

# **Quota System in Bangladesh Civil Service: An Appraisal**

A Dissertation  
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## **Abstract**

The Civil Service in any country is responsible for implementation of core national policies and action plans, and is thus the backbone of its government. It is the executive arm of the government. The traditional Civil Services however need to be modernized in order to enable them to cope with the modern day challenges and to perform their functions efficiently and effectively. Meritocratic recruitment and promotion practices are considered to be correlated with the effectiveness of the Civil Service. As a result, quota in recruitment process in Civil Service has been a matter of question.

Bangladesh, the then East Pakistan, literally enjoyed regional quota in the name of equal representation in Civil Service of Pakistan. After liberation, though no such disparity in culture and other issues exist in the country, quota system has been embedded in Civil Service. Fifty five percent of the total recruitment in Civil Service in Bangladesh is done under quota provisions of different categories. Those categories have been introduced to satisfy demands of diverse groups of people in order to satisfy/pacify their socio-political demands and to some extent to establish equity among the citizens. Some rationale has lost the logic and has become absurd in course of time. Some of it warrants rearrangement while others ought to be abolished. Although continuation of quota has been challenged as contradictory to constitutional condition of equal opportunity of jobs for all citizens, opinion in favor of quota has also been put forward with a plea that it has improved the condition of some backward section of the population.

In order to do away with the apparent weaknesses of the existing Quota System, it is important to assess the consequence of quota in recruitment process. To avoid the criticism against its necessity, it is imperative to plug the loop-holes of the quotas that are presently practiced, quota should be re-arranged.

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## **Chapter –I Introduction**

### **Introduction**

The Civil Service in any country is responsible for implementation of core national policies and action plans, and is thus the backbone of its government. It is the executive arm of the government. The traditional Civil Services however need to be modernized in order to enable them to cope with the modern day challenges and to perform their functions efficiently and effectively. Meritocratic recruitment and promotion practices are considered to be correlated with the effectiveness of the Civil Service. As a result, quota in recruitment process in Civil Service has been a matter of question.

In Bangladesh there exists Quota system in Civil Service. The system started in the then East Pakistan, which enjoyed regional quota in the name of equal representation in Civil Service of Pakistan. After liberation, though no such disparity in culture and other issues exist in the country, quota system has continued to be embedded in Civil Service of Bangladesh. The Constitution of Bangladesh guarantees equality of opportunity in public employment for all citizens irrespective of their religious beliefs, race, creed, caste, gender, or place of birth and no one could be denied access for Civil Service positions and cannot be discriminated against because of being a member of a certain social group (GOB, 1994: Art 29 - 1 & 2). However, factors like- education, skills, training and experience influence the recruitment process. Thus, despite inclusion of equal opportunity rights in our Constitution, the induction of the entire social array of people in governmental administration cannot be guaranteed.

Anticipating such a problem and, more importantly, for upholding the values of democracy and to provide legitimacy to governance, the framers of the Constitution empowered the state to secure the *adequate* representation of a wide array of social groups (GOB, 1994: Art 29 (3a & 3b)). Nonetheless, voice is very often heard to have a

bureaucracy that has representation from people of all walks of life. Hence, the Quota System continues in the Civil Service of Bangladesh

Bangladesh is one of the least developed countries of the world. Public sector is the major employment generating sector in Bangladesh. As per the statistics<sup>1</sup> supplied by the Ministry of Establishment, total number of sanctioned posts up to 2001 in Ministries/Divisions, Departments/Directorates and Autonomous Bodies/Corporations was 1,061,089, of which exiting posts were 937,024 and vacant posts were 124,065 . This number is very meager compared to net eligible work-force rushing to the labour market every year.

Private sector has not yet thrived to the extent as it was anticipated earlier particularly in respect of creation of blue and white collar jobs. So the eligible workforce has to rely mostly on the Government sector for employment. As per Central Recruitment Policy of the Government, only 45 percent of employment in Public Services is filled up by merit and the rest are filled-in from quota reservation. This is an issue that warrants serious policy consideration for it has been dissuading the young generation to pursue painstaking efforts to equip themselves for competitive jobs.

The Article 29(1) of the Constitution<sup>2</sup> of the People's Republic of Bangladesh rules out any sorts of discrimination in the service of the Republic. But articles 28(4) and 29(3) (a) of the Constitution provides for creation of special provision in favor of backward section of citizens for the purpose of securing their adequate representation in the Service of the Republic. As such, there is no magic wand and linear solution to this dilemma of quota intervention. What could be done is to strike a balance or some sort

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<sup>1</sup> Statistics of Civil Officers and Staff, Government of the People's Republic of Bangladesh, Statistics and Research Cell, Ministry of Establishment.

<sup>2</sup> The Constitution of the People's Republic of Bangladesh, published by Ministry of Law, Justice and Parliamentary Affairs, 26 January, Dhaka.

of reconciliation between constitutional obligation and real life requirement keeping into consideration the delivery of quality public service.

In 1971 waging an independence war against the Pakistani occupation regime, the people of this territory established an independent and sovereign state. In the preamble of the Constitution it is solemnly pledged that, among other things, the fundamental aim of the State shall be to establish a society- “free from exploitation- a society in which the rule of law, fundamental human rights and freedom, equality and justice political economic and social will be secured for all citizens.” Thirty years have already been elapsed, since Bangladesh emerged as an independent state. Now it seems imperative for this nation to self-actualize how much it was pledged and how much has been accomplished.

The recruitment procedure to the Civil Service is exercised by open competition. All vacancies in the Civil Service are not filled on the basis of overall performance in the several components of the BCS examination. Forty five percent of positions are reserved for top-performing candidates while the remainder (55%) is distributed among the 64 districts on the basis of population. Further, the allocated number for each district is again distributed among freedom fighters (30%), women (15%) and tribal population (5%).

The district quota was introduced to remove the disparity in Civil Service representation among different regions of the country. This disparity of representation occurred in the pre-Bangladesh period due to the emphasis on merit in the recruitment policies of successive governments. Consequently, only a few economically advanced regions or those close to the capital, where educational opportunities were better, had any prospect of making a Civil Service career (Khan and Zafarullah, 1984).

This dissertation therefore tries to evaluate the effectiveness of the Quota System in recruitment process of Bangladesh Civil Service [BCS]. Although, the issue has wider expanse of ramifications, considering time and the limitation of the scope of the topic, we will concentrate on and confine ourselves to Civil Service with special emphasis on quota reservation that has been considered as a constraint to rendering of quality Civil Service. We shall consider the Quota intervention relating it to constitutional obligations and critically analyze the extent of its role as protected under constitutional coverage.

## **1.2 Objectives of the Study:**

The objectives of the study are:

- (i) To evaluate the efficacy of the existing Quota System at the entry level of Civil Service of Bangladesh.
- (ii) To suggest the probable and possible solutions to the problems as recommendations.

## **1.3 Methodology**

This study uses mostly from secondary source. Secondary source includes annual reports published by the Public Service Commission, Reports on Administrative Reorganization/Reform Commissions etc. Moreover papers prepared by donor agencies and potential researchers have been extensively used. Some Cabinet papers and reports on Quota System have been consulted. Apart from the above, Personnel Data System of the officers preserved in Public Administration Computer Centre of the Ministry of Establishment has been used. It also uses primary data based on personal experience and reactions of officials associated with the recruitment process of the Public Sector.

#### 1.4 Coverage and Limitations

The present study does not necessarily take into consideration the context of other services i.e. the services of constitutional bodies, the services of statutory organizations. It only looks at the cadre services of the Republic. It also looks at some selected data as explained hereunder. This study contains data of Central Superior Service of Pakistan, Central Superior Service, East Pakistan Civil Service and Civil Service officers recruited after independence of Bangladesh. Selected data of the above officers are shown in the following Tables:

**Table- 1: Selected Data of Officers Recruited during Pakistan Era**

Cadre	Total No. of Officers Inherited from Pakistan	Total No. of officers Covered by this Study	Percentage of the Officers Covered in this Study
CSP	170	71	41%
CSS	95	22	23%
EPCS	619	115	18%
PMLCS	12	06	50%
Total	896	214	24%

*Source; Ministry of Establishment, PACC and the Bangladesh Civil List 1977-78*

**Table-2: Selected Data of Bangladesh Civil Service Officers**

Batch No.	Total No. of Officers covered by this study	% of the Officers in the Total BCS ( Admn.) Cadre
15 <sup>th</sup>	123	2.5%
17 <sup>th</sup>	68	1.4%
18 <sup>th</sup>	99	2.1%
Total	290	6%

Source: Ministry of Establishment, PACC

## **1.5 Chapter Outline**

This study is sequenced into seven chapters which have been enumerated sequentially as follows:

The First Chapter deals with introduction, objective of the study, methodology, coverage and limitations etc. The Second Chapter focuses on some conceptual aspects viz. Civil service of the Republic, existing Quota System, and evolution of Quota System in Civil Service and emergence of Quota System in Bangladesh etc. The Third Chapter dwells on the constitutional plea for non discrimination, constitutional coverage of Quota System and dichotomy between the two. The Fourth Chapter pertains to issues as regards Quota System, concern of the PSC, unease of development partners, concerns raised in reform reports, definitional incongruity of Freedom Fighters and problems at senior level promotions etc. The Fifth Chapter makes a detailed retrospection, insights and interpretation regarding problem issue of Quota system with indication to remedies. The Sixth Chapter portrayed the findings based on data analysis, and the Seventh Chapter relates to recommendations and concluding remarks.

