



# Comparative Study of Public / Civil Service Commissions of SAARC Member States

December, 2014



SAARC Secretariat  
Kathmandu-Nepal



SAARC Human Resource  
Development Centre  
Islamabad-Pakistan

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## FOREWORD

The Public or Civil Service Commission is an important organ of modern state. In most of the countries, it has been established as a constitutional body. It is constituted by a constitutional provision, law or an executive order with prime responsibilities of selecting suitable candidates for various civil service posts and providing necessary advice to the government in various aspects of civil service management like recruitment, appointment, promotion and departmental actions.



The Commissions provide a workplace that is free from discrimination. Further the Commissions recognise and utilise the diversity, highest ethical standards, and are responsive to the governments in providing frank, honest, comprehensive, accurate and timely advices. They also deliver services fairly, effectively, impartially to the public and promote equity in employment in professional manner based on merit.

The first Meeting of the Chiefs of Public/Civil Service Commissions of SAARC Member States was held in New Delhi from 20 – 22 November 2010, wherein, it was felt that there could be an exchange of views and ideas on matters relating to the recruitment, selection and promotion of civil servants and the exchange of best practices.

It was also observed by the delegates of that a wide range of dissimilarities were prevailing in the functions assigned to the Commissions in the region. It was desired to have strong and dynamic Public/ Civil Services that have attributes of accountability, transparency, and trust and respect of the people. In this context, the SAARC Secretariat was entrusted the responsibility to undertake a comparative research study on similarities/dissimilarities of the Public/Civil Service Commissions of SAARC Member States. The SAARC Secretariat assigned this study to the SAARC Human Resource Development Center (SHRDC), Islamabad, Pakistan.

In the 2<sup>nd</sup> Meeting of Chiefs of Public/Civil Service Commissions of SAARC Member States, hosted by Federal Public Service Commission, Pakistan held on December 4-6, 2012, the Director, SHRDC, presented the salient features and questionnaire for the objectives of the study:

- Compare similarities and dissimilarities of the Public/ Civil Service Commissions of the SAARC Member States
- Identify the strengths, weaknesses and challenges faced by the Commissions
- Review the Commissions best practices prevailing in the region and
- Share best international practices to indigenize what may suite the Commissions of the SAARC Member States.

The meeting approved the questionnaire after incorporating the suggestions/ inputs of the delegates.

The SHRDC has prepared a draft report for circulation among the respective Public/Civil Service Commissions through SAARC Secretariat. As the second meeting had decided to discuss the report during the third meeting of the Chiefs of Public/Civil Service Commissions of SAARC Member States which is scheduled to be held in Colombo, Sri Lanka from 10-12 January 2014.

The report reveals similarities and dissimilarities, strengths, weaknesses, grey areas and challenges and identifies best practices prevailing in the Public/Civil Service Commissions of SAARC Member States. The recruitment system of some of the developed countries has also been highlighted in order to review the best international practices for the latter's adaptation, as may suite the Commissions.

I am confident that in light of the study recommendations, the Public/Civil Services Commissions would be able to reach a road map that could be beneficial in the region, to promote merit-based and impartial mechanisms to select public/civil Servants. I hope that the third meeting of the Chiefs of Public / Civil Service Commissions of SAARC Member States would take appropriate decisions to implement the recommendations of the study.

The early comments and inputs, if any, from the respective Commissions would enable the SHRDC to incorporate them and finalize for presenting the final report before the 3<sup>rd</sup> Meeting in Colombo, Sri Lanka.

H.E. Mr. Ahmed Saleem  
Secretary General  
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Kathmandu-Nepal

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I am thankful to all the delegates of the 2<sup>nd</sup> meeting of the Chiefs of the Public/ Civil Service Commissions of Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka, held on December 4-6, 2012 in Islamabad, Pakistan for their encouragement and input in finalizing the study questionnaire.

I wish to express my deepest appreciation to the Chairpersons, Members/ Commissioners, Secretaries, Additional Secretaries, Director Generals and allied officers/officials of the Public/Civil Service Commissions of the SAARC Member States for their support and cooperation in completing the questionnaire and providing relevant information/documents. It was not possible for SHRDC to carry out this assignment without their valuable assistance.

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I extend my thanks to M/S PURE Foundation for their help and support for data entry and analysis of the study results.

Finally, I would like to appreciate and acknowledge the efforts of the Research Team in report writing and the staff members of SHRDC for their cooperation, help and providing conducive working environment. They have worked hard even beyond the office hours in completing this research study.

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## ACRONYMS

ARC	Administrative Reforms Commission
ARS	Administrative Reforms Secretariat
BCS	Bangladesh Civil Service
BCSR	Bhutan Civil Service Regulations
BPSC	Bangladesh Public Service Commission
CDC	Community Development Council
CS	Central Secretariat
CSA	Civil Service Academy
CSA	Civil Service Act
CSB	Central Selection Board
CSC	Civil Service Commission
CSC	Civil Service College
CSMD	Civil Service Management Directorate
CSP	Civil Service of Pakistan
CSS	Central Superior Services
CSSB	Civil Service Selection Board
CTP	Common Training Programme
DFAT	Department of Foreign Affairs and Trade
DPC	Departmental Promotion Committee
EID	Employee Identity
EPF	Employees Provident Fund
FPO	Final Passing Out
FPSC	Federal Public Service Commission
FSAC	Fast Stream Assessment Centre
GTP	Graduate Trainee Program
HRMIS	Human Resource Management Information System
IAS	Indian Administrative Service
IARCSC	Independent Administrative Reform and Civil Service Commission
ICT	Information and Communication Technology

IPS	Indian Police Service
IVR	Interactive Voice Response System
KVACC	Kathmandu Valley Application Collection Centre
MAP	Management Associate Programme
MCQ	Multiple Choice Question
MCS	Malaysian Civil Service
NAB	National Accountability Bureau
NCGR	National Commission for Government Reforms
NRB	National Reconstruction Bureau
OBC	Other Backward Classes
OMR	Optical Mark Reader
PAR	Public Administrative Reform
PAS	Pakistan Administrative Service
PSA	Public Service Act
PSC	Public Service Commission
PSD	Public Service Division
RCSC	Royal Civil Service Commission
RD	Regional Directorate
SAARC	South Asian Association for Regional Cooperation
SAS	Singapore Administrative Service
SC	Scheduled Castes
SCS	Singapore Civil Service
SCS	Singapore Civil Service
SHRDC	SAARC Human Resource Development Centre
ST	Scheduled Tribes
STP	Specialized Training Programme
UK	United Kingdom
UPSC	Union Public Service Commission
ZO	Zonal Office

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## Executive Summary

### 1. BACKGROUND

In the first meeting of Chiefs of the Public/Civil Service Commission of SAARC Member States held at New Delhi on November 20-22, 2010, the delegates from all SAARC Public Service Commissions participated and delivered presentation on the role and functions of their Public/Civil Service Commission. The meeting decided to carry out a detailed study of Public/Civil Service Commissions of SAARC Member States by the SAARC Secretariat to identify similarities/ dissimilarities including their operational status and the challenges faced by them so as to arrive at possible best practices.

The SAARC Secretariat assigned this study to SAARC Human Resource Development Centre (SHRDC) in Pakistan. In the second such meeting held on December 4-6, 2012, Director SHRDC delivered a presentation on the proposed study of Public/Civil Service Commission of SAARC Member States. The meeting deliberated on the presentation and recommended that Director SHRDC Pakistan will be over all in-charge of the study under the guidance and supervision of the SAARC Secretariat and circulate the draft report of the study among Member States by 30<sup>th</sup> August 2013 through SAARC Secretariat. The final report is to be presented and discussed in third meeting of the Chiefs of Public/ Civil Service Commission scheduled in December 2013 in Colombo, Sri Lanka.

### 2. PUBLIC SERVICE COMMISSIONS AND THE CIVIL SERVICES

The Public Service Commissions in SAARC Member States are established under the provision of Constitution or Law or Executive Order to have strong and dynamic Civil Services, having attributes of accountability, transparency, trust and respect of the people it serves. The PSC's, attempt to attract the best talent upholding the principles of merit, professionalism, equality and fair play. It is a challenging task and demand availability of adequate institutional and human capacities in the region. Therefore, good practices adopted by the Commissions of the SAARC region needs to be shared for benefit of other Commissions.

In any governance system, the quality of its public servants is critical and in this context, recruitment of suitable persons is of great importance. Those aspiring to be civil servants must not only have the required skills and knowledge, but also the right values which include integrity, commitment to public service and above all, dedication to the ideas and philosophy embodied in the Constitution. Therefore, the recruitment process, apart from being transparent, objective, fair and equitable, should also ensure that the right type of persons join the civil services.

### 3. ANALYSIS OF SIMILARITIES/DISSIMILARITIES OF CIVIL/ PUBLIC SERVICE COMMISSIONS

In order to know the similarities and dissimilarities prevailing in the functioning and establishment of the Public/ Civil Service Commissions of the region, a questionnaire was designed to gather the required information, which was provided by all the Commissions. In order to fill in the data gaps research team visited the Public / Civil Service Commissions of Afghanistan and Nepal and correspondence was made with the Commissions of Bhutan and Maldives for the same. The FPSC, Pakistan was also

visited to get the first hand information and knowledge about the Commission. The data obtained through questionnaire, internet and visits was analysed and interpreted for results. Some important findings are summarized below:

### **3.1. Establishment, Terms and Conditions of the Commission**

- In India, the 1st Public Service Commission was setup in 1926 which later became Federal Public Service Commission in 1935. The UPSC as it is known today was rechristened after India's independence and accorded a Constitutional status in January, 1950. Among the Commissions Maldives is the youngest one in the SAARC Member States established in 2007.
- The establishment of Bangladesh Public Service Commission is the largest with 14 Members, as compared to other Commissions of the region. The establishment of Civil Service Commission of Maldives is the smallest having 3 Members.
- The President/King of the respective country appoints the Chairpersons and Members in all the Civil/Public Service Commissions.
- The tenure of Chairpersons and Members vary from 3 to 6 years or up to the maximum age of 65 years. In Afghanistan, Pakistan and Sri Lanka, the tenure is 3 years. In Bangladesh, Bhutan and Maldives it is 5 years, whereas in India and Nepal the tenure of the Chairperson and Members is 6 years. Sri Lanka has not imposed a maximum age limit.
- The appointment period of the Chairperson and Members is protected under the Law and Oath is mandatory for Chairperson and Members on joining the office, in all the Commissions, except in Afghanistan.
- After completing the tenure of Chairperson/Member, re-employment in any other service is permissible in Afghanistan, Bangladesh, Maldives, Nepal and Sri Lanka, whereas, it is not permissible in Bhutan, India and Pakistan.
- As per perks and privileges in terms of salary and allowances payable to Chairperson and Members of the Commission, Pakistan PSC ranks the highest, followed by Afghanistan and India. In ranking Maldives is the lowest and Sri Lanka is second lowest among the Commissions.
- The President is the Competent Authority to formulate terms and conditions for the Commission in Afghanistan, India and Pakistan. In Bangladesh, Bhutan, Maldives and Nepal, the authority rests with the Parliament and in Sri Lanka the Commission itself the authority.
- For making terms and conditions of the Commission's staff, the authority in Bangladesh, India and Pakistan rests with the President. In Nepal, it is with the Parliament and in Afghanistan, Bhutan, Maldives and Sri Lanka the respective Commissions enjoy this authority.
- To formulate conduct of Business Rules of the Commission, the President is the competent authority in Afghanistan and Bangladesh. The Commissions in Bhutan, India, Maldives and Nepal have the same authority, but in Pakistan approval of the Federal Government is required.
- The Public Service Commission of India has the highest strength of officers and staff followed by FPSC Pakistan and BPSC Bangladesh. The Commissions of Maldives and Bhutan have the lowest strength of employees.

- In India, Pakistan and Sri Lanka, there are Public Service Commissions at the State/Provincial Level as well. Such Commissions in other SAARC Countries do not exist.

### **3.2. Functions of Civil/Public Service Commission**

- The main functions of Public Service Commissions of Bangladesh and Pakistan are limited and similar in nature. They restrict to recruitment and selection, besides advisory role on certain matters. Whereas, functions assigned to the UPSC of India are also extended to disciplinary matters.
- The functions of Royal Civil Service Commission of Bhutan as the central personal agency of the Government include recruitment, appointment, training, transfer and promotion of the Civil Servants. The Public Service Commission of Nepal and Sri Lanka play the role of appointment, promotion, transfer and disciplinary action against their Civil Servants. The tasks of ICRCs, Afghanistan are advisory and policy formulation on Civil Service matters besides training and capacity building. The Maldivian Civil Service Commission functions include appointment, dismissal from service, as well as, determination of salary and other financial benefits for civil servants.
- Almost all the Public/Civil Service Commission of SAARC Member States has the provision under the Law to design Syllabi for the examinations/tests conducted by the respective Commission.
- The Commissions in Afghanistan, Bhutan, Maldives and Pakistan have the provision by Law to conduct post-training examinations. However, in Bangladesh, India, Nepal and Sri Lanka, there is no provision.
- For promotion of civil employees to higher posts, promotional examinations are conducted by the Commissions of Bangladesh, Bhutan, India, Nepal and Pakistan. In the Commissions of Afghanistan, Maldives and Sri Lanka there is no such provision by Law.
- In Afghanistan, Bhutan and Maldives the Commissions have the provision to design training courses for personnel recruited through the respective Commission, and there is no such provision in the Commissions of Bangladesh, India, Nepal, Pakistan and Sri Lanka.
- For nomination of personnel for training, Public/Civil Service Commission of Afghanistan, Bhutan and Maldives has the provision to make suggestions, whereas, in rest of the Commissions there is no provision to interfere in the process of nomination.
- All the Commissions in the region have the provision under law to play role in the disciplinary cases initiated by the government against the civil servants, recruited through the Commission, except, FPSC Pakistan.
- The advice tendered by the Commissions in any matter under its purview is mandatory in Afghanistan, Maldives, Pakistan and Sri Lanka. It is advisory in Bangladesh and Nepal. The UPSC India is recommendatory body and in Bhutan the Commission takes decisions at their own on all the Civil Service matters, except, those specified in the Constitution.
- For the purpose of Recruitment Rules, the Public/Civil Service Commissions of Afghanistan, Bangladesh, Bhutan, India, Maldives, Pakistan and Sri Lanka have the mandatory role in framing and finalization of Recruitment Rules for Civil Servants. In Nepal the Commission has advisory role.

- In Afghanistan, Bhutan, India and Maldives, the Commissions are competent to make recruitment of officers/staff of institutions established under the Law. In Bangladesh, Nepal, Pakistan and Sri Lanka the Public/Civil Service Commissions do not have this authority.
- All the Public/Civil Service Commission has obligatory duty to submit annual report on the functions performed either to the President or Parliament, as required under law.
- The Chairman of Nepal Public Service Commission and the Chairman of the Maldives Civil Service Commission is the Ex-officio Member of the Judicial Service Commission under the Provision of Constitution and the Chairman FPSC Pakistan is the Head of Central Selection Board for promotion of Civil Officers to BS-20 and BS-21, under the provision of Civil Servant Act 1973. No other Commission has such provision under their law.
- 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 Bhutan, Maldives, Nepal and Pakistan.

### **3.3. Methods of Recruitment**

- The methods for recruitment adopted by the Public/Civil Service Commissions of the SAARC countries include written examinations and interviews according to the job requirements. There is no dissimilarity on such procedures in any of the Commission.
- In Afghanistan, Bhutan, India, Maldives and Sri Lanka, adhoc appointments can be made by the Government without prior approval of the Public/ Civil Service Commissions. Whereas, in Bangladesh, Nepal and Pakistan, there is provision by Law to make adhoc appointments, with prior approval of the Commission. Similarly, contract appointments are made by the governments in all the SAARC Countries without prior approval of the Commission, except in Maldives.
- Short-listing of the candidates in larger recruitment cases in the Commissions of Bangladesh, Nepal and Pakistan is carried out through written tests only. In Afghanistan, Bhutan, India and Sri Lanka the academic record of candidates is also taken into account, besides written tests. In Maldives, shortlisting of candidates is carried out only on basis of academic record of the candidates.
- All Public/Civil Service Commissions have assigned weightage to academic record of the candidates in selection criteria, except Bangladesh, Nepal and Pakistan.
- In the selection process, weightage assigned to Interviews varies from Commission to Commission in the SAARC countries. It ranges from 10% - 20% or higher for certain level of posts. The FPSC Pakistan has assigned highest weightage to interviews in the selection process. It is worth mentioning that during the selection of BS-20 and above posts, the FPSC even assign 100% weightage.
- The average time consumed in completion of recruitment process in Bhutan and Maldives is minimum one month for selection by interviews and 6 months for selection through Examination + Interview and is the lowest time span among the SAARC Countries. In Bangladesh and Pakistan highest

time span utilized in the selection process, which ranges on average from 8-10 months or even more in certain recruitment cases.

- The annual receipt and processing of applications for various jobs is highest in number by the Commission of Bangladesh followed by India and Pakistan. The number of applications is lowest in Bhutan.
- In India, applications for jobs are received on-line. Both online and paper based applications are received in all other Commissions.
- In Bangladesh, India and Pakistan facilities of centralized data processing of applications are available with maintenance of the historic data base for last 4 -15 years. This facility is not present in other Commissions of the region.
- Withdrawal of requisition for recruitment is admissible in all the Commissions of SAARC Countries but at different stages. In Afghanistan, Bhutan, Maldives and Nepal requisitions can be withdrawn by the concerned ministry/organization before advertisement of the post. In other Commissions these can be withdrawn before conduction of tests or interviews.

#### **3.4. Conduct of Tests and Examinations**

- For short listing of candidates, objective type tests are used by the Commissions in Bangladesh, Bhutan, India, Nepal and Pakistan. Whereas, in Maldives and Sri Lanka combination of both objective and subjective tests are used. In Afghanistan, only descriptive tests are in practice.
- Short listing of candidates is done by the Commissions in Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal and Pakistan. Sri Lanka Commission seeks assistance of administrative authorities or other agencies for short listing the candidates.
- In all the Civil/Public Service Commissions, tests and examinations are administered by the staff, except in Sri Lanka where other organizations are hired to conduct the tests/examinations.
- Highest number of tests and examinations were conducted during the years 2010 and 2011 by the Public Service Commission of Nepal. The Commissions in Bhutan and India conducted the lowest number of tests/examinations during that period.
- To conduct tests and examinations, paper based system is being followed by all the Commissions. However, some Public/Civil Service Commissions like India, Pakistan and Sri Lanka are planning to undertake computer based testing for certain jobs, where objective test (MCQ) are administered for short listing and selection of the candidates.
- The Public/Civil Service Commissions in Afghanistan, Bhutan, India, Nepal and Sri Lanka maintained data bank of questions for tests and examinations, whereas, in Bangladesh, Maldives and Pakistan no such data bank exists.
- In Bhutan and Maldives the appointing authorities of officers/officials are the Civil Service Commissions. In other countries, appointing authorities are specified under the Civil Service Laws/Rules of the respective country.

### **3.5. Conduct of Interviews**

- Public/Civil Service Commissions in India and Sri Lanka, constitute larger Board/ Committee for interviews as compared to other Commissions.
- In Commissions of Afghanistan, Bhutan and Pakistan, interviews for certain posts are conducted by one and the same Committee. However, in Bangladesh, India, Maldives and Nepal there can be more Committees if candidates to be interviewed are larger in number for certain jobs. In Sri Lanka Interviews are conducted by Administrative authority and not the Public Service Commission.
- In all the Commissions, Members separately award marks to the candidate during interviews, except in Bangladesh, India and Pakistan where marks are awarded collectively by the interviewing Committee/Board.
- In Bangladesh, India and Maldives, the interview committees write a report on strength and weaknesses of the candidates observed during the interviews. This system does not prevail in any other Commission.
- There is uniformity in all the Commissions for Interviews which are conducted on the physical appearance of candidates before the Interview Committee/Board.
- All the Commissions are in practice to invite subject specialists/departmental representatives to assist the Commission in conducting interviews.
- The Public/Civil Service Commission of Bangladesh and Sri Lanka have allocated some weightage in terms of marks to be awarded on the recommendations of Departmental Representatives or Subject Specialists. In all other Commissions, no weightage is given to them in term of marks.

### **3.6. Provision of Quota in Recruitment**

- In Bangladesh, Nepal and Pakistan, quota for various provinces/ regions of the country is prescribed under Law to ensure their participation in the civil services of the country. However, there is no such provision in Afghanistan, Bhutan, Maldives and Sri Lanka. In India, reservation in vacancy is prescribed for Scheduled Castes, Scheduled Tribes, Other Backward Classes and Physically Handicapped persons for their participation in the services.
- In Afghanistan and Bhutan, there is no quota system and recruitment is made on open merit. In Bangladesh and Pakistan, quota system in the services is based on the population ratio of various regions of the countries. In India, Nepal and Sri Lanka, some representation in services is given on other grounds, as specified in the service requirements.

### **3.7. Provision of Age Relaxation in Recruitment**

- The Public/Civil Service Commissions of Afghanistan, Bhutan and Maldives do not provide any age relaxation. In Bangladesh age relaxation is given to freedom fighters and their children, doctors and tribal's. In India and Sri Lanka there is provision of age relaxation to the government servants. The age relaxation is given to minorities, women, widows and disabled persons in Nepal and Pakistan. In Bangladesh and Sri Lanka the age relaxation is not considered for women, widows and disabled persons. In India, while

age relaxation is not considered for women and widows, the same is provided to disabled persons.

- In Afghanistan, Bangladesh and Pakistan, President of the country is competent to grant age relaxation to the applicants. In Bhutan and India, the Commission allows age relaxation following the relevant rules, whereas, in Nepal and Maldives, age relaxation is not applicable for recruitment purpose.

### **3.8. Psychological Tests**

- Psychological Testing is not carried out for all the posts recruited through the Public/ Civil Service Commissions. However, in Afghanistan, Bangladesh, India and Maldives, there is no system of Psychological Testing of the Candidates. In Nepal and Pakistan, different types of tests (verbal and non-verbal, problem solving, personality tests, pictorial reasoning and ability tests) are used.

### **3.9. Representations and Appeals against Decisions of the Commissions**

- In Bangladesh and Nepal there is 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 the entire Public/Civil Service Commission of SAARC region, except in Bangladesh and Sri Lanka.
- The number of court cases filed by the aggrieved candidates against the decisions of the Commissions during the years 2010 and 2011 were highest in India followed by Pakistan. Such cases were lowest in Nepal followed by Bangladesh.

### **3.10. Communication with Applicants**

- Different modes of communication with candidates are being followed by the Commissions. Afghanistan and Bhutan communicate through Telephone and E-mail. The Bangladesh, Maldives and Pakistan use Postal Services, SMS, Website, Phone and E-mail as a mode of communication. In India communication is through E-mail and website. Bhutan uses Phone and E-mails, whereas Sri Lanka communicates through post and courier services.
- The Commissions in Bangladesh, Bhutan, India, Nepal and Pakistan have the facility of helpline/Call Centre to facilitate the candidates for providing the required information and submission of applications. This facility is not available in the Commissions of Afghanistan, Maldives and Sri Lanka.

### **3.11. Challenges to Public/Civil Service Commissions**

- The challenges faced by the Commissions to perform their duties are numerous. The Commissions address these problems according to their local requirements. The main constraints include lack of adequate infrastructure, non-availability of question databank, lack of ICT facilities (except in India and Pakistan), manual marking of answer scripts which is time consuming activity, insufficient opportunities of training and development of Commission's staff, etc.

#### 4. RECOMMENDATIONS

After detailed study of functioning and structure of all Public/Civil Service Commissions of the SAARC Member States, following findings are derived alongwith practical recommendations on each finding for improvements in the functioning and recruitment system of the Public/ Civil Service Commissions of the SAARC Member States:

- The tenure of office of the Chairman and Members of Public/Civil Service Commissions of the SAARC Member States ranges from 3 years to 6 years, which may be uniform and increased up to the maximum period of 5 years.
- There should be no provision of any further extension or re-employment after completing the tenure of 5 years or attaining the maximum age of 65 years, whichever is earlier.
- There is wide-ranging variation in perks and privileges offered to the Chairpersons and Members of the Public/Civil Service Commissions in the region. This gap needs to be minimized, keeping in view, the economic and social conditions of the respective country.
- The functions assigned to all the Public/Civil Service Commissions have also a wide variation in terms of recruitment, promotion, transfer, training, disciplinary actions and decisions on pension benefits. The functions need to be uniform in all Commissions through amendments in the prevalent Constitutions/ Laws/ Ordinances, etc.
- The different types of tests and examinations are administered by the Public Service Commissions. This requires consistency in types of test/ examinations and methods of recruitments adopted by the Commissions across the region.
- The test and examination systems of the Union Public Service Commission of India, Pakistan and Bangladesh are well-organized and exemplary to be followed by Commissions of the other Member States.
- There are gross dissimilarities in formulation of the Interview Boards of the Commissions. For selection of most suitable candidates and to uphold merit, fairness and transparency, minimum three Members of the Commission should constitute the Interview Board in all Public/Civil Service Commissions of the SAARC Member States.
- Wider dissimilarities are observed in the selection process of Civil/ Public Service Commissions of SAARC Member States. For selection of best of the best candidates, weightage to their academic record, shortlisting/ screening tests and interview should be assigned by all the Public/Civil Service Commissions of the SAARC Member States.
- For maximum utilization of Information and Communication Technology (ICT), online system of recruitment (receipt of applications, conduction of MCQ tests, communications with the candidates through E-mails/SMS etc.) may be adopted step-by-step and encouraged. There is need to strengthen the ICT facilities on priority basis in the Commissions which are lacking such services.
- The right of representations and appeals by the aggrieved candidates against the decisions of the Commissions may be provided to all the candidates by the Public/ Civil Service Commissions of the SAARC Member States. The representations should rest with the Commission and appeals to the higher courts of law.

- The establishment of the Public/Civil Service Commissions in the SAARC region needs to be strengthened, keeping in view, the functions assigned and workload of each Commission. This will automatically discourage outsourcing the work of the Commissions.
- For sharing experiences of officers dealing with Recruitment, ICT, Research and Development, workshops and conferences may be arranged by all Public/ Civil Service Commissions of the SAARC Member States on rotation basis. This would be beneficial to redress the challenges faced by the Commissions and staff members. In this context, India, Pakistan and Bangladesh needs to play leading roles.
- The Bangladesh Government has framed “Recruitment in Non-cadre Posts (special) Rules, 2010”. According to these rules, the examinees who qualified the BCS Examination, but have not been recommended finally in any cadre due to limited number of available posts will be given opportunities for recruitment in the class I non-cadre posts of same level according to his/her qualifications and willingness. The Royal Civil Service Commission of Bhutan has also similar practice. This good practice adopted by the Bangladesh and Bhutan may be followed by the other Public/Civil Service Commissions.
- In India, all female candidates have been exempted from payment of fees for Commission’s Examination. This is a good incentive to promote female’s participation in civil services. There is need to replicate this practice in other Commissions as well.
- With the launch of the Interactive Voice Response System (IVRS) by UPSC, India, the candidates have access to information on telephone relating to schedule of examinations, status of application, venue and result of the examination. The IVR system may gradually be introduced in other Commissions of the region.
- No serving officer can become Chairman/Member of the FPSC. Merits and demerits of this aspect may be explored before adopting this.
- The disabled candidates in the categories of physically impaired, hearing/speech impaired (deaf and dumb) and visually impaired (blind) are allowed to compete for Competitive Examination in FPSC of Pakistan against four occupational groups/ services viz: (a) Commerce and trade group (b) Pakistan audit and accounts service (c) Information group and (d) Postal group. This good practice may be followed by other Commissions.
- The Public Service Commission of Sri Lanka remained non-functional for two years (09-04-2009 to 12-05-2011) and the functions of the Commission were performed, by the Cabinet of Ministers. In these circumstances, the functioning of the Commission is hampered and takes time to re-settle. There is need to discourage such practice in future.
- The UK Commission, audit recruitment policies and practices within the service to establish whether the recruitment code is being observed by the appointing authority. Similarly, Bhutan has also a system, as per Section (9) of the Civil Service Act, ‘to conduct periodic HR auditing across all agencies’ in order to ensure not only recruitment but also appointment, staffing, training, transfers and promotions of civil servants are as per the prescribed codes (particularly Civil Service Act and the BCSR) and, if not, to revoke (Section 28b of the Act) ‘any HR actions taken by implementing agencies’. This practice may be adopted by all the Commissions of the region.

- In UK, for In-service candidates, no age or educational qualification restriction for appearing in Competitive Examination through Fast Stream Assessment System. Only two years service is a mandatory requirement. Likewise, the Commissions may review this practice for adoption.
- The Singapore Civil Service (SCS) is one of the most efficient and least corrupt in the world with highest paid civil servants. This system needs in-depth study so that good practices may be followed for the civil servants in the region.
- In Australia, there is no maximum age limit for all posts, as they do not discriminate on the basis of age. The age relaxation may be considered by all the Commissions.
- In Malaysia, the candidates may register their applications at any time of the year without having to wait for posts to be advertised. The final year students in the private and public institutions of higher learning are interviewed, to fill vacancies in advance, so as to save time required for recruitment process. This good practice needs to be looked into by the Commissions of the region.
- The Fast Stream Assessment System adopted by U.K. may be considered for implementation to streamline the recruitment for career-based system by Public/Civil Service Commissions of the region.
- In Singapore the recruitment is based on open competition where individuals are inducted through psychometric tests rather than narrative written examinations. This practice may be given due consideration for adoption by all the Commissions.
- Different scholarships/awards like President Scholarship, Singapore Armed Forces Scholarships, Singapore Police Scholarship, Local/overseas merit scholarship (open/tied) and for general recruitment depending on job requirement are practiced in Singapore Public Service Commission. This exercise may be considered for replication by the Commissions so as to create competition and help in uplifting the merit among the youth.

CHAPTER 1

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**Introduction**



## **1. INTRODUCTION**

### **1.1. The South Asian Association for Regional Cooperation (SAARC)**

The SAARC came into being when its Charter was formally adopted on December 8, 1985 by the Heads of State of Government of seven countries; Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka. Afghanistan was added to the regional group on April, 2007 as eighth member state. The SAARC is a manifestation of the determination of the peoples of South Asia to work together towards finding solutions to their common problems in a spirit of friendship, trust and understanding and to create an order based on mutual respect, equity and shared benefits. The main goal of the Association is to accelerate the process of economic and social development in Member States, through joint action in the agreed areas of cooperation.

### **1.2. Public/Civil Service Commission**

A Public/Civil Service Commission is a government agency, established under the provision of Constitution or Law or Executive Order. The Public /Civil Service Commissions are important pillars of the national integrity systems and have very significant role in promoting excellence in the public administration by selecting the most competent persons to render public services. The Commission attempt to attract best talent upholding the principles of merit, professionalism, equality and fair play. It is a challenging task and demand availability of adequate institutional and human capacities in the region.

The areas of cooperation of the Public/Civil Service Commissions of the SAARC Member States include sharing of experiences and expertise in Civil Service matters such as recruitment and selection, exchange of resource persons, and development of professional skills of the officers and staff through attachment and training programs.

## **2. BACKGROUND OF THE STUDY**

In the first meeting attended by the Public/ Civil Service Commissions Chiefs of the SAARC Member States, held in New Delhi, India on November 20-22, 2010, it was observed by the delegates of the Commissions attending the meeting that a wide range of dissimilarities were prevailing in the functions assigned to the Commissions in the SAARC region. It was also desired to have strong and dynamic Public/ Civil Services, having attributes of accountability, transparency, trust and respect of the people it serves.

Therefore, the SAARC Secretariat was assigned to undertake a research study on the Public/ Civil Service Commissions of the SAARC Member States. The SAARC Secretariat in 2011, directed the SAARC Human Resource Development Centre (SHRDC), Islamabad, Pakistan to conduct this study.

In the Second meeting of the Chiefs of Public/Civil Service Commissions of the SAARC Member States, hosted by the Federal Public Service Commission of Pakistan, at Islamabad on December 4-6, 2012, The Director SHRDC Islamabad, made a detailed

presentation along with the questionnaire of the proposed study. The questionnaire was discussed and approved by the delegates/ members with the following recommendations:

- i. The Director SHRDC, Pakistan would be the overall In-charge / Focal Point of the study, under guidance of the SAARC Secretariat
- ii. The draft report of the study should be circulated among the Member States through the SAARC Secretariat by August 30, 2013

### **3. History of Public/ Civil Service Commissions**

An important contribution of the British to the public administration of the sub continent was the system of modern career public service. Despite a change in the role of state following independence, both India and Pakistan retained the essential characteristics of the civil service structure evolved during the colonial period. After the transfer of governance function to the crown in 1858, some line departments were set up in India in the second half of the nineteenth century. This led to the creation of corresponding services in addition to the Covenanted Civil Service which had been set up by the East India Company, initially to carry out its trade and later to collect revenue and to administer. The first attempt to give a proper structure to the civil service was made by a Commission set up under Sir Charles Aitchison (1886) which made, inter alia, the following recommendations:

- i. The name, the 'Covenanted Civil Service' be changed to the 'Indian Civil Service'
- ii. The Civil Service be divided into three categories: The Indian Civil Service; The Provincial Service and The Subordinate Civil Service
- iii. One sixth of the superior reserved posts be opened to the Provincial Civil Service

In 1930, the Civil Service (Classification, Control and Appeal) Rules were promulgated which divided the services into the All India Services, the Central Services and the Provincial Services. The Central and the Provincial Services were in turn divided into four classes - class I to class IV. Members of the All India Service served both in Provincial and the Central Government, whereas, those of the Central Services served only in the Central Government. Broadly, it was this structure of service which Pakistan also inherited at the time of its creation.

In the sub-continent, the 1<sup>st</sup> Public/Civil Service Commission (PSC) was established in British India on October 1, 1926 at Central level, and the Bengal PSC at Provincial level on April 1, 1937 under the Government of India Acts of 1919 and 1937 respectively.

The modern civil service was established, at the eve of the twenty-first century as many nations framed statutes to meet the emerging challenges. At the political level, the new scene responds to major transformations towards democratic systems governed by the rule of law. From the economic point of view, pressure for reform had arisen from concerns about high levels of public expenditure and their potentially detrimental effects on national competitiveness in a global economy. In most countries, characteristic features of public service employment had included intricate systems of administrative and legal regulation, centralized pay determination, rudimentary forms of human

resource management. For public service employers, proposed structural and employment reforms bolster their authority but also hold them accountable for performance and productivity.

In addition to concerns about the cost of public services, there has been more persistent criticism of the quality of service provided and the failure to meet citizens' expectations in terms of access, equity, speed of service and effectiveness.

The Public Service Commissions in the SAARC Member States were established under the provision of Constitution or Law or Executive Order for strong and dynamic Civil Services, having attributes of accountability, transparency, trust and respect of the people it serves. For this purpose the PSC's attempt to attract the best talent upholding the principles of merit, professionalism, equality and fair play. It is a challenging task and demand availability of adequate institutional and human capacities in the region. Therefore, good practices adopted by the Public/ Civil Service Commissions of the SAARC Member States need to be shared for benefit of the other Member States.

#### **4. OBJECTIVES OF THE STUDY**

The objectives of the study were to:

- i. Compare similarities and dissimilarities of the Public/ Civil Service Commissions of the SAARC Member States
- ii. Identify the strengths, weaknesses and challenges faced by the respective Commissions
- iii. Review the Commissions best practices prevailing in the region
- iv. Assess best international practices to indigenize what may be suited to each of the Commission in the SAARC Member States

#### **5. METHODOLOGY**

The study sample comprised of all the eight Public / Civil Service Commissions of the SAARC Member States. A Question Guide was designed and circulated to the respective Public / Civil Service Commissions for comments/ input.

In the Second meeting of the Chiefs of Public/Civil Service Commissions of the SAARC Member States hosted by the Federal Public Service Commission of Pakistan at Islamabad, the questionnaire was presented, discussed and finalized. The Questionnaire was sent to all the eight Commissions for data collection. The filled-in information along with other supporting documents of the respective Commissions were received by the Director SHRDC.

An SHRDC Research Team was constituted to handle the data and in-depth study of the material provided by Public/Civil Service Commissions of SAARC Member States. In case of data gaps, request was sent to the relevant PSC to obtain further information. In case the information was not available due to language barriers, the SHRDC Team visited the relevant Commission after the approval of the SAARC Secretariat to get the first hand information and translated the material/ information from native language to English, to fill in the gaps.

The secondary data for the study was collected through review of Literature from books and relevant websites.

Microsoft Office Excel 2010 was used for data entry. Data was analyzed for interpretation of results. Draft report was prepared for circulation to the Public/Civil Service Commissions of SAARC Member States, through SAARC Secretariat.

## **6. OUTCOMES OF THE STUDY**

The study helped in the situation analysis of PSCs of SAARC Member States.

- **Regional Scenario**

Functions of all Civil/Public Service Commission of SAARC Member States were studied to rationalize them keeping in view their regional scenario in relation to ethnic and cultural diversity

- **Similarities / differences**

Similarities/differences in the functions of Civil/Public Service Commission of SAARC Member were 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 of recruitment

- **Clear Picture**

A clear picture on the recruitment system of PSCs of SAARC Member States was revealed which may be utilized to enhance cooperation among the Civil/Public Service Commissions

- **Strengths and Weaknesses of System**

Strengths and weaknesses of recruitment system of all the Public Service Commissions were identified to fill in the gaps and re-inventing the respective recruitment systems. The study would be beneficial for the Public Service Commissions of SAARC countries

- **Capacity Building of the Commissions**

After implementing the proposals of the study, Commissions and staff would benefit from the better practices adopted by the PSCs of SAARC Member States and hence capacity building of the employees would be possible

- **Exchange of Information**

Through visits of experts, exchange of information, standards and testing techniques would be made for mutual benefits among all the Civil/ Public Service Commission of SAARC Member States

CHAPTER **2**

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**Major Civil Service Reforms  
in SAARC Member States**



## CIVIL SERVICE REFORMS IN SAARC MEMBER STATES

### 1. OBJECTIVE OF CIVIL SERVICE REFORMS

Civil Service Reforms are taken up for improving efficiency, transparency, accountability, fair play and honesty; procedural reforms for public – government inter-face to get rid of the system of unnecessary rules, regulations; reforming the revenue system and judicial reforms to hasten the process of delivery of justice in all earnestness; re-structuring the government departments, process and out-reach; improving functioning of the various tiers of the government with ultimate goal of improving the delivery of basic services to the ordinary citizen of the country. The major Civil Service Reforms adopted by the SAARC Member States are described below:

### 2. CIVIL SERVICE REFORMS IN AFGHANISTAN

Reform experience in Afghanistan is in the process of institutionalization and is facing challenges too. These challenges arose from the conservative spirit of traditional society, conflict of personal interests and resistance against the status to be changed. However, they have the support of the evolutionary and transformative factions of modern society and also support of the international community.

#### 2.1. Major Achievements during the Last Decade

Since 2002 IARCSC has achieved:

- Development of reform policies and legal framework is based on merit system of public administration under the banner of good governance principles and service oriented public administration
- Implementation of three different stages of reform (Priority Reform and Reconstruction, Public Administration Reform and Pay and Grading). The Pay and Grading reform started less than 4 years back, a comprehensive assessment of ministries/ agencies strategy, structure, function and job analysis were conducted and for each position in civil service a job description was developed. Out of 375000 civil service positions, 365000 are covered under Pay and Grading reform
- Introduction of merit based and competitive recruitment system
- Introduction of performance management and performance appraisal into the civil service sector
- Establishment of civil service institute and its satellites in the provinces for capacity building of the civil service personnel
- Training and capacity building of senior management in leadership and middle managers in basic management computer literacy and English, and university graduate as internee, training of civil servants in five common functions and conducting need based training for civil servants
- Technical assistance to ministries/ agencies in business process simplification

## **2.2. Benefits of Reform for the Government**

Having a progressive, effective and serving civil service system, which will take shape through the application of reform and change management, would result in the improvement of service delivery, people satisfaction and further legitimacy of the political system in the country.

## **2.3. Benefits of Reform for Civil Service Organizations**

By continuous application of reforms, each of the civil service organizations and government agencies will have a logical and applicable strategy, a streamlined structure, specific mission, human resources equipped with new skills and knowledge, an effective communication system, a flexible and variable system, and a modern useable management system.

## **2.4. Benefits of Reforms for Individuals**

The balance between the capabilities and rights, job security, individual growth opportunities in an attractive and active organizational culture, open competition for having reaching to higher management positions, partnership opportunities in communication and decision making processes, presenting personal capacities/talents through partnership in working groups, promotion on the basis of performance and reforms evaluation, and activities.

With existence of a reformed, accountable and effective civil service system, the public will be benefitted from better and timely services, and a mutual and helpful relationship shall be established between the serving organizations and the beneficiaries.

Selection of qualified and committed staff for the public sector has been a challenging task, but also the key for success of any political regimes. That is why countries have made investment in this direction by creating special institutions mandated for the task of selecting qualified staff for the public sector on a fair and objective merit based principles, and they need to learn from the regional good practices and the world's best methods and principles of selection and recruitment.

## **3. CIVIL SERVICE REFORMS IN INDIA**

The Macaulay Committee which gave India its first modern civil service in 1854 recommended that the patronage based system of the East India Company should be replaced by a permanent civil service based on merit system through Competitive entry examinations. As Macaulay's Report said, "Henceforth, an appointment to the civil service of the Company will not be a matter of favour but a matter of right. He who obtains such an appointment will owe it solely to his own abilities and industry". The Report made it clear that only the best and the brightest would do for the Indian Civil Service (ICS). The Report also stated, "It is undoubtedly desirable that the civil servants of the Company should have received the best, the most finished education that the native country affords".

### **3.1. The First Administrative Reforms Commission**

Since Independence, there have been about fifty Commissions and Committees at the Union Government level to look into what can be broadly characterised as administrative reforms.

The First Administrative Reforms Commission set up in January, 1966 was asked, in particular, to consider all aspects relating to the following subjects:

- The machinery of the Government of India and its procedures of work
- The machinery for planning at all levels
- Centre-State relationship
- Financial administration
- Personnel administration
- Economic administration
- Administration at the State Level
- District administration
- Agricultural administration; and
- Redress problems of citizen's grievances

The Commission submitted 20 Reports in all, before winding up in mid-1970. These 20 Reports contained 537 major recommendations. Based on the inputs received from various administrative Ministries, a report indicating the implementation position was placed in Parliament in November, 1977.

Gists of the recommendations of the First ARC that are relevant to this Study Report are highlighted:

- a. **Need for specialization:** The first ARC recognized the need for specialization as the functions of Government had become diversified. A method of selection for senior management posts in functional areas and outside functional areas was laid down
- b. **Unified Grading structure:** A unified grading structure based on qualifications and nature of duties and responsibilities was suggested
- c. **Recruitment:** The ARC recommended:
  - A single competitive examination for Class I services to be conducted, with the age limit raised to 26 years
  - Lateral entry to technical posts to be made at senior levels
  - Direct recruitment to Class II services to be discontinued
  - A simple objective type test to be conducted for recruitment of clerical staff
  - Recruitment to Central Government posts in certain sectors to be made from among the State Government employees
- d. **Recruitment Agencies:** The ARC suggested:
  - A new procedure for appointment of members of the UPSC and the State Public Service Commission was suggested
  - Setting up of Recruitment Boards for selection of clerical staff was recommended
- e. **Training:** a national policy on Civil Service Training to be devised.
- f. **Promotions:** Detailed guidelines for promotion were outlined.
- g. **Conduct and Discipline:** Reforms in disciplinary enquiry proceedings and setting up of Civil Service Tribunals was suggested.

- h. **Service Conditions:** The Commission also gave recommendations on matters related to overtime allowances, voluntary retirement, exit mechanism, quantum of pension, government holidays, incentives and awards to be given on timely completion of projects, and establishing work norms for various posts that may be reviewed by the Staff Inspection Unit.

(Reference: ARC-10<sup>th</sup> Report (Chapter-2) Civil Services Reforms)

Apart from the First Administrative Reforms Commission, as stated above, several other Commissions and Committees were set up over the years to examine various aspects of Civil Services Reforms. The recommendations made by these Committees and Commissions, including the first ARC are grouped issue-wise and are discussed below.

### 3.2. Recruitment Reforms

In any governance system, the quality of its public servants is critical and in this context recruitment of suitable persons is of great importance. Those aspiring to be civil servants must have not only the required skills and knowledge, but also the right values which would include integrity, commitment to public service and above all, commitment to the ideals and philosophy embodied in the Constitution. Therefore the recruitment process, apart from being transparent, objective, fair and equitable, should also ensure that the right type of persons join the civil services. The system of recruitment to the civil services in India has evolved over the years. Several changes have been made in the recruitment process, especially after Independence, to reflect the needs of the administration from time to time. A number of Committees and Commissions were set up to make recommendations on various aspects of recruitment. These recommendations are included in the Report on Public Administration by A.D. Gorwala, 1951; which explains that recruitment to all grades of Government service should be conducted in a manner which eliminates scope for patronage and suggested that this principle should also apply to temporary staff. Dr. A. Ramaswami Mudaliar Committee Report, 1956, on Public Services (Qualifications for Recruitment) recommended that a University degree should be the minimum qualification for recruitment into the higher services, whereas, for secretarial and ministerial services a University degree need not be insisted upon. This Committee also recommended that the age limit for the highest executive and administrative services should be kept between 21-23 years. The Krishnamachari Committee Report analysed the recruitments to Class I and Class II services in the State Governments and recommended that recruitments should be made annually (Reference: Indian and State Administrative Services and Problems of District Administration by V.T. Krishnamachari, 1962).

The first ARC emphasized the importance of proper personnel planning and cadre management. It recommended that recruitment to the Indian Administrative Service (IAS) and Indian Foreign Service (IFS) and other non-technical Class I services should be made only through a single competitive examination. It also recommended that the upper age limit for taking the civil services competitive examinations should be raised to 26 years. The First ARC further recommended that direct recruitment to Class II posts of Section Officers should be stopped and these posts may be filled by promotion of Assistants. The Commission also suggested that recruitment to clerical and other secretarial posts should be conducted through simple objective tests. The Commission recommended constitution of Recruitment Boards for appointment of Class III and Class IV employees.

The D.S. Kothari Committee Report on "Recruitment Policy and Selection Methods, 1976", inter alia recommended a major change in the examination system. They

recommended a two stage examination process – a preliminary examination followed by a main examination. This Committee also suggested changes in the training pattern for the civil services.

The Fifth Central Pay Commission suggested that employment on contract basis should be encouraged and Government employees should have the right to retain their lien for two years in case they wish to migrate to the private sector.

The Civil Services Examination Review Committee, 2001 (chaired by Professor Yoginder K. Alagh) recommended major changes in the structure of the examination system for recruitment to the civil services. It favoured testing the candidates in a common subject rather than on optional subjects. The Committee on Civil Service Reforms (Hota Committee Report, 2004) made recommendations, inter alia, on recruitment and recommended that the age for entrants to the higher civil services should be between 21-24 years with a five years' age concession for members of the Scheduled Castes/Tribes and three years' for the Other Backward Classes. The Hota Committee also recommended that aptitude and leadership tests may be introduced for selection, and that probationers may be allowed one month's time after commencement of training to exercise their option for Services.

### **3.3. Reforms in Training Aspect of Civil Services**

A number of Committees have emphasised the importance of training – both after induction and in-service. Some of the major recommendations includes:

- The Report on Public Administration by A.D. Gorwala (1951) highlighted the fact that in order to have suitable personnel to staff the public services, it is essential that there is proper recruitment and training and an adequate organization and methods set-up. It also recommended an induction training to equip a civil servant with the necessary knowledge and skills to perform his/her duties followed by trainings at designated intervals to refresh his/her knowledge, keep him in touch with new developments and his/her mind active, supple and receptive. The Committee recommended the appointment of a Director of Training to closely monitor all aspects of training
- The Report on Indian and State Administrative Services and Problems of District Administration by V.T. Krishnamachari (1962) emphasised that State Civil Service officers should also undergo a structured training similar to that for IAS officers. It also recommended establishment of training institutes in States with the help of the National Academy of Administration
- The First ARC emphasized that the training should prepare the individual civil servant not only for performing his/her present job, but also for shouldering higher responsibilities and meeting the new and complex challenges in the future. The ARC recommended the formulation of a national policy on civil services training. It also recommended the creation of the Central Training Division in the Department of Personnel. The Commission further recommended changes in the contents of the foundation courses at the National Academy of Administration
- The Committee to Review In-Service Training of Indian Administrative Service (IAS) officers, (Yugandhar Committee, 2003) examined the efficacy of the in-service training of AIS officers and subsequently made several recommendations for further strengthening and improvement. Its recommendations, inter alia, included the need for three mid-career training

programmes in the 12th, 20th and 28th years of service. The training programme in the 12th year of civil service should be for a minimum duration of 8 weeks consisting of 5 weeks of academic content and 3 weeks of study, training and exposure visits to study best practices in India and abroad. The training programme in the 20th year of service should be for duration of 12 weeks. The duration of training in the 28th year of service was not specified. Trainings at these 3 stages was suggested as there is a “major shift” in the nature of work of the officer, at these stages of their career

### 3.4. Grading Reform

The first ARC recommended a unified grading structure so that posts entailing similar qualifications, difficulties and responsibilities are grouped in the same grade. The principle of equal pay for equal work was sought to be recognized for the entire country for both the Union and the State Governments and even the local bodies. It was of the view that in the absence of a careful evaluation of the work content of jobs at certain levels and the matching of scales of pay thereto, the principle of equal pay for equal work cannot be implemented. The imbalance in remuneration attached to headquarters posts and field posts and the multiplicity of pay scales for different groups was sought to be addressed by this unified grading system. For grading, it recommended that the following considerations be taken into account:

- In services that provide for postings in the secretariat and at the field level, the liability for service all over the country should be reflected in the grading system
- For services that provide only for field postings or postings only in secretariats but not in both, the grades would have to be related to the duties and responsibilities of these posts
- The fact that the members of the State civil services are required to work only within the State and not outside, should be reflected in their grades
- Posts involving higher research should be graded high, even though such posts carry little or no administrative responsibility

The Commission recommended that number of grades should range between 20 and 25.

### 3.5. Performance Appraisal

The first ARC had recommended several changes in the performance appraisal system as indicated below:

- The term ‘performance record’ should be used instead of ‘confidential report’
- At the end of the assessment year, the civil servant should furnish an account of the work done by him/her during the year, to his/her reporting officer and this account should form a part of the performance record. The reporting officer should take note of this account while grading the civil servant
- Grading in the performance report should consist of three categories: (a) fit for promotion out of turn, (b) fit for promotion, and (c) not yet fit for promotion. The category ‘unfit for promotion’ should be scrapped
- Only 5 to 10 per cent of the civil servants engaged in work of a similar nature and at the same level in any organization, should be given the grade “fit for promotion out of turn”
- Adverse remarks should not be communicated to the civil servant. When adverse remarks are recorded, the reviewing officer should, after discussing

them with the reporting officer, and, if necessary, with the officer reported upon, either confirm the remarks or suitably modify them

The Hota Committee on Civil Services Reforms, 2004, recommended replacing the ACR with a system of performance assessment in which greater emphasis is placed on objective assessment against agreed work plans.

### **3.6. Management of the Civil Services**

The first ARC recommended the creation of a separate Department of Personnel to be entrusted with the responsibility for:

- Formulation of personnel policies for the Central and All-India Services, and inspection and review of their implementation
- Talent-hunting, development of personnel for senior management and processing of appointments for senior posts
- Manpower planning, training and career development, research in personnel administration
- Discipline and welfare of staff and machinery for redress their grievances
- Liaison with the Union Public Service Commission, State Governments and professional institutions
- Staffing of middle-level positions in the Central Secretariat

The first ARC specifically recommended that the Department of Personnel should not administer any service cadre, and that the administrative control of different services should vest with the individual ministries. It also recommended that the administration of the IAS, IPS and the Central Services should be done by the Ministry of Home Affairs while management of the Indian Economic Service and the Indian Statistical Service should be transferred to the Department of Economic Affairs. While noting that the Department of Personnel should be placed directly under the Prime Minister, the first ARC recommended the creation of an Advisory Council on personnel administration to act as a feeder line of new thinking on personnel administration. The ARC recommended that the advisory council should consist of official and non-official experts in different aspects of personnel management drawn from all over the country.

