

Composition of Public Service Commission in Three Developing Countries in South Asia: Bangladesh, India & Pakistan

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Abstract

The Public Service Commission (PSC) is a government organization that is constitute for regulate the employment and working condition of civil servants, oversee hiring and promotion, and promote the values of the public service but the formation and functional structure of public service vary from country to country. In countries with British Heritage, there is usually an independent public service commission (PSC), its functions generally limited to appointment by direct recruitment and promotion, conduct of recruitment and departmental examinations, and disciplinary matters, while other personnel functions are performed by other agencies within the government. Bangladesh, Pakistan and India with same British Heritage, a wide range of dissimilarities were prevailing in functional and formational structure of the Public Service Commission in these countries. The degree to which the country will have a professional, honest, neutral and fair public service rests on the integrity, effectiveness and credibility of the PSC. Appointment & tenure of Chairman and Members in PSC, Appointing authority, Provision of Re-employment and Oath for Chairperson and Members, Salary and Benefits of Chairmen and Members of the Commission are among the most frequently raised dissimilarities about these countries PSC. However, no major initiative has yet been taken to diagnose similarities and dissimilarities prevailing among these countries Public Service Commission. The main objective of this study is to find out the structural & functional dissimilarities of Public Service Commission in these countries and to recommend measures so that good practices adopted by the commissions of the Indian sub-continent countries might be shared for benefit of other Commissions.

Keywords: Public, legislature, employment, recruitment, promotion, structure etc.

