staff position and recommended further cut of its officers and staff from 264 to 215. The MLCOS's recommendation was duly implemented early in 1983.¹⁷ But what seems most unusual that the MLCOS's "recommendation" for staff reduction lacked a detailed analysis in respect of the workload of BPSC to justify the "cut".¹⁸

It should be noted here that in 1972, *i.e.* in the first year of its existence, the total strength of staff of BPSC (First), in particular, consisted of 105, including 25 gazetted officers. In that year BPSC (First) conducted no competitive written examinations but held interviews only for the selection of fresh recruits to superior posts from the freedom-fighters as well as from among candidates who had qualified in the competitive examinations held immediately before liberation in December 1971.¹⁹

By December 1977, the total number of staff of BPSC (First) stood at 123, including 23 gazetted officers, *i.e.* an increase of only 18 staff over the total strength of the year 1972, despite the fact that in 1977 BPSC (First) conducted five separate competitive written examination, including the Superior Posts Examination of 1976, in which as many as 2,439 candidates appeared for the written tests held in 1977.²⁰

Although after the establishment of one single BPSC, effective from December 1977, the total strength of staff of BPSC

increased to 309, this staff increase in effect resulted from the merger of the earlier two PSCs. In other words, the staff increase in BPSC after the merger came about in conjunction with simultaneous expansion in the scope of its functions, which in effect brought about no real alleviation of its problem of perennial staff shortage. In particular, BPSC seems still lacking professionally qualified staff in the sphere of conducting psychological and intelligence tests for fresh recruits in the cadre services, as well as in undertaking qualitative work in the field of personnel research.²¹

Third, BPSC's position as an independent constitutional body seems to have been circumscribed by the fact that it is an attached department of the Establishment Ministry. Most matters of its organization, administration and finance are subject to the final scrutiny and control of the Establishment Ministry. All receipts of BPSC (*e.g.* application fees and examination charges realized from the candidates) are in effect collected through the government treasury. Necessary budgetary provisions relating to BPSC's revenue expenditure, including capital expenditure for any development scheme, are directly controlled by the Establishment Ministry. BPSC receives from time to time an advance grant of Taka 4,400.00 only to defray its such contingent expenses as cost for entertaining the members who attend sessions of various interview boards held almost everyday and honorariums paid to expert members of these boards, for which the amount of Taka 4,400.00 seems far inadequate.²² In addition, BPSC has to look always to the Establishment Ministry for patronage in such trivial matters as sanction of house rents, travelling allowances and medical benefits for its chairman, members and staff.²³ Hence the apparent denial of freedom to BPSC to deal with matters of its own administration and finance evokes criticism from those who want genuine independence for the PSC.

Fourth, "rank numbers" of the chairman/members of BPSC in the Warrant of Precedence tend to constitute an index of their status in relation to officials in the executive hierarchy. The existing Warrant of Precedence ranks the chairman of BPSC with a full secretary to the government (*i.e.* number "17"), but it ranks the Election Commissioners/Supreme Court Judges as number "10" and the Cabinet Secretary as number "13". The

members of BPSC have been given the rank number "21", which is one rank below the additional secretaries to the government (*i.e.* number "20").²⁴ By contrast, the Chairman of the Union Public Service Commission (UPSC) in India ranks with the Chief Election Commissioner/High Court Judges in that country's Warrant of Precedence and are six places above the central government secretaries, whereas the members of the UPSC rank with the additional secretaries to the central government.²⁵ According to views expressed by BPSC itself, this rather unduly assigned lower rank numbers of the chairman/members of BPSC in the Warrant of Precedence do have an effect in undermining its position as an independent constitutional body *vis-a-vis* the authorities in the executive hierarchy, thereby interfering much with the discharge of its constitutional responsibilities in recruitment and civil service management.²⁶

Fifth, according to article 139 of the Constitution, the chairman/members of BPSC can be removed from their offices only in like manner and on like grounds as a Judge of the Supreme Court is removed. The procedure for the removal of a Supreme Court Judge first requires a presidential order alleging misbehaviour, or infirmity of mind or body. This order then requires the approval of the Supreme Judicial Council consisting of the Chief Justice and two senior Judges of the Supreme Court. But the Chief Martial Law Administrator (General H. M. Ershad) assumed sole authority of appointing and removing a member of BPSC pursuant to provisions included in the Proclamation of Martial Law of 24 March 1982. He did twice resort to this "sole removing power" and two members of BPSC (Dr. Abul Quasem and Dr. M. A. Halim) were removed by him from BPSC in 1985 without assigning any reason whatsoever.²⁷ The removal of a member of such constitutional body as BPSC by unconstitutional means seems unprecedented in that no PSC member was ever removed in like manner in British India, United Pakistan, and during the years before 1985 in Bangladesh. It is most likely that such arbitrary removal of a PSC member has yet to take place in other countries in the subcontinent.

One may argue that the PSC chairmen/members are not all saints and the highest controlling authority should not hesitate to

remove an erring chairman or member although there is no precedent. A reliable source in BPSC disclosed privately to this author that the removal of the two members of BPSC in 1985 was unavoidable because both the members had not been behaving well with their fellow commissioners. They also had not been preserving well their service integrity as members of BPSC. But yet the removal was arbitrary for only reason that the "charges" against them had not been duly proved as per procedures provided in the Constitution. It should be noted here that article 139 of the Constitution providing for procedures for removing a PSC member had been kept in force during the period of the first martial law (c. August 1975 - April 1979).

Sixth, structural changes such as slashing the number of members of BPSC were also made by the second martial law regime as part of its bid to minimize administrative costs of the government machinery. The MLCOS formed in April 1982 recommended to fix BPSC's membership at six (including a chairman) which was in effect fixed at eight subsequently by the government. It also suggested certain qualifications that the chairman/members of BPSC should possess and prescribed as well the charter of duties of the BPSC's chairman/members.²⁸ It should be noted here that the membership of BPSC had been fixed between six (minimum) and fifteen (maximum) by clause (2) of section 3 of Ordinance No. LVII of 1977 issued by the President in exercise of powers vested in him under article 138 of the Constitution. The slashing of BPSC's membership by the second martial law regime seems to have been a gross violation of statutory provisions incorporated in Ordinance No. LVII of 1977.

Seventh, in appointing persons for the offices of BPSC's chairman and members, the President is expected to abide by a standing convention, a result of the Lee Commission's recommendations, that chairmen/members of the PSCs should be drawn from persons of the highest public standing.²⁹ It is generally believed that the appointing authorities both in British India and United Pakistan did by and large maintain this valued convention.³⁰ Chairmen and members of the PSCs in most cases then were appointed from among persons of the highest public standing and who had held high government offices. Non-official PSC members (e.g. lawyers, vice-chancellors,

educationists) were also the men of distinguished backgrounds. But anyone who compares the backgrounds of the PSC chairmen/members in Bangladesh with those of the PSC chairmen/members in British India and United Pakistan will find a striking deviation from the pre-liberation "convention" in appointing the PSC chairmen/members in Bangladesh. Surprisingly, not a single ex-member of the Civil Service of Pakistan (CSP) has since liberation been appointed either as chairman or a member of BPSC. Nor none from among other members of the erstwhile Central Superior Services (except two ex-members of the Police Service of Pakistan) has been appointed as BPSC chairman/member.³¹ It is not that the ex-CSPs or other members of the erstwhile Central Superior Services are unwilling to become BPSC chairmen/members, rather the appointing authority in Bangladesh seems not interested in them.³²

Table 7.2 gives in a tabular form a comparative picture of the backgrounds of the PSC chairmen and members in United Pakistan and Bangladesh. PPSC/FPSC and CPSC are the abbreviated designations of the PSC at central level in United Pakistan from 1947 to 1971. In Bangladesh, the chairman and members of BPSC (Second) are excluded from this table.

Eighth, there has since liberation been a persistent tendency among most government agencies to appoint a large number of fresh officers and employees on *ad hoc* basis and retain them in service indefinitely. Although an appointing authority in the government may make an appointment on an *ad hoc* basis for a period not exceeding six months with the prior consent received from BPSC, every appointing authority is supposed to exercise this power only in circumstances when appointment to a service/post cannot be made by BPSC expeditiously or for any other justifiable reason. After the expiry of six months no officer/employee appointed on an *ad hoc* basis should be allowed to draw any salary unless BPSC certifies that it could not as yet select any person for the vacant post.³³

In fact, most appointing authorities, especially during the period preceding the introduction of a new service structure in September 1980, paid no heed to the relevant instructions relating to *ad hoc* appointments. In most cases they grossly

Table 7.2
Pattern of PSC Memberships in
Pakistan and Bangladesh

Country/PSC/ Designation	Service or Professional Fields						Total
	Civil Ser- vants	Ex- Judges	Educa- tion- ists	Doctors/ Engineers/ Scientist	Ex- Military Officers	Lawyers/ Politi- cians	
Pakistan (1947-1971)							
PPSC/FPSC and CPSC							
Chairmen	7	--	1	--	--	--	8
Members	8	4	7	2	1	1	23
Bangladesh (1972-1988)							
BPSC (First) BPSC							
Chairmen	1	--	2	1	--	--	4
Members	7	2	9	9	2	2	31

Note In Pakistan, seven civil servant chairmen included 4 ex-ICSs, 2 ex-IPs, and 1 ex-IPS; one educationist chairman had originally been a government servant in British India and had served as Principal of the Punjab Agricultural College and also as Vice Chancellor of the Punjab University; eight civil servant members included 2 ex-ICSs, 2 ex-IPs, 3 CSPs, and 1 PSP; seven educationists included 1 ex-vice chancellor, 3 university professors, and 3 government college professors; two engineer members belonged to the central government engineering services; one member was an ex-Air Force Vice Marshal; and one member was a rich landlord and politician. In Bangladesh, three out of the four chairmen included an ex-university professor, an ex-cadet college principal, and an ex-EPCS; present chairman is an engineer from one of the government engineering services; seven civil servant members included 6 ex-EPCSs (1 still holding office), and an ex-PSP; nine educationists included 1 ex-vice chancellor (he still holds office), 2 university professors (1 still holding office), 4 government college professors (including 1 government school headmistress) and 2 private college professors; among the nine doctors/engineers/scientist, 3 engineers belonged to the government engineering services (1 still holding office), 5 doctors from among the professors of the government medical colleges (1 still holding office), 1 scientist from the Atomic Energy Commission; two ex-military officers (who are still holding office) are an ex-army officer and an ex-member of the army education corps; two lawyers had previously been elected as members of Parliament. For all abbreviations used in the table and this note, see *List of Abbreviations*.

exceeded their authority by making unbridled *ad hoc* appointments, allowing irregular extensions of service of *ad-hoc* appointees, including the adoption of a "dilly-dallying" attitude to frame the necessary recruitment rules for the services/posts under their control.³⁴

Ninth, in the sphere of appointment by promotion, especially in cases of first appointment to a class I service/post from a lower service/post where approval of BPSC is necessary, the concerned authorities in the executive hierarchy do not always send to BPSC all the relevant papers, including the annual confidential reports (ACRs) of all eligible employee-candidates. Moreover, the ACRs, which are in fact used as the main basis for promotion, are not maintained properly. Adverse comments in the ACRs are not often communicated to the concerned employees in time. Hence, these and other irregularities cause unnecessary delay in decision-making processes regarding the cases of promotion, presumably through no fault of the employees seeking their due advancement in the service.³⁵

Tenth and last, BPSC itself notes with deep dissatisfaction that the appointing authorities in the executive hierarchy on many occasions ask the Commission to select fresh recruits mostly on whimsical or unplanned bases. They often lack comprehensive projection of their personnel requirements. As a result, it happens quite often that a certain appointing authority, after it has requested BPSC to select some suitable fresh personnel, makes a sudden decision not to recruit the personnel so requested, and accordingly notifies BPSC to regard such request for fresh personnel as cancelled, usually at a time when BPSC has already advertised the posts, or even selected persons for the posts so advertised. Obviously this sort of action by the appointing authorities reflects their sheer irresponsibility, with inevitable effect in undermining the image and prestige of BPSC as an independent constitutional body.³⁶

CONCLUDING COMMENTS

There may be several reasons for what appears from the foregoing discussion glaring discrepancies between BPSC's formal structure and functioning and its "real world" operations. The state of a volatile political environment has already been

identified as the primary reason for these discrepancies. Indeed Bangladesh's "persistent political instability" and its "ever changing outlook of government" symbolize such an "environment". But two more reasons for the discrepancies may also be cited in addition to others. They are (i) the continued pauperization of the state economy, and (ii) the scarcity of available jobs in the face of a gigantic unemployment problem. It is most unlikely that, in Bangladesh's continuing disarray, causes of the volatile political environment, persistent economic stringency, and the scarcity of jobs can be brought under control in the foreseeable future.

Be that as it may, it is true however that the blatant abuse of powers in such crucial areas as recruitment and civil service management by the authorities in the executive hierarchy does have an effect in undermining BPSC's position as an independent constitutional body. Those who run the PSC in Bangladesh seem well aware of what may be called a persistent "debilitated" position into which BPSC has been thrust. They contend that this position may be substantially rectified by such "rank" and "structural" changes as that the present "rank numbers" of BPSC's chairman/members in the Warrant of Precedence should be elevated and BPSC be treated as completely a separate secretariat division like that of the Election Commission with direct access to the President. These changes might produce effects to offset the current intransigent attitude of the authorities in the executive hierarchy toward BPSC and thus help in turn minimize dysfunctional trend in recruitment and civil service management.³⁷

In an official memorandum submitted to the government early in 1986, BPSC formally asked for the change of rank position of its chairman /members in the Warrant of Precedence. It furnished in the memorandum a detailed comparative analysis as regards the rank positions of the commissions' chairmen/members in most of the neighbouring countries and made a strong plea that the rank number of the BPSC's chairman in the Warrant of Precedence be made equivalent to that of the Election Commissioners/Supreme Court Judges (*i.e.* number "10") and the rank number of the BPSC's members be equated with that of the Planning Commission's members (*i.e.* number "17")³⁸ At present the BPSC chairman ranks with the

Planning Commission's members and the secretaries to the government (*i.e.* number "17") and the BPSC members rank with the Planning Commission's division chiefs and the Supreme Court Registrar (*i.e.* number "21") which is one rank below the additional secretaries to the government.³⁹

It is very difficult to say whether the suggested "changes" would make any difference to the existing relationship between BPSC and the authorities in the executive hierarchy. It does seem clear, however, that the effectiveness of a PSC, in general terms, depends on two conditions, which are more important than any elevation of legal status and rigid demarcation of its responsibilities. It depends, first, on the unwritten but firmly established convention, accepted by all parties, that the PSC's advice and recommendations are accepted in all service matters specified in the constitution and/or statutes. It depends, second, on the habit of close consultation and cooperation between the PSC and the authorities in the executive hierarchy.⁴⁰ Unfortunately, these two conditions have been slow to grow in Bangladesh.

Notes

1. See The Bangladesh Public Service Commission Ordinance (Ordinance No. LVII), published in *The Bangladesh Gazette*, 28 November 1977 (hereafter cited as Ordinance No. LVII of 1977).
2. According to article 96 of the Bangladesh Constitution, the procedure for removal of a Supreme Court Judge first requires a presidential order alleging misbehaviour or infirmity of mind or body. This order needs the approval of the Supreme Judicial Council, consisting of the Chief Justice and two next senior Judges of the Supreme Court, to become effective.
3. See Syed Giasuddin Ahmed, *Public Personnel Administration in Bangladesh*, Dhaka, University of Dhaka, 1986, pp. 323-325.
4. See Pakistan, Establishment Division, *The Establishment Manual*, Vol. III, Karachi, Government Press of Pakistan (GPP), 1965, pp. 26-33; S.B. Bapat, "Public Service Commission - An Indian Approach", *Indian Journal of Public Administration*, Vol. II, 1956, pp. 54-59.
5. S.B. Bapat, p. 57.
6. See Bangladesh Public Service Commission (BPSC), *Annual Reports, 1972-1987*; S. H. Zahid, "PSCs Made Redundant", *The Bangladesh Times*, 8 October 1977.