The Fifth Central Pay Commission advocated the constitution of a high-powered Civil Services Board both at the Centre and the States. It also recommended fixation of minimum tenure for each post. It suggested that no premature transfer should be allowed. It further recommended that the findings of the Civil Services Board are to be accepted invariably and in case of disagreement the entire proceedings should be laid on the Table of the House.

### **3.7. Implementation of the Recommendations**

As a result of the deliberations of these Commissions and Committees on different aspects of public administration and the recommendations made, there have been incremental reforms-such as creation of a separate Department of Administrative Reforms in the Union and State Governments, setting up of the Indian Institute of Public Administration, setting up of the Central Vigilance Commission, Constitution of Lokayuktas in States, strengthening of citizens' grievance redressal machinery, drawing up of citizens charters, focus on training and capacity building of civil servants, restructuring of the recruitment process and modifications in the performance appraisal system. Many of the recommendations involving basic changes have not been acted

upon and therefore, the framework, systems and methods of functioning of the civil services based on the Whitehall model of the mid-nineteenth century remains largely unchanged.

#### **4. CIVIL SERVICES REFORMS IN NEPAL**

A country lacking a strong and reliable bureaucracy has to face many problems. Thus, the PSC has also the obligation to make administration strong, people and result-oriented. Each effort to make reforms in administration in Nepal appears to touch upon the issue of consolidation of the PSC. Some conclusions drawn by each Commission on administrative reforms are:

##### **4.1. Buch Commission 2009**

Each appointment has to be made with the consultation of the PSC and the salary and facilities of employees should be reviewed by the PSC.

##### **4.2. Administration Reorganization Planning Commission, 2013**

Appointment to the post of civil service should be made on recommendation of the PSC.

##### **4.3. Veda Nanda Jha Commission, 2025**

Provision should be made to seek advice of the PSC while making appointment and transfer and to involve the PSC in classification of trainings, salary increment and positions coordination.

##### **4.4. Dr. Bhesh Bahadur Thapa Commission, 2032**

Regular monitoring should be made whether the executive has done as per the powers delegated for appointment or not.

##### **4.5. High Level Administrative Reform Commission, 2048**

The role of the PSC should be made stronger.

#### **5. CIVIL SERVICES REFORMS IN PAKISTAN**

##### **5.1. Major Reforms since 1947 before General Musharraf Era**

The brief features of major reforms recommended by various Commissions and Committees from 1947 onwards are:-

###### **i. Turner Report**

On August, 1947, the organizational structure of the secretariat and its procedure that the Government of Pakistan inherited were the same as left by the British. Soon after independence, a Reorganization Committee in 1947 was setup under the chairmanship of Sir Victor Turner, the then Central Finance Secretary, to look into the staffing needs of each Ministry and also to examine the procedures of working of the Government. Shortly, the Legislative Assembly appointed a House Committee on 11<sup>th</sup> March 1948, to review the organization and structure of the Ministries, Departments and Offices of the Government of Pakistan.

**ii. Munir Report**

In 1949, the Government of Pakistan appointed a Pay Commission with Mr. Justice Muhammad Munir as its Chairman to submit recommendations on the remuneration levels of Government employees.

**iii. Jeffries Report**

Mr. K.S. Jeffries of the UK Treasury in 1952 prepared "Report on the Development of Organization and Methods Work in the Pakistan Government". On basis of this Report the Office and Management Organization was subsequently established in Pakistan

**iv. Rowland Egger Report**

An International Expert Mr. Rowland Egger was invited in 1953, to suggest measures for improvement of Public Administration System in Pakistan. He made the first substantive criticism on the bureaucratic structure

**v. Bernard Gladieux Report**

Two years later, another international expert, Mr. Bernard Gladieux visited Pakistan in 1955 and prepared a report on "Reorganization of the Government of Pakistan".

**vi. Ghulam Ahmad Report**

A senior civil servant Mr. Ghulam Ahmad in 1956 submitted a Report-I on "Reorganization of the Federal Government". After the promulgation of Martial Law, the administrative reforms attracted more serious attention of policy makers. In 1961, Mr. G. Ahmad was once again asked to submit the Report-II on "The issue of administrative reorganization of the Central Government". Upon his recommendations, one of the major discoveries took place in the administrative structure, whereby the scheme of "Section Officer" in the Central Government was introduced, reducing the internal hierarchy within a Ministry.

**vii. Justice A.R. Cornelius Report**

Mr. Justice A.R. Cornelius was appointed by the new Government to head a Pay and Service Commission in 1959. The Commission submitted its report in 1962, which was quite comprehensive in its coverage of the issues facing the services, structure and organization of Central & Provincial Governments. The Cornelius Report proved to be controversial and its feasible recommendations were also buried in the debris of the demolished reports.

**viii. M. Shoaib Report**

Mr. M. Shoaib Finance Minister in the regime of Field Marshal Ayub Khan in 1962 submitted a report "Reorganization of the functions and Structure of the Central Government" in the light of promulgation on new constitutional provisions.

**ix. Khursheed Hasan Mir Report**

In 1972, the PPP Government appointed an Administrative Reforms Committee under the chairmanship of Mr. Khursheed Hasan Mir, a Member of the Federal Cabinet. The Committee's major contribution was to abolish the reservation of key posts in Federal

and Provincial Governments for the members of Civil Service of Pakistan (CSP) cadre and the replacement of the CSP cadre by a District Management Group (DMG) and the Secretariat Group, in which all Occupational Groups would be represented. A unified service structure with different Occupational Groups, introduction of national pay scale in Grades 1-22 and removal of constitutional guarantees for civil servants, were some of the deep-rooted reforms and implemented in 1973 by the Bhutto Government. Along with other measures of nationalization and a larger proactive role of the state, these major structural administrative reforms introduced during this period, left an indelible mark on the edifice of the public sector management in the country. These reforms included Justice Munir Report 1949, Egger Report 1953, Gladieux's Report 1955, and Justice Cornelius Report 1962. These reforms were not only comprehensive and wide ranging but revolutionary in scope and content. The main features of the reforms are:-

- All services and cadres would be merged into a unified graded structure with equality of opportunity for all who entered the services at any stage based on the required professional and specialized competence necessary for each job
- All "classes" among Government servants would be abolished and similarly replaced by a unified graded structure: a peon or equivalent at the bottom, a Secretary or Departmental Head at the top. The existing classification of the services from Class I to Class IV would no longer open to all on merit
- The use of "service" labels would be discontinued forthwith
- The Unified Structure would enable promotions to the higher posts throughout the range of public service and for horizontal movements from one cadre to another including the movement of technical personnel to the cadre of general management. There would also be scope for out of turn promotion to exceptionally able officers
- The correct grading of each post would be determined by job evaluation
- There would be provision for entry into Government service of talented individuals from the private sector in fields such as banking, insurance, industry and trade in order to emphasize professionalism in one field of administration, various "Occupational Groups" of Civil Service were redesigned on the basis of their functions/job evaluation. Besides, in order to induct into service professionals and specialists available in the country, a new system called "lateral entry" was introduced. According to this system well qualified persons in service as well as outside Government service were inducted. Such appointments were made directly through a competitive examination or by interview or both.

The implementations of the Reforms were an important landmark in the evolution of the civil service in Pakistan. It was for the first time that a serious attempt was made towards integration of the services.

#### **x. Justice Anwar –Ul- Haq Report**

General Zia ul Haq's Government formed a Civil Service Commission in 1978, under the Chairmanship of Mr. Justice Anwar ul Haq, to revisit the 1973 Administrative Reforms and make recommendations. The Commission submitted its report in 1979, but chose to leave the basic thrust of the 1973 reforms intact.

**xi. Justice Dorab Patel Report**

The emergence of democratically elected governments, under Benazir Bhutto witnessed yet another attempt for reforms. A Services Reforms Commission was established in 1989, under the Chairmanship of Mr. Justice Dorab Patel, the Commission, however, could not finalize its report and instead the Chairman submitted his own recommendations to the Government in 1991. No action was, however, taken on the recommendations.

**xii. Fakhar Iman Report**

Likewise Commissions/Committees constituted in 1991,1995, 1996 and 1997, another Commission on Administrative Restructuring was appointed in August 1997, under the Chairmanship of Mr. Fakhar Iman, mainly for right-sizing the Federal Government and identifying surplus personnel. The Commission submitted its report in February 1999, but before its recommendations could be deliberated upon, the Government of Prime Minister Muhammad Nawaz Sharif was dismissed in October, 1999.

**5.2. Administrative Reforms Initiatives in General Musharraf Era**

The Government of General Musharraf initiated a number of reforms to ensure that the Government Departments and Organizations become more efficient and responsive to the needs of the people. In this context, these include: (a) Financial Management Reforms (Tax-Administration & Accounting and Auditing Functions Reforms); (b) Access to Justice Programme; (c) Public Sector Capacity Building Projects under World Bank; (d) Management Information System (MIS); (e) Transparent & Cost Effective Public Procurement Rules, 2004; (f) Enhanced role of E-Government, E-Governance and E-Commerce for efficiency, transparency and speedy service delivery to the people.

**i. Lt. Gen. (R) Tanvir Naqvi Report**

The Devolution Plan 2000, prepared by the National Reconstruction Bureau, (NRB) under the Chairmanship of Lt. Gen. (R) Tanvir Naqvi and embedded in the Local Government Ordinance of 2001 and the Police Reforms, incorporated in Police Order, 2002 and the amendments thereafter, were the most sweeping reforms introduced in Pakistan since 1973. These reforms abolished the post of Commissioner, Deputy Commissioner, Assistant Commissioner and transferred the powers enjoyed by these officers, to elected Nazims at the District, Tehsil and Union levels. The Executive Magisterial powers, under which the Deputy Commissioner exercised checks and balances on the Police Officers, were also taken away and the administrative reporting relationship was also assigned to District Nazim.

**ii. Report of National Commission for Government Reforms**

In April 2006, the Government of Pakistan constituted the National Commission for Government Reforms, (NCGR) under the Chairmanship of Dr. Ishrat Husain, Ex-Governor of the State Bank of Pakistan, to provide a modern, efficient and accountable system of governance on a sustainable basis. To achieve this objective, the NCGR had reviewed the size and structure of the Government, procedures in use governing rules, level of institutional capacity and state of public services. In broader terms, the NCGR also proposed to re-structure Civil Services, strengthen District Service, reorganize structure of each tier of Government including Autonomous Bodies and Public Sector

Corporations and strengthening key institutions of governance. The Commission proposed four types of services in Pakistan ---All Pakistan, Federal, Provincial and District. These reforms also covered the whole value chain such as :- (a) Recruitment and Induction; (b) Post-Induction Training; (c) Career Path Planning and Progression; (d) Performance Management; (e) Training and Development; (f) Compensation and Benefits; (g) Discipline and Code of Ethics; (h) Severance; (i) Retirement and Benefits; (j) Cadres and Composition; (k) Governance and Delivery of Essential Public Service (Education, Health, Police, Land Revenue etc.).

In May, 2008, the Commission submitted a comprehensive Report to the Government, covering all major sectors of governance. But these reforms have yet to be approved and implemented by the Government.

### 5.3. Impact of Civil Service Reforms on Civil Service Delivery

Civil Service is backbone of a country's administration and plays a major role in all the spheres of national development. The civil service provides efficient administrative machinery for implementing good governance. The ultimate goal is to improve upon the services delivery mechanism for well being of the people, and especially of the poor.

- The Federal and Provincial Public Service Commissions, established under Article 242 of the Constitution of Pakistan have been making merit-based recruitment, thus providing an efficient administrative machinery to the governments to ensure effective public service delivery in its specified fields. An important basis of assessment of a reform is to see whether it has removed any barriers which were obstructing social, economic or political progress. The Administrative Reforms 1973 removed many such barriers. Except for barriers in society created by socio-economic disparity as a result of feudal and colonial domination for centuries, there is hardly any barrier now in the civil service for entry and advancement of talented youth to serve the people
- To ensure the transparency in promotion of officers against selection posts (BS-20 and above) the Central Selection Board has been made broad-base and more representative and is now headed by the Chairman, FPSC. Besides, a new policy of "best of best" has been introduced for promotion of officers from BS-19 to BS-20 and of officers from BS-20 to BS-21. Through this process, well qualified, committed and welfare-oriented civil servants are being promoted for efficient governance of the people which is a core function of the state
- FPSC Ordinance (amended), 2000 which inter-alia provides security of tenure for three years that the FPSC Members with no provision of extension. This is to ensure that Members of the Commission exercise their powers in the selection/nomination of civil servants without any favor or fear
- Training as a continuous process is critical for professional development of the civil service. It is essential for building capacity of general and specialized cadres of the civil service to develop implementation capabilities for routine and special assignments and to up-date skills in the civil service for interacting with a dynamic global environment. Keeping this dire need in view, the probationary officers belonging to various Occupational Groups/Services are inducted first at the management level. The initial training is imparted during the Common Training Programme (CTP) at Civil Service Academy (CSA) and afterwards they undergo Specialized Training

Programme (STP) which is of specific to their service/groups at their respective academies/ institutes. Besides, other civil servants in BS 18 and above have also to undertake mandatory training courses of specified duration for promotion to next grade/pay scale. For this purpose, the Training institutions like National Institutes of Management, National Management College and Civil Service Academy have been placed under the umbrella of National School of Public Policy, aiming at pooling of resources of civil service training institutes and co-ordination of training at different stages

- Local Government Ordinance, 2001 envisages local government to function with the provincial framework. This system of devolution to local government is more wide ranging than previous attempts made by Ayub and Zia Governments. This new system has begun to bring about positive change in so far as the priorities and choices for development projects are now determined by the representatives of the communities and intended beneficiaries of these projects. The devolution process has transferred a large numbers of functions that affect the daily life of people belonging to District, Tehsil and Union Councils, making access to basic services easy at their gross-roots level. However, there is some procedural flaws in newly devised system which are yet to be addressed to make it more effective.
- The separation of Judiciary from Executive is welcome step under the National Judicial Policy, 2009
- A new Police Order, 2002, replacing the Police Act, 1861 has been enacted to lay the basis for a new administrative structure for the police. This system is good initiative by the Government as it brings the Government closer to the people and will make the government functionaries trust-worthy and people's friendly. But the note-worthy point is that as long as these reform programs is not implemented in its true spirit and with the sense of responsibility, it will never bear fruit
- Under new set-up the National Accountability Bureau (NAB), Anti-Corruption Agencies and FIA in the Federal and Provincial Governments as well as District Public Safety Commission in districts are playing an effective role under the new system for re-dressal of public grievances. The NAB has had major success in prosecuting Politicians and Bureaucrats involved in corruption and has recovered considerable amount of money and ill-gotten property from them. Besides, Wafaqi Mohtasib, Federal Tax Ombudsman, Banking Ombudsman, Federal and Provincial Services Tribunals as well as Public Accounts Committees in the National and Provincial Assemblies are having a strict check and balance on the misuse of authority of Bureaucrats and Politicians. All those measures are meant for promoting good governance and dispensing justice in a transparent manner.

#### 5.4. Recommendations and Conclusion

Following recommendations were made for improvement in the Civil Service of Pakistan:

- There is no doubt that the successive and present Governments have been appointing Commissions and Committee to improve the bureaucratic setup of the country ever-since they came into being. Most of the recommendations could not be implemented for: (a) lack of resolute and sustained commitment of political and administrative leadership (b) the

recommendations were too radical to be managed without risking chaos and instability; and (c) the inter-service (now inter groups) rivalries and vested interests always narrowed the egalitarian view of the issue

- The reforms proposed by the National Commission for Government Reforms, headed by Dr. Ishrat Hussain in 2008, are highly comprehensive, the same may therefore be approved and implemented in true letter and spirit in the national interest
- In order to make Civil Service Reforms strategies effective, it is desirable to shift the focus from bureaucratic - merit to popular-welfare. This is an administrative style which can be implemented successfully if the Civil Service Reforms experts are associated intimately with the process of the implementation of Government Reforms
- A Public Service Reforms Commission may be established on permanent basis in the country. The Commission may be assigned to suggest required improvements in the working of the Federal and Provincial governments as well as the Divisional, District and Tehsil Administration
- It is desirable that all the heads of Training Academies/Institutes should be professionals instead of generalists so that professionalism may be promoted to face the ever-changing global environments and challenges of the 21<sup>st</sup> century
- Apart from the selections, the Federal Public Service Commission (FPSC) plays a significant role in the management of Civil Services. Before the promulgation of Constitution of 1973, the matters relating to qualifications for and method of recruitment to the posts in connection with the affairs of Federation, and promotion, disciplinary cases, seniority etc., of Government servants were entrusted to the Commission who had played a vital role in the management of Civil Services. Under the Constitution of 1973 the confidence reposed in the Commission was badly shaken when, the same were excluded from the purview of the Commission. However, a little bit of confidence had been restored through Federal Public Service Commission Ordinance 1977, wherein, it has been enjoined upon the Commission to advise the Government in matters relating to the qualifications for and methods of recruitment to the services and posts in connection with the affairs of Federation. As a matter of fact, an independent body like FPSC can play a just and symbolic role in matters relating to promotion, disciplinary cases, seniority etc., if entrusted with such and allied matters
- Keeping in view, the pivotal role of education, training and good governance in national development, priority should be given to engage in public-private partnership with education institutions, other social sectors and NGOs. For instance, Bangladesh which has some of the finest NGOs in the world - has much to teach other South Asian countries in ways to operate successful educational and micro-credit programmes for the poor. Besides, there is considerable scope for entire South Asian region to gain by joint action to re-organize administrative machinery and manage the Civil Service on professional lines. The benefits of these regional initiatives and policies would ensure good governance and effective public service delivery.

In conclusion, it needs to be emphasized that the structure of the services, the machinery of Government, the administration – all these are aspects of a single

objective, which is to provide an administrative instrument that would deliver all required social, economic, political and cultural goods that are essential for the material and spiritual well-being of the people. The delivery system must be regarded as having failed, if the vast majority of people are without adequate food, clothing, shelter and other basic public utilities.

CHAPTER 3

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**Situation Analysis: Public/Civil Service  
Commissions of SAARC Member States**



## **1. INDEPENDENT ADMINISTRATIVE REFORM AND CIVIL SERVICE COMMISSION (IARCSC)- AFGHANISTAN**

### **1.1. History**

Selection of qualified and committed staff for the public sector has been a challenging task, but also the key for success of any political regime. That is why countries have made investment in this direction by creating special institutions mandated for the task of selecting qualified staff for the public sector on a fair and objective merit based principles, and need to learn from the regional good practices and the best methods and principle of selection and recruitment in the world.

Before establishment of the IARCSC, there was no agency to fulfil the responsibilities of reforms in Afghanistan. The civil service institutions lacked effectiveness and were defined as having traditional management and were raised of autocratic or ideological regimes, and the management of the institutions was under the monopoly of the ruling elites. While the civil service institutions were speedily changing concurrently together with technological and cultural evolutions/advancements in other countries; there was not any political and legal basis for adaptability to the evolutions in the Afghan public administration, particularly in the civil service. In such conditions, the IARCSC was established to fulfil the very difficult mission of Reforms in Afghanistan.

The IARCSC was established in accordance with the Bonn Agreement and based on President's Decree in the year 1382. With the ratification of the Afghanistan civil service law which is based on Article (5) of Afghan Constitution, the legal basis of the Commission and its basic structure were authenticated.

The Commission consists of nine Commissioners; one of the Commissioners is selected as a Chairman, five persons as Members of Civil Service Appointments Board, and three persons as Members of the Appeals Board. In addition to the boards, the Administrative Reforms Secretariat (ARS), Civil Service Management Directorate (CSMD), ASCI Directorate are also included in the structure of the Commission and each covers their specific sections of operations. Recently, a new Directorate by the name of General Directorate of Programs Design & Management (DGPDM) has also been established within the Commission which has responsibility to design related programs and provide specific management force to strengthen the Agencies.

### **1.2. Mission of IARCSC**

The philosophy of the establishment and existence of the IARCSC is to bring changes in various dimensions including legal, cultural, management, structural, human, technical and capacity of Afghan civil service institutions towards standardization of these institutions and delivery of standard services.

Transformation and development of Afghan civil service into an effective, service-oriented, and consistent with the changing environment body via reforms and continuous change management based on a participatory organizational culture and being public -oriented is the basis of the Commission's mission. In brief, development of an effective, non-political, and accountable administration to the leadership of Civil Service, and facilitation of reforms and civil service capacity building for effective service delivery to the public.

### **1.3. Vision**

The vision for reforms is in the perspective that the caravan of Afghan civil service reaches a stage where it is legally stable and flexible; financially to a degree self-reliant; strategically and structurally consistent with goals and mission; technologically to a state full of electronic-coverage across the system from the point of communications and management, and from the point of service-delivery to a phase with providing standard and public accepted services.

### **1.4. Major Goals**

Basic goals of the Independent Administrative Reform and Civil Service Commission include ten strategic objectives:

- Creating the Legal Framework and Capacity Development of Human Resources Management
- Improve the Capacity of the Commission
- Comprehensive Administrative Reform
- Recruitment based on Merit, Competency and Free Competition
- Implementation of new P&G System and Performance Evaluation
- Capacity Building in the Afghan Civil Service Administrations
- Monitoring from implementation of reforms
- Information and Communication
- Addressing Civil Service Employees Complaints
- Promoting the Role of Women in Civil Service

### **1.5. Operational Environment**

The operational environment includes all Ministries, the Attorney General Administration, Independent Agencies, Independent Commissions, Enterprises, State-Owned Enterprises Government offices and both National Assemblies Administration Affairs, and General Administrative Directorate of the Judicial Power. The Military personnel of ministries, public and independent administrations, judges, parliamentarians and academic cadres are not included in this environment.

### **1.6. Role of IARCSC of Afghanistan**

In Afghanistan after Bone Agreement and the new area of the political democratization, the Independent Administrative Reform and Civil Service Commission (IARCSC) of Afghanistan was established. The IARCSC is an independent institution with assigned mandate in line with the article 50 of Afghan Constitution to lead, facilitate and provide technical support for administrative reforms, as well as, regulating and managing the civil service cadre of public sector in Government of Afghanistan. The two laws the civil service law and the civil servants law with their related secondary regulations and procedures set the policy environment guiding the operation of IARCSC.

The IARCSC is the central and independent institution in the area of reform and civil service management and is reporting directly to the President. The IARCSC is responsible to carry the function of the public service Commission as well as the personnel ministry for the Afghan government under the leadership of the Chairman of the Commission. The IARCSC consists of nine Commissioners, among which the Chairman is selected and the Chairman assigns five Commissioners in Appointment Board and three Commissioners in the Appeals Board.

The IARCSC is managed by Chairman with administrative support of Administrative Reform Secretariat and technical support of Civil Service Management Department and the two Boards

namely Appointment Board and Appeal Board. The composition of IARCSC is articulated in Article 6 of civil service law which states" the Commission is composed of three organizations with functions introduced in the Civil Service law:

- The Civil Service Management Department
- The Appointment Board
- The Appeals Boards

The nine Commissioners form the Civil Service Commission out of which three Members would form the Appeal Boards and five Members would form the Appointment Board of the Commission and one Commissioner would be assigned as the Chairman of IARCSC. The civil service management department has its own professional departments. The establishments and functions are elaborated in legal documents. The nine Commissioners with the Chairman of the Commission are selected by the President every three years, while the Appointment Board and Appeal Board elect their chairperson through election on yearly basis. The Commissioner would be selected for a three year term and they can be selected for a second time as well, based on the article 5 sub article 3 of civil service law. The Chairman of the IARCSC is not a member of Cabinet, but is invited for the cabinet meeting on need basis.

The civil service management department personnel are recruited by competitive exam through appointment boards. Article 20 of civil service law introduce the reform secretariat which function under the direct supervision of Chairman and assist the Commission in administrative and budgetary and executive functions and also is responsible for monitoring and evaluation of projects and program implemented by the Commission and report to the Chairman of the IARCSC.

Currently based on the civil service law and its related regulations, the IARCSC has following five General Directorates:

- i. General Directorate for Civil Service Management which is responsible for regulating the civil service through development of policies, laws, rules, regulations and procedures for managing the HR as well as administrative reform and is responsible for compliance monitoring of those polices based on article 12 of the civil service law
- ii. General Directorate of Civil Service Institute of Afghanistan with the mandate of capacity building of civil servants based on sub article 6 and 9 of article 12 of civil service law
- iii. General Directorate of Program Design and Coordination which is mandated for development of strategic programs and projects for implementation of reform initiatives as well as coordination of donors
- iv. General Directorate of Provincial Affair which is mandated to coordinate the reform efforts at sub national and link national and sub national policy and program implementation
- v. General Directorate of Reform Secretariat which is mandated for administrative support for the whole institution as well as monitoring and evaluation of programs and project and public relations

Seven Regional Offices and 27 Provincial Department are responsible to facilitate and support the implementation of reforms at sub national level based on article 20 of the civil service law. The two boards, five general directorates, and seven regional and 27 provincial directorates form the current organization structure of IARCSC.

The IARCSC leads and provide facilitation as well as technical assistance for the three stages of reform processes. The three phases are referred to as the Priority Reform and Restructuring (PRR)

which has been introduction of limited organizational restructuring and merit based recruitment to the civil service system of the country. The second phase is termed as the Public Administrative Reform (PAR) where the modernization of management of civil service with the whole of organization restructuring was introduced and the merit based recruitment and performance management concepts were also introduced, and capacity building measures for its institutionalization was made.

The third phase has been named as the pay and grading where the 12 grade career system was replaced by 8 grade position system. The new 8 grade position system with salary introduction implemented during the four years. In the process modernization and professionalization of HR function was the focus.

The 8 grade position system although helped to establish the legal basis for a rule based meritocratic civil service system and rejuvenate the old civil service sector through injecting better quality of personnel with higher education into the system, but had a number of negative consequences as well, taken the basis of poor human capital in the country and competition between government and non government institution for attracting and retaining qualified human resources to implement their development initiatives.

Besides this a number of financial management reforms were led by Ministry of finance as program budgeting, financial management and procurement reform in which the Commission was supporting the organizational restructuring and civil service trainings.

Based on the problems cited and lesson learnt from the implementation of reform initiatives and research and observation of the different systems in the region, as well as, in the developed countries and based on the ideals and policy of the President to establish an apolitical, stable, competent managers with professional and job securities within the public sector. The Commission has started to do a thorough analysis for the modification of current position system into a mixed system of civil service management. The proposed system is a mixed system in which it has been proposed that IARCSC should keep the lower position fixed and career based recruitment using the three stage general examination, while leave the upper grades which are senior executives as open for internal, as well as, external competition recruitment on the basis of test and competitive interviews.

The challenges ahead of the Commission is to set the required legal and regulatory environment, as well as, develop the required capacity within the Commission to manage the three stage examination for recruitment of lower grade civil servants and at the same time form the sectors and related cadre system. The Commission using the experience of India, has develop the new civil service law which set the legal base for the new civil service system, but need to complete its related secondary laws as well as to facilitate and implement the system as well.

The Civil Service Management Department (CSMD) is one of the key departments of Independent Administrative Reform & Civil Service Commission (IARCSC) of Afghanistan. The CSMD is mandated to develop policies relating to the structure, management and appointment of civil servants and to monitor their implementation in accordance with the provisions of the Civil Service Law and other legal documents. It also leads the implementation of public administration reform both at the national and sub-national levels.

The Civil Service Management Department consists of professional and administrative offices that perform duties in agreement with the relevant legal documents. The Civil Service Management Department consists of five directorates such as: Human Resource Management Information System (HRMIS), Public Administration Reform (PAR), Human Resource Development, Legislation and Policies, and Gender.

### 1.7. Conditions for Employment

1. A Person fulfilling the following conditions may be appointed as a Civil Employee:
  - Shall have Afghanistan's citizenship
  - Shall not be aged less than 18 and over 64 years
  - Shall have obtained health certification from the related authorities of the Public Health Ministry
  - Shall have obtained at least a high school graduation certificate from an officially recognized domestic or foreign educational institution
  - Has not been sentenced by a competent court for felony
2. Members of scientific cadres of higher education institutions, Academy of Sciences, Office of Attorney General, Institute of Legislation and Scientific Legal Research of the Ministry of Justice, and the professional members of Ministry of Education satisfy relevant legislative documents in addition to the conditions mentioned in sections (1, 2, 3, and 5) of paragraph 1 of this Article
3. Employees with education lower than 12<sup>th</sup> grade of high school and appointed in ministries/agencies before the legislation of Civil Servants Law, can get the civil service Grade through open competition if they meet the requirements of the Grade as in Article 8th of Civil Servants Law with considering education degree
4. Only a person that fulfils the conditions mentioned in sections 1, 2, 3, & 5 of Paragraph (1) of this Article may be employed as a contractual worker in civil service, Jobs of contractual workers will be regulated in a separate legislative document
5. A person may not be appointed for a job, the direct supervisor of which is one his first class relatives. For purposes of this provision, a first class relative means a father, mother, son, daughter, wife, husband, sister and brother

### 1.8. Criteria of Employment for Grades

1. Only a person may be accepted in Grade 1 of civil service (General Department) that fulfils the following criteria as well as the conditions mentioned in Article 7 (1) of Civil Servants Law:
  - Shall have obtained at least a bachelors degree
  - Shall have at least 4 years of work experience relevant to the job
  - Shall be able to formulate and determine policies of the relevant Organization
  - Shall be able to lead and control the Organization
  - Shall have competence and aptitude [and]
  - Shall have a decent character and prestige
2. Only a person may be accepted in Grade 2 of civil service (Department) that fulfils the following criteria as well as the conditions mentioned in Article 7 (1) of Civil Servants Law:
  - Shall have obtained at least a bachelors degree
  - Shall have at least 3 years of work experience relevant to the Job

- Shall be able to provide consultations concerning development of policies for the relevant Organization
  - Shall be able to lead and control the Organization
  - Shall have competence and aptitude [and]
  - Shall have a decent character and prestige
3. Only a person may be accepted in Grade 3 of civil service (Directorate) that fulfils the following criteria as well as the conditions mentioned in Article 7(1) of Civil Servants Law:
- Shall have obtained at least above high school certificate
  - Shall have at least 2 years, of experience relevant to the job
  - Shall be able to implement policies of the relevant Organization
  - Shall be able to guide and control the relevant Organization
  - Shall have competence and aptitude [and]
  - Shall have a decent character and prestige
4. Only a person may be accepted in Grade 4 of civil service (Sub-Directorate) that fulfils the following criteria as well as the conditions mentioned in Article 7(1) of Civil Servants Law:
- Shall have obtained at least an above high school degree
  - Shall have at least 1 year of experience relevant to the job; Masters and PhD. Diplomas holders are excluded from this provision
  - Shall be able to implement policies of the relevant Organization
  - Shall have competence and aptitude
  - Shall have a decent character and prestige
5. Only a person may be accepted in Grade 5 of civil service (Division) that fulfils the following criteria as well as the conditions mentioned in Article 7(1) of Civil Servants Law:
- Shall have competence and aptitude
  - Shall have a decent character and prestige
6. Only a person may be accepted in Grade 6 of civil service (Official) that fulfils the conditions mentioned in Article 7 of Civil Servants Law.
7. Only a person may be accepted in Grade 7 of civil service (Sub-Division) that fulfils the following criteria as well as the conditions mentioned in Article 7 (1) of Civil Servants Law:
- Shall have a certificate of graduation from a technical or vocational training centre, or have skill and work experience
  - Shall be able to perform duties in accordance with his/her vocation or technical field
8. Only a person may be accepted in Grade 8 of civil service that fulfils the conditions mentioned in Article 7.3 of Civil Servants Law.

**1.9. New Appointment of Employee**

1. A person with high school certificate qualifying the conditions of Civil Servants law can be appointed in step 1 of Grade 6, if s/he has a above high school certificate in step 2 of Grade 6, if s/he has a Bachelors Degree in step 1 of Grade 5, if s/he has a Masters Degree in step 1 of the Grade 4 and if s/he has a PhD Degree can be appointed in step 2 of Grade 4
2. A person with bachelor's degree can be appointed in step 2 of Grade 4, if s/he has a Masters Degree in step 3 of Grade 4 and if s/he has a PhD Degree can be appointed in step 3 of Grade 3 of higher education institutions of Higher Education Ministry

**1.10. Appointment of Employee**

1. Where a [vacant] Grade is present, a person shall be selected on the basis of competency; professional skills (education, experience and other job qualifications) shall be identified, selected and appointed through open competition in the Step 1 of Grades mentioned in Article Eight (paragraph 1 to 6) of Civil Servants Law and contractual workers will be selected and appointed in step 1 of Grades mentioned in paragraph 7 and 8 of the aforementioned Article
2. No discrimination on the basis of sex, ethnicity, religion, disability, or physical deformity shall be permitted in acceptance of employees and contractual workers
3. The following authorities shall approve the appointment of a civil employee referenced in Paragraph (1) above:
  - Employee of Grade 1 and 2, to be appointed upon identification and selection by the Appointment Board of Civil Service and the authorized representative of the relevant Organization, proposal of the Chairperson of IARCSC and the approval of the President
  - Employee of Grade 3, 4 & 5 whether in the capital or provinces, and civil employees of Grade 6 in the capital, to be appointed upon identification and proposal by the Appointment Committees of the relevant Ministry or Agency and the approval of the Minister or Director of the Agency
  - Employee of Grade 6 in the Provinces, to be appointed upon identification and proposal by Provincial Appointment Committee and approval of the relevant provincial governor
  - Contractual workers of Grades 7 & 8 in the capital, shall be selected upon identification, selection and proposal of appointment committees of the relevant Ministry or Agency and the approval of the Minister or Director of the Independent Agency; At the provinces and Districts, such selection shall take place upon identification and proposal by provincial or district appointment committee and approval of the governor for the relevant province or district

## **2. BANGLADESH PUBLIC SERVICE COMMISSION- BANGLADESH**

### **2.1. History**

The Bangladesh Public Service Commission is a constitutional body established primarily to recruit persons for various services and posts in the government. It is also involved in decision making processes relating to other service matters such as promotion, posting, transfer, discipline, and appeal of the government servants. The main purpose of constituting such a body, designated in most countries of British heritage as 'civil' or 'public' service commission, was to ensure that all decisions relating to recruitment and other service matters were made consistent with the principles of merit and equity. In Bangladesh, this body has presently been designated as the Bangladesh Public Service Commission (BPSC).

A Commission called Public Service Commission was first established in India in 1926 and was entrusted with functions almost similar to those of its British counterpart in London, particularly in matters of recruitment of public servants of the central government of British India. Similar provincial level commissions were subsequently established, including the Bengal Public Service Commission in 1937, following the formation of responsible governments in the provinces in pursuance of provisions made in the Government of India Act, 1919, and thereafter, in the Government of India Act, 1935. After the partition of India in 1947, replicas of the Public Service Commission in British India were created in Pakistan, both at central and provincial levels. Hence a body designated as Public Service Commission, Eastern Pakistan (renamed later as East Pakistan Public Service Commission) came into being in East Bengal (later named East Pakistan) in August 1947.

After the emergence of Bangladesh two separate commissions, namely the Public Service Commission (First), and the Public Service Commission (Second), were initially established in May 1972 under provisions made in President's Order No. 34 of 1972. To give effect to the provisions on public service commissions in the constitution adopted in November 1972, a fresh Presidential Order (President's Order No. 25 of 1973) was promulgated in March 1973 which in effect formally regularized the establishment of the two commissions in existence since May 1972. However, in November 1977 the government promulgated another ordinance to establish a single commission in place of the existing two commissions, which came into being on 22<sup>nd</sup> December, 1977 and was designated as Bangladesh Public Service Commission. The Constitution of Bangladesh defines the composition and functions of the commission in a chapter (2 of part IX) of five articles.

### **2.2. Establishment of the Commission**

The Bangladesh Public Service Commission (BPSC) is a constitutional body. The Bangladesh Public Service Commission (First) and the Bangladesh Public Service Commission (Second) were created on 8<sup>th</sup> April, 1972 through issuance of the Bangladesh Public Service Commission Order (President's Order number 34 of 1972). In 1977 the two Public Service Commissions were merged and the present Bangladesh Public Service Commission was created through the Bangladesh Public Service Commission Ordinance, 1977. The activities of the BPSC are presently regulated by Articles 88,137 to 141, 147 and 148 of the Bangladesh Constitution, The Bangladesh Public Service Commission Ordinance, 1977 (Ordinance number LVII of 1977), The Bangladesh Public Service Commission (Consultation) Regulation, 1979, The Bangladesh Public Service Commission Act, 2012 and The Members of the Bangladesh Public Service Commission (Terms and Conditions of service) Act, 1974 as amended from time to time.

### **2.3. Appointment of Chairman and Members**

According to Clause (1) of Article 138 of the Constitution, the Chairman and other Members of each Public Service Commission shall be appointed by the President; Provided that not less than one half of the Members of the 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 territories of Bangladesh. Clause (2) of the same article mentions that subject to any law made by Parliament the conditions of service of the Chairman and other Members of a Public Service Commission shall be such as the President may, by order, determine. According to Article 139 of the Constitution, the terms of office of the Chairman and other Members of a Public Service Commission shall subject to the provisions of this article, expire five years after the date on which he entered upon his office, or when he attains the age of sixty five years, whichever is earlier. The Chairman and other Members of such a Commission shall not be removed from office except in like manner and on the like grounds as a judge of the Supreme Court. The remunerations of the Chairman and Members of the Commission are paid from the charged expenditure of the consolidated fund of the government as per Article 88(b) of the Constitution, Article 147 of the Constitution provides that the remuneration, privileges and other terms and conditions of service of the Chairman and other Members of the Commission shall not be varied to their disadvantage during their term of office. The Chairman and other Members enter their offices through taking Oath under article 148 of the Bangladesh Constitution.

### **2.4. Functions of the Commission**

The Commission organizes qualifying tests and written examinations in order to select suitable candidates for appointment in the class II and class I services of the Republic. It also recommends for regularization of appointments, promotions, fixation of seniority and taking appropriate actions in disciplinary cases and renders advice to the President in cases that affect terms and conditions (including pension rights) of the services. Apart from these, the Commission can perform any other responsibility entrusted to it through any law. The BPSC is a recommending body; it is not an appointing authority. Brief descriptions of the salient functions of the Commission are:

#### **a. To Conduct Examinations and Select Candidates**

According to Constitutional obligations, conducting examinations to select candidates for various cadres and Class I and Class II posts in non-cadre services of the Republic is one of the prime responsibilities of the Commission. This responsibility is matched through a gigantic process. Every year more than one hundred thousand candidates apply for the BCS examinations. Apart from the BCS, the Commission conducts more than a hundred examinations every year for non-cadre posts. Recently the number of candidates exceeded seventy thousand for the examinations of some non-cadre posts. It is not possible to accomplish this huge task by only the Commission's own staffs; therefore, outsourcing method is used for this kind of work. Recently policy guidelines have been prepared fixing definite qualifications for the question setters, moderators, examiners, scrutinizers and experts for viva boards for different examinations conducted by the Commission. Renowned qualified and respectable serving and retired government officials, teachers, journalists, representatives from the civil society are engaged as question setters, moderators, examiners, scrutinizers of the different examinations conducted by the BPSC. The Chairman, Members and Officials of the Commission are not directly involved at any stage of setting question papers and evaluating the answer scripts. Commission plays co-ordinator's role in conducting the examinations. However, the Chairman and Members of the Commission perform as the Chairman of different Viva Voce Examination Boards. The boards also have a representative from the concerned Ministry and another member as a subject specialist. At present, more than one set of question papers are prepared for each examination. The particular question paper that would be used for an examination is chosen 30 minutes before the start of the examination through lottery. The examination process of the Commission has been made transparent and accountable by

conducting examinations through the present system. There is no allegation of leakage of question papers in recent times.

Optical Mark Readable (OMR) application forms and answer scripts of the preliminary tests conducted by the Commission are processed and evaluated completely by the computers. Litho code is used in the answer scripts of the written examinations and they are evaluated manually. Candidates passing the written examinations are called for interview by the viva Boards. The relevant papers are distributed to the different Viva Boards 20 to 25 minutes before the interview. The list of candidates and the list of members of different Viva Boards are also distributed at the same time. No one knows which candidates are appearing before which Board and who are the members of the concerned board before distribution of the lists. The Commission has also prepared the relevant instructions to be followed by the specialist members (experts) of the Viva Boards. Members of the boards refrain from using their mobile phones during the period when the boards are in session. Candidates are also prohibited from using their mobile phones in the premises of the Commission. Processing of results of different examinations is done in strict confidentiality and adhering to set rules and procedures. Higher officials of computer section, controller of examination section and confidential section perform the work of checking and counter checking of the results leaving almost no chance of mistakes generally- Commission does not at all interfere in the work of the persons engaged in the examination work through outsourcing. However, sometimes general guidelines and directions are given to improve the quality of the question papers. Apart from these, efforts are made to improve the quality of the examinations through holding seminars, workshops and exchange of views.

#### **b. Conduct of Examinations for Recruitment in Bangladesh Civil Service (BCS) Cadre Posts**

The BCS Examinations are conducted for recruitment of suitable persons in the cadre jobs of the government as per Bangladesh Civil Service (Age, Qualification and Examination for Direct Recruitment) Rules- 1982. Currently a three phase system of examination is in vogue:

- Firstly, candidates appear in a preliminary test based on multiple choice questions (MCQ)
- Successful candidates from the preliminary test appear in written examinations
- Successful candidates from the written examinations appear in viva voce and intelligence test

Final result is based on scores of written examination and viva voce and intelligence test. Efforts are made to issue notification for holding the BCS examinations from 5<sup>th</sup> to 15<sup>th</sup> January of each year. More than one hundred thousand of candidates apply for this examination every year- It is a time consuming exercise to scrutinize the huge volume of applications and issue admit cards with the limited manpower of the Commission. Recently the BCS Examination Rules, 1982 have further been revised and are:

- BPSC has introduced online registration/application submission process in all recruiting examination from March, 2012. Presently applications are received and admit cards are issued online.
- Provision for deduction of 50% marks is kept for each wrong answer given in the preliminary MCQ test so that no candidate may get undue advantage by making answers on guess
- Average pass mark for the written examinations has been raised to 50% from the previous 45%. System of receiving applications in, OMR form at the district headquarters through the offices of the Deputy Commissioners and issuing admit cards immediately from the same place has been started for the 29th BCS examination. As a result completing the BCS examinations is less time consuming now

*Educational qualifications for General cadres have been raised to post graduate degree in place of graduate degree.*

### **c. Conducting Examinations for the Non-cadre Posts**

The BPSC conducts examinations for recruitment to the class I and class II posts outside the cadre posts according to their respective recruitment rules. If the number of candidates is less than 2000 then the examination for recruitment to the non-cadre posts is held in two stages- written and viva and if the number of candidates is 2000 or more then the examination is held in three stages- preliminary, written and viva. Irrespective of the number of the candidates, written examinations are held for 200 marks. Qualified candidates are required to appear in 100 marks viva voce examination for class I posts & 50 marks for class II posts. Every year examinations are arranged for a large number of candidates according to the requirements of different Ministries and Directorates of the Government for recruitment to the posts outside the regular cadres. After selecting successful candidates, they are recommended for appointments. The Social Welfare Department, Primary and Mass Education Department, Narcotics Control Department, Department of Relief, Election Commission Secretariat etc, are the main departments for non-cadre vacant posts and examinations of huge number of candidates were taken in recent times.

### **d. Conducting Departmental Examinations**

Newly recruited probationers of different cadres and some non-cadre posts have to pass their departmental examinations according to the Syllabus in their recruitment rules before completion of their probation period. Two sets of departmental examinations are conducted every year in January-February and June-July period for this purpose. Departmental examinations are held in three papers for each cadre. Over two thousand candidates take part in these departmental examinations every time.

### **e. Conducting Examinations for Promotion to Senior Scale**

Twice every calendar year in February and August, Senior Scale Examinations are held for candidates from 27 cadres for promotion to senior scale. Officers from different cadres who have become permanent in their posts and completed four years of service are eligible to appear in these examinations. The process of conducting the Senior Scale examinations is a time consuming exercise and a few thousand candidates take part in these Examinations which are held in two common papers and in one cadre specific paper for various cadres. Interestingly, for the education cadre examinations are conducted on 65 different subjects. The relevant units which conduct these examinations do so in addition to their other normal duties. From March 2012 all applications have been receiving online. A Herculean task they have to accomplish.

### **f. Recommendations for Promotions**

Furnishing recommendations for promotions of class II and class III employees to the vacant class I and class II gazette posts of the government is a constitutional responsibility of the Commission. The Commission provides recommendation after consulting and scrutinizing the length of service in the feeder posts required, as per recruitment rules of the relevant ministries/departments, gradation list, all the relevant rules and regulations of the government in practice, annual confidential report, certificate to the effect that there are no departmental proceedings against the candidates, and the distribution of posts.

### **g. Qualification Improvement Examination for Post-appointment Promotions**

Qualification Improvement Examinations are taken by the Commission for officers who do not get promotion to Deputy Secretary or Joint Secretary level for deficiency in their educational qualifications. Five Additional marks are added to that earmarked for educational qualification of the successful candidates. BPSC conducts promotion examinations of such group of officers.

#### **h. Recommendation for Absorption and Regularization**

The BPSC advises the government appointments of qualified persons in the service of the Republic as well as on matters of appointment through absorption and regularization in the light of relevant rules and regulations. Fixation of seniority and regularization of services of officers and staff appointed under projects in the development budget are required while transferring their services to the revenue budget of the government. Proposals for regularization of services of large number of officers and staff working in the government approved development projects are received every year from different Ministries of the Government. This process of regularization of service is very complicated and time consuming.

#### **i. Comments of the Commission in Disciplinary Cases**

The Commission provides comments, after thorough scrutiny and judging of facts and legal issues, on disciplinary cases involving officers serving in class I and class II gazetted posts of the Republic, where government is required to consult the Commission under Provisions of Article 140(2) (d) of the Constitution and the Public Service Commission (Consultation) Regulations, 1979. Every year, hundreds of cases involving disciplinary matters are sent to the Commission for comments. Analyzing these cases and providing comments is a complicated and time-consuming activity. Therefore, it becomes difficult to simultaneously deal with conducting various examinations, dealing with appointments, promotions, regularization of service, seniority and giving comments on disciplinary matters with inadequate staffed units of the Commission. In the year 2008, comments of the Commission were sought in 213 disciplinary cases. Commission sent their comments on 201 cases including taking of punitive action in 192 cases.

#### **j. Supporting Ministries, Govt. Departments and Organizations in Recruitment of Non-Gazetted Employees**

The BPSC sends its representatives regularly for meetings of the Departmental Appointment and Promotion Committees (DPC) for class III and class IV employees of Ministries and Directorates of the Government. Representatives of the Commission were sent to 1001 DPC meetings in the year 2008. Apart' from this representatives are sent to meetings if any ministry/division requires, advice of the Commission on the conditions of service, is also tendered.

#### **k. Advice on Making and Revising Recruitment Rules**

There is constitutional obligation to consult the BPSC in making recruitment rules of different Ministries and Directorates of the Government. Apart from this, the Commission provides advice in relevant cases, if different Ministries/Divisions ask for its comments while making or revising the recruitment rules.

#### **l. Structural Improvement Projects of BPSC**

Seminars and workshops are being regularly organized to create mass awareness and enhance transparency. The Commission's own officials are engaged in implementing the following two projects with technical assistance of World Bank and Asian Development Bank respectively:

1. *Strengthening of the Bangladesh Public Service Commissions Organizational Structure with Emphasis on its Recruitment Functions*
2. *Supporting the Good Governance Program<sup>1</sup>*

Apart from these, the BPSC own Building Construction Project is being implemented with Bangladesh government's fund.

**m. Improving Commission's Image and Status:**

The BPSC is discharging its constitutional responsibility of selecting qualified officials with the objective of creating new leadership and improving the quality of government service.

The status, salary & other benefits of the Honourable Chairman and Members of BPSC have been uplifted to the Cabinet Secretary and Secretary to the Government respectively vide Act no. 38 of 2012.

The remunerations of the Honourable Chairman and Learned Members of the Commission are paid from the charged expenditure of the consolidated fund of the government as per article 88(b) of the Constitution. According to Article 147 of the Constitution, the remuneration, privileges and other terms and conditions of service of the Chairman and Members of the Commission shall not be varied to their disadvantage during their term of office. These persons enter their offices through taking Oath under article 148 of the Bangladesh Constitution. They can only be removed from their positions through Constitutional processes. There is no controlling authority (employer) of these persons. They are self controlled. Every year Commission submits an Annual Report to the President on the performance of its functions during the year which the President causes to be laid before the Parliament.

The Commission holds that it is justifiable to make the status and remunerations of the Chairman and Members of the BPSC similar to those of the Election Commission and other Constitutional bodies in keeping with the spirit of the Constitution.

**2.5. Secretariat of the Commission**

The BPSC secretariat has been working with the Status of a Division of the Government of Bangladesh pursuant to government orders issued since 1989 to perform the administrative functions of BPSC. An Additional Secretary or Secretary to the government performs the duties and responsibilities of the Secretary of the Commission. Presently the Commission has a sanctioned strength of total 422 persons. Among these, 88 are class I officers, 70 are class II officers and the rest 264 are class III and class IV employees. There are 13 operational units in the Commission Secretariat to help discharge its constitutional obligations. Apart from these there are Administrative section, Accounts section, Examination section (cadre), Examination section (non-cadre), Confidential section (cadre), Confidential section (non-cadre), Library and Documentation section, Public Relations section, Research section and the Information Technology (IT) and Computer section. There are zonal offices of the Commission Secretariat in divisional headquarters outside Dhaka.

**2.6. Functions of the Commission's Secretariat**

Following are the main functions of Commission's Secretariat:

- To assist the Commission in discharging its functions under the Constitution and other laws
- Regulation and Control of officers and staff of the Secretariat and its Zonal establishments, subject to over all guidance of the Chairman/Commission
- All laws on the subject allotted to this Secretariat
- Inquiries and statistics on any of the subjects allotted to this Secretariat
- Fees in respect of any of the subjects allotted to this Secretariat except fees taken in courts

## 2.7. Relationship of Secretariat with the Commission

The Secretary shall act as the Secretary of the Commission, be accountable to the Commission through the Chairman and provide administrative, financial, legal and secretarial services and support to the Commission to its satisfaction. Decisions of the Commission and approved advice/comments on various matters from a unit will be communicated by the Secretary. For day-to-day transaction, the Secretary will work under the supervision of the Chairman.

### **Best Practice adopted by Bangladesh Public Service Commission**

*Bangladesh Government has framed "Recruitment in Non-cadre Posts (special) Rules, 2010". According to these rules, the examinees who passed the BCS Examinations but have not been recommended finally, will be given opportunities for recruitment in the class I non-cadre posts.*

### 3. ROYAL CIVIL SERVICE COMMISSION- BHUTAN

#### 3.1. History

The Department of Manpower, a precursor to the Royal Civil Service Commission was established in 1973. As the civil service administration became more complex due to rapid social economic development activities, the Royal Government recognized the need to further strengthen the central personnel agency with clear mandates. Thus the Royal Civil Service Commission was established in June 1982 under the Royal Charter.

#### **Royal Charter of the Royal Civil Service Commission 1982**

*The visionary initiative of His Majesty the King in granting the Royal Charter of the Royal Civil Service Commission in 1982 marks the beginning of a plan and coordinated approach in addressing human resource management and development needs of various sectors in the Government. The Royal Charter forms the fundamental legal framework for the RCSC in managing and framing rules of the Civil Service. Since then the RCSC has come a long way in promoting efficiency, effectiveness and integrity among civil servants.*

The Commission, which was constituted for the first time in accordance with the Royal Charter, consisted of the fifteen members with HRH Ashi Sonam Choden Wangchuck as the first Chairperson from July 29, 1982 to April 17, 1991.

The Commission was reconstituted (for the first time) on April 17, 1991 with nine members and was chaired by one of the member on a six monthly rotational basis from April 17, 1991 onwards and Lyonpo Dawa Tsering was the First Chairperson:

The Commission was reconstituted (for the second time) on October 30, 1996, with the fourteen (14) members and Lyonpo Dorji Tshering was the First Chairperson:

After the devolution of executive power to the elected Council of Ministers, the Commission was reconstituted (for the third time) on August 11, 1998 with ten members and the First Chairperson was Lyonpo Thinley Gyamtsho:

The Commission was reconstituted (for the 4<sup>th</sup> time) in October 2003, by the Royal Government as per the Resolution of the 81<sup>st</sup> Session of the National Assembly held on July 25, 2003 that the Royal Civil Service Commission be reconstituted and strengthened to prevent politicization of the bureaucracy. The reconstituted Commission should represent all three branches of the government under a Chairperson to be appointed by His Majesty the King. The Commission is chaired by one of the members on a three monthly rotational basis. The Commission then consisted of seven members.