1. Introduction:

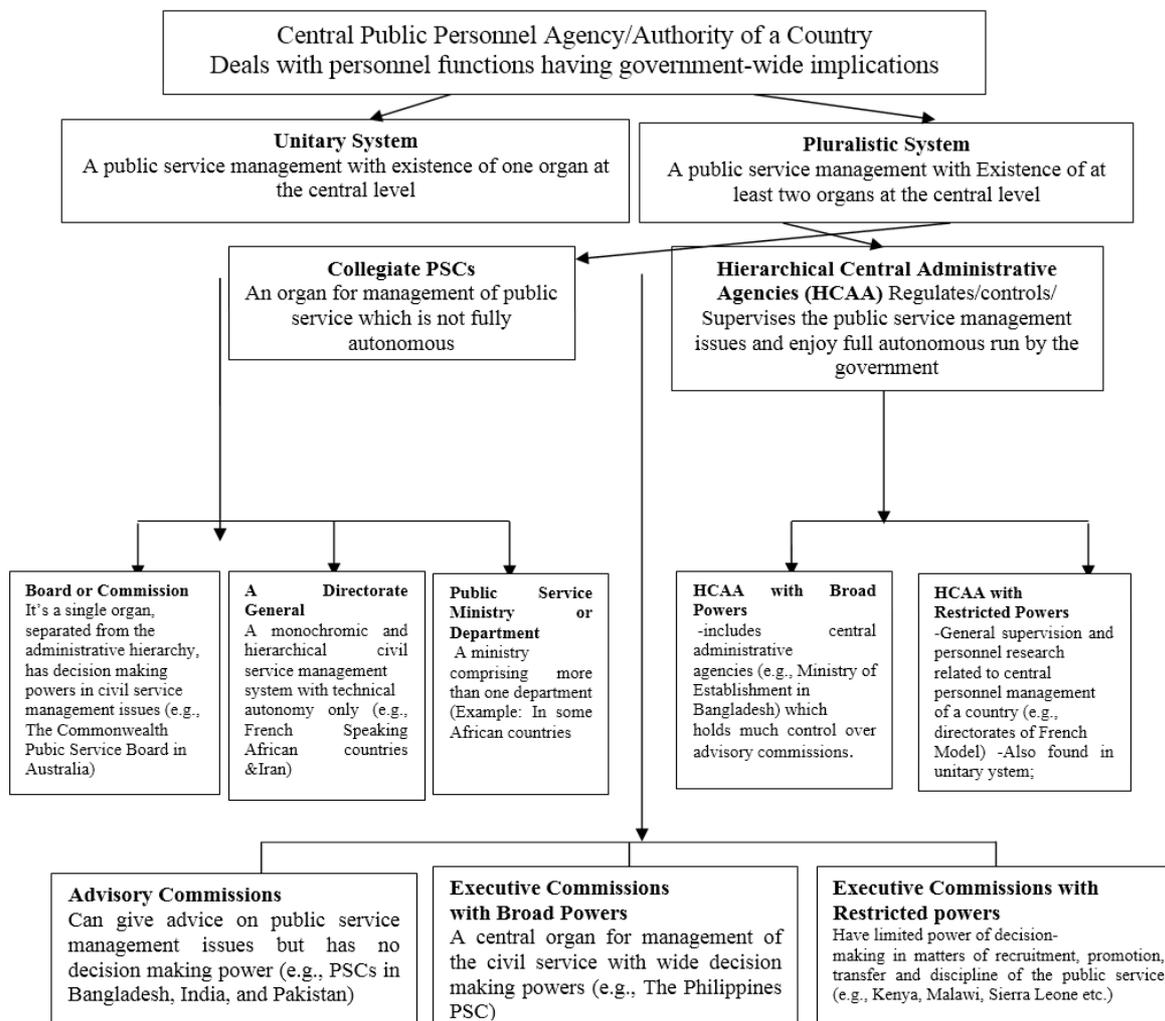
Bangladesh, India and Pakistan inherited the same administrative structure and civil service system developed in British India, whose origin can be traced further back to the pre-British era, particularly the period of Mughal rule in India. In fact the histories of these three countries are intimately linked with that of the rest of the Indian subcontinent (Ganguly, 1979). The British rule to the Indian subcontinent resulted in significant changes in the existent administrative system focused on a unitary form of government. The administrative system developed by the British was largely based on the pattern of administration evolved by the Mughals. The basic objectives of the British rule were to develop a military and civil framework capable of maintain law and order, collecting land revenue, and establishing local institution which would preserve the imperial presence in the country(Misra,1959). Like other countries with British heritage, Bangladesh, Pakistan and India have a public service management with existence of at least two central personnel agency at the national level. A partial autonomous organ named Public Service Commission, a constitutional advisory body, with jurisdiction over specified personnel functions and the establishment divisions having a considerable degree of centralized authority over the civil service are two major central agencies in South Asia countries (Ahmed, 1990). So a central personnel agency may be defined as an organ which deals with personnel functions having government-wide implication. In this sense, not only public service commission and civil service department but also prime minister's office, finance department and planning department are considered as central personnel agency because they are involved in central personnel administration only to the extent of ensuring concerted action in the overall policy process of resource allocation, coordination of business, and monitoring of policy implementation throughout the government machinery (Ahmed, 1986).

Perceiving this traditional homogeneity in functional and administrative structure of Public Service Commission among these three countries, it seems that there is a need to find out functional and administrative variation of PSC's of these countries. This variation may be in appointment pattern, tenure, qualification, terms and salary and benefits of Chairman and Members of the Commission and administrative structure of Public Service Commission. In the study, initiatives has been taken to identify and make a comparative variation on sampled countries Public Service Commission through the rigorous literature review (especially the literature on civil service and civil service commission in our country and neighboring country like us), content analysis and in consultations with leading experts (University professor, civil servants & NGOs officials etc.) from civil administration fields and relevant websites. Overall the study is an attempt to make comparative study on civil service commission between Bangladesh and closest neighboring countries.

2. Conceptual Framework:

Every country has its own constitutions and administrative background, and peculiar circumstances and events accompany the process of development in each case. The main feature of pluralist system is organization of the public service management on the basis of at least two organs at the central level.

Figure-01: Types of Public Service Commissions and Central Public Personnel Agency



(Source: TIB Report, March-2007)

Collegiate commission:

Collegiate commission, if not fully independent, is at least technically autonomous and whose functions embrace such important aspects of carrier management as recruitment, appointment, transfer, promotion and discipline. There may be three distinct types of 'collegiate commission'.

1. Advisory commission.
2. Executive commission with restricted powers.
3. Executive commission with broad powers.

Advisory commissions in India, Pakistan and Bangladesh, functions primarily within the pluralist systems and have powers limited to certain important aspects of career managements (e.g. Recruitment, appointment, promotion, discipline (Verma and Sharma, 1980).