EPILOGUE

The manuscript of this book was first submitted for publication in late 1988. The University of Dhaka took more than a year to complete all formalities before sending the manuscript to press. Hence an epilogue has to be added to cover certain important developments in 1989 relating to the structure of Bangladesh Public Service Commission (BPSC) and the Bangladesh Civil Service (BCS).

In February 1989, the government made a formal decision to accord secretariat status to BPSC. In other words, a separate secretariat division called Bangladesh Public Service Commission Secretariat was created with effect from 23 February 1989 under the President's Secretariat. The existing Allocation of Business (*i.e.*, Schedule I of the Rules of Business) was duly revised to include specific functions which the BPSC Secretariat shall henceforward be transacting in its own right. After this BPSC shall no longer be treated as an attached department of the Establishment Ministry.

Meanwhile, an officer of the Secretariat of the rank and status of a joint secretary has since March 1989 taken over the secretaryship of the BPSC Secretariat. His name is A. H. M. Nuruddin, an ex-member of the Central Secretariat Service of United Pakistan. This is the first time that an officer of the rank and status of a joint secretary has been appointed as secretary of BPSC. Previously BPSC's secretaryship was normally given to an officer of the rank and status of deputy secretary.

Immediately after according the secretariat status, staffing strength of the BPSC Secretariat has been increased. In all 295 posts of officers and employees have been sanctioned. A new senior level post, designated "Controller of Examinations", in the pay scale of Taka 4200-5200 has also been sanctioned. The pay scale of the secretary is Taka 4750-5500.

It should be noted here that the BPSC's membership includes former government officers of the rank and status of a joint secretary and above, excluding those appointed from outside the government service. The monthly salary of a member of BPSC is fixed at Taka 5,500, Taka 5,700 or Taka 6,000 depending on the last salary drawn by him in the previous post in government or other organizations. A member who did

not previously hold any government or other post normally receives Taka 5,500 (fixed) per month, which is equivalent to the highest salary of the secretary of BPSC in the scale of Taka 4,7500-5,500. Present chairman of BPSC is an ex-secretary to the government and he now draws Taka 6,000 (fixed) as basic salary.

Normally a secretariat division is headed by a secretary or an additional secretary. The post of secretary in the Election Commission Secretariat, which is also one of the constituent divisions under the President's Secretariat, is normally headed by an officer of the rank and status of a secretary or an additional secretary. But the Election Commissioners are more often than not drawn from the judges of the Supreme Court whose status, emoluments, as well as the rank number in the Warrant of Precedence, are higher than those of a secretary to the government.

Although both the Election Commission and BPSC are constitutional bodies and they discharge certain important functions for the state in their respective fields, status, emoluments and other privileges (including the rank numbers given in the Warrant of Precedence) of the chairman and members of BPSC have not been made at par with those of the Election Commissioners.

Another most important development is the abolition of the Senior Services Pool (SSP) in July 1989 a little over a decade after its creation in 1979. The SSP formally came into being on 1st March 1979. It was designed to be an apex cadre of senior officials of proven quality drawn from all branches of the civil service. The SSP officers had since 1979 been holding most posts of secretary, additional secretary, joint secretary and deputy secretary in the secretariat, as well as certain posts of ambassador in Bangladesh's missions abroad.

The decision to abolish the SSP followed the recommendations of a cabinet sub-committee formed in 1987 with Professor M.A. Matin (former deputy prime minister) as its convener. This cabinet sub-committee examined, *inter alia*, the existing unequal prospects of promotions of officers belonging to various cadres of the BCS, including the representations in the Secretariat posts. It also probed in details the nature of duties of

officers of various cadres as well as the jobs performed in the Secretariat.

In recommending the abolition of the SSP, the sub-committee however suggested that all the BCS cadres should continue to have equal opportunity of being represented in the Secretariat posts. It also suggested certain criteria according to which the Secretariat posts at the joint secretary and deputy secretary levels would be distributed among the existing BCS cadres as per quota fixed for each of the cadres. But for the posts of secretary and additional secretary there should not be any quota of posts for any of the cadres. The President alone should exercise his discretion in selecting the officers for these senior-most posts, although he might or might not take into account the "recommendations" of the Council Committee on Senior Appointment, Promotion and Service Structure. This Council Committee consists of the Prime Minister as convener and some other senior cabinet ministers as members. The President is the final approving authority for all fresh appointments into the class I services as well as all appointments on promotion within the class I services.

The government issued on 17 July 1989 an official order through a gazette notification to give effect to the recommendations of the cabinet sub-committee. According to this gazette notification, the SSP was formally abolished with effect from 12 July 1989 and the BCS administrative and secretariat cadres seem to have reaped the lion's share of the Secretariat posts. Eligible officers from each of the existing thirty BCS cadres shall henceforward be selected on promotion for the Secretariat posts (against the posts fixed for each cadre) strictly on the basis of merit.

The abolition of the SSP was immediately followed by an important government decision to abolish as well the Superior Selection Board (SSB) and constitute in its place two new bodies in each ministry/division for dealing with the cases of appointment and promotion to higher posts both in the Secretariat and outside. In effect the constitution of these two new bodies in each ministry/division was considered to be part of making new institutional arrangements towards decentralizing the existing system of appointments and promotions at the

higher echelons of the government. Necessary official instructions were issued on 24 July 1989 by the Establishment Ministry as regards the composition and functions of the two new bodies to be constituted in each ministry/division in place of the SSB.

One of the two newly constituted bodies called Departmental Board for Senior Appointment and Promotion consists of three members with the minister-in-charge as chairman, secretary of the Establishment Ministry as member, and the secretary or additional secretary in-charge of the ministry/division (in which the Board has been constituted) as another member. This Board in each ministry/division shall review the cases of both cadre and non-cadre officers under the ministry/division for promotion and appointment to posts in the 1st, 2nd and 3rd pay grades of the National Pay Scales (NPS), which include the posts of secretary, additional secretary, joint secretary in the Secretariat as well as the equivalent posts outside the Secretariat (*e.g.*, heads of departments/directorates, chairmen/managing directors of autonomous bodies/corporations). The Board shall assess the fitness of each case for promotion and forward its recommendations to the Council Committee on Senior Appointment, Promotion and Service Structure. The Council Committee shall then submit its own recommendations to the President for final decision.

The other newly constituted body called Departmental Board for Appointment and Promotion also consists of three members with the minister-in-charge as chairman, secretary or additional secretary in-charge of the ministry/division (in which the Board has been constituted) as member, and the head of department/directorate/subordinate office/organization concerned with the promotion case or cases as another member. This second Board in each ministry/division shall review the cases of both cadre and non-cadre officers under the ministry/division for promotion and appointment to posts in the 4th, 5th and 6th pay grades of the NPS, which include mostly the mid-level and upper mid-level posts in the Secretariat and outside (*e.g.*, deputy secretaries, directors and members of management boards of autonomous bodies). The Board shall

assess the fitness of each case for promotion and submit its recommendations directly to the President for final decision.

Each ministry/division shall provide all necessary secretarial services to its two newly constituted boards and implement as well the decisions made by the President. The Establishment Ministry's role shall only be limited to implementing the decisions of the President as regards appointments and promotions to such posts as chairmen, managing directors and members of management boards in autonomous bodies/corporations.

It should be noted here that the defunct SSB consisted of the Cabinet Secretary as convener, Establishment Secretary as member-secretary, and other members drawn mostly from the secretary-level officers of the government. It was designed to be a centralized body to review and recommend almost all promotion cases to posts in the 5th to 1st pay grades of the NPS, except the cases of promotion to the SSP posts of deputy secretary in the Secretariat. BPSC was to be involved in the selection process of the deputy secretaries in the SSP as per provisions made in the SSP Order of 1979.

In conclusion, it seems indeed very difficult at this stage to speculate the outcome of the latest developments. May be that those who run BPSC will feel "elevated" at the change of its status and many junior members of the administrative and secretariat cadres will be happy after the abolition of the SSP. But the critics have already started telling around that the "elevation" will not have any effect in improving on the existing qualitative character of BPSC and that after the abolition of the SSP and SSB such typical evils as nepotism, favouritism and political "pull" in the field of promotion will escalate.

APPENDIX-A

List of Chairmen of PSC in the Centre in Pakistan (1947--1971)

1. Mian Mohammad Afzal Hossain

Mian M. A. Hossain joined the PPSC as Chairman in October 1948 and left it on 30 September 1952. He had started his service career as an Entomologist in the Department of Agriculture under the Punjab Government in 1919. He had subsequently been the Principal of the Government Agricultural College in Lyallpur (Punjab), Agricultural Adviser to the Government of India, and the Vice Chancellor of the University of the Punjab. He had been a Member and then the Chairman of the West Punjab-NWFP Public Service Commission immediately before his appointment as Chairman of the PPSC.

2. Mr. Zakir Hossain

Mr. Zakir Hossain joined the PPSC as Chairman on 20 October 1952 and left it on 19 October 1957. He had joined the Bengal Cadre of the Indian Police (IP) on 23 September 1923 (absorbed in the PSP after partition) and begun his service career as an Assistant Superintendent of Police under the Government of Bengal. He had also been the Shipping Master at Calcutta on deputation from the Government of India. He had been a Deputy Inspector General of Police (DIGP) at the time of partition. He had held the post of Inspector General of Police (IGP) in East Bengal prior to his appointment as Chairman of the PPSC. He subsequently became the Governor of East Pakistan and then the Central Home Minister under President Mohammad Ayub Khan.

3. Mian Aminuddin

Mian Aminuddin joined the FPSC as Chairman on 27 October 1957 and left it in April 1958. He had held the post of Agent to the Governor-General and Chief Commissioner of Baluchistan prior to his appointment as Chairman of the FPSC. He had joined the ICS in 1923 (subsequently absorbed in the CSP) and served as Chief Controller of Exports and Imports, Secretary of the Department of Commerce (1944-47), and the Chairman of the Karachi Port Trust (1947-49).

4. Lt. Col. A. S. B. Shah

Lt. Col. A. S. B. Shah joined the FPSC as Chairman on 14 January 1958 and left it on 15 June 1963. He had been the Ambassador of Pakistan in Egypt prior to his appointment as Chairman of the FPSC. He had started his service career as a King's Commissioned Officer in the Indian Army on 31 August 1923 and subsequently joined the IPS on 23 January 1930.

5. Kazi Anawarul Haque

Kazi Anawarul Haque joined the CPSC as Chairman on 15 June 1963 and left it on 28 March 1965. He had joined the Bengal Cadre of the IP on 20 February 1933 (subsequently absorbed in the PSP). He had served as DIG of Police, Director of the Bureau of National Reconstruction in East Pakistan, Secretary and the Additional Chief Secretary to the Government of East Pakistan. He had been the Chief Secretary to the Government of East Pakistan prior to his appointment as Chairman of the CPSC. He left the CPSC to become the Central Education Minister under President Mohammad Ayub Khan.

6. Agha Abdul Hamid

Mr. Agha Abdul Hamid joined the CPSC as Chairman on 20 April 1965 and left it on 25 February 1966. He had joined the Punjab Cadre of the ICS in 1938 (subsequently absorbed in the CSP). He had served as Director of the Civil Service Academy at Lahore. He left the CPSC to become the Central Cabinet Secretary.

7. Mr. Nazir Ahmed

Mr. Nazir Ahmed joined the CPSC as Chairman on 8 March 1966 and left it on 1st May 1969. He had joined the Punjab Cadre of the ICS in 1938 (subsequently absorbed in the CSP). He had held the post of secretary of various central ministries and been the Defence Secretary prior to his appointment as Chairman of the CPSC.

8. Mr. Ali Asghar

Mr. Ali Asghar joined the CPSC as Chairman on 9 May 1969 and continued in the office beyond 1971. He had joined the Bengal Cadre of the ICS in 1938 (absorbed in the CSP subsequently). He had held

high government offices both in Bengal and East Pakistan and been the Chief Secretary to the Government of East Pakistan prior to his appointment as Chairman of the CPSC.

APPENDIX - B

List of Members of PPSC in the Centre in Pakistan (1947--1971)

1. Professor Shahid Suhrawardy

Professor Shahid Suhrawardy joined the PPSC as Member on 1st September 1947 and left it on 16 June 1952. He had been a Professor of Fine Arts at the University of Calcutta. He had also served as Member of the Bengal Public Service Commission before partition in 1947.

2. Khan Saheb Abdul Gafur Khan

Khan Saheb A. Gafur Khan joined the PPSC as Member on 5 November 1948. He was a member of the Punjab Civil Service (Judicial) and had held the post of District and Sessions Judge in Peshawar (NWFP) prior to his appointment as Member of the PPSC. He died on 25 April 1950 while he was still a Member of the PPSC.

3. Mr. Charles M. Lobo

Mr. Charles M. Lobo joined the PPSC as Member on 23 May 1951 and left it on 30 September 1952. He had been an Advocate of the Sind Chief Court. He had subsequently held the post of Judge of the Sind Chief Court and also acted as Chief Judge of the Sind Chief Court.

4. Mr. U. Kramet

Mr. U. Kramet joined the PPSC as Member on 23 October 1952 and left it on 24 October 1957. He had held the post of Director of Public Instruction (DIP) and Education Secretary to the Government of West Pakistan. He had also held the post of Vice-Chancellor of the University of the Punjab prior to his appointment as Member of the PPSC. He was subsequently appointed as Member of the Directing Staff at Pakistan Administrative Staff College in Lahore after the completion of his term of office in the FPSC.

5. Wazirzada Sardar Gul Mohammed Khan

Sardar Gul Mohammed Khan joined the PPSC as Member on 29 November 1952. He was a member of the NWFP Judicial Service. He had been the Chairman of the West Punjab-NWFP Public Service Commission prior to his appointment as Member of the PPSC. He died on 21 April 1957 while he was still a Member of the FPSC.

6. Syed Farook Mirza

Syed Farook Mirza joined the FPSC as Member on 24 April 1957 and left it on 23 April 1962. He had joined the Bengal Civil Service (BCS) on 20 February 1920 and subsequently been absorbed in the CSP Cadre. He had served as a Secretary to the Government of East Bengal after partition. He had also served as Secretary of the FPSC prior to his appointment as its Member.

7. Mr. S. M. Hasan

Mr. S. M. Hasan joined the FPSC on 25 October 1957 and left it on 24 October 1962. He had started his service career as a member of the Indian Service of Engineers in 1926. He had held the post of General Manager of the Pakistan Eastern Railway prior to his appointment as Member of the FPSC.

8. Mr. M. Ibrahim Khan

Mr. M. Ibrahim Khan joined the FPSC as Member on 26 October 1957 and left it on 25 October 1962. He was a member of the Punjab Judicial Service. He had started his service career as an Additional District and Sessions Judge in 1933 and subsequently held the post of District and Sessions Judge.

9. Dr. S. M. Hossain

Dr. S. M. Hossain joined the FPSC as Member on 26 October 1957 and left it on 25 October 1962. He had served as a Professor (1933-1948) and also as Vice Chancellor (1948-1953) of the University of Dhaka. Subsequently he had held the Chairmanship of the East Pakistan Public Service Commission. He was appointed as Member of the FPSC after the completion of his term of office in the EPPSC.