#### 3.2. Adoption of the Constitution of the Kingdom of Bhutan

The Constitution of the Kingdom of Bhutan was adopted on 18<sup>th</sup> July, 2008,. Following the adoption of the Constitution of the Kingdom of Bhutan, the incumbent Commission members submitted their resignations immediately after the historic signing and adoption of the Constitution of Bhutan and in keeping with the relevant provisions of the Constitution.

### 3.3. Provisions of the Constitution

As per Article 26 of the Constitution of the Kingdom of Bhutan:

1. There shall be a Royal Civil Service Commission, which shall promote and ensure an independent and apolitical civil service that will discharge its public duties in an efficient, transparent and accountable manner
2. The Commission shall consist of a Chairman and four other members appointed by the Druk Gyalpo (Head of State) from amongst eminent persons having such qualifications and experience as would enhance the performance of the Commission, from a list of names recommended jointly by the Prime Minister, the Chief Justice of Bhutan, the Speaker, the Chairperson of the National Council and the Leader of the Opposition Party
3. The term of the office of the Chairperson and members of the Commission shall be five years or until they attain the age of sixty-five years, whichever is earlier
4. The Commission shall endeavour to ensure that civil servants render professional service, guided by the highest standards of ethics and integrity to promote good governance and social justice, in implementing the policies and programmes of the Government
5. The Commission shall, in the interest of promoting merit, productivity and equity, ensure that uniform rules and regulations on recruitment, appointment, staffing, training, transfers and promotion prevail throughout the civil service
6. The Commission shall ensure that all civil servants shall have recourse to justice through the Administrative Tribunal established under section 16 of Article 21 (Parliament may, by law, establish impartial and independent Administrative Tribunal as well as Alternative Dispute Resolution Centre's) to hear their appeals against administrative decisions including those of the Commission
7. Every civil servant who has been adversely affected by an administrative action shall have the right of access to the Commission
8. The Commission shall meet regularly and shall be supported by a permanent Secretariat, which shall function as the central personnel agency of the Government
9. The Commission shall submit an Annual Report on its policies and performances to the Druk Gyalpo and to the Prime Minister
10. The Royal Civil Service Commission shall function in accordance with the Civil Service Act

### 3.4. Post Constitution Commission

In accordance to the provisions of the Constitution, His Majesty the King appointed the following as Chairperson and Members of the Commission on 30th January, 2009:

<b>Lyonpo Thinley Gyamtsho</b>	<b>Chairman</b>
Pirthiman Pradhan	Member
Sangay Dorji	Member
Kinley Yangzom	Member
Bachu Phub Dorji	Member

Lyonpo Thinley Gyamtsho, Chairman of RCSC, formally took over the charge and functions of the Royal Civil Service Commission from the outgoing Secretary, Dasho Bap Kesang on 13<sup>th</sup> February, 2009. The Commissioners formally joined the office on 18<sup>th</sup> February 2009.

### **3.5. Functions of the Commission**

As per Section 27 of the Civil Service Act of Bhutan 2010, The Royal Civil Service Commission as the central personnel agency of the Government shall:

- administer and enforce all statutory provisions of this Act
- prescribe, amend and enforce rules and regulations for carrying into effect the provisions of this Act
- promulgate policies, standards and guidelines for the Civil Service and adopt plans and programmes in consultation with the agencies to promote efficient and effective personnel administration
- appoint, promote and transfer civil servants except as specified otherwise in this Act
- formulate, administer and evaluate programs pertaining to the development and retention of qualified and competent work force in the civil service
- promote and maintain the highest level of prestige, morale and well-being of the civil service
- conduct periodic HR auditing across all agencies
- conduct special investigation on HR actions where necessary
- ensure establishment of a human resource committee/council in each agency with standard functions and responsibilities to ensure proper personnel administration and human resource development, and monitor their functions
- prescribe, enforce and review code of conduct for the civil servants
- manage Civil Service selection examinations
- review, plan, coordinate, facilitate and monitor general civil service training and development programmes
- maintain up-to-date personnel information on all civil servants as prescribed in the BCSR
- exercise general disciplinary control over civil servants through the enforcement of all rules, regulations and relevant laws
- provide administrative and legal support to civil servants in respect of decisions taken in good faith or intent pursuant to official duties and
- perform any other functions to discharge its mandates

### **3.6. Powers of the Commission**

Section 28 of the Civil Service Act of Bhutan 2010, on 'Powers of the Commission', states that the Commission:

- may require free access to all information and records of agencies that relate to HR management and to inspect and inquire into and call for any information arising from those accounts and records
- may revoke any HR actions taken by implementing agencies if found in contravention to this Act and BCSR
- may call upon any entity or official in government to assist the Commission in the preparation and conduct of Civil Service selection examinations

- shall require all civil servant and agencies to provide the Commission with such facilities, assistance, information and access to their respective offices as the Commission may require for the performance of its duties
- may delegate its functions in writing and subject to such conditions to be prescribed in the rules and regulations, to a person, agency, authority or entity including its secretariat from time to time as appropriate
- in consultation with the agencies shall:
  - ▶ Determine staffing pattern and strength of an agency
  - ▶ Create, abolish or classify positions
  - ▶ Enhance capacity through Human Resource Development Programmes and
  - ▶ Carry out organizational development reviews at regular intervals

Section 29 of the Civil Service Act of Bhutan 2010, states that the Commission shall, as per the decision of the Lhengye Zhungtshog create, abolish, upgrade or alter organizational structures in ministries and autonomous agencies, including names in consultation with line Agencies. Likewise, the Legislature and Constitutional bodies shall carry out such organizational changes in consultation with the RCSC.

Section 30 of the Civil Service Act of Bhutan 2010 states that the Judiciary shall create, abolish, upgrade or alter courts or tribunals in keeping with Article 21 (2) of the Constitution, while, other organizational changes shall be carried out in consultation with the RCSC.

### 3.7. Procedure for Recruitment through RCSC

As per Bhutan Civil Service Rules and Regulations 2012, procedure and requirement for selection in civil services are highlighted below:

#### Policy

- Recruit the most qualified and capable candidate with right attitude for the right job
- Ensure professionalism in the Civil Service;
- Maintain a small, compact, efficient and effective Civil Service

#### Strategy

- Determine existing as well as emerging vacant positions in the Civil Service through a periodic Organizational Development (OD) exercise
- Provide equal opportunity to all eligible Bhutanese citizens for employment and career advancement in the Civil Service on the basis of merit, qualification, fair and open competition without discrimination on the grounds of race, sex, language, religion, and other status; and
- Provide orientation to the selected candidate into the Civil Service

#### Recruitment Planning Process

- The RCSC in consultation with the Agency shall determine the staffing pattern and strength required for the Agency for the plan period
- The Agency concerned shall initiate annual human resource recruitment plan and carry out recruitment as per the approved staffing pattern and strength, and delegation of authority

- The Agency shall identify recruitment needs against vacant positions in consultation with the Divisions/Sections; obtain approval from the HR Committee. The Agency shall submit graduate requisition to the RCSC as per section 8.1 of Chapter 7 on BCSE
- The RCSC in consultation with the Agency shall determine the vacant positions and recruitment needs for the Executive and Specialist Category in the Civil Service
- The recruitment against a vacant position shall be made either by direct recruitment of a new employee or in-service recruitment through Open Competition and/or transfer.

**Authority for Recruitment, Selection and Appointment of New Employee**

- The RCSC shall be the central personnel Agency for recruitment and selection of a candidate in consultation with the employing Agency, and for approving the appointment against a position
- The recruitment of University Graduates to Professional and Management Position Category shall be conducted by the RCSC through the BCSE as per Chapter 7 of this Rule.
- The recruitment of University Graduates to S1 positions in the Supervisory & Support Position Category shall be conducted by the Agencies for those with valid “Certificate of Eligibility” issued by the RCSC as provisioned under Chapter 7 on BCSE for Recruitment of University Graduates rules and regulation of the BCSR.
- Any new recruitment into the Civil Service shall only be in the entry Position Level.
- The authority to recruit, select and appoint new civil servants at the entry position level shall be as follows:

Position Category	Authority
<b>Professional and Management</b>	RCSC
<b>Supervisory and Support</b>	Legislature, Judiciary, Ministry, Constitutional Office, and Autonomous Agency. Thromde for non-professional positions
<b>Operational</b>	Legislature, Judiciary, Ministry, Constitutional Office, Autonomous Agency, Dzongkhag and Thromde.

- The RCSC shall monitor all appointments carried out by an Agency as well as subject to regular HR Audit.

**Eligibility**

A candidate shall:

- Be a Bhutanese citizen
- Meet all qualification requirements specified for the particular position as per the Position Directory and Job Description
- Have attained at least 18 years of age and not more than 40 years on the date of appointment, and
- If in-service, possess the minimum qualification required and have no service obligation to the Agency.

**Disqualification**

A candidate shall not be eligible for employment in Civil Service if he has:

- Been convicted of a criminal offence or is under investigation or prosecution for a criminal offence

- Been terminated or compulsorily retired from the Civil Service, a Government Corporation or Project
- Voluntarily resigned from the Civil Service
- Been previously selected for the Civil Service but has dishonoured the selection/appointment;
- Been adjudged medically unfit for employment by a competent RGoB medical doctor;
- Intentionally provided false information in the application for employment or used fraudulent practices in the recruitment examination;
- Furnished fake/forged testimonials/documents
- Failed to furnish testimonials as required under the Civil Service Rules
- Not been issued “Certificate of Eligibility” by the RCSC for recruitment to S1 positions in case of University Graduates;
- Participated in politics and not completed the minimum ‘cooling - off period’ of 3 years; and
- Been otherwise disqualified by the Government for appointment in the Civil Service.

## Guidelines

### i. Recruitment Procedure

- As per the delegation of authority, the Agency shall advertise the approved vacant positions through media with sufficient time of at least two weeks for registration. If required, time extension may be granted for another two weeks.
- The vacancy announcement shall clearly define the eligibility criteria, including:
  - ▶ Profile of the position, including Position Title and Position Level;
  - ▶ Qualification required;
  - ▶ Documents required;
  - ▶ Registration process, schedule and venue;
  - ▶ Short-listing criteria; and
  - ▶ Contact number and address.
- A candidate applying for a vacant position in the Civil Service shall be required to submit the following documents:
  - ▶ RCSC Employment Application Form
  - ▶ Resume
  - ▶ Attested copies of academic transcripts
  - ▶ Attested copies of relevant training transcripts, if required
  - ▶ Attested copy of the Bhutanese citizenship identity card
  - ▶ Attested copy of Security Clearance Certificate
  - ▶ Attested copy of Medical Fitness Certificate issued by a competent RGoB medical doctor; and
  - ▶ No Objection Certificate, if employed
- For attesting of documents, applicant shall produce original documents along with photocopies to the recruiting agency at the time of submitting application.
- A candidate applying for a vacant position shall have applied for Security Clearance online, which the official Focal Person of recruiting Agency shall be responsible for its verification.

- In addition to the above, a university graduate applying for S1 position, shall be required to submit the following documents:
  - ▶ Valid “Certificate of Eligibility” issued by the RCSC in original.
- The Agency concerned shall:
  - ▶ Register the application;
  - ▶ Verify all original documents using the checklist and attest;
  - ▶ Short-list applicants; and
  - ▶ Notify short-listed candidates on the status of applications.
- Short-listing of applicants
  - ▶ Short-list applicants based on the eligibility criteria for the position;
  - ▶ For short-listing, ratio of vacancy to candidate shall be at least 1:3;
  - ▶ If the number of applicants is still large even after the short-listing, the HR Committee shall further short-list applicants based on the merit ranking of marks obtained in the Academic/relevant Training as per the requirement specified in the Position Directory;
  - ▶ Academic Marks of Class X and XII shall be computed as follows:
    - ✓ Class X - All Subjects
    - ✓ Class XII - English, Dzongkha and three best subjects
  - ▶ The short-listing criteria for graduates with Eligibility Certificate shall be BCSE ranking and subject relevance.
  - ▶ Academic and/or relevant training weightage shall be considered only on the minimum qualification required for the position. All relevant transcripts shall be required as documentary evidence.
  - ▶ The Agency shall announce short-listed candidates along with date and venue for interview and declaration of results.

**ii. Selection Procedure**

- Depending on the requirement of the position, the competitive selection process shall include the following methods:
  - ▶ Panel interview which shall be mandatory; and
  - ▶ Academic/relevant training; and/or
  - ▶ Written/Practical examination.
- If the selection process involves only two methods, weightage shall be assigned as follows:
  - ▶ Interview – 50%
  - ▶ Academic/relevant training OR Written/Practical examination – 50%
- If the selection process involves all the three methods, weightage shall be assigned as follows:
  - ▶ Interview – 50%
  - ▶ Academic/relevant training – 25%
  - ▶ Written/Practical examination – 25%
- The HR Committee comprising at least five relevant members as per Section 2.9 of Chapter 2 on Civil Service Structure shall constitute the Interview Committee and conduct the interview in bi-lingual, Dzongkha and English. The Committee members shall be properly briefed on the eligibility criteria for the position and the applicant’s resume details prior to the interview. The Committee shall observe the Civil Service Code of Conduct and Ethics as enshrined in this Rule including declaration of “Conflict of Interest” in a specified format.

- The Interview Committee shall pre-determine the cut off percentage to be eligible for selection.
- The Interview Committee shall compile, verify and sign on the result sheet.
- The HR Committee shall review and endorse the result.
- On endorsement of the result by the HR Committee, the Agency shall declare the result and notify the successful candidates.
- Along with the declaration of the selection result, the Agency shall provide the candidates with information on the reporting date for placement and appointment.
- A candidate shall be given opportunity to appeal to the Appellate Authority/ Administrative Tribunal for review of the selection result within 10 working days from the date of declaration of the result.

**iii. Recruitment from In-country Training Institutes**

- This Rule on recruitment, selection and appointment shall apply to all non Bachelors' degree holders including those passing out from the in-country institutes.

**iv. Appointment Procedure**

- The Agency shall appoint successful candidates against approved vacant positions in the order of merit ranking of the selection result, placement preference of the candidates and fulfillment of other requirements.
- The appointment shall be effected from either 1st or 15th day of a month after the completion of all requirements.
- His pay shall be fixed at the minimum of the scale prescribed for the position.
- If an in-service candidate is selected involving interagency/MOG transfer, the authority to approve shall vest with the RCSC for which the recruiting Agency shall submit documents as per Sections 13.7.21 & 13.7.26.
- The Agency as per the delegation of authority shall submit online the details of selected candidate(s) as required, along with interview result.
- The RCSC shall verify details of the recruitment carried out by the Agency and allot Employee Identity (EID) Number.
- Only upon the allotment of EID Number, shall the appointment be considered endorsed by the RCSC.
- The Agency as per the delegation of authority shall issue appointment order and forward the following documents of the selected candidates to the RCSC:
  - ▶ Appointment Order;
  - ▶ Copy of the vacancy announcement;
  - ▶ Compiled selection result; and
  - ▶ Documents specified under Section 4.7.1.3 of BSCR 2012.
- If in-service candidates from Agencies are selected, the authority to issue the inter-agency transfer order shall vest with the RCSC for which, the following documents shall be submitted by recruiting Agency:
  - ▶ A copy of the vacancy announcement;
  - ▶ Compiled selection result; and
  - ▶ No Objection Certificate.
- In the event the selected candidate withdraws his candidature or a similar vacancy arises within a period of three months, the post may be offered to the next candidate in Order of Merit of the Selection Result subject to fulfilling the pre-determined minimum cut-off percentage.

### Probation

- A candidate selected for appointment shall initially be placed on probation for a period of one year before his appointment to regular service is confirmed
- If performance of a candidate is poor, his service shall not be regularized and shall be relieved from the service
- Upon completion of the probation, the Agency concerned shall issue an Office Order stating that the probation period has been successfully completed and his service has been regularized
- A civil servant shall not be eligible for training while on probation, except for in-country orientation programme
- The probation period shall not be considered as part of active service for the purpose of promotion and long term study leave
- A civil servant, during probation, shall be eligible only for casual leave, medical leave, bereavement leave, paternity leave and maternity leave and shall not earn any other form of leave
- A civil servant shall not be eligible for LTC during probation

### Oath of Allegiance

Every candidate selected for appointment in the Civil Service shall sign an Oath of Allegiance upon joining the Civil Service, which shall be maintained in the Personal File.

### Orientation

- Orientation of a new employee shall be compulsory and it shall be the responsibility of the Agency concerned to conduct the orientation programme
- The programme shall aim to properly induct the candidate into the Civil Service at large and in particular integrate and assimilate the candidate as a team player in the organization. Depending on the need, an Orientation Programme shall include the following:
  - ▶ Introduction to the organisation – physical, work culture and organization values;
  - ▶ Familiarization with organization policies, plans and programmes, BCSR and Financial Rules; and
  - ▶ Understanding of his position job description and the expectations of the Agency

### Obligation

- Once appointed, a civil servant shall be obliged to serve a minimum of two years of active service provided there is no other service obligation.
- A civil servant resigning before fulfilling the above obligation shall forfeit his post-service benefits, except Provident Fund and Group Insurance Scheme benefits.

### Accountability

- An appointment, which does not conform to this rule, shall be treated as unauthorized and hence, it shall be revoked by the RCSC.
- The authority responsible for violation shall be accountable and liable for administrative actions.

## 4. UNION PUBLIC SERVICE COMMISSION- INDIA

### 4.1. History

The Royal Commission on the Superior Civil Services in India under the Chairmanship of Lord Lee, which submitted its Report in 1924, recommended the setting up of the Public Service Commission. This led to the establishment of the first Public Service Commission on October 1, 1926 under the Chairmanship of Sir Ross Barker. The limited advisory function accorded to the Public Service Commission and the continued stress on this aspect by the leaders of the freedom movement resulted in setting up of a Federal Public Service Commission under the Government of India Act, 1935. The Federal Public Service Commission became the Union Public Service Commission after Independence and it was given a Constitutional Status with the promulgation of Constitution of India on January 26, 1950.

### 4.2. Introduction

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 terms and conditions of service of Chairman and Members of the Commission are governed by the Union Public Service Commission (Members) Regulations, 1969.

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.

### 4.3. Constitutional Provisions

Chapter II of Part XIV of the Constitution of India (Article 315-323) deals with the Public Service Commissions. The Articles of the Constitution dealing with the items concerning the Union Public Service Commission/Public Service Commissions in the States are:

Article 315:	Public Service Commissions for the Union and for the States
Article 316:	Appointment and term of office of Members
Article 317:	Removal and suspension of a Member of a Public Service Commission
Article 318:	Power to make regulations as to conditions of service of Members and Staff of the Commission
Article 319:	Prohibition as to the holding of offices by Members of Commission on ceasing to be such Members
Article 320:	Functions of the Public Service Commissions
Article 321:	Power to extend functions of the Public Service Commissions
Article 322:	Expenses of Public Service Commissions
Article 323:	Reports of Public Service Commissions

### 4.4. Functions of Union Public Service Commission

The functions of the Union Public Service Commission under the Article 320 and 321 of the Constitution of India include:

- Recruitment by conduct of Competitive Examinations
- Recruitment by Selection through Interviews

- Advising on the suitability of officers for appointment on promotion as well as transfer-on-deputation
- Advising the Government on all matters relating to methods of recruitment to various services and posts; framing and amendment of Recruitment Rules
- Disciplinary cases relating to different civil services
- Miscellaneous matters relating to grant of extra-ordinary pensions, reimbursement of legal expenses, etc.
- Advising the Government on any matter referred to the Commission by the President of India
- On the request of the Governor of a State, to serve all or any of the needs of a State relating to recruitment, with the approval of the President

#### 4.5. **Methods of Recruitment**

Recruitment in India is made by one of the following methods:

- Direct Recruitment
- Promotion
- Deputation including short term contract/Absorption

#### 4.6. **Direct Recruitment**

##### **Recruitment by Competitive Examination**

The Commission conducts following examinations on a regular basis at various Centres located throughout the country for appointment to various Civil/Defence services/posts: -

- Civil Services (Preliminary) Examination
- Civil Services (Main) Examination
- Engineering Services Examination
- Combined Medical Services Examination
- Indian Forest Service Examination
- Geologists' Examination
- Indian Economic Service/ Indian Statistical Service Examination
- Special Class Railway Apprentices' Examination
- Combined Defence Services Examination [**Held twice a year**]
- National Defence Academy and Naval Academy Examination [**Held twice a year**]
- Central Police Forces (Assistant Commandants) Examination
- Section Officers/Stenographers (Grade-B/Grade-1) Departmental Competitive Examination

##### **Procedure of Examinations**

- A Calendar of examinations is published in the Employment News / Rozgar Samachar, stating name of examination, date of notification, date of receipt of application & date of commencement of examination, well in advance normally in October of the preceding year and also displayed on the website [www.upsc.gov.in](http://www.upsc.gov.in)
- The notifications for all the examinations are published in the Gazette of India and are published in the Employment News/ Rozgar Samachar. Abridged version. These are also published in major newspapers throughout the country including regional language

newspapers. Copies of the notifications are also sent to all Employment Exchanges and Universities, etc. These are also available on the website at [www.upsc.gov.in](http://www.upsc.gov.in)

- Candidates can apply through an electronically readable application form, which is common for all examinations, except Civil Services (Main) Examination and Section Officers/Stenographers (Grade-B/Grade-1) Ltd. Departmental Competitive Examination
- The Common Application form along with Information Brochure is available at designated Head Post Offices/Post Offices throughout the country for Rs. 20/- per application
- Detailed application form for Civil Services (Main) Examination and Section Officers/Stenographers (Grade-B/Grade-1) Ltd. Departmental Competitive Examination is supplied to the candidates by the Commission
- Instructions for filling up the application forms are given in the Information Brochure supplied with application form and also in the Employment News / Rozgar Samachar. Candidates may appreciate that any mistake in filling up the form may lead to rejection of their application, as the same are to be electronically processed & no change / alteration is allowable in the application form, once submitted to UPSC
- The application forms can be submitted at the Dak Counter of the Commission at New Delhi, in person, and acknowledgement obtained across the window, on any working day from 10.00 AM to 5.00 PM. Applications in bulk are not received at Dak Counter & only one application per person is accepted
- Application forms could also be sent to the Commission by post, but Commission undertakes no responsibility for non-receipt or delayed receipt of the same
- The candidates are advised to keep a note of their application form number, so as to know their registration and venue details on the website. The application form number is located at top right hand corner of the application form
- It may be appreciated that towards the closing date or on date of declaration of result, the telephone lines tend to be busy
- Results declared by the Commission are also published simultaneously on the website. Marks obtained by the candidates appearing in various examinations of the Commission, except Civil Services (Preliminary), are also available on the UPSC website. The candidates can check their marks on the website and if any candidate wants his mark-sheet, he may write to the Commission within one month from the date the marks are made available on the website, enclosing a self-addressed stamped envelope
- At present, the Union Public Service Commission conducts these examinations at numerous venues spread over 45 regular centers throughout the country. Some examinations conducted by the Commission are objective in nature with multiple choice questions, some are subjective in nature requiring conventional answers, while, few examinations have a mix of objective and subjective patterns
- Except for Combined Defence Service (CDS) and National Defence Academy (NDA) Examinations, candidates who are declared qualified in the written Examination are called for Interview/Personality Test conducted by the Commission. The object of the Interview/ Personality Test is to assess the intellectual qualities, social traits and

general awareness of the candidates. In respect of NDA and CDS Examinations, the interviews of candidates who qualify the written examination are conducted by Services Selection Boards (SSB) under the aegis of the Ministry of Defence

The number of candidates applying for the Union Public Service Commission Examinations has been increasing steadily over the years. The total number of applicants for all the competitive examinations held by the Commission went up from 7,46,953 in the year 2001-02 to 21,02,131 in the year 2011-12. The Commission also started inviting applications online from the candidates for various Examinations from 2010. **Now only online applications are invited for all the examinations conducted by the Union Public Service Commission.**

For the Civil Services (Preliminary) Examination, the number of applicants have increased from 2,56,673 in the year 2001-02 to more than half a million in 2010.

#### 4.7. Exemption for payment of fees for female candidates

In accordance with the instructions issued vide DOPT letter No. 39020/03/2009-Estt (B) dated 15<sup>th</sup> July, 2009

*All female candidates have been exempted from payment of fees for Commission's Examination with effect from Combined Medical Services Examination, 2010 notified on 5.9.2009.*

#### 4.8. Participation of Women Candidates at the Civil Services (Main) Examination

The number of women candidates who appeared in the 2006, 2007, 2008 and 2009 Examinations were 669, 894, 1185 and 1286 respectively. The number of women candidates successfully recommended on the basis of the Civil Services Examinations for the years 2006, 2007, 2008 and 2009 were 101,143,166 and 195 respectively.

#### 4.9. Representation of Scheduled Castes/Tribes/other Backward Classes in Civil Services/Posts

In order to protect the interests of the Scheduled Castes (SC) and Scheduled Tribes (ST) candidates, orders are issued by the Government of India from time to time, modifying / reiterating various instructions so as to ensure that the vacancies reserved for them are filled up only by the candidates belonging to these communities. At present, reservation of vacancies has been provided as 15% for Scheduled Castes and 7.5% for Scheduled Tribes candidates. The Commission scrupulously follow these guidelines so as to ensure that, to the extent possible, full representation is given in all the services to Scheduled Castes/ Scheduled Tribes candidates.

Government of India have issued orders in October 1994, regarding reservation of share for Other Backward Classes (OBC) in Civil Services and Posts under the Government of India. According to these orders, 27% of the vacancies in Civil Services and Posts under the Government, to be filled through direct recruitment, shall be reserved for the Other Backward Classes. These orders have already been implemented by the Commission.

#### 4.10. Negative Marking in Evaluation of Objective Type Question Papers

The Commission has introduced negative marking in the evaluation of Objective Type Question Papers in all the Examinations/ Recruitment Tests conducted by the Commission w.e.f. the Combined Medical Services Examination, 2007.

#### 4.11. Improvement in Syllabus and Pattern of the Civil Services (Preliminary) Examination

The syllabus and pattern of the Civil Services (Preliminary Examination) in the scheme of the Civil Services Examination have been revised from 2011. The Civil Services Preliminary Examination shall now comprise of two compulsory papers of 200 marks each and the duration is of 2 hours each. The questions will be of objective type (multiple choices).

#### 4.12. Online Submission of Applications (100%)

The Commission launched system for online receipt of applications for the Engineering Services Examination with effect from February, 2011 and has now switched over to 100% online application for all its structured examinations as well as selection through the Direct Recruitment method.

#### 4.13. Recruitment through Selection

The Commission is also charged with the responsibility of direct recruitment at various levels by selection method to all Group "A" Posts and selected Group "B" Posts in the Central Government.

Vacancies are advertised in Employment News, besides major newspapers of the country, along with application format, which can also be accessed by logging on to web site at [www.upsc.gov.in](http://www.upsc.gov.in).

After receipt of applications, short-listing of candidates is done by computerized Preliminary Scrutiny package. This is done on the basis of consciously devised rational criteria. Equity, justice and fair-play are the touch stones of this entire process. The criteria may include higher qualifications and experience than that is prescribed as the essential and desirable qualifications.

On conclusion of the process, the short-listed candidates are called for interview. If a large number of candidates apply for particular post(s) or the nature of the qualifications stipulated for the post(s) are such that it is not quite possible to short-list the candidates on the basis of qualifications and / or experience, a Recruitment Test may be conducted to short-list the candidates. The Interview Boards are presided over by Members of the Commission, who, in turn, are assisted by eminent experts drawn from respective fields/ disciplines pertaining to the post for which recruitment is being done.

Once the interviews are over, steps are taken to finalise the Interview-Board Report and after the same has been approved by the Commission, the recommendation of the Commission is conveyed to the concerned Ministry/ Department under intimation to the recommended candidate(s).

Recruitment by Selection is made by the following two methods:

- **Recruitment by Interview only**

Where the number of applicants is very large, it is not practicable to call for interview all the applicants who fulfil the prescribed minimum eligibility conditions. The Commission, therefore, shortlist the candidates to be called for interview on the basis of certain pre-determined criteria related to the job. A large number of recruitment cases are handled by the Commission by the method of interview only.

- **Recruitment by Written Test followed by Interview**

In this category, there are two types of procedure followed:

- ▶ An objective-type written and/or practical test to assess the skills of the candidates is conducted, followed by Interview. The final selection is decided by Interview, aided by the performance of the candidates in the written test and/ or practical test

- ▶ An objective-type written and/or practical test is conducted to screen candidates to be called for interview, but the final selection is being decided by Interview only

#### **4.14. Appointment by Promotion**

In accordance with the procedure decided by the Government, in consultation with the Commission, Chairman or a Member of the Commission presides over the Departmental Promotion Committee Meetings to consider promotions from Group 'B' to Group 'A' and from one grade to another within Group 'A', where promotion is to be made by Selection.

#### **4.15. Appointment by Deputation/Absorption**

The Recruitment Rules for a number of posts provide for appointment by Deputation (including short term contract) and Absorption. When the field of consideration consists of Central Government as well as State Government officers, prior consultation with the Commission is necessary for selection of an officer. When the field for consideration is made more broad-based and consists of not only Central/ State Government officers but also officers from non-Government Institutions, the selection has to be made in consultation with the Union Public Service Commission.

#### **4.16. All India Services**

The All India Services Act, 1951 and Rules and Regulations framed there-under regulate the recruitment and conditions of service in respect of the All India Services viz. Indian Administrative Service, Indian Police Service and Indian Forest Service. Direct recruitment to the Indian Administrative Service and Indian Police Service is done through the Civil Services Examination and for the Indian Forest Service through the Indian Forest Service Examination held by the Commission. The relevant Rules and Regulations provide that 33% of the vacancies in the Indian Administrative Service/Indian Police Service/Indian Forest Service should be filled up by promotion from amongst the officers of the State Services in consultation with the Commission. The Selection Committee presided over by Chairman/Member of the Commission consists of senior Government representatives of the Central and the State Government.

#### **4.17. Recruitment Rules**

In accordance with the provisions contained in Article 320 of the Constitution read with the provisions of Union Public Service Commission (Exemption from Consultation) Regulations 1958, Recruitment Rules of all Group 'A' and Group 'B' posts in various Ministries/ Departments of Government of India are required to be framed in Consultation with the Commission. Consultation with the Commission is also necessary for framing/amending Recruitment Rules for certain categories of posts under the Employees State Insurance Corporation, The Delhi Municipal Corporation, The New Delhi Municipal Council, Employees Provident Fund Organisation etc. under the relevant Acts made by Parliament in pursuance of the provisions of Article 321. All proposals for framing/amending Recruitment Rules are examined keeping in view the cadre structure of the organisation and the circulars issued by the Govt. from time to time. After approval, the Commission's advice in the matter is communicated to the Ministry/Department concerned. More than 15,000 Recruitment Rules have been framed/ amended so far.

#### **4.18. Disciplinary Matters**

Under Article 320(3) of the Constitution, the Commission is required to be consulted on the quantum of penalties in disciplinary cases affecting persons serving under the Government of India in a Civil Capacity.

#### 4.19. Annual Report of the Commission

Under Article 323 of the Constitution, the Union Public Service Commission presents annually to the President of India a Report as to the work done by the Commission. On receipt of such report, the President shall cause a copy thereof to be laid before each House of the Parliament together with the Memorandum explaining the reasons for non-acceptance as respect the cases, if any, where the advice of the Commission was not accepted. After approval, the Annual Report of the Commission is also placed on its official website [www.upsc.gov.in](http://www.upsc.gov.in) for information of the general public as well as perspective candidates.

#### 4.20. Interactive Voice Response System (IVRS)

Since October 1, 2009, Interactive Voice Response System (IVRS) has been launched.

*With the launch of IVRS system, the candidates can now have information on telephone relating to programme of examinations, status of application, venue information and result of the examination.*

#### 4.21. State Public Service Commissions

Article 315 of the Constitution of India, inter alia, provides for a Public Service Commission for each State. There are 28 State Public Service Commissions, which are entrusted with functions as enumerated under Article 320 of the Constitution.

#### 4.22. National Conference of Chairmen of State Public Service Commissions

The Constitution of India does not provide any formal linkage or relationship between Union Public Service Commission and State Public Service Commissions. **Through** the National Conference of Chairpersons of State Public Service Commissions, held annually since 1999, a system of informal relationship has evolved over the years. The National Conference provides a forum for exchange of ideas and information regarding common areas of interest and had striven to bring about some uniformity in the functioning of the State PSCs. Such gathering, provide a suitable platform for a discussion of the changing socio-economic milieu and consequential changes to be brought about in the work ethos of the Commissions in consonance with expectations of the people and with the Constitutional obligations.

## 5. CIVIL SERVICE COMMISSION- MALDIVES

### 5.1. History

The Maldives Civil Service Commission (CSC) was formed by an Act of Parliament in 2007. The Civil Service Commission consists of five Members appointed by the President; including the Chairman, Vice Chairman and three Commissioners. The Civil Service Commission with its inception on 23 October 2007; took over the challenging task of establishing a modern professional Civil Service in the Maldives. Today the Maldives Civil Service is firmly in place and is working as the most important driving force of the government policy and democratic governance in the Maldives.

Main objective of the CSC is to create conducive environment & positive work culture for change, to deliver timely and high value customer services to our clients, citizens, businesses and international community.

### 5.2. Power of the Civil Service Commission of Maldives

The Commission possesses the following powers in undertaking its responsibilities.

- The Civil Service Commission or an employee of the Commission approved by the Civil Service Commission possess the following powers to investigate whether Maldivian Civil Service Act, the Regulation and the Code of Conduct of the Maldivian Civil Service has been implemented and to investigate accusations against the breaches of Maldivian Civil Service Act, the Regulation and Code of Conduct of the Maldivian Civil Service
  - ▶ to summon employees of the Maldivian Civil Service and others to obtain evidence
  - ▶ to obtain documents and information from those stipulated in for the purpose of an investigation, to enter premises without producing a notice
- The Civil Service Commission possesses the power to take actions against the breachers of this Act, the Regulation and the Code of Conduct of the Maldivian Civil Service under a regulation formulated by the Civil Service Commission
- Of the work assigned to the Civil Service Commission as per Maldivian Civil Service Act, the Civil Service Commission has the discretion to assign work it determines to offices
- The Civil Service Commission has the discretion to publish various researches it carries out and to conduct seminars, workshops, other programs to enhance awareness on Civil Service
- The Civil Service Commission has the discretion to disclose what should, generally be disclosed regarding Civil Service and to publish statements thereof
- The Civil Service Commission has the discretion to execute everything to implement the responsibilities of the Civil Service Commission

### 5.3. Tenure of the Members of the Commission

The tenure of a Member of the Commission is 5 (Five) years effective from the date of appointment.

*Members may be re-appointed for a further 5-year term except for those who are dismissed from service.*

#### 5.4. Prerequisites of the Members of the Commission

The members of the Commission shall fulfil the following prerequisites;

- Must be a citizen of the Maldives
- Must be a Muslim
- Must be of sound mind
- Must have attained 30 years of age
- Must have served in the government or with a private party for a period of minimum 10 years in the management field upon completion of first degree
- Must not have during the past 5 years been convicted of an offence for which a *hadd* is prescribed in Islam and that of a criminal offence
- Must not be a person holding an elected position under the Constitution or any Law of the Republic of Maldives
- Must not be engaged in any other employment

#### 5.5. Appointment of Members to the Commission

Appointment of Members to the Commission shall be carried out as follows:

- a) Each instance a Member to the Commission needs to be appointed; the Secretariat of the People's Majlis will advertised the vacancy. Then the Committee on Independent Institutions shall review the applicants and shall present a report to the People's Majlis.
- b) In accordance with sub section
  - a. A session of the Parliament shall vote and select Member(s) to the Commission. The President shall then appoint those Members to the Commission.
- c) The pre-requisites of Members as stated in the Act shall be met for a person to be appointed as a Member of the Civil Service Commission. He/She should acquire the necessary educational qualifications and be capable of discharging the duties and responsibilities as a Commission Member.

The Members to be appointed to the Commission shall be capable of undertaking the duties and responsibilities of the Commission, and shall fulfil the prerequisites. The candidates to be appointed as Members of the Commission, proposed by the President for the opinion of the People's Majlis, shall be among the President's nominees and respondents from the general public. The President shall emphasis the candidates to be representative of diverse professions.

#### 5.6. Oath of the Members of the Commission

The Members of the Commission shall assume office upon taking, before a Judge, the oath as follows:

"I, (name of person)..., do swear in the name of Almighty Allah that I shall obey the religion of Islam, that I shall protect the Constitution of the Republic of Maldives and the fundamental rights of the Maldivian citizens, that I shall discharge the responsibilities and duties as a Member of the Civil Service Commission of the Maldives independently, fairly and justly, impartially and faithfully."

Upon taking the oath aforementioned in subsection 14 (b), before a Judge, a Member be assumed as a Member of the Commission.

### **5.7. Dismissal of Members of the Commission**

A Member of the Civil Service Commission shall be removed from office under the circumstances specified in sub section (a) and in the manner specified in section (b) of this article:

- a) On the grounds of misconduct that does not befit a Member of the Civil Service Commission: incapacity; or incompetence.
- b) Any finding to that effect by the committee on Independent Institutions of the People's Majlis pursuant to sub section (a) and upon the approval of such a finding by the parliament by the majority of those present and voting, calling for the member's removal; the member shall be deemed removed from office.
- c) If a member is removed from office in accordance with sub section (b) the speaker of the People's Majlis shall inform the president. The president shall then inform the person who is removed from office.

### **5.8. Vacancy of Post of Member of the Commission**

The post of a Member shall be deemed vacant in the following circumstances.

- End of tenure
- Resignation
- Being dismissed as a Member of the Commission as per section 15 of The Maldivian Civil Service Act
- Standing to be elected to a political position under the Constitution or any Law
- Death
- Failure to fulfill any prerequisites stipulated in The Maldivian Civil Service Act

### **5.9. President and the Vice- President of the Commission**

- a) The President and a Vice-President of the Commission shall be appointed from Members of the Commission.
- b) From the members of the Commission, nominations for the President and Vice-President of the Commission shall be submitted to a session of the parliament. President and Vice-President of the Commission shall be appointed after the nominations received majority votes from that session.
- c) The posts of the president or Vice-President of the Civil Service Commission shall be vacant if the individual resigns; or a circumstance arises in which the individual is removed from the post.

### **5.10. Functions of the Commission**

The main functions/responsibilities of the Commission are:

- Except those excluded from Civil Service, to appoint, dismiss, determine the salaries and benefits and to execute everything to implement thereof to serve the people on behalf of the State of the Maldives as per the Constitution, the Laws of the Maldives, policies of the Government
- To prepare the employees of the Maldivian Civil Service competent in serving the government which is lawful and the People's Majlis fairly, apolitically by respecting the Laws and regulations
- To protect the rights of the employees of the Maldivian Civil Service and to establish a fair work place

- To formulate the responsibilities, rights, powers and duties of the employees of the Maldivian Civil Service
- To assess whether government offices value the prerequisites of the Maldivian Civil Service
- To formulate the Regulation and the Code of Conduct of the Maldivian Civil Service
- To monitor whether the systems established at the main offices of the government to enforce the Regulation, the Code of Conduct of the Maldivian Civil Service as per subsection 18(f) and the prerequisites of the Maldivian Civil Service are reasonable
- To take actions upon evaluation of the complaints lodged to the Commission
- To submit reports on matters regarding the Maldivian Civil Service to the People's Majlis
- To implement Maldivian Civil Service Act, the Regulation and the Code of Conduct of the Maldivian Civil Service
- To investigate and take actions on complaints lodged regarding the breach of this Act and the Code of Conduct by the Senior Officers of the main government offices and the employees of the Maldivian Civil Service
- To shape the Maldivian Civil Service as a career based service or a service which has opportunities in the field
- To create leadership role among the employees of the Maldivian Civil Service, to train and to attempt to make them able for the work
- Where the government needs the advice and instructions regarding the Maldivian Civil Service, to provide it
- To formulate guidelines to create and repeal positions of the Maldivian Civil Service, and to execute them as per the guidelines

#### **5.11. Submission of Report**

Upon completion of the investigations, the Commission shall submit reports to the following persons:-

- To the President where a Minister heads the office being investigated
- To the Minister responsible for the office where a responsible officer heads the office being investigated or to the President where there is no Ministry responsible for the office

#### **5.12. Salary and the Benefits of the Members of the Commission**

The People's Majlis shall determine the salary and benefits of the Members of the Civil Service Commission.

#### **5.13. Appointment of Employees to the Commission**

As per a regulation formulated by the Civil Service Commission to administer and assist the Civil Service Commission, the Civil service Commission shall appoint employees, transfer them from one employment to another and dismiss them.

**5.14. Salary and other benefits of the employees of the Commission**

As per the instruction of the Ministry of the Finance and Treasury, the Civil Service Commission shall determine the salary and the benefits of the employees of the Commission.

**5.15. Experts and Consultants**

Where the Commission needs assistance on a specific area, the Commission has the discretion to acquire the assistance under a contract. The assistance shall be acquired upon making an arrangement for the payment upon consultation with Ministry of Finance and Treasury.

**5.16. Annual Report**

The President of the Civil Service Commission shall submit a report on the activities of the Commission to the President and People's Majlis within two months of each financial year. The report shall contain activities of the Civil Service Commission including efforts to improve the work and potential changes. To prepare the report, the responsible officers of the offices must provide the relevant information required by the Commission as per the Maldivian Civil Service Regulation.

**5.17. Special Reports**

The Commission has the discretion to submit reports to the People's Majlis, where urgency arises to submit a report prior to the date of an annual report regarding an activity of the Commission.

**5.18. Appointment and Dismissal of Civil Service Employees**

The Civil Service Commission has all the power to appoint, dismiss employees of the Maldivian Civil Service and to transfer them from one employment to another.

## **6. PUBLIC SERVICE COMMISSION- NEPAL**

### **6.1. History**

The Public Service Commission (PSC) has a long history as a stable and independent constitutional institution. The origin of PSC began with the Application Bureau under the Constitutional Law, 1947. The objective of the Bureau was to ensure the recruitment of qualified employees to the government offices. The Bureau was to consist of such members as are nominated by the Prime Minister- Nevertheless, the arrangement did not last long as the country was already under the wave of democratic movement.

Regarding the institutionalization of PSC the decade of 1950's is highly important because the Nepal Interim Constitution, 1950 was promulgated in 1960 and in accordance with the provision of this Constitution, Nepal Public Service Commission was established on June 15, 1951 with a view to conducting examinations for recruitment to government positions. Later in 1959, the Constitution of the Kingdom of Nepal was promulgated and brought into effect. This Constitution also had a provision of PSC with authority to select candidates on the basis of merit in an important manner.

The Constitution of Nepal, 1962 redefined the functions and scope of PSC. The Constitution of the Kingdom of Nepal, 1990 had also a provision of an independent PSC. Likewise, the current Interim Constitution, 2007, has also a provision of an independent PSC. As the previous constitutions, the current constitution also assumes a fairly competent civil service with clear mandates to PSC to select competent human resources and ensures impartially in civil service management. The constitutional guarantee of the civil service is enshrined in the Article 153, which states that the government would constitute civil service and other necessary government services to run the administration of the country. Altogether there are 95 groups and 76 sub groups within the civil service. The minimum qualification required for different positions in the groups and sub-groups of different civil services are prescribed in the concerned service regulations.

If a comparison of PSC-related provisions among the previous constitutions and the present one is made, they do not seem very different, so far as the functions are concerned. However, from the stand point of the role there is a lot of difference and finds the current PSC in a very strategically significant position.

### **6.2. Constitutional Provisions**

Regarding the PSC, the following arrangement has been made in the part 13 of the Interim Constitution of Nepal, 2007:

Article 125: Public Service Commission

Article 126: Functions, duties and powers of Public Service Commission

Article 127: Annual Report

### 6.3. Organizational Structure

#### Institutional

In order to support the Commission, there is a Central Secretariat (CS), headed by the Secretary. As an Executive Head of the secretariat, the Secretary is responsible for implementing the decisions of the Commission into effect as well as for monitoring, coordinating and controlling the administrative and fiscal activities of the Commission in conformity to the laws currently in force.

Presently, there are five divisions in the Central Secretariat, i.e., examination division, question-paper moderation and recommendation division, administration and planning division, testing techniques and curriculum division, and legal division. Each division is headed by a Joint Secretary.

In addition, there are five Regional Directorates (RDs) each in a Development Region, nine Zonal Offices (ZOs) and a Kathmandu Valley Application Collection Centre (KVACC). Directors (Joint Secretary Level) in all RDs and Office Chiefs (Under Secretary Level) in all ZOs as well as KVACC are deputed as the Chief of the respective organization. All the employees working in CS, RDs, ZOs and KVACC belong to NCS.

#### Human Resources

Altogether 3 hundred and 71 positions of civil employees have been created for CS as well as RDs, ZOs and KVACC. Of these positions, 86 positions fall in the various echelons in the gazette level, whereas, 215 belong to the non-gazetted level and remaining others belong to helpers class.

### 6.4. Selection Process

The detail of work processes and methods in order to be adopted by the PSC to perform the mandated institutional functions, such as- design of curriculum and selection tests, conduction of tests, delivery of advisory services, and hearing of complaints have been provisioned in the Public Service Commission Act, 2010 and Public Service Commission Regulation, 2010.

The major activities of PSC include- collection of statements of vacant positions from the concerned government organizations on yearly basis, determination of ratio of positions to be fulfilled through competitions of different types, advertisement and notification of vacancies, design and conduction of selection tests, delivery of advisory services and hearing of complaints against the decision of the promotion committees. For all the civil service positions to be fulfilled through open competitive examinations and internal competitions, the major selection tests are written examinations and interview, with some practical tests in the case of a few technical positions like computer assistant/engineer, driver, etc. and non-gazetted class two (non-technical) positions.

#### Curriculum Design

Curriculum for every post are designed by the Commission. In the process of designing curriculum the Commission takes the views of the concerning organizations (ministries/departments), and experts. When the task of designing or redesigning the curriculum is over, it is published and for the easy access to the concerned people, it is immediately uploaded in the website of the Commission ([www.psc.gov.np](http://www.psc.gov.np)). So far the curriculum of various classes/levels and service group related to all the services of NCS are up-dated.

#### Collection of Vacancies

The Commission collects the vacancies from the ministries/ departments/offices as per its annual calendar following the provision of the Civil Service Act and Regulations.

Determination of the methods for selecting candidates to fill in vacancies: After collecting the number of vacant positions belonging to various services/ groups/posts, the Commission determines the methods for selecting candidates as provisioned in the Public Service Commission Procedure Rules, 2010. The methods in practice are written tests, practical test (only for a few technical positions) and interview. Apart from these, the Commission can adopt any other method if seems appropriate.

### **Advertising Notices**

Calling the applications from the interested eligible candidates for each post by each method, advertising notice is published in the Gorkhapatra (National Daily), Weekly Bulletin of the Commission and the website of the Commission ([www.psc.gov.np](http://www.psc.gov.np)).

### **Application Registration**

The interested eligible candidate can register duly filled application form (in the prescribed format) for the vacant position advertised through the Commission's notice within the time-frame at any of the offices mentioned in the advertisement/notice. Along with the application form the candidate has to submit the photocopies of all the required documents and the examination fee for each post, the Commission nominates different experts from the roster updated every year by the Commission. Throughout the process of nominating experts and the activity of constructing raw as well as final question sets secrecy is maintained strictly,

### **Conduction of Written Tests**

The written tests are conducted very carefully focusing in the credibility of the Commission as well as the seriousness of the competitive examinations. The Commission has formulated and enforced the Directives for the conduction of its examinations in order to maintain fairness in each and every activity related to written tests. All the arrangements related to written test must be based on the directives. Before handing over the answer copies to experts for evaluation the symbol number of the candidate is coded two times by two different officials secretly so that the evaluation can be obviously and strongly fair.

The number of papers for the written test ranges between 1 and 3 carrying 100 to 300 marks. For all technical gazetted positions, two papers each of 100 marks are provisioned. In case of gazetted class one and two positions, one paper is on general subjects related to administration, development and respective service and another one on technical subject related to respective service/group, while both papers are on respective technical subjects in case of gazetted class three positions.

Likewise, all those applying for the administrative positions belonging to gazetted class one and two are required to go through written tests on two-papers each carrying 100 marks, one on subjects related to administration, management and development and another on the disciplines related to respective service on group. However, those applying for administrative gazetted class three positions (to be fulfilled through open competitive examinations) are required to get through a "preliminary test" carrying 200 marks (first phase) in order to be eligible for applying for the main examinations of 3 papers carrying 100 marks each (second phase), one on subjects of fundamental aspects of public administration and the remaining two on the disciplines related to respective service/group.

### **Declaration of the Result of Written Tests**

The result of the written test is published in the notice board of the Commission's respective office, the Gorkhapatra (National Daily), Weekly bulletin of the Commission as well as at the website of

the Commission. The notice includes the time, date, and place of the further examinations such as practical test (if any), any other test(s) between written test and interview, and interview.

### **Practical Tests**

There is the provision of the practical test for a few technical positions like computer assistant/engineer, driver, etc., and non-gazetted class two (non-technical) positions. Likewise, there is the provision of taking some tests such as psychological personality test, group discussion, etc. between the written test and interview for non-technical gazetted class three positions.

### **Interview**

Candidates for all positions, who have passed the written examinations, must attend an interview. The minimum full marks for interview being 20 is added by 10 marks for each paper of 100 full marks; accordingly.

### **The Final Selection of the Candidate**

The final selection is decided by the performance of the candidate in written examination, other tests between written examination and interview (if there is/are any) and the performance of the candidates in interview. The required number of candidates are selected on the basis of merit of the aggregate performance.

### **Recommendation for Appointment**

Preparing the mark-sheets of all forms of tests of each candidate of the particular advertisement/notice, the merit list is prepared. From the merit list, in the merit order, the candidate(s) in required number is/are recommended for appointment. Besides, the merit list for appointment, the merit list of alternative candidates and a list for temporary appointment is prepared and published in case of the advertisement for the positions in non-gazetted (class two and one) and gazetted class three through open competition. However, it is notable that there is no provision of preparing the list for temporary appointment in case of the advertisement related to inclusive recruitment.

## **6.5. Selection and Inclusion**

In order to make the civil service more inclusive, 45 percentage of the positions to be fulfilled by open competition are fulfilled by a separate competition amongst the candidates from economically and socially backward groups, i.e, women (33%), indigenous ethnic groups (27%), madhesies (22%), down-trodden (9%), physically impaired (5%) and the candidates from the backward areas (4%). Similarly, the government, by a notification in the Nepal Gazette may make provisions that certain position with specific job nature to be fulfilled through competition.

## **6.6. Involvement in the Recruitment of the Public Agencies excluding Civil Service**

Apart from the recruitment in the Civil Service, the Commission also represents in the recruitment of the various public agencies, such as-universities, security-Organs of the government, public entities, etc.

### **6.7. Involvement in the Promotion Committees**

The Commission represents in various promotion committees in accordance with the provisions made by the prevailing Civil Service Act and Civil Service Regulation.

### **6.8. Advisory Role of the Commission**

#### **i) Policy Matters**

The PSC offers advisory services to the public organizations only upon their request, on the matters of rules concerning the service conditions of employees and the principle to be followed for appointment, promotion and departmental actions. Likewise, the Commission has got roles to play in the matters to design and execution of personnel policies of various public organizations or services even though other enactments and by-laws designed, for instance the laws and bye-laws governed the operation of public organization, such as Army, Police and National Intelligence Service have provisions for requiring them to have consultation or representation of PSC.

#### **ii) Disciplinary Matters**

The Commission delivers advisory services on the departmental actions (disciplinary matters) against the public servants simply by checking whether the concerned government agency has followed the required administrative process as prescribed in the related law and whether the proposed punishment matched the degree of the crime or mistake committed.

#### **iii) Complaint Hearing**

The Commission also hears complaints of such employees who have applied for the promotion but are not satisfied with the decision, related to the recommendation for promotion, by the promotion committee.