Hierarchical Central Administrative Agencies:

Hierarchical central administrative is responsible for regulate civil service, controlling or supervising internal management, and handling the problems of general management of the civil service, which are seen as the appropriate business of the executive hierarchy. Hierarchical central Administrative Agencies may be classified into two basic types: those with restricted powers, and 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 formally under British

rule(including Jamaica, Malaysia and Singapore),it appears that a considerable part of the civil service management has been taken away from the exclusive control of the hierarchal authorities (UN,1969)

3. Historical Background of Public Service Commission:

The initiative of merit-based recruitment of civil servants in place of political patronage was first introduced in the Ancient Imperial China (i.e., imperial examination) during the Han dynasty (206 BC – 220 AD) and was abolished by the Ch'ing dowager empress (Qing Dynasty) in 1905 under pressure from leading Chinese intellectuals. The Chinese system was known to Europe in the mid-18th century, and it is believed to have influenced the creation of civil services in Europe (TIB Report, 2007).

Northcote-Trevelyan Committee:

The establishment of civil service commission in England resulted from numerous influences. In the middle of the 19th century, the East India Company, for the first time, requested the King of England to establish an independent commission for selecting, based purely on merit, competent persons. Accordingly, the Northcote-Trevelyan Committee, led by Sir Stafford Northcote and Sir Charles-Trevelyan, was formed. Thus the first ever Public Service Commission was constituted in England on 21 May 1855. The term was first used in designating the administration of British India. Its first application was found in 1854 in England (Encyclopedia, 2003).

Pendleton Act of-1883:

Based on 'the philosophy of merit based recruitment system' which is also free from all sorts of political patronage and nepotism, the PSC emerged at the mid and late 19th century in Britain and USA respectively. In the USA, the Civil Service Commission was established by Congress in 1871 and was abolished in 1878. After the assassination of the US President Garfield by a disappointed job seeker in 1881, the movement for re-establishing the 'merit based recruitment system' in place of the 'spoils system' began once again. As a result, the Federal Civil Service Commission was re-established in 1883, in USA under Pendleton Act of 1883 and continued until 1978 (www.u-s-history.com).

4. Review of Existing Literature on PSC:

An extensive literature review was taken for the analysis of the structural and functional perspective of Public Service Commission. Some studies focused on the genesis and development of PSC with cross country experiences, constitutional and legal mandates (Khan, 1998). Critical reviews of the recruitment policy of the PSC have been focused in some studies (Sikder, 2006). Constitutional and legal mandates (Ahmed, 1990), government's interference in PSC with empirical evidence and profile of the chairman and Members of the Commission from 1947 to 1986 (Ali, 2002) have been analyzed in some studies. However, although these studies made various analyses on public service commission but they did not cover any comparative study with Public Service Commission.

5. Methodology:

Methodology is the key part of any research. The nature of the study is based on analysis of documents. The research is basically based on secondary source of data. The secondary data for the study was collected through review of literature from books and relevant websites.

6. Objectives of the Study:

The specific objectives of this study are to:

1. To review the Constitutional and Legal mandates of Public service Commission of three countries.
2. To identify structural similarities and dissimilarities of the civil Service Commission of sampled countries.

7. Analysis and Interpretation of Structural Composition

Article 137 of the constitution of Bangladesh gives mandate to establish one or more commission for the public services of the republic. Like Bangladesh, The Union Public Service Commission is a Constitutional Body established under Article 315 of the Constitution of India. The Commission consists of a Chairman and ten Members. The establishment of Bangladesh Public Service Commission is the largest having 14 members, as compared to other civil service commissions of the region. The establishment of the Civil Service Commission of India is the smallest among the three countries having three members.