## Chapter-II

### Conceptual Dimensions

#### 2. Introduction

In this chapter, we look at the conceptual issues pertaining to the service structure, recruitment systems etc of the Civil Service in Bangladesh.

#### 2.1 Cadre Service

Cadre service are those services which are constituted under law with a number of positions or structure and recruitment and promotion rules (Morshed,1997: 97) cadre service basically refers to the organization of the civil servants into well defined groups, services or cadres. Such distinct division within services seems to be characteristics of countries with British colonial heritage (Hornby and Ozcan 2003). Thus cadre, basically, refers the particular occupational groups to which a civil servant may belong, either at the time of recruitment or subsequently through lateral mobility (The World Bank, 1996:112). UNDP explains Civil Service as under:

- ✚ merit based, neutral
- ✚ Well structured, right sized and well paid
- ✚ Accountable, professional and relatively corruption free
- ✚ Relatively autonomous, responsive and representative
- ✚ Well trained, performance oriented and relatively open (Rahman,2001: 7)

#### 2.1.1 Evolution of the Cadre Service

The present Civil Service in Bangladesh has a long history which originated during the British rule in India. In British India, the Civil Service was the product of an evolutionary process. The definition of Civil Service remains vague and imprecise not only in Bangladesh but in many other countries.

The term *civil service* in The Indian sub-continent was first used in 1785 to refer to non-military staff of the British East India Company (Rashid, 2008). This term then gained coinage in 18<sup>th</sup> century to distinguish between civil administration and military administration. in the Indian subcontinent under the colonial regime in India. Personnel employed in civil administration were called civil servants. However, outside the British colonial administration of India, the term 'civil service' elsewhere was first used in England in 1854 (The Colombia Encyclopedia, 2007). In the context of UK many scholars have drawn attention to this issue. Mackenzie and Grove (1957) say "We are met at the outset by the fact that there are no precise criteria, either legal or historical, by which to determine the scope of the Civil Service.

There is a central core which is unmistakable, at the margin no sharp line divides those public who are within the Civil Services from those who are not". The term "civil" meaning "non-military" continued through the early part of the nineteenth century in the context of the British Civil Service. It is however later displaced to convey the distinction between holders of permanent posts and those holding temporary posts whose job changed hands with every change. The Tomlin Commission says "Civil service Servants of the crown, other than holders of the of political or judicial officers, who are employed in a civil capacity and whose remuneration is paid wholly and directly out of the money voted by the parliament.". Morgan and Perry (1988) looked at Civil Service as a system of mediating institutions for mobilizing human resources in the service of the affairs of the state in a given territory. Other scholars (Bekke, Perry and Toonen, 1996) defined Civil Service and distinguished Civil Service from elected political officials and the military.

The civil servants are seen as officials at all levels of the government operating in holistic system, the boundaries of which are best determined empirically. It will be sufficient, for the present purposes, to say that the term Civil Service is used narrowly in Bangladesh. It appertains to a particular class or classes of services and management process.



However, the appellation “Civil Service “disappears to make room for a much wider meaning through the use of such terms as public servants or government servant depending on the areas of the management process.

The recruitment rules of Civil Service in Bangladesh do not define the term Civil Service or civil servant. The Superannuation Act ... recognizes only public servant. The definition in this Act encompasses a wide variety of services and positions, many of which lie outside the ambit of Civil Service rule. All public servants are not civil servant. However, it must be said that Public Service Recruitment Rules for the Bangladesh Civil Service did not define the term Civil Service. It is a popular term used in conversation only.

## **2.2 Quota System**

Quota is commonly referred to as a situation wherein something reserved for some backward section of the country to uphold their representation in education, business, and service or policy making process. The common logic behind the system is to eliminate discrimination against some section. But in real sense it is to increase representation of some backward section in government activities providing some preferential treatment. In developed countries it is treated as affirmative action which is to some preferential action to some section to eliminate their backwardness. The quota should be in place for a specific time period in order to correct some past wrong doing or inequality and after achieving those inequality or wrong doings it should be removed. Quota is for giving advantage to some disadvantaged group in filling in scarce position in education, employment, or business contracting so as to increase the representation in those positions of persons belonging to those disadvantaged subgroups.

### **2.2.1 Affirmative Action Policy**

Affirmative action is an attempt to actively dismantle institutionalized or informal cultural norms and system of ascribing to group-based disadvantage, and the

inequalities historically perpetuated. It is an effort to promote an ideal inclusive community, an ideal democracy vis a vis integration and pluralism.

Affirmative action helps classify people according to their ascribed identities (Race, ethnicity, sexual orientation etc). It is necessary to distinguish from other anti-discrimination measures. Quota System is one of the tools of affirmative action that aimed at narrowing the gap between the privileged section and backward section of people in the society.

### **2.3 Recruitment in Bangladesh Civil Service in Different Eras**

Bangladesh inherited the administrative structure and Civil Service system developed in Pakistan, which was a continuation of the system of the British India. British Civil Service was considered as the most distinguished Civil Service in the world. Civil Service of Pakistan, though very small in size, was very considered effective. During the turbulent years immediately following the independence the government faced many urgent problems (Morshed, 1997).

When Bangladesh came into being after a bloody war, for filling in the void created due to leaving the civil servants of West Pakistan origin, a sizable number of recruitments were made without framing new recruitment rules (Ali, 2004), which were *ad hoc*, unsystematic, irregular and chaotic (Khan, Kar and Bhuiyan, 1992). In 1976 recruitment rules for appointment of superior positions were framed. Prior to framing of the rules recruitment to various services and positions were made following an Interim Recruitment Policy announced by the Government through executive order in September 1972. This had undergone change from time to time (Ali, 2004).

### **2.3.1 Eligibility for Recruitment and Its Changes over Period**

The provisions concerning eligibility for recruitment has been laid down in Bangladesh Constitutions and various legislations, policies and circulars. These are enumerated below:

(i) The eligibility for entry into various Civil Service cadres is codified in Article 133 of the Bangladesh Constitution. The Constitution requires that, consistent with its provisions, Parliament may by law regulate the appointment and conditions of service. It also lays down that until such law is made, the President may make rules regulating such appointment and conditions of service and the rules so made shall have effect subject to the provisions of any such law. The rules are also to be consistent with the provisions of the constitution. However, Parliament is yet to make any such law governing the appointment. In the absence of any specific Act governing the appointment and other terms and conditions of service, the rule making authority of the President has been put in place to fill up the void.

(ii) The rules for recruitment to Civil Service cadres followed the framing of rules for creation of BCS cadres in 1980. The recruitment rules were notified in January, 1981. These rules mainly dealt with the procedure for recruitment, the period of probation and conditions of confirmation in service. In 1982, elaborate recruitment rules were framed for appointment to various cadres of BCS. These rules prescribed criteria for eligibility in respect of age and qualifications of candidates to be recruited directly to various services.

The rules also provide the syllabi of marks of the competitive examinations. The total marks were 1600. The educational qualification required was a second class Bachelor's degree from a recognized university with first division in SSC or HSC. This was applicable to 11 cadres, for the other technical cadres separate educational qualifications were prescribed. The general age limit was 21-25, but for certain

professional cadre the upper limit of age was 30. The upper age limit was also relaxed for tribal, doctors and freedom fighters.

(iii) Since 1983, the conditions for recruitment as regards age and syllabi were changed from time to time on the ground of necessity of meeting urgent situations that cropped up over time. This was, however, limited to one time recruitment only. The recruitment of appearing at written test was waived. The age limit was also relaxed in case of *ad hoc* appointees who wished to be recruited. This process went on in respect of individual cadres. The age limit for recruitment to judicial cadre was raised from 30 years to 37 years. The requirement of written test for 1600 marks was reduced to 900 marks for as many as 30 cadres. In October 1985, rules in respect of 1600 marks were reduced to 1000.

(iv) The practice of relaxing the rules of recruitment on grounds of meeting urgent situations continued up to 1992. In September 1990, recruitment to the BCS (police) cadre was based on 400 marks for compulsory subjects, of which 100 marks earlier allocated for mathematics were merged with general knowledge in the form of mathematics and everyday science. Six hundred marks were allocated for academic attainments.