10. Mr. A. F. M. Abdul Haq

Mr. A. F. M. Abdul Haq joined the CPSC as Member on 9 July 1962 and left it on 8 July 1965. He had started his service career in the Education Department under the Government of Bengal as a Lecturer on 20 December 1931. He had subsequently been promoted to the Bengal Senior Education Service. He had held the posts of Assistant Director of Public Instruction (ADPI) in East Bengal, President of the Board of Secondary Education in Karachi, and the President of the East Pakistan Secondary Education Board. He had been holding the post of Joint Educational Adviser to the Government of Pakistan prior to his appointment as Member of the CPSC.

11. Sheikh Mohammed Akram

Sheikh M. Akram joined the CPSC as Member on 7 November 1962. He had started his service career as a member of the Indian Service of Engineers in January 1944 and subsequently held the post of Chief Engineer (Irrigation) under the Government of West Pakistan. He died on 14 December 1963 while he was still a Member of the CPSC.

12. Malik Ata Mohammed Noon

Malik Ata Mohammed Noon joined the CPSC as Member on 12 November 1962 and left it on 31 January 1965. He had held the post of DIG of Police in Rawalpindi (West Pakistan) prior to his appointment as Member of the CPSC. He joined the Punjab Cadre of the PSP on 1st September 1947.

13. Mr. A. H. M. Shamsuddoha

Mr. A.H.M. Shamsuddoha joined the CPSC as Member on 5 April 1962 and left it on 1st February 1965. He had joined the Bengal Cadre of the IP in 1924 (absorbed in the PSP subsequently). He had been the IGP in East Pakistan prior to his appointment as Member of the CPSC. He left the CPSC to become the Central Food and Agriculture Minister under President M. Ayub Khan.

14. Mr. A. M. Sial

Mr. A. M. Sial joined the CPSC as Member on 1st April 1964 and left it on 31 March 1970. He was a landlord and politician in Sind. He

had held the post of Member of the Water and Power Development Authority (WAPDA) in West Pakistan prior to his appointment as Member of the CPSC. He served two terms with the CPSC.

15. Mr. M. S. H. Quraishi

Mr. M. S. H. Quraishi joined the CPSC as Member on 16 April 1965 and left it on 23 December 1966. He had joined the ICS on 23 March 1947 (absorbed in the CSP afterwards). He had served as Secretary of the CPSC prior to his appointment as its Member. He left the CPSC on his transfer to the Judiciary.

16. Mr. A. M. Sadullah

Mr. A. M. Sadullah joined the CPSC as Member on 19 May 1965 and left it on 18 May 1971. He had joined the Bengal Cadre of the IP in 1938 (subsequently absorbed in the PSP). He had served as DIG of Police and then Director of Immigration and Passport in Karachi prior to his appointment as Member of the CPSC. He served two terms with the CPSC.

17. Mr. M. Fazlur Rahman

Mr. M. Fazlur Rahman joined the CPSC as Member on 11 October 1965. He joined the Senior Education Service under the Government of East Bengal in 1949. He had served as Vice Principal and Principal of several first grade Government Colleges in East Pakistan. He had also served as Chairman of the Board of Intermediate and Secondary Education in Rajshahi as well as in Dhaka. He had been holding the post of DPI in East Pakistan before his appointment as Chairman of the East Pakistan School Text Book Board. He joined the CPSC as its Member from the Text Book Board. He served two terms with the CPSC and died on 31 October 1969 while he was still a Member of the CPSC.

18. Mr. Nusrat Hasan

Mr. Nusrat Hasan joined the CPSC as Member on 18 March 1967 and left it on 8 October 1969. He joined the CSP in 1948. He had been holding the post of Joint Secretary (O & M Wing) of the Establishment Division under the Government of Pakistan prior to his appointment as Member of the CPSC.

19. Mr. M. A. Rahman

Mr. M. A. Rahman joined the CPSC as Member on 1st October 1969 and continued in the office beyond 1971. He was formerly a Commissioned Officer of the Pakistan Air Force and had been holding the post of Air Vice Marshal in the Pakistan Air Force prior to his appointment as Member of the CPSC.

20. Mr. Sher Afzal Khan

Mr. Sher Afzal Khan joined the CPSC as Member on 20 May 1970 and continued in the office beyond 1971. He had joined the ICS in 1943 (subsequently absorbed in the CSP). He had been holding the post of Commissioner of Peshawar Division (West Pakistan) prior to his appointment as Member of the CPSC.

21. Dr. Mafiz Uddin Ahmed

Dr. Mafiz Uddin Ahmed joined the CPSC as Member on 9 January 1970 and left it on 24 September 1970. He had been serving as Professor of Chemistry at the University of Dhaka prior to his appointment as Member of the CPSC. He left the CPSC to become the Vice Chancellor of Jahangir Nagar Muslim University at Savar in East Pakistan.

22. Professor M. Shafiullah

Professor M. Shafiullah joined the CPSC as Member on 30 December 1970 and continued in the office beyond 1971. He had been serving as a Professor of Commerce and then the Director of Institute of Business Administration at the University of Dhaka prior to his appointment as Member of the CPSC.

23. Mr. Mafizur Rahman

Mr. Mafizur Rahman joined the CPSC as Member on 18 May 1971 and continued in the office beyond 1971. He joined the CSP in 1951. He had been holding the post of Joint Secretary in the Rehabilitation and Works Division under the Government of Pakistan prior to his appointment as Member of the CPSC.

APPENDIX - C

List of Chairmen of PSC in East Pakistan (1947--1971)

1. Sir Arthur Jules Dash

Sir Arthur Jules Dash had joined first as Chairman of the Bengal Public Service Commission in 1942. He had served as Divisional Commissioner and also officiated as Chief Secretary to the Government of Bengal prior to his appointment as Chairman of the Bengal PSC. He opted for Pakistan at partition and was appointed as Chairman of the East Pakistan Public Service Commission (EPPSC) on 15 August 1947. He retired from the Chairmanship of the EPPSC on 15 March 1951.

2. Khan Bahadur Mohammed Mahmud

K. B. M. Mahmud had been a member of the Assam Civil Service and he opted for Pakistan at partition. He had held the post of Member of the Board of Revenue under the Government of East Bengal and then the Membership of the Pakistan Jute Board prior to his appointment as Chairman of EPPSC on 5 April 1951. He retired from the EPPSC on 15 October 1953.

3. Dr. Syed Moazzem Hossain, M. A.; D. Phil. (Oxon)

Dr. Syed M. Hossain had been Professor in the Department of Arabic and Islamic Studies at the University of Dhaka. He had also held the post of Vice Chancellor of the same University from 1948 to 1953 prior to his appointment as Chairman of the EPPSC on 9 November 1953. He left the EPPSC on 8 November 1956 to join the FPSC in Karachi as its Member.

4. Dr. Mahmood Hasan, M. A.; D. Phil. (Oxon)

Dr. M. Hasan had joined first as a Lecturer in English at the University of Dhaka in July 1921. This University was established in 1921. He had subsequently been a Reader in English, Provost of the Salimullah Muslim Hall (University of Dhaka), Professor in English, and then the Vice Chancellor of the University of Dhaka (1942-1948). He had subsequently held the post of Educational Adviser to the

Government of Pakistan and also a special diplomatic position in the Pakistan Mission in Iraq. He was appointed as Chairman of the EPPSC on 6 December 1956 and left it on 11 March 1961.

5. Mr. M. A. Bary, B. Sc.; B. E.; M.I.E.

Mr. M. A. Bary had previously served as General Manager of the Pakistan Eastern Railway and also as Chairman of the Chittagong Port Trust prior to his appointment as Chairman of the EPPSC on 15 December 1961. He retired from the EPPSC on 14 December 1966.

6. Mr. Noor Mohammad Khan

Mr. N. M. Khan had been a District and Sessions Judge under the Government of East Pakistan prior to his first appointment as Member of the EPPSC on 12 July 1966. He was appointed as Chairman in the EPPSC in December 1966 and continued in that office until early 1970.

7. Dr. M. A. Rashid

Dr. M. A. Rashid had been a Professor of Engineering in the Ahsanullah Engineering College at Dhaka. He had subsequently held the post of Principal in the same College. He had been appointed as the first Vice Chancellor of the East Pakistan University of Engineering and Technology established as the successor institution of the Ahsanullah Engineering College. He was appointed as Chairman of the EPPSC on 16 March 1970. He remained in that position during the liberation war in 1971.

APPENDIX-D

List of Members of PSC in East Pakistan (1947 - 1971)

1. Mr. M. A. Mirdha

Mr. M. A. Mirdha had been a Member of the East Bengal Provincial Assembly prior to his appointment as Member of the EPPSC on 15 September 1948. He left the EPPSC on 1st October 1953. He served two terms with the EPPSC.

2. Mr. Abdus Sobhan Mahmud

Mr. A. S. Mahmud had started his service career as a member of the Bengal Civil Service (BCS) on 25 May 1916. He had held high government offices during his service career, including the post of District Magistrate in Barisal. He joined the EPPSC as Member on 19 November 1948 and left it on 22 December 1953.

3. Khan Bahadur Mahbubuddin Ahmed

K. B. Mahbubuddin Ahmed had been a member of the BCS. He had held high government offices during his service career, including the post of Joint Secretary in the Finance Department under the Government of East Bengal. He joined the EPPSC as Member on 30 November 1953 and left it on 1st December 1956.

4. Khan Bahadur Abdul Hye Chowdhury

K. B. Abdul Hye Chowdhury had been a member of the Assam Civil Service. He had held high government offices during his service career, including the post of Commissioner of Excise under the Government of East Bengal. He joined the EPPSC as Member on 5 March 1954 and left it on 2 June 1956.

5. Mr. Jogesh Chandra Das

Mr. Jogesh Chandra Das had started his service career as an Engineer under the Assam Government Service on 15 November 1918. He had held high technical offices under both the Governments of Assam and East Bengal. He had been re-employed after retirement as Engineer Adviser in the Civil Supply Department on 17 July 1954

and then in the Food and Agriculture Department on 1st April 1955 under the Government of East Bengal. He joined the EPPSC as Member on 2 June 1956 and left it on 1st June 1961.

6. Mr. Makbul Ahmed

Mr. Makbul Ahmed had been holding the post of Principal of Alia Madrasa at Dhaka prior to his appointment as Member of the EPPSC on 5 August 1957. He retired from his Membership in the EPPSC on 4 August 1962.

7. Mr. A. K. B. Karim

Mr. A. K. B. Karim had been a member of the BCS. He had held high government offices, including the post of Deputy Secretary in the Agriculture Department under the Government of East Bengal/East Pakistan prior to his appointment as Member of the EPPSC on 17 June 1961. He left the EPPSC on 16 June 1966.

8. Mr. Mofassiluddin Ahmed

Mr. Mofassiluddin Ahmed was a member of the East Pakistan Senior Education Service. He had previously served as Principal in Government Colleges in East Pakistan. He was also a Psychologist. He joined the EPPSC as Member on 6 August 1962. He left the EPPSC on 5 August 1967 on completion of his term.

9. Mr. N. M. Khan

Mr. N. M. Khan joined first as Member of the EPPSC on 12 July 1966 and then as its Chairman in December 1966. He continued in that office until early 1970. He had been a District and Sessions Judge prior to his appointment as Member of the EPPSC.

10. Mr. K. A. F. M. Abul Quasem

Mr. K. A. F. M. Abul Quasem was a member of the East Pakistan Senior Education Service. He had held the posts of Principal of the Mymensingh Primary Teachers' Training College, Chairman of the East Pakistan School Text Book Board and Educational Consultant in the Central Public Service Commission prior to his appointment as

Member of the EPPSC on 8 September 1967. He remained in that office until early 1970.

11. Mr. M. Anawaruzzaman

Mr. M. Anawaruzzaman joined the EPPSC as Member on 3 November 1969 and remained in that office during the liberation war in 1971. He had previously served as Chief Engineer in the Roads and Highways Department under the Government of East Pakistan.

12. Mr. Abdus Sobhan Khan Chowdhury

Mr. Abdus Sobhan Khan Chowdhury was a member of the East Pakistan Senior Education Service. He had held the posts of Principal of the Chittagong Government College of Commerce, Deputy Director of Public Instruction in East Pakistan (1964-65), and Educational Attache in the Pakistan Embassy in the USA in 1966. He joined the EPPSC as Member in 1969 and remained in that office during the liberation war in 1971.

13. Mr. Alimdad Khan

Mr. Alimdad Khan joined the EPPSC as Member on 25 January 1967 and remained in that office during the liberation war in 1971. He had started his service career as a member of the BCS on 25 January 1938. He had held high government offices both under the Governments of Bengal and East Pakistan, including the office of Secretary of the EPPSC from 14 September 1960 to 24 January 1967.

APPENDIX-E

List of Chairman and Members of BPSC (First) (1972-1977)

1. Dr. A. Q. M. Bazlur Karim

Dr. A. Q. M. Bazlur Karim had been a Professor and the Chairman of the Department of Soil Science at the University of Dhaka prior to his appointment as Chairman of Bangladesh Public Service (First) Commission or BPSC (First) on 15 May 1972. He served BPSC (First) till 15 December 1977 and rejoined his teaching position at the University after leaving the office in BPSC (First).

2. M. Alimdad Khan

Mr. Alimdad Khan had previously served as Secretary and then as Member of the East Pakistan Public Service Commission (EPPSC) prior to his appointment as Member of BPSC (First) on 15 May 1972. He left BPSC (First) on 1st November 1974 after he had reached the age of sixty-two years. He had started his service career as a member of the BCS before partition in 1947. He had subsequently been absorbed in the EPCS (Listed) after partition.

3. Mr. Awlad Hossain

Mr. Awlad Hossain had previously served as Chief Engineer of the Water and Power Development Authority (WAPDA) prior to his appointment as Member of BPSC (First) on 15 May 1972. He left BPSC (First) on 14 December 1977. He was a member of the East Pakistan Engineering Service before liberation in December 1971.

4. Mr. Shiva Prasanna Lahiry

Mr. Shiva Prasanna Lahiry had held the post of Principal of Pabna Edward College prior to his appointment as Member of BPSC (First) on 26 May 1972. He left BPSC (First) on 15 December 1977. He was a member of the East Pakistan Senior Education Service.

5. Dr. Sheikh Mohammad Mobarak Hossain

Dr. S. M. Mobarak Hossain joined BPSC (First) as Member on 23 April 1972 and left it on 8 June 1976 after he had reached the age of sixty-two years. He was a member of the Bangladesh Medical Service and had served as Principal in Medical Colleges prior to his appointment as Member of BPSC (First).

6. Mr. A. B. M. Moksed Ali

Mr. A. B. M. Moksed Ali joined BPSC (First) as Member on 14 November 1973. He was subsequently appointed as Member of the merged Bangladesh Public Service Commission (BPSC) constituted on 22 December 1977 in place of BPSC (First) and BPSC (Second) to serve the remaining period of his term of five years. He left the merged BPSC on 13 November 1978. He had held the post of Principal of Setabganj College in Dinajpur prior to his appointment as Member of BPSC (First).

7. Mr. Abdul Hannan Chowdhury

Mr. A. H. Chowdhury joined BPSC (First) as Member on 4 December 1973. He was subsequently appointed as Member of the merged BPSC on 22 December 1977 to serve the remaining period of his term of five years. He left the merged BPSC on 3 December 1978. He was a member of the EPCS (Judicial) and had held the post of District and Sessions Judge prior to his appointment as Member of BPSC (First).

8. Mr. Adeluddin Ahmed

Mr. Adeluddin Ahmed joined BPSC (First) as Member on 26 November 1974 and left it on 1st March 1975 after he had reached the age of sixty-two years. He had been an Advocate of Bangladesh Supreme Court prior to his appointment as Member of BPSC (First).