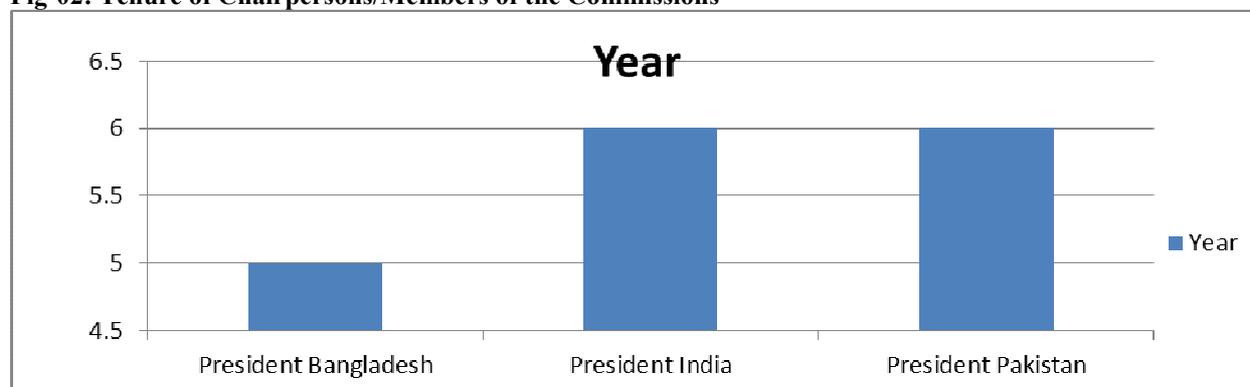
Table-01: Establishment of the Civil/Public Service Commissions

Country	Chairman	Members	Legal Provision
Bangladesh	1	14	Constitution
India	1	10	Constitution
Pakistan	1	11	Law

(Source: www.upsc.com, fpsc.com, upsc.com)

The tenure of Chairperson and Members is fixed in all countries. The tenure of office of the Chairperson and Members vary from 5 years to 6 years and up to the maximum age of 65 years. In Pakistan, the tenure of appointment is 6 years, in Bangladesh it is 5 years, whereas, in India tenure of the office of the Chairperson and Members is 6 years. The tenure of appointment of the chairperson and Members is protected under the Law in all Civil Service Commission. Under the existing Constitutional mandates, the President of the People’s Republic of Bangladesh appoints the Chairman and Members of the PSC with due advice from the Prime Minister. According to the Constitution, the terms of office of the Chairman and other Members of PSC expires five years after the date on which s/he entered the office, or when s/he attains the age of sixty-five years, whichever is earlier. Like Bangladesh, Chairperson and Members of Public Service Commission are appointed by the President in India and Pakistan.