In May 1992, recruitment was made to the BCS (General Education) cadre based on 1000 marks. However, unlike the police cadre, only 200 marks were allocated for compulsory subjects and remaining 800 marks allotted for academic attainments and viva-voce tests. In this case, separate marks were allotted for academic attainments at four different stages of educational qualifications. Throughout the 1980's and up to 1992 recruitment rules were modified without following any uniform criteria. For the recruitments made in 1982, at least the nature of urgent situation was explained in the relevant Statutory Regulatory Orders (SROs). These SROs referred to the need for officers at the Thana level following the local government reform measures undertaken

during the second martial law regime. The following relevant SROs did not explain the nature of urgency for the relaxation of recruitment criteria (Ali, 2004).

(iv) After 1992, the open competition for admission through PSC into the Civil Service was introduced based on four tests: (i) written examination (800 marks, out of which 500 are compulsory for candidates of general and technical cadre), (ii) viva voce examination (200 marks), (iii) psychological examination and (iv) medical examination. In order to qualify, the candidates needed to secure at least 45% of total marks in the written examination and 40% in the viva voce and psychological examination and they should also be certified medically fit in all respect (Morshed, 1997).

Candidates for the general cadre had to attend all written examinations containing 800 marks. On the other hand candidates for technical cadres could do away with 500 marks examination, of course if they wanted to compete for the general cadre posts then sitting for another 300 marks optional examination was necessary.

(v) Subject and marks distribution again changed from the 26<sup>th</sup> BCS. Salient features of this changes are: marks for viva voce is reduced to 100; both general and technical cadre applicants need to sit for 900 marks written examination; inclusion of the subject Mathematical Reasoning and Mental Ability (100 marks); 200 marks (optional) instead of Bangla 2<sup>nd</sup> paper and General Science and technology for the technical cadres and if they want to compete for the general cadre posts then they need to attend 1100 marks examination.

(vi) It is evident that every government of the country tried to streamline the Civil Service system but the government failed to build up a sound recruitment system in Civil Service. There was no regular recruitment procedure followed by the PSC. As a result it has become impossible to maintain standards of the candidates. For example, there are certain batches of recruits who were selected for the service only on the basis of an oral test.

On the other hand, there are some batches that had to face a 2200 marks examination in stages. Changes in the government also affected the recruitment in the Civil Service. For instance, during the second Martial Law Regime decentralization of administration led to recruit huge number of officers in the BCS Administration to fill up the position of *Upazila* Magistrate (approximately 650 in 1983, 440 in 1986, 550 in 1988). The following government abolished the *Upazila* system in 1992 which in turn made those recruitments futile.

It created the problems of promotion to the next tier, which have the long lasting effect over the next batches. Article 29 of the Constitution of Bangladesh envisages that “(i) there shall be equality of opportunity for all citizens in respect of employment or office in the service of the Republic. (ii) No citizen shall, on ground only of religion, race, caste, sex or place of birth, be ineligible for, or discriminated against in respect of, any employment or office in the service of the Republic.”.

On the other hand Article 28(4) of the Constitution states that “Nothing in this article shall prevent the state from making special provisions in favor of women or children or for the advancement of any backward section of the citizens”. It is argued that the provision mentioned in Article 28(4) is the basis for Quota System. Validity of this argument will be examined at the later section of this study (section 6). Details of the Quota System and the subsequent changes made are shown in Table-3 below.

**Table-3: Changes in Quota System**

Year	Merit	FF	Women	Affected Women	Tribal	District	Total
1972	20	30	0	10	0	40	100
1976	40	30	10	10	0	10	100
1985	45	30	10	0	5	10	100

Source: Khan and Ahmad 2008

Despite the provision of quota for certain categories of people including freedom fighters, difficulties were experienced in finding the required number of candidates from freedom fighters category. This led to PSC to recommend to the government increase in merit quota as well as women quota. This request continued since 1987, but government remained silent on the issue. In July 1999, the government announced a new quota policy for recruitment to various services and posts across the public sector. The major feature of this policy was to provide 30 per cent quota for the wards of the freedom fighters and “Shaheed” freedom fighters (PSC, 2002).

### 2.3.2 Marks Distribution

Bangladesh Government through its SRO No. 75-law/2005 issued by the Government. Prescribed examination marks as under:

**Table-4: Distribution of Marks**

<b>Subject</b>	<b>General cadre</b>	<b>Professional/Technical Cadre</b>
Bangla	200	120
English	200	200
Bangladesh affair	200	200
International affair	100	100
Arithmetic and Psychological	100	100
General knowledge and technology	100	200
Related subject	--	100
Viva voce	100	

So we can see over time the examination system as well as quota have changed as dictated by different policy options and governments in power.

## **Chapter-III**

### **Basis and Background of Quota**

#### **3. Legal Frame Work**

The merit -based recruitment is the main foundation of a professional bureaucracy. Unless the recruitment policy is conceived in a sound manner, it is unlikely to build up a first rate staff (Ahmed, 1969). Therefore, appropriate recruitment policy is essential to attract best talents to the government service.

There are six essential features of a sound recruitment policy. These are:

1. Constitutional and legal basis of recruitment;
2. Role of the Public service commission;
3. Minimum qualification for recruitment;
4. Determination of the number of vacancies for recruitment in each year;
5. Structure of examination for recruitment; and
6. Exception for merit-based recruitment.

#### **3.1 Constitutional and Legal Basis of Recruitment**

The legal basis of recruitment of services of Bangladesh is laid down in Article 133 of the Constitution of the People Republic of Bangladesh, which reads as follows: "Subject to provisions of this constitution, Parliament may by law regulate the appointment and conditions of service of persons in the service of the Republic: Provided that it shall be competent for President to make rules regulating the appointment and the conditions of service of such persons until provision in that behalf is made by or under any law, and rules so made shall have effect subject to the provisions of any such law".



At present, there exist only a few rules for regulating appointment and conditions of the services. The Constitution also guarantees of equality of opportunity. Article 29 of the Constitution lays down that "There shall be equality of opportunity for all citizens in respect of employment or office in the service of the Republic. No citizens shall, on grounds only of religion, caste, sex or place of birth, be in eligible for, or discriminated against in respect of any employment or office in the service of the Republic".

### **3.2 Role of Public Service Commission**

The task for recommendation of recruitment to the Civil Service (constitutional Article 40) has been entrusted to an independent Public Service Commission. The Civil Service System in Bangladesh has a long history. It gradually developed through the centuries under various types of political systems, experiencing the stresses and strains in transforming itself from a personalized to a public and protected service. Bangladesh as part of South Asia has seceded from Pakistan in 1971 after a bloody war of national liberation. It was under British rule until 1947 when, after the partition of India it became eastern part of Pakistan. In 1971 it got freedom. During Pakistan it got quota facility to make equal representation in Civil Service but after liberation war when Bangladesh emerged it introduced quota to encounter other pressing reasons.

### **3.3 Quota during Pakistan period**

The Constitution of 1956 provided safeguard against discrimination on ground of race, religion, caste or sex, residence or place of birth. It also provided that for a period of 15 years from the said Constitution day, positions must be reserved for the person belonging to certain class or area to secure their adequate representation in the service of Pakistan. It was on the strength of this provision that the reservation of this quota was made to secure adequate representation in the services of Pakistan for the two provinces. It is however, to be pointed out that such provision was made by an executive order immediately after 1947.

The provision of quota in cadre service to ensure equal representation was introduced during Pakistan Period (CSP). Controlled key policy positions served as vital inputs to the decision making process. Bureaucracy framed personnel policies and rules which were clearly biased toward promotion of their interest. Both internal and external pressures for change were carefully subverted by this group who, for several reasons, were bent upon self – priority to those of other services (Khan, 1980). Apart from CSP there were several other central services as well as provincial services. Entry to those services was through open competition as an attempt to increase representation from different segments of people.

**Table-5: Recruitment to Central Superior Service (CSS)**

Area /Province	Reservation of Quota (Percentage)
East Pakistan	40
Punjab and Bhawalpur	23
Sind, Khairpur, North-west Provinces, Frontier, Tribal Areas, Baluchistan, Azad Kashmir and Kashmir	2
Refugees	15

Source: Kennedy, 1987 in Ali 2004

*Note: Remaining 20% recruited on merit basis.*

The above picture could be considered the first quota provision for regional participation in Civil Service. Bangladesh, the then East Pakistan, got highest number in Central Superior Service as being the largest province based on population. The Panjub and Bahawalpur were allocated 23% of the service. Refugees apparently were allocated 15% of the quota. Merit was not ignored despite the fact that only 20% of the service was earmarked.

### 3.3.1 The CSP and Cadre Rules 1954

The Government on June 1, 1954 notified the said Rules. The Rules generally embodied the major provisions of the Resolution of 1950. The reservation of the post both at the Centre and at the Provinces was made under aforesaid rules.