### **6.9. Other Major Activities**

#### **i) Office Inspection/Observation**

The Commission has the authority to make inspection of the constitutional bodies and the government ministries/departments and offices, especially to find out whether the work related to appointment, promotion, hearing of complaints on promotion and the departmental actions (disciplinary actions) are duly performed following the due process/ways defined by the constitution. Public Service Commission Act, Public Service Regulation, and other prevailing laws, procedures and the conditions defined by the Commission.

#### **ii) Workshops/Training/Interaction**

The Commission is always serious on developing the capacity of its personnel. In this regard, various workshops, seminars and interaction activities are conducted both in the central and field level offices. Moreover, the Commission also co-ordinates with the training institutes or the concerning government agencies to arrange/ provide training to its personnel as per need base. The Commission is in process of making additional efforts to enable its personnel through capacity enhancing activities.

### **6.10. Annual Report**

The Commission is bound to submit its annual report to the President within three month from the end of the fiscal year. The report includes the major activities performed by the Commission during the reported fiscal year, the major problems and challenges of the Commission and the

suggestions to the government for improving the status of the civil service. So far the Commission has submitted its fifty-one annual reports to the Head of the State.

#### 6.11. Problems/Challenges

Even though PSC has been a public institution having public faith and credibility for neutrality and fairness in its role, performance and institutional activities, it has a number of challenges to face in recent times. Its jurisdiction has been changed after the promulgation of the Interim Constitution, 2007. It has now the responsibility not only to recommend the appropriate candidates for the appointment in the civil service but also advise the Nepal Army, Armed Police, Nepal Police and Nepal Intelligence Bureau in matters related to the enactment of principles and policies related to recruitment. The major problems/challenges to be faced by the Commission are as follows.

##### i) Inadequacy of the Institutional Capabilities

Despite having wider scope to extend services in new sectors of public services and to use Modern selection tests, the Commission is facing challenges with regard to its institutional capabilities (in terms of human resource base, funding modality and physical infrastructure and facilities) to deliver services without losing the credibility and the public faith it has achieved so far.

##### ii) Inclusiveness

The recent historic political change in 2007 in the country has been characterized by its drive for inclusive society as well as the federal state. The growing emphasis on inclusiveness in recruitment and promotion of public servants seems to have narrowed the scope of the PSC for selection of candidates on a merit basis, besides increasing complexities in its work processes reducing efficiency in operation. To some extent, it has also posed a challenge on maintaining meritocracy in the civil service.

##### iii) Federal Structuring

With continuation of debate and confusion over the type of federalism to be adopted in Nepal, the strengthening of the PSC through its restructuring requires a "wait and see" approach till the promulgation of a new Constitution by the Constituent Assembly.

##### iv) Adoption and Up-grading of ICT Facilities

It is felt that institutional strengthening of the PSC requires radical changes in its work methods and processes.

*Wider use of Information and Communication Technology (ICT) is required which needs substantial amount of financial and human resource development.*

**v) Institutionalizing Research and Studies**

Undoubtedly the Commission needs to adequately and continuously launch research and studies, especially for the purpose of making NCS much more attractive, motivated and result-oriented, Nevertheless, it is not in a position to institutionalize intensive research and studies due to the lack of adequate resources (financial, human, technical and physical).

**6.12. Strategic Planning**

The PSC is in the process of formulating a strategic planning for the foreseeable future, in light of the reviews of the recent institutional performance, internal and external situations as well as the major strategic issues as identified earlier for their duly address. Since it has to engage mainly in delivering mandated services, its strategic plan obviously shall be centred in developing the institutional capabilities to deliver the services as per demands. It needs to strengthen itself through redefining its core functions as well as building its internal organization and management capacities for performing the institutional roles. The institutional strengthening shall be founded on balancing the scope of core functions and the internal organization and management capacities; and practicing strategic management approach to institutional development efforts.

## 7. FEDERAL PUBLIC SERVICE COMMISSION- PAKISTAN

### 7.1. History

The origins of the Public Service Commissions in the South-Asian Sub-Continent may be traced back to the Government of India Act 1858. In 1886, a Public Service Commission was constituted, with Sir C.U. Atchison as its Chairman, and five members who held office for five years renewable term. The Chairman, on vacation of office, was not eligible to hold any other office in India, under the Crown, though Members were eligible for Chairmanship. With the introduction of Federal system of Government on enforcement of 'The Government of India Act, 1935', constitutional safeguards were provided to enable the IPSC to discharge functions as a specialized body to assist the executive branch for recruitment of professionally qualified persons to public services and posts under federal responsibility. The 1935 Act, as amended in 1947, endorsed provisions for entrustment of additional functions to the Commission, beyond what were vested in its predecessor institution during 1935-47. Over-time, at the Federal level, despite repeated changes in its nomenclature: Pakistan Public Service Commission 1947-1956, Federal Public Service Commission (1956-1962), Central Public Service Commission 1962-72 and again Federal Public Service Commission (FPSC) with effect from 1972 onwards, the Commission continued to discharge and perform the functions entrusted to it by founding fathers, until 14 August 1973.

After 1977 Martial Law, the FPSC Act 1973 was repealed and replaced in December 1977, by The FPSC Ordinance which harmonised its non-confirming practice since August 1973 with the law by following legislative changes:-

- Initial appointments in 'Services of the Federation' were brought back to the FPSC purview
- 'State Enterprises and Corporate sector' stood excluded from the FPSC charter

In 1980, inductions against quota earmarked for Armed Forces were subjected to Defence Officers Services Board based mechanisms after validating appointments made without the FPSC recommendations during 1977-80. In 1985, by a constitutional amendment, appointment of the Chairman was subjected to President's discretion; but the 18th Constitutional amendment restored primacy of the Prime Minister's advice, as was the case in 1947.

In 2000, the FPSC Ordinance was further amended:-

- The tenure of Member was reversed by enforcement of Ordinance vide FPSC (Amendment) Act, 2006, dated 5.10.2006.
- Removal of the Chairman and Members was subjected to Supreme Judicial Council framework, to provide security of service at par with Judges of the Superior Courts; this safeguard was practically nullified in 2005
- Consultation for determination of principles of transfers from one service to another were restored as per pre-1973 framework enshrined in Constitutional rules enforced in 1966 for FPSC examination-based conditional transfers; however, in purported exercise of powers from the newly inserted 'proviso' to sub-Section (1) of section 9 of the Civil Servants Act 1973, Federal Government, continued inter-services reallocation & reshuffling, without the FPSC's obligatory inputs
- By a parallel amendment in the Civil Servants Act 1973, the FPSC Chairman was designated as Central Selection Board (CSB) Chairperson for promotions from BS 19 to BS 20 and from BS 20 to BS 21 officers. This decision was later reversed by two

Ordinances issued in 2009 and 2010 but the practice was resumed on expiry of the second Ordinance in 2010

### 7.2. Composition of the Commission

The Federal Public Service Commission consists of a Chairman and Eleven Members, which includes:

- At least half the Members retired from Civil Service
- At least one Member from Superior Judiciary
- At least one Member from the Armed Forces, not below the rank of Major General or equivalent
- At least one Female Member

### 7.3. Terms and Conditions of Appointment of Chairman/ Members

- The Chairman and Members of the Commission are appointed by the President for a fixed tenure of three years, or till he/she attains the age of 65 years whichever is earlier
- Chairman and Members take Oath under article 242 of the Constitution and Section 4-A of the FPSC Ordinance 1977 before entering upon their office
- Perks and privileges of the Chairman and Members are at par of Minister of State (as applicable)
- A Member cannot be removed from his office except in the manner applicable to a judge of High Court
- A Member may resign his office by writing under his hand addressed to the President
- On ceasing to hold office, a Member shall not be eligible for further employment in the service of Pakistan

*No serving officer can become Chairman/Member of the FPSC*

### 7.4. Secretariat of the Commission

The Commission is assisted by a Secretariat headed by the Secretary usually an Officer in BS-22. 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.

### 7.5. Provincial and Regional Offices

To conduct tests/examinations and interviews as well as to provide information and application forms to the intending candidates, the Commission has established its Provincial Offices at Lahore, Karachi, Peshawar and Quetta which are headquarters of the Provinces of Pakistan. The Commission has also established Regional Offices at Sukkur, D.I. Khan, Gilgit and Multan to conduct written tests and examinations as well as facilitate the prospective candidates in terms of providing application forms, syllabus, career counselling information etc.

Besides its Provincial and Regional Offices, the Commission has also set-up Information Centres at some public sector universities/colleges to facilitate the students at their door step who are intending candidates for different jobs. These information centres are setup at Bahawalpur, Faisalabad, D.G. Khan, Jamshoro, Mirpur Khas, Khairpur, Larkana, Chitral and Muzaffarabad.

### 7.6. Functions of the Commission

The Functions of the Commission, as per FPSC Ordinance 1977, are:

- a. To conduct tests and examinations for recruitment of persons to all Pakistan Services, the civil services of the Federation and civil posts in connection with the affairs of the Federation in basic pay scale 16 and above or equivalent and
- b. To advise the President:
  - i. on matters relating to qualifications for and methods of recruitment, to services and posts referred to in clause (a) above
  - ii. on the principles to be followed in making initial appointments to the services and posts referred to in clause (a) and in making appointments by promotion to posts in BS-18 and above and transfer from one service or occupational group to another and
  - iii. on any other matter which the President may refer to the Commission
- c. To hold examinations for promotion to such posts as the Federal Government may, from time to time, by notification in the official gazette, specify
- d. To conduct Final Passing Out Examination of Probationers of all occupational groups/ services after completing their specialized training in respective training Institute/ Academy

### 7.7. Modes of Recruitment

Recruitment through FPSC is made by the following modes:

- Recruitment through annual CSS Competitive Examination for posts in BS-17 in 12 occupational groups/ services under the Federal Government
- General Recruitment for Professional and Technical ex-cadre posts in BS-16 and above in all Ministries/ Divisions and Attached Departments of the Federal Government

### 7.8. Procedure for CSS Competitive Examination

The eligibility requirements and procedure for recruitment through Central Superior Services Competitive Examination are as under:

- **Nationality**
  - ▶ The candidate must be a citizen of Pakistan or a person deriving his/her nationality from the State of Jammu and Kashmir

- ▶ A candidate who has married a person who is not a citizen of Pakistan shall not be eligible for appointment provided that a person who marries a foreign national of any country recognized by Federal Government with the prior permission of Government may be regarded as eligible for appointment
- **Education**
  - ▶ A candidate must hold at least a Second Class or Grade “C” Bachelor’s degree in any faculty of one of the Pakistani Universities or an equivalent degree or comparable educational qualifications of a foreign University recognized by Higher Education Commission, Islamabad
  - ▶ A candidate who has obtained a Third Division (or ‘D’ grade) in his/her Bachelor’s Degree will be eligible for the Examination in cases where he/ she have obtained a higher Division in Master’s Degree
  - ▶ The decision as to which foreign degrees or comparable educational qualifications are equivalent to corresponding Pakistani degree rests solely with the Commission
- **Date of Birth**

The date of birth accepted by the Commission is that entered in the following documents:

  - ▶ Matriculation Certificate
  - ▶ Secondary or Higher Secondary School Leaving Certificate
  - ▶ Certificate of birth from the Principal/Headmaster of the School from where a candidate has passed his/her GEC, ‘O’ level or equivalent examination
  - ▶ In case of Christian candidates, Baptismal/birth registration certificate
- **Age-Limits**

A candidate for admission to the examination must have attained the age of 21years and must not have attained the age of 28 years.
- **Age Relaxation**

The upper age limit will be relaxed by two years i.e. up to the age of 30 years in respect of:

  - ▶ The candidates belonging to the Scheduled Caste and Buddhist Community.
  - ▶ The candidates belonging to the recognized Tribes who are permanent residents of the areas mentioned-below:
    - Balochistan
    - Tribal Areas of D.I. Khan and Peshawar Divisions (including former Frontier States of Dir, Swat, Chitral and Amb)
    - Former excluded (Baloch) area forming part of the Dera Ghazi Khan and Rajanpur Districts
    - Former Tribal Areas of Mardan and Hazara Divisions
    - Upper Tanawal Area of Hazara Division.
  - ▶ The candidates who are permanent residents of Azad Kashmir Territory.
  - ▶ The candidates who are permanent residents of Gilgit-Baltistan including Gilgit, Diamir, Baltistan, Ghizar and Ghanche.

- ▶ The candidates who are disabled namely, physically impaired, hearing/ speech impaired (deaf & dumb) and visually impaired (blind).
- ▶ In the case of in Service Government Servants, Armed Forces Personnel, Contract employees including the Government servants of AJ&K, who possess a minimum of two years continuous Government service. Employees of Nationalised Banks, State Bank of Pakistan, WAPDA, Regulatory Authorities, Autonomous bodies and other semi autonomous bodies are not entitled to age relaxation.

▪ **Examination Centres**

The examinations are held simultaneously at Abbottabad, Bahawalpur, D.I. Khan, D.G. Khan, Faisalabad, Gilgit, Gujranwala, Hyderabad, Islamabad, Karachi, Lahore, Larkana, Multan, Muzaffarabad, Okara, Peshawar, Quetta, Rawalpindi, Sargodha, Silakot and Sukkur depending on the number of applicants for each centre.

▪ **Viva Voce/Interviews Centres**

The Viva Voce for CSS qualified candidates and interviews for recruitment to non-CSS (Ex-Cadre) posts in BS-16 and above are held at Islamabad, Karachi, Lahore, Multan, Peshawar & Quetta.

▪ **Recruitment Policy**

The following merit, and provincial/regional quotas are observed in filling vacancies under the Federal Government which are filled on all Pakistan basis:

Quota	Percent
Merit	7.5
Punjab (including Federal Area of Islamabad)	50.0
Sindh is further sub-allocated into following ratio: Urban Areas 7.6% and Rural Areas 11.4%	19.0
Khyber Pukhtunkhwa	11.5
Balochistan	6.0
Gilgit-Baltistan and Federally Administered Tribal Areas	4.0
AJK	2.0

Note-I: 10% quota is reserved for women and 5% for minorities from the share of Provinces/Regions except Merit quota.

Note-II: Domicile once claimed & accepted by the Commission for the purpose of admission to an examination, no change will be allowed at a subsequent examination or selection.

### Occupational Groups/Services for Central Superior Services (CSS)

After fulfilment of all requirements mentioned above, the candidates are recommended for appointment in one of the following Groups/ Services:

1. Commerce & Trade Group
2. Foreign Service of Pakistan
3. Information Group
4. Inland Revenue Service
5. Military Lands & Cantonments Group
6. Office Management Group
7. Pakistan Administrative Service
8. Pakistan Audit & Accounts Service
9. Pakistan Customs Service
10. Police Service of Pakistan
11. Postal Group
12. Railways (Commercial & Transportation) Group

#### 7.9. Steps Involved in CSS Competitive Examination

The Commission is in the process to revise the scheme of Competitive Examination by adding Screening Test before the CSS Competitive Examination. The Screening Test (MCQ) of 200 marks will be conducted to short list the non-serious and ill-prepared candidates and those declared qualified in the screening test according to the prescribed criteria of the Commission, shall be eligible for admission to the main CSS Competitive Examination 2015.

The Competitive Examination shall involve Five steps for recruitment/ selection of suitable officers, following the Government recruitment policy, which are (a) Screening Test, (b) Written Examination, (c) Medical Test, (d) Psychological Test; and (e) Viva Voce.

##### a. Screening Test

The screening Test will consist of one MCQ type question paper of 200 marks. Qualifying standard for the test is 40%. Moreover, top 20 candidates per post in the regional quotas will be shortlisted to compete in the main CSS Competitive Examination

##### b. Written Examination

Written Examination consists of 1200 marks (Compulsory Paper 600 marks and Optional Paper 600 marks). All major subjects offered at Graduation/Master's level in recognized universities are included in the list of optional subject for selection by the candidates at their own choice but with certain restrictions. Some subjects carry 200 marks whereas, others have weightage of 100 marks

##### c. Qualifying Standard

The Commission with prior approval of the government may fix qualifying marks in any or all of the subjects of the examination but a candidate who fails to secure at least 40% marks in any compulsory subject, 33% marks in any of the optional subjects, or 50% marks in the aggregate in written examination and 100 marks at the Viva Voce, will be considered to have failed and will not be eligible for appointment in the Federal Government

**d. Medical Test**

All candidates must be in good mental and bodily health and free from any physical defect likely to interfere with the discharge of their duties

*The disabled candidates in the categories of physically impaired, hearing/ speech impaired (deaf & dumb) and visually impaired (blind) are allowed to compete for Competitive Examination against four Occupational Groups/ Services viz: (a) Commerce & Trade Group (b) Pakistan Audit & Accounts Service (c) Information Group & (d) Postal Group. Disabled candidates securing a position against prescribed 7.5% merit quota on all Pakistan basis may be considered for allocation to Foreign Service of Pakistan on the basis of his/her choice.*

**e. Psychological Test**

All candidates called for viva voce will be required to undergo Psychological Test, comprising written tests and group tasks. Such tests are designed to assess abilities, attitude and personality characteristics of the candidates with special regard to their aptitude for the Civil Services. Separate marks are not awarded for the Psychological assessment. However, 300 marks assigned to viva voce also reflect the performance on Psychological Test. If a candidate remains absent in the Psychological Test, he/she will not be allowed to appear for viva voce

**f. Viva Voce**

Each candidate who qualifies the written examination will be interviewed by a Viva Voce Board comprising Chairman and Members of the Commission with a weight age of 300 marks. The object of the interview is to assess his/her suitability for the services for which he/she is to be entered. In framing their assessment, the Board will attach particular importance to the moral and ethical qualities of the candidates, his/her intelligence and alertness of mind, his/her vigour and strength of character and his/her potential qualities of leadership. The Board also take into consideration his/her extra-mural activities such as sports, debates, hobbies, etc., and their effect on his/her physique and character, in assessing his/her merit

**g. Allocation to Occupational Groups/Services**

Allocation of finally qualified candidates to various groups and services is made keeping in view the following criteria:

- Merit position of the candidate within the overall qualified candidates
- Choice of groups/services by the candidate
- Vacancy position of Province/Region of the candidate's domicile
- Suitability Report by the Medical Board/ Viva Voce Board
- On the recommendation and allocation made by the Commission, the selected candidates are offered appointment by the Government of Pakistan

**h. Final Passing Out (FPO) Examinations**

- The Probationer officers undergo Common Training for a period of 9 months at Civil Services Academy, (National School of Public Policy) Lahore
  - On completion of Common Training, the Probationers undergo Specialized Training at their respective Academies/Institutes which varies from 6 to 17 months

*After completing Specialized Training, the Commission conducts Final Passing Out (FPO) Examination, which is mandatory to be qualified by the Probationer officers maximum in 4 attempts*

#### 7.10. General Recruitment to the Posts in BS-16 & Above

General Recruitment for the Professional/Ex-Cadre posts in BS-16 & above involves the following steps:

- Requisitions are made by the Ministries/ Divisions/ Departments along with the recruitment rules and quota allocation etc.
- Consolidated Advertisement is published in leading Newspapers on monthly basis giving 15 days time for receipt of applications
- Online applications are required for all posts in BS-16 & above. Moreover, candidates pre-selected have to submit signed hard copy of the application alongwith supporting documents to ascertain educational qualification and experience required for the post
- A written test of 100 marks (MCQ) is mandatory for all posts in BS-16 to 19, subject to appearance of ten or more candidates against each post
- Short listed candidates are called for interview in the ratio of a) 5 candidates per post: for all Merit/Provincial/Regional quota posts in BS-19 as well as merit quota posts in BS 16-18.
- 5 candidates per post (if overall advertised posts per case are two or less) and 3 per post (if overall advertised posts per case are more than 2) are called for interview for all Provincial/Regional quota posts in BS-16 to 18.
- For posts in BS-20 & above, all eligible candidates are called for interview
- The Commission informs all selected candidates in writing as well as through SMS/e-mail/FPSC website [www.fpsc.gov.pk](http://www.fpsc.gov.pk).

#### 7.11. Age-Relaxation Provision for General Recruitment

Following age relaxation provisions are available in General Recruitment:

- Age limits are different for each level of post as admissible in the prescribed recruitment rules
- General age relaxation of 5 years is available to all the candidates for all level of posts
- Ten years age relaxation is admissible for in-Service Government Servants, Armed Forces Personnel and Contract employees who possess a minimum of two years continuous Government service, besides the over and above the general relaxation in age
- Beyond the above relaxation, Prime Minister and President are competent to give age relaxation to any deserving candidate upto three years

#### 7.12. Centres for Written Test and Interviews

Written test for general recruitment are conducted simultaneously at Nine major stations of the country i.e. D.I. Khan, Gilgit, Islamabad, Karachi, Lahore, Multan, Peshawar, Quetta and Sukkur. Whereas, the interviews for general recruitment are conducted at Provincial Offices besides Headquarters i.e. Islamabad, Karachi, Lahore, Peshawar & Quetta only.

### 7.13. Redress of Grievances of Candidates

Under Section 7(3) of FPSC Ordinance 1977, any candidate aggrieved by any decision of the Federal Public Service Commission may, within thirty days of such decision, make a representation to the Commission and the Commission shall decide the representation within fifteen days after giving the candidate a reasonable opportunity of personal hearing. The candidate aggrieved by the decision of the Commission made in the representation may, within fifteen days of the decision, submit a review petition to the Commission and the Commission shall decide the review petition within thirty days under intimation to the petitioner. The decision of the Commission, subject to the result of review petition, shall be final. Any candidate aggrieved by a decision of the Commission in review petition may, within thirty days of the decision, prefer an appeal to the High Court for relief, if desires so.

### 7.14. Framing of Recruitment Rules

The Recruitment Rules for all Civil Posts (BS-16 & above) under the Federal Government are:

- Prepared by concerned Ministry/Division
- Vetted by the Establishment Division
- Concurred by the FPSC, and
- Finally notified by Ministry/Division concerned

Any amendment in the Recruitment Rules also follows the above mentioned process.

### 7.15. Annual Report of the Commission

Under Section-9 of the FPSC Ordinance 1977, it shall be the duty of the Commission to present to the President annually a report on the work done by the Commission, and the President shall cause a copy of the report to be laid before the National Assembly and the Senate.

Above report shall be accompanied by a memorandum setting out so far as is known to the Commission:-

- a. the cases, if any, in which the advice of the Commission was not accepted and the reasons thereof and
- b. the matter, if any, on which the Commission ought to have been consulted but was not consulted and the reasons thereof

### 7.16. Inter Public Service Commission's Meetings

The idea to hold Inter-Provincial PSC meetings was floated by the Chairman NWFP Public Service Commission on 02-11-2001 in order to have close liaison on all issues/problems faced by the Public Service Commissions at Federal and Provincial levels. It was decided by the then Chairman, FPSC that the Chairman of Federal & Provincial Commissions including AJK Public Service Commission will hold inter-provincial meetings. In this regard first meeting was held on 26-1-2002 at FPSC Islamabad and it was agreed that one annual meeting will be held at Islamabad to be arranged by the FPSC and quarterly meetings will be arranged at Provincial headquarters by the respective Public Service Commission. So far, 15 meetings have been arranged.

## **8. PUBLIC SERVICE COMMISSION- SRI LANKA**

### **8.1. History**

During the era that Sri Lanka was a colony under the British Rule, the Public Service Commission was established under the Ceylon (Constitution) Order in Council dated 15th May 1946 in order to carry out the task of appointing officers for Public Service. Accordingly, the executive powers in respect of the appointments, promotions, transfers, disciplinary control and dismissal were vested in the Public Service Commission.

With the establishment of the 1st Republican Constitution in the year 1972, the Public Service Commission, which functioned independently over a period of 26 years, was abolished and the authority in respect of the Public Service was vested with the Cabinet of Ministers.

Then, with the promulgation of the 2nd Republican Constitution in 1978, the Public Service Commission was re-established and the appointment of its members under Article 56(1) was done by the President. The Public Service Commission operated according to a delegation from the Cabinet of Ministers.

In 1978, the PSC had delegated its powers of appointments, promotions, transfers, disciplinary control and dismissal of public officers, on the direction of the Cabinet of Ministers, to the Secretaries to the Ministries and Head of Departments. The PSC functioned as an Appellate Authority at this time. Then, in 1992 the Cabinet of Ministers delegated the powers of appointments, promotions, transfers and disciplinary control of Staff Grade officers (which had been delegated to the Secretaries to the Ministries and Head of Departments) to the Public Service Commission and reserved the power to alter, vary or rescind any decisions made by the Commission or a Committee thereof.

In 2001, the Chapter IX of the 1978 Constitution, which contained the provisions relating to the Public Service, was repealed and replaced with an entirely new Chapter by the 17th Amendment to the Constitution. In accordance with that, the Public Service Commission consisted of nine members appointed by the President on the recommendation of the Constitutional Council, while one of the members appointed by the President as its Chairman, on the recommendation of the Constitutional Council. The status of the Public Service Commission was empathically changed by this amendment and in accordance with that powers of appointment, promotion, transfer and disciplinary control of public officers which had been previously vested in the Cabinet of Ministers, were vested in the Commission. Further, the Public Service Commission became a responsible and answerable institution to the Parliament, in accordance with the Standing Orders of the Parliament.

In 2010, matters relating to the establishment and functions of the Public Service Commission have been amended by the 18th Amendment to the Constitution. This is a Commission which is answerable to the Parliament in accordance with the Standing Orders of the Parliament. According to Article 54(1) as amended by the 18th Amendment, the Public Service Commission consists of 9 Members appointed by the President. The President appoints one Member as a Chairman. They hold office for a term of 3 years and are eligible to be reappointed for another term. According to Article 55(1) amended by the 18th Amendment, the Cabinet of Ministers shall provide for and determine all matters of policy relating to public officers. Subjected to the provisions of the Constitution, the Commission is vested with the powers of appointment, promotion, transfer, disciplinary control and dismissal of the public officers including the Police officers.

## 8.2. Terms and Conditions of Members/Chairman

- No person shall be appointed as a member of the Commission or continue to hold office as such member if he is or becomes a member of Parliament, a Provincial Council or a local authority
- Every person who immediately before his appointment as a member of the Commission was a public officer in the service of the State or a judicial officer, shall, upon such appointment taking effect ceases to hold such office and shall be ineligible for further appointment as a public officer or a judicial officer

Provided that any such person shall, until he ceases to be a member of the Public Service Commission, or while continuing to be a member, attains the age at which he would, if he were a public officer or a judicial officer, as the case may be, be required to retire, be deemed to be a public officer or a judicial officer and to hold a pensionable office in the service of the State, for the purpose of any provision relating to the grant of pensions, gratuities and other allowances in respect of such service

- Every member of the Commission shall hold office for a period of three years from the date of his appointment, unless he becomes subject to any disqualification or earlier resigns from his office by writing addressed to the President or is removed from office by the President on the recommendation of the constitutional Council or is convicted by a court of law of any offence involving moral turpitude or if a resolution for the imposition of civic disability upon him has been passed in terms of Article 81 or is deemed to have vacated his office
- A member of the Commission shall be eligible for reappointment as a member, but shall not be eligible for appointment as a public officer or a judicial officer after the expiry of his term of office as a member
- No member shall be eligible to hold office as a member of the Commission for more than two terms
- A member of the Commission who without obtaining prior leave of the Commission absents himself from three consecutive meetings of the commission, shall be deemed to have vacated office with effect from the date of the third of such meetings, and shall not be eligible, thereafter, to be reappointed as a member of the Commission
- The President may grant a member leave from the performance of his duties relating to the Commission for a period not exceeding two months and shall for the duration of such period on the recommendation of the Constitutional Council, appoint a person qualified to be a member of the Commission to be a temporary member for the period of such leave
- A member of the Commission shall be paid such emoluments as may be determined by Parliament. The emoluments paid to a member of the Commission shall be charged on the Consolidated Fund and shall not be diminished during the term of office of such member
- The members of the Commission shall be deemed to be public servants, within the meaning and for the purposes of Chapter IX of the Penal Code

## 8.3. Committees of the Commission

- The Commission may delegate to a Committee consisting of three persons (not being members of the Commission) appointed by the Commission, the powers of appointment, promotion, transfer, disciplinary control and dismissal of such categories of public officers as are specified by the Commission
- The Commission shall cause the appointment of any such Committee to be published in the Gazette

- The procedure and quorum for meetings of any such Committee shall be as determined by the Commission by rules made in that behalf. The Commission shall cause such rules to be published in the Gazette
- There shall be a Secretary to each Committee, who shall be appointed by the Commission

#### **8.4. Delegation of powers to a public officer**

- The Commission may delegate to a public officer, subject to such conditions and procedure as may be determined by the Commission, its powers of appointment, promotion, transfer, disciplinary control and dismissal of such category of public officers as are specified by the Commission
- The Commission shall cause any such delegation to be published in the Gazette, including the conditions and procedure determined by the Commission for such purpose

#### **8.5. Right of appeal**

- Any public officer aggrieved by an order relating to a promotion, transfer, dismissal or an order on a disciplinary matter made by a Committee or any public officer under Article 56 or Article 57, in respect of the officer so aggrieved, may appeal to the Commission against such order in accordance with such rules made by the Commission from time to time, relating to the procedure to be followed in the making, hearing and determination of an appeal made to the Commission and the period fixed within which an appeal should be heard and concluded
- The Commission shall have the power upon such appeal to alter, vary, rescind or confirm an order against which an appeal is made, or to give directions in relation thereto, or to order such further or other inquiry as to the Commission shall seem fit
- The Commission shall cause to be published in the Gazette the rules made by it

#### **8.6. Administrative Appeals Tribunal**

- There shall be an Administrative Appeals Tribunal appointed by the Judicial Service Commission
- The Administrative Appeals Tribunal shall have the power to alter, vary or rescind any order or decision made by the Commission
- The constitution, powers and procedure of such Tribunal, including the time limits for the preferring of appeals, shall be provided for by law

#### **8.7. Commission not to exercise power where there is delegation**

Upon delegation of any of its powers to a Committee or a public officer appointed under Article 56 or Article 57 as the case may be, the Commission shall not, while such delegation is in force, exercise or perform its functions or duties in regard to the categories of public officers in respect of which such delegation is made, subject to the provisions contained in paragraphs (1) and (2) of Article 58 of the Constitution.

#### **8.8. Immunity from legal proceedings**

No court or tribunal shall have power or jurisdiction to inquire into, or pronounce upon or in any manner call in question any order or decision made by the Commission, a Committee, or any public officer, in pursuance of any power or duty conferred or imposed on such Commission, or delegated to a Committee or public officer.

### 8.9. Oath or affirmation of office

A person appointed to any office shall not enter upon the duties of his office until he takes and subscribes the oath or makes and subscribes the affirmation set out in the Fourth Schedule to the Constitution.

### 8.10. Powers and Functions of PSC

The powers and functions of Public Service Commission of Sri Lanka, as provided in the Constitution and circulated by the Commission are as under:

- In terms of the Chapter IX of the Constitution of the Democratic Socialist Republic of Sri Lanka, the Public Service Commission is vested with the power of appointment, promotion, transfer, disciplinary control and dismissal of public officers, subject to the provisions of the Constitution. It excludes Provincial Public Services, Judicial Service, Heads of Departments and Secretaries to the Ministries
- The Commission exercises the power of appointment, promotion, transfer, disciplinary control and dismissal in relation to all Senior Level officers and Supra Grade/ Special Grade officers in Tertiary Level as defined in Public Administration Circular No 06/2006 (Annexure 11) excluding Heads of Departments. Administrative functions related to the above matters have been assigned to the Secretaries to the respective Ministries/Heads of Departments not coming under any Ministry and the officers belonging to Additional Secretary Level or above and who have been nominated by the respective Secretaries and approved by the Commission
- The PSC has delegated, subject to conditions and procedures determined by the Commission, the authority for the above mentioned functions of the other officers in Public Service. This may be amended from time to time as required
- Disciplinary actions taken against Senior Level officers and Supra Grade/ Special Grade officers in Tertiary Level in respect of offences specified in the Second Schedule in Chapter XLVIII, Volume II of Establishments Code, have been delegated to the Secretaries to the Ministries/Heads of Departments not coming under any Ministry, in charge of respective subjects and officers belonging to Additional Secretary Level or above and who have been nominated by the respective Secretaries and approved by the Commission
- The PSC also deals with the formulation and publication of PSC procedural rules, issuance of circulars and general instructions related to the Public Service, formulation and modification of Service Minutes and Schemes of Recruitment and maintenance of data and dissemination of information related to Public Service
- The PSC has power to formulate rules, regulations and procedures relating to the Public Service
- The PSC also functions as the Appellate Authority of those who are aggrieved by the decisions taken by its delegated authorities in relation to appointment, promotion, transfer, disciplinary control and dismissal

*The Public Service Commission remained non-functional for two years (09-04-2009 to 12-05-2011) and the functions of the Commission were performed, by the Cabinet of Ministers.*

### 8.11. Functions of Administrative Divisions of Public Service Commission

Distribution of work of the Commission among various Divisions is explained as under:

#### i. Establishments Division

Following functions are performed by Establishment Division of the Commission:

- Matters relating to delegation of powers of the Public Service Commission and formulating, amending & publishing of the PSC procedural Rules
- Formulating guidelines based on the Public Service Commission Procedural Rules and conducting related awareness programmes
- Issuance of Public Service Commission Circulars and Guidelines
- Studying the draft Service Minutes/Schemes of Recruitment and draft amendments for approved Service Minutes/Schemes of Recruitment and submitting the same for the approval of the Public Service Commission
- Matters relating to obtaining approval of the Public Service Commission for the Annual Transfer Schemes
- Proceeding with respect to the circumstances deviated from and not covered by Public Service Commission Procedural Rules, Service Minutes and Schemes of Recruitment, Circulars and instructions
- Matters on Appeals submitted to the Administrative Appeals Tribunal and Applications filed in the Superior Courts against the orders/decisions of the PSC in relation to the above
- Developing, updating and maintaining of Databases which are relevant to the Public Service and dissemination of information

#### ii. Appointment and Promotion Division

This Division performs following functions in relation to the appointments and promotions of officers in Public Service (excluding Secretaries to the Ministries, Heads of the Departments, District Secretaries and the officers of the Provincial Public Service and Judicial Service) identified as the officers whose appointing authority has not been delegated in terms of the delegation of powers by the Public Service Commission in terms the Article 57 of the Constitution as specified by the Cabinet of Ministers and published in the extraordinary gazette No 1733/52 of 25.11.2011.

##### ▪ Appointments

In accordance with the approved Service Minutes/Schemes of Recruitments Confirmation in service; Termination of service; Reversion to the former post; Appointments on Acting/Attending to duties basis; Release (permanent/ temporary); Appointments to the scheduled posts in Service Minutes (where applicable); Recruitment on Contract basis; Resignation; Reappointment to the post; Retirement (under PA Circular 30/88; Optional/Compulsory/Medical Grounds); Re-employment of retired public officers on Contract basis;

##### ▪ Promotions

In accordance with the approved Service Minutes/ Schemes of Recruitments;

- ▶ Transfers other than transfers on Schemes of Transfers approved by the PSC and Appeals on Transfers

- ▶ Matters on Appeals submitted to the Administrative Appeals Tribunal and Applications filed in the Superior Court/Court of Appeal against the orders/decisions of the PSC in relation to the above functions

### iii. Disciplinary Division

The PSC exercises the power of disciplinary control of the public officers on whom the authority has not been delegated in terms of the PSC Gazette Notification No.1733/52 of 25.11.2011 for offences specified in the First Schedule of Chapter XLVIII of the Establishments Code.

In addition, the PSC functions as the Appellate Authority in relation to disciplinary control of Staff Grade officers in respect of offences specified in the Second Schedule in Chapter XLVIII, Volume II of the Establishments Code. The Disciplinary Division handles the following matters in order to facilitate the Commission in performing the above powers and functions:

- Matters relating to Preliminary Investigations conducted by respective Secretaries to Ministries/ Heads of Departments/ Heads of Institutions (Administrative Authorities)
- Retirements under Section 12 of the Pensions Minute, where applicable and Retirements on General Inefficiency under Section 33 of Chapter XLVIII of the Establishments Code
- Formal disciplinary actions: Issuance of Charge Sheets, Appointment of Inquiry Officers, Prosecuting Officers & Defending Officers, and Exoneration or Imposition of punishments after considering the explanations given by the accused officers and/or based on the findings of Formal Disciplinary Inquiries
- Maintenance of the panel of Inquiry Officers, Payments for Inquiry Officers
- Matters relating to appeals of Staff Grade Officers against the disciplinary actions taken by delegated authorities in respect of offences specified in the Second Schedule in Chapter XLVIII of the Establishments Code
- Matters relating to appeals of Staff Grade Officers against Vacation of Post (VOP) notices issued by respective Authorities
- Matters on Appeals submitted to the Administrative Appeals Tribunal and Applications filed in the Superior Courts against the orders/decisions of the PSC in relation to the above functions

### iv. Appeals Division

In terms of the Article 57 of the Constitution, Public Service Commission of Sri Lanka has delegated its functions to Secretaries of Ministries, Heads of Departments and other Designations ratified by the Commission to be competent to handle such functions.

In terms of Article 58(1) of the Constitution, any public officer, aggrieved by an order made by the aforesaid Delegated Authority has the right of appeal against such order in writing to the Public Service Commission and those appeals are handled by the Appeal Division of the Public Service Commission. Thereby the right of appeal for such public officers is guaranteed by the Commission.

Appeals Division entertaining appeals against:

- Vacation of post notices
- Disciplinary Orders

- Dismissal from service
- Interdictions
- Transfers
- Promotion and miscellaneous matters

In addition, matters on Appeals submitted to the Administrative Appeals Tribunal and Applications filed in the Superior Courts against the orders/decisions of the PSC in relation to the above function are also handled by the Appeal Division.

**v. Administration Division**

The Administration Division is entrusted with the establishment work and general administration matters of the Office of the PSC. The Division is headed by the Additional Secretary (Admin). Following activities are handled by the Administration Division:

- Overall administration of the Office of the PSC
- Management of human resources in the Office of the PSC
- Preparation of the Annual Report
- Updating of the Website and due maintenance of the computer network

**vi. Finance Division**

The Finance Division provides financial services and ensures a sound financial information and management system for the Office of the Public Service Commission, by:

- Formation and implementation of financial plans for the Office of the Public Service Commission
- Providing the goods and services to the divisions
- Fixed Asset Management
- Providing guidance and counselling on financial matters
- Providing up to date reports on financial matters of the Division to the Secretary (the Chief Accounting Officer)
- Coordinating financial activities of the divisions
- Handling of Procurement process

CHAPTER 4

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**Results and Discussions**



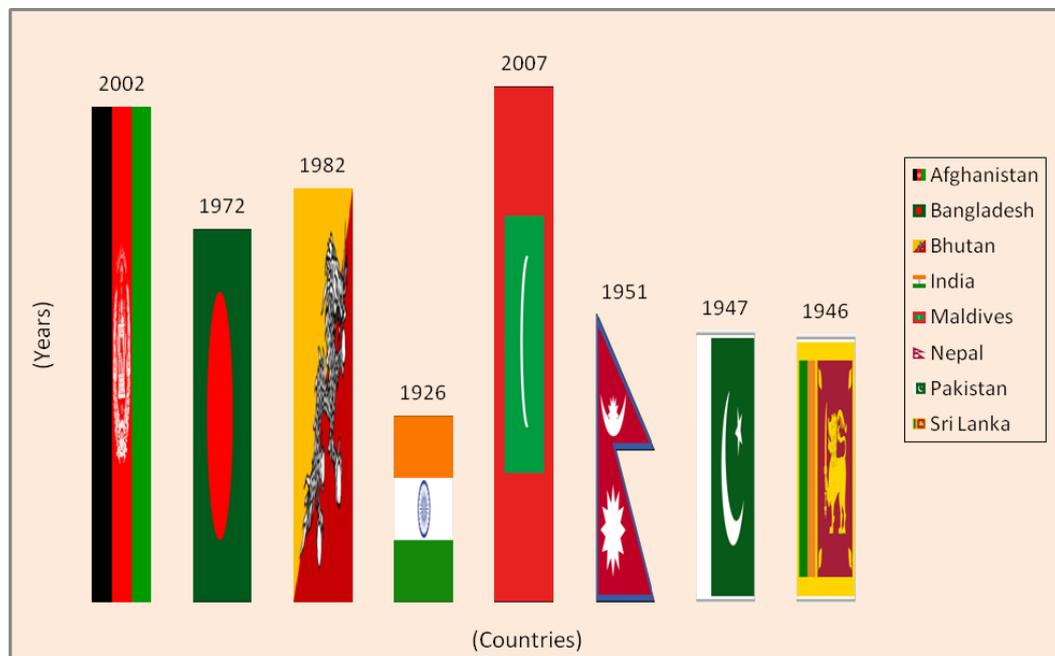
## RESULTS AND DISCUSSIONS

The study findings revealed that the Union Public Service Commission of India is the oldest Commission among the SAARC Member States established under the Constitution of India in 1926, whereas, the Maldives is the youngest Civil Service Commission which was established in the year 2007 and are shown in Figure 1 and 2.

**Figure 1: Legal Provisions of Civil/Public Service Commissions**



**Figure 2: Establishment Date of Civil/Public Service Commissions**



The establishment of Bangladesh Public Service Commission is the largest having 14 Members, as compared to other Civil/Public Service Commission's of the region. The establishment of Civil Service Commission of Maldives is the smallest having 3 Members. Details are shown in Table 1.

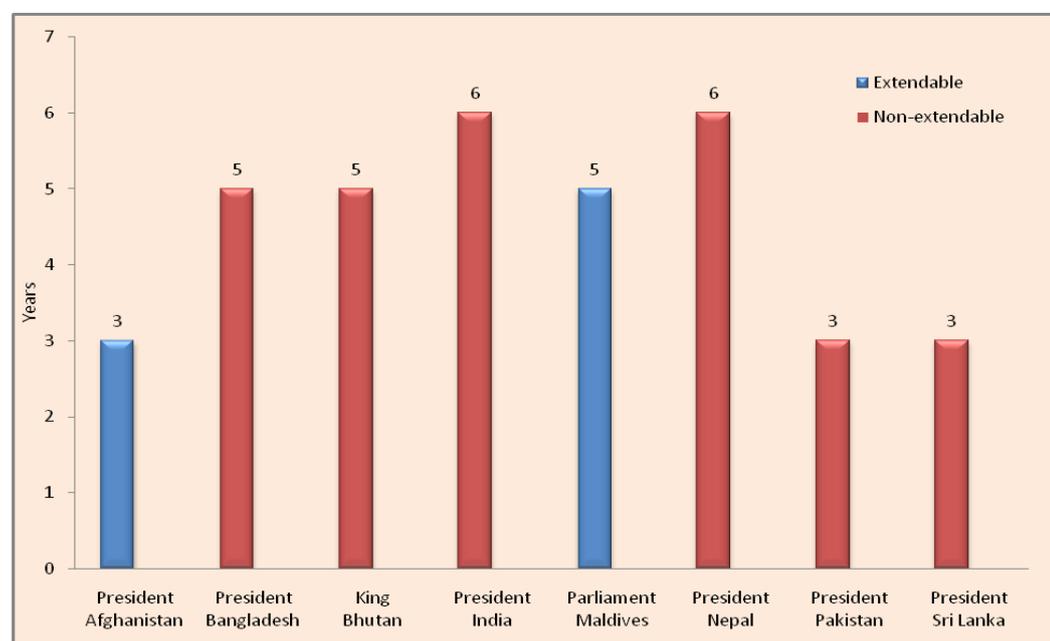
**Table 1:** Composition of Civil/Public Service Commissions

Commissions	Chairman	Vice Chairman	Members
<b>Afghanistan</b>	1	--	8
<b>Bangladesh</b>	1	--	14
<b>Bhutan</b>	1	--	4
<b>India</b>	1	--	10
<b>Maldives</b>	1	1	3
<b>Nepal</b>	1	--	5-6 (as required)
<b>Pakistan</b>	1	-	11
<b>Sri Lanka</b>	1	-	8

The Chairperson and Members in all the Commission's of the SAARC Countries except Maldives are appointed by the President or King in the Country. In Maldives, Members of the Commission are appointed by the Parliament.

The tenure of office of the Chairperson and Members vary from 3 years to 6 years and up to the maximum age of 65 years. In Afghanistan, Pakistan and Sri Lanka, the tenure of appointment is 3 years, in Bangladesh, Bhutan and Maldives it is 5 years, whereas, in India and Nepal tenure of the office of the Chairperson and Members is 6 years. The tenure of Chairperson and Members is extendable in Afghanistan and Maldives. Details are given in Figure 3.

**Figure 3:** Appointing Authority and Tenure of Chairpersons/Members of the Commissions



The tenure of appointment of the Chairperson and Members is protected under the Law, in all the Civil/Public Service Commissions as shown in Table 2.

**Table 2: Tenure Protection for Chairperson and Members**

Commissions Protection of Tenure of Chairman/ Members	
<b>Afghanistan</b>	Yes: Article 5 sub article 3 and article 10 of Civil Service Law
<b>Bangladesh</b>	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)]
<b>Bhutan</b>	Yes: Article 32(1) of the Constitution and Section 24 of the Civil Service Act of Bhutan (CSAB) 2010
<b>India</b>	Yes:
<b>Maldives</b>	Yes: Except by Majlis
<b>Nepal</b>	Yes: Article 125 clause 8 of Interim Constitution of Nepal 2007
<b>Pakistan</b>	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 a High Court".
<b>Sri Lanka</b>	Yes: Article 54(4) of the Constitution

After ceasing to hold the office of Chairperson or Member of the Commission, re-employment in any other service is permitted and possible in Afghanistan, Bangladesh, Maldives, Nepal and Sri Lanka, whereas, the same is not permissible in Bhutan, India and Pakistan. On joining the office, Oath is mandatory to be taken by the Chairperson and Members in all the Commissions, with exception to Afghanistan. Details are given in Table 3.

**Table 3: Provision of Re-employment and Oath for Chairperson and Members**

Commissions	Re-employment of Chairman/ Members	Mandatory Oath for Office of Chairman/ Members
<b>Afghanistan</b>	Yes: Article 5 sub-article 3 of Civil Service Law	No:
<b>Bangladesh</b>	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.
<b>Bhutan</b>	No: Article 31(4) of the Constitution	Yes:
<b>India</b>	No:	Yes:
<b>Maldives</b>	Yes:	Yes:
<b>Nepal</b>	Yes: Article 125 clause 8 of Interim Constitution of Nepal 2007	Yes: Article 125 clause 8 of Interim Constitution of Nepal 2007
<b>Pakistan</b>	No:	Yes: Section 4 (A) of the Ordinance: Chairman shall take oath before the President and before the Chairman in case of a Member.
<b>Sri Lanka</b>	Yes: For two Terms	Yes: Article 61D of the Constitution

The perks and privileges, in terms of salary and allowances payable to the Chairperson of the Commissions, Pakistan is at the highest, followed by Afghanistan, India, Bhutan, Sri Lanka, Bangladesh and Nepal. The same is lowest in Maldives, as shown in Table 4.

**Table 4: Perks and Privileges of Chairmen of the Commissions (USD/Annum)**

Commissions	Salary	Allowances	Other facilities
<b>Afghanistan</b>	36000	7200	Transport facility
<b>Bangladesh</b>	6750	5655	Transport and unlimited telephone bills etc.
<b>Bhutan</b>	15600	--	Accommodations or 20% of basic salary as house rent. Car with driver
<b>India</b>	19632	--	--
<b>Maldives</b>	1945	1459	Health insurance/ car
<b>Nepal</b>	4968		Provident fund, telephone, car, house rent, dress etc.
<b>Pakistan</b>	51000	19560	Car 1600CC with driver, telephone, TA/DA, medical etc. as admissible to Minister of States.
<b>Sri Lanka</b>	7380	2304	--

In terms of salary and allowances payable among the Members of the Commissions, Pakistan is at the highest, followed by Afghanistan India, Bhutan, Sri Lanka, Bangladesh and Nepal. The same is lowest in Maldives, as given in Table 5.

**Table 5: Perks and Privileges for Members of the Commissions (USD/Annum)**

Commissions	Salary	Allowances	Other facilities
<b>Afghanistan</b>	36000	7200	Transport facility
<b>Bangladesh</b>	6000	5005	Transport and unlimited telephone bills etc.
<b>Bhutan</b>	12000	--	Accommodations or 20% of basic salary. Car with driver
<b>India</b>	19632	--	Accommodation, Transport, Medical
<b>Maldives</b>	1816	778	Health insurance/ car
<b>Nepal</b>	4692	--	Provident fund, telephone, car, house rent, dress etc.
<b>Pakistan</b>	48000	16064	Car 1300CC with driver, telephone, TA/DA, medical etc. as admissible to Minister of States.
<b>Sri Lanka</b>	2760	1848	--

The major functions of Public Service Commissions of Bangladesh and Pakistan are limited and similar in nature which are recruitment and selection besides advisory role on certain matters, whereas, functions performed by the UPSC of India are extended to the disciplinary matters as well. The details are shown in Tables 6, 7 and 8.

**Table 6: Functions of Bangladesh Public Service Commission, Bangladesh**

<b>Major Functions</b>	
1.	Conduct tests and examinations for the selection of suitable persons for appointment to the service of the Republic;
2.	Advise the Honourable President on matters on which the Commission is consulted under clause (2) or matters connected with its functions, as referred to the Commission by the Honourable President; and other functions as may be prescribed by laws;
3.	Matters relating to qualifications for, and methods of recruitment to, the Service of the Republic;
4.	The principles to be followed in making appointments to that Service and promotion and transfers from one branch of the service to another, and the suitability of candidates for such appointments, promotions and transfers;
5.	Matters affecting the terms and conditions (including pension rights) of that Service; and the discipline of the Service;
6.	Conduct tests for the cadre service officers for promotion to senior scales and positions.

**Table 7: Functions of Federal Public Service Commission, Pakistan**

<b>Major Functions</b>	
1.	To conduct tests and examinations for recruitment of persons to All-Pakistan Services, the Civil Services of the Federation and civil posts in connection with affairs of the Federation in Basic Scales 16 and above or equivalent; and
2.	To advise the President: <ul style="list-style-type: none"> <li>a. on matters relating to qualifications for and methods of recruitment, to services and posts referred to in clause above.</li> <li>b. on the principles to be followed in making initial appointments to the services and posts referred to in clause above and in making appointments by promotion to posts in BS-18 and above and transfer from one service or occupational group to another; and</li> <li>c. on any other matter which the President may refer to the Commission.</li> </ul>
3.	To hold examination for promotion for such posts as the Federal Government may, from time to time, by notification in the official Gazette, specify.

**Table 8: Functions of Union Public Service Commission, India**

<b>Major Functions</b>
1. Recruitment by conduct of competitive examinations
2. Recruitment by selection through interviews
3. Advising on suitability of officers for appointment on promotion as well as transfer-on deputation
4. Advising government on all matters relating to methods of recruitment to various services and posts; framing and amendment of Recruitment Rules
5. Disciplinary cases relating to different civil services
6. Miscellany matters relating to grant of extra-ordinary pensions, reimbursement of legal expenses etc.
7. Advising the government on any matter referred to the Commission by President of India

The functions of Royal Civil Service Commission of Bhutan, as the central personnel agency of the Government, include recruitment, appointment, training, transfer and promotion of Civil Servants as described in Table 9.

**Table 9: Functions of Royal Civil Service Commission of Bhutan.**

<b>Major Functions</b>
1. The Commission shall endeavour to ensure that civil servants render professional service, guide by the highest standards of ethics and integrity to promote good governance and social justice, in implementing the policies and programmes of the Government.
2. The Commission shall, in the interest of promoting merit, productivity and equity, ensure that uniform rules and regulations on recruitment, appointment, staffing, training, transfers and promotion prevail throughout the civil service.
3. The Commission shall ensure that all civil servants shall have resource to justice through the Administrative Tribunal established under section 16 of Article 21 to hear their appeals against administrative decisions including those of the Commission.
4. Every civil servant who has been adversely affected by an administrative action shall have the right of access to the Commission.
5. The Commission shall meet regularly and shall be supported by a permanent Secretariat, which shall function as the central personnel agency of the Government.

The Public Service Commissions of Nepal and Sri Lanka enjoys almost similar functions of appointment, promotion, transfer and disciplinary action against their Civil Servants as depicted in Table 10 and 11.