Fig-02: Tenure of Chairpersons/Members of the Commissions

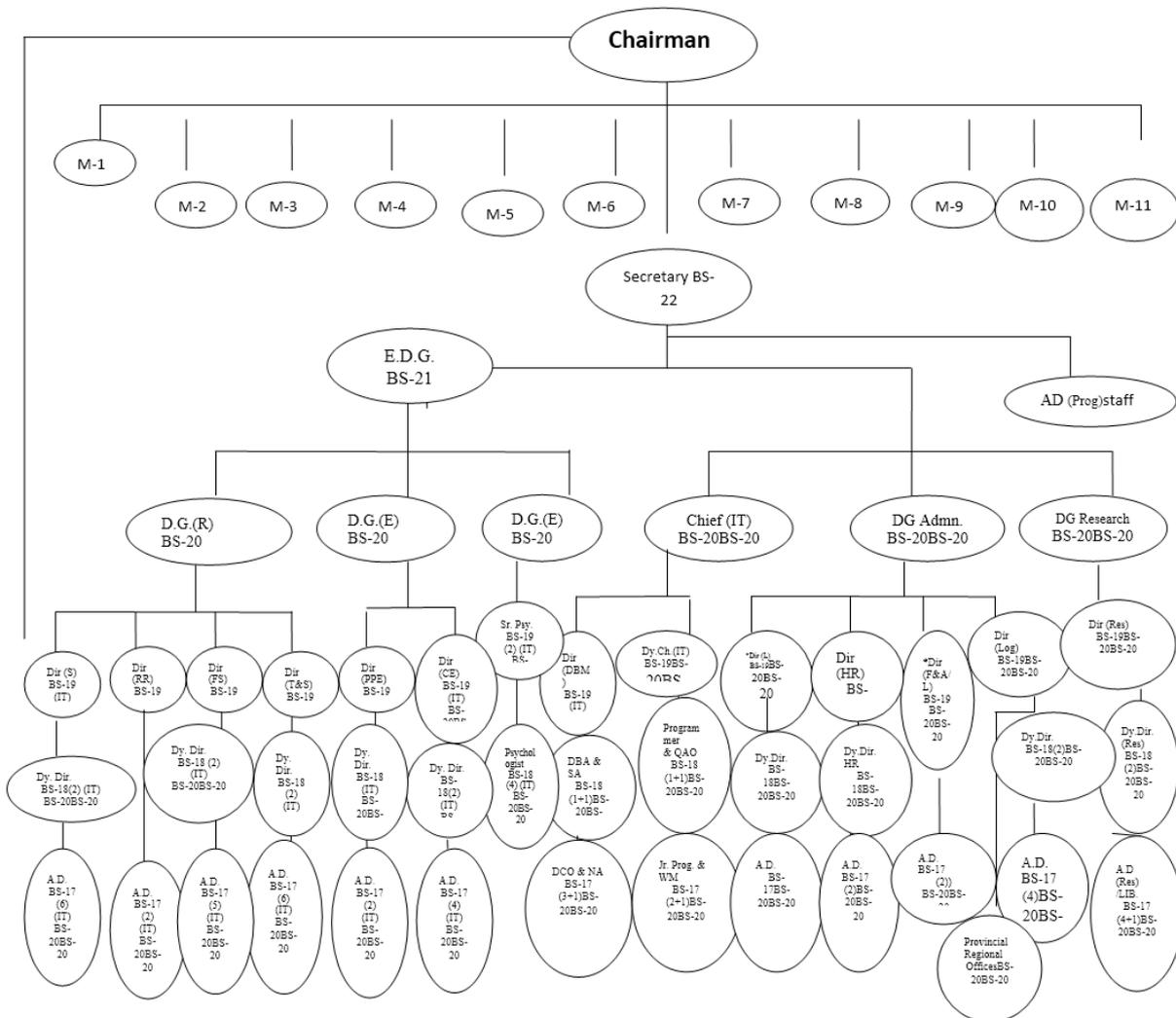


(Source: www.upsc.com, fpsc.com, upsc.com)

Organogram of the PSC: The Commission

Like other two countries, there are two management lines in BPSC i.e., the Commission and Secretariat. The Chairman of PSC is solely responsible for its administration and overall management. According to the present structure, there are in total fifteen constitutional posts – one Chairman and seven (14) Members at the BPSC. According to the organogram, the Members are to work under the Chairman in all countries. In India, Commission is assisted by a Secretariat headed by a Secretary, having three Additional Secretaries, two Directors, a number of Joint Secretaries, Deputy Secretaries and other supporting staff. In Pakistan, The Commission is assisted by a Secretariat headed by the Secretary. Work of the Commission is divided into different Wings of the Commission and each Wing is headed by an Officer in BS-20. The Wings include Recruitment Wing, Examination Wing, Administration Wing, Curriculum & Research Wing, Information Technology Wing, Secrecy Wing and Psychological Assessment Wing.

Fig-03: Organizational Structure of Federal Public Service Commission (FPSC)