**Table-6 Reservation of the posts for the CSP and other services**

Central Secretariat Posts		No. of Positions for CSP	No. of Positions for other Central Posts
A	Deputy Secretary	67	33
B	Joint Secretary and Secretary	67	33
C	Provincial Superior post in the executive branch	75	25
D	Provincial superior posts	67	33

TO ensure participation in policy making level quota was reserved in the position of deputy secretary, joint secretary and provincial executive branch. The Provincial Superior Service, CSPs were allocated more than double positions than those of other services. Source: CSP (Composition and Cadre) Rules, 1954 in ALI 2004

In respect of the placement of the CSP and EPCS in district and divisional posts the situation in 1970 was:

**Table-7: Posts in the Districts and Divisions**

Former East Pakistan	Total	CSP	%	EPCS	%
Commissioner	4	3	75	1	25
DC/ Additional Commissioner	19	13	70	6	30
ADC	40	16	40	17	43
Total	63	32	-	24	-

Source: ASRC (1973) in Ali 2004

The above table shows the position of the participations in different key positions. Everywhere representation of CSPs was more than others.

### 3.4 Quota after liberation of Bangladesh

Everywhere, the newly born Bangladesh was needed reconstruction implementation of which entrusted on the civil servants. With the view to engage people from every corner, social strata of the country and especially, those who put their life on the harm's way for earning freedom were given chance to rebuild the country. The interim recruitment policy was issued in 1972 through the Order No. Estt./RI/R-73/72-109 (500) dated the 5<sup>th</sup> September, 1972 by Ministry of Cabinet Affairs. As per the said Order 20% of the positions were to be filled in on merit, 30% of those for freedom fighters and 10% for war affected women.

**Table -8: Quota reservations for Recruitment in Bangladesh**

Categories of Quota	For Class I Services (percentage)		
	1972	1976	1985 (Class I and II)
Merit	20	40	45
Freedom fighters	30	30	
War Affected women	10	10	
District Quota	40	20	
Freedom Fighters			30
Women			10
Tribal			5
Other General Candidates			10
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>

An overwhelming emotion for freedom fighters worked in the mind of policy makers in formulating quota for recruitment in the Civil Service. Immediate after the liberation on merit only 20% of the total positions were filled. While freedom fighters got 30%, war affected women got 10% and districts quota was 40%. No war affected women came to avail of the benefit of the reservation. Perhaps because of not having minimum requisite qualification or stigma of being socially recognized as war affected. Moreover, the provision itself was controversial because they ought to have been treated as freedom fighters.

In quota reservation in 1985 only one lady came under this provision that preferred to be identified as freedom fighters rather a war affected women. The war affected quota abolished and was rearranged. Revised allocation was - 45% for merit, 30% for freedom fighters, 10% for women, 5% for tribal community and other for general candidates.

The breakdown of Quota that was introduced in 1997 is shown below:

**Table-9 Quota distribution during 1997**

SL no	Type of Quota	Class I and II posts (Percentage)	Class III and IV (Percentage)
1	Merit (outside District Quota)	45	
2	Physically handicapped/mentally retarded(outside District quota)		10
3	District quota (on the basis of population ):Freedom fighters or if freedom fighters are not available then Shaheed freedom fighter's children <ul style="list-style-type: none"> <li>• Women</li> <li>• Tribal</li> <li>• Ansars/VillageDefence members</li> <li>• Remaining (for the general candidates of the District)</li> </ul>	30  10 05  10	30  15 05 10  30
	Total	100	100

The quota is almost similar to 1985 system. Here positions reserved for freedom fighters were just earmarked for their wards, in case non availability of freedom fighters. Later on, no noticeable change in Quota reservation was observed except, some circulars for ensuring quota for freedom fighters or their issues. A few committees for detecting freedom fighters also were formed though no decision was taken on their findings.

## **Chapter IV**

### **Impact of Quota**

#### **4.0 The result of reserving quota in public sector**

It is very important to assess whether the quota reservation is reaping optimum result. On the basis of the outcome of the said assessment quota should be rearranged and some of the provisions should be done away with. Since there is opinion in favor and against the system it is more than necessary to assess the degree of the result in comparison with its motive behind. Following factors could be considered in this regard:

- (i) Whether the districts that are considered backward are getting proportionate representations?
- (ii) Whether, the person who is getting the quota facility from the backward district is coming from a poor family or is from a well off family?
- (ii) In case of women quota whether the selected women are from educated and privileged family?
- (iii) Whether quota is availed of by the people of different faith, caste and creed proportionate to their size save Muslim;
- (iv) Whether quota is deterring employment of people of comparatively young age? If the candidates are young they could render more service and dedicate them for the upliftment of the nation;

- (v) Whether representation from freedom fighters as well as their wards are actually been filled up by the true freedom fighters or their wards?
- (vi) Whether the tribal quotas being filled by the all tribes proportionate to the particular tribe's population size to the total tribal population?

To assess the above hypothesis some tables could be consulted:

**Table-10 : The Distribution of District Quota**

Name of district	Percentage	Position Among All
Dhaka	5.59	1 <sup>st</sup> biggest
Chittagong	5.22	2 <sup>nd</sup> biggest
Comilla	3.87	3 <sup>rd</sup> biggest
Mymensingh	3.65	4 <sup>th</sup> biggest
Bogra	2.45	5 <sup>th</sup> biggest
Banderban	0.22	1 <sup>st</sup> lowest
Khangrcharri	0.33	2 <sup>nd</sup> lowest
Rangamati	0.38	3 <sup>rd</sup> lowest
Meherpur	0.46	4 <sup>th</sup> lowest
Narail	0.62	5 <sup>th</sup> lowest

The table above shows that the five highest quota enjoying districts as well as five lowest quota getting districts. From the above table, it is found that the people from Dhaka district get the biggest quota facility while Banderban is the lowest. .

**Table-11 Overview EPCS Officers) and CSPs from Different Districts**

<b>Name of the district</b>	<b>Total Officers</b>	<b>Position</b>
Dhaka	54	<b>1<sup>st</sup> ( highest)</b>
Comilla	51	<b>2<sup>nd</sup> ( highest)</b>
Noakhali	44	<b>3<sup>rd</sup> ( highest)</b>
Sylhet	34	<b>4<sup>th</sup></b>
Mymensingh and Bakerganj	28 (Each)	<b>5<sup>th</sup></b>
CHT	1	<b>1<sup>st</sup> lowest</b>
Patuakhali	2	<b>2<sup>nd</sup> lowest</b>
Kustia and Tangail	3 (Each)	<b>3<sup>rd</sup></b>
Bogra	5	<b>4<sup>th</sup></b>
Total -----80		

As regional quota existed even in Pakistan era the representation from different parts of the country should be considered. In CSS there were 16 officers from Bangladesh part.. Among those two were from Dhaka, four Sylhet, three from Narsindi and one from other remaining districts.



**Table-12: Representation from different districts**

Name district	CSS	1969	1970	1982
Dhaka	2		1	
Sylhet	4			
Netrokona	1			
Habigonj	1		1	
Sirajgonj	1			
Manikgonj	1			
Madaripur	1			
Noakhali	1		1	
Narsindi	3			
Comilla	1			
Gaibandha	1			
Rajshahi	1			
Rangpur	1			

Above table shows that all the districts did not have representation in the Civil Service, as single district Sylhet had more representations.

**Table 13: Representation of Different Divisions in Administration Service**

Division	CSP & EPCS 1959-70	BCS 15 <sup>th</sup> 1995	BCS 17 <sup>th</sup> 1998	BCS 18 <sup>th</sup> 1999
Dhaka	62 (30%)	33 (29%)	27 (37%)	33 (35%)
Chittagong	62 (30%)	27 (29%)	14 (19%)	16 (17%)
Rajshahi	27 (13%)	18 (16%)	17 (23%)	26 (26%)
Khulna	15 (7%)	17 (15%)	5 (7%)	12 (13%)
Barisal	11 (5%)	12 (11%)	5 (7%)	5 (6%)
Sylhet	24 (11%)	8 (5%)	5 (5%)	3 (3%)
Total No	212 (100%)	115 (100%)	73 (100%)	95 (100%)

Source: Ministry of Establishment, PACC

The above table shows that the representation from different districts was not consistent.

**Table-14: Urban- Rural Comparison in Administration Cadre Officers**

<b>Batches</b>	<b>Total No.</b>	<b>Urban</b>	<b>Rural</b>
CSP 59-70	62 (100%)	38 (61%)	24 (39%)
EPCS 61-70	92 (100%)	45 (49%)	47 (51%)
BCS 15th	107 (100%)	64 (60%)	43 (40%)
BCS 17th	61 (100%)	34 (56%)	28 (44%)
BCS 18th	92 (100%)	56 (60%)	36 (40%)

Source: Ministry of Establishment, PACC

The above table indicates that urban areas have more representation in the service compared to the rural areas despite the fact that urban population is much lesser than the rural areas.