9. Mr. Shamsuddin Ahmed

Mr. Shamsuddin Ahmed joined BPSC (First) as Member on 18 April 1975. He was subsequently appointed as Member of the merged BPSC on 22 December 1977. He was reappointed as Member of BPSC on 17 April 1980 after the expiry of his first term of five years. He left BPSC on 17 September 1981 after he had reached the age of

sixty-two years. He had been a member of the BCS and subsequently absorbed in the EPCS. He had held the post of Home Secretary to the Government of Bangladesh prior to his appointment as Member of BPSC (First).

10. Mr. Hafez Habibur Rahman

Mr. Hafez Habibur Rahman joined BPSC (First) as Member on 7 August 1975. He was subsequently appointed as Member of the merged BPSC on 22 December 1977 and left it on 6 August 1980 after the expiry of his term of five years. He had previously served as a Professor of Political Science in Chandpur and Jagannath Colleges. He had also been elected a Member of the East Bengal Provincial Assembly in 1954 on an AL party ticket.

11. Dr. Shafia Khatun

Dr. Shafia Khatun joined BPSC (First) as Member on 26 July 1977. She was subsequently appointed as Member of the merged BPSC on 22 December 1977. She left BPSC on 3 May 1982 to become a Member of the Council of Advisers to the Chief Martial Law Administrator (Lt. Gen. H. M. Ershad). She had been an Associate Professor in the Institute of Education and Research at the University of Dhaka prior to her appointment as Member of BPSC (First).

APPENDIX-F

List of Chairman and Members of BPSC (Second) (1972-1977)

1. Mr. Mohiuddin Ahmed

Mr. Mohiuddin Ahmed joined BPSC (Second) as Chairman on 15 May 1972 and left it on 14 December 1977. He was an ex-member of the PSP and had held high government offices under the Governments of Pakistan and Bangladesh, including the posts of Inspector General of Police and Secretary of the Ministry of Labour and Manpower under the Government of Bangladesh, prior to his appointment as Chairman of BPSC (Second).

2. Mr. M. Anwaruzzaman

Mr. M. Anwaruzzaman joined BPSC (Second) as Member on 15 May 1972 and left it on 19 November 1976. He was an ex-member of the East Pakistan Engineering Service and had held the post of Chief Engineer of the Roads and Highways Department in East Pakistan prior to his appointment as Member of the East Pakistan Public Service Commission on 3 November 1969. He remained in that office during the liberation war in 1971.

3. Mr. Bazlur Rahman

Mr. Bazlur Rahman joined BPSC (Second) as Member on 15 May 1972 and left it on 29 February 1976 after he had reached the age of sixty-two years. He was an ex-member of the East Pakistan Police Service and had held the post of DIG of Police prior to his appointment as Member of BPSC (Second).

4. Mr. Ekramul Kabir

Mr. Ekramul Kabir joined BPSC (Second) as Member on 15 May 1972. He died on 31 October 1974 while he was still a member of BPSC (Second). He was an ex-member of the EPCS and had held the post of Deputy Secretary to the Government of Bangladesh prior to his appointment as Member of BPSC (Second).

5. Mr. Joadur Rahim Jahid

Mr. Joadur Rahim Jahid joined BPSC (Second) as Member on 15 May 1972 and left it on 14 December 1977 after the expiry of his term of office. He was an ex-member of the EPCS and had held the post of Deputy Secretary to the Government of Bangladesh prior to his appointment as Member of BPSC (Second).

6. Mr. Santosh Bhusan Das

Mr. Santosh Bhusan Das joined BPSC (Second) as Member on 15 May 1972 and left it on 14 December 1977 after the expiry of his term of office. He had previously served as Principal of Rangunia College in Chittagong.

7. Begum Mahmuda Rahman

Begum Mahmuda Rahman joined BPSC (Second) as Member on 15 May 1972 and vacated her Membership of BPSC (Second) on 15 December 1977. She was subsequently reappointed as Member of the merged BPSC on 22 December 1977. She had previously served as Head Mistress of Jessore Government Girls' High School.

8. Mr. Bipin Behari Das

Mr. Bipin Behari Das joined BPSC (Second) as Member on 22 December 1972 and left it on 21 December 1977 after the expiry of his term of office. He had previously held the post of DIG of Police (Prison) under the Government of Bangladesh.

9. Mr. Ekramul Hoque

Mr. Ekramul Hoque joined BPSC (Second) as Member on 23 November 1974. He was subsequently reappointed as Member of the merged BPSC on 22 December 1977 to serve the remaining period of his term of five years. He left BPSC on 30 April 1979. He was an ex-member of the EPCS and had held the post of Deputy Secretary to the Government of Bangladesh prior to his appointment as Member of BPSC (Second).

10. Mr. M. A. Awal

Mr. M. A. Awal joined BPSC (Second) as Member on 7 July 1975. He was subsequently reappointed as Member of the merged BPSC to serve the remaining period of his term of five years. He left BPSC on 6 July 1980. He was an ex-member of the PSP and had held the posts of DIG of Police and Chairman of the Bangladesh Road Transport Corporation prior to his appointment as Member of BPSC (Second).

11. Mr. Azharul Islam

Mr. Azharul Islam joined BPSC (Second) as Member on 17 July 1975. He was subsequently reappointed as Member of the merged BPSC to serve the remaining period of his term of five years. He left BPSC on 16 July 1980. He had been an Advocate of Bangladesh Supreme Court as well as an elected Member of the Bangladesh Parliament prior to his appointment as Member of BPSC (Second).

APPENDIX-G

List of Chairmen and Members of BPSC (1978-1989)

1. Mr. M. Moyeedul Islam

Mr. M. Moyeedul Islam joined BPSC as Chairman on 22 December 1977 and left it on 21 December 1982 after the expiry of his terms of five years. He had previously served as a Lecturer in English in Government Colleges and as Vice-Principal of the Fauzdarhat Cadet College in East Pakistan. He had also served as an Instructor of the Pakistan Military Academy at Kakul (West Pakistan). He had been the Managing Director of the Pakistan Insurance Corporation immediately before liberation. He had been appointed as Chairman of the Bangladesh Life Insurance Corporation after liberation.

2. Mr. Fayezuddin Ahmed

Mr. Fayezuddin Ahmed joined BPSC as Chairman on 22 December 1982 and left it on 31 December 1986 after he had reached the age of sixty-two years. He was an ex-member of the EPCS recruited into that service in 1948 on the basis of his result in the BCS examination held immediately before partition in 1947. He had held high government offices under the Government of East Pakistan. He had joined the government-in-exile at Mujibnagar during the liberation war in 1971. He had held the post of secretary of several ministries before his appointment as Establishment Secretary to the Government of Bangladesh in September 1978. He joined BPSC on 22 December 1982 after leaving the post of Establishment Secretary.

3. Mr. S. M. Al-Hussainy

Mr. S. M. Al-Hussainy joined BPSC as Chairman on 1st June 1986 and he is still holding the office. He obtained the B.Sc. (Engineering) Degree from Shibpur Engineering College (West Bengal) in 1950. He started his service career as an Engineer in a British Firm in Calcutta in or about 1950. He subsequently joined the Electricity Department at Dhaka in 1956. He also served the WAPDA in East Pakistan on deputation from the Electricity Department and held high technical-cum-administrative offices both in government and semi-government organizations in East Pakistan until 1969. He was appointed as Secretary of the Ministry of Power, Irrigation and Flood Control in 1972

under the Government of Bangladesh. He subsequently served as Member of the Planning Commission and Secretary of the Ministry of Industries. He was holding the post of Managing Director of the Bangladesh Krishi Bank at the time of his appointment as Chairman of BPSC.

4. Mr. A. B. M. Moksed Ali

Mr. A. B. M. Moksed Ali joined first BPSC (First) as Member on 14 November 1973. He was subsequently reappointed to the merged BPSC on 22 December 1977 to serve the remaining period of his term of five years. He left BPSC on 13 November 1978. He had been serving as Principal of Setabganj College in Dinajpur prior to his appointment as Member of BPSC (First).

5. Mr. Abdul Hannan Chowdhury

Mr. A. H. Chowdhury joined first BPSC (First) as Member on 4 December 1973. He was subsequently reappointed to the merged BPSC on 22 December 1977 to serve the remaining period of his term of five years. He left BPSC on 3 December 1978. He was an ex-member of the EPCS (Judicial) and had held the post of District and Sessions Judge prior to his appointment as Member of BPSC (First).

6. Mr. Ekramul Haque

Mr. Ekramul Haque joined first BPSC (Second) as Member on 23 November 1974. He was subsequently reappointed to the merged BPSC on 22 December 1977 to serve the remaining period of his term of five years. He left BPSC on 30 April 1979 after he had reached the age of sixty-two years. He was an ex-member of the EPCS and had held the post of Deputy Secretary to the Government of Bangladesh prior to his appointment as Member of BPSC (Second).

7. Mr. Shamsuddin Ahmed

Mr. Shamsuddin Ahmed joined first BPSC (First) as Member on 18 April 1975. He was subsequently reappointed to the merged BPSC on 22 December 1977. He got an extension of his first term on 17 April 1980. He left BPSC on 17 September 1981 after he had reached the age of sixty-two years. He had started his service career as a member of the BCS before partition. He had subsequently been absorbed in the EPSC. He had held the post of Home Secretary to the Government of Bangladesh prior to his appointment as Member of BPSC (First).

8. Mr. M. A. Awal

Mr. M. A. Awal joined first BPSC (Second) as Member on 7 July 1975. He was subsequently reappointed to the merged BPSC on 22 December 1977 to serve the remaining period of his term of five years. He left BPSC on 6 July 1980. He was an ex-member of the PSP and had held the posts of DIG of Police and Chairman of the Bangladesh Road Transport Corporation prior to his appointment as Member of BPSC (Second).

9. Mr. Azharul Islam

Mr. Azharul Islam joined first BPSC (Second) as Member on 17 July 1975. He was subsequently reappointed to the merged BPSC on 22 December 1977 to serve the remaining period of his term of five years. He left BPSC on 16 July 1980. He had been an Advocate of Bangladesh Supreme Court as well as an elected Member of the Bangladesh Parliament prior to his appointment as Member of BPSC (Second).

10. Dr. Shafia Khatun

Dr. Shafia Khatun joined first BPSC (First) as Member on 26 July 1977. She was subsequently reappointed to the merged BPSC on 22 December 1977. She left BPSC on 3 May 1982 and became a Member of the Council of Advisers to the Chief Martial Law Administrator (Lt. Gen. H. M. Ershad). She was again appointed as Member of BPSC on 10 February 1985 and is still holding the office. She had been an Associate Professor in the Institute of Education and Research at the University of Dhaka prior to her appointment as Member of BPSC (First).

11. Mr. Hafez Habibur Rahman

Mr. Hafez Habibur Rahman joined first BPSC (First) as Member on 7 August 1975. He was subsequently reappointed to the merged BPSC on 22 December 1977 and left it on 6 August 1980 after the expiry of his term of five years. He had been a Professor of Political Science in Chandpur and Jagannath Colleges and a Member of the East Pakistan Legislative Assembly (elected in 1954) prior to his appointment as Member of BPSC (First).

12. Begum Mahmuda Rahman

Begum Mahmuda Rahman joined first BPSC (Second) as Member on 15 May 1972. She completed her first term of office with BPSC (Second) on 15 December 1977. She was reappointed as Member of the merged BPSC on 22 December 1977 for a fresh term of five years. She left BPSC on 21 December 1982 after the completion of her second term of office. She had been serving as Head Mistress of the Government Girls High School in Jessore prior to her appointment as Member of BPSC (Second).

13. Mr. Joy Gobinda Bhowmick

Mr. Joy Gobinda Bhowmick joined BPSC as Member on 22 December 1977 and left it on 30 October 1981 after he had attained the age of sixty-two years. He was an ex-member of the EPSC (Judicial) and a District and Sessions Judge prior to his appointment as Member of BPSC.

14. Begum Azizunnessa

Begum Azizunnessa joined BPSC as Member on 22 December 1977 and left it on 1st July 1982 after she had reached the age of sixty-two years. She had been serving as Joint Director of Public Instruction under the Government of Bangladesh prior to her appointment as Member of BPSC.

15. Dr. Abdul Baten Khan

Dr. Abdul Baten Khan joined BPSC as Member on 4 September 1981 and left it on 3 September 1986 after the expiry of his term of five years. He had been serving as Member of the Bangladesh Atomic Energy Commission prior to his appointment as Member of BPSC.

16. Mr. A. H. Nurul Islam

Mr. A. H. Nurul Islam joined BPSC as Member on 31 October 1981. He died on 27 January 1982 while he was still a Member of BPSC. He was an ex-member of the PSP and had held the posts of Inspector General of Police and Additional Secretary of the Establishment Division under the Government of Bangladesh prior to his appointment as Member of BPSC.

17. Mr. M. Nurus Safa

Mr. M. Nurus Safa joined BPSC as Member on 2 March 1982 and left it on 1st March 1987 after he had reached the age of sixty-two years. He had previously held the posts of DPI; Chairman of the Board of Intermediate and Secondary Education in Comilla, Dhaka, Jessore and Rajshahi; and Member of the Bangladesh Education Commission (1973-1974). He had been serving as Vice-Principal of the Bangladesh Administrative Staff College prior to his appointment as Member of BPSC. He was appointed as Member of the Bangladesh National Education Commission (1987-1988) after his retirement from BPSC.

18. Dr. Mohammed Akram Hossain

Dr. M. Akram Hossain joined BPSC as Member on 2 March 1982. He died on 16 June 1983 while he was still a Member of BPSC. He was a member of the Bangladesh Medical Service and had been serving as Professor of Surgery at Sir Salimullah Medical College (Dhaka) prior to his appointment as Member of BPSC.

19. Mr. Salimuddin Ahmed

Mr. Salimuddin Ahmed joined BPSC as Member on 8 March 1982 and left it on 31 December 1983 after he had reached the age of sixty-two years. He was an ex-member of the EPCS and had been serving as Joint Secretary in the Establishment Division under the Government of Bangladesh prior to his appointment as Member of BPSC.

20. Mr. Shamsul Huq

Mr. Shamsul Huq joined BPSC as Member on 6 May 1982 and left it on 31 December 1984. He in fact resigned from the post of Member of BPSC before the expiry of his term of five years. He was a member of the Bangladesh Engineering Service and had held the posts of Chief Engineer of the Water Development Board and Secretary of the Ministry of Textiles under the Government of Bangladesh prior to his appointment as Member of BPSC.

21. Mr. Abul Quasem

Dr. Abul Quasem joined BPSC as Member on 16 July 1983 and left it on 27 January 1985. He was in fact removed from the post of Member of BPSC by the CMLA in exercise of powers conferred on him

(CMLA) by provisions included in the Proclamation of Martial Law of 24 March 1982. He was a member of the Bangladesh Medical Service and had been serving as Professor and Principal in Medical Colleges (including Dhaka Medical College as Principal) prior to his appointment as Member of BPSC.

22. Dr. Mohammad Sirajul Islam

Dr. M. Sirajul Islam joined BPSC as Member on 12 December 1984 and left it on 31 March 1988 before the expiry of his full term of five years. He resumed teaching at the University of Dhaka as Professor of Islamic History and Culture after his resignation from the post of Member of BPSC. He was subsequently appointed as Vice Chancellor of the Islamic University at Tongi (Dhaka) and is still holding the office in that University.

23. Brigadier (Retd) A.K.M. Shamsul Islam

Brigadier (Retd) A.K.M. Shamsul Islam joined BPSC as Member on 12 December 1984 and left it on 18 December 1989. He was an ex-member of the Education Corps in the Bangladesh Army and had held the post of Principal of the Fauzdarhat Cadet College (Chittagong) and Director-General of the Secondary and Higher Secondary Education under the Government of Bangladesh prior to his appointment as Member of BPSC.