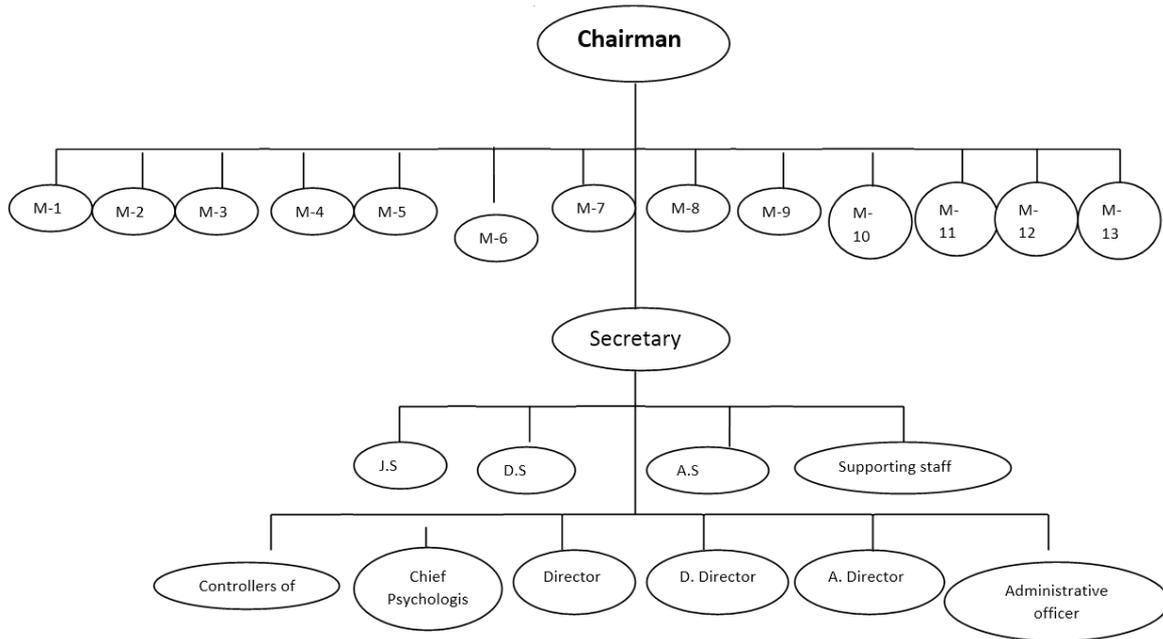
Abbreviation

Total Strength

Abbreviation	Description	Strength
EDG	Executive DG	01
DG	Director general	11
DIN	Director	01
Dy. Dir	Deputy Director	01
A.D.	Assistant Director	146
Lib	Librarian	442
		602

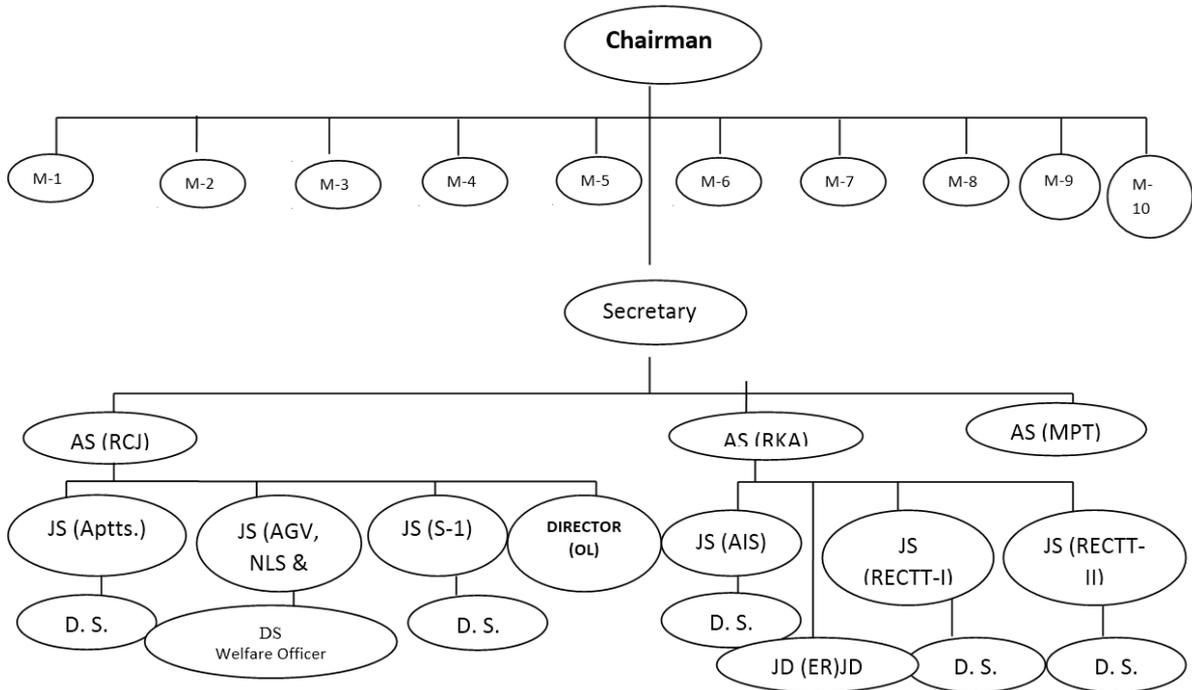
(Source:www.fpsc.com)