An assessment should also be necessary to see whether the women quota is being enjoyed by the privileged class of families. If they are from privileged family then certainly person of poorer background irrespective of their gender are deprived.

**Table No-15 : Number of Women in Bangladesh Civil Service**

<b>Batch</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>	<b>Percentage of Women Officers</b>
1973	112	0	112	-
1977	29	0	29	-
1979	44	0	44	-
1981	68	0	68	-
1982	521	38	559	6.7
1984	396	47	443	10.6
1985	474	72	546	13.1
1986	192	31	223	13.9
9th	83	9	92	9.7
10th	138	24	162	14.8
11th	182	29	211	13.7
13th	192	32	224	16.6
15th	94	23	117	19.6
17th	57	16	73	21.9
18th	75	20	95	21.05
20th	223	60	283	21.2
21st	142	39	181	21.2
22 <sup>nd</sup>	219	61	280	21.7
<b>Total</b>	<b>3740</b>	<b>554</b>	<b>4294</b>	<b>12.9</b>

(Source; Public Administration computer centre as on 09/01/2006)

Appointment of women in the successive BCS Administration cadre shows an increasing trend. However, whether merit or quota is the reasons for such increase needs to be assessed. May be more women are qualifying in merit than quota earmarked for them.

**Table-16: Increasing number of women in public sector**

Year	1987	1988	1989	1990	1991	1993	1994	1997	1998
Total	2,592	5,740	6,042	6,152	4,988	5,628	6,312	7,574	7978
Percentage	5%	9%	9%	9%	7%	7%	7%	8%	8%

**Table17: Women in Merit List**

Batch	Admitted Male	Admitted Women	Successful Male	Successful Women	% of Male	% Women
15th	16,594	2001	7,320	882		
16th	13,212	5,452	6,972	1,992		
17th	10,695	1,380	2,870	328		
18th	9,375	1,388	1,781	307		
20th	10,707	1,473	3018	468		

During Pakistan period quota for minor religion and tribes was inactive. These also can raise questions. The Table -18 below shows the representation of minority during Pakistan era.

**Table-18: Background of admin cadre officers from others**

Batches	Total No	Hindu	Buddhist
CSP 59-70	93(100%)	--	-
EPCS 61-70	121(100%)	10(8%)	3(8%)
BCS 15 <sup>th</sup>	123(100%)	5(4%)	--
BCS 17 <sup>th</sup>	63(100%)	2(3%)	1(1.5%)
BCS 18th	92(100%)	4(4%)	2(3.5%)

Source: Ministry of Establishment, PACC

As Freedom fighters Quota has been discussed widely, it s imperative.

**Table:-19 Candidates belonging to Freedom Fighters category**

Year	Quota Reserved for freedom fighter (Percentage)	Actual availability
1982	30	7
1983	30	3
1984	30	8
1985	30	5
1986	30	1
1989-90	30	1

Source: Annual report, 1990 of PSC in Ali 2004

**Table-20: Percentage of quota misuse of Admin Cadre officers**

Batches	Total No	Quota Misused
BCS 15 <sup>th</sup>	118 (100%)	22 (19%)
BCS 17 <sup>th</sup>	63 (100%)	11 (17%)
BCS 18th	9 (100%)	15 <sup>th</sup> (16.6%)

Source: Ministry of Establishment, PACC

The statistics of quota utilization of the wards of freedom fighters against their earmarked quota portrays that standard of education of freedom fighters is not up to the mark. They could not pass even in the written examination conducted by the PSC for which their designated quota remained vacant. It could be inferred that plight of the

freedom fighters is not good and they are failing to provide adequate facilities and failing to support the cost of quality education.

(j) Utilization of district quota of districts having comparatively lesser population

Though Bangladesh is a country of homogeneous people yet quota in Civil Service was introduced with a view to ensure equal participation from every corner of the country. From the very beginning of our independence district quota was introduced. On the basis of the population 55% of the total position of the cadre service has been earmarked. But when the number of position lying vacant is small then candidates of districts with smaller population do not get job. In the following table an instance is shown where even in merit quota possibility of getting job is null or slim.

**Table-21: Possibility of Getting Merit Quota for Different Districts if Vacant Positions are less than 18**

Vacant post	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Merit	1	1	1	2	2	3	3	4	4	5	5	5	6	6	7	7	8	8
Dhaka	1	1	1	1	1	1	1	2	2	2	2	2	2	2	2	3	3	3
Rajshahi	-	-	1	1	1	1	1	1	1	1	2	2	2	2	2	2	2	2
Chittagong	-	-	-	-	1	1	1	1	1	1	1	1	1	2	2	2	2	2
Khulna	-	-	-	-	-	-	1	1	1	1	1	1	1	1	1	1	1	1
Barisal	-	-	-	-	-	-	--	-	-	-	-	-	-	-	-	-	-	-
Sylhet	-	-	-	-	-	-	-	-	-	--	-	-	-	-	--	-	-	-

Source: PARC 2000 Vol Ali 2004

Quota for different divisions indicates division with bigger population size is getting most of the seats. This situation has given rise to the question on effectiveness of the system. The Cabinet Division has categorized three types of districts. The districts marked as third category has a very low representation. The PSC also said in its report that as per the present quota distribution system it has been experienced that to ensure employment at least one candidate from a district and one from a division 450 and 18 vacant posts are required respectively. But advertisement for recruitment of so many candidates at a time is not generally made or even possible.

Apart from the above, it is most likely that those who are getting jobs availing district quota may not have studied in those districts and are mostly from affluent families. Therefore, rationale of keeping district quota has been frustrated.

## **4.2 The Women Quota**

Quota for women has been introduced from 1977 but practiced from 1982. Quota for women was initially considered for war affected women but later it was further extended to all women and 10% of all positions have been earmarked. Now quota of women is now utilized properly and in a survey conducted by PSE, it has been noticed that success rate in the examination is more in case of women than men.

### **4.2.1 Quota for freedom fighters**

To recognize the contribution of freedom fighters in the war of liberation 30% quota was earmarked. Later on when the quota of freedom fighters remained unfulfilled and freedom fighters of the maximum age limit could not be had considerable debate was taken place until the said quota was reserved for their wards. The number of freedom fighters who qualified to enjoy the facility earmarked for them was always dismal although they had the opportunity of relaxation of age bar for two years.

The Table No-19 above shows that every year the number of successful freedom fighters was far lesser than the post reserved for them. For the rigidity of keeping the post reserved for them PSC had to keep the posts vacant for non-availability of freedom fighters. In spite of PSC's repeated recommendation of merging the posts with general cadres policy makers did not respond positively. It was only in 2002, when the government instructed the PSC to recruit on the basis of merit if eligible candidates could not be had from the wards of the freedom fighters (PSC, 2002). Time to time further modifications was made in the quota reservation based on the government decision (Rahman et.al.1993.p 2). However, quota for freedom fighters further earmarked for their wards. After conversion of the reservation for issues of freedom fighters the numbers of candidates increased. But, the most of the candidates who succeeded are the wards of defense personnel. The above finding is an eye opener to the effect that most of the freedom fighters are in a very poor financial state. Those who have the slightest financial soundness have been able to succeed.

As regards the findings of the study about tribal applicants, policy makers considered the tribal and indigenous people lesser advantaged and back ward in terms of resources and access to state facilities and welfare. Considering the plight of the tribal people 5% quota in Civil Service has been kept for them. But the quota is benefitting mostly "Chakma" tribe. Representation of other tribes is negligible. As a result compared to the size of population of Chakma tribe they are getting disproportionate jobs in the Civil Service.

#### **4.3 Assessment of present Quota System**

Right after the independence of Bangladesh although a sizable number of officers were recruited no new rules were formulated then. It started with the formulation of rules for appointment of superior posts in 1976. Recruitment before that was upon interim recruitment policy announced by Government in September 1972. With a view to



ensure equal representation of districts, war affected women; freedom fighters and tribal people quota reservation were made for various services and positions in public sector including defense service. One more change was there in policy in 1997. Time to time further modification was made in the quota reservation as per government decision (Rahman *et.al.*1993.p 2). According to the latest order of the Ministry of Establishment (*No.mg (We Wa-1)-Gm-8/95(AsK-2)-56(500)*), dated 10.03.97) the Quota System has been rearranged to give access to more tribal applicants.