**Table 10: Functions of Public Service Commission of Nepal.**

Major Functions
1. To conduct examinations for the selection of suitable candidates to be appointed to various civil service.
2. Permanent appointment to any pensionable position in civil service which carries the benefit of pension shall not be made except in consultation with the PSC.
3. Matters concerning the laws relating to the conditions of service of the civil service;
4. The general principles to be followed in making appointment and promotion to the civil service or positions thereof and in taking departmental action;
5. Matters concerning the suitability of any candidate for appointment to a civil service position for a period more than six months;
6. Matters concerning the suitability of any candidate for transfer or promotion from one service to another within the civil service or any other government service to the civil service;
7. Matters concerning the permanent transfer or promotion of any employee, working in any position of an organization which is not required to consult with the Commission on matters of appointment, to any position for which consultation with the Commission is required;
8. Matters relating to departmental actions proposed against any civil servant.

**Table 11: Functions of Public Service Commission, Sri Lanka.**

Major Functions
1. Commission is vested with the powers of appointment, promotion, transfer, disciplinary control and dismissal of Public Officers, subject to the provision of the Constitution.
2. Formulation and Publication of PSC procedural rules, issuance of circulars and general instructions related to the public service.

The functions assigned to the IARCSC of Afghanistan are more advisory and policy formulation on Civil Service matters besides training and capacity building as shown in Table 12.

**Table 12: Functions of Independent Administrative Reform and Civil Service Commission (IARCSC), Afghanistan**

Major functions
1. Lead, regulate and facilitate Reform and institutional strengthening of civil sector at national and sub national,
2. Implementation of Merit based recruitment and appeal in civil sector at national and sub national,
3. Training and capacity building of civil servants at national and sub national,
4. Introduction of pay and incentive schemes and Performance management and appraisal in public sector
5. Oversight of Reform and strategic communication at national and sub national,
6. Increase women participation up to 30 % in the civil service sector till 2013 through positive discrimination.

Maldivian Civil Service Commission enjoys functions of appointment, dismissal from service, determination of salary and other financial benefits to civil servants as given in Table 13.

**Table 13: Functions of Maldivian Civil Service Commission, Maldives**

Major Functions	
1.	Except those excluded from Civil Service, to appoint, dismiss, determine the salaries and benefits and to execute everything to implement thereof to serve the people on behalf of the State of the Maldives as per the Constitution, the Laws of the Maldives, policies of the Government.
2.	To protect rights of employees of the Maldivian Civil Service to establish a fair work place.
3.	To formulate the Regulation and the Code of Conduct of the Maldivian Civil Service.
4.	To submit reports on matters regarding the Maldivian Civil Service to the People's Majlis.
5.	To implement Maldivian Civil Service Act, the Regulation and the Code of Conduct of the Maldivian Civil Service.
6.	To create leadership role among the employees of the Maldivian Civil Service, to train and to attempt to make them able for the work.
7.	To formulate guidelines to create and repeal positions of the Maldivian Civil Service, and to execute them as per the guidelines.

All the Public/Civil Service Commission are in practice of inviting subject specialists/departmental representatives to assist the Commission to conduct interviews of the candidates for selection as detailed in Table 14.

**Table 14: Departmental Representative/Subject Specialists to conduct interviews**

Commissions	Invitation to Departmental Representative/ Subject Specialists in Interviews
<b>Afghanistan</b>	Yes: Article 15 sub article 2 of Civil Service Law
<b>Bangladesh</b>	Yes: Departmental representative and subject specialists are invited
<b>Bhutan</b>	Yes: No legal provision but at Commission's discretion
<b>India</b>	Yes: Only subject specialists are invited
<b>Maldives</b>	Yes: --
<b>Nepal</b>	Yes: --
<b>Pakistan</b>	Yes: --
<b>Sri Lanka</b>	Yes: Subject specialists are appointed by the Commission as the Commission does not conduct interviews, directly.

The Competent Authority to make regulations for terms and conditions for the Commission in Afghanistan, India and Pakistan is the President. In Bangladesh, Bhutan, Maldives and Nepal, the power rests with the Parliament, whereas, in Sri Lanka the Public Service Commission itself have the benefit.

On the other hand, 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 Nepal, the Parliament possesses the authority, whereas, the Commissions in Afghanistan, Bhutan, Maldives and Sri Lanka enjoys this authority as depicted in Table 15.

**Table 15: Competent Authority to make terms and conditions of Commission and Staff**

Commissions	Competent Authority to make regulations for terms and conditions of Chairman and Members of the Commission	Competent Authority to make regulations for terms and condition of staff of the Commission
<b>Afghanistan</b>	President	Civil Service Commission
<b>Bangladesh</b>	Parliament	President
<b>Bhutan</b>	Parliament	Commission
<b>India</b>	President	President
<b>Maldives</b>	Parliament	Civil Service Commission
<b>Nepal</b>	Parliament	Parliament + Rules and Regulation +Cabinet
<b>Pakistan</b>	President	President
<b>Sri Lanka</b>	Public Service Commission	Public Service Commission

To make conduct of Business Rules of the Commission, the competent authority in Afghanistan and Bangladesh is the President. In all other PSCs of SAARC countries, the relevant Commissions formulate the rules with exception to Pakistan where approval of the Federal Government on such matters is required as shown in Table 16.

**Table 16: Conduct of Business Rules of the Commission**

Commissions	Competent Authority to make conduct of Business Rules of the Commission
<b>Afghanistan</b>	President
<b>Bangladesh</b>	President, BPSC also follow standing order procedure (SOP) prepared by itself
<b>Bhutan</b>	Commission
<b>India</b>	UPSC
<b>Maldives</b>	Any other
<b>Nepal</b>	Commission
<b>Pakistan</b>	Under Section 7-A of the FPSC Ordinance, the Chairman of the Commission may, with the approval of the Federal Government, makes the rules
<b>Sri Lanka</b>	Public Service Commission

In Bangladesh and Nepal, the Public/Civil Service Commission have no quasi-Judicial function, whereas, rest of the Commissions in the region 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 SAARC Member States, except Bangladesh and Sri Lanka as describe in Table 17.

**Table 17: Quasi-Judicial functions of the Commission and Right of Representation**

Commissions	Provision of quasi-Judicial functions to Commission	Right of Representation against any decision of the Commission
<b>Afghanistan</b>	Yes: Article 17, 18 and 19 of Civil Service Law	Yes: Article 19 sub article 8 of Civil Service Law
<b>Bangladesh</b>	No	No:
<b>Bhutan</b>	Yes: Sections 28 and 77 of CSAB 2010	Yes: Section 94 & 97.3 of CSAB 2010 and article 26(7) of Constitution
<b>India</b>	Yes: Advising the President in disciplinary cases	Yes:
<b>Maldives</b>	Yes:	Yes:
<b>Nepal</b>	No:	Yes: Section 39A of Work Procedure of the Commission
<b>Pakistan</b>	Yes: Under Section 7(3) of the FPSC Ordinance	Yes: Under Section 7(3) of the FPSC Ordinance.
<b>Sri Lanka</b>	Yes: Public Service Commission (Procedural) Rules and Establishment Code	No:

All the Public/Civil Service Commissions of the SAARC Countries, except Bangladesh, permit aggrieved candidates to file an appeal in Courts of law as depicted in Table 18.

**Table 18: Right of Appeal against the decision of the Commission**

Commissions	Right of Appeal against the decision of the Commission
<b>Afghanistan</b>	Yes: Article 19 sub article 8 of Civil Service Law
<b>Bangladesh</b>	No:
<b>Bhutan</b>	Yes: Section 94 & 97.3 of CSAB 2010 and article 26(7) of Constitution
<b>India</b>	Yes: As per rules
<b>Maldives</b>	Yes:
<b>Nepal</b>	Yes: Under Writ Procedure
<b>Pakistan</b>	Yes: Under Section 7 (3) (d) of the Ordinance, any candidate aggrieved by the final decision of the Commission may prefer an appeal before a High Court.
<b>Sri Lanka</b>	Yes: To the Administrative Appeal Tribunal under the Act No. 4 of 2002

In Afghanistan, Bangladesh, Bhutan, Maldives and Nepal forums for representation by the candidates are the Courts or Administration/Job Tribunals, whereas, in India, Pakistan and Sri Lanka, the Public Service Commission is the proper forum for this purpose.

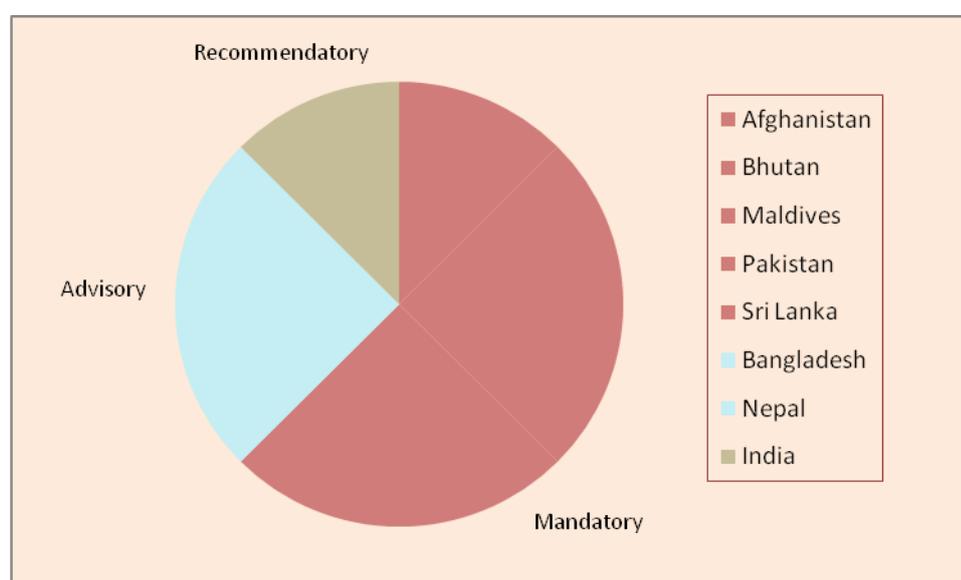
After rejecting the representations of the candidates, proper forum for appeals are the Court in all Commissions of the region with exception to Afghanistan and India where appeals can be filed before the Commission and the Government, respectively as depicted in Table 19.

**Table 19: Representation and Appeals against the decisions of Commission**

Commissions	Forum for representation against the decisions of Commission	Forum for Appeal against the decision of Commission
<b>Afghanistan</b>	Court	Commission
<b>Bangladesh</b>	Court	Court
<b>Bhutan</b>	Court/Administration tribunal	Court/Administration tribunal
<b>India</b>	A candidate can represent to government and can also seek judicial intervention through Courts of Law.	A candidate can represent to government and can also seek judicial intervention through Courts of Law
<b>Maldives</b>	Court/Job tribunal	Court/Job tribunal
<b>Nepal</b>	Court	Court
<b>Pakistan</b>	Commission	Court
<b>Sri Lanka</b>	Public Service Commission	To the Supreme Court by way of Fundamental Right Application

The advice tendered by the Commission in any matter under its purview is mandatory in Afghanistan, Bhutan, Maldives, Pakistan and Sri Lanka, whereas, nature of advice in Bangladesh and Nepal is advisory and is recommendatory in India as shown in Figure 4.

**Figure 4: Nature of advice given by the Commissions**



The Public Service Commissions of Afghanistan, Bangladesh, Bhutan, India, Maldives, Pakistan and Sri Lanka have mandatory role in framing and finalization of the Recruitment Rules for civil servants, whereas, the role is advisory in Nepal as shown in Table 20.

**Table 20:** Commission's role in framing of recruitment rules for Jobs

Commissions	Mandatory role in framing of recruitment rules for posts under Government
<b>Afghanistan</b>	Yes: Civil Servants Law
<b>Bangladesh</b>	Yes: Article 140 (1) (2)(a) of the Constitution of Bangladesh
<b>Bhutan</b>	Yes: Section 27(b) section 87 of CSAB and normally in form of Bhutan Civil Service Rules and Regulations (BCSR)
<b>India</b>	Yes: Consultation with Commission in framing Recruitment Rules is a Constitutional requirement.
<b>Maldives</b>	Yes: Article 18, 37, 182 of the Constitution.
<b>Nepal</b>	No.
<b>Pakistan</b>	Yes: Under Section 7 (I) (b) of the FPSC Ordinance, advice of the Commission on matters relating to qualification for and methods of recruitment to services and posts is necessary.
<b>Sri Lanka</b>	Yes: Article 61B of the Constitution.

All the Public/Civil Service Commission have 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 and Parliament as required under the law as shown in Table 21.

**Table 21:** Submission of Annual Report on functions of Commission

Commissions	Annual Report and Authority to whom submitted
<b>Afghanistan</b>	President
<b>Bangladesh</b>	President
<b>Bhutan</b>	His Majesty the King and Prime Minister
<b>India</b>	President and Parliament
<b>Maldives</b>	President and Parliament
<b>Nepal</b>	President
<b>Pakistan</b>	President and Parliament
<b>Sri Lanka</b>	Parliament

The methods for recruitment being adopted by all the Commissions of the region include written examination and interviews according to the job requirements. There is uniformity in the procedure.

For short listing of the candidates, objective type tests are used in Bangladesh, Bhutan, India, Nepal and Pakistan. In Maldives and Sri Lanka combination of both objective and subjective tests are used. In Afghanistan, only descriptive (subjective) test is used for the purpose. The details are given in Table 22.

**Table 22: Methods and type of tests conducted by the Commissions**

Commissions	Methods adopted for recruitment of government employees	Types of tests used for short listing of candidates
<b>Afghanistan</b>	Examination + interview	Descriptive
<b>Bangladesh</b>	- Interview only (for superior post) - Examination + interview for other posts	Objective– MCQ
<b>Bhutan</b>	Examination + Interview	Objective
<b>India</b>	- Interview only for certain posts - Examination + Interview	Objective
<b>Maldives</b>	Examination + interview	Objective / Descriptive
<b>Nepal</b>	Examination+ Interview for certain position conducts psychological test as well.	Objective
<b>Pakistan</b>	- Interview only - Examination + Interview - Examination+ Psychological Test and Interview	Objective.
<b>Sri Lanka</b>	Examination and Interview	Objective / Descriptive

In Afghanistan, Bhutan, India and Maldives, the Commissions are competent to make recruitment of Officers/Staff of institutions established under the Law, whereas, Bangladesh, Nepal, Pakistan and Sri Lanka Public/Civil Service Commissions do not have this authority. There is no homogeneity in functions of the Commissions as shown in Table 23.

**Table 23: Commission's Authority in recruitment for Institutions established under law**

Commissions	Authority to make recruitment for Institutions established by or under law
<b>Afghanistan</b>	Yes: Article 10 sub article 1 & 3 of Civil Service Law
<b>Bangladesh</b>	No:
<b>Bhutan</b>	Yes: Sections 5 and 8 Article 26 of Constitution and Section 27 of CSAB
<b>India</b>	Yes: If there is a provision in Act passed by the Parliament
<b>Maldives</b>	Yes: Article 18, 37/182 of the Constitution
<b>Nepal</b>	No:
<b>Pakistan</b>	No:
<b>Sri Lanka</b>	No:

In Afghanistan, Bhutan, India, Maldives and Sri Lanka, adhoc appointments can be made by Government without prior approval of Public/Civil Service Commission. Whereas, in Bangladesh, Nepal and Pakistan, there is provision in the Act/ Ordinance of Public/Civil Service Commission to make adhoc appointments by the Govt., with prior approval of the Commission. Similarly, contract appointments are made by the Government in all the SAARC Countries without prior approval of the Commission, except in Maldives as detailed in Figure 5 and 6.

Figure 5: Approval of Commissions for adhoc appointments by the governments

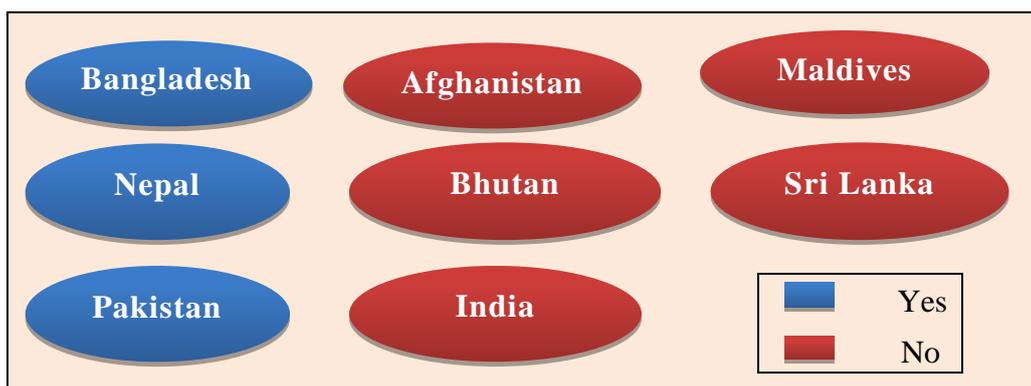
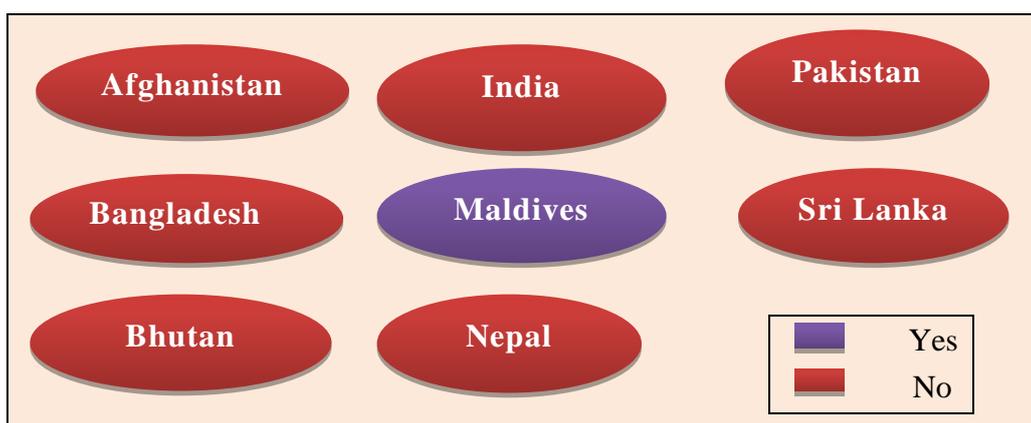


Figure 6: Approval of Commissions for contract appointments by governments



In all the Commissions, withdrawal of requisition for recruitment is admissible under the rules, but at different stages of the recruitment process. In Afghanistan, Bhutan, Maldives, Nepal, requisitions can be withdrawn by the concerned Ministry/Organization before advertisement of the post, whereas, in other Commissions these can be withdrawn either before the conduction of tests or interviews which is given at Table 24.

Table 24: Withdrawal of recruitment requisition

Commissions	Stages of withdrawal of requisition for recruitment by department
<b>Afghanistan</b>	Before advertisement of posts
<b>Bangladesh</b>	Before advertisement of posts and conduction of tests and interviews
<b>Bhutan</b>	Before advertisement of posts
<b>India</b>	Before interviews for the posts
<b>Maldives</b>	Before advertisement of posts
<b>Nepal</b>	Before advertisement of posts
<b>Pakistan</b>	Before interviews for posts
<b>Sri Lanka</b>	Before conduction of test

Public/Civil Service Commissions in India and Sri Lanka, constitute larger Board/ Committee for interviews as compared to other Commissions as revealed in Table 25.

**Table 25: Composition of the Interview Committee**

Commissions	Composition of Committee of Commission prescribed for interview
<b>Afghanistan</b>	Two Members from Commission and one Representative from concerned department
<b>Bangladesh</b>	One member from Commission, one expert nominated by BPSC & one departmental expert nominated by the Government.
<b>Bhutan</b>	- For Executives: Commission+ Head of agency - For Others: HR Committee of agency + representative of RCSC
<b>India</b>	The board normally comprises of Chairman / Member of Commission + 3 - 4 Specialists/ Advisors in the relevant field.
<b>Maldives</b>	Minimum 3 Members
<b>Nepal</b>	Minimum 3 Members
<b>Pakistan</b>	Two or more Members of the Commission+ Representative from concerned department+ Subject Specialist.
<b>Sri Lanka</b>	Commission appoints Interview Board which consists of 5 officers

The short-listing of candidates in larger recruitment cases in Bangladesh, Nepal and Pakistan is carried out through written tests only, whereas, in Afghanistan, Bhutan, India and Sri Lanka academic record of the candidates is also taken into account, besides written tests to short list the candidates. In Maldives, short listing of candidates is carried out only on the basis of academic record of the candidates as publicized in Table 26.

**Table 26: Methods of short listing the candidates for larger number of applications**

Commissions	Methods adopted for short listing of candidates, for larger number of applications received against limited number of posts
<b>Afghanistan</b>	Written test + Academic Record
<b>Bangladesh</b>	Screening test (MCQ)
<b>Bhutan</b>	Academic Record+ Written test + Interview
<b>India</b>	Written test + interview. By evolving short listing criterion based on Essential Qualifications/ Desirable Qualifications and relevant experience.
<b>Maldives</b>	Academic record
<b>Nepal</b>	Written test
<b>Pakistan</b>	Written Test (MCQ)
<b>Sri Lanka</b>	- Written test + Academic Record. - Seniority and Performance of officers already in the government service

The Chairman of Nepal Public Service Commission and the Chairman of the Maldives Civil Service Commission are ex-officio Members of the Judicial Service Commission under the Constitutional Provision. In Pakistan, FPSC Chairman is head of the Central Selection Board for promotion of civil officers to BS-20 and BS-21 under the provision of Civil Servant Act 1973. No other Public/Civil Service Commissions has such provisions under their law.

**Table 27: Chairman of Commissions as Ex-Officio Member**

Commissions	Chairman of the Commission as Ex-Officio Member of Selection Boards of Institutions other than Commission
<b>Afghanistan</b>	No.
<b>Bangladesh</b>	No.
<b>Bhutan</b>	No
<b>India</b>	No
<b>Maldives</b>	Yes: Member of the Judicial Service Commission (Article 158g of the Constitution)
<b>Nepal</b>	Yes: Member of the Judicial Service Commission (Article 114 of the Constitution)
<b>Pakistan</b>	Yes: Head of the Central Selection Board for promotion of civil officers to BS-20 and BS-21 (Civil Servant Act 1973)
<b>Sri Lanka</b>	No.

There is no rule under the law that Members of the Public/Civil Service Commissions of Afghanistan, Bangladesh, India, Maldives and Sri Lanka for becoming ex-officio Member of the Selection Boards of other institutions. In the Commissions of Bhutan, Nepal and Pakistan, there is provision in the Law that Members of the Commission can become the ex-officio Member of the Selection Boards of other institutions as depicted in Table 28.

**Table 28: Members of Commissions as Ex-Officio Member**

Commissions	Members of the Commission Ex-Officio Members of Selection Boards of Institutions other than Commission
<b>Afghanistan</b>	No.
<b>Bangladesh</b>	Only Chairman is the Ex-officio member of Search Committee.
<b>Bhutan</b>	Yes: HR committee of agency + one RCSC Commissioner
<b>India</b>	No
<b>Maldives</b>	No.
<b>Nepal</b>	Yes: Member of the Security Agencies, Universities, Academics etc. Separate legislation of their parent Institution's Act
<b>Pakistan</b>	Yes: Selection Boards of some universities at Federal level
<b>Sri Lanka</b>	No.

All the Public/Civil Service Commissions in the SAARC region have the provision under the law to play role in disciplinary cases initiated by the Government against the civil servants recruited through the Commission. The FPSC, Pakistan has no role in such cases, as shown in Table 29.

**Table 29: Role of Commissions in disciplinary cases**

Commissions	Role of Commission in disciplinary cases against personnel recruited through it
<b>Afghanistan</b>	Yes: Article 18 sub article 12 of Civil Service Law provides this provision.
<b>Bangladesh</b>	Yes: Article 140 (2)(d) of Constitution provides the provision that the President shall consult the Commission with respect to the discipline of the service.
<b>Bhutan</b>	Yes: Executives and Specialists: disciplinary actions are taken only by Commission. For others: disciplinary actions by the Agency itself
<b>India</b>	Yes: Under Article 320(c) of Constitution of India, the Commission is required to be consulted on all disciplinary matters affecting a person serving under Government of India or State in a civil capacity, including memorials or petitions relating to such matters.
<b>Maldives</b>	Yes: Article 34 of the Civil Service Law
<b>Nepal</b>	Yes: Advisory Role under Article 126 clause 3 (f) of the Constitution.
<b>Pakistan</b>	No.
<b>Sri Lanka</b>	Yes: Disciplinary proceedings are conducted and actions are taken by the Commission or its Delegated Authorities. The Government has no roll.

The Public/Civil Service Commissions of Afghanistan, Bhutan, Maldives and Sri Lanka have the provision to play role in designing the training courses for personnel recruited through the Commission, whereas, Bangladesh, India, Nepal and Pakistan have no provision to design the training courses as revealed in Table 30.

**Table 30: Role of Commissions in designing Training Courses**

Commissions	Role of Commission in designing Training Courses for personnel recruited through it.
<b>Afghanistan</b>	Yes: Under Article 12 sub article 6 of Civil Service Law
<b>Bangladesh</b>	No.
<b>Bhutan</b>	Yes: Sections 57 to 60 of CSAB 2010 have this provision.
<b>India</b>	No.
<b>Maldives</b>	Yes: Article 18/182 of the Constitution
<b>Nepal</b>	No.
<b>Pakistan</b>	No.
<b>Sri Lanka</b>	Yes: Advisory Role.

Almost all the Commissions of SAARC Member States under the Law have the provision to design Syllabi for the examinations/tests conducted by Commissions as shown in Table 31.

**Table 31: Role of Commissions in designing syllabi for examinations/tests**

Commissions	Role of Commission in designing syllabi for examination/ test conducted by it
<b>Afghanistan</b>	Yes: Under Article 12 sub article 9 of Civil Service Law
<b>Bangladesh</b>	Yes
<b>Bhutan</b>	Yes: Chapter 7 of BCSR
<b>India</b>	Yes: With help/assistance of Experts, Commission designs the syllabi for various examinations/ tests conducted by it.
<b>Maldives</b>	Yes: Article 18/182 of the Constitution
<b>Nepal</b>	Yes: According to Section 23 of Public Service Commission Act, the scheme and curricula of exam to be given by the Commission in order to fill the vacant post of civil service.
<b>Pakistan</b>	Yes:
<b>Sri Lanka</b>	Yes: By giving directives to the Department of Examination

The Public/Civil Service Commissions of Afghanistan, Bhutan and Maldives have the provisions for making suggestions in selection of personnel for the trainings, , whereas, in the Commissions of Bangladesh, India, Nepal, Pakistan and Sri Lanka, there is no provision to interfere in the government procedure while nominating the personnel for trainings. This shows a wider disparity among the Commissions in performing their functions. The details are portrayed in Table 32.

**Table 32: Role of Commissions in nomination of Personnel for Training**

Commissions	Role of Commission in nomination of Personnel for Training.
<b>Afghanistan</b>	Yes: Under Article 12 sub article 9 of Civil Service Law
<b>Bangladesh</b>	No
<b>Bhutan</b>	Yes: All long term trainings of civil servants are approved by Commission
<b>India</b>	No
<b>Maldives</b>	Yes
<b>Nepal</b>	No.
<b>Pakistan</b>	No.
<b>Sri Lanka</b>	No.

For promotion of Civil employees to higher posts, promotional examinations are conducted by the Public/Civil Service Commission of Bangladesh, Bhutan, India, Nepal, Pakistan and Sri Lanka, whereas the Commissions in Afghanistan and Maldives have no such provision in their Laws as shown in Table 33.

**Table 33: Conduct of Promotional Examinations for higher posts**

Commissions	Conduct of Promotional Examinations for higher posts by the Commission
<b>Afghanistan</b>	No.
<b>Bangladesh</b>	Yes: Bangladesh Civil Service (Examinations for Promotion) Rules, 1986
<b>Bhutan</b>	Yes
<b>India</b>	Yes
<b>Maldives</b>	No.
<b>Nepal</b>	Yes: Constitution/ Civil Service Act 1993
<b>Pakistan</b>	Yes: Under Section 7 (1) (C) of the FPSC Ordinance
<b>Sri Lanka</b>	Yes: Through the Department of Examination of government of Sri Lanka

The Public/Civil Service Commissions in Afghanistan, Bhutan, Maldives and Pakistan have the provision in their Law to conduct post-training examination. However, in Bangladesh, India, Nepal and Sri Lanka, there is no such provision in their Public/Civil Service Commissions as shown in Table 34.

**Table 34: Conduct of Post Training Examination**

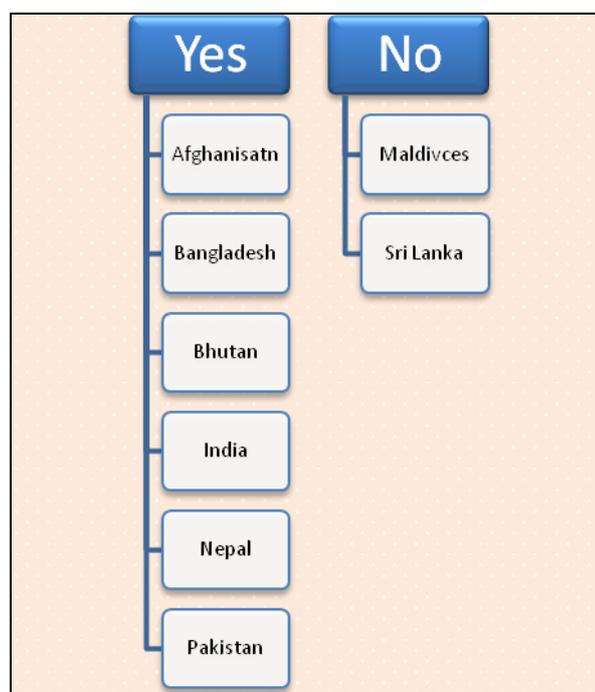
Commissions	Role of Commission in conduct of Post Training Examination
<b>Afghanistan</b>	Yes: Under Article 12 sub article 9 of Civil Service Law
<b>Bangladesh</b>	No.
<b>Bhutan</b>	Yes: <b>Article 26 (5) of Constitution and Sections 57 to 60 of CSAB.</b>
<b>India</b>	No
<b>Maldives</b>	Yes: Article 18/182 of the Constitution
<b>Nepal</b>	No.
<b>Pakistan</b>	Yes: Under Occupational Groups and Services Rules 1990.
<b>Sri Lanka</b>	No.

The short listing of the candidates is made by the Commission itself in Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal and Pakistan. Only Sri Lanka seek assistance of administrative authorities or other agencies for short listing the candidates as shown in Table 35.

**Table 35:** Government/private agencies assistance required by the Commissions

Commissions	Assistance of Governmental/ Private Agencies by Commission for short listing of candidates
<b>Afghanistan</b>	No.
<b>Bangladesh</b>	No
<b>Bhutan</b>	No
<b>India</b>	No
<b>Maldives</b>	No.
<b>Nepal</b>	No
<b>Pakistan</b>	No
<b>Sri Lanka</b>	Yes, Administrative Authorities are appointed by the Commission. Private sector has no roll at all.

Tests and examinations are administered by their staff in all the Civil/Public Service Commissions, except in Maldives and Sri Lanka where help of other organizations is obtained during this process. The trend is similar in most of the Commissions in the region as shown in Figure 8.

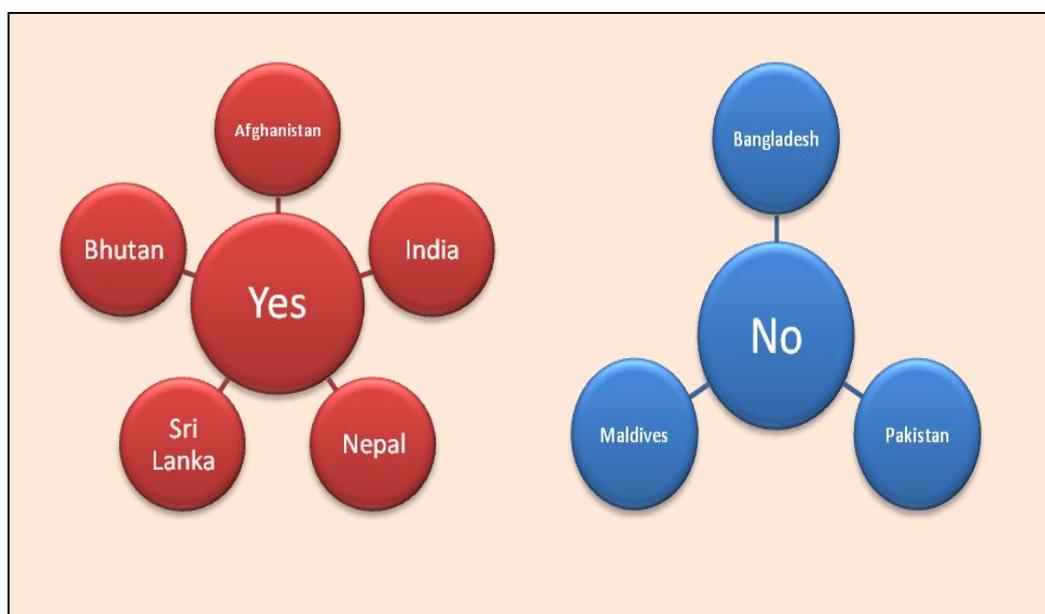
**Figure 8:** Administration of tests and examinations by staff of the Commission

The highest number of tests and examinations were conducted during the years 2010 and 2011 by the Public Service Commission of Nepal, whereas, Bhutan and India has taken lowest number of tests/examinations during this period. No information is available from the Commission of Maldives. In Sri Lanka, the Commission was non-functional during this period. The Commission of Afghanistan have started examinations in the year 2013. Details are illustrated in Table 36.

**Table 36: Tests and examinations conducted by the Commissions**

Commissions	Tests and examinations conducted during the last two years	
	2010	2011
<b>Bangladesh</b>	177	173
<b>Bhutan</b>	32	44
<b>India</b>	30	20
<b>Nepal</b>	1224	1220
<b>Pakistan</b>	163	138

The Public/Civil Service Commissions in Afghanistan, Bhutan, India, Nepal and Sri Lanka maintained data bank of questions for tests and examinations conducted, whereas, in Bangladesh, Maldives and Pakistan no such data bank is maintained by the respective Commissions. The results revealed that most of the countries have a uniform pattern regarding the Data bank as shown in Figure 9.

**Figure 9: Maintenance of Questions Data**

All Public/Civil Service Commissions have assigned weightage to academic record of the candidates in selection criteria, except the Federal Public Service Commission of Pakistan. Similarity has been observed while giving weightage to the academic record of the candidates among all the Commissions except Pakistan as revealed in Table 37.

**Table 37: Weightage to academic record of candidates in selection**

Commissions	Weightage to academic record of candidates in selection
<b>Afghanistan</b>	Yes: Article 8 sub article 1-6 of Civil Servant Law have this provision
<b>Bangladesh</b>	Yes: For certain technical and higher posts only.
<b>Bhutan</b>	Yes: 10% (Chapter 7 of BCSR)
<b>India</b>	Yes: Weightage is given at time of short listing only.
<b>Maldives</b>	Yes: Selection criteria / No translation available
<b>Nepal</b>	Yes: Under Clause 54 of Work Procedure Act of the Commission 2011. For 1 <sup>st</sup> Division 2 Marks, for 2 <sup>nd</sup> Division 1.5 marks, for 3 <sup>rd</sup> Division 1 mark.
<b>Pakistan</b>	No.
<b>Sri Lanka</b>	Yes: Every Service Minute/ Scheme of Recruitment/Promotion provides mark Scheme for Academic Qualifications

During the selection process of candidates the weightage in terms of marks assigned in interview varies from Commission to Commission in the SAARC countries. In Bangladesh, Bhutan, Nepal and Sri Lanka the weightage given ranges from 10% to 20%. In India it varies for different categories of examinations to certain level of posts. The Federal Public Service Commission of Pakistan has assigned highest weightage to the interview in the selection process. The results show variety of marks assigned for interview by the Commissions as given in Table 38.

**Table 38: Weightage to interview in selection**

Commissions	Weightage to interview in selection of candidates
<b>Afghanistan</b>	According to Civil Servant Law
<b>Bangladesh</b>	BCS examination 200 out of 1100 total marks and for non-cadre examination 100 for Class I & 50 marks for Class II
<b>Bhutan</b>	20% weightage (Chapter 7 of BCSR)
<b>India</b>	Various criteria for different exams
<b>Maldives</b>	As per provisions in the rules of selection criteria
<b>Nepal</b>	Depending upon the position to be interviewed 10%-20%
<b>Pakistan</b>	<ul style="list-style-type: none"> <li>- Under General Recruitment Scheme, weightage of interview in selection of officers of BS-16 to BS-19 is 67% whereas such weightage in selection of officers of BS-20 and above is 100%.</li> <li>- Under Section Officers Promotional Examination Scheme, weightage of interview is 25%.</li> <li>- Under Central Superior Services Competitive Examination Scheme System, weightage of interview is 20%.</li> </ul>
<b>Sri Lanka</b>	Normally 10%

The Commissions in Afghanistan and Pakistan conducts interviews by one and the same Committee. However, in Bangladesh, Bhutan, India, Maldives and Nepal there can be more Committees if candidates to be interviewed are large in number for certain jobs.

In Sri Lanka the official designation of Members of the Interview Board remains the same, however, individuals holding the designation may vary as specified in Table 39.

**Table 39:** Committee of the Commission for interviews

Commissions	Interviews are conducted by one and the same Committee of the Commission or not
<b>Afghanistan</b>	Yes: Article 14 of Civil Service Law
<b>Bangladesh</b>	No
<b>Bhutan</b>	No: BCSR chapters 4 and 7 for pre-service and chapter 13 for in-service
<b>India</b>	No: More than one Board if candidates to be interviewed are large in number
<b>Maldives</b>	No.
<b>Nepal</b>	No.
<b>Pakistan</b>	Yes.
<b>Sri Lanka</b>	Yes: Official designation of Members of the Interview Board remains the same. Individuals holding the designation may vary.

The Public/Civil Service Commission of Bangladesh and Sri Lanka have allocated some weightage in terms of marks to be awarded to the candidates on the recommendations of Departmental Representatives or Subject Specialists. Whereas, the Commissions of Afghanistan, Bhutan, India, Maldives, Nepal and Pakistan, no weightage is given in terms of marks.

The Members of the Commission separately award marks to the candidate during interviews, except in Bangladesh, India and Pakistan where marks are collectively awarded by the interviewing Committee/Board, as specified in Table 40.

**Table 40:** Weightage assigned to the departmental representative/subject specialists and separate or collective marking by Members of interview committee

Commissions	Weightage assigned to the Departmental Representative/ Subject Specialists in Interview	Separate or collective marking by Members of interview Committee
<b>Afghanistan</b>	No.	Separately
<b>Bangladesh</b>	Yes	Collectively
<b>Bhutan</b>	No.	Separately
<b>India</b>	No	Collectively
<b>Maldives</b>	No.	-do-
<b>Nepal</b>	No.	-do-
<b>Pakistan</b>	No.	Collectively with consensus.
<b>Sri Lanka</b>	Yes.	Separately.

In Bangladesh, India and Maldives, the interview committees of the Commissions write a report on the strength and weaknesses of candidates observed during the course of interviews. This system does not prevail in most of the Public/Civil Service Commission.

Uniformity has been observed in the process of interviews which are conducted on basis of physical appearance of the candidates before the Interview Committee/ Board in all Public Service Commissions as specified in Table 41.

**Table 41:** Weightage assigned to the Departmental Representative/Subject Specialists and Separate or collective marking by Members of interview Committee

Commissions	Report on weaknesses and strength of candidates observed during interview	Modes for interview of the candidates adopted
<b>Afghanistan</b>	No.	Physical Appearance
<b>Bangladesh</b>	Yes	-do-
<b>Bhutan</b>	No	-do-
<b>India</b>	Yes	-do-
<b>Maldives</b>	Yes	-do-
<b>Nepal</b>	No.	-do-
<b>Pakistan</b>	No.	-do-
<b>Sri Lanka</b>	No.	-do-

The average time consumed in completion of recruitment process by the Commission of Afghanistan and Maldives varies from one to two months. This is the minimum time consumed as compared to other Commissions of the Regions. In Bangladesh highest time span of more than one year, in Bhutan it takes about 6 months, the Commission in India takes 6 to 9 months for selection through Examination + Interview. In Pakistan time differ on average from 8 to 10 months or even more in certain recruitment cases and in Sri Lanka time depends according to the Service/ Grade/ Post, as specified in Table 42.

**Table 42:** Average time consumed in recruitment process

Commissions	Average time consumed in completion of recruitment process
<b>Afghanistan</b>	6-7 weeks
<b>Bangladesh</b>	Average 500 days for BCS exam and 100 days for non-cadre examinations
<b>Bhutan</b>	180 days from registration to final selection & placement for pre-service candidates and one month for others
<b>India</b>	6 to 9 months
<b>Maldives</b>	Nearly 30 days
<b>Nepal</b>	6-9 months
<b>Pakistan</b>	8 to 10 months
<b>Sri Lanka</b>	Depend on Service/ Grade/ Post

The annual receipt and processing of applications for various jobs is highest in India followed by Bangladesh and Pakistan. Whereas, the lowest number of applications are received and processed in Bhutan. Such information from Maldives is not available. In Sri Lanka the Commission remained non-functional during the specified period as contained in Table 43.

**Table 43:** Applications received and processed during the two years

Commissions	Applications received during last two years for jobs		Applications processed during last two years	
	2010	2011	2010	2011
<b>Afghanistan</b>	56358	33483	56358	33483
<b>Bangladesh</b>	431289	409645	429212	397878
<b>Bhutan</b>	1328	1856	1632	2310
<b>India</b>	1999113	2146573	1999113	2146573
<b>Nepal</b>	251651	271577	251651	271577
<b>Pakistan</b>	123,903	158,229	123,903	158,229

The number of court cases filed by the aggrieved candidates against the Commission during the years 2010 and 2011 were highest in India followed by Pakistan, whereas, the number was lowest in Nepal followed by Bangladesh. Such information was not received from Afghanistan as shown in Table 44.

**Table 44:** Court cases filed against the decisions of Commissions

Commissions	Court cases filed against Commission during last two years	
	2010	2011
<b>Bangladesh</b>	80	62
<b>India</b>	1005	1195
<b>Maldives</b>	247	75
<b>Nepal</b>	49	55
<b>Pakistan</b>	118	146
<b>Sri Lanka</b>	--	135

In Bhutan and Maldives appointing authorities of offices/officials in government sector are the Civil Service Commissions, whereas, in Commissions of Afghanistan, Bangladesh, India, Maldives, Nepal and Pakistan makes appointments as specified under the Civil Service Laws/Rules of the respective country. Sri Lanka has not specified the information, as contained in Table 45.

**Table 45: Appointing authority for officer/officials in government sector**

Commissions	Competent authorities to appoint officers/officials in government sector
<b>Afghanistan</b>	For highest positions, the President, For middle and lower positions the Minister concerned or Director of the Organization (Article 10 sub article 3 & 4 of Civil Servant Law)
<b>Bangladesh</b>	On recommendation from the Public Service Commission, respective Ministries are the competent authority for class 1 and class 2 officials on behalf of President
<b>Bhutan</b>	Royal Civil Service Commission
<b>India</b>	Competent authority to appoint all Group "A" services and posts is the President and for all other posts/services Secretary/D.G./Head of Institutions are the Competent Authorities
<b>Maldives</b>	Civil Service Commission
<b>Nepal</b>	The Government. Rule 16 and 17 of Civil Service Regulations 1993
<b>Pakistan</b>	Concerned Ministries/ Divisions/ Departments under Civil Servants (Appointment, Promotion and Transfer) Rules, 1973
<b>Sri Lanka</b>	----

In Bangladesh, Nepal and Pakistan, quota for various provinces/ regions of the country is prescribed under Law to ensure their participation in the civil services of the country. However, there is no such provision in Afghanistan, Bhutan, Maldives and Sri Lanka. In India, reservation in vacancy is prescribed for Scheduled Castes, Scheduled Tribes, Other Backward Classes and Physically Handicapped persons for their participation in the services as depicted in Table 46.

**Table 46: Quota system to ensure the participation of provinces/regions in services**

Commissions	Quota for various Provinces/ Regions to ensure participation in services
<b>Afghanistan</b>	No.
<b>Bangladesh</b>	Yes: Priority quota 55%( Freedom fighter-30%, Female-10%, Tribal-05% & District-10%) of the vacant posts, on the basis of Executive Order of the government
<b>Bhutan</b>	No
<b>India</b>	No.
<b>Maldives</b>	No.
<b>Nepal</b>	Yes: Limited quota to Backward districts (Section 7 sub-section 7 of Civil Service Act 1993)
<b>Pakistan</b>	Yes: Merit/Provincial/Regional Quotas for Recruitment to Civil Posts.
<b>Sri Lanka</b>	No: Provincial Councils are entitled to recruit officers for Provincial Council subjects, with approval of General Treasury of the Government

In Bangladesh and Pakistan, quota system in the services is based on the population ratio of various regions of the respective countries. In India, Nepal and Sri Lanka, some representation in services is given on other grounds as specified in the service requirements, whereas, no information is available for Maldives in this context, as revealed in Table 47.

**Table 47: Basis for provincial/regional quota system**

Commissions	Provincial/Regional quota for recruitment prescribed on the basis of population, area, parity or on any other ground.
<b>Bangladesh</b>	Population
<b>India</b>	Only on other grounds – Reservation is provided to Scheduled Castes (SC), Scheduled Tribes (ST), Other Backward Classes (OBC) and Physically Handicapped Candidates
<b>Nepal</b>	On the basis of inclusiveness. Section 7 sub-section 7 of Civil Service Act 1993
<b>Pakistan</b>	Population
<b>Sri Lanka</b>	Recruitments are allowed according to service requirements

The Public/Civil Service Commissions of Afghanistan, Bhutan and Maldives do not provide any age relaxation. In Bangladesh age relaxation is given to freedom fighters and their children, doctors and tribal's. In India and Sri Lanka there is provision of age relaxation to the government servants. The age relaxation is given to Government servants and disabled persons in India, Nepal and Pakistan. In Bangladesh and Sri Lanka the age relaxation is not considered for women, widows and disabled persons. In India, while age relaxation is not considered for women and widows, the same is provided to disabled persons as depicted in Table 48.

**Table 48: Age relaxation to certain categories for employment**

Commissions	Provision to grant age relaxation for employment to certain categories
<b>Afghanistan</b>	None to all
<b>Bangladesh</b>	Yes: Age relaxation for freedom fighter and their children, doctor and tribal exists.
<b>Bhutan</b>	None to all
<b>India</b>	Yes: To government servants, disabled persons and SCs/STs/OBCs
<b>Maldives</b>	None to all
<b>Nepal</b>	No: To minorities and widows. Yes: To government servants, women, disabled persons.
<b>Pakistan</b>	Yes: To Government servants, disabled persons and widows. Under Relaxation of Upper Age Limit Rules 1993, candidates of General Recruitment belonging to scheduled castes, Buddhist community, recognized tribes of tribal areas, Azad Kashmir and Northern Areas are also entitled for relaxation of upper age limit.
<b>Sri Lanka</b>	No: To minorities and ethnic basis Yes: To government servants.

In Afghanistan, Bangladesh and Pakistan, the President of the Country is competent to grant age relaxation to applicants for Government jobs. In Bhutan and India, the Commission allows age relaxation following the relevant rules, whereas, in Nepal and Maldives, age relaxation is not applicable for recruitment purpose as given in Table 49.

**Table 49: Authority to grant age relaxation to applicants**

Commissions	Competent authority to grant age relaxation to applicants
<b>Afghanistan</b>	President
<b>Bangladesh</b>	Not applicable
<b>Bhutan</b>	Commission has the authority, which is rarely used
<b>India</b>	Age relaxation is granted on the basis of provisions in Recruitment Rules or Rules of Examinations
<b>Maldives</b>	Not applicable
<b>Nepal</b>	No age relaxation is permissible to applicants. However, The age bar shall not be applicable to the permanent incumbent employees of the civil service and female civil employee serving for the last 5 years on temporary post
<b>Pakistan</b>	President and Prime Minister are authorities to grant age relaxation to candidates of General Recruitment.
<b>Sri Lanka</b>	Cabinet of Ministers as a policy decision

Psychological Testing is not carried out for all post recruited through the Public/Civil Service Commissions. However, in Afghanistan, Bangladesh, Bhutan, India, Maldives and Sri Lanka there is no system of Psychological Testing of the Candidates for any post. In Nepal and Pakistan, different types of tests (verbal and non-verbal, problem solving, personality tests, pictorial reasoning and ability tests) are used by the respective Commissions as revealed in Table 50.

**Table 50: Conduction of psychological testing and types of tests**

Commissions	Psychological Testing for all posts recruited by the Commission	Types of Psychological Tests carried out
<b>Afghanistan</b>	No	Not applicable
<b>Bangladesh</b>	-do-	No Psychological Test exists. However to judge mental ability, questions for 50 marks set in the written test for BCS examination.
<b>Bhutan</b>	-do-	Not applicable
<b>India</b>	-do-	Not applicable
<b>Maldives</b>	-do-	Not applicable
<b>Nepal</b>	-do-	To some extent
<b>Pakistan</b>	-do-	Psychological Assessment is mandatory for selection in civil service
<b>Sri Lanka</b>	-do-	----

In India and Sri Lanka, applications for various jobs are received on-line. Whereas, in other Commissions the system of receiving applications is paper based and online. Most of the Commissions are trying to replace paper based applications with on-line system as shown in Table 51.

**Table 51: Modes of receipt of applications by the Commission**

Commissions	Modes of receipt of applications by the Commission
<b>Afghanistan</b>	Generally paper based. Online for 3000 positions in programs like CBRF (Capacity Building for Result Fund)
<b>Bangladesh</b>	Paper based form, Online.
<b>Bhutan</b>	Paper based form, Online, Fax, Email
<b>India</b>	Online
<b>Maldives</b>	Paper based form, email.
<b>Nepal</b>	Paper based form.
<b>Pakistan</b>	Paper based form, Online, E-mail
<b>Sri Lanka</b>	Online – only in certain professional service.

To conduct tests and examinations, paper based system is being followed by all the Commissions in the region. However, some Commissions like India, Pakistan and Sri Lanka are planning to conduct computer based testing for certain jobs, where objective test (MCQ) is administered for short listing and selection of the candidates as given in Table 52.

**Table 52: Modes of conducting tests/ examinations**

Commissions	Modes of conducting tests/ examinations
<b>Afghanistan</b>	Paper based system
<b>Bangladesh</b>	-do-
<b>Bhutan</b>	-do-
<b>India</b>	-do-
<b>Maldives</b>	-do-
<b>Nepal</b>	-do-
<b>Pakistan</b>	-do-
<b>Sri Lanka</b>	- Paper based system - Computer based testing-for technical jobs

Different modes of communication with candidates are followed by the Commissions. The Commissions of Afghanistan and Bhutan communicate with candidates through telephone and email, Bangladesh, Maldives and Pakistan use Postal Services, SMS, Website, Phone and E-mail as a mode of communication. India communicates with candidates through E-mail and website. The Bhutan Commission correspond by using Phone and E-mail and in Sri Lanka communication with the applicants is through post and courier service as depicted in Table 53.

**Table 53: Modes of communication with candidates**

Commissions	Modes of communication with candidates
<b>Afghanistan</b>	Phone, E-mail
<b>Bangladesh</b>	Post, SMS, website and advertisement through newspaper
<b>Bhutan</b>	Phone, website
<b>India</b>	E-mail
<b>Maldives</b>	Post, SMS, Phone, E-mail
<b>Nepal</b>	Website, Public Notice, Bulletin
<b>Pakistan</b>	By Post, Website, SMS, Phone, E-mail
<b>Sri Lanka</b>	Post, Courier

In Bangladesh, India and Pakistan, facilities of centralized data processing of applications is available and also maintain historic data base in digitized form for last 4 to 15 years. This facility is not present with the Public/Civil Service Commissions of Afghanistan, Bhutan, Maldives, Nepal and Sri Lanka as detailed in Table 54.

**Table 54: Centralized data processing facility and its maintenance**

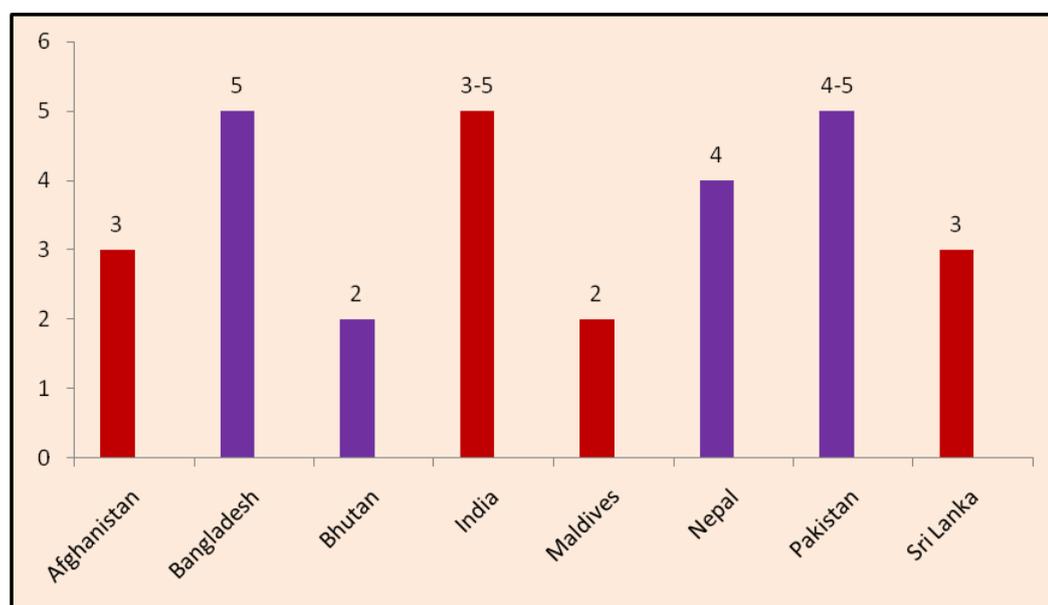
Commissions	Availability of centralized data processing facility for processing of applications	Maintenance of historic database in digitized form of applicants	Years to maintain historic database of applicants
<b>Afghanistan</b>	No.	No.	Not applicable
<b>Bangladesh</b>	Yes: By SQL database and networking system.	Yes: Online application receiving with digitalized format	10 years
<b>Bhutan</b>	No	No	--
<b>India</b>	Yes	No	Not applicable
<b>Maldives</b>	No.	Yes	4 years
<b>Nepal</b>	No.	No.	No fix duration, forever for the successful candidate.
<b>Pakistan</b>	Yes. Computer servers and software applications available for the purpose.	Yes: <b>ORACLE RDBM</b> is used for the purpose.	15 Years
<b>Sri Lanka</b>	No.	No.	----

The Public/Civil Service Commissions in Bangladesh, Bhutan, India, Nepal and Pakistan have helpline/Call Centre to facilitate the candidates to provide the required information and submission of applications. This facility is not available in Commissions of Afghanistan, Maldives and Sri Lanka as shown in Table 55.

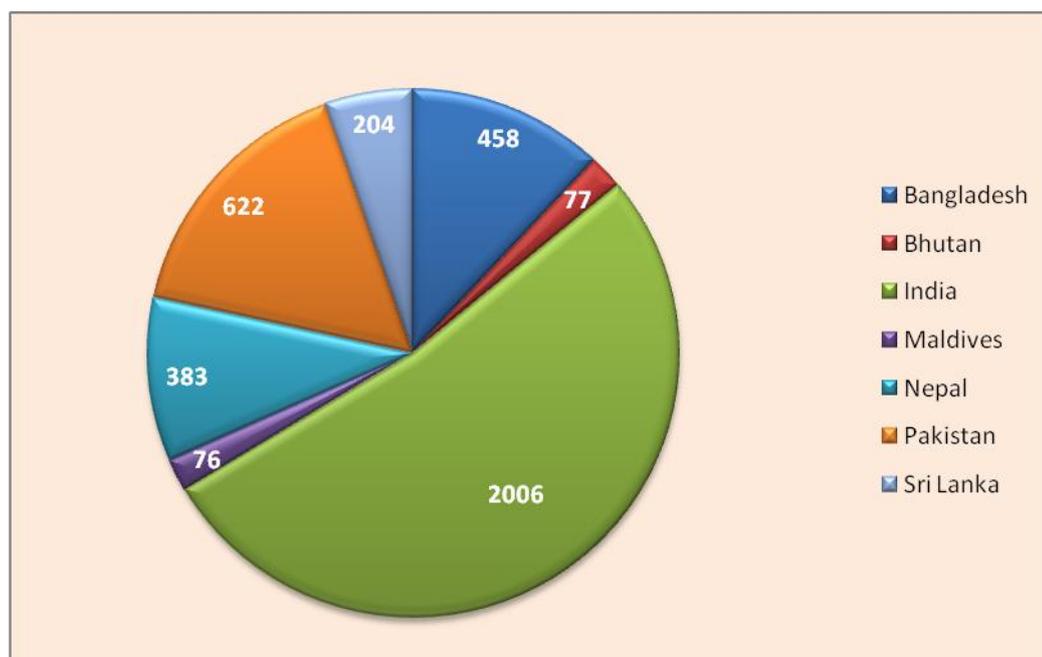
**Table 55: Facility of helpline/call centre for candidates**

Commissions	Facility of helpline/call centre for candidates
<b>Afghanistan</b>	No:
<b>Bangladesh</b>	Yes: For receiving online applications
<b>Bhutan</b>	Yes: Phone number of contact person in RCSC secretariat is available
<b>India</b>	Yes: The Commission maintains centre's to facilitate candidates. No outsource Call Centre is used at present
<b>Maldives</b>	No:
<b>Nepal</b>	Yes:
<b>Pakistan</b>	Yes: For online application submission and other information.
<b>Sri Lanka</b>	No:

In Bhutan and Maldives two tiers/stages are involved in disposing off the official work at officers level in the Commission's secretariat. However, in all other Commissions, three to five tiers/stages exists for the purpose as detailed in Figure 9.

**Figure 9: Tiers/stages involved in disposal of official work**

The Public Service Commission of India has the highest strength of officers and staff followed by the Commissions of Pakistan and Bangladesh. The Commissions of Maldives and Bhutan have the lowest strength. In the Commission of Afghanistan there are nine Commissioners among them one is the Chairman and the official strength is not available and depends on the load of work. Details are portrayed in Figure 10.

**Figure 10:** Staff strength of Public/Civil Service Commission of SAARC region

In India and Pakistan, besides the Federation, there are Public Service Commissions at the State/Provincial Level for Provincial Services. Such Commissions in other SAARC Countries do not exist as detailed in Table 56.

**Table 56:** Establishment of Provincial/Regional Public Service Commissions

Commissions	Establishment of Provincial/Regional Public Service Commissions for Provincial Services
<b>Afghanistan</b>	No.
<b>Bangladesh</b>	No
<b>Bhutan</b>	No
<b>India</b>	Yes: Constitution of India provides for a Public Service Commission for each state
<b>Maldives</b>	No
<b>Nepal</b>	No.
<b>Pakistan</b>	Yes: Constitution of Islamic Republic of Pakistan provides for Provincial Public Service Commissions.
<b>Sri Lanka</b>	No.

Besides recruitment, the Commissions of Afghanistan, Bhutan, India, Maldives and Nepal perform certain sub-functions as assigned according to the domestic needs of the respective countries. The nature of sub-functions is not similar in all the Commissions, the BPSC and FPSC do not perform any sub-functions as elucidated in Table 57.

**Table 57: Additional functions performed by the Commissions**

Commissions	Any other function being performed by the Commission
<b>Afghanistan</b>	Development of Reform policies as well as policy for the HR training and development, performance appraisal and training of civil servants, oversight, monitoring and evaluation of reform program and project in Government of Afghanistan
<b>Bhutan</b>	RCSC, <b>as the central personnel agency of the Government</b> , is responsible for all recruitments, appointments, staffing, trainings, transfers and promotions of civil servants serving in legislature, executive and judiciary.
<b>India</b>	Matters relating to grant of extraordinarily pensions, reimbursement of legal expenses, deputation, induction to All India Services from State Civil Service Officer, etc.
<b>Maldives</b>	Training, Appeals, Investigation
<b>Nepal</b>	Hearing complaints on promotion cases.
<b>Sri Lanka</b>	Disciplinary Proceedings against Public Officers

The challenges faced by the Commissions to perform their duties are numerous. The Commissions address these problems according to their local requirements. The main constraints include lack of adequate infrastructure, non-availability of question databank, lack of ICT facilities (except in India and Pakistan), manual marking of answer scripts which is time consuming activity, insufficient opportunities of training and development of Commission's staff, etc. The details are given in Table 58.

**Table 58: Challenges faced by the Commission and remedial measures**

Commissions	Challenges faced by the Commission and remedial measures
<b>Afghanistan</b>	Non-cooperation of Ministries/Institutions with the Commission in appointment process, interference of powerful persons during recruitment process, low level understanding by the candidates, non-acceptance of merit-based system, non standardization of interview/test and in-security situation in Afghanistan
<b>Bangladesh</b>	Maintaining secrecy during printing of question papers by press outside the BPSC, Question paper leakages, formation of question bank, manual examination of answer scripts, and management of examination halls outside BPSC etc.
<b>Bhutan</b>	Both Constitution and Civil Service Act are few years old, as such no remedial measures are seen at this stage.
<b>India</b>	Constraints faced by the Commission in coping up with ever increasing number of applicants for various examinations and related activities for making arrangements to conduct examinations.
<b>Maldives</b>	Political interference, strengthening professional and ethical culture, Pay and remuneration imbalance among public services, geographical fragmentation and scattered civil service organizations, lack of training and research capabilities etc.
<b>Nepal</b>	Digitize the system, ICT Project implementation, transparency vs confidentiality, enhance access to general public to the services provided by the Commission and on-line recruitment system.
<b>Pakistan</b>	Questions data bank, lack of adequate infrastructure etc.
<b>Sri Lanka</b>	Lack of proper digital data base of public officers, un-cooperative attitude of ministerial and departmental officers with Commission, failure of delegated authorities to follow rules of recruitment/ appointment/promotion made by the Commission.

CHAPTER 5

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**Recruitment System of Some Developed Countries**



## 1. RECRUITMENT SYSTEM OF UNITED KINGDOM

### 1.1. History

Brief History of the Civil Service Commission of UK is as under:

- To make Civil Service appointment, the Civil Service Commission for England Wales and Scotland have been working since 1855.
- Civil Service Appointment of junior level positions are made by the Ministries/ Departments. Every department has its own job requirements for making recruitment
- Civil Service appointments (general recruitment) of high level positions are made through Civil Service Commission.
- The recruitment in to the Civil Service is regulated by the Civil Service Order in Council 1995 and the Diplomatic Service Order in Council 1991

*The Civil Service appointment of specialized (occupational groups) groups is made through Fast Stream Assessment Centre (FSAC).*

*The selection for all appointment is made on merit and on the basis of fair and open competition. No specific quota is laid down for any region.*

### 1.2. Composition of Civil Service Commissions

The Civil Service Commission consists of the First Commissioner (Chairman) and 6 to 12 other Commissioners (Members). The Commissioners are appointed by Her Majesty Queen upon the recommendations of the Minister for the Civil Service for a period of 5 years. The Commissioners are eligible for re-appointment after completion of their tenure. The Commissioners may resign by giving notice to the Minister for the Civil Service.

The Minister for Civil Service may remove a Commissioner from office by giving a notice to him if the Minister has grounds for his removal.

- that the Commissioner has without reasonable excuse failed to discharge his functions for a continuous period for three months;
- that he has been convicted of a criminal offence;
- that a bankruptcy order has been made against him or
- that he is unable or unfit to carry out his functions.

### 1.3. Functions of the Civil Service Commission

#### A. The Commission has been chartered with the following duties:-

- The Commission shall maintain the principles of selection on merit on the basis of fair and open competition in relation to selection for appointment.
- The Commission shall prescribe and publish a recruitment code on the interpretation and application by appointing authorities of principle of selection on merit on the basis of fair and open competition.
- The Commission may require appointing authorities to publish such summary information as may be specified relating to recruitment.

- The Commission may hear and decide appeals where alleged that the mandatory requirements of recruitment code have been breached by any department.

*The Commission shall audit recruitment policies and practices within the service to establish whether the recruitment code is being observed by the appointing authority.*

- B. The Commission's approval for appointment (only general recruitment):** No appointment shall be made to any position in the service (which is specified in the recruitment code) without the written approval of the Commission. Approval may be given conditionally or unconditionally.
- C. Commission's approval is not required**
- for an appointment less than 12 months
  - for an appointment on secondment (deputation) if less than 24 months
  - for an extension of an appointment where the overall terms of appointment is less than 24 months
- D. Dealing of complaints:** The Commission shall consider complaints alleging that the mandatory requirements of recruitment code have been breached where the matter has been raised with the head of the department or agency concerned and the person making the complaint is not satisfied with the response. If the Commission found that there has been breach they will make recommendations to ensure compliance with the code.
- E. Audit/Review of recommendations:** The commission audit/carry review of the recruitment practices and policies followed by appointing authorities in making an appointment.

#### 1.4. Advertisement of the Posts

Process of advertisement of the posts is as under:

- All vacancies are openly advertised
- The text of any advertisement or publicity is approved by the concerned department
- The concerned department must participate fully in the final selection
- Public or private sector recruitment agency or selection may be invited to assist in the selection process
- The recruitment competitions are fully documented and papers are retained for 12 months from the end of the competition
- The advertisement contains the complete information about department/job requirements/specifications, location and salary
- The advertisement makes clear whether the job is permanent or a short term contract
- A reasonable opportunity is given to prospective applicants to become aware of vacancies. They are given reasonable time of 3 weeks for submission of application
- The posts are advertised in national and specialist press

### 1.5. Annual Report

The Commission shall place before each House of Parliament an annual report on performance of its functions.

### 1.6. Fast Stream Assessment Centre (Cabinet Office)

- Civil Service Selection Board (CSSB) manages Fast Stream Assessment Centre's
- The Members of Board are appointed by the Cabinet Minister
- FSAC is an assessment centre which selects graduates to join Civil Service.
- All information about selection process, eligibility criteria, qualification etc. Is available on the website.
- The applications are processed on-line
- The FSAC has derived selection process from the method used to assess Army Officers in World War II. Approximately 20,000 applications are received per year for 500 jobs.

### 1.7. Eligibility Criteria for appearing before FSAC:

The FSAC internal entry requirements are open. FSAC is more interested in candidate skills, attitude and out look than where the candidate earned degree.

#### A. Eligibility criteria for fresh candidates:

- Be a UK national
- Second Class degree or above in any discipline from any University
- No age limit is prescribed. However, the average age of appearing candidates is 26 years

#### B. Eligibility criteria for in-service candidates:

In-service Civil Servant having potential the highest level of management can apply.

*The scheme is open to anyone*

*No age or educational qualification restriction*

*Two years service is a mandatory requirement*

### 1.8. Procedure of Selection

In Fast Stream Assessment Centre, complete process for recruitment is briefed as under:

- Advertisement in leading newspapers in mid September
- Receipt of applications by end November
- Applications received after cut off date are not entertained
- Candidates are guided through a series of on-line lists as the first part of on-line application process
- Candidate itself judge whether he is likely to succeed prior to embarking on the second test.

- **Self Selection Questionnaire**

Questionnaire held candidate to assess his suitability, interest, skills and expectations. Fifteen minutes are allowed to complete all the questions. The questionnaire scoring has nothing to do with the recruitment process. This is short listing at initial stage.

- **Situational Judgment Exercise**

The written exercise lasts 30 minutes and is designed to test candidate's ability to build productivity relationship and think constructively. It is divided in two parts. In the first part candidate will be presented with a scenario which describes a challenging situation in the area of interpersonal relationship. Candidates are asked to come up with a solution. In the second part of the exercise candidate is given a new challenge related to the scenario which requires thinking imaginatively.

- **Policy Recommendation Exercise**

This written exercise (by using PCs) lasts for 1 hour and 20 minutes and is designed to test candidate ability to drive for results, make decisions and communicate with impact.

- **Briefing Exercise**

This exercise lasts up 30 minutes and is designed to test candidate ability to plan and achieve results think constructively and communicate with impact.

- **Interview/Viva Voce**

- ▶ The one-to-one interview of the candidate is held with 3 specially selected and trained assessors – 45 minutes with each assessor separately. The assessors are either serving or retired civil servants with significant policy management responsibilities. One of the assessors is a qualified occupational psychologist with experience in assessing candidates for employment. The assessors evaluate candidate's performance against three of the Fast Stream competencies- candidates (i) drive for result (ii) ability to learn and (iii) develop ability to build productive relationship.
- ▶ The assessors are not given any other information of the candidate except his name
- ▶ The assessors will not have seen candidates application form or his scores from earlier stages in selection process
- ▶ The candidate family or ethnic background, gender, appearance, age, accent, political views, religion, personal beliefs or previous employment play no part whatsoever in final decision.
- ▶ The assessment process is comprehensive, and the interview and exercise are each considered independently with all three assessors involved at different times.
- ▶ Final decision is taken on the basis of candidate performance in all the exercises and the interview.
- ▶ The assessment of written task is counted towards candidate's overall score.

- **Declaration of options for groups**

The candidates are asked to declare their options for various services and to attend Final Selection Board to show evidence of the further skills and particular strength.

- **Assignment of successful candidates**

The successful candidates are asked to complete further following few formalities:

- ▶ Health declaration
- ▶ Character enquiry form
- ▶ Checking of degree certificates
- ▶ Obtain references covering the previous three years record
- ▶ Credit and security checks

The formalities take 3 to 4 months to complete. No offer of employment is made until all the formalities/checks are completed satisfactorily.

- **Allocation of Service**

Keeping in view the candidate's interest and as considered appropriate the final services are allocated.

### 1.9. Performance Report

- All candidates attending FSAC, both successful and unsuccessful, receive a copy of their report.
- Sets out how well they performed against each competency
- Identifies candidate's strength and areas of development.

### 1.10. Training and Development

- National School of Government is a leading provider of core skills training and professional development with a unique range of learning opportunities closely aligned with the context and priorities of Government.
- National School of Government provides training to civil servants of all levels.
- The National School of Government organizes a number of short courses training programmes in different fields

*No common or specialized training is imparted to various occupational groups*

*Only Police Group is given training*

*There is no mandatory training like NIPA/Staff College for promotion.*

## 2. RECRUITMENT SYSTEM OF SINGAPORE

### 2.1. Background

The Singapore Civil Service (SCS) is one of the most efficient and least corrupt in the world with some of the highest paid civil servants. The Singapore Government holds the view that remuneration packages pegged with the private sector will eliminate corruption both at the political and civil service level.

*The SCS is one of the most efficient and least corrupt in the world with some of the highest paid civil servants.*

Appointment of all civil servants, except to the Singapore Administrative Service (SAS), was devolved from the Public Service Commission (PSC) and other Commissions to Personnel Boards in Ministries. This was to give ministries greater authority and flexibility in personnel management functions. In addition to decentralizing their recruitment system, they have learned valuable lessons from the private sector and in the 1980s adopted the Shell model for human resource management.

In general, recruitment to the SCS is open as the minimum qualification required is just an A-levels and anyone between the ages of 18 to 55 is free to apply. There is no gender discrimination where both sexes are given equal opportunities.

Recruitment is based on open competition where individuals are inducted through psychometric tests rather than narrative written examinations. The recruitment process for SCS and SAS stresses on abilities adopted from the Shell model. These abilities include teamwork, organizational ability, sense of responsibility, stress handling, work output, knowledge and application, and leadership. Not only do they focus on abilities but they also recruit against a well defined Job Description.

*The SCS is a position based system and SAS is a closed career based system. The SAS is the apex of the civil service pyramid and can be considered equivalent to the Competitive Superior Services.*

The SCS is designed to develop the next generation of public service leaders that can help the political leadership spot trends, meet needs, maintain standards, and formulate and implement policies for the security and success of the country.

Competent individuals are inducted into the SAS through two entry routes, the Management Associate Programme (MAP) for graduates and Public Service Commission (PSC) Scholars, and induction of mid-career professionals.

## 2.2. Establishment of the Commission

The British set up the Civil Service Commission in 1855. Later on in 1947 it was renamed as Public Services Salaries Commission. Subsequently, it was constituted by Public Service Commission Ordinance 1949 promulgated by the British Governor dealing with the recruitment, appointment and promotion of Civil Servants. Finally the formal inception of the Public Service Commission was notified on 1st January, 1951 in the official Gazette and is constituted under Part ix of the Constitution of the Republic of Singapore.

## 2.3. Chairman and Members

The Constitution provides for the Public Service Commission to have a Chairman and not less than 5 and not more than 14 Members.

## 2.4. Tenure of Office

Members are appointed for 5 years and their tenure can be extended. Further more a Member cannot be:

- a public officer;

- a Member of Parliament or election candidates;
- a Member or affiliate of trade unions;
- an office holder in political association; or
- a Statutory Board employee.

The Member cannot hold position in the public service after his/her term in office.

### **2.5. The Public Service Commission Act**

This Act protects Members against any action brought against them for any act done in the course of their duty;

- makes communication of the Commission privileged;
- makes it an offence to give false information to the Commission;
- makes it an offence to influence or attempt to influence the Commission.

### **2.6. Statutory Functions of the Commission**

The Public Service Commission continues to be responsible for the following functions under the Constitution:-

- Appointment of candidates into the Administrative Service;
- Appointment of public officers into Super Scale Grade-D/Grade 7 and above;
- Appointment of Division 1 and Super Scale Officers into the Auditing Service;
- Dismissal and exercise of disciplinary control over public officers and
- Consideration of all appeals from public officers against the decisions of the Appeals Board;
- Confirmation;
- Promotion;
- Transfer;
- Emplace on the permanent or pensionable establishment.

It is pointed out that Public officers under the Public Service Commission purview do not include the Singapore Armed Forces Officers Personnel, Officers in the Judicial and Legal Services, Police Officers below the rank of Inspector and daily rated employees.

Although not provided for under constitution, the Public Service Commission continues to;

- Consider the suitability of candidates recommended by Special Personnel Board for appointment as Chief Executive Officers of Statutory Boards, where the job grades are Super Scale Grade-D/Grade 7 & above;
- Administer the overall Singapore Government Scholarships Programme;
- Manage Public Service Commission undergraduate scholarship directly; and
- Coordinate undergraduate scholarship offered by various Ministries.

Under the Constitution of the Republic of Singapore Act 1994, the following personnel functions were devolved to the Personnel Boards in the Ministries since January 1, 1995.

- recruitment/appointment to the Civil Service except that to the Administrative service, Auditing Service and Parliamentary Service;
- confirmation and emplacement of officers on the permanent or pensionable establishment;
- appointment/promotion of officers upto Super Scale Grade-E/Grade 8 except that of officers in the Auditing Service and Parliament Service; and

- transfer of service except that to the Administrative Service.

Following the devolution, the Public Service Commission serves the final Appellate Board to consider appeal against decisions of the Appeals Board.

## 2.7. Recruitment to Civil Services Posts

### Eligibility Criteria

- Those who have done 'A' level can apply for civil service
- No restriction for age, gender and race. (Minimum age 18 years).
- No requirement of written test.
- Short- listing through Psychometric Testing.

### Procedure of Psychometric Testing

- Comprehensive profile of candidate (application form, biodata etc.)
- Written tests of ability personality.
- Leaderless group discussion.
- Interview with Psychologist (at least three Psychologists, duration of interview can be from one hour to one and half hour)

Candidates are screened on every step of assessment. Those who qualify all steps are called for interview with the Commission.

### Psychologist of Civil Service

Psychologist of Civil Service College conduct Psychometric tests and/or Psychologists from other departments are also hired on payment to complete the assignment early. Civil Service College has 10 Psychologist. Psychological Testing is also conducted for selection of candidates for scholarship.

- For general recruitment qualification depend on Job requirement.

### Ensuring Healthy Pool of Potential Public Service Leaders

To ensure a healthy pipeline of potential public service leaders, the annual target for Public Service Commission Scholarships were reviewed and increased. The new target would help to maintain a constant pipeline of scholars for the Management Associate

### The MAP and subsequently the Administrative Service

A number of initiatives were also put in place to recruit top non-scholar Singaporean students, studying overseas into the Management Associate Programme (MAP). One such initiative is the Civil Service internship programme which allows these students an opportunity to gain some public sector work experience during their vacation.

The Public Service Commission scholars are encouraged to pursue the Masters in Public Policy Degree offered by the Lee Kuan Yew School of Public Policy, Singapore.

### Grooming Scholars

The training and development of Public Service Commission Scholars starts immediately after they are awarded their scholarships. Scholars are systematically placed on development programmes throughout their years in

University. The introduction of the Management Associate Programme (MAP) in 2002 provided a platform to consolidate and enhance these development programmes.

The Management Associate Programme (MAP) is a development programme designed to groom outstanding individuals who choose to join the Singapore Civil Service. As a Management Associate Programme (MAP) he/she will gain first hand insights into how the Government functions and operates. The Management Associate Programme (MAP) is also the primary route into the premier Singapore Administrative Service. Selected Public Service Commission Scholars join the Management Associate Programme (MAP) upon graduation and return to Singapore to start work in the Civil Service. They start their career in a Ministry to gain grounding in the Ministry's area of work. They will spend 2 years in the Ministry before posting to a second Ministry for another 2 years. If found suitable they will be invited to join the Administrative Service by the end of their next posting. In service public officers may also be nominated by their Ministries for the MAP.

#### **Selection Criteria for Management Associate Programme (MAP)**

If one meets an initial short-listing criteria, he/she will be asked to sit for a pencil and paper test for which there will be interviews to assess their suitability for the programme.

#### **New Selection Criteria**

Following changes made to the pre-university education system, the selection criteria to shortlist candidates for Public Service Commission Scholarship have been revised and will be effective from the year 2008. Public Service Commission worked with the Ministry of Education, Junior Colleges and Integrated Programme School to ensure that the new selection criteria would accommodate the various pre-university curricular and qualification. Briefings to the Junior Colleges and Integrated Programme School were conducted in October – November, 2005.

#### **Pre-Departure Course**

New Public Service Commission Scholars attend a 3 week pre-departure course. The course instils in them a sense of identity as Public Service Commission Scholars and prepares them for University studies. Through this course, scholars are also inspired and enthused about the commitment of serving Singapore and Singaporeans.

### **2.8. Civil Service College Singapore**

The Civil Service College (CSC) Singapore, comprising the Institute of Policy Development, Civil Service Consulting Group and the Institute of Public Administration and Management was formed in 1996 to develop Public Sector Leadership and provide training and development to Public Officers in Managerial, Supervisory and Operating Skills. The Civil Service College was restructured in 2001 as a Statutory Body under the purview of the Public Service Division in Prime Minister's Office.

The Public Service Division (PSD) and Civil Service College (CSC) work closely in developing a First Class Public Service in Malaysia. The PSD Permanent Secretary oversees the work of the Public Service Division and Civil Service College.

## 2.9. Training to Civil Servant in Singapore

Following are the important points of training to Civil Servants in Singapore:

- 100 hours training is essential for every Officer in a year.
- Training is a joint responsibility of the Officers and his Superior.
- Training should meet both the needs of the Officer and the Organization.
- The training courses consist of different components which includes following Modules:

### Leadership Module:

For a start, the scholars attend a 1 day leadership development workshop to get an understanding of their own leadership and learning styles. This is followed by a 3 days programme at outward bound Singapore to learn about working together and to build camaraderie.

### Community Involvement Module:

The scholars are then attached to Social Service Organizations for a week. The objective is to strengthen their sense of empathy for the less fortunate. In 2005, the scholars were attached to grassroots organizations, Community Development Councils (CDCs), neighbourhood schools and several volunteer organizations such as a movement for the intellectually disabled of Singapore.

### Policy Module:

This is a week long Seminar comprising policy briefings by different agencies to imbue in the scholars a deeper understanding of Singapore as a small State in the regional and global context. The topics covered included History of Singapore, structure of Government, Regional Awareness and External perceptions of Singapore.

### Life of Social Skills Module

It equips scholars with knowledge and skills for independent living abroad, and to be an exemplary Ambassadors of Singapore. It includes cooking lessons, briefings on financial management, and sharing sessions by past scholars. The scholars also undertook a "Scholars Pledge" to affirm their commitment to excellence and dedication to serve before their departure.

## 2.10. Public Service Commission Scholars Mid Course Programme

At the end of their second year in University, the scholars are placed on the scholars Mid Course Programme. An important objective of this programme is to foster a better understanding of the Singapore Civil Service, viz its structure, ethos, culture, policies and programmes, and to help prepare the scholars for their careers. This programme also provides an overview of the emerging issues faced by Singapore.

### i. Development in Public Policy Seminar

The programme consists of a 1 week development in Public Policy which builds on the Policy Module of the pre-departure course to give the scholars a greater appreciation of the geopolitical context and resource constraints

within which Singapore must work. The scholars are also briefed on the major initiatives and programmes of the Civil Service.

**ii. Ministry Attachment**

The scholars are then sent on a 6 week Ministry attachment to various agencies. This is to provide them an insight into specific issues and challenges facing different Government Ministries, as well as feel better of what a Civil Service career entails.

### **3. RECRUITMENT SYSTEM OF AUSTRALIA**

#### **3.1. Background**

The Australian civil service has been undergoing reforms for fifteen years, and has entered a new phase of transition. The overall direction of reform could be described as a move away from a more administrative, closed and centralized system towards a more political, management-centred, and open decentralized system.

With the introduction of the Public Service Act (PSA) of 1999, centralised recruitment ceased as a response to both the declining number of opportunities and the increased autonomy of agency heads. Each agency head is now responsible for recruitment in their agency. Within the provisions of the Public Service Act and other guidance issued by the Australian Public Service Commission (APS), they can tailor recruitment and selection methods to meet their organisation's unique operational needs.

Prior to 1999 there was a Public Sector Recruitment Test but the PSA eliminated it and now the whole recruitment process is based on merit. Merit, in the Australian context, means:

- Open advertising to ensure all eligible applicants in the community have a reasonable opportunity to apply for APS employment
- The selection process is transparent, and is seen to be applied fairly to all applicants
- The assessment process is able to match the qualities of the applicant to the qualities genuinely required for the job through a well-defined job description.
- There is no nepotism and no Ministerial involvement in individual staffing decisions.

The traditional selection methods pursued have been a comparative assessment of applications, interview performances and comments from referees. While this is still used for most vacancies, agencies are increasingly adopting new methods such as use of assessment centres, online recruiting, psychometric testing and work-based testing — depending on suitability for particular jobs and the labour market.

#### **3.2. Eligibility Criteria**

As each agency operates its own Graduate Trainee Program (GTP) it would be inappropriate to list the requirements for every agency. For that reason the Department of Foreign Affairs and Trade (DFAT), and the Australian Custom Service (ACS) have only been considered here.

The minimum educational requirement for both departments is at least a three-year Bachelor degree recognized in Australia. Competition for places in the graduate program

is intense, so applicants are required to demonstrate a history of academic achievement at a high level. Both departments have no specific requirements for any particular discipline but their preferences may change depending on the vacancies. Although ACS this year is looking for graduates with qualifications in law, commerce, economics, finance, business, accounting, information technology, communications and human resource management and international relations.

The nationality requirement for both agencies is the same, any individual who possesses an Australian Nationality or will get one in the year he applies is eligible for the GTP.

*There is no maximum age requirement as Australians do not discriminate on the basis of age and the prospective candidate must be willing to undergo security clearances and a medical examination.*

### 3.3. The Selection/Examination Process

#### **Application**

Both agencies welcome application from candidates in April/May and they are usually entertained for a month. Applications for the Agencies are completed online, however, some agencies offer both online and offline facilities to prospective candidates. Candidates before applying can view the job descriptions to decide whether they are suited for the job in question.

Candidates start off by completing their personal information but the application is designed in such a manner that they are also required to answer questions pertinent to the selection criteria. The Selection criteria refer to the skills, experience and qualities that are required from an applicant to effectively undertake the duties he/she would perform as an employee of the Agency. Each agency has the autonomy of developing its own selection criteria according to the requirement of the post, but there are some common APS selection criteria that are needed by almost all agencies:

- Demonstrated capacity to communicate effectively
- Good organisational and administrative skills
- Proven ability to work as part of a team
- Well developed customer service skills.

As an example the selection criteria for the ACS and DFAT are summarized in the following table

Selection Criteria for ACS	
<p>Managerial and planning</p> <p>Ability to effectively organize, plan and deliver services to:</p> <ul style="list-style-type: none"> <li>• prioritize work loads to meet deadlines</li> <li>• contribute to work area planning</li> <li>• Contribute to the achievement of team goals.</li> </ul>	<p>Decision making and strategic thinking</p> <p>Ability to access and use information and emergent technology strategically to:</p> <ul style="list-style-type: none"> <li>• analyze information from various sources</li> <li>• make decisions and exercise good judgment</li> <li>• Demonstrate an innovative approach to problem solving.</li> </ul>
<p>Continuous improvement and change management</p> <p>Orientation towards continuous improvement, managing change and being flexible to:</p> <ul style="list-style-type: none"> <li>• Support and contribute to implementing change</li> <li>• Support and identify improvements to processes and practices.</li> </ul>	<p>Technical</p> <p>Relevant technical knowledge (or ability to acquire knowledge) to:</p> <ul style="list-style-type: none"> <li>• achieve work area outcomes</li> <li>• apply relevant legislation, policy and guidelines</li> <li>• Apply a broad knowledge of Custom functions, responsibilities and organizational linkages.</li> </ul>
<p>Communication and client focus</p> <p>Demonstrated understanding of client needs and sound communication and interpersonal skills to:</p> <ul style="list-style-type: none"> <li>• build and maintain relationships with clients and colleagues</li> <li>• deliver high quality client service</li> <li>• resolve issues of conflict</li> <li>• communicate in a clear and concise manner</li> <li>• Coach and provide constructive feedback.</li> </ul>	<p>Leadership/teams and integrity</p> <p>Demonstrated high standards of integrity and leadership skills to:</p> <ul style="list-style-type: none"> <li>• build effective teams</li> <li>• take a positive lead and show initiative</li> <li>• resolve and/or refer issues of ethics and probity</li> <li>• apply policy and guidelines without personal bias</li> <li>• take responsibility for self and group actions</li> <li>• foster the development of skills and abilities</li> <li>• manage performance</li> <li>• Model and promote fair and equitable behaviour, the APS Values and Code of Conduct.</li> </ul>

Selection Criteria for DFAT	
<p>Qualifications and knowledge</p> <ul style="list-style-type: none"> <li>• A strong record of personal achievement in academic or other fields</li> <li>• Knowledge and awareness of the political and economic environment, both in Australia and internationally.</li> <li>• An understanding of, and interest in, the work and goals of the department</li> </ul>	<p>Effective working relations</p> <ul style="list-style-type: none"> <li>• Ability to work as a member of a team.</li> <li>• Demonstrated self-management skills.</li> <li>• Self-awareness and the ability to interact effectively with others.</li> <li>• Potential to supervise and train staff.</li> <li>• Reliability, sound judgement and discretion.</li> <li>• High standards of professionalism, integrity and probity.</li> <li>• Sensitivity to cultural and other diversity in the working environment.</li> </ul>
<p>Written and oral communication skills</p> <ul style="list-style-type: none"> <li>• Ability to write clearly and persuasively.</li> <li>• Ability to communicate orally with a range of audiences.</li> <li>• Good negotiation skills.</li> </ul>	<p>Flexibility, adaptability and initiative</p> <ul style="list-style-type: none"> <li>• Ability to manage competing priorities and meet deadlines.</li> <li>• Ability to anticipate challenges and identify opportunities.</li> <li>• Ability to undertake new and unfamiliar tasks.</li> <li>• Willingness to work overseas.</li> </ul>
<p>Conceptual and analytical skills</p> <ul style="list-style-type: none"> <li>• Ability to analyze events and issues within a larger context.</li> <li>• Ability to comprehend information and identify critical issues quickly.</li> <li>• Ability to develop recommendations in response to problems</li> </ul>	

Each applicant has to answer them, using examples from their academic or work experience, in a total of no more than 200 words per question. It is mandatory for the applicants to write the answers in essay form. In addition to these questions the candidate has to provide two references. These referees are contacted by the agency to verify the candidate's character and whether the candidates satisfy the selection criteria. The selection criteria and references are the major indicators for short listing candidates at this stage.

### Examination Process

Every agency then shortlists the candidates based on the information and responses to the selection criteria questions. Those who succeed are required to sit for initial tests that are usually conducted one month after the closing date for submission of forms. These tests vary from agency to agency.

Initially the ACS conducts psychometric tests to screen individuals and those who succeed are then invited to the final stage, the Assessment Centre. Whereas the DFAT conducts a written test that comprises an essay question and a cognitive abilities test. The written test is designed to assess written skills, analytical and problem-solving abilities and general knowledge of foreign affairs and trade issues. The cognitive abilities

test assesses the ability to read, understand and analyse written and numerical information, to make logical deductions and to deal effectively with others.

Candidates shifted at this stage are then required to attend an assessment centre. Each agency has its own assessment centre in Canberra and candidates, within Australia, are invited on the expenses of the Agency. Activities at the centre include interviews, psychometric testing and group exercises.

### **Interview**

The interview conducted at the DFAT is worth mentioning. The interview is well structured where only objective questions pertinent to the selection criteria are asked. Each candidate is assessed against a standard set of questions thus guaranteeing a level playing field for all candidates. However, supplementary questions can be asked to gather additional information on evaluating the candidate against the selection criteria.

The interview panel abstains from asking irrelevant questions. They focus on actual recent and relevant experience as opposed to how they might perform under certain conditions. The interview lasts for 20-45 minutes and it has a weightage of 25 % in the overall assessment.

Those who succeed at this stage are offered employment but are subject to medical examinations and security clearances.

### **Allocation**

As each agency is responsible for its own recruitment there is no specific allocation of groups or services. Instead they remain in the department of entry, during which graduate trainees undertake structured work placements of three to four months. The work placements give each graduate trainee as broad an exposure as possible to the agency's work.

## **4. RECRUITMENT SYSTEM OF MALAYSIA**

### **4.1. Background**

The Malaysian Civil Service (MCS) is an open, centralized and position-based system. The Public Service Department (PSD) is the foremost personnel agency in all aspects of human resource management and policy come within its ambit. The main functions of the PSD include: (a) formulation of policies on recruitment, appointment, promotion, discipline and termination of service; (b) determining manpower requirements and organizational structure for all government agencies; (c) formulation of policies on remuneration and other facilities for public sector personnel; (d) negotiation with aggrieved parties on claims made by workers and representing the government in all proceedings of the Public Service Tribunal; (e) providing adequate trained manpower to all government agencies; and (f) administering and implementing all laws and regulations pertaining to pension and other retirement benefits.

### **4.2. Establishment of the Commission**

The Malaysian Public Service Commission (PSC) was established under article 139(I) of the Federal Constitution, as an independent agency, on 31<sup>st</sup> August 1959.

#### 4.3. Appointment of Chairman and Members

Members of the Commission are appointed by the (Ruler Yang di-Pertuan Agong) under Article 139(4) of the Federal Constitution. Members of the Commission consist of a Chairman, a Deputy Chairman and not less than four (04) other members and shall not exceed 30 members appointed for a period not exceeding 05 years. Members of the Commission are assisted by a Secretariat headed by a Secretary.

#### 4.4. Jurisdiction of the Commission

The Commission jurisdiction extends to:

- Officers of the Federal General Public Services.
- Officers of the Joint Public Services.
- Public Service Officers of the states of Malaka, Pulan, Pinang, Negeri, Sembilan and Perlis

#### 4.5. Functions of the Commission

In line with Article 144(1) of the Federal Constitution, the Commission is tasked with the responsibility to:

- i. appoint;
- ii. confirm;
- iii. emplace on permanent or pensionable establishment;
- iv. promote;
- v. transfer; and
- vi. exercise disciplinary control.

#### 4.6. The Commission's Delegated Authority

Article 144(6) of the Federal Constitution permits the Commission to delegate its authority to Ministries/Departments and State Administrations to appoint, confirm in service and confer pensionable status.

#### 4.7. Establishment of Disciplinary and Promotion Boards

All powers and functions of the Commission, apart from the power to make first appointment to the permanent or pensionable establishment, may be exercised by a board appointed by the Ruler of the respective states.

#### 4.8. Laws and Regulations

While performing its duties, the Commission is subjected to the following laws and regulations:

- The Federal Constitution.
- Public Officers Regulations (Conduct and Discipline) 1993
- Public Service Disciplinary Board Regulations 1993
- Public Services Promotion Board Regulations 1986
- Public Service Regulations (Conduct and Discipline) 2002
- State of Perlis Public Service Promotion Board Regulations 1991;
- State of Negeri Sembilan Public Services Promotion Board Regulation 1996: etc.

#### 4.9. Commission's Representative in Police Force Commission

In accordance with Article 140(3) of the Federal Constitution, a Member of the Commission is nominated to represent the Public Service Commission in the Police Force Commission.

Members of the Commission are appointed by the Yang di-Pertuan Agong (Ruler) under Article 139(4) of the Federal Constitution.

#### 4.10. Appointments

All appointments i.e. permanent, temporary and contract basis are among the 06 functions of the Commission.

Applications are received via internet and through prescribed forms. Applicants who passed the screening stage are called for interview. Total cost of application form is RM 5/- only. There is no examination fee. Average 7 or 8 candidates are interviewed for every one (1) vacant post.

#### 4.11. Permanent Appointments

The appointment exercise based on the Continuous Recruiting System was first introduced in 1997.

*Candidates may register their applications at any time of the year without having to wait for posts to be advertised.*

The recruitment exercise begins immediately after the Commission receives requests to fill vacant posts from the government ministries or departments. The effectiveness and efficiency of implementing this system had won the recognition of the government. There is no quota of posts for any area.

#### 4.12. Eligibility to Apply

- Age 18 years to 54 years.
- Gender race and religion is not mentioned on application form.

#### 4.13. Contract Appointments

In an effort to fill the vacancies for posts with insufficient number of candidates such as those of Medical and Dental Officers, the Commission has not only appointed local candidates on contract basis but also non-citizens to serve with the Ministry of Health.

#### 4.14. Appointment to Special Posts

Special Posts are those posts of Chief Secretary to the Government, Director General of the Public Service, Secretary General of the treasury, Director General of Health, Controller of the Royal Household and all High Commissioners and Ambassadors (including appointment on contract basis)

#### 4.15. Recruitment Method

In an effort to enhance the effectiveness and efficiency of the recruitment exercise, several approaches had been introduced such as:

### 1. Open Interview

- The open interview concept was introduced by the Commission at the end of 2002, particularly for the recruitment of local candidates with overseas qualifications for the posts of Medical and Dental Officers. In 2003, this avenue was extended to the recruitment of Optometrists and Pharmacists for candidates with qualifications from local institutions.
- The candidates may choose the venue and the date on any Tuesday for the interview. The successful candidates are given an offer letter immediately after the interview is completed.

### 2. Continuous Recruitment or Interview for Final Year Students

*Final year students in the private and public institutions of higher learning, particularly those studying in the fields of medicine and dentistry, are interviewed to fill vacancies for the posts of Medical and Dental Officers in the Ministry of Health.*

#### 4.16. Examination System

The examination conducted by the Commission is one of the instruments employed to gauge the level of competency and suitability of the candidates to go through the next process of selection, which is the interview. Information derived from such examination can also be useful to predict how the candidates will progress and attain achievement in the applied posts.

The Commission has also conducted examinations for entry of Officers of the Administrative and Diplomatic Service, Para-Medic Officers etc. These examinations had attracted a large number of applications that are specially designed to test the Candidates Personality and Job Interests. However, for the 10 Para-Medic Schemes and the 14 other schemes for the Personality Tests are used as a basis to screen candidates.

Candidates with either the General or Honors Degree can sit for the Examinations for entry to other services.

#### 4.17. Assessment Centre

Candidates who passed the Administrative and Diplomatic Services Examination will attend the Assessment Centre at National Institute of Public Administration. In this centre candidates are assessed on following aspects.

- a. Written ability, personality and interest tests
- b. Public speaking (Bahasa Melayu and English)
- c. Problem solving case studies
- d. Leadership qualities (leaderless group discussion)
- e. Interview with Psychologists

In addition to a prescribed fitness test, candidates who qualify these tests are called for interview.

#### **4.18. Service Matters**

The Commission administers following service matters for officers of the Federal and the relevant States' Public Services under its jurisdiction:

##### **Confirmation in Service**

An officer who has successfully gone through the probationary period, whether within the original probationary period or within an extension period, has passed the specified examination (if any) and has successfully attended the Induction Course as well as having secured the recommendation from the Head of Department, is eligible to be confirmed in service.

##### **Extension of Probationary Period**

Those officers, whose probationary period could not be confirmed in service because they had failed the prescribed examination or had not successfully attended the required Induction Course or had not secured the necessary recommendation from their Heads of Department, can be extended with or without penalty.

##### **Conferment of Pensionable Status**

An officer who has been confirmed in service but wishes not to opt for the Employees Provident Fund (EPF) pension scheme, and has served not less than three years, can be conferred the pensionable status by the Commission.

##### **Reinstatement to Original Post**

An officer who has been confirmed in the original post and appointed to a new post but fails to be confirmed in service at the new post, is permitted to return to the previous post or similar post provided that there is a vacancy of such post, and that the failure to be confirmed is not due to unsatisfactory conduct.

##### **Termination of Service**

Candidates appointed to government service must be in good health and with no criminal record. Any officer who is later found to be in poor health or has a criminal record will have his service terminated. For an officer who fails to get his service confirmed after the expiry of his probationary period because he fails to fulfil the required conditions for confirmation, his service can also be terminated. Among the reasons for termination of service are as follows:

- Failure to obtain recommendation from Heads of Department;
- Making false declaration;
- Failing the required examination;
- Poor performance/improper behaviour; and
- Involvement with drugs abuse.

##### **Transfer of Service**

The Commission exercises wide powers in transferring any officer from one department to another. This transfer of service handled by the Commission involves.

- the transfer of an officer in similar or different schemes of service which is under the jurisdiction of the Commission;
- the transfer of an officer from Public Services under another Appointing Authority and officer of Statutory Bodies to Public Services under the jurisdiction of the Commission; and

- the release of an officer under the jurisdiction of the Commission to Public Services under another Appointing Authority.

#### **Determination of Point of Entry for Salary**

The determination of point of entry for salary is made on the following regulations:

- An officer who is appointed for the first time to a public service will be paid his starting salary in the salary scale he is appointed to;
- Temporary or contract officer or under temporary transfer or on loan and later appointed to a permanent service in the same post will have his point of entry for salary determined according to General order 34, General Orders Chapter A (Appointment and Promotion) 1973;
- An officer whose service is confirmed will be placed at the highest point near to the salary scale of his new post if the salary of his previous post is similar or higher than the starting salary of his new post, if not the guideline in General Order 32(a), General Orders Chapter A (Appointment and Promotion) 1973 is applicable; and
- An officer who has a suitable experience that can be proven when appointed to a government service will have his starting salary determined according to one full year of experience for one point increment in the salary scale.

#### **4.19. Promotion and Disciplinary Matters**

##### **i. Promotion**

Based on the provision of the relevant laws and regulations, particularly those Regulations of the Board of Promotion for the related services, nearly all matters for promotion were carried out by the Boards of Promotion of the respective Ministries, Departments and State Administrations. However, the Commission functions as a Board of Promotion for:

- promotion to position in the Highest Management Group that involves Members of the Public Service Board of Promotion; and
- promotion for officers under the Integrated Service Scheme that involves the promotion process from one grade to a higher grade under a different service group.

##### **ii. Promotion Appeal**

The Commission also functions as the Promotion Appeal Board to consider appeals that involve officers from the Management and Professional Group in the Federal General Public Services and the States Public Services of Melaka, Pulau Pinang, Negeri Sembilan and Perlis.

Promotion appeal that involves officers from the Support Group comes under the jurisdiction of the Promotion Appeal Board at the Prime Minister's Office.

##### **iii. Disciplinary Control**

Based on the provision of laws and regulations, mainly the Regulations of the Disciplinary Board, part of the authority for disciplinary control is carried out by the Disciplinary Board at the level of relevant Ministries, Departments or State Administrations. The Commission, however, functions as the Disciplinary Authority for cases such as:

- taking disciplinary action with the intention for dismissal or reduction in rank for officers in the Management and Professional Group under both

the Federal and Public Services of the States of Negeri Sembilan and Perlis; and

- taking disciplinary action with the intention for dismissal or reduction in rank for officers in Groups A, B and C under the Public Services of the States of Melaka and Pulau Pinang.

**iv. Disciplinary Appeals**

The Commission also functions as the Disciplinary Appeal Board for such cases as follows:

- appeals from all group of officers in the Federal General Public Services and that the States Public Services of Negeri Sembilan and Perlis where disciplinary action have been imposed by the respective Disciplinary Board at the respective Ministry, Department or State administration levels.
- appeals from Group A officers in the Public Services of the States of Melaka and Pulau Pinang where lesser punishments were meted out not with the objective of dismissal or demotion and also appeals from Group D officers in the said Public Services who have been dismissed or demoted by the Disciplinary Boards in the respective state administrations.

**4.20. Types of Examination**

Following types of examinations are conducted by the Commission:

**i. Talent Test**

Tests are used to select candidates for certain posts that involve knowledge and skills that can only be obtained through specific or on-the-job-training. For posts that require the individuals to undergo training before executing their tasks properly, Talent Test evaluates the candidates ability to learn such skills as well as identify the behaviour required. The tests are designed to identify the suitability of a candidate to hold such post. The test therefore, predicts valid working performance. The posts that require candidates to sit for the Talent Tests are Cultural Officer, Programme Producer, Designers and Photographer.

**ii. Aptitude Test**

Aptitude Test is an effective instrument to predict the work performance of candidates. The test is extremely beneficial to evaluate the candidate's ability and efficiency to learn especially in obtaining knowledge relevant to occupation. The test measures Aptitude – aptitude such as the ability to solve problems using logic, data interpretation and mathematical concepts, tests the candidate's ability and understanding in verbal reasoning as well as evaluate their potential to execute basic administrative tasks such as planning and decision making. The test implemented is written in the form of objective and essay writing. The post where Aptitude Tests is conducted is the Administrative and Diplomatic Officer.

**iii. Rapid Test**

Rapid Test conducted by the Examination Division is for Stenotypist. It is used to test the candidate's skill in Shorthand from a recorded tape then type it out in the given time. The post that requires Rapid Test is Administrative Assistant (Secretarial).

**iv. Psychological Test**

Psychological Test is an effective instrument to measure candidate's attitude and mental ability by predicting their efficiency to obtain knowledge relevant to their occupation and their success in implementing tasks. The Psychological Test is implemented to monitor the correlation and suitability of candidates to their occupation through their personality, fancies, attitude, intelligence, values and skills. Among scopes that are measured are psychological traits such as emotional stability, analytical and problem solving skills, human communication skills and leadership. This is a written test. The post where Aptitude Test is conducted is the Administrative and Diplomatic Officer.

**v. Physical Test**

Physical Test is implemented to ensure candidates appointed have the appropriate body size, is healthy and has an active and energetic physique. The test identifies candidates who are energetic, assertive and alert. Posts that require Physical Test are Security Officer, Prison Enforcer, Enforcement Officer, and Investigation Officer. The types of test conducted are Body Measurement, Vision and Color Recognition. For posts in the fire brigade, Active and Energetic Test will also be conducted.

CHAPTER 6

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**Recommendations**



## RECOMMENDATIONS

Based on the study findings and keeping in view the functions and structure of the Public/Civil Service Commissions of the SAARC countries, following are the recommendations to make improvements in the functioning and recruitment systems of the Commissions of the SAARC Member States:

1. The tenure of office of the Chairman and Members of Public/Civil Service Commissions of the SAARC Member States ranges from 3 years to 6 years, which may be uniform and increased up to the maximum period of 5 years.
2. There should be no provision of any further extension or re-employment after completing the tenure of 5 years or attaining the maximum age of 65 years, whichever is earlier.
3. There is wide-ranging variation in perks and privileges offered to the Chairpersons and Members of the Public/Civil Service Commissions in the region. This gap needs to be minimized, keeping in view, the economic and social conditions of the respective country.
4. The functions assigned to all the Public/Civil Service Commissions have also a wide variation in terms of recruitment, promotion, transfer, training, disciplinary actions and decisions on pension benefits. The functions need to be uniform in all Commissions through amendments in the prevalent Constitutions/ Laws/ Ordinances, etc.
5. The different types of tests and examinations are administered by the Public Service Commissions. This requires consistency in types of test/ examinations and methods of recruitments adopted by the Commissions across the region.
6. The test and examination systems of the Union Public Service Commission of India, Pakistan and Bangladesh are well-organized and exemplary to be followed by Commissions of the other Member States.
7. There are gross dissimilarities in formulation of the Interview Boards of the Commissions. For selection of most suitable candidates and to uphold merit, fairness and transparency, minimum three Members of the Commission should constitute the Interview Board in all Public/Civil Service Commissions of the SAARC Member States.
8. Wider dissimilarities are observed in the selection process of Civil/ Public Service Commissions of SAARC Member States. For selection of best of the best candidates, weightage to their academic record, shortlisting/ screening tests and interview should be assigned by all the Public/Civil Service Commissions of the SAARC Member States.
9. For maximum utilization of Information and Communication Technology (ICT), online system of recruitment (receipt of applications, conduction of MCQ tests, communications with the candidates through E-mails/SMS etc.) may be adopted step-by-step and encouraged. There is need to strengthen the ICT facilities on priority basis in the Commissions which are lacking such services.
10. The right of representations and appeals by the aggrieved candidates against the decisions of the Commissions may be provided to all the

candidates by the Public/ Civil Service Commissions of the SAARC Member States. The representations should rest with the Commission and appeals to the higher courts of law.

11. The establishment of the Public/Civil Service Commissions in the SAARC region needs to be strengthened, keeping in view, the functions assigned and workload of each Commission. This will automatically discourage outsourcing the work of the Commissions.
12. For sharing experiences of officers dealing with Recruitment, ICT, Research and Development, workshops and conferences may be arranged by all Public/ Civil Service Commissions of the SAARC Member States on rotation basis. This would be beneficial to redress the challenges faced by the Commissions and staff members. In this context, India, Pakistan and Bangladesh needs to play leading roles.
13. The Bangladesh Government has framed "Recruitment in Non-cadre Posts (special) Rules, 2010". According to these rules, the examinees who qualified the BCS Examination, but have not been recommended finally in any cadre due to limited number of available posts will be given opportunities for recruitment in the class I non-cadre posts of same level according to his/her qualifications and willingness. The Royal Civil Service Commission of Bhutan has also similar practice. This good practice adopted by the Bangladesh and Bhutan may be followed by the other Public/Civil Service Commissions.
14. In India, all female candidates have been exempted from payment of fees for Commission's Examination. This is a good incentive to promote female's participation in civil services. There is need to replicate this practice in other Commissions as well.
15. With the launch of the Interactive Voice Response System (IVRS) by UPSC, India, the candidates have access to information on telephone relating to schedule of examinations, status of application, venue and result of the examination. The IVR system may gradually be introduced in other Commissions of the region.
16. No serving officer can become Chairman/Member of the FPSC. Merits and de-merits of this aspect may be explored before adopting this.
17. The disabled candidates in the categories of physically impaired, hearing/speech impaired (deaf and dumb) and visually impaired (blind) are allowed to compete for Competitive Examination in FPSC of Pakistan against four occupational groups/ services viz: (a) Commerce and trade group (b) Pakistan audit and accounts service (c) Information group and (d) Postal group. This good practice may be followed by other Commissions.
18. The Public Service Commission of Sri Lanka remained non-functional for two years (09-04-2009 to 12-05-2011) and the functions of the Commission were performed, by the Cabinet of Ministers. In these circumstances, the functioning of the Commission is hampered and takes time to re-settle. There is need to discourage such practice in future.
19. The UK Commission, audit recruitment policies and practices within the service to establish whether the recruitment code is being observed by the appointing authority. Similarly, Bhutan has also a system, as per Section (9) of the Civil Service Act, 'to conduct periodic HR auditing across all

agencies' in order to ensure not only recruitment but also appointment, staffing, training, transfers and promotions of civil servants are as per the prescribed codes (particularly Civil Service Act and the BCSR) and, if not, to revoke (Section 28b of the Act) 'any HR actions taken by implementing agencies'. This practice may be adopted by all the Commissions of the region.

20. In UK, for In-service candidates, no age or educational qualification restriction for appearing in Competitive Examination through Fast Stream Assessment System. Only two years service is a mandatory requirement. Likewise, the Commissions may review this practice for adoption.
21. The Singapore Civil Service (SCS) is one of the most efficient and least corrupt in the world with highest paid civil servants. This system needs in-depth study so that good practices may be followed for the civil servants in the region.
22. In Australia, there is no maximum age limit for all posts, as they do not discriminate on the basis of age. The age relaxation may be considered by all the Commissions.
23. In Malaysia, the candidates may register their applications at any time of the year without having to wait for posts to be advertised. The final year students in the private and public institutions of higher learning are interviewed, to fill vacancies in advance, so as to save time required for recruitment process. This good practice needs to be looked into by the Commissions of the region.
24. The Fast Stream Assessment System adopted by U.K. may be considered for implementation to streamline the recruitment for career-based system by Public/Civil Service Commissions of the region.
25. In Singapore the recruitment is based on open competition where individuals are inducted through psychometric tests rather than narrative written examinations. This practice may be given due consideration for adoption by all the Commissions.
26. Different scholarships/awards like President scholarship, Singapore Armed Forces Scholarships, Singapore Police Scholarship, Local/overseas merit scholarship (open/tied) and for general recruitment depending on job requirement are practiced in Singapore Public Service Commission. This exercise may be considered for replication by the Commissions so as to create competition and help in uplifting the merit among the youth.

CHAPTER 7

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**Appendices**



## Questionnaire

### Study on Similarities/Dissimilarities, Operational Status and Challenges for Public/Civil Service Commissions of SAARC Member States

*Note:* - Please answer the following questions by putting relevant provisions of constitution, law, rule, regulation, instruction and /or executive order in the box provided against each question.

#### A. Identification

<b>Name of Country</b>
<b>Name of Public Service Commission</b>
<b>Address</b>
<b>Phone Number</b>
<b>Fax Number</b>
<b>Web Address</b>

#### B. Establishment, Constitution, Functions and Procedures of Commission

S.No	Questions	Response
1.	When was Commission established?	
2.	Whether the Commission has been established under the provisions of Constitution or law or Executive Order?	<input type="checkbox"/> Constitution <input type="checkbox"/> Law <input type="checkbox"/> Executive Order
3.	What is composition of the Commission?	<input type="checkbox"/> Chairman/President <input type="checkbox"/> Deputy Chairman/Dy. President <input type="checkbox"/> Number of Members <input type="checkbox"/> Any other (specify):
4.	Who is competent authority to appoint Chairman of the Commission?	<input type="checkbox"/> President <input type="checkbox"/> Prime Minister <input type="checkbox"/> Any other (specify):
5.	Who is competent authority to appoint Members of the Commission?	<input type="checkbox"/> President <input type="checkbox"/> Prime Minister <input type="checkbox"/> Any other (specify):
6.	What is tenure of office of Chairman?	<input type="checkbox"/> 3 years <input type="checkbox"/> 5 years <input type="checkbox"/> Any other (specify)...
7.	What is tenure of office of Members?	<input type="checkbox"/> 3 years <input type="checkbox"/> 5 years <input type="checkbox"/> Any other (specify)...
8.	Whether the tenure of Chairman of the Commission can be extended?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, specify relevant provisions
9.	Whether the tenure of Members of the Commission can be extended?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, specify relevant provisions
10.	Is Chairman eligible for re-employment?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, specify relevant provisions
11.	Is Member eligible for re-employment?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, specify relevant provisions

S.No	Questions	Response
12.	Is tenure of Chairman protected?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, specify relevant provisions
13.	Is tenure of a Member protected?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, specify relevant provisions
14.	Is oath for office of Chairman provided?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, specify relevant provisions
15.	Is oath for office of Member provided?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, specify relevant provisions
16.	What are perks and privileges of Chairman? (US \$)	Salary: Allowances: Other facilities: (Attach copy)
17.	What are perks and privileges of Members? (US \$)	Salary: Allowances : Other facilities: (Attach copy)
18.	Whether Departmental Representative/ Subject Specialists are invited in Interviews?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, specify relevant provisions
19.	What are the functions of the Commission?	
20.	Who is competent authority to make regulations for terms & conditions of Chairman of the Commission?	<input type="checkbox"/> Parliament <input type="checkbox"/> President <input type="checkbox"/> Prime Minister <input type="checkbox"/> Any other (specify)...
21.	Who is competent authority to make regulation for terms & conditions of Members of the Commission?	<input type="checkbox"/> Parliament <input type="checkbox"/> President <input type="checkbox"/> Prime Minister <input type="checkbox"/> Any other (specify)...
22.	Who is competent authority to make regulations for terms & condition of staff of the Commission?	<input type="checkbox"/> Parliament <input type="checkbox"/> President <input type="checkbox"/> Prime Minister <input type="checkbox"/> Any other (specify)...
23.	Who is competent authority to make conduct of Business Rules of the Commission?	<input type="checkbox"/> Parliament <input type="checkbox"/> President <input type="checkbox"/> Prime Minister <input type="checkbox"/> Any other (specify):
24.	Has the Commission any quasi-Judicial functions?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, specify relevant provisions
25.	Has a candidate right of representation against any decision of the Commission?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, specify relevant provisions
26.	Has a candidate right of appeal against the decision of the Commission?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, specify relevant provisions
27.	What is forum for making representation by a candidate against the decision of Commission?	<input type="checkbox"/> Commission <input type="checkbox"/> Court <input type="checkbox"/> Any other (specify)...
28.	What is forum for preferring appeal by a candidate against the decision of Commission?	<input type="checkbox"/> Commission <input type="checkbox"/> Court <input type="checkbox"/> Any other (specify)...
29.	What is status of the advice tendered by the Commission?	<input type="checkbox"/> Mandatory <input type="checkbox"/> Advisory <input type="checkbox"/> Any other (specify)...

S.No	Questions	Response
30.	Has Commission any mandatory role in framing of recruitment rules for posts under Government?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, specify relevant provisions
31.	Has Commission any advisory role in framing of recruitment rules for posts under Government?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, specify relevant provisions
32.	Is it mandatory for Commission to submit annual report on work done by it?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, specify relevant provisions
33.	What methods are adopted for recruitment of employees for Government?	<input type="checkbox"/> Interview only <input type="checkbox"/> Examination + Interview <input type="checkbox"/> Examination + Psychological Test + Interview
34.	Whether Commission is competent to make recruitment of officers/staff of Institutions established by or under law?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, specify relevant provisions
35.	Whether ad hoc appointments are made by Government with prior approval of Commission?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, specify relevant provisions
36.	Whether contract appointments are made by Government with prior approval of Commission?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, specify relevant provisions
37.	At what stage department can withdraw its requisition placed for recruitment from the Commission?	<input type="checkbox"/> Before advertisement of posts <input type="checkbox"/> Before conduct of tests <input type="checkbox"/> Before interviews for posts <input type="checkbox"/> Before nomination of candidates
38.	What composition of Committee of Commission has been prescribed for interview?	<input type="checkbox"/> One Member <input type="checkbox"/> Two Members <input type="checkbox"/> Any other (specify)
39.	What methods and procedures are adopted for short listing the candidates, if larger numbers of applications are received against limited number of posts?	<input type="checkbox"/> Written test <input type="checkbox"/> Academic record <input type="checkbox"/> Written test + academic record <input type="checkbox"/> Any other (specify)...
40.	Whether Chairman of the Commission is Ex-Officio Member of Selection Boards of Institutions other than Commission?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, specify relevant provisions
41.	Whether Members of the Commission are Ex-Officio Members of Selection Boards of Institutions other than Commission?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, specify relevant provisions
42.	Has the Commission any role in disciplinary cases initiated by the Government against personnel recruited through it?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, specify relevant provisions
43.	Has the Commission any role in designing Training Courses for personnel recruited through it?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, specify relevant provisions
44.	Has the Commission any role in designing syllabi for examination/test conducted by it?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, specify relevant provisions
45.	Has Commission any role in nomination of Personnel for Training?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, specify relevant provisions

S.No	Questions	Response				
46.	Whether promotional examinations for higher posts are conducted by the Commission?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, specify relevant provisions				
47.	Has Commission any role in conduct of Post Training Examination?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, specify relevant provisions				
48.	What types of tests are used for short listing of candidates?	<input type="checkbox"/> Objective Tests <input type="checkbox"/> Descriptive Tests <input type="checkbox"/> Both of above				
49.	Whether Commission seeks any assistance of Governmental/ Private Agencies for short listing of candidates?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, specify relevant provisions				
50.	Whether Staff of the Commission administers the Tests and examinations?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Any other				
51.	How many tests and examinations were conducted during the last two years?	<table border="1"> <thead> <tr> <th>2010</th> <th>2011</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> </tr> </tbody> </table>	2010	2011		
2010	2011					
52.	Whether questions databank is maintained for the tests.	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, specify relevant provisions				
53.	Is there any weightage of academic record in selection?	<input type="checkbox"/> Yes <input type="checkbox"/> No				
54.	What is weightage of interview in selection?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, specify relevant provisions				
55.	Whether interviews for certain post (s) are conducted by one and the same Committee of the Commission?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, attach copies of relevant provision				
56.	Whether any weightage in terms of marks is given to the opinion of Departmental Representative/ Subject Specialists in Interview?	<input type="checkbox"/> Yes <input type="checkbox"/> No				
57.	Whether Members of interview Committee award marks separately or collectively?	<input type="checkbox"/> Separately <input type="checkbox"/> Collectively				
58.	Whether Members of Interview Committee write a report on weaknesses and strength of candidates observed during interview?	<input type="checkbox"/> Yes <input type="checkbox"/> No				
59.	What modes for interview of candidate are adopted?	<input type="checkbox"/> Physical Appearance <input type="checkbox"/> Video conferencing <input type="checkbox"/> Web based <input type="checkbox"/> Phone <input type="checkbox"/> Any other (specify)...				
60.	How much average time is consumed in completion of recruitment process?	Time frame (in days):				
61.	How many applications were received during last two years?	<table border="1"> <thead> <tr> <th>2010</th> <th>2011</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> </tr> </tbody> </table>	2010	2011		
2010	2011					
62.	How many applications were processed during last two years?	<table border="1"> <thead> <tr> <th>2010</th> <th>2011</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> </tr> </tbody> </table>	2010	2011		
2010	2011					
63.	How many court cases were instituted against commission during the last two years?	<table border="1"> <thead> <tr> <th>2010</th> <th>2011</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> </tr> </tbody> </table>	2010	2011		
2010	2011					

S.No	Questions	Response
64.	What is a criterion for prescribing quota for appointment by promotion, transfer and initial appointment?	Attach copies of relevant laws/ rules etc
65.	Who are competent authorities to appoint Officers/Officials in various pay scales in government sector?	Attach copies of relevant laws/ rules etc
66.	Has Government prescribed quota for various Provinces /Regions of Country to ensure their participation in services?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, specify relevant provisions
67.	Whether the Provincial/Regional quota for recruitment has been prescribed on the basis of population, area, parity or on any other ground.	<input type="checkbox"/> Population <input type="checkbox"/> Area <input type="checkbox"/> Parity <input type="checkbox"/> Any other (specify)...
68.	Is there any provision to grant age relaxation for employment to certain categories?	Yes No <input type="checkbox"/> <input type="checkbox"/> Minorities <input type="checkbox"/> <input type="checkbox"/> Government Servants <input type="checkbox"/> <input type="checkbox"/> Women <input type="checkbox"/> <input type="checkbox"/> Disabled persons <input type="checkbox"/> <input type="checkbox"/> Widow <input type="checkbox"/> <input type="checkbox"/> Any other (specify)...
69.	Who is competent authority to grant age relaxation to applicants?	<input type="checkbox"/> President <input type="checkbox"/> Prime Minister <input type="checkbox"/> Head of Department <input type="checkbox"/> Any other (specify)...
70.	Whether Psychological Testing is carried out for all posts advertised by the Commission?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, specify relevant provisions
71.	What types of Psychological Tests are carried out?	
72.	What are the objectives of Psychological Assessment?	
73.	How applications are received by the Commission?	<input type="checkbox"/> Off-line/paper based form <input type="checkbox"/> Online <input type="checkbox"/> Fax <input type="checkbox"/> E-mail
74.	What are modes of conducting tests/examinations?	<input type="checkbox"/> paper based system <input type="checkbox"/> computer based testing <input type="checkbox"/> online through designated centres <input type="checkbox"/> online web based
75.	What are modes for communication with candidates?	<input type="checkbox"/> Post <input type="checkbox"/> Courier <input type="checkbox"/> SMS <input type="checkbox"/> Phone <input type="checkbox"/> e-mail <input type="checkbox"/> Any other (specify)...
76.	Whether centralized data processing facility is available for processing of applications.	<input type="checkbox"/> Yes <input type="checkbox"/> No
77.	Whether historic database in digitized form of applicants is maintained.	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, specify relevant provision
78.	For how many years historic database of applicants is maintained.	Number of years:
79.	Whether helpline/call centre facility is available for candidates?	<input type="checkbox"/> Yes <input type="checkbox"/> No
80.	How many tiers (steps) are involved in disposing off official business at officer's	<input type="checkbox"/> one <input type="checkbox"/> two

S.No	Questions	Response
	level in Government Secretariat?	<input type="checkbox"/> three <input type="checkbox"/> four <input type="checkbox"/> Five
81.	How many tiers are involved in disposing off official work at officer level in Commission's Secretariat?	<input type="checkbox"/> one <input type="checkbox"/> two <input type="checkbox"/> three <input type="checkbox"/> four <input type="checkbox"/> Five
82.	What is pay structure of officers of Government?	Attach copies of relevant laws/ rules etc
83.	What is officers/staff strength of Commission and their status?	Attach copies of relevant documents and organogram
84.	What is pay structure of the officers/ officials of the Commission?	Attach copies of relevant documents
85.	What length of experience has been prescribed for promotion of officers in various pay scales?	Attach copies of relevant documents
86.	Whether Provincial/Regional Public Service Commissions for Provincial Services are provided in the rules?	<input type="checkbox"/> Yes <input type="checkbox"/> No

**C. Any other function being performed by the Commission:**

<p>The functions which are performed by your commission but have not been covered in this questionnaire may also be enumerated</p>

**D. Challenges (if any) faced by the Commission and remedial measures**

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**E. Completed by:**

<b>Signature</b>
<b>Name</b>
<b>Designation</b>
<b>Address</b>
<b>Date</b>

## Appendix-I

# Civil Servants Law 2008

## Chapter One General Provisions

### The Basis: Article One

This law has been enacted in accordance with Article 50 (4) of the Constitution of Afghanistan for employment of competent people in civil service administrations and to regulate their relations with administration.

### Objectives Article 2:

The objectives of this law shall be:

1. Implementation of reforms in the system of government organizations for improvement of service delivery;
2. Employment of civil service workers on the basis of competence and merit, without any discrimination, on a transparent manner through open competition;
3. Regulation of rights and obligations of civil service workers and their personnel affairs;
4. Development of skills and retention of experienced civil service employees; and employment of professional and skilled candidates in government organizations;
5. Creation of a sound, professional, accountable and impartial administration which is free from corrupt practices and political interference to provide effective services to the people-Definition of Expressions

### Article 3:

In this law, the following expressions shall have the meanings set forth below:

1. **Civil Service:** Means executive and administrative activities of the State provided by civil servants;
2. **Civil Servants:** consist of civil employee and civil service contractual worker
3. **Civil Employee:** Means a person employed in government organizations on a permanent basis in compliance with the provisions of this law to provide services.
4. **Civil Service Contractual Worker:** consist of vocational and service workers employed in government organizations in compliance with the provisions of this law to provide services.
5. **Position:** Is a part of the organizational structure based on which civil servants perform assigned duties.
7. **Step;** is part of a Grade based on which civil servants promote to a higher step (salary scale) in the same Grade after successful annual performance appraisal.
8. **Job Description:** is the official document of the organization, in which the objectives, duties, responsibilities and requirements of the Grade are specified.
9. **Work Plan:** is activity planning of civil servants which is regulated based on the job description to achieve expected outputs.

**Scope**

**Article Four:**

Provisions of this Law are applicable to civil servants of ministries, Office of Attorney General, independent agencies and independent Commissions, state owned enterprises, administrative affairs units of both Houses of National Assembly and administrative affairs units of judiciary.

Military personnel of ministries, military personnel of independent agencies, judges and lecturers of higher education institutions are excluded from this provision.

**Abbreviated Name:**

**Article Five:**

In this Law, hereinafter, civil servant shall be called employee and civil service contractual worker shall be called contractual worker.

**Civil Service Grade**

**Article Six:**

1. Civil Service shall have eight Grades; each Grade shall have five steps.
2. Grade and steps of civil employees and contractual workers and the salary scale shall be determined in accordance with Annexure (1) of this Law. Salary scale of the Grades and steps of employees and contractual workers are determined in accordance with the Article Twenty (4) of this Law.
3. Grades and steps of the lecturers, teachers of schools, madrasas, teachers training institutions and technical, professional and vital literacy schools and professional members of education curriculum organizations and science centre and supervision members of the ministry of education (supervisors) shall be regulated in accordance with Annex 2 of this Law and considering the relevant educational certificate.

**Chapter Two**

**Conditions for Employment**

**Article Seven:**

1. A Person fulfilling the following conditions may be appointed as a Civil Employee:
  - a. Shall have Afghanistan's citizenship.
  - b. Shall not be aged less than 18 and over 64 years.
  - c. Shall have obtained health certification from the related authorities of the Public Health Ministry.
  - d. Shall have obtained at least a high school graduation certificate from an officially recognized domestic or foreign educational institution.
  - e. Has not been sentenced by a competent court for felony.
2. Members of scientific cadres of higher education institutions, Academy of Sciences, Office of Attorney General, Institute of Legislation and Scientific Legal Research of the Ministry of Justice, and the professional members of Ministry of Education satisfy relevant legislative documents in addition to the conditions mentioned in sections (1, 2, 3, and 5) of paragraph 1 of this Article.
3. Employees with education lower than 12th grade of high school and appointed in ministries/agencies before the legislation of Civil Servants Law, can get the civil service Grade through open competition if they meet the requirements of the Grade as in Article 8th of Civil Servants Law with considering education degree.
4. Only a person that fulfils the conditions mentioned in sections 1, 2, 3, &5 of Paragraph (1) of this Article may be employed as a contractual worker in civil

service, Jobs of contractual workers will be regulated in a separate legislative document.

5. A person may not be appointed for a job the direct supervisor of which is one his first class relatives. For purposes of this provision, a first class relative means a father, mother, son, daughter, wife, husband, sister and brother.

### Criteria of Employment for Grades:

#### Article Eight:

1. Only a person may be accepted in Grade 1 of civil service (General Department) that fulfils the following criteria as well as the conditions mentioned in Article 7 (1) of this Law:
  - a. Shall have obtained at least a bachelors degree;
  - b. Shall have at least 4 years of work experience relevant to the job;
  - c. Shall be able to formulate and determine policies of the relevant Organization;
  - d. Shall be able to lead and control the Organization;
  - e. Shall have competence and aptitude; [and]
  - f. Shall have a decent character and prestige;
2. Only a person may be accepted in Grade 2 of civil service (Department) that fulfils the following criteria as well as the conditions mentioned in Article 7 (1) of this Law:
  - a. Shall have obtained at least a bachelors degree;
  - b. Shall have at least 3 years of work experience relevant to the Job;
  - c. Shall be able to provide consultations concerning development of policies for the relevant Organization;
  - d. Shall be able to lead and control the Organization;
  - e. Shall have competence and aptitude; [and]
  - f. Shall have a decent character and prestige;
3. Only a person may be accepted in Grade 3 of civil service (Directorate) that fulfils the following criteria as well as the conditions mentioned in Article 7(1) of this Law:
  - a. Shall have obtained at least above high school certificate;
  - b. Shall have at least 2 years,., of experience relevant to the job
  - c. Shall be able to implement policies of the relevant Organisation;
  - d. Shall be able to guide and control the relevant Organisation;
  - e. Shall have competence and aptitude; [and]
  - f. Shall have a decent character and prestige;
4. Only a person may be accepted in Grade 4 of civil service (Sub-Directorate) that fulfils the following criteria as well as the conditions mentioned in Article 7(1) of this Law;
  - a. Shall have obtained at least an above high school degree;
  - b. Shall have at least 1 year of experience relevant to the job;  
Masters and PhD. Diplomas holders are excluded from this provision;
  - c. Shall be able to implement policies of the relevant Organization;
  - d. Shall have competence and aptitude;
  - e. Shall have a decent character and prestige;
5. Only a person may be accepted in Grade 5 of civil service (Division) that fulfils the following criteria as well as the conditions mentioned in Article 7(1) of this Law.
  - a. Shall have competence and aptitude;
  - b. Shall have a decent character and prestige;
6. Only a person may be accepted in Grade 6 of civil service (Official) that fulfils the conditions mentioned in Article 7 of this Law.

7. Only a person may be accepted in Grade 7 of civil service (Sub-Division) that fulfils the following criteria as well as the conditions mentioned in Article 7 (1) of this Law.
  - a. Shall have a certificate of graduation from a technical or vocational training centre, or have skill and work experience;
  - b. Shall be able to perform duties in accordance with his/her vocation or technical field.
8. Only a person may be accepted in Grade 8 of civil service that fulfils the conditions mentioned in Article 7.3 of this Law.

**New Appointment of Employee:**

**Article Nine:**

1. A person with high school certificate qualifying the conditions of this law can be appointed in step 1 of Grade 6, if s/he has a above high school certificate in step 2 of Grade 6, if s/he has a Bachelors Degree in step 1 of Grade 5, if s/he has a Masters Degree in step 1 of the Grade 4 and if s/he has a PhD Degree can be appointed in step 2 of Grade 4,
2. A person with bachelor's degree can be appointed in step 2 of Grade 4, if s/he has a Masters Degree in step 3 of Grade 4 and if s/he has a PhD Degree can be appointed in step 3 of Grade 3 of higher education institutions of Higher Education Ministry.

**Appointment of Employee:**

**Article Ten:**

1. Where a [vacant] Grade is present, a person shall be selected on the basis of competency; professional skills (education, experience and other job qualifications) shall be identified, selected and appointed through open competition in the Step 1 of Grades mentioned in Article Eight (paragraph 1 to 6) of this Law and contractual workers will be selected and appointed in step 1 of Grades mentioned in paragraph 7 and 8 of the aforementioned Article.
2. No discrimination on the basis of sex, ethnicity, religion, disability, or physical deformity shall be permitted in acceptance of employees and contractual workers.
3. The following authorities shall approve the appointment of a civil employee referenced in Paragraph (1) of this Article:
  - a. Employee of Grade 1 and 2, to be appointed upon identification and selection by the Appointment Board of Civil Service and the authorized representative of the relevant Organization, proposal of the Chairperson of IARCSC and the approval of the President.
  - b. Employee of Grade 3, 4 & 5 whether in the capital or provinces, and civil employees of Grade 6 in the capital, to be appointed upon identification and proposal by the Appointment Committees of the relevant Ministry or Agency and the approval of the Minister or Director of the Agency;
  - c. Employee of Grade 6 in the Provinces, to be appointed upon identification and proposal by Provincial Appointment Committee and approval of the relevant provincial governor;
4. Contractual workers of Grades 7 & 8 in the capital, shall be selected upon identification, selection and proposal of appointment committees of the relevant Ministry or Agency and the approval of the Minister or Director of the Independent Agency; At the provinces and Districts, such selection shall take place upon identification and proposal by provincial or district appointment committee and approval of the governor for the relevant province or district.

## Supervision

### Article Eleven:

1. Supervision on identification and selection process pursuant to Article 10.3.1 of this law shall be exercised by Chairman of IARCSC,
2. Supervision on identification and proposing process by the committees referenced in Article 10.2 & 3 of this law shall be exercised in the capital by an authorized representative of Civil Service Appointment Board, and in the provinces and districts by a representative of the regional office of IARCSC.
3. The supervision procedure for identification, selection and proposing process for appointment of employees/contractual workers shall be regulated in accordance with separate procedure.

## Chapter Three

### Duties and Obligations

#### Article Twelve:

Employee/contractual worker shall perform their assigned duties in accordance with the Job description and work plan, in compliance with the relevant applicable laws and regulations.

#### Obligations

##### Article Thirteen:

Employee and contractual worker shall have the following obligations during his/her service:

1. Carry out respective functions with due regard to the principle of impartiality;
2. Observing managerial hierarchy and abiding his/her supervisor;
3. Preserve job-related secrets, in accordance with the provisions of law;
4. Preserve prestige of the Organization;
5. Behave in good manner with colleagues and clients;
6. Protect public assets in the relevant Organization;
7. Reasonable use of work related equipment in affairs related to the organization;
8. Abstain from participation [as a bidder], whether for his personal or others interest, in tenders or sales concerning which s/he has been assigned to administer;
9. Avoid any action which [may] interrupt working affairs in the relevant organization;
10. 10. Refrain from misuse of resources and information of the Organization, whether for his/her interest or others;
11. 11. Avoid negligence in the discharge of assigned duties;
12. Follow training programs for development and enhancement of professional skills, which are provided through the Organization;
13. Refrain from using functional authorities for discharge of personal affairs.
14. Refrain from using official working hours for personal affairs;
15. Refrain from other actions which harm the organization;
16. Refrain from committing crimes, such as, bribery, embezzlement and other administrative corruption.

#### Responsibilities

##### Article Fourteen:

1. Employee/contractual worker shall be responsible for the duty or authority assigned or transferred to him/her in accordance with law.

2. In case an employee/contractual worker consider an order of his/her supervisor to be against the law or regulations, s/he shall inform the supervisor in written notification. If after receiving the notice, the superior emphasizes the fulfillment of the same order, then the employee or contractual worker is not obliged to fulfill the order.

#### **Status of Civil Employees**

##### **Article Fifteen:**

1. A Civil Employee/contractual worker shall have one of the following status during his/her service term:
  1. Original status
  2. Secondment [service mission] status
  3. Education status (for employee)
  4. Military service status
  5. Temporary severance status
2. The conditions and circumstances for status referenced in Paragraph (1) of this Article shall be regulated in the civil servants personal affairs regulation;

#### **Performance Appraisal of Civil Employees:**

##### **Article Sixteen:**

1. Employees shall be evaluated on the basis of job description of the Grade, work plan, and annual performance report.
2. In the event that an employee fulfils the required criteria upon an annual performance appraisal, the official may be promoted to the next higher salary Step of his/her Grade.
3. In the event that an employee does not meet the required criteria in annual performance appraisal, base on his/her status the following actions shall be taken:
  - i. Introducing to capacity building programmes in order to acquire necessary skills.
  - ii. Continuation of his/her job in the same Grade without increasing salary and step.
4. An employee whose Grade is removed, changed or re-advertised will remain on salary. The organization can assign the employee who remains on salary to other job in accordance with Article 72 of Labour Law.
5. The annual performance appraisal form for employees is attached to this law as annex 3.
6. An employee that is not satisfied with the results of the performance appraisal may complain to the competent authorities.
7. Should justifiable reasons exist, IARCSC may propose to the Cabinet of Ministers to amend the annual performance appraisal form mentioned in Paragraph (5) of this Article. The Appraisal Form shall be effective upon approval by the Cabinet.
8. Contractual worker will be evaluated based on job description, work plan and annual performance report. Evaluation of contractual worker will be done in accordance with the form which will be prepared by Independent Administrative Reforms and Civil Service Commission.

#### **Chapter Four**

#### **Rights and Privileges of Civil Employees**

##### **Article Seventeen:**

An employee/contractual worker have the following rights and privileges:

1. Signing a permanent employment contract in accordance with the provisions of this Law;
2. Receiving the Grade job description.

3. Receiving payment inclusive of all supplement and allowances in accordance to the provisions of the Labour Law, subject to the availability of the budget of the relevant organization;
4. Occupying Grade and movement to higher steps;
5. Right of using the leave entitlement;
6. Pension right entitlement;
7. Rights to ensure welfare and health, in accordance to the article 113 to 117 and 119 of the Labour Law.
8. Appeals right from lack of Immunity from any kinds of discrimination by supervisors and colleagues in the work place based on gender, ethnicity, and social status, religion, political and marital status.
9. Rights to on the Job training;
10. Social welfare in accordance with the provisions mentioned in articles 134 to 144 of the Labour Law;

#### **Resignation**

##### **Article Eighteen:**

1. An employee can resign from duty.
2. Conditions, proposing, approving and removing resignation will be regulated in the relevant legislative document.

#### **Protection**

##### **Article Nineteen:**

3. During the discharge of duty, an employee/contractual worker shall enjoy the following protections:
  - i. An employee/contractual worker cannot be deprived of his/her right to work, without following principles of natural justice;
  - ii. Protection of human dignity, immunity against physical, psychological or moral torture;
  - iii. Protection of proper and safe work environment.
4. Regulation with respect to employees protections mentioned in paragraph (1) shall be regulated in the relevant legislated document.

#### **Salary**

##### **Article Twenty:**

1. From the date of approval of appointment, an employee/contractual worker shall deserve salary inclusive allowances.
2. Monetary allowance related to membership in academic and professional cadre may be regarded to be part of the employee /contractual worker's salary, separate regulations will be issued.
3. The salary, Grade, and steps of employee shall be determined in accordance with Annex 1 of this law.
4. For the purpose of promoting living standard and providing livelihood of employees and contractual workers the government will revise, when necessary, the salary scale mentioned in paragraph (3) of this Article upon due consideration of national economic development and financial ability of the government.

#### **Overtime Work**

##### **Article Twenty One:**

Work performed beyond normal working hours is considered as overtime work, and overtime payments of employees and contractual workers will be calculated on the basis

of monthly salary attached to the Grade, The circumstances requiring overtime work shall be regulated according to Article 38 of the Labour Law.

#### **Leave**

##### **Article Twenty Two:**

An employee/contractual worker shall be entitled to leave with pay in accordance with provisions mentioned in article 39 to 58 of the Labour Law.

#### **Filling of Grade and Promotion of Steps:**

##### **Article Twenty Three:**

1. In accordance with this law, an employee may hold a higher Grade, on the basis of competition.
2. A civil employee cannot occupy the upper grade of similar job in less than one year and in none-similar jobs in less than two years. The nature of similar and none-similar jobs shall be regulated in accordance with job description by the relevant organization.
3. Promotion of a civil employee to a higher step of the same grade may take place on the basis of annual performance appraisal form.
4. Contractual worker may not promote to a higher Grade. Promotion to a higher step of same Grade may take place on the basis of annual performance appraisal form.

#### **Approval of promotion to higher step within the same grade**

##### **Article Twenty Four:**

For Grades 1-8 in the capital, the authority for approval of promotion to higher steps within the same Grade shall rest with the Minister or Director of the ministry or independent agency. Promotion within the Grades 6, 7 & 8 in the provinces, such authority shall rest with the Provincial Governor and for Grades 7 and 8 in the districts, with the relevant District Governor.

#### **Rewards for Employee**

##### **Article Twenty Five:**

1. An employee who duly complies with order and disciplines of work and the Code of Conduct for Civil Service Employees, and whose duty performance is higher than the criteria set in the job description and work plan, subject to financial resources of the organization (annual budget), may be encouraged as follows:
  - i. Cash reward
  - ii. Certificate of Appreciation
  - iii. Certificate of Merit Grade 3
  - iv. Certificate of Merit Grade 2
  - v. Certificate of Merit Grade 1
  - vi. Award of decorations, medals, or honorary titles in accordance with provisions of the relevant law;
2. Cash rewards, which consist of an amount equal to 10 days salary together with its allowances and supplements thereof, may be granted on the proposal of the relevant supervisor, approval of the Minister or the First Grade Award Authority, or directly by the mentioned authorities.
3. A Certificate of Merit may entail an award of an amount equal to 15 days of salary, together with its allowances and supplements, and may be granted upon a proposal by the relevant supervisor, and approval of the Minister and First Grade Award Authority or directly by the mentioned authorities.
4. Upon fulfilling the following conditions, an employee may receive a Grade Three Certificate of Merit:

- i. Fulfilling the conditions mentioned in paragraph (1) of this Article;
  - ii. Innovation and creativeness in work;
  - iii. Performance of positive work for the Organization, not included in its original duties;

A grade Three Certificate of Merit may result to an amount equal to 20 days salary together with its allowances and supplements may be granted upon the proposal of the relevant supervisor and approval of the Minister or First Grade Award Authority or directly by such Authorities.
5. Upon fulfilling the following conditions, an employee may receive a Grade Two Certificate of Merit:
  - i. Fulfilling the conditions mentioned in paragraph (4) of this Article;
  - ii. Presentation of constructive proposals and designs that have resulted in realization of efficient outcomes.

A grade Two Certificate of Merit may result to an amount equal to 25 days salary together with its allowances and supplements may be granted upon the proposal of the Minister or First Grade Award Authority and approval of the President of the Republic or directly by the President.
6. Upon fulfilling the following conditions, an employee may receive a Grade One Certificate of Merit:
  - i. Fulfilling the conditions mentioned in paragraph (5) of this Article;
  - ii. Having the ability of organizing, coordinating and harmonizing of work.
  - iii. Effective and thorough implementation of the State Policy in the area of work.

A grade One Certificate of Merit may result to an amount of 1 month salary together with its allowances and supplements may be granted upon the proposal of the Minister or First Grade Award Authority and approval of the President of the Republic or directly by the President.
7. The amount of financial allocation for encouragements mentioned in this article will be determined by Ministry of Finance in the annual budget of the relevant organizations.

#### Rewards for contractual workers

##### Article Twenty Six:

1. A contractual worker who duly complies with order and disciplines of work and whose duty performance is higher than the criteria set in the relevant Job description and work plan, subject to financial resources of the organization (annual budget), may be encouraged as follows:
  - i. Cash reward
  - ii. Certificate of Appreciation
  - iii. Certificate of Merit.
2. Cash rewards for Contractual workers, which consist of an amount equal to 10 days salary together with its allowances and supplements, and Certificate of Merit which may entail an award of an amount equal to 15 days of salary together with its allowances and supplements, shall be granted on the proposal of the relevant supervisor, approval of the Minister or the First Grade Award Authority, or directly by the mentioned authorities.
3. Upon fulfilling the following conditions, Contractual workers may receive a Certificate of Merit:
  - i. Fulfilling the conditions mentioned in paragraph (1) of this Article;
  - ii. Presentation of constructive proposals and plans;
  - iii. Ensuring coordination and harmonization in work; [and]
  - iv. Application of methods that decrease delivery cost of products and services.
4. A certificate of merit for Contractual workers may entail award of an amount equal to one month of Salary, together with its allowances and supplements and may be awarded on the proposal of the relevant supervisor, approval of the Minister or the First Grade Award Authority, or directly by the mentioned authorities.

5. The amount financial allocation for encouragements mentioned in this article will be determined by Ministry of Finance in the annual budget of the relevant organizations.

#### **Recording of rewards**

##### **Article Twenty Seven:**

The rewards mentioned in this law shall be entered in the service record file of the employees/ contractual workers.

#### **Appeals**

##### **Article Twenty Eight:**

1. Candidate (applicant) for appointment in the civil service or other employees/contractual workers shall have the appeals right as in the following conditions:
  - i. Refusal to accept an application without justifiable reasons;
  - ii. Discriminatory and inequitable treatment by the Appointment Board of Civil Service, appointment committees and human resource departments of government ministries or agencies;
  - iii. Unjustified prescription of disciplinary measures;
  - iv. Illegal instructions or orders by supervisors;
  - v. Prohibition on access of an employee or contractual worker to his/her personal records.
  - vi. Unjust and discriminatory treatment at the workplace by the supervisor or colleagues; [or]
  - vii. Other matters which are regarded by law as a violation.
2. Complaints concerning sections (1&2) of this Article shall be dealt by the Civil Service Appeals Board, while complaints related to sections 3,4,5,6, or 7 of paragraph (1) of this Article shall be dealt by dispute settlement Commission of the relevant organization.
3. Whenever any of the parties is not satisfied with the decision of the Civil Service Appeals Board, such party may refer the case to the court.
4. The reviewing procedure of appeals in this article will be regulated based on a separate procedure,

#### **Retirement**

##### **Article Twenty Nine:**

1. An employee/contractual workers shall have the right to demand retirement from his/her work in accordance with the provisions provided in the Labour Law.
2. Approval for retirement, abrogation of retirement, resignation, and extension of service of employees/contractual workers shall be issued by the authorities mentioned in Article Ten of this law.
3. Regulation on determination of pension rights and procedures for payment of pension will be regulated in accordance with the relevant legislative document.

#### **Chapter Five**

##### **Disciplinary measures**

##### **Article Thirty:**

1. In accordance with the provisions of articles 95 to 101 of the Labour Law employee/ contractual worker may face disciplinary measures, first time in advice, second time warning, third time reducing five days salary, fourth time replacement to the same Grade in the following conditions:
  - i. Irregular attendance

- ii. Improper behavior with the clients
  - iii. Lack of attention in applying legal orders and assigned duties
  - iv. 4- Violating job description
  - v. Delay in performing duties and legal orders
  - vi. Lack of attention in cleaning and focus on employees
  - vii. Not observing work discipline
  - viii. Pretexts to escape from work
  - ix. Other similar affairs mentioned in code of conduct of civil service employees
2. Advice and warning shall be the authority of first and second level supervisors linked to annual performance appraisal evaluation. Reduction of salary shall be the authority of Minister or authorized supervisor and replacement of civil employee shall be the authority of officials mentioned in the article 10 of this law.
  3. The procedure for paragraph (1) of this Article will be regulated in a separate procedure.

## **Chapter Six**

### **Miscellaneous Provisions**

#### **Personal record**

##### **Article Thirty One:**

A personal record file shall be prepared for newly appointed employee/ contractual worker, the content and form of which shall be prepared by Independent Administrative Reforms and Civil Service Commission in cooperation with the Ministry of Justice and shall be approved by the Ministers' Council.

#### **Implementation of the Provisions of Law**

##### **Article Thirty Two:**

For better implementation of this law, government ministries and agencies shall be obliged to take appropriate measures in consultation with the Independent Administrative Reforms and Civil

#### **Obligations of Independent Administrative Reform and Civil Service Commission**

##### **Article Thirty Three:**

1. The Independent Administrative Reforms and Civil Service Commission shall have the authority to regulate and process the required regulations for better implementation of the provisions of this Law.
2. IARCSC shall supervise the implementation of and adherence to the provisions of this law in civil service organizations.

#### **Approval of Conditions and Criteria:**

##### **Article Thirty Four:**

Conditions and criteria for Grades mentioned in this Law shall be identified and prepared on the basis of job description of the Grade by the relevant organization and will be approved by Independent Administrative Reforms and Civil Service Commission.

#### **Enforcement**

##### **Article Thirty Five:**

This law shall be effective from the date of signing by the President and shall be published in the Official Gazette. Upon the enactment thereof, Articles 3, 4, and Chapter Seven of Civil Service Law, published in Official Gazette # 861, dated, 20/06/1384 [Solar calendar] and Decree # (33), dated (21/04/1382), concerning Priority Reform and Restructuring of Ministries and agencies, published in the official gazette # (810), dated (30/05/1382) and any other inconsistent provisions shall be null and void.

**ANNEX (1) Pay and Grading Pay Scale**

<b>Final P&amp;G Pay scales By Ministry of Finance</b>			
<b>Grade</b>	<b>Step</b>	<b>Total salary-AFS</b>	<b>Difference between the steps</b>
<b>1</b>	5	32.500	1.400
	4	31.100	1.300
	3	29.800	1.300
	2	28.500	1.300
	1	27.200	<b>4.800</b>
<b>2</b>	5	22.400	1.000
	4	21.400	1.000
	3	20.400	1.000
	2	19.400	1.000
	1	18.400	<b>24.00</b>
<b>3</b>	5	16.000	750
	4	15.250	750
	3	14.500	750
	2	13.750	750
	1	13.000	<b>1.100</b>
<b>4</b>	5	11.900	500
	4	11.400	500
	3	10.900	500
	2	10.400	500
	1	9.900	<b>700</b>
<b>5</b>	5	9.200	300
	4	8.900	300
	3	8.600	300
	2	8.300	300
	1	8.000	<b>500</b>
<b>6</b>	5	7.500	250
	4	7.250	250
	3	7.000	250
	2	6.750	250
	1	6.500	<b>300</b>
<b>7</b>	5	6.200	150
	4	6.050	150
	3	5.900	150
	2	5.750	150
	1	5.600	<b>200</b>
<b>8</b>	5	5.400	100
	4	5.300	100
	3	5.200	100
	2	5.100	100
	1	5000	<b>0</b>

## ANNEX 2

1. Lecturers and teachers of schools, madrasas, teachers training institutions and technical, professional and vital literacy schools and professional members of education curriculum organizations and science centre and supervision members (supervisors) of the ministry of education subject to the relevant educational certificate and work experience, follow the grades mentioned in Article 6(1) of this Law as follows.

1. A person with a PhD Degree in step three of grade five to step four of grade two
2. A person with a Masters Degree in step two of grade five to step two of grade two.
3. A person with a Bachelors Degree in step one of grade five to step four of grade three.
4. A person with above high school degree in step two of grade six to step four of grade four.
5. A person with high school degree in step one of grade six to step three of grade five.
6. Teachers and education supervision members graduated from tenth and eleventh classes (of high school) in step three of grade seven to step five of grade seven.
7. Teachers and education supervision members graduated from ninth class (of secondary school) in step two of grade seven to step four of grade seven.

2. Employment qualification of people mentioned in sub-paragraph 6 and 7 of paragraph (1) of this annex who are currently employed and/or eligible; to pension will be retained as previous.

3. Conditions and way of promotion of steps in the relevant grades will be regulated in a separate procedure by Independent Administrative Reforms and Civil Service Commission in agreement with Ministry of Education and Ministry of Finance.

**ANNEX 3: Civil Servants Performance Appraisal Form Page1**

<b>Name:</b>		<b>Father's Name:</b>		<b>Grand Father's Name:</b>		<b>Date of Birth</b>		
						Day	Month	Year
Education								
Lower than High School (12 <sup>th</sup> class)	High School		Above High School	Bachelor				
Masters Degree			PhD			Date of Primary Appointment		
<b>Education Field :</b> 1- 2-                              3-  <b>Job Trainings:</b>						Day	Month	Year
						Date of Appointment through Competition		
						Day	Month	Year
						Allowances and Salary Scale		
Step(                              ) Post (                              ) Title of Position (                              )								
<b>Job Location</b>	Ministry	Department	Directorate					
<b>Post Responsibilities in accordance with Job Description</b>						<b>Performance</b>		

Work Plan	Achievements	Performance Based on Annual report	Reasons for non-performing	Evaluation Results by Evaluated Employees					Evaluation Results by Direct Manager					Evaluation Results by Senior Manager				
				1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
<b>Total</b>																		
<b>Scores</b>																		
<b>Scoring Guidance for Annual Work Plan:</b> 1. When performance of the employee is more than 60 percent based on the implementation of work plan, scores will be 17-25 and the employee will promote to higher step. 2. When performance of the employee is 50-60 percent based on the implementation of work plan, scores will be from 13-16 and the employee will continue the job in the current step with required trainings related to the job. 3. When performance of the employee is less than 50 percent based on the implementation of work plan, scores will be from 12 or less his/her position will be re-advertised.				<b>Final Results of Evaluation By Authorized Manager.</b>  1. Promotion to higher step 2. Continuation of the job in the same step 3. Re-advertisement of the position  Name: _____ Date: _____ Signature _____														
<b>Agreement or disagreement of evaluated Employee:</b>  Agreed _____ Disagreed _____				<b>Approval or disapproval of Direct Manager:</b>  Agreed _____ Disagreed _____														
<b>Signature of Evaluated Employee</b>				<b>Name and Signature of Direct Manager</b>														

	<b>Additional Criteria</b>	<b>Evaluation Results by Evaluated Employees</b>	<b>Evaluation Results by Direct Manager</b>	<b>Evaluation Results by Senior Manager</b>
	<i>Ability in management and leadership (management skills, analyzing issues related to the job)</i>			
	<i>Monitoring and supervising performance of subordinate employees</i>			
	<i>Technical capabilities (managing technical projects and delivery of professional services) related to the job</i>			
	<i>Skills in capacity enhancement of subordinate employees</i>			
	<i>Performances accountability and transparency</i>			
	<i>Ability in decision making (individually or in group + effective discussion)</i>			
<b>Skills and capabilities scores for first and second positions</b>				
	<p>Scoring Guidance for Additional Criteria of Employee :</p> <p>1. When performance of the employee is more than 60 percent based on the implementation of work plan, scores will be from 40-55 and the employee will promote to higher step.</p> <p>2. When performance of the employee is 50-60 percent based on the implementation of work plan, scores will be from 28-39 and the employee will continue the job in the current step with required trainings related to the job.</p> <p>3. When performance of the employee is less than 50 percent based on the implementation of work plan, scores will be from 27 or less his/her position will be re-advertised.</p>	Summary of the performance evaluation results of first and second positions employees by authorized manager		
		Annual work plan score		
		Additional criteria score		
		Total scores		
		Final Result of the Evaluation	<p>1. Promotion to higher step</p> <p>2. Continuation of the job in current step</p> <p>3. Re-advertisement of the post</p>	
<b>Agreement or disagreement of evaluated Employee:</b>		<b>Approval or disapproval of Direct Manager:</b>		<b>Name of Signature of Senior Manager:</b>
Agreed		Agreed		
Disagreed		Disagreed		
Signature of Evaluated Employee:		Name and Signature of Direct Manager		

## Appendix-II

# CIVIL SERVICE LAW 2003

## Chapter 1 General provisions

### **Basis:**

#### **Article 1**

In accordance with Article 50 of the Afghanistan Constitution, this Law has been enacted to establish sound administration, to implement reforms in the administrative system, and to regulate the activities of the Civil Service.

### **Objectives:**

#### **Article 2**

This Law has the following objectives:

1. To establish sound administration through the planning and Implementation of reform of the country's administrative system.
2. To determine the duties of Civil Service.
3. To fill Civil Service posts on merit and competency.
4. To regulate personnel management arrangements and duties of civil servants.

### **Civil Service:**

#### **Article 3**

The Civil Service performs all the executive and administrative activities of the Government based on provisions in law.

The Civil Service includes the following activities;

1. Manages, regulates and delivers government services,
2. Develops policies, and provides and offers professional advice.
3. Develops, prepares and implement laws, decrees and relevant regulations

### **Civil Servant:**

#### **Article 4**

1. A civil servant is a person appointed by the Government to perform its executive and administrative duties based on the provisions in law. The ranks and grades of civil servants will be regulated according to the relevant legal document.
2. Any person who is not included in the ranks and grades described in Clause 1 of this Article is not considered to be a civil servant.

## Chapter 2 Independent Administrative Reform and Civil Service Commission (IARCSC)

### **Leadership of IARCSC**

#### **Article 5:**

1. The IARCSC is established in order to lead, regulate, reform, formulate and implement structure policies of public administration system.
2. The IARCSC is hereafter referred to in this Law as the Commission.
3. The Commission consists of nine members appointed by the President for a period of three years. Their reselection is made at discretion of the President.
4. The Commission is managed by a Chairman appointed by the President.

5. The Chairman leads the Independent Administrative Reform and Civil Service Commission, monitors the affairs of the Boards and presents the report of the performance to the President's Office. (President and 2 Vice Presidents)
6. The Chairman of the Commission assigns five members to the Civil Service Appointments Board and three members to the Civil Service Appeals Board,

**Structure:**

**Article 6:**

The Commission consists of:

1. The Civil Service Management Department
2. The Civil Service Appointments Board
3. The Civil Service Appeals board
4. The Administrative Reform Secretariat

**Independence:**

**Article 7:**

1. The Commission is independent in its performance and is directly responsible to the President's Office. (President and Vice Presidents)
2. The Civil Service Appointments and Appeals Boards are independent in their performances; they present their reports to the President through the Chairman of the Commission.
3. The Chairman of the Commission does not participate in their decision making.

**Attributes of Commission Members:**

**Article 8**

The person who has the following requirements can be appointed as a-Member of the Commission:

1. Afghan nationality
2. At least 30 years of age
3. High education and adequate experience;
4. Good reputation and behavior
5. No criminal convictions and no crimes against humanity.

**Article 9**

The Members of the Commission cannot use their authority for language, regional, tribal, religious and party reasons whilst a Member of the Commission

**Deposing a Member of the Commission**

**Article 10**

A member of the Commission can be dismissed by the President for the following reasons:

1. Failure to perform duties
2. Misuse of authority
3. Conviction of a criminal offence or crimes against humanity whilst a member of the Commission

### Chapter-3 Civil Service Management

#### Objective: Article 11

1. The Civil Service Management Department develops policies relating to the structure, management and appointment of civil servants, and monitors their implementation in accordance with the provisions of this Law and other legal documents.
2. The Civil Service Management Department consists of professional and administrative offices that perform their duties in accordance with the relevant legal documents.

#### Duties and Authorities: Article 12

The Civil Service Management Department has the following duties and authority:

1. To develop and monitor policies relating to appointment and employment; hours of work, salaries, privileges, attendance, leave, promotion, retirement and other personnel matters related to the civil servants and their implementation through the relevant agencies within the provisions of law
2. To monitor the management and formulation of civil servants' performances in accordance with the relevant legal documents.
3. To obtain necessary documents from Ministries and Government Agencies
4. To monitor the implementation of policy relating to work safety environment and Insurance for civil servants
5. To prevent racial, tribal, language, religious, sexual and political discrimination, and to take account of sexual and tribal balance in the Civil Service.
6. To develop and implement a strategy for the management and administration of civil servants' training and the development of their skills.
7. To observe the provisions of enacted laws, regulations and International conventions, and to use internationally accepted principles and experience, In relation to the Civil Service.
8. To assist and advise Ministries and Government Agencies and their relevant unions on all matters relevant to the Civil Service.
9. Put in place procedures in order to test, train, develop and appraise the performances of the civil servants.
10. To develop regulations; approve procedures in order to implement policies and guide the Ministries and Government Agencies for effective implementation of the provisions of this Law.
11. To report on performance to the President through the Chairman of the Commission.

### Chapter-4 Civil Service Appointments Board

#### Structure: Article 13

1. The Civil Service Appointments Board based on Clause 6 of Article 5 consists of five Members
2. The Members of the Board can elect one of their number as Chairman for a period of one year.

3. If the workload becomes heavy, the President may appoint five temporary members for a period of six months.
4. The Members of the Board cannot work in other government or nongovernmental agencies whilst remaining Members of the Board.

**Duties:**

**Article 14**

The Civil Service Appointments Board has the following duties and authority:

1. To identify and recommend the recruitment, appointment, promotion, transfer, retirements, pension payment and other personal matters of high-ranking civil servants for the approval of the President.
2. To require Ministries and Government Agencies to provide information about vacant posts
3. To approve job criteria and advertisements; and to determine short-listing and final selection of the candidates
4. To chair short-listing and final selection panels;
5. To recommend selected candidates to the President for approval;
6. To demand written records from Ministries and Government Agencies in accordance with the relevant legal document.
7. To monitor appointments in Ministries and Government Agencies based on the relevant legal documents.
8. To report violations in accordance with this Law and the relevant legal document.

**Process of Appointment:**

**Article 15**

1. The appointment of civil servants is made through open competition under the following conditions:
  - i. Civil Service vacancies are advertised to attract suitable candidates. The application forms of the candidates are reviewed by the Appointment Board and the representative of the relevant Ministry or Agency for short listing and the candidates who have been short-listed are interviewed,
  - ii. The identification and selection of the best candidate who meets the requirements of the post.  
The vacant post has a job description that includes objectives, main duties and requirements about abilities, experience and skills of the candidates.
2. Final Selection Panel consists of two members from the Appointment Board and the authorized representative from the relevant Ministry or Government Agency.
3. Short-listing and interviewing for final selection is carried out fairly without any discrimination, considering the background and is based on pre-determined job criteria. The selected candidate is recommended for appointment after final Interview.
4. Relevant documents shall be kept for a period of 3 years.

**Appointment Board Secretariat:**

**Article 16**

The Civil Service Appointment Board contains a Secretariat whose functions will be regulated in accordance with the relevant procedure.

## Chapter-5 Civil Service Appeals Board

### Structure:

#### Article 17

1. The Civil Service Appeals Board based on Clause 6 of Article 5 consists of three Members.  
The Members of the Board can elect one of their number as Chairman for a period of one year.
2. The Members of the Appeals Board cannot work In other government or non-governmental agencies whilst remaining Members of the Board.

### Duties and Authorities:

#### Article 18

The Civil Service Appeals Board has the following duties and authorities:

1. To hear appeals from civil servants who consider they have been disciplined unfairly;
2. To hear appeals of unlawful instructions and orders.
3. To hear appeals of violations happened against the regulation of employees' code of conduct.
4. To hear appeals of employees who are denied access to their personal files
5. To hear appeals of employees resulting from not receiving applications without any reliable reasons.
6. To hear appeals from civil servants and other applicants for Civil Service posts who consider they have been discriminated against or treated unfairly by the Civil Service Appointments Board or the appointments panel of the relevant Ministry or Government Agency during the recruitment process
7. To decide on appeals resulting from discriminatory and unfair appointment.
8. To hear any other appeals that are considered to be evaluated by the board;
9. To report on annual performance to the President through the Chairman of the Commission.

### Process of Performances:

#### Article 19

1. While receiving appeals from employees, the following actions shall be taken:
  - i. To hear appeals presented to relevant ministry or agency by the employee, but are not heard.
  - ii. Appeals must be submitted in writing,) together with any supporting documentation. The appeals that do not have documentary proofs are rejected by the Board and written reasons for rejection are presented to the appellant.
2. The Appeals Board can demand the needed documents and other evidence either from the appellant or the Government organization concerned in order to prove the matter.
3. If required, the Board can take oral evidence from the appellant, witnesses and its own specialists.
4. If required, the Appeals Board can seek advice from external expert witnesses.
5. The Appeals Board can establish separate procedures for better consideration of appeals.
6. Ministries and Government Agencies must implement the decisions and requirements of the Appeals Board in accordance with the provisions of this Law.
7. The Appeals Board's decisions are recorded and formally notified to the appellant and the relevant Ministry or Government Agency.

8. If one of the parties disagrees with a decision of the Appeals Board, he/she can process his/her appeal with the relevant Court of Law.

**Board Secretariat:**  
**Article 20**

The Civil Service Appeals Board contains a Secretariat whose functions will be regulated in accordance with the relevant procedure.

**Chapter-6**  
**Administrative Reform Secretariat**

**Duties of Secretariat:**  
**Article 21**

1. The Administrative Reform Secretariat undertakes activities concerning executive, financial and administrative matters under the authority of the Chairman in accordance with the relevant procedure.
2. The Administrative Reform Secretariat monitors the implementation of administrative reform programmes, projects and activities, and reports to the Chairman of the Commission.

**Chapter-7**  
**Civil Servants**

**Civil Servants' Positions**  
**Article 22**

Civil service positions are classified by reference to ranks, grades, steps, level of responsibilities, authorities and nature of the job in accordance with the relevant legal documents.

**Appointment of Civil Servants:**  
**Article 23**

Civil Servants are appointed based on merit and professional skills without any kind of discrimination In accordance with the relevant legal documents.

**Personnel Management:**  
**Article 24**

The personnel management of civil servants will be regulated in accordance with the provisions of this Law, Labour Law and other relevant legislative documents.

**Duties and Responsibilities:**  
**Article 25**

Civil servants have the following duties and responsibilities:

1. To perform their daily duties in accordance with the employment contract and any other job agreements.
2. To serve the Government loyally, impartially and honestly, observing the administrative chain of command.
3. To provide practical advice to the organization.
4. To preserve job confidentialities.
5. To uphold the authority and reputation of the employment and organization.
6. To behave appropriately towards clients and co-workers.
7. To take every responsibility to provide good public service
8. To observe and implement laws and regulations impartially and consistently.

9. To follow up training and professional development programmes provided by the organization.
10. To avoid misusing data and opportunities provided in the work place for personal gain or the benefit of others.
11. To protect public property and funds.
12. To avoid insouciance and improvidence in the workplace.
13. To avoid taking any actions that might have an adverse effect on Government policies in relation to the Civil Service.

**Prohibition of Other Employment;**  
**Article 26**

Civil servants cannot undertake other employment in official time.

**Rights and Privileges;**  
**Article 27**

Civil servants have the following rights and privileges:

1. Promotion, salary and benefits based on the relevant legal documents
2. A pension according to the relevant legal document.
3. Enhancement of knowledge and professional experience through training programmes and other facilities.
4. A safe working environment, insurance cover, and indemnification against loss whilst performing official duties.
5. Protection of human values; providing safety from all physical, ethic and psychological harassment; observance freedom, and avoidance of any kind of discrimination and favoritism i.e. sexual, ethnical, tribal, religious, political, appearance and civil status.
6. Freedom to express views on the legality of orders issued by a senior authority.
7. If the employee considers that the order is illegal or contrary to regulations, he / she should report the matter in writing to his / her manager. If the order is confirmed in writing, any repercussions are the responsibility of the manager and not the employee.
8. The right of appeal against illegal and unfair decisions in the workplace.
9. Resignation from the job in accordance with the relevant legal document.
10. Voluntary participation in associations and gatherings established to protect and improve the position of civil servants in accordance with provisions in law.

**Chapters-8**  
**Miscellaneous Provisions**

**Budget of the Commission**  
**Article 29**

The Commission Is an Independent budgetary unit whose budget Is processed In accordance with provisions in law.

**Discipline of Civil Servant;**  
**Article 30**

A civil servant who does not perform his day to day duties in accordance with the relevant legal documents will be disciplined.

**Enactment:**  
**Article 30**

This Law enters into force from the day it is signed and shall be published in the Official Gazette. With enactment of this law, decree # 257 dated 2/3/1381 SY, decree # 25 dated 20/3/1382 SY, decree # 33 dated 21/4/1382 SY and the Regulation on Procedure and Functions of Independent Administrative Reform and Civil Service Commission published in Official Gazette # 810 dated 30/5/1382 SY, along with the attachments and other contradictory provisions to this law shall be cancelled.

Appendix-I

CONSTITUTION OF THE PEOPLE'S REPUBLIC OF BANGLADESH

CHAPTER-ii (PART IX)

The Services of Bangladesh

Chapter1 Services

Article 133

Appointment and conditions of service

Subject to the provisions of this Constitution Parliament may by law regulate the appointment and conditions of service of person in the service of the Republic:

Provided that it shall be competent for the President to make rules regulating the appointment and the conditions of service such person 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.

Article 134

Tenure of office

Except as otherwise provided by this Constitution every person in the service of the Republic shall hold office during the pleasure of the President.

Article 135

Dismissal, etc., of civilian public officers

1. No person who holds any civil post in the service of the Republic shall be dismissed or removed or reduced in rank by an authority subordinate to that by which he was appointed.

2. No such person shall be dismissed or removed or reduced in rank until he has been given a reasonable opportunity of showing cause why that action should not be taken: Provided that this clause shall not apply-

- a. where a person is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction of a criminal offence; or
- b. where the authority empowered to dismiss or remove a person or to reduce him in rank is satisfied that, for a reason recorded by that authority in writing, it is not reasonably practicable to give that person an opportunity of showing cause; or
- c. where the President is satisfied that in the interests of the security of the State it is not expedient to give that person such an opportunity.

3. If in respect of such a person the question arises whether it is reasonably practicable to give him an opportunity to show cause in accordance with clause (2), the decision thereon of the authority empowered to dismiss or remove such person or to reduce him in rank shall be final.

4. Where a person is employed in the service of the Republic under a written contract and that contract is terminated by due notice in accordance with its terms, he shall not, by reason thereof, be regarded as removed from office for the purposes of this article.

Article 136

Reorganization of service

Provision may be made by law for the reorganization of the service of the Republic by the creation, amalgamation or unification of services and such law may vary or revoke any condition of service of a person employed in the service of the Republic.

**Article 137**  
**Establishment of Commissions**

Provision shall be made by law for establishing one or more public service commissions for Bangladesh, each of which shall consist of a chairman and such other members as shall be prescribed by law.

**Article 138**  
**Appointment of members**

1. The chairman and other members of each public service commission shall be appointed by the President. Provided that not less than one-half of the members of a commission shall be persons who have held office for twenty years or more in the service of any government which has at any time functioned within the territory of Bangladesh.

2. Subject to any law made by Parliament the conditions of service of the chairman and other members of a public service commission shall be such as the President may, by order, determine.

**Article 139**  
**Term of office**

1. The term of office of the chairman and other members of a public service commission shall, subject to the provisions of this article, expire five years after the date on which he entered upon his office, or when he attains the age of sixty-five years, whichever is earlier;

2. The chairman and other members of such a commission shall be removed from office except in like manner and on the like grounds as a judge of the 85 Supreme Court.

3. A chairman or other member of a public service commission may resign his office by writing under his hand addressed to the President.

4. On ceasing to hold office a member of a public service commission shall not be eligible for further employment in the service of the Republic, but, subject to the provisions of clause (1)-

(a) a chairman so ceasing shall be eligible for re-appointment for one further term; and

(b) a member (other than the chairman) so ceasing shall be eligible for re-appointment for one further term or for appointment as chairman of a public service commission.

**Article 140**  
**Functions of Commissions**

1. The functions of a public service commission shall be-

- a) to conduct tests examinations for the selection of suitable persons for appointment of the service of the Republic;
- b) to advise the President on any matter on which the commission is consulted under clause (2) or on any matter connected with its functions which is referred to the commission by the President; and
- c) such other functions as may be prescribed by law.

2. Subject to the provisions of any law made by Parliament, and any regulation (not inconsistent with such law) which may be made by the President after consultation with a commission, the President shall consult a commission with respect to-

a) matters relating to qualifications for, and methods of recruitment to, the service of the Republic;

b) the principles to be followed in making appointments to that service and promotions and transfers from one branch of the service to another, and the suitability of candidates for such appointment, promotions and transfers;

c) matters affecting the terms and conditions (including person rights) of that service; and

d) the discipline of the service.

**Article 141**

**Annual report**

1. Each commission shall, not later than the first day of March each year, prepare and submit to the President a report of the performance of its functions during the period ended on the previous 31st day of December.
2. The report shall be accompanied by a memorandum setting out, so far as is known to the commission-
  - a) the cases, if any, in which its advise was not accepted and the reasons why it was not accepted;
  - b) the cases where the commission ought to have been consulted and was not consulted, and the reasons why it was not consulted.
3. The President shall cause the report and memorandum to be laid before Parliament at its first meeting held after 31st March in the year in which the report was submitted.

## Appendix-II

### THE BANGLADESH PUBLIC SERVICE COMMISSION ORDINANCE, 1977 (ORDINANCE NO. LVII OF 1977).

[28th November, 1977]

**An Ordinance to establish a Public Service Commission to replace the two Public Service Commissions established by the Public Service Commissions Ordinance, 1977.**

WHEREAS it is expedient to establish a Public Service Commission to replace the two public service Commissions established by the Public Service Commissions Ordinance, 1977 (Ordinance No. VIII of 1977), for the purposes hereinafter appearing;

NOW, THEREFORE, in pursuance of the Proclamations of the 20th August, 1975 and the 8th November, 1975, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:-

**Short title and commencement 1.** (1) This Ordinance may be called the Bangladesh Public Service Commission Ordinance, 1977.

(2) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.

**Definition 2.** In this Ordinance, unless there is anything repugnant in the subject or context, "Commission" means the Bangladesh Public Service Commission established under section 3.

**Establishment of Bangladesh Public Service Commission 3.** (1) There shall be established a public service Commission to be called the Bangladesh Public Service Commission.

(2) The number of members of the Commission, including the Chairman, shall be not less than six nor more than fifteen.

**Functions to be subject to the Ordinance, etc 4.** The exercise of the functions of the Commission under clause (2) of Article 140 of the Constitution in respect of any matter referred to therein shall be subject to the provisions of this Ordinance, any regulation made under that article or any other law for the time being in force affecting such matter.

**Exclusion from the purview of the Commission 5.** Notwithstanding anything contained in this Ordinance or in any other law for the time being in force, consultation with the Commission shall not be necessary-

- (a) in respect of any appointment to or any other matter relating to-
  - i. a post in a divisional office, a district office or a subordinate office to which appointment may be made by the head or other officer of that office;
  - ii. a civil service or a civil post which is, or is declared by Government to be, a lower subordinate service or, as the case may be, a lower subordinate post;
  - iii. any service or post appointment to which was excluded from the purview of any public service Commission before the commencement of this Ordinance; and
  - iv. such other service or post as the President may, by notification in the official Gazette, specify in this behalf;

(b) in respect of any ad hoc appointment, or of any matter relating to such appointment, made during the period from the 16th day of December, 1971, to the 8th day of April, 1972; or

(c) in respect of appointment of such class of persons in the service of the Republic, or of any matter relating thereto, as the President may, by notification in the official Gazette, specify in this behalf.

**Explanation.**-In this section, “divisional office”, “district office” and “subordinate office” means such office as the Government may, by order, declare to be such an office for the purpose of this Ordinance.

**Power of review 6.** Notwithstanding anything contained in this Ordinance or in any other law for the time being in force, the President may review such test or examination conducted, or advice given, by any public service Commission during the period from the 26th day of March, 1971, to the 8th day of April, 1972, and pass such orders in respect thereof as he could under any law in force immediately before the 16th day of December, 1972.

**Repeal and savings 7.** (1) The Public Service Commissions Ordinance, 1977 (Ordinance No. VIII of 1977), hereinafter referred to as the said Ordinance, is hereby repealed.

(2) Any matter pending immediately before the commencement of this Ordinance with or before the Public Service (First) Commission or the Public Service (Second) Commission established under the said Ordinance shall stand transferred to, and shall be deemed to be pending with or before, the Commission and shall be disposed of accordingly.

(3) A member of the Public Service (First) Commission or the Public Service (Second) Commission established under the said Ordinance who was holding office immediately before the commencement of this Ordinance shall, after such commencement, hold office for the remainder of his term as a member of the Commission as if he were appointed as such member on the same terms and conditions as were applicable to him and shall accordingly exercise and perform the functions of such member.

## Appendix-III

# THE BANGLADESH PUBLIC SERVICE COMMISSION STANDING ORDERS, 2010

## Chapter I GENERAL

### 1. Short Title and Commencement

- i. These Standing Orders be called the “Bangladesh Public Service Commission (BPSC) Standing Orders, 2010”.
- ii. They shall come into force at once and will remain in force until they are changed by the Commission.

### 2. Definition

In these Standing Orders, unless there is anything repugnant in the subject or context -

- i. "Chairman" means the Chairman of the Bangladesh Public Service Commission.
- ii. "Member" means a member of the Bangladesh Public Service Commission.
- iii. "Commission" means the Bangladesh Public service Commission.
- iv. "Secretary" means the Secretary of the Bangladesh Public Service Commission Secretariat,
- v. "Secretariat" means the Secretariat of the Bangladesh Public Service Commission.
- vi. "Controller of examinations (Cadre / Non-cadre)" means a controller of examinations of the Bangladesh Public Service Commission Secretariat.
- vii. "Senior System Analyst" means a Senior System Analyst of the Bangladesh Public Service Commission Secretariat,
- viii. "Section" means working unit under Deputy Secretaries, Controller of examinations (Cadre / Non-cadre) and Senior System Analyst.
- ix. "Service" means a service specified in Schedule I to the Bangladesh Civil Service Recruitment Rules, 1981.
- x. "Unit" means a working unit of the Bangladesh Public Service Commission Secretariat,
- xi. "Zonal Office" means the zonal offices of the Bangladesh Public Service Commission Secretariat.

### 3. Establishment of the Commission

Bangladesh Public Service Commission (BPSC) is a constitutional body. The Bangladesh Public Service Commission (First) and the Bangladesh Public Service Commission (Second) were created on the 8 April 1972 through issuance of the Bangladesh Public Service Commission Order (President's Order number 34 of 1972). In 1977 the two Public Service Commissions were merged and the present Bangladesh

Public Service Commission was created through the Bangladesh Public Service Commission Ordinance, 1977. The activities of the BPSC is presently regulated by Articles 88,137 to 141, 147 and 148 of the Bangladesh Constitution, The Bangladesh Public Service Commission Ordinance, 1977 (Ordinance number LVII of 1977), The Bangladesh Public Service Commission (Consultation) Regulation, 1979, The Bangladesh Public Service Commission Act, 2012 and The Members of the Bangladesh Public Service Commission (Terms and Conditions of service) Act, 1974 as amended from time to time.

#### **i) Functions of the Commission**

Clause (1) of Article 140 of the Bangladesh Constitution provides that the functions of a public service commission shall be - (a) to conduct tests and examinations for the selection of suitable persons for appointment to the service of the Republic; b) to advise the President on any matter on which the commission is consulted under clause (2) or on any matter connected with its functions which is referred to the commission by the President; and (c) such other functions as may be prescribed by law.

Clause (2) of the same article mentions that subject to the provisions of any law made by Parliament, and any regulation (not inconsistent with such law) which may be made by the President after consultation with a commission, the President shall consult a commission with respect to - (a) matter relating to qualifications for, and methods of recruitment to, the service of the Republic; (b) the principles to be followed in making appointments to that service and promotions and transfers from one branch of the service to another, and the suitability of candidates for such appointments, promotions and transfers; (c) matters affecting the terms and conditions (including pension rights) of that service; and (d) the discipline of the service.

Clause (1) of Article 141 of the Constitution provides that each commission shall, not later than the 1<sup>st</sup> day of March, each year, prepare and submit to the President a report on the performance of its functions during the period ended on the previous 31<sup>st</sup> day of December.

(2) the report shall be accompanied by a memorandum setting out, so far as is known to the commission - (a) the cases, if any, in which its advise was not accepted and the reasons why it was not accepted; (b) the cases where the commission ought to have been consulted and was not consulted and the reasons why it was not consulted.

(3) The President shall cause the report and memorandum to be laid before Parliament at its first meeting held after 31<sup>st</sup> March in the year in which the report was submitted.

In order to facilitate carrying out the aforesaid functions of the Commission, Article 88 (c) of the Constitution includes the administrative expenses of, including remuneration payable to, officers and servants of the public service commission as charged expenditure upon the consolidated fund.

#### **4. Appointment of Chairman and Members**

According to Clause (1) of Article 138 of the Constitution, the chairman and other members of each public service commission shall be appointed by the President; Provided that not less than one half of the members of the 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 territories of Bangladesh. Clause (2) of the same article mentions that subject to any law made by Parliament the conditions of service of the chairman and other members of a public service commission shall be such as the President may, by order, determine. According to Article 139 of the Constitution, the terms of office of the chairman and other members of a public service commission shall

subject to the provisions of this article, expire five years after the date on which he entered upon his office, or when he attains the age of sixty five years, whichever is earlier. The chairman and other members of such a commission shall not be removed from office except in like manner and on the like grounds as a judge of the Supreme Court. The remunerations of the Chairman and Members of the Commission are paid from the charged expenditure of the consolidated fund of the government as per Article 88(b) of the Constitution, Article 147 of the Constitution provides that the remuneration, privileges and other terms and conditions of service of the chairman and other members of the Commission shall not be varied to their disadvantage during their term of office. The chairman and other members enter their offices through taking oath under article 148 of the Bangladesh Constitution.

**i) Functions of the Chairman**

- i. Carrying out jobs as ordained by laws, rules and valid executive orders.
- ii. Managing and coordinating the overall activities and performance of the Commission.
- iii. Overseeing the overall administration and management of the Commission and its Secretariat.
- iv. Distribution of work among Members, Units and the Secretarial.
- v. Presiding over the Commission meetings.
- vi. All other matters entrusted or authorized by appropriate authorities under the law.

**ii) Functions of the Members**

- i. Carrying out jobs as ordained by laws, rules and valid executive orders.
- ii. Management and supervision of the activities of the unit or units assigned to a Member by the Chairman.
- iii. Any matter assigned to a Member by the Chairman.
- iv. Member in charge of a particular examination will be responsible for successful conduct of that examination.

**5. Secretariat of the Commission**

The BPSC secretariat has been working with the Status of a division of the government of Bangladesh pursuant to government orders issued since 1989 to perform the administrative functions of BPSC. An Additional Secretary or Secretary of the government performs the duties and responsibilities of the Secretary of the Commission. Presently the Commission has a sanctioned strength of total 422 persons. Among this 88 are first class officers, 70 are second class officers and the rest 264 are class III and class IV employees. There are 13 operational units in the Commission Secretariat to help discharge its constitutional obligations. Apart from these there are Administrative Section, Accounts Section, Examination Section (cadre), Examination Section (non-cadre), Confidential Section (cadre), Confidential Section (non-cadre), Library and Documentation Section, Public Relations Section, Research Section and the Information Technology (IT) and Computer Section. There are zonal offices of the Commission Secretariat in divisional headquarters outside Dhaka.

**i) Functions of the Commission Secretariat**

- i. To assist the Commission in discharging its functions under the Constitution and other laws.
- ii. Regulation and Control of officers and staff of the Secretariat and its Zonal establishments, subject to over all guidance of the Chairman/Commission.
- iii. All laws on the subject allotted to this Secretariat.
- iv. Inquiries and statistics on any of the subjects allotted to this Secretariat.
- v. Fees in respect of any of the subjects allotted to this Secretariat except fees taken in courts.

**ii) Relationship of the Secretariat with the Commission,**

- i. Secretary shall act as the Secretary of the Commission, be accountable to the Commission through the Chairman and provide administrative, financial, legal and secretarial services and support to the Commission to its satisfaction,
- ii. Decisions of the Commission and approved advice/ comments on various matters from a unit will be communicated by the Secretary.
- iii. For day-to-day transaction, Secretary will work under overall supervision by the Chairman.

**6. Functions of the operational Units / Sections of the Commission Secretariat**

- i. Work shown in the approved organogram / or office orders of the Commission
- ii. Jobs assigned to the unit / section by the Chairman/ Commission.
- iii. Directors of a unit may send routine queries and issue regular reminders to relevant ministries, directorates and agencies of the government. Final decisions of the Commission will, however, be communicated by the Secretary.
- iv. Directors will be primarily responsible for flawless and successful conduct of business in their respective units.
- v. Deputy Secretaries / Senior System Analysts / Controllers of examinations will be primarily responsible for flawless and successful conduct of business in their respective sections.

**7. Functions of the Controller of Examinations, (Cadre/ Non-cadre)**

- i. Matters relating to examinations liaison, broad support, rules, policy and method under guidance of the Member in charge of examinations.
- ii. Controller of examinations (Cadre) will be responsible for flawless and successful conduct of BCS examinations.
- iii. All matters mentioned in these Standing Orders, Instructions contained in Schedule I to these Orders and new instructions issued from time to time.
- iv. Any other matter assigned by the Chairman/ Commission.

## **8. Functions of the IT and Computer Section**

- i. All matters relating to Information Technology (IT) and computer section of the commission secretarial under guidance of the Member in charge of examinations,
- ii. All matters mentioned in these Standing Orders instructions contained in Schedule I to these Orders and new Instructions issued from time to time.
- iii. Any other matter assigned by the Chairman/Commission.
- iv. The IT and Computer section will be strengthened and structured to match the requirement of a modern digitalized organization.

## **9. Matters to be referred to the Government**

Matters will be referred to the Government as is expressly provided by the rules and laws of the land.

## **Chapter II PROCEEDINGS OF THE COMMISSION**

### **10. Cases to be brought before the Commission Meeting**

- i. Proposal relating to change of any existing policy or decision of the Commission.
- ii. Important matters relating to BCS examinations like fixing dates for examinations, final approval of the results, deciding about the cut off point in the preliminary examinations etc.
- iii. Budget of the Commission.
- iv. Cases in which a member desires decision or direction of the Commission in a matter of importance on a subject assigned to his charge
- v. Cases in which a difference of opinion arises between two or more members and decisions of the Commission is sought.
- vi. Any other cases which the Chairman may by general or special order require to be brought before the Commission.

### **11. Method of disposal by the Commission**

- i. By discussion at a meeting of the Commission.
- ii. By discussion at a meeting of the Committee of the Commission, provided that the decisions of the Committee shall be approved by the Chairman/ Commission.
- iii. By circulation amongst the Members.
- iv. The approval by the Chairman on file of a proposal initiated or concurred by a Member will constitute a decision by the Commission.

### **12. Committees of the Commission**

- i. The Commission/ Chairman may constitute Standing Committees of the Commission and assign functions to them as may be considered necessary. The composition or functions of such Committee may be amended or modified by the Chairman.
- ii. The Commission/ Chairman may constitute Ad-hoc Committees for specific purposes and assign functions to them.

- iii. The decision of the Committee as approved by the Chairman will be treated as decision of the Commission

**13. Procedure for submission of cases to the Commission Meeting**

- i. In respect of all cases to be submitted to the general meeting of the Commission, the Secretary shall prepare a concise and clear memorandum of the case, hereinafter referred to as the "Working Paper" giving the background and relevant facts and the points for decisions. The working paper should be self contained as far as possible, and shall include as appendices such relevant papers as may be necessary for proper appreciation of the case.
- ii. For Special meetings on examinations, papers will be laid on the table.
- iii. For urgent/ emergency cases the matter will be laid on the table.
- iv. In case of any proposal involving expenditure, the budgetary provision or the source of fund should be mentioned.

**14. Procedure regarding disposal of cases by circulation**

- i. When a case is circulated for recording opinion, the Secretary shall, under formal orders of the Chairman specify the time by which opinion should be communicated to him, if a member does not communicate his opinion by that time, it will be presumed that he accepts the recommendation contained in the working paper, If a difference of opinion among Members is observed in the course of circulation, the Secretary shall submit the case in the next regular or special meeting of the Commission for decision.
- ii. Reports made to the Commission of action taken on its decision, shall normally be disposed of by circulation, unless otherwise directed by the Chairman,

**15. Procedure regarding meetings of the Commission**

- i. General meeting of the Commission to discuss ordinary business shall be held with prior notice enclosing the working papers for the meeting. Chairman shall decide the time, venue and agenda and the Secretary will convene the meeting.
- ii. Special meetings on examinations and other urgent/emergency matters shall be convened as directed by the Chairman.
- iii. Secretary shall attend all meetings and prepare a brief draft record of discussions, which in the absence of special direction by the Commission to the contrary, shall be of an impersonal nature; and a draft record the decisions of the meeting and submit these records, as early as possible, to the Chairman for his approval.
- iv. Secretary will be assisted by officials, designated by the Chairman to record the minutes.

- v. In the absence of the Secretary, any official who remains in charge of the post of the Secretary will attend the Commission meetings and carry on the duties of the Secretary.
- vi. Other officials may attend the meeting, if desired by the Chairman/ Commission.
- vii. Issues at a meeting of the Commission shall be resolved by consensus. In rare circumstances, if all efforts arrive at a decision through consensus fail, it will be decided by majority of votes cast by the Chairman and Members present. In the case of an equal division of votes, the Chairman shall have a second or casting vote.
- viii. The proceedings of the Commission shall not be invalidated by any vacancy in the office of a member.
- ix. One-third of the members inclusive of the Chairman shall form the quorum of a meeting of the Commission, but the Chairman may adjourn any business at a meeting, if he is of the opinion that it cannot conveniently be transacted owing to the absence of any member.
- x. All decisions of the Commission shall be approved by the Chairman and confirmed at the immediate next meeting of the Commission.
- xi. Whenever the Commission is required to give advice, or to submit proposals to, or to be consulted by, any authority, the decision of the Commission shall be, communicated in a letter signed by the Secretary.
- xii. The Commission may refer any matter to an individual member, or to a committee consisting of one or more members and such other persons, if any, as the Commission may appoint, for consideration and report to the Commission,
- xiii. The Commission may, subject to such directions as it thinks fit, delegate to a committee constituted from among the members such of its functions as it may decide from time to time.
- xiv. The decision of any committee, to which powers have been delegated, as approved by the Chairman shall be deemed to be a decision of the Commission.
- xv. The Chairman may depute any member to perform any particular work. While engaged in such work he shall not deal with the ordinary work of the Commission.
- xvi. In matters for which A provision is made by these orders, the Commission may regulate its proceedings in such manner as it deems fit.
- xvii. Whenever a member has personal interest in a case he shall abstain from expressing any opinion on the case generally by withdrawing from the Commission's deliberations.

**16. Procedure regarding meetings of the Committees of the Commission**

- i. Meetings of the Committees of the Commission shall be convened by the Member designated as the Convener of the Committee, who shall preside over the meeting. Concerned unit will provide the secretariat service and will issue the notice of the meeting.

- ii. Officials of the concerned agencies may be associated with the deliberations of the Committee as and when necessary and allowed by the convener.
- iii. The provisions of order 13 and 15 shall apply, mutatis mutandis, to the manner of submission of cases to, and procedure for the meetings of the Committees of the commission.
- iv. Copies of all records regarding the constitution, meetings, and decisions of the Committees of the Commission shall be kept in the safe custody of the Commission Secretariat.

**17. Action on Commission decisions**

- i. When a decision is taken by the Commission whether by discussion in a meeting of the Commission or Committee of the Commission or after circulation, or by approval of the Chairman on file, of a proposal initiated or concurred by a Member, all concerned will take prompt action to give effect to the decision.
- ii. To ensure implementation of Commission decisions, the Secretary shall keep a record of all such decisions and watch the progress of action. It shall be his responsibility to consult or inform any other agencies concerned.
- iii. The decisions of the meeting may be immediately acted upon with the approval of the Chairman in a file without waiting for formal signing or distribution of the minutes.

**18. Custody of Commission Papers**

- i. All proceedings of the Commission meetings and records directly relating thereto shall be treated as confidential documents. The documents/ papers, noted below in possession of Members shall be returned to the Secretary.
  - ❖ The papers issued to them for decision by circulation under order 14 immediately after recording their opinion.
  - ❖ The papers circulated to them for decision in a meeting of the Commission under order 15 (i) or Committee of the Commission under order 16 (iv) immediately after the discussions have taken place.
  - ❖ Copies of records except the extracts of decision circulated by the Secretary immediately after they have perused them.
  - ❖ Reports of action taken on Commission decisions or other papers circulated for information immediately after perusal.
- ii. The Secretary shall maintain a list of Commission Papers retained by the Members and a Member shall on relinquishing office, return the papers to the Secretary.

**19. Periodical reports of activities of Units/ Zonal offices etc**

- i. There shall be prepared for information of the Commission a yearly report covering the financial year from 1<sup>st</sup> July to 30<sup>th</sup> June, containing comprehensive review of the activities of each section, unit and zonal

office. Such reports shall be discussed in a special meeting of the Commission to be convened by the Secretary under the direction of the Chairman.

- ii. There shall be prepared for submission to the President an Annual Report on the performances of the functions of the Commission along with a memorandum during the period ended on the 31<sup>st</sup> December each year. Such reports shall be submitted to the President not later than the first day of March each year to meet the constitutional obligation of the Commission.

### **Chapter III PROCEDURE FOR SELECTION OF CANDIDATES AND CONSULTATION ON OTHER MATTERS**

#### **20. Procedure for Selecting Candidates**

- i. All recruitments to entry posts will be done through written and viva examinations. In case the number of candidates exceeds a particular number/ size as determined by the Commission, a preliminary examination will be organized for screening the candidates for written examination.
- ii. Selection of candidates for salary scale higher than the entry posts will be conducted through prescribed procedure by special 6-member viva voce boards decided in the 81<sup>st</sup> General Meeting of the Commission on 23<sup>rd</sup> September 2008 and out lined in the BPSC Office Order dated 27.10.2008.
- iii. Instructions given in Schedule I to these Orders and new instructions issued from time to time in this regard will be followed in selecting candidates.
- iv. Punitive actions will be taken against candidates adopting unfair means or malpractices in the examinations as per Instructions for Conducting Examinations issued by the Commission from time to time.

#### **21. Disciplinary cases and other matters**

- i. In any case in which the advice of the Commission is sought in regard to disciplinary cases, promotion, regularization, fixation of seniority, service and recruitment rules, conditions of services and other matters assigned to the Commission as per the Constitution, the record of the case shall be forwarded to the Commission and the opinion given by the Commission shall form part of the record of the case and shall be communicated to the Ministry, Directorate or Agency of the government.
- ii. Instructions given in Schedule I to these Orders and further instructions/ office orders issued from time to time in this regard will be followed in disposing of cases.

### **Chapter IV MISCELLANEOUS**

#### **22. Establishment of Zonal Office**

For the benefit of candidates belonging to the outlying areas, the Commission may, with approval of the Government, establish zonal offices.

**23. Powers of the Zonal Office**

The Commission shall authorize the zonal offices to exercise such powers and perform such functions as the Commission may assign to them from time to time.

**24. Repeal and Savings**

“The Bangladesh Public Service Commission (Conduct of Business) Rules, 1981 whatever be its status stands repealed. Any action undertaken in pursuant of -the above rules during the interim period will, however, remain valid.

**25. Ancillary Instructions**

Instructions ancillary to these Standing Orders, whenever considered necessary, may be issued by the Chairman.

**26. Departure from the Instructions**

The Chairman may in any case or classes of cases permit or condone a departure from the orders listed here, to the extent he deems necessary. Rationale for such departure should, however, be recorded in the file and placed in the next Commission meeting for approval.

## Appendix-I

### Constitution of the Kingdom of Bhutan

#### Article 26

#### The Royal Civil Service Commission

1. There shall be a Royal Civil Service Commission, which shall promote and ensure an independent and apolitical civil service that will discharge its public duties in an efficient, transparent and accountable manner.
2. The Commission shall consist of a Chairman and four other members appointed by the Druk Gyalpo (Head of State) from amongst eminent persons having such qualifications and experience as would enhance the performance of the Commission, from a list of names recommended jointly by the Prime Minister, the Chief Justice of Bhutan, the Speaker, the Chairperson of the National Council and the Leader of the Opposition Party.
3. The term of the office of the Chairperson and members of the Commission shall be five years or until they attain the age of sixty-five years, whichever is earlier.
4. The Commission shall endeavour to ensure that civil servants render professional service, guide by the highest standards of ethics and integrity to promote good governance and social justice, in implementing the policies and programmes of the Government.
5. The Commission shall, in the interest of promoting merit, productivity and equity, ensure that uniform rules and regulations on recruitment, appointment, staffing, training, transfers and promotion prevail throughout the civil service.
6. The Commission shall ensure that all civil servants shall have resource to justice through the Administrative Tribunal established under section 16 of Article 21 (Parliament may, by law, establish impartial and independent Administrative Tribunal as well as Alternative Dispute Resolution centres) to hear their appeals against administrative decisions including those of the Commission.
7. Every civil servant who has been adversely affected by an administrative action shall have the right of access to the Commission.
8. The Commission shall meet regularly and shall be supported by a permanent Secretariat, which shall function as the central personnel agency of the Government.
9. The Commission shall submit an Annual Report on its policies and performances to the Druk Gyalpo and to the Prime Minister.
10. The Royal Civil Service Commission shall function in accordance with the Civil Service Act.

## Appendix-II

### CIVIL SERVICE ACT OF BHUTAN, 2010 RELEVANT PROVISION

#### CHAPTER II The Royal Civil Service Commission

##### Establishment and Composition

###### Article 7

The Royal Civil Service Commission shall be established in accordance with the provisions of the Constitution of the Kingdom of Bhutan.

###### Article 8

The Commission shall consist of a Chairperson and four other members who shall serve on a full-time basis,

##### Independence

###### Article 9

The Commission shall be independent in the exercise of its powers and duties under this Act and shall exercise such powers and duties without fear, favour or prejudice in the interest of ensuring effective and efficient administration of the Civil Service.

##### Eligibility and Qualification

###### Article 10

A person to be eligible to hold office as a Chairperson and a member of the Commission shall:

- a) be a natural born citizen of Bhutan;
- b) not be married to a person who is not a citizen of Bhutan;
- c) have no political affiliation;
- d) not have been terminated from Government or Public Service;
- e) not be in arrears of taxes or other dues to the Government;
- f) have a minimum qualification of Bachelor's Degree;
- g) have rendered a minimum of 25 years of service in case of the Chairperson and 20 years for other members in Government or Public Service;
- h) not have been convicted of a criminal offence and sentenced to imprisonment;
- i) not have been disqualified under any other laws; and
- j) have proven leadership qualities.

##### Appointment

###### Article 11

The Chairperson and members of the Commission shall be appointed by the Druk Gyalpo from a list of eminent persons recommended jointly by the Prime Minister, the Chief Justice of Bhutan, the Speaker, the Chairperson of the National Council and the Leader of the Opposition Party.

## **Oath or Affirmation**

### **Article 12**

Upon assuming office, the Chairperson and members of the Commission shall take an Oath or Affirmation in the form and manner prescribed in the Third Schedule of the Constitution of the Kingdom of Bhutan.

## **Tenure of Office**

### **Article 13**

The tenure of Office of the Chairperson and members of the Commission shall be five years or until they attain the age of sixty-five years, whichever is earlier.

## **Terms of Service**

### **Article 14**

The salary, tenure, discipline and other conditions of service of the Chairperson and other members shall be as prescribed by the Entitlement and Service Conditions Act for the Holders, Members and Commissioners of the Constitutional offices of Bhutan.

## **Chairperson**

### **Article 15**

The Chairperson of the Commission shall:

- a) be responsible for providing effective leadership for the Commission;
- b) formally represent the views of the Commission;
- c) review and deal with any complaint against the members of the Commission;
- d) oversee the works of the Secretariat of the Commission; and
- e) assign particular affairs of the Civil Service to a member of the Commission.

## **Acting Chairperson**

### **Article 16**

The Chairperson shall designate one of the members as the Acting Chairperson in his absence.

## **Accountability**

### **Article 17**

The Commission shall carry out its responsibilities in accordance with the provisions of this Act.

### **Article 18**

The Commission shall ensure the highest level of transparency, accountability, efficiency and professionalism in the Civil Service.

### **Article 19**

The Commission shall submit an annual report on its policies and performance, along with a summary of its findings from the periodic personnel audits, which shall include HRD status and practices, to the Druk Gyalpo and the Prime Minister.

### **Article 20**

The members of the Commission shall be accountable to the Chairperson.

### **Article 21**

The Commission shall be supported by a permanent Secretariat

## Code of Conduct of the Members of the Commission

### Article 22

The Chairperson and members of the Commission shall:

- a) conduct themselves in a manner that is consistent with the dignity, reputation and integrity of the Commission;
- b) uphold the sovereignty, security, unity and integrity of the Country;
- c) not hold any post in a public or private company or a non-governmental organization or such other organization whether it carries remuneration or is honorary, other than as may be required in their official capacity as the Chairperson or as a member of the Commission;
- d) refrain from and prevent any conflict of interest in discharge of their official duties and responsibilities;
- e) not make any unauthorized commitment or promise that purports to bind the Commission or the Royal Government;
- f) maintain confidentiality in cases where, decisions, documents and deliberations should not be disclosed in the public interest;
- g) uphold the Civil Service Values and Conduct set out in this Act; and
- h) prescribe additional values and code of conduct,

### Voluntary Resignation

#### Article 23

The Chairperson or in the case of other members through the Chairperson may resign from Office before the expiry of their term by making a written submission before the Druk Gyalpo within thirty days' notice.

### Removal from Office

#### Article 24

Except through the process of impeachment as prescribed by law, the Chairperson of the Commission shall not be removed from Office,

#### Article 25

The Chairperson of the Commission may recommend to the Druk Gyalpo for removal of a member of the Commission, but only upon conducting a formal inquiry into the allegations 'or adverse findings thereon by a Disciplinary Committee constituted by the Chairperson on the following grounds;

- a) physical, mental, or other incapacity of a permanent nature;
- b) corruption;
- c) violation of this Act;
- d) violation of the Constitution;
- e) conviction under any other law within Bhutan or elsewhere; or
- f) becomes disqualified under section 10 of this Act.

#### Article 26

In the event of resignation or removal or death of the Chairperson or any member of the Commission, the post shall be filled within a period of thirty days from the date of such vacancy in accordance with section 11 of this Act.

### Functions of the Commission

#### Article 27

The Royal Civil Service Commission as the central personnel agency of the Government shall:

- a) administer and enforce statutory provisions of this Act;

- b) prescribe, amend and enforce rules and regulations for carrying into effect the provisions of this Act;
- c) promulgate policies, standards and guidelines for the Civil Service and adopt plans and programmes in consultation with the agencies to promote efficient and effective personnel administration;
- d) appoint, promote and transfer civil servants except as specified otherwise in this Act;
- e) formulate, administer and evaluate programs pertaining to the development and retention of qualified and competent work force in the civil service;
- f) promote and maintain the highest level of prestige, morale and well-being of the civil service;
- g) conduct periodic HR auditing across all agencies;
- h) conduct special investigation on HR actions where necessary;
- i) ensure establishment of a human resource committee/council in each agency with standard functions and responsibilities to ensure proper personnel administration and human resource development, and monitor their functions;
- j) prescribe, enforce and review code of conduct for the civil servants;
- k) manage Civil Service selection examinations;
- l) review, plan, coordinate, facilitate and monitor general civil service training and development programmes;
- m) maintain up-to-date personnel information on all civil servants as prescribed in the BCSR;
- n) exercise general disciplinary control over civil servants through the enforcement of all rules, regulations and relevant laws;
- o) provide administrative and legal support to civil servants in respect of decisions taken in good faith or intent pursuant to official duties; and
- p) perform any other functions to discharge its mandates.

### Powers of the Commission

#### Article 28

The Commission:

- a) may require free access to all information and records of agencies that relate to HR management and to inspect and inquire into and call for any information arising from those accounts and records;
- b) may revoke any HR actions taken by implementing agencies if found in contravention to this Act and BCSR;
- c) may call upon any entity or official in government to assist the Commission in the preparation and conduct of Civil Service selection examinations;
- d) shall require all civil servant and agencies to provide the Commission with such facilities, assistance, information and access to their respective offices as the Commission may require for the performance of its duties;
- e) may delegate its functions in writing and subject to such conditions to be prescribed in the rules and regulations, to a person, agency, authority or entity including its secretariat from time to time as appropriate;
- f) in consultation with the agencies shall:
  - i) determine staffing pattern and strength of an agency;
  - ii) create, abolish or classify positions;
  - iii) enhance capacity through Human Resource Development Programmes; and
  - iv) carry out organizational development reviews at regular intervals.

#### **Article 29**

The Commission shall, as per the decision of the Lhengye Zhungtshog create, abolish, upgrade or alter organizational structures in ministries and autonomous agencies, including names in consultation with line Agencies. Likewise, the Legislature and Constitutional bodies shall carry out such organizational changes in consultation with the RCSC.

#### **Article 30**

The Judiciary shall create, abolish, upgrade of alter courts or tribunals in keeping with Article 21 (2) of the Constitution while other organizational changes shall be carried out in consultation with the RCSC.

#### **Corrective Action**

#### **Article 31**

Subject to other provisions of this Act, the Commission may, on the basis of any investigation, report or HR Audit under this Act, require the Agencies to take, such corrective personnel actions, as the Commission deems appropriate.

#### **Proceedings**

#### **Article 32**

The Commission shall meet as and when required.

#### **Article 33**

The quorum for a meeting of the Commission shall be at least two-thirds of its members.

#### **Article 34**

Decision shall be by majority vote and in case of a tie, the Chairperson shall cast a deciding vote.

#### **Article 35**

The Commission may prescribe its rules of procedures.

### **CHAPTER IX Disciplinary Matters**

#### **Right to Appeal**

#### **Article 77**

A civil servant aggrieved by a decision of the Disciplinary Committee has the right to appeal to the Appellate Authority.

#### **Article 78**

The appellate authority shall be vested in the Ministries, Royal Civil Service Commission and the Administrative Tribunal. Constitution of the appellate authorities and process for appeal shall be as prescribed in the BCSR.

### **CHAPTER XI Miscellaneous Provisions**

#### **Rule-making Power**

#### **Article 87**

The Commission shall make rules and regulations, called the Bhutan Civil Service Rules and Regulations (or the BCSR), for effective administration of the Civil Service in consultation with agencies.

**Establishment of Tribunal**

**Article 94**

An Administrative Tribunal may be established to adjudicate the civil service appeal cases.

**CHAPTER XII**  
**Definition**

**Definition**

**Article 97**

In this Act unless the subject or context otherwise requires:

97.33 **Secretariat** means the Secretariat of Royal Civil Service Commission

## Appendix-III

### BHUTAN CIVIL SERVICE RULES AND REGULATIONS 2012

#### Chapter 7: Bhutan Civil Service Examination for Recruitment of University Graduates

##### 1. Policy

- 1.1 Attract and select the most qualified and competent graduates with right attitude.
- 1.2 Create an atmosphere of healthy and fair competition for appointment in the Civil Service based on the principle of meritocracy.
- 1.3 Comply with Section 47 of the Civil Service Act of Bhutan 2010, which reads as *“The Commission shall recruit university graduates through competitive examinations conducted in accordance with the procedures laid down in the BCSR for initial appointments to Professional and Management positions in Civil Service”*.

##### 2. Strategy

- 2.1 Ensure a rigorous and appropriate recruitment examination system called the Bhutan Civil Service Examination (BCSE).
- 2.2 Appoint to regular service in Professional and Management positions through the BCSE only.
- 2.3 Select candidates with the qualification of Bachelor’s Degree and above for appointment based on requirement against approved positions.
- 2.4 Develop a body of career civil servants, which is dynamic, professional and capable of succeeding in the higher echelon of the Civil Service.
- 2.5 This Rule on recruitment, selection and appointment of graduates shall also apply to B.Ed and other professional Bachelors degree holders from all in-country institutes.
- 2.6 BCSE for B.Ed graduates shall be mainstreamed gradually.

##### 3. Examination

- 3.1 The BCSE shall consist of the following two stages of examination:
  - 3.1.1. Stage I : Preliminary Examination (PE); and
  - 3.1.2. Stage II : Main Examination (ME).
- 3.2 Preliminary Examination (PE)
  - 3.2.1. The objective of PE shall be to short-list candidates for the ME and ensure minimum standard required of a candidate.
  - 3.2.2. A candidate shall be permitted to appear PE up to a maximum of three attempts only.
  - 3.2.3. PE Papers shall be common to all categories of graduates.
  - 3.2.4. PE shall be objective type questions to test English and Dzongkha communication skills, logic and analytical, problem solving and data interpretation abilities of the candidates.
  - 3.2.5. Only those candidates who achieve the minimum cut off marks as decided by the RCSC, shall be eligible to sit for the ME; and
  - 3.2.6. Marks obtained in the PE shall not be carried forward to the ME and shall be valid only for that particular year/examination.

3.3 Main Examination (ME)

- 3.3.1. The objective of the ME shall be to test candidate's core competencies and subject/general knowledge for final selection.
- 3.3.2. A candidate shall be permitted to appear ME up to a maximum of two attempts only.
- 3.3.3. Candidates appearing the ME shall be grouped under the following categories:
  - a) Post Graduate Diploma in Public Administration (PGDPA);
  - b) Post Graduate Diploma in Financial Management (PGDFM);
  - c) Post Graduate Diploma in Education (PGDE);
  - d) Technical including Post Graduate Diploma in National Law (PGDNL); and
  - e) Dzongkha.
- 3.3.4. ME shall consist of the following three parts with corresponding weightage:
  - a) Part I: Academic Achievement 10%
  - b) Part II: Written Examination (WE) 70%
  - c) Part III: Viva Voce 20%
- 3.3.5. The RCSC shall review weightage for the three parts of the examination from time to time, and make required changes.
- 3.3.6. The RCSC shall not declare a candidate's result if he has not appeared in all the three examination papers and Viva Voce, and this shall be considered as one of the two permissible attempts in the BCSE.

3.4 Academic Achievement

- 3.4.1. Academic Achievement shall be the assessment of the marks obtained in the Bachelor's Degree from an Institute recognised by the relevant authorities of the Royal Government. In addition, a candidate shall be required to produce both Class X and Class XII academic transcripts as documentary evidence unless specified otherwise.
- 3.4.2. A candidate having more than one Degree shall have the option to choose any one of the Degrees to be considered for the assessment. However, the relevant degree shall be considered for assessment where necessary.
- 3.4.3. Only one Degree of the same level shall be accepted for the assessment.
- 3.4.4. In the case of a candidate whose result is based on a letter grading system, the grades shall be converted to percentage if conversion value is not specified in the transcripts issued by the University.

3.5 Written Examination (WE)

- 3.5.1. The WE for graduates who qualify in the PE opting for the PGDPA, PGDFM and PGDE shall sit for separate examinations according to eligibility. The examination shall comprise the following three papers for a duration of three hours each:
  - a. Paper I : Dzongkha;