Fig-04: Organizational Structure of Bangladesh Public Service Commission (BPSC)



(Source: www.bpsc.com)

Fig-05: Organizational Structure of Union Public Service Commission (UPSC)



(Source: www.upsc.com)

Table- 02: Tenure Protection for Chairperson and Members

Country	System
Bangladesh	Yes: The Chairman and other Members shall not be removed from office except in manner and on grounds as a judge of the Supreme Court :Article 139(2)
Pakistan	Yes: The service of Chairman is protected under Section 6 of the FPSC Ordinance, 1977 which provides that-a member (Chairman) shall not be removed from office except in the manner applicable to a Judge of High Court.
Indian	Yes:

(Source: SAARC Secretariat Report, 2013)

The tenure of appointment of the Chairperson and Members is protected under the Law, in all the Civil/Public Service Commissions. After leaving to hold the office of Chairperson or Member of the Commission, re-employment in any other service is permitted and possible in Bangladesh, whereas, the same is not permissible in India and Pakistan. On joining the office, Oath is mandatory to be taken by the Chairperson and Members in all the Commissions. Details are given in Table 03.

Table-03: Provision of Re-employment and Oath for Chairperson and Members

Commission	Re-employment of Chairman/Member	Mandatory Oath for Office of Chairman/Members
Bangladesh	Yes: Provision of Age limitation, eligible for re-appointment: Article 139(4)	Yes: Under Article 148 (9) of constitution an oath shall be administered to chairman by the chief justice.
India	No:	Yes:
Pakistan	No:	Yes: Section 4 (A) of the Ordinance: Chairman shall take oath before the President and before the Chairman in case of a Member

(Source: SAARC Secretariat Report, 2013)

Qualification and Eligibility Criteria for Chairman and Members:

According to the Constitution, not less than one-half of the Members of a Commission shall be persons who have held office for twenty years or more in the service of any government, which has at any time functioned within the territory of Bangladesh. However, the Constitution has not prescribed any transparent procedure for appointment of PSC Chairman and Members. Like Bangladesh, Retried bureaucrats, academicians, Retired Army person are appointed as chairman and member in India.

Under the existing Warrant of Precedence (1986) in Bangladesh, the Chairman of PSC is equivalent to the Secretary of the Government (i.e., number “16”) and the ranks of PSC Members is “20” which is equivalent to Additional Secretary of the government. It is noteworthy that the ranks of the Attorney General and Auditor-General of Bangladesh (both of these are also constitutional positions) are ranked “16”. On the other hand, the ranks of the Chief Election Commissioner and Judges of the Supreme Court (Appellate Division) are “8”. In India, the chairman of UPSC is equivalent to the judge of the supreme court and chairman of election commission. In Pakistan, the chairman of FPSC is equivalent to the Ministers of State to the Government of Pakistan, Special Assistants to the Prime Minister and Advisors to the Prime Minister

Table- 04: Rank of the Chairman and Members

Country	Chairman	Member
	Order of Precedence	
Bangladesh	16 out 25	20 out 25
India	9 out 26	25 out 26
Pakistan	9 out 26	16 out 26

(Source: www.upsc, fpsc, upsc.com)

The perks and privileges, in terms of salary and allowances payable to the Chairperson of the Commissions, Pakistan is at the highest, followed by India, Bangladesh. On the other hand, In terms of salary and allowances payable among the Members of the Commissions, Pakistan is at the highest position.