- a. Quota system denies the merit and efficiency. Civil Service works as executive arm of any government. People against the system says that it brings inefficiency Both the *Administrative Services Reorganization Committee (ASRC, 1973)* and the *Pay and Services Commission, 1977 (Rashid Commission)* were against the Quota System and observed that, this system would defeat the purpose of building up a first rate Civil Service which the country needs most (Morshed, 1997). Adoption of a well-conceived recruitment policy lies at the core of an efficient Civil Service. However, a weak recruitment policy is unlikely to ensure the existence of the type of first rate Civil Service system expected in a modern democratic polity. Some also says that it is against national integrity. They opined that strong Civil Service has been able to keep India united.
- b. Our Constitution has ensured equal opportunity of jobs to all the citizens but introduction of quota frustrated that spirit. PARC (2000) also observed that the quota reservation was unconstitutional. Ali (2004) mentioned that present Quota System is based more on emotional rather than on logical ground. It would further exacerbate the problem of quality of civil servants.
- c. In the present recruitment procedure the geographic quota had been introduced to create a balance in employment from all districts to make the Civil Service more representative. However, this is creating instances of greater unfairness than

remedying the disparity that exists between districts. For instance, in the 15<sup>th</sup> BCS 7 positions in the foreign affairs cadre were reserved for the merit quota and 9 for the district quota. The top seven performers in the examination did get their share of 7 merit positions but one of the 9 district positions went to a female candidate who was placed 175<sup>th</sup> in the overall ranking. She surpassed many higher placed candidates in getting the position of her choice. Moreover, total 181 candidates from Dhaka, Khulna and Barisal divisions were deprived of the job in 13<sup>th</sup>, 14<sup>th</sup>, 15<sup>th</sup> and 16<sup>th</sup> BCS for the prevailing Quota System (PSC, 1995). Regarding the District quota PARC opined that smaller Divisions and Districts are generally deprived of any post when recruitment is of a smaller number of posts, as it usually is. This is because after merit quota is filled up the remaining quotas are again distributed amongst Divisions and Districts. In both cases it is the large districts that actually get the major share and the smaller districts in practice remain deprived. The irony of the situation is that geographic quota was introduced for restoring the balance in employment from all districts, but in practice, it is doing the opposite (PARC, 2000).

District quota is based on population of a district .The big district always get more posts than that of small district .In many cases if total position is not up to certain number then some small districts do not get it.

- d.** People of big cities get double facility with education and quota.
  
- f.** Chakmas are well ahead in terms of HDI compared to other tribal populations. Due to tribal quota this particular tribe is mostly benefitted. According to Amartya Sen it is a poor substitute.
  
- g.** Again quota for wards of freedom fighters is against the constitutional right of equality of opportunity in public employment. Although paying due respect to those who fought for the independence of the country is a must it may be considered more

logical to show respect in other ways rather than providing employment to their wards in the Civil Service.

- h. Women are coming in good numbers in good positions.
- i. War affected quota existed but no women came under this provision since stigma is attached to that.

#### **4.4 Findings**

- a. From the study it has been found that people from big cities always get better chance particularly when the number of vacant positions to be filled -in is small.
- b. Women quota seems to be bearing some fruits as more women are getting into public service now however, women are doing very well in the competitive examinations. For such reasons getting job both for merit and district quota representation of women are increasing gradually.
- c. Social justice is necessary to uphold the position of backward people.

*The report towards better Government in Bangladesh (GOB, 1993) observed “in Bangladesh merit considerations are believed to have been diffused of the manner and principles of selections”. “Recruitment policies in Bangladesh are characterized by the predominance of Quota System based on the principles of representation and special consideration shown to specific groups of candidates” (PARC, 2000, V-I, p-29).*

Merit and skill are prerequisites for good policy formulation. Leadership quality is also necessary to run the administration. In the present system only 45% of the first class officers are recruited on the basis of merit. Rest 55% officers are recruited under different quotas. This leads to a crisis of talented and skilled officers at the top level. Eventually efficiency of public service is going down. In this era of globalization, without efficiency and skill we cannot face the internal and external challenges

## **Chapter-V**

### **Different Opinion about Quota System**

#### **Problem-issues, concerns and Analysis**

**5.1 Interim Quota policy:** The Government's first interim policy on Quota System was announced in September, 1972. The policy was made applicable to posts in the Government, Autonomous/Semi Autonomous and nationalized organizations. Our choice of area is Civil Service (Administration Cadre) only. From reports, recommendations and findings of administrative reform commission/committees, it is obvious that the existing quota reservation has led to manifold problems in efficiency, effectiveness and dynamism in Civil Service. In other words, the Quota System is acting as a barrier to quality Civil Service. In this chapter we shall highlight the problems inherent to Quota System.

#### **5.2 Concern of the Public Service Commission**

(a) The Public Service Commission time and again recommended and requested the Government for abolition of Quota System gradually keeping in view an effective Civil Service. The Commission in its Annual Report in 1991 recommended<sup>3</sup> that the existing system of quota distribution in civil posts should be reviewed excepting tribal quota. With empirical evidence, the PSC viewed that implementation of Freedom Fighters quota from 7.4% in 1982 BCS exam came down to .08% in 1989-90. Let us depict it as narrated by the Public Service Commission.

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<sup>3</sup> Annual Report of the PSC, 1991 published by Research Cell of PSC, Dhaka

**Table-22: Implementation of Freedom Fighters' quota**

<b>Year of BCS Exam.</b>	<b>1982</b>	<b>1983</b>	<b>1984</b>	<b>1985</b>	<b>1986</b>	<b>88-89</b>	<b>89-90</b>
Quota Reserved	30%	30%	30%	30%	30%	30%	30%
Quota Implemented	7.4%	13.4%	7.4%	4.8%	1.3%	--	.08%

Source: Annual Report of the PSC-1991

It is found from the above table that the Freedom Fighters' quota was not fully implemented in the series of years in consideration. Further there was a diminishing trend of fulfilling the quota earmarked for freedom fighters.

- (i) As perceived from the above information the PSC was of the opinion that there was no ground for counting with the quota reservation for the Freedom Fighters. The PSC in fact argued in favor of a reserved Quota System recommending downsizing of Freedom Fighters' quota to 5% from 30%. The PSC also recommended for redistribution of the remaining 25% posts as under:
  - (a) In case of gazette posts, 10% for women and remaining 15% for merit.
  - (ii) For non-gazetted posts, 10% for women and remaining 15% for population by district.

### **5.3 Need for merit based Civil Service:**

As the district/geographic quota hinder merit consideration and without merit based public service, no nation can prosper, the PSC questioned the geographic Quota System and recommended for reconsideration of the district quota criterion. If we analyze the Reports of PSC in consecutive years, we find that PSC was always craving for downsizing quota prescription and enhancing merit consideration. Accordingly PSC

requested Ministry of Establishment on several occasions for quota reconsideration. But no appropriate actions were taken by the Ministry.

#### **5.4 Concern of the Development Partners:**

In recent times the development partners of Bangladesh are explicitly expressing their concern<sup>4</sup> about the quality of civil officials of Bangladesh. They are also suggesting measures to reshape the Civil Service. Quality of the Civil Service is the composite outcome of so many factors active behind it. The process of recruitment in Civil Services owes much to expect quality Civil Service. Under the existing system of recruitment as 55% posts are earmarked to be fulfilled by way of quota requirement, so many competent and meritorious candidates do not get recommendations of the PSC. So if the Government intends to take affirmative action basing on the recommendations and concerns of the development partners the question of amending the existing Quota System is obvious.

#### **5.5 Concern in the Report of four Secretaries:**

Four Secretaries headed by the then Cabinet Secretary Md. Ayubur Rahman in their report,<sup>5</sup> held the view that in Bangladesh merit consideration are believed to have been diffused because of the manner and principles of selection. They observed, Bangladesh is characterized by predominance of Quota System based on the principles of representation and special consideration to specific group of candidates. They suggested for reconsideration of Quota System and merit based Civil Service.

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<sup>4</sup> UNDP (1993), Report on Public Administration Sector Study in Bangladesh, U.N. Dhaka, 1993

<sup>5</sup> Government of Bangladesh, (1993) "Towards Better Government in Bangladesh"  
Dhaka

## 5.6 Definition problems of Identifying Freedom Fighters

Till date, the actual definition and criteria of Freedom Fighter has not yet made. After independence there were series of orders issued from the Cabinet Division and Ministry of Establishment to solve the definitional crisis of Freedom Fighter. An interested reader may see all these orders from Establishment Manual Volume-1. In 1998 the Government formed a Cabinet Sub Committee headed by Cabinet Secretary comprising as members Principal Secretary to the Prime Minister, Defense Secretary, Law, Justice and Parliamentary Affairs Secretary, Establishment Secretary and Chairman *Mukthi Joddah Sangshad*. The Committee worked for about two years and submitted a report to the Prime Minister for her approval. After several months the report was sent back to the Ministry of Establishment without any approval. In fact defining Freedom Fighters is a complex and sensitive phenomenon involving so many interest groups as stake holders. So without defining Freedom Fighters accurately and exactly how can one make percentage of service to be reserved for the Freedom Fighters?