24. Dr. M. A. Halim

Dr. M.A. Halim joined BPSC as Member on 10 February 1985 and left it on 6 August 1985. He was in fact removed from the post of Member of BPSC by the CMLA (Lt. Gen. H. M. Ershad) in exercise of powers conferred on him (CMLA) by the Proclamation of Martial Law of 24 March 1982. He was a member of the Bangladesh Medical Service and had held the posts of Professor in Medical Colleges and Additional Secretary of the Establishment Division under the Government of Bangladesh prior to his appointment as Member of BPSC.

25. Mr. Badaruddin Ahmed Chowdhury

Mr. Badaruddin Ahmed Chowdhury joined BPSC as Member on 18 April 1985 and is still continuing in the office. He was a member of the Bangladesh Engineering Service and had held the post of Additional Chief Engineer in the Department of Roads and Highways under the

Government of Bangladesh prior to his appointment as Member of BPSC.

26. Dr. Abul Hossain

Dr. Abul Hossain joined BPSC as Member on 15 December 1985 and is still continuing in the office. He was a member of the Bangladesh Medical Service and had held the posts of Professor in Medical Colleges and Director of Medical Education in the Directorate of Health Services under the Government of Bangladesh prior to his appointment as Member of BPSC.

27. Lt. Col. (Retd.) Khandakar Mahbubur Rahman

Lt. Col. (Retd.) Khandakar Mahbubur Rahman joined BPSC as Member on 14 September 1986 and is still continuing in the office. He was an ex-member of the Pakistan Army. He was subsequently absorbed in the Civil Service in Bangladesh and appointed as Economic Counsellor of the Bangladesh Mission in West Germany. He was serving as Chairman of the Bangladesh Parjatan Corporation prior to his appointment as Member of BPSC.

28. Mr. Mohammed Abdul Hai

Mr. Mohammed Abdul Hai joined BPSC as Member on 1st April 1987 and left it on 13 April 1989 after he had reached the age of sixty-two years. He was an ex-member of the EPCS and had held the post of Joint Secretary in the Establishment Ministry under the Government of Bangladesh prior to his appointment as Member of BPSC.

29. Dr. Mohammed Abdur Raquib

Dr. Mohammed Abdur Raquib joined BPSC as Member on 7 April 1988 and is still continuing in the office. He started his service career as a Lecturer in Physics at Dhaka College in 1953. He subsequently joined the Education Corps in the Pakistan Air Force. He also subsequently served as Associate Professor in Applied Physics at the University of Rajshahi (1966-1971), Professor of Physics at Jahangir Nagar University (1971-1982), and as Vice Chancellor of the University of Rajshahi (1982-1988). He was serving as Professor of Physics at Jahangir Nagar University (Savar) prior to his appointment as Member of BPSC.

30. Mr. Amin Mian Chowdhury

Mr. Amin Mian Chowdhury joined BPSC as Member on 3 July 1989 and is still continuing in the office. He was an ex-member of the EPSC and holding the post of Commissioner of Dhaka Division prior to his appointment as Member of BPSC.

APPENDIX-H

Extract of Chapter II of Part IX on PSCs in the Constitution

[**Explanatory Note** : Reproduced below is the full text of Chapter II of Part IX on PSCs in the Constitution which contains basic provisions relating to the composition and functions of a PSC or PSCs. Two separate PSCs had initially been established in May 1972. But in December 1977 these two PSCs were merged into a single PSC. Now there is only one PSC in Bangladesh. No change, alteration or amendment of these provisions in the Constitution adopted in 1972 has so far been made. Even during the two martial law periods (i.e. from 1975 to 1979 and then from 1982 to 1986), when the operation of the Constitution was under suspension, the relevant provisions of the Constitution relating to PSCs were kept in force. But the provisions relating to the appointment and removal of a PSC chairman/member were affected by the fourth amendment of the Constitution made in January 1975 and again during the second martial law period, when the President/Chief Martial Law Administrator assumed sole authority to appoint and remove a PSC chairman/member. The original provisions relating to appointment and removal of a PSC chairman/member, affected by the fourth amendment, were restored in pursuance of clause (3) of section 7 of Martial Law Proclamation Order No.1 of 1977 and then after the withdrawal of the second martial law effective from 10 November 1986.]

Chapter II - Public Service Commissions

Establishment
of commission

137. Provision shall be made by law for establishing one or more public service commissions for Bangladesh, each of which shall consist of a chairman and such other members as shall be prescribed by law.

Appointment
of members

138. (1) The chairman and other members of each public service commission shall be appointed by the President:

Provided that 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 government which has at any time functioned within the territory of Bangladesh.

(2) Subject to any law made by Parliament the conditions of service of the chairman and other members of a public service commission shall be such as the President may, by order, determine.

Term of office. 139.(1) The term of office of the chairman and other members of a public service commission shall, subject to the provisions of this article, expire five years after the date on which he entered upon his office, or when he attains the age of sixty-two years, whichever is earlier.

(2) The chairman and other members of such a commission shall not be removed from office except in like manner and on the like grounds as a judge of the Supreme Court.

(3) A chairman or other member of a public service commission may resign his office by writing under his hand addressed to the President.

(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) a chairman so ceasing shall be eligible for reappointment 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 public service commission.

Functions of commissions. 140. (1) The functions of a public service commission shall be--

(a) to conduct tests and examinations for the selection of suitable persons for appointment to the service of the Republic;

(b) to advise the president on any matter on which the commission is consulted under clause (2) or on any matter connected with its functions which is referred to the commission by the President; and

(c) such other functions as may be prescribed by law.

(2) Subject to the provisions of any law made by Parliament, and any regulation (not inconsistent with such law) which may be made by the President after consultation with a commission, the President shall consult a commission with respect to —

(a) matters relating to qualifications for, and methods of recruitment to, the service of the Republic;

(b) the principles to be followed in making appointments to that service and promotions and transfers from one branch of the service to another, and the suitability of candidates for such appointments, promotions and transfers;

(c) matters affecting the terms and conditions (including pension rights) of that service; and

(d) the discipline of the service.

Annual
report

141. (1) Each commission shall, not later than the first day of March each year, prepare and submit to the President a report on the performance of its functions during the period ended on the previous 31st day of December.

(2) The report shall be accompanied by a memorandum setting out, so far as is known to the commission-

(a) the cases, if any, in which its advice 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.

(3) The President shall cause the report and memorandum to be laid before Parliament at its first meeting held after 31st March in the year in which the report was submitted.

APPENDIX - I

Interview Schedule on Bangladesh Public Service Commission: A Study of its Genesis, Structure, Functions and Problems

[**Explanatory Note.** This interview schedule was also used partly as questionnaire and partly as data collection guide. Some interviewees offered to complete part of the schedule in writing themselves and were allowed to do so. Some of the data collected for this study were copied by the author or his research assistants from documents provided by the interviewees.]

1. GENERAL INFORMATION

1.1. Total number of employees in government especially who are paid out of civil budget allocations (latest figures).

- i. Permanent _____
- ii. Temporary _____
- iii. Trainees/Apprentices _____
- iv. Contract _____

Total : _____

1.2. Total number of employees to be shown basic organisation-wise (latest figures).

- i. President's Secretariat _____
- ii. Prime Minister's Secretariat _____
- iii. Ministries/Divisions _____
- iv. Attached Departments _____
- v. Subordinate Offices _____

Total : _____

1.3.a. Total approved national budget Taka: _____
(latest year)

b. For personnel services only

- i. Total amount in Taka Taka: _____
- ii. In terms of percentage
of national budget. Taka: _____

1.4(a) Total budgetary allocation for Bangladesh
Public Service Commission. Taka: _____

(b) For personnel services only

- i. Total amount Taka: _____
- ii. In terms of percentage
of national budget Taka: _____

- 1.5. Total number of employees, including Chairman and Members, in Bangladesh Public Service Commission, showing class and pay-grade.

a. Chairman and Members

- i. Chairman's pay, allowances, and other fringe benefits like placing a car at his disposal and providing a rent-free house, and his place in the Warrant of Precedence.
- ii. Members' pay, allowances, and other fringe benefits and their place in the Warrant of Precedence.

b. Employee Class

- i. Class I
- ii. Class II
- iii. Class III
- iv. Class IV

c. Employee Pay Grade

- i. Grade I
- ii. Grade II
- iii. Grade III
- iv. Grade IV
- v. Grade V
- vi. Grade VI
- vii. Grade VII
- viii. Grade VIII
- ix. Grade IX
- x. Grade X
- xi. Grade XI
- xii. Grade XII
- xiii. Grade XIII
- xiv. Grade XIV
- xv. Grade XV
- xvi. Grade XVI
- xvii. Grade XVII
- xviii. Grade XVIII
- xix. Grade XIX
- xx. Grade XX

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears slightly aged or off-white. There is no handwriting or other markings on the page.

2. ORGANISATION

- 2.1 (a) In there in existence an up-to-date organisation chart of Bangladesh Public Service Commission (BPSC) showing its composition and structure as well as the duties and lines of responsibility of its key personnel ?

Yes ☐No ☐

- (b) If 'Yes', obtain copies.

- (c) If 'No', prepare an organisation chart, supplemented by brief notes as necessary, showing –

- i. the principal wings, branches, and sections of BPSC with a description of their functions and their respective complements;
 - ii the title, rank and, where appropriate, the name of each responsible official showing the lines of responsibility.
- (d) Review the charts or notes obtained or prepared in b or c above and consider whether the definition of duties and responsibilities of BPSC as a whole appears to be adequate-
- i. as between wings, branches, and sections and
 - ii. as between posts.

- 2.2. [BSC is a constitutional body. The Constitution of Bangladesh contains provisions as regards its composition and structure]. List these provisions, especially those which relate to BPSC's establishments, appointments of its Chairman and Members, and their terms of office.

- 2.3 [Subject to the constitutional provisions and any law made by the Jatiya Sangsad (Parliament), the President of Bangladesh is duly authorized under the Constitution to make orders with respect to the composition and structure of BPSC, especially in respect of appointments of its Chairman and Members, officers and staff, and finance]. Probe whether this authorization is consistent with the constitutional basis of the BPSC's existence.

- 2.4 [Schedule I of the Rules of Business (1975) of the Government of Bangladesh lists BPSC as a matter of responsibility allocated to the Ministry of Establishment]. Inquire whether this arrangement interferes with the functioning of BPSC as an independent body.

- 2.5 Compare and contrast the constitutional provisions and statutes regarding the composition and structure of public service commissions in British India and United Pakistan with those of the PSCs in Bangladesh.
- 2.6 [The Constitution of Bangladesh remained suspended on two occasions; first, from 8 November 1975 to 9 April 1979; and second, from 24 March 1982 to 10 November 1986; during which periods the country was ruled under the Martial Law. The Jatiya Sangsad also remained dissolved most of the time during these periods]. Probe the legal position as regards the composition and functioning of the former two PSCs, from 8 November 1975 to 21 December 1977, and BPSC, between 22 December 1977 to 9 April 1979 and again between 24 March 1982 to 10 November 1986.
- 2.7 [According to a provision of the Constitution, a chairman/member of BPSC is normally ineligible for re-appointment in any position in the government after the completion of his term of office in BPSC. The implied intention of this provision is to leave no scope for a chairman/member of BPSC being biased or influenced in the discharge of his constitutional duties in recruitment and other matters of civil service management by the prospect of a further appointment coming out of an "ingratiated relationship" between the appointing authority and the BPSC's chairman/member. But it seems that this provision affects only a chairman/member who comes from the civil service. A chairman/member of BPSC chosen from an autonomous body like a university seems not affected by this provision]. How rational the provision is? Is not it possible that a chairman/member of BPSC chosen from an autonomous body may also be biased and influenced by the prospect of a better position in the government?
- 2.8 [It appears that not a single member of the erstwhile Civil Service of Pakistan (CSP) has since liberation been appointed in the two former PSCs (until December 1977) and in BPSC (after 1977), whereas the CSPs had frequently been appointed as chairmen/members of the PSC (Central) in United Pakistan]. Are the ex-CSPs themselves reluctant to be in the PSC in Bangladesh? Or is it the appointing authority which does not want the ex-CSPs in the PSC?

- 2.9 [In United Pakistan, the secretary of the PSC (Central) was granted ex-officio status of a joint secretary to government in the Establishment Division. This granting of secretariat status was then considered an important measure purporting to vest in the office of the PSC's secretary an authority by which the PSC's secretary was made duly competent to perform certain administrative functions of the PSC and to correspond directly with the ministries/divisions and their attached departments. Previously the Establishment Division had been invested with the authority to deal with such administrative functions as to correspond with the ministries/divisions and their attached departments. But some critics contended that this grant of secretariat status to the PSC's secretary in United Pakistan rather made the Establishment Division's control over the PSC more direct and firm]. Probe whether the secretary of BPSC has been granted a status similar to what was granted to the PSC's secretary in United Pakistan. Seek opinions on this issue from persons concerned with public personnel administration in Bangladesh as well as from other persons who have an interest in and knowledge of Bangladesh's personnel administration.

3. FUNCTIONS

- 3.1 [The Constitution of Bangladesh and certain statutes contain provisions as regards the functions of BPSC]. List these functions, including the statutes in which such functions have been elaborated.
- 3.2 Compare and contrast the constitutional provisions and statutes as regards the functions of the PSCs in British India and United Pakistan with those of the PSCs in Bangladesh.
- 3.3 [Subject to the constitutional provisions and any law made by the Jatiya Sangsad, the President of Bangladesh is duly empowered under the Constitution to regulate functions of BPSC]. Identify the matters on which the President has such power of regulation. How does this presidential power affect the functioning of BPSC as an independent body?
- 3.4 [There is a scope under the Constitution and other statutes enabling the government to exclude certain cases or types of cases from the purview of BPSC as well as to disregard any

recommendation of the latter]. Probe the rationale of this scope and its impacts on the overall functioning of BPSC as an independent body. What are the safeguards provided under the Constitution and statutes against the abuse of this power of "exclusion" and "disregard" by the government?

3.5 [The Constitution provides that BPSC would submit annually a report on its performance, to be ultimately laid before the Jatiya Sangsad (Parliament), specifying the cases in which its advice was not accepted or it was not consulted by the government. The BPSC's report should also include reasons from the government in regard to all cases in which the advice of BPSC was not accepted or the BPSC was not consulted. The main objective of this constitutional provision is to ensure that consultation with BPSC is not overlooked and the advice of BPSC is as a rule accepted. The Constitution and other statutes also provide that the government is free, in cases in which it considers the matter of sufficient importance, to follow its own judgement, provided it is prepared to justify its action before the Jatiya Sangsad]. Probe whether BPSC could boldly include in its annual reports, submitted so far to the Jatiya Sangsad through the government, all cases in which its advice was not accepted or it was not consulted by the government. Answers to the following specific questions may be sought while probing this point:

1. Is it practically possible for BPSC to know about all cases in which its advice is not accepted or it is not consulted by the various government agencies?
2. Does BPSC has any formal/informal means by which it can detect cases of "disregard of its advice" and "non-consultation:"?
3. Can BPSC include in its annual reports all cases of "disregard" and "non-consultation" without any intimidation from any quarters?
4. What does BPSC do when it detects through both official and unofficial channels the cases of "disregard of its advice" and "non-consultation"?

5. How extensive is the disregard of BPSC's advice and the evasive tendency of non-consultation with BPSC by the government?
- 3.6 Assess the functional relationships between (1) BPSC and the Ministry of Establishment, and (2) BPSC and other Ministries/Divisions.
- 3.7 [In many countries in recent years, there is an emerging trend of decentralization of personnel responsibilities in view of the increased functional role of central personnel agencies like the PSCs. In other words, central personnel agencies like the PSCs are nowadays delegating more and more personnel responsibilities, including direct recruitment functions, to the line agencies. They are now more involved in assistance to line agencies rather than control. They seem to have been increasingly concerned with such main functions as personnel policy formulation, setting of standards, making of guidelines and protection of the merit system]. Ascertain whether the key persons involved in public personnel administration in Bangladesh would support such course of action as what might foreshadow a desirable delegation of recruitment and other personnel functions from BPSC to the line agencies in view of the vast expansion of recruitment and other personnel functions of BPSC.

4. MISCELLANEOUS

- 4.1 [A review of the annual reports of the PSCs in United Pakistan (1947-71) reveals that most of these reports (especially of the early years) were very critical of the government's persistent tendency of non-consultation with and disregard of advice of the PSCs. Some chairmen/members of the PSC (Central) even expressed views openly against such tendencies. They seemed to be bold enough in criticizing the authorities in the hierarchy for their misuse of powers in recruitment and civil service management]. Probe how bold and critical have so far been the chairmen/members of BPSC? If there is any indication that the chairmen/members of BPSC have lacked the expected boldness and critical mind, ascertain then the possibility of any correlation between their imbecile role and their not possessing such high social standing and reputation and distinguished service and/or

professional backgrounds as what the most chairmen/members of the PSCs in United Pakistan possessed.

4.2 [It is reported that some ex-chairman/members of BPSC are engaged in taking private coaching classes for the aspirant civil servants. It is likely that the candidates seeking civil service positions through competitive examinations may be tempted to have an impression that these coaching classes by the ex-chairman/members of BPSC hold out better prospects of getting jobs in the civil service. Ex-chairman/members of BPSC might be knowing of the secrets of the competitive examinations]. How justified are these private coaching classes by the ex-chairman/members of BPSC?

4.3 [Despite due safeguard measures made in the Constitution and relevant statutes, BPSC is reported not to have been very effective in discharging its responsibilities in recruitment and other service matters specified in the Constitution and statutes]. Probe this statement, as well as identify and describe other problems of BPSC with regard to the following aspects:

- i. Organisation
- ii. Staff
- iii. Finance
- iv. Discharge of Functions
- v. Relations with the Ministry of Establishment
- vi. Relations with other Ministries/Divisions
- vii. Relations with the Martial Law Authority
- viii. Miscellaneous.

SELECT BIBLIOGRAPHY

SELECT BIBLIOGRAPHY

SELECT BIBLIOGRAPHY

OFFICIAL PUBLICATIONS

BANGLADESH : (unless otherwise indicated, published in Dhaka by the Bangladesh Government Press).

Administrative and Services Reorganisation Committee (1972), *Report, Part I: The Services*, 1973.

Report, Part II: The Administration, 1973.

Report, Part IV: The Evidence, 1975.

Report, Part V: Summary of Recommendations, 1975.

Bureau of Statistics, *Statistical Pocket Book of Bangladesh*, 1989.

Statistical Pocket Book of Bangladesh, 1988.

Statistical Digest of Bangladesh No. 9, 1973, 1975.

Statistical Year Book of Bangladesh, 1979.

Cabinet Division, *Guidelines on the Relationship Between Government and Autonomous Bodies/Corporations and Enterprises*, 1976.

Rules of Business 1975 (revised up to June 1987), 1987.

Allocation of Business Among the Different Ministries and Divisions (Schedule 1 of Rules of Business 1975) (revised up to 31 December 1985), 1985.

Secretaries' Committee-Rules and Procedures, 1976.

Warrant of Precedence, 1986, Dhaka, 1986.

Chief Martial Law Administrator's Secretariat, *Report of Martial Law Committee on Organizational Set-Up*, Phase II, Volume XI, Part 2 (Public Service Commission), Dhaka, 1982.

Report of Martial Law Committee on Organisational Set-Up, Volume XI, Part 2 (Establishment Division), Dhaka, 1982.

Committee for Administrative Reorganization/Reform (Chairmen: Real Admiral M. A. Khan), *Report*, June 1982.

Establishment Division/Establishment Ministry, *Report of the Civil Administration Restoration Committee*, Part I, 1972.

Statistics on Civil Employees of the Government of Bangladesh 1972

Statistics of Civil Employees of the Government of Bangladesh (as of 1 February 1977), 1978.

Gradation List of the ex-Civil Service of Pakistan, 1976.

Secretariat Instructions, 1976.

The Bangladesh Civil List, 1976-77, Part I, No. 1, 1977

Organisation-cum-Functional Charts of the Different Ministries/Divisions, 1977.

List of Acts, Ordinances, Presidential Orders and Regulations under Different Ministries/Divisions (as at 16 August 1977), 1978.

Distribution of Work Among the Officers under Different Ministries/Divisions (as at 31 December 1977), 1978.

List of All Offices at National, Divisional, District and Subdivisional level under Different Ministries/Divisions (as at 31 December 1977), 1978.

List of Attached Departments and Subordinate Offices under Different Ministries/Divisions (as at 1 January 1978) 1978.

Senior Services Pool Order, 1979.

The Establishment Manual, Vol. I, 1980.

The Bangladesh Civil Service Recruitment Rules, 1981.

A Hand Book of Important Law, Rules and Orders on Personnel and Office Administration in Bangladesh, Dhaka, 1984

The Government Servants (Discipline and Appeal) Rules of 1985, Dhaka, 1985.

Report of the Committee for Examination of Irregularities in Appointment and Promotion of Officers and Staff in the Government, April, 1983.

Statistics on Civil Officers and Employees of the Government of Bangladesh, 1985 and 1987, (1985 Statistics as of 31 December 1985, 1987 and 1987 Statistics as of 1 January 1987, 1988).

Barsha Pusthika (Year Book), 1984-85 to 1985-86, 1987

Finance, Ministry of, Fundamental Rules and Supplementary Rules, Volume 1, 1975 (reprint).

The Civil Service Regulations, 1975 (reprint)

- Revision of Financial Advisers' Scheme*, 1976.
- Revision of Delegation of Financial Powers to the Ministries/Divisions*, 1983.
- Introduction of New National Grades and Scales of Pay*, 1977.
- The Prescribed Leave Rules*, 1955 (corrected up to 15 September 1963), 1973 (reprint).
- Justice, Ministry of Law and, *Handbook of Proclamations, Martial Law Regulations and Orders*, 1982 (as modified up to 31 October 1984), Dhaka, GPP, 1985.
- The Constitution of the People's Republic of Bangladesh* (as modified up to 31 May 1985), 1986.
- The Constitution of the People's Republic of Bangladesh* (as modified up to 31 December 1986), 1987.
- National Pay Commission (1972), *Report*, Vol. I, 1973. *Report*, Vol. III (Representations and Suggestions), 1973.
- Parliamentary Affairs, Ministry of Law and, *Handbook of Proclamations and Martial Law Regulations*, 1975 (as modified up to 7 April 1979), Dhaka, GPP, 1980.
- Parliament Secretariat, *Bill for the Constitution of the People's Republic of Bangladesh*, 1972.
- The Constitution of the People's Republic of Bangladesh*, 1972.
- Bangladesh Jatiya Sangsad Sadhashader Jiban Britrantha* (life Sketches of Members of Bangladesh Parliament), 1975.
- Bangladesh Parliament (A Hand Book)*, 1974.
- Bangladesh Ganoporishoder Bitarka*, Vols. I & II, 1972 (Constituent Assembly Debates) (in Bengali).
- Bangladesh Jatiya Sangsad Bitarka*. 1973, 1974 & 1975. (Parliamentary Proceedings) (in Bengali).
- The Constitution of the Peoples Republic of Bangladesh* (as modified up to 25 January 1975). 1975.
- The Constitution of the People's Republic of Bangladesh* (as modified up to 28 February 1979), 1979.
- Pay and Services Commission (1976), *Report*, Part I-The Services Vol. I, 1977.

Report, Part I-The Services Vol. II (A Survey on the Attitude of University Students and their Parents towards Civil Services), 1977.

Report, Part I – The Services, Vol. III (A Compilation of Memoranda from Service Associations/Unions /Groups), 1977.

Report, Part II -Pay and other Benefits, Vol., 1977.

Planning Commission. *The First Five Year Plan 1973-78, 1973.*

The Two Year Plan 1978-80, September, 1978.

The Second Five Year Plan of Bangladesh 1980-85, 1983.

Employment Market for the Educated in Bangladesh, 1974

The Third Five Year Plan, 1985-90, 1985.

Public Service (First) Commission, *Annual Reports 1972-1977.*

Detailed Syllabus for the Superior Posts Examinations, 1976, 1976.

Public Service Commission, *Annual Reports, 1978-1989.*

Detailed Syllabus for the Superior Posts Examination, 1978.

Detailed Syllabus for the Bangladesh Civil Service Examination, 1982, 1984, 1985 and 1986.

Detailed Syllabus for Examination for Promotion to the Senior Scales of different Cadres of the Bangladesh Civil Service, 1986.

The BPSC (Officers and Employees) Recruitment Rules, The Bangladesh Gazette (Extraordinary), 22 April 1982.

The BPSC (Conduct of Business) Rules, 1981.

Old Question Papers of Superior Posts Examination, 1976, 1978.

Public Service (Second) Commission, *Annual Reports, 1972-1977.*

EAST BENGAL/EAST PAKISTAN

Home Department, *The East Bengal Civil List, 1950, Dhaka, EGBP, 1950.*

The East Bengal Civil List, 1955, Dhaka, EGBP, 1955.

Report of the Secretariat Reorganization Committee, 1954, Dhaka, EGBP, 1954.

Report on the Organization and Methods in the East Pakistan Government (by L. Parnwell), Dhaka, EPGP, 1958.

Report of the Provincial Reorganization Committee, Part II : East Pakistan, 1962, Dhaka, EPGP, 1962.

Public Service Commission, East Pakistan, *Annual Reports*, 1947-1952.

Annual Reports, 1962-1968.

Services and General Administration Department, *The East Pakistan Civil Lists*, 1957-66, Dhaka, EPGP, 1957-1966

Year Book, 1965-66, Dhaka, EPGP, 1967

Year Book, 1966-67, Dhaka, EPGP, 1967

Year Book, 1967-68, Dhaka, EPGP, 1968

Year Book, 1968-69, Dhaka, EPGP, 1970

Year Book, 1969-70, Dhaka, EPGP, 1970

The East Pakistan Services (Delegation of Powers) Rules, 1962, Dhaka, EPGP, 1963.

The East Pakistan Establishment Manual (corrected up to December 1965), Dhaka, EPGP, 1968.

The East Pakistan Gazetted Services and Posts (Classification) Rules 1968, Dhaka, EPGP, 1968.

The East Pakistan Government Servants (Conduct) Rules, 1966 (corrected up to April 1969), Dhaka, EPGP, 1969.

East Pakistan Service Rules, Part I, Dhaka, EPGP, 1970

The East Pakistan Government Rules of Business, 1962 (revised up to June 1971), Dhaka EPGP, 1971.

East Pakistan Service Rules, Part II, Dhaka, EPGP, 1972.

PAKISTAN

Cabinet Division, *Rules of Business, 1962* (corrected up to January 1965), Rawalpindi, GPP, 1965.

The Official Directory, Islamabad, PCPP, 1971.

Rules of Business. 1950, Karachi, GPP, 1952.

Pakistan Public Service Commission, *Annual Reports*, 1949-1955.

Central Public Service Commission, *Annual Reports*, 1962-1971.

Federal Public Service Commission, *Annual Reports*, 1956-1957.

Constituent Assembly of Pakistan, *Constituent Assembly of Pakistan Debates, Official Reports*, Vols. XII-XVI, May 1954-June 1954, Karachi, GPP, 1954.

Establishment Division, *The Establishment Manual*, Vol. I (1947-1967), Karachi, GPP, 1968.

The Establishment Manual, Vol. II (1947-1964), Karachi, GPP, 1964.

The Establishment Manual. Vol. III (1947-1964), Karachi, GPP, 1965.

Secretariat Instructions, Karachi, GPP, 1962.

Development of O & M in Pakistan, Karachi, GPP, 1962.

Civil List of Class I Officers Serving under Government of Pakistan (1 January 1961), Karachi, GPP, 1961.

Civil List of Class I Officers Serving under Government of Pakistan (1 January 1967), Karachi, PCPP, 1971.

Civil List of Class I Officers Serving under Government of Pakistan (1 January 1968), Karachi, PCPP, 1971.

Report of the Review Committee on Section Officers' Scheme, Rawalpindi, GPP, 1967.

Report of the Standing Organization Committee, Rawalpindi, Central Army Press, 1962.

Report of the Administrative Reorganization Committee (Chairman, G. Ahmed), Karachi, GPP, 1963.

Finance, Ministry of, *Fundamental Rules*, 1951, Karachi, GPP, 1951.

The Civil Services (Classification, Control and Appeal) Rules, Karachi, Sind Government Press, 1951.

Compilation of the Fundamental Rules and the Supplementary Rules, Vol. I, Karachi, GPP, 1964.

Compilation of Orders Relating to New Scales and Allowances of Gazetted Services and Posts, Karachi, GPP, 1965.

Compilation of the Fundamental Rules and the Supplementary Rules, Vol. II, Karachi, GPP, 1969.

Improvement of Public Administration in Pakistan (A Report by Rowland Egger), Karachi, The Inter Services Press, 1953.

Law, Ministry of, *The Constitution of the Islamic Republic of Pakistan*, Karachi, GPP, 1956.

* *The Constitution of the Republic of Pakistan*, 1962, Karachi, GPP, 1962.

The Constitution of the Islamic Republic of Pakistan, 1962. (as modified up to February 1965), Karachi, GPP, 1965.

The Constitution of the Islamic Republic of Pakistan (as modified up to April 1968), Karachi, GPP, 1968.

Constitutional Documents, Vols. I-V, Karachi, GPP, 1964.

Pakistan Administrative Staff College, *Administrative Reforms in Pakistan* (compiled by M. Rahman), Lahore, Ferozsons, 1969.

Pakistan Public Service Commission, *Careers in the Pakistan Central Superior Services*, Karachi, GPP, 1953.

Planning Board, *The First Five Year Plan*, 1955-60, Karachi, GPP, 1957.

Planning Commission, *The Second Five Year Plan*, 1960-65, Karachi, GPP, 1961.

The Third Five Year Plan, 1965-70, 1965.

The Fourth Five Year Plan, 1970-75, 1970.

Reorganization of Pakistan Government for National Development, 1955 (a report prepared by B.L. Gladieux for the National Planning Board), reprinted by NIPA, Dhaka, n.d.

Report of the Pakistan Pay Commission (Chairman, Justice M. Munir), Vol. I (1949), Vol. II (1950).

Report of the Administrative Enquiry Committee (Chairman, Terence B. Greagh-Coen), 1953, Karachi, GPP, 1953.

Report on the Development of Organization and Methods Work in the Pakistan Government, 1952 (prepared by K. S. Jeffries), reprinted as *Jeffries Report* by NIPA, Karachi, 1965.

Memorandum Submitted to the Services Reorganization Committee (1969) by the CSP Association, reprinted in *ASR* (Dacca), Vol. IV, No.1, March 1970, pp. 208-211.

Annual Report of the Sind Public Service Commission, 1947-48, Karachi, The Government Press, 1951.

The Gazette of Pakistan (Weekly and Extraordinary), Karachi, GPP.

The Report of the Basic Principles Committee (as adopted by the Constituent Assembly), 1954, Karachi, GPP, 1954.

Report of the Pay and Services Commission, 1959-1962 (Chairman, Justice A. R. Cornelius), Rawalpindi, PCPP, 1969.

Report of the Constitution Commission, 1961 (Chairman, M. Shahabuddin), Karachi, GPP, 1962.

Report of the Federal Reorganization Committee, 1956 (Chairman, G. Ahmed), Karachi, GPP, 1956.

Report of the Working Group on the Reorganization of the Public Service Structure in Pakistan (Chairman, D. K. Power), Karachi PCPP, 1969.

Report of the Services Reorganization Committee, 1969-1970 (Chairman, Justice A. R. Cornelius), Islamabad, PCPP, 1970.

BRITISH INDIA

Report of the Public Service Commission, 1888-87, Cmd. 5327 (Chairman, Charles U. Aitchison), 8 vols., Calcutta, Superintendent of Government Printing, 1888.

Report of the Royal Commission upon Decentralization in India, 1909, Cmd. 4360 (Chairman, Hobhouse), 10 vols., 1909.

Report of the Royal Commission on Public Services, 1915, Cmd. 8382 (Chairman, Lord Islington) 20 Vols., 1917.

Report on Indian Constitutional Reforms, Cmd. 9109 (commonly known as *Montegu-Chelmsford Reforms*), 1918.

Report of the Royal Commission on the Superior Civil Services in India, Cmd. 2128 (Chairman, Lord Lee), 1924.

Report of the Indian Statutory Commission, Cmd. 3568 (Chairman, Sir John A. Simon), 17 vols., 1930.

Report of the Bengal District Administration Committee, 1913-1914 (prepared under the direction of E. V. Levings), Calcutta, 1915.

Report of the Government of India Secretariat Procedure Committee (Chairman, H. Llewellyn Smith), New Delhi, 1919.

East India (Constitutional Reforms: Lord Southborough's Committee), Vol. I, Cmd. 141, London, HMSO, 1919.

East India (Constitutional Reforms), Cmd. 123, London, HMSO, 1919.

Secretary of State's Despatch, No. 14 (Services), 9 April, 1925.

Secretary of State's Despatch, No. 8 (Services), 25 February, 1926.

House of Commons, *Parliamentary Debates (Official Report)*, 5th Series, Vol. 300, London, HMSO, 1935.

Home Department's Notification No. F.322/II/35-Ests., Delhi, 1 April 1937 in *The Gezette of India, Extraordinary*, 1 April 1937.

The Government of India Act of 1935.

The Government of India Act of 1919.

Indian Independence Act, 1947, Karachi, GPP, 1958.

Proposals for Indian Constitutional Reforms, Cmd. 4268, 1932.

Report of the Government of India Secretariat Committee (Chairman, Sir Henry Wheeler), New Delhi, 1937.

Report on Secretariat Organization and Procedure, 1936 (Chairman, R. M. Maxwell), New Delhi, 1937.

Report Regarding the Establishment of the Secretariat Departments (Chairman, Sir L. A. Chapman), Alipore, Bengal Government Press, 1938.

Report of the Bengal Administration Enquiry Committee, 1944-45 (Chairman, Sir A. Rowlands), Alipore, Bengal Government Press, 1945.

Report of the Reorganization of the Central Government, 1945-46 (Chairman, Sir Richard O. Tottenham), New Delhi, Government of India Press, 1946.

Finance Department, Government of Bengal, *Treasury Rules, Vol. I*, Calcutta, Bengal Government Press, 1944.

Report of the Central Pay Commission (Chairman, Sir Varadachariar), Delhi, Manager of Publications, 1947.

The India Office and Burma Office List, 1947, 66th edition, London, HMSO, 1947.

Rules of Business of the Government of India (revised up to August 1940), India Office Records V/27, 231/7, London.

Secretariat Instructions of the Government of India (revised up to August 1940), India Office Records V/27/231/7, London.

AUSTRALIA

Australian Public Service Board, *The Public Service Board, 1923-73*, Canberra, Australian Government Publishing Service, 1973.

Report of the Royal Commission on Australian Government Administration (Chairman, H. C. Combs), Canberra, Australian Government Publishing Service, 1976.

INDIA

Administrative Reforms Commission, *Report on the Machinery of the Government of India and its Procedures of Work*, Delhi, Manager of Publications, 1968.

Report on Personnel Administration, Delhi, Manager of Publications, 1969.

Law, Ministry of, *Constitution of India*, New Delhi, Government of India Press, 1967.

ENGLAND

The Civil Service : The Report of the Committee, 1966-68 (Chairman, Lord Fulton), Vol. I, Cmd. 3638, London, HMSO, 1968.

Hayes, C. J., *Report on the Public Service Commissions of British Commonwealth Countries*, London, Civil Service Commission, 1955.

Central Office of Information, *The British Civil Service*, London, HMSO, 1974.

Civil Service Commission, *Annual Report* 1968, London, 1969.

Annual Report 1969, London, 1970.

Her Majesty's Civil Service Commissioners, London, HMSO, 1963.

UNITED STATES

President's Reorganization Project, *Federal Personnel Management Project, Optional Paper Number Two* (Roles, Functions and Organisation for Federal Personnel Management and Related Special Issues), September 1977.

Federal Personnel Management Project, Optional Paper Number Four (Federal Government: Labour-Management Relations), September 1977.

Federal Personnel Management Project, Optional Paper Number Five (Federal, State, and Local Interaction in Personnel Management), September 1977.

Personnel Management Project, Vol. I : *Final Staff Report*, December 1977.

Personnel Management Project, Vol. II: Appendices to the Final Staff Report, December 1977.

Personnel Management Project, Vol.III: Supplementary Materials, December 1977.

The Merit System in the United States (A monograph prepared by Bernard Rosen for the Committee on Post Office and Civil Service, House of Representatives), Washington, D. C., U.S. Government Printing Office, 1975.

Reeves, F. W. and Paul T. David, *Personnel Administration in the Federal Service*, President's Committee on Administrative Management, Washington, D. C., U. S. Government Printing Press 1937.

An Act to Reform the Civil Service Laws, Public Law 95-454, 95th Congress, S. 2640, 13 October 1978.

Introducing the Civil Service Reform Act, Washington, D. C., U. S. Government Printing Office, 1978.

PUBLICATIONS OF INTERNATIONAL AND NATIONAL ORGANIZATIONS

Asian and Pacific Development Administration Centre, *Asian Civil Services : Development and Trends*, eds., A. Raksasataya and H. Siedentopf, Kuala Lumpur, 1980.

Asian Civil Services: Technical Papers, eds., A. Raksasataya and H. Siedentopf Vol. I: *Personnel Classification*, Kuala Lumpur, 1980.

Asian Civil Services : Technical Papers, eds., A Raksasataya and Siedentopf, vol. II : *Recruitment and Selection*, Kuala Lumpur, 1980.

Asian Civil Services : Technical Papers, eds., Raksasataya and Siedentopf, Vol. III : *Compensation and Motivation*, Kuala Lumpur, 1980.

Asian Civil Services: Technical Papers, eds., Raksasataya and Siedentopf, Vol. IV: *Training in the Civil Service*, 1980.

Asian Civil Services : Technical Papers, eds., Raksasataya and Siedentopf. Vol. V : *Structure and Functions of Central Personnel Agencies*, 1980.

- Asian Civil Services : Technical Papers*, eds, Raksasataya and Siedentopf. Vol. VI : *Performance Evaluation System*, 1980.
- Asian Civil Services : Technical Papers.*, eds., Raksasataya and Siedentopf, Vol. VII: *Disciplinary System*, 1980.
- Asian Civil Services : Technical Papers*, eds., Raksasataya and Siedentopf. Vol. VIII : *Employee Relations*, 1980.
- Asian Civil Services : Technical Papers*, eds., Raksasataya and Siedentopf. Vol. IX : *Personnel Records System*, 1980.
- Civil Service Commission, *Employee Handbook for the Civil Service Commission*, Quezon City, Philippines, 1975.
- International Personnel Management Association, *Guidelines for Drafting a Public Personnel Administration Law*, Chicago, 1973.
- National Civil Service League, *A Model Public Personnel Administration Law*, Washington, D. C., 1970.
- United Nations, *Standards and Techniques of Public Administration*, New York, 1951.
- A Handbook of Public Administration*, New York, 1961.
- Handbook of Civil Service Laws and Practices*, New York, 1966.
- The Central Organs of the Civil Service in the Developing Countries*, New York, 1969.
- Introduction and Administration of Position Classification and Pay Plans*, New York, 1976.
- Reforming Civil Service Systems for Development*. New York, 1985.

BOOKS AND OTHER PUBLISHED MATERIALS

- Ahamed, E., *Development Administration : Bangladesh*, Dhaka, CENTAS, 1981.
- Bureaucratic Elites in Segmented Economic Growth: Bangladesh and Pakistan*, Dhaka, University Press Limited, 1980.
- Ahmad, Mumtaz, *Bureaucracy and Political Development in Pakistan*, Karachi, NIPA, 1974.
- Ahmad, Mustaq, *Government and Politics in Pakistan*, Karachi, Space Publishers, 1970.

- Ahmed, Ali, *Role of Higher Civil Servants in Pakistan*, Dhaka, NIPA, 1968.
- Ahmed, Syed Giasuddin, *Image of Public Service in Bangladesh*, Dhaka, CENTAS, 1975.
- The Study of Public Administration*, Dhaka, Society for Pakistan Studies, 1970.
- Public Personnel Administration in Bangladesh*, Dhaka, University of Dhaka, 1986.
- Ahmed, Moudud, *Bangladesh : Constitutional Quest for Autonomy*, Dhaka, University Press Limited, 1979.
- Anisuzzaman, M., ed., *Training for Public Service*, Dhaka, NIPA, 1969.
- Bangladesh Public Administration and Society*, Dhaka, Bangladesh Books International, 1979.
- Banerjee, A. C., ed., *Indian Constitutional Documents* (4 vols), Calcutta, A Mukherjee & Co., 1961-1965.
- Berman, L., *The Office of Management and Budget and the Presidency, 1921-1979*, Princeton, N.J., Princeton University Press, 1979.
- Bhalerao, C. N., *Public Service Commissions of India : A Study*, Delhi, Sterling Publishers, 1966.
- Birkhead, G. S., ed., *Administrative Problems in Pakistan*, New York, Syracuse University Press, 1966.
- Braibanti, R., ed., *Asian Bureaucratic Systems Emergent from the British Imperial Tradition*, Durham, N. C., Duke University Press, 1966.
- Research on the Bureaucracy of Pakistan*, Durham, N. C., Duke University Press, 1966.
- Chaudhury, M. A., *The Civil Service of Pakistan*, Dhaka, NIPA, 1969.
- Choudhury, G. W., *Constitutional Development in Pakistan*, London, Longman Group Ltd, 1969.
- Civil Service Association (ex-CSPs), *Future Services Structure of Bangladesh*, Dhaka, 1972.

- Coen, Terence Creagh, *The Indian Political Service*, London, Chatto & Windus, 1971.
- Crouch, W. W., *Guide for Modern Personnel Commissions*, Chicago, International Personnel Management Association, 1973.
- Dodwell, H. H., ed., *The Cambridge History of the British Empire*, Vol. IV, 1497-1858, Cambridge, The Cambridge University Press, 1929.
- The Cambridge History of the British Empire*, Vol. V : The Indian Empire 1858-1918, Cambridge, The Cambridge University Press, 1932.
- Fougere, Louis, *Civil Service Systems*, Brussels, International Institute of Administrative Sciences, 1967.
- Garrett, John, *Managing of Civil Service*, London, Heinemann, 1980.
- The Management of Government*, Harmondsworth, Penguin Books, 1972.
- Goodnow, Henry Frank, *The Civil Service of Pakistan*, New Haven, Yale University Press, 1954.
- Harvey, D. R., *The Civil Service Commission*, New York, Praeger Publishers, 1970.
- Hazarika, Niru, *Public Service Commissions : A Study*, Delhi, Leeladevi Publications, 1970.
- Hoque, A. N. S., *Administrative Reforms in Pakistan*, Dhaka, NIPA, 1970.
- Khan, M. M., ed., *Administrative Reform : Theoretical Perspective*, Dhaka, CENTAS, 1981.
- Bureaucratic Self-Preservation*, Dhaka, University of Dhaka, 1980.
- Khan, M. M. and H. M. Zafarullah, eds., *Politics and Bureaucracy in a Nation : Bangladesh*, Dhaka, CENTAS, 1980.
- Lapalombara, J., ed., *Bureaucracy and Political Development*, Princeton, N. J., Princeton University Press, 1963.
- Low, Francis. ed., *The Indian Year Books, 1939-1947*, Bombay, Bennett, Coleman.

The Indian and Pakistan Year Books, 1948, 1949, 1950, 1951, 1952-1953, Bombay, Bonnett, Coleman.

Misra, B. B., *The Indian Middle Class : Their Growth in Modern Times*, London, Oxford University Press, 1961.

The Indian Political Parties : An Historical Analysis of Political Behaviour up to 1947. Delhi, Oxford University Press, 1976.

The Bureaucracy in India : An Historical Analysis of Development up to 1947, Delhi, Oxford University Press 1977.

The Administrative History of India, 1834-1947, Bombay, Oxford University Press, 1970.

The Central Administration of the East India Company, 1773-1834, Manchester, Manchester University Press, 1959.

Muith, A. M. A., *Bangladesh : Emergence of a Nation*, Dhaka, Bangladesh Books International, 1978.

Muttalib, M. A., *The Union Public Service Commission*, New Delhi, Indian Institute of Public Administration, 1967.

Nicolson, I. F., *Administration of Nigeria*, Oxford, Clarendon Press, 1969.

Nigro, F. A. and Lloyd G. Nigro, *The New Public Personnel Administration*, Itasca, Illinois, F.E. Peacock, 1976.

Nazim, Babus, *Brahmins and Bureaucrats*, Lahore, People's Publishing House, 1973.

O' Malley, L. S. S., *The Indian Civil Service, 1601-1930*, London, Frank Cass & Co., 1965.

Rahman, M. A., ed., *Administrative Reforms in Pakistan*, Lahore, Pakistan Administrative Staff College, 1969.

Ridley, F. F. and J. Blondel, *Public Administration in France*, London, Routledge and Kegan Paul, 1969.

Riper, P. V., *History of the United States Civil Service*, New York, Harper & Row, 1958.

Robson, W. A., ed., *The Civil Service in Britain and France*, London, The Hogarth Press, 1956.

- Sayeed, Khalid Bin, *The Political System of Pakistan*, Boston, Houghton Mifflin Company, 1967.
- Pakistan : The Formative Phase, 1857-1948*, London, Oxford University Press, 1968.
- Pakistan : The Formative Phase*, Karachi, Pakistan Publishing House, 1960.
- Shelly, M. R. *Emergence of a New Nation in a Multi-Polar World: Bangladesh*, Dhaka, University Press Limited, 1979.
- Siedentopf, H., ed., *Public Personnel Management in Asian Civil Services*, Mainz, West Germany, V. Hose & Koehler Verlag, 1983.
- Stahl, G. O. *Public Personnel Administration*, New York, Harper & Row, 1976.
- Verma, S. P. and S. K. Sharma, *Managing Public Personnel Systems: A Comparative Perspective*, New Delhi, Indian Institute of Public Administration , 1985.
- Yusuf, F. H., *Nationalisation of Industries in Bangladesh*, Dhaka, National Institute of Local Government, 1985.

PUBLISHED PAPERS

- Abedin, M. J., "Classification System in Bangladesh", in A. Raksasataya and H. Siedentopf, eds. *Asian Civil Services: Technical Papers*, Vol. I, Kuala Lumpur, APDAC, 1980, pp. 1-51.
- Ahamed, E., "Dominant Bureaucratic Elites in Bangladesh". *The Indian Political Science Review*, Vol. XIII, No.1, 1978, pp. 30-48.
- Ahmed, Syed Giasuddin, "Student Attitude Towards Public Services and Public Employees," *The Dhaka University Studies*, Vol. XXIV (Part A) 1976, pp. 189-204.
- "The Establishment Division in Pakistan : A Study in Retrospect". *Administrative Science Review* (Dhaka), Vol. XII, No.3, 1982., pp. 64-82.
- "Public Personnel Administration in Bangladesh : A Study Against a Prescriptive Model", *Administrative Change* (Jaipur, India), Vol. XI, No. 1, 1983, PP. 45-70.

- "Composition and Structure of Services in Bangladesh", *Indian Journal of Public Administration*, Vol. XXX, No.1 , 1984-184-210.
- "Public Personnel Management : A Model Organizational Schema", *International Review of Administrative Science* (Brussels), Vol. L, No. 4, 1984, pp. 289-302.
- "Ten Years of the Bangladesh Polity", *The Dhaka University Studies*, Part A, Vol. XLI, 1984, pp.121-140.
- "Framework of Personnel Administration in Bangladesh". *Indian Journal of Public Administration*, Vol.XXXI, No. 1, 1985, pp. 42-68.
- "Public Service Commission in Pakistan : 1947-1971", *Pakistan Administration* (Lahore), Vol. XXII, No. 2, 1985, pp. 87-98.
- "Public Personnel Administration in Bangladesh : An Overview of its Formal and Informal Operations", in M. M. Khan and S. A. Husain, eds. *Bangladesh Studies*, Dhaka, Centre for Administrative Studies, 1985, pp. 32-57.
- "Structure of Services in Bangladesh", in *Career Planning in Bangladesh*, Savar (Dhaka), Bangladesh Public Administration Training Centre, 1986, pp. 45-58.
- "Bangladesh" (with co-author Mohammed Mohabbat Khan), in V. Subramaniam, ed., *Public Administration in the Third World*, Connecticut, Green Wood Press , 1990, pp. 17- 42.
- "Public Service Commissions : A Comparative Perspective", *Social Science Review* (The Dhaka University Studies, Part-D), Vol, IV, June 1988, No. 2, pp.1-23.
- Ali, M., "Structure and Function of Central Personnel Agencies in Bangladesh", in A. Raksasataya and H. Sidentopf. eds., *Asian Civil Services : Technical Papers*, Vol. V, Kuala Lumpur, APDAC, 1980, pp.1-68.
- Ali, S. M. "Training Higher Civil Servants in Bangladesh-the NIPA Approach", *Administrative Science Review*, Vol. VIII, No., 1, December 1978, pp. 1-9.
- Bapat, S.B., "Public Service Commission-- An Indian Approach", *IJPA*, Vol. II, 1956, pp. 54-59.

Bertocci, P. J., "Bangladesh in the Early 1980s : Praetorian Politics in an Intermediate Regime", *Asian Survey* Vol. XXII, No. 10, 1982, pp. 988-1008.

"Bangladesh : Transition to Democracy amid Gathering Storm". *Asian Thought & Society*, Vol. IV, No. 2, 1979, pp. 250-253.

Braibanti, R., "The Higher Bureaucracy of Pakistan", in R. Braibanti and others, eds., *Asian Bureaucratic Systems Emergent from the British Imperial Tradition*, Durham, N. C. Duke University Press, 1966, pp. 210-353.

"Concluding Observations", in R. Braibanti and others, eds., *Asian Bureaucratic Systems Emergent from the British Imperial Tradition*, Durham, N. C., Duke University Press, 1966, pp. 643-676.

"Public Bureaucracy and Judiciary in Pakistan", in Joseph Lapalambara , ed., *Bureaucracy and Political Development*, Princeton, N. J. Princeton University Press, 1963, pp. 360-440.

"Elite Cadres in the Bureaucracies of India, Pakistan, Ceylon, and Malaya since Independence", in W.B. Hamilton and others, eds., *A Decade of the Commonwealth, 1955-1964*, Durham, N. C., Duke University Press, 1966, pp. 274-299.

Burgess, Geoffrey, "The Pakistan Civil Service", in *The Listener* Vol. LVIII: September 19, 1957, pp. 419-423.

Campbell, A. K., "Civil Service Reform : A New Commitment", *Public Administration Review*, Vol. XXXVIII, March-April 1978, pp. 99-103.

Caiden, G. E., "The Commonwealth Public Service Board". in H. Mayer, ed., *Australian Politics : A Second Reader*, Melbourne, Cheshire, 1969, pp. 589-597.

"The Independent Central Personnel Agency—The Experience of the Commonwealth Public Service in Australia". *Public Administration* (London), Vol. XLII, Summer 1964, pp. 133-161.

Couturier, J. J., "The Quiet Revolution in Public Personnel Laws", *Public Personnel Management*, Vol. V, May-June 1976, pp. 150-167.

"The Model Public Personnel Administration Law: Two Views-Pro", *Public Personnel Review*, Vol. XXXII, October 1971; pp. 202-209.

- Hoque, A., "Bangladesh 1979 : Cry for a Sovereign Parliament", *Asian Survey*, Vol. XX, No. 2, February 1980, pp. 217-230.
- Huq, A. K. M. Hedayetul, " Role of the Public Service Commission in the Recruitment of Personnel in Bangladesh," *Career Planning in Bangladesh*, Dhaka, BPATC, 1986, pp. 77-87.
- Husain, Mian Afzal, " Public Service Commissions: A Way to a Clean Administration," *Pakistan Times Supplement* (Lahore), October 27, 1960, p. 17.
- Huq, A. F., " Constitution Making in Bangladesh, " *Pacific Affairs*, Vol. XLVI, No. 1, 1973 pp. 59-76.
- Huq, A. S., " The Army and the State: Military Intervention in the Politics of Bangladesh and Pakistan," *The Indian Political Science Review*, Vol. XVI, No.1, 1982, pp. 80-93.
- Jahan, Rounaq, " Members of Parliament in Bangladesh," *Legislative Studies Quarterly*, Vol. I, No. 3, 1976, pp. 355-370.
- Kamaluddin, S., " Death of a President." *Far Eastern Economic Review*, 5 June 1981, pp 10-11.
- Khan, M. M. and H. M. Zafarullah, " Public Administration Training in Bangladesh: An Overview," *IRAS*, No 4, 1980, pp. 369-376.
- "Administrative Reform and Bureaucratic Intransigence in Bangladesh," in G. E. Caiden and H. Siedentopf, eds, *Strategies for Administrative Reform*, Toronto, Lexington Books, 1982, pp 139-151.
- Khan, Z. R., "Bangladesh in 1981: Change, Stability, and Leadership," *Asian Survey*, Vol. XXXIV No 2, 1982, pp. 163-170.
- Macy, J. W., Jr. and Alan K. Campbell, "Reflections on Reforms," *Civil Service Journal*, Vol XIX, April-June 1979, pp. 31-37.
- Maniruzzaman, T., " Radical Politics and the Emergence of Bangladesh," in Paul R. Brass and M. F. Franda eds., *Radical Politics in South Asia*, London, The MIT Press, 1973, pp. 223-277.

- "Administrative Reforms and Politics within the Bureaucracy in Bangladesh", *The Journal of Commonwealth and Comparative Politics*, Vol. XVII, No. 1, March 1979, pp. 47-59.
- Martin Painter, "Central Agencies and the Coordination Principle." *Australian Journal of Public Administration*, Vol. XL, No. 4, 1981, pp. 265-280.
- Padmore, S. T., "Civil Service Establishment and the Treasury," in William A. Robson, ed., *The Civil Service in Britain and France*, London, The Hogarth Press, 1956, p. 120-140.
- Quraishi, M. S. H. "Role of Central Public Service Commission," in *NIPA Reporter* (Karachi), Vol. II, No. 7, June 1963, pp. 19-29.
- Qureshi, S., Elite Politics: The Initial Phase of the Politics of Pakistan," in *Asian Thought & Society*, Vol. IV, No. 12, 1979, pp. 268-285.
- Rahman, M., "Compensation and Motivation in the Civil Services of Bangladesh." in A. Raksataya and H. Siedentopf, eds, *Asian Civil Services: Technical Paper*, Vol. III, Kuala Lumpur, APDAC, 1980, pp. 1-89.
- Rahman, A. T. R. "Administration and Its Political Environment in Bangladesh." *Pacific Affairs*, Vol. XLVII, No. 2. Summer 1974, pp. 175-191.
- Sharma, S. K., "Centralization of Personnel Function: An Asian Perspective," *IRAS*, Vol. XLVII, No. 1, 1981, pp. 60-66.
- Sherwani, O. K., "The Role of the Establishment Division in Personnel Administration," *NIPA Reporter* (Karachi), Vol. III, No. 1, 1964, pp. 20-29.
- Sinker, A. P., "What are Public Service Commissions for ?" *Public Administration* (London), Vol. XXXI, Autumn, 1953, pp. 201-212.
- Shah, Col. A. S. B., "Public Service Commissions: Its Functions and Responsibilities," *Pakistan Times* (Lahore), August 14, 1961, p. 1.
- Zahid, S. H., "PSCs Made Redundant", *The Bangladesh Times*, October 8, 1977, p. 1.

- Zaman, K. A., "The Civil Service System in Bangladesh," in A. Raksasataya and H. Siedentopf, eds., *Asian Civil Services*, Kuala Lumpur, APDAC, 1980, pp. 1-46.

UNPUBLISHED MATERIALS

- Anisuzzaman, M., "Bureaucratic Reforms in Pakistan", Ph.D. Dissertation, Syracuse University, 1975.
- Das, S. K., "Concept and Role of O & M in Bangladesh", Establishment Division (O & M Wing), Bangladesh, 1978,
- Quraishi, M. S. H., "Organization for Personnel Administration", a paper read in a seminar held on 7 July 1965 at NIPA, Karachi.
- Sayeed, Khalid Bin", The Central Government of Pakistan, 1947-1951," Ph.D. Thesis, McGill University, 1956.
- Shah, Colonel A. S. B., "Functions and Responsibilities of Public Service Personnel Agencies with Special Reference to their Appropriate Relationship with the Government and Departments", a paper presented at the Conference on Public Service Management held in Canberra during November-December, 1960, under the joint sponsorship of the Australian and New Zealand Public Service Authorities.

NEWSPAPERS, WEEKLIES AND OCCASIONAL BULLETINS

- The Ittefaq* (daily) Dhaka.
- The Bangladesh Times* (daily), Dhaka.
- The Bangladesh Observer* (daily), Dhaka.
- The Sangbad* (daily), Dhaka.
- Dainik Bangla* (daily), Dhaka.
- The Holiday* (weekly), Dhaka.
- The New Nation* (daily), Dhaka.
- CENTAS Bulletin*, published on monthly basis by the Centre for Administrative Studies, University of Dhaka, 1976-1977.
- The Bangladesh Gazette* (weekly), Dhaka.

INDEX

Act of 1919, 26-28, 37, 35-38
Act of 1935, 33-37, 43, 53, 55,
68-69

Ad hoc appointments, 158, 189

Administrative and Services
Reorganization Committee,
96-99

Australian personnel system,
Public Service Board, 6
recent changes, 21 (n 8)

Bangladesh Civil Service
Recruitment Rules,
150-151, 158, 163

Bangladesh Polity, 112-116

Bangladesh Public Service
Commission (Consultation)
Regulations 1979, 148-151,
158, 160, 163, 177, 179-180

Bangladesh Public Service (First)
Commission,
composition, 92-94, 104-106
membership, 124-127
functions, 92-94, 104-106
review, 44-106
its abolition, 108

Bangladesh Public Service
(Second) Commission,
composition, 94-94, 104-106
membership, 126-127
functions, 92-94, 104-106
review, 99-106
its abolition, 108

Bangladesh Public Service

Commission,
composition, 108, 116
membership, 127-132
functions, 155-170
establishment and
staff, 131-137
secretary, 132-134
zonal offices, 135-136
procedure of work, 137-139
relations with government, 140-
142
annual reports, 153-155, 177,
181-182
accommodation problem,
182-184
staff shortage, 185-186
structural changes, 137, 188,
196-198

Barker, Sir W. R., 29, 31-33

Bengal Public Service
Commission, 42, 44, 54, 68-71
British Civil Service Commission,
34, 36

Cadre Services, 159-162
Central personnel agencies,
4-10

Central Public Service
Commission in Pakistan,
53, 59

Civil Administration Restoration
Committee, 89, 91

Civil officers and employees
in Bangladesh, 151-152

- Civil Service Commission in
 - Thailand, 6, 12-13
 - in Philippines, 7, 14-15
- Civil service management,
 - general management, 4-5
 - internal management, 5
 - pluralist system, 5
 - unitary system, 6, 8
- Conferences of PSC chairmen and members in Pakistan, 76-77
- Constitution of Bangladesh, 93, 121, 147-148
- Constitution Drafting Committee, 94-96
- Constituent Assembly in
 - Pakistan, 64-65
- Constitution Commission in
 - Pakistan, 58, 65
- Constitutions in Pakistan,
 - 1956 constitution, 53, 55-57
 - 1962 constitution, 53, 57-58
- Council Committee on
 - Promotion, 151, 164, 198-199
- Departmental Examinations, 166-168
- Deputation, 164-165
- Discipline, 165
- East Bengal Public Service
 - Commission, 53-54, 74
- East Pakistan Public Service
 - Commission, 71-75, 90, 125
- Establishment Division or
 - Ministry, 101-102, 141-142, 155, 157-157, 164, 186
- Federal Public Service Commission
 - in British India,
 - composition 33-34
 - functions, 33-34
- Federal Public Service Commission
 - in Pakistan,
 - composition, 53-59
 - membership and staff, 59-61
 - functions, 63-68
- French personnel system, 7
- Indian Independence Act, 55
- Interim recruitment policy, 101-103
- Lee Commission, 27-28, 37, 56, 122-123, 188
- Madras Public Service Commission, 38-41, 68
- Martial Law regime,
 - in Pakistan, 57-58, 66
 - in Bangladesh, 113, 121, 123, 137, 187
- Mont-Ford Report, 26
- Non-cadre services, 159
- Pakistan Public Service
 - Commission,
 - composition, 53-54
 - membership and staff, 59-61
 - functions, 63-68
- Personnel research, 169-170
- Promotion, 164-165, 191, 198-200
- Provincial public service
 - commissions, 37-42, 68-75
- PSC annual reports in
 - Bengal, 44
- Public service commissions,
 - advisory commissions, 8

- collegiate commissions, 4-5, 8-9
- executive commissions, 9
- scope of functions, 10-16
- status, 16-19
- with broad powers, 12-16
- with restricted powers, 10-11
 - in Malaysia, 11-12
 - in Nigeria, 14-15
 - in Sri Lanka, 11
- Public service commissions
 - in British India,
 - genesis, 25-28
 - composition, 28-29
 - functions, 29-30
 - relations with government, 30-33
- Punjab and NWFP Public Service Commission, 53-54, 74
- Recruitment, 159-164
 - gross irregularities, 178-179
- Recruitment rules, 157-159
- Removal of PSC members, 187-188
- Senior Scale Examinations, 168-169
- Senior Services Pool, 180, 197-199
- Services in Pakistan, 48-53
- Simon Commission, 32
- Sind Public Service Commission, 53-54, 74
- Special Promotion Committee, 151, 164, 168, 198
- Superior Posts Rules, 162-163
- Superior Selection Board, 151, 164, 198, 200
- Supreme Judicial Council, 120
- Transfer, 164-165
- Union Public Service Commission in India, 11, 23 (n 27)
- Warrant of Precedence, 119-120, 186-187, 192

11 5720

LIBRARY
Bangladesh Public Administration
Training Centre Savar, Dhaka.

LIBRARY
Bangladesh Public Administration
Training Centre Savar, Dhaka.