Table-05: Salary and Benefits of Chairmen and Members of the Commission

Commissions	Designation	Pay (per-month)	Allowances(special, equipment, entertainment, orderly, furnishing and House) (per-year)	Other facilities
Bangladesh	Chairman	86,000 Tk.	-	Transport and unlimited telephone bills etc.
	Member	78,000 Tk	-	Transport and unlimited telephone bills etc.
India	Chairman	Rs 90,000	-	-
	Member	Rs 80,000	-	Accommodation, Transport, Medical
Pakistan	Chairman	Rs.51,000		Air conditioner: 03, Gas heater: 03, Chauffeur driven 1600cc for official and private purpose, Telephone, TA/DA medical etc. as admissible to Minister of States.
	Member	Rs.48,000		Air conditioner: 02, Gas heater: 02. Car 1300 CC with driver, telephone, TA/DA, medical etc. as admissible to Minister of States

(Source: www.upsc.gov.in, www.fpsc.gov.bd, www.upsc.gov.in)

All the Public Service Commission has the obligatory duty to submit an annual report on the functions performed by the respective commission during the year only to the president or Parliament and both to the President or Parliament. The advice tendered by the Commission in any matter under its purview is mandatory in Pakistan whereas, nature of advice in Bangladesh is advisory and is recommendatory in India. The Competent Authority to make regulations for terms and conditions for the Commission in India and Pakistan is the President. In Bangladesh the power rests with the Parliament. To make conduct of Business Rules of the Commission, the competent authority in Bangladesh is the President. In India, the relevant Commissions formulate the rules with exception to Pakistan where approval of the Federal Government on such matters is required. To formulate regulation for terms and conditions for staff of the Commission the authority in Bangladesh, India and Pakistan also rests with the President. In Bangladesh, the Public/Civil Service Commission have no quasi-Judicial function, whereas, rest of the Commissions have been assigned this function to redress the grievances of the candidates. The candidates have right of representation against any decision of the Commission in all Public/Civil Service Commission of India and Pakistan, except Bangladesh. Public/Civil Service Commissions of India and Pakistan except Bangladesh, permit aggrieved candidates to file an appeal in Courts of law.

8. Finding of Similarities and Dissimilarities

Functions and structural composition of all Civil/Public Service Commission of three countries are studied to rationalize them keeping in view their regional scenarios. Similarities/differences in the functions of Civil/Public Service Commission of three countries are found so that best practices adopted by different Civil/Public Service Commission may be brought to the knowledge of other PSCs for adoption or revamping their own system.

- The establishment of Bangladesh Public Service Commission is the largest with 14 Members, as compared to other Commissions of the region.
- In Pakistan, the tenure is 3 years. In Bangladesh, it is 5 years, whereas in India tenure of the Chairperson and Members is 6 years.
- After completing the tenure of Chairperson/Member, re-employment in any other service is permissible in Bangladesh, whereas, it is not permissible in India and Pakistan.
- The salary and allowances paid to Chairman and Members of the Pakistan and Indian commission is higher than Bangladesh.
- The President is the Competent Authority to formulate terms and conditions for the Commission in India and Pakistan. In Bangladesh, the authority rests with the Parliament.
- There is no provision that Members of the Public/Civil Service Commissions become Ex-officio Members of the Selection Boards of other institution except in Bangladesh.
- For making terms and conditions of the Commission's staff, the authority in Bangladesh, India and Pakistan rests with the President.
- The Public Service Commission of Bangladesh has the highest strength of officers and staff followed by

FPSC Pakistan and India.

- For promotion of civil employees to higher posts, promotional examinations are conducted by the Commissions of Bangladesh, India, and Pakistan
- Civil Service Commissions of Bangladesh, Pakistan, and India have the mandatory role in framing and finalization of Recruitment Rules for Civil Servants.

9. Conclusion

A number of variation in the constitutional and legal mandates and procedures of the operations of PSC have been found in above study. The PSC has been considerably used as a body for a partisan appointment of Chairman and Members but appointment is given at all those posts under political consideration. The PSC should be reconstituted immediately composed of a Chairperson and Members with impeccable professional excellence and undisputed integrity, efficiency and credibility. The Chairperson, Members and staff of Commission should be provided a balanced salary and benefits keeping similarity with neighbor country so that qualified man come in this profession.

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