There is no denial of the fact that with the emergence of Bangladesh the Freedom Fighters were duly honored by giving them with benefits of 2 years age relaxation, moreover 30% Quota reservation and conduction of Special BCS in 1973 only for them were instances of positive affirmative actions. Besides Freedom fighters/Mujib Nagar employees were also given two years antedated seniority over their batch mates. As such we find in case of Civil Service the Freedom Fighters were duly privileged. So as of now, when no Freedom Fighter is found with relaxed age limit, in such a situation to give this 30% quota for the issues of Freedom Fighters seem to many analysts to be unconstitutional and unethical also.

If we analyze the Freedom Fighters' quota in line with the spirit and essence of Article 29(3)(a) of the Constitution, there is no convincing ground to extend the benefit of



'BACKWARD SECTION OF CITIZENS' to the issues of Freedom Fighters as they do not necessarily fall within this category.

Some empirical evidence may be shown. In the 20<sup>th</sup> BCS under 30% quota support the posts reserved for Freedom Fighters/for their children were 843. Out of which only 143 candidates were found fit as per PSC's recommendation. The PSC had to arrange another special BCS for the remaining posts under this quota as these posts under no circumstances could be filled by others. No one can guarantee that suitable candidates would be available in future. In such a situation concerned organizations are bound to suffer and the desired public service delivery will be obstructed.

## **Chapter-VI**

### **Taking a Fresh Look**

#### **6. 0 Findings and opinion**

Quota System if objectively analyzed may be termed as necessary evil in context of Bangladesh. In case of true meaning of Backward Section of citizens as pointed out in the Constitution as laid down in Article 29 (3) (a) of the Constitution provides justification for making special provisions i.e. quota for backward section of citizens keeping in consideration their due representation in public services. Now the question arises regarding actual connotation of “Backward Section of Citizens”. Are they permanently identified and earmarked? Possibly the answer is “No”. Reasonably the State may determine on justifiable grounds that may be these ‘Back ward Section of Citizens’. Any ethnic, regional or gender group cannot perpetually claim them as ‘Backward Section of Citizens’, as it may change over time. But for historic reasons, the women and the tribals may be considered belonging to this group for a considerable longer time. Moreover, as all the districts are not equally flourished in respect of education, quota reservation for geographic regions does not seem unreasonable. Under the existing system, in case of Civil Service, the stake holders of quota share are, the women, the tribal and the Freedom Fighters or Issues of freedom fighters. Later on we shall examine and formulate views on the real stake-holders of quota reservation.

Quota System was introduced in Public Services, more specially, in Civil Services just after liberation. It should be improper to question the rationale of the Quota System at the time it was started. We should not forget the socio-economic and political milieu of the post independence years in understanding the import of quota at that time. Now, as we have already traveled 39 years in the life of the nation, the question now arises

should we continue it or not? The question is very pertinent. But we must abide-by Article 29 (3) (a) of the Constitution of the Peoples Republic of Bangladesh in this regard.

The instruction of this Article is that special provision in favor of any backward section of citizens may be made. From the clear instruction of the Constitution existing Quota System for women and tribal seems to be legitimate and legal. At present only the tribal people especially, of Chittagong Hill tract comes under the umbrella of Quota System. Whenever we say backward section of the citizens, we should not be confined only with the tribal people. We should justifiably include the aborigines living scattered in different parts of the country for ensuring distributive justice.

### **6.1 Women in public service**

Under the existing system<sup>6</sup> quota reserved for women in Civil Service is 10%. This seems to be quite inadequate. The PSC in its Annual Report in 1991 recommended 25% quota for women. As revealed from 'Statistics of Civil Officers and Staff of the Government 1996,<sup>7</sup> published by Statistics and Research Cell, Ministry of Establishment, the number of civil officers and staff stood at 9,30,193 out of which only 95066 were women amounting to only about 10% of total number of employees. In class I service of the civil posts, the percentage share of women is about 8% which seems quite insignificant.

The statistics gives above claims to enhance the participatory share of women in public services. As this paper focuses on Civil Service, now let us see the position of women in different managerial positions of Civil Bureaucracy. Despite the higher level of Civil Administration is very poor. As of 5 January 1999<sup>8</sup>, there was only one female in the rank of Secretary, one Additional Secretary, four Joint Secretaries and 6 Deputy Secretaries to the Government. By March 2001, a good number of female officers have

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<sup>6</sup> Order issued by Ministry of Establishment, No ME (Reg.-1)-S-8/95(pt-2)-56, DT. 17.03.1997

<sup>7</sup> Ministry of Establishment (1996), Statistics of Civil Officers & Staff, Government of the Peoples Republic of Bangladesh, p.2

<sup>8</sup> PARC (June 2000) Public Administration of the PARC for 21<sup>st</sup> Century Report

been promoted to the rank of Deputy Secretaries and three of them have been made Deputy Commissioner in different districts, which is definitely unprecedented in the history of Bangladesh. By 2009, the numbers have risen considerably.

Even then in Bangladesh female participation in public sector is quite insignificant. Among the SAARC countries, female participation in public sector is the highest in Sri Lanka and the lowest in Nepal. Female constituted about 13.6% of total employment generated in the public sector in India 1989. However, position of women in public sector employment in Bangladesh is higher than Pakistan. In Bangladesh women constitute 12% of the entire public sector employment. But their participation at the decision making level is only 2%<sup>9</sup> compared to their male counterpart.

In view of the facts stated above, it seems imperative to enhance the quota of women at the entry level. The PSC in its report in 1991 observed, "Women comprise 50% of the population. It is undeniable to utilize this vast multitude of human resource with productive activities. It is found that women are more sincere in studies and their academic performance is relatively good. As such the quota reserved for women quota form 10 percent in class I post to 20 percent, diverting it from Freedom Fighters quota could be considered.

The PARC in its report "Public Administration for 21<sup>st</sup> Century" vividly analyzed the condition of women in public service especially in Civil Service. They hold that women's participation in the higher level of Administration is very little compared to their male counterparts<sup>10</sup>. Information supplied by Research & Planning Cell M/O Establishment shows that in 1996 the percentage of women employees in public service is 10% only. In Class wise distribution women hold about 8% in class I and Class II jobs, 12% in Class III & in Class IV jobs. PARC observes that in all categories of jobs women hold less than the

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<sup>9</sup> Ibid, p. 29-50

<sup>10</sup> Ibid, pp 33, Box 3.3

quota reserved for them. The reasons underlying this deviation are several, for example, late induction into education, orthodox religious attitude and uncongenial social environment etc.

Recently a gentle breeze of change is blowing. It is worth mentioning that until the last decade, women in Civil Service used to prefer Education or Health services. Recently women candidates are opting for all cadres including painstaking administration and police service also. Annual Report of PSC 1998 reveals that female participation has been increased to 19% in the 18<sup>th</sup> BCS as against 7% in the first BCS. This trend is good and optimistic. Women are coming ahead removing the barrier of ways and making appreciable contribution to nation building activities.

But the results so far do not reflect a dramatic improvement. As a matter of fact social changes are very complex phenomenon and occur very gradually. The Government has very little options to move quickly to increase women's participation at the higher level of Administration, since adequately educated women in the Government and outside is very limited. So what is needed is that as a prelude to increasing participation of women at the higher level of administration, they should be motivated to acquire requisite academic qualifications at different levels of colleges and universities.

At present some women officers have been appointed directly by the Government in the position of Joint Secretary under president's 10% quota. This seems to be a sympathetic attitude to the women. But this is not the solution to the problem. We think the quota reservation for women at the higher level does not address and redress the problem properly. It will weaken efficiency in administration. Improvements in the working conditions to attract them in the service and devote maximum time while there are in service, is a more practical remedy. The PARC viewed as- "The Commission is of the view that instead of quota reservation gender neutral attitude in recruitment and

promotion shall be a more useful approach. Women candidates could be given priority in career advancement as an interim measure for a certain period.”

**Boasting up of Women’s Quota:**

As discussed above we may conclude that the existing Quota System at the entry level for the women should be enhanced to 20%, congenial atmosphere for women at working unit and gender natural positive attitude of the society is a pivotal precondition for boasting up women participation in public service as well as in Civil Service.

**6.2 Quota Reservation for promotion at higher Position:**

So far we have discussed this is regarding quota at the entry level of the Civil Service. But unfortunately the Civil Service of Bangladesh has been split by the introduction of quota provision at the level of Deputy Secretary to Additional Secretary. As per Establishment Ministry’s order No. SM/SA-4/2-1/94 (Part-2)/29, Dated February 10, 1998 at present the following a Quota System is followed in determining shares of different cadres in the post of Deputy Secretary to the Government up to Additional Secretary.

**Table- 23: Percentage share of Quota at higher position**

<b>Name of the post</b>	<b>Quota reserved Administration Cadre</b>	<b>Other Cadres</b>
Deputy Secretary	75%	25%
Joint Secretary	70%	30%
Additional Secretary	70%	30%

Source: Ministry of Establishment’s order in 1998

In reviewing the tensions Public Administration Reform Commission (PARC) observed that cadre discrimination is an ingrained problem in the Civil Service of Bangladesh rooted in the pre-independence period of Pakistan. Report of the Administrative and Services Reorganization Committee (ASRC), 1973 observed that the Civil Service was

divided into too many distinct entities \with artificial walls build around them, with varying career prospects, too class and rank oriented, lacking in professionalism, pitting one against another and with very little opportunities for those who started their career in the lower rank to rise to the top. At the same time revival of SSP for promotion at higher level should be actively reconsidered, although it may be resented and obstructed from different interest groups who may dislike establishing the supremacy of merit over quota consideration. But for better and greater interest of the nation as well as brightening the image of the Civil Service, there is no alternative to reintroduction of SSP. If we have an honest intention to make Civil Service efficient, effective, dynamic, transparent and accountable one.

### 6.3 Shifting the Age Bar

Many people are of the opinion that if the people could be inducted in the service at an early age they could be molded through quality training and professionalism could be developed. The following tables indicate how the age bar for entry into the service has moved upwards over time.

**Table-24 : Shift of entry age for civil service**

Period	Highest age	Relaxation Class	relaxing age
CSP/EPCS	25	Schedule Caste/Buddhist/Tribal/Government Employee	28
BCS,72-91	27	Freedom Fighters/Tribe Candidates for Doctors/ Judges, General & Technical Education/Government employee	3
BCS,91-	30	Freedom Fighters & Freedom Fighters Children and Wards	32

Source: Ahmed, 1969 and Ali, 2 4

**Table-25: Average Age of CSP Officers at Entry**

Age limit in Year	In CSP	In CSS
21-23	41 (57%)	3 (3%)
24-25	31 (43%)	12 (55%)
26-27	-	7 (32%)
Total	72 (1%)	22 (1)

Source; Ministry of Establishment, PACC

**Table-26: Average Age of EPCS officers at entry**

Age-Limit in Year	In EPCS	In PMLCS
21-23	27 (23%)	02 (33%)
24-27	80 (70)	03 (50%)
28-3	08 (7%)	01 (17%)
Total	115 (100%)	06 (100%)

Source; Ministry of Establishment, PACC

**Table: 27: Average Age of BCS officers at Entry**

Age-limit in Year	In 15 <sup>th</sup> BCS	In 17 <sup>th</sup> BCS	In 18 <sup>th</sup> BCS	Total
21-23	02	01	03	06 (02%)
24-27	69	32	55	156 (54%)
28-30	42	23	28	93 (33%)
Above 30	05	12	13	30 (11%)
Total	118	68	99	287 (100%)

Source; Ministry of Establishment, PACC



**Table-28: Average Age at Entry in various Cadres**

Cadre	Average age at entry [approximate]
CSP	23
CSS	24.7
EPCS	25.3
PMLCS	25.4
BCS [average age of three batches]	27

Another cause for quality deterioration is academic background and quality.

The following table illustrates the scenario of sliding academic qualifications of civil servants.

**Table-29: Background of Admin Cadre Officers based on Results**

Results	CSP 59-70 Batches		EPCS 61-70 Batches		BCS 15 <sup>TH</sup> 1995	BCS 17 <sup>TH</sup> 1998	BCS 18 <sup>TH</sup> 1999
	CSP	CSS	EPCS	PMLCS			
All First Class	9 (18%)	-	-	-	14 (12%)	14 (22%)	20 (22%)
3 First Class	3 (5%)	-	-	-	14 (12%)	9 (14%)	8 (10%)
2 First Class	17 (34%)	1(6%)	7 (7%)	2 (33%)	39 (33%)	20 (32%)	36 (40%)
1 First Class	10 (20%)	4(22%)	19 (18%)	1 (17%)	37 (32%)	17 (27%)	22 (24%)
All 2 <sup>nd</sup> Class	9 (18%)	4(22%)	28 (28%)	2 (33%)	10 (8%)	2 (3.5%)	2 (2%)
3 <sup>rd</sup> Class in SSC /HSC	2 (2%)	2(11%)	10 (10%)	1 (17%)	1 (1%)	-	-
Third Class in Degree	1 (1.5%)	4(22%)	30 (30%)	-	3 (2%)	1 (1.5%)	1 (1%)
Third Class in Master's	-	2 (11%)	3 (3%)	-	1 (1%)	-	-
Third Class in Degree and Master's both	1 (1.5%)	1 (6%)	4 (4%)	-	-	-	1 (1%)
Total No.	48 (100%)	18 (100%)	107 (100%)	6 (100%)	115 (100%)	63(100%)	90 (100%)

Source: Ministry of Establishment, PACC

#### **6.4 Conclusion**

Debates have raged over retention of quota system within the civil service, with different camps coming up with different perspectives. However, there seems to be convergence towards a consensus that existing quota system requires to be revisited. The following chapter therefore comes up with some policy options which the policy makers can examine and implement if found satisfactory.

## Chapter-VII

### Recommendations and Conclusion

#### **7.0 Recommendations**

- (a) For determining district quota some other criteria should be fixed up. Some persons are getting quota facilities earmarked for an underprivileged area should not have been considered because they are from affluent families and brought up and educated in prosperous areas. Most of the person get district quota for being an inhabitant of that particular area by birth. In most of the cases it is the person parents who were born in that area. This seems unjustified. The person gets education facilities of big cities but get facilities of being small city.
- (b) Big cities get more quotas because of having more population. A study made by Dr. Ali Ahmed shows most of the candidates get chance from Chittagong district for it has larger population. It also shows that most of the CSPs were from that Division and naturally their children prepare themselves for similar status. This could also be questioned if many of them get chance for having district quota.
- (c) Due to fewer population size some small cities do not get the quota facilities if the recruitment is not a big one. A study of PSC shows that to ensure employment at least one candidate from a district and one from a division 450 and 18 vacant post are required respectively. But advertisement for recruitment of so many candidates at a time is not generally made or possible.
- (d) Quota could be replaced by affirmative action which to upgrade position of a particular area or class of people. To do this education, economic condition improvements are of utmost necessity.

- (e) For quota of women the same findings should hold good. Study shows that the quota favored women who are from a well-off or qualified parent. Making her position up with quota facilities cannot stand.
- (f) Some data shows women do better than men in examinations. The trend is noticed in successive civil service examinations conducted by the PSC. But women in higher position are very few. Efforts should be made to ensure participation of women in all tier of civil service according to their ratio in population make-up.
- (g) Quota for freedom fighters needs to be rearranged immediately. Constitution makes a room for backward citizens. But ranking and treating Freedom Fighters with backward citizen is not ethical and perhaps degrading for Freedom Fighters also for they suffered, toiled and sacrificed not for getting extra privilege rather to uphold the sanctity of the nation.
- (h) The procedure of identifying freedom fighters also is not transparent and fraught with loopholes.
- (i) In 1973 a special examination was held only for freedom fighters, yet favor is distributed to same group of people time and again.
- (j) The time is ripe to do away with freedom fighters quota, if at all that is continued, that should be scaled down to 10%. Favor should not be continued for a particular group of people for an unending period.

### **7.1 Rethinking Tribal Quota:**

While analyzing tribal quota it is found that the same family or same caste gets the quota. In this case the tribe is "Chakma". Time has come to minimize the entry of

"Chakma" tribe instead only, and the other tribes and aboriginal people dispersed throughout the country should get this tribal quota.

### **7.2 Demands for Abolishment of Quota**

Quota is doing more harm than good has been argued by many. Quota system could be identified as one of the main cause for deterioration of quality of civil service resulting in substandard service to the poor tax payers. But many people are of the opinion that if the people could be inducted in the service at an early age they could be molded through quality training and professionalism could be developed

### **7.3 A Commission for Restructuring the Quota System?**

Reshuffling of Quota System at the entry level, especially redistribution of Freedom Fighters/Issues of Freedom Fighters quota in favor of other category or merit quota may generate much heat and sensation. Event the Law makers on grounds of losing cheap popularity may be unwilling to make any change of it. Press and electronic media may misunderstand and misinterpret it. In spite of all these, the crying need of the time is to reconsider it to change. In view of the above, we think in case the quota cannot be removed due to Constitutional provisions, it can be radically reconstituted as follows:

#### **Proposed Revised Quota**

<b>Beneficiaries of Quota</b>	<b>% of Quota</b>
National Merit	65
Women	20
Tribal	5
District Merit	10
Total	100

#### **7.4 Conclusion**

From the above discussions it becomes quite clear that the issue of quota requires to be seriously reviewed with a practical and long-range view. Within the civil service itself there is a growing feeling that merit should be given more importance and it could lead to well trained and capable civil service with capacity to meet the challenges of 21<sup>st</sup> century. In fact there is no scope for second thought other than restructuring Quota reservation, Otherwise the constitutional provision may in reality become a deterrent rather enabler of ensuring equity and would grow into a huge barrier of ensuring meritocracy in the public sector in Bangladesh.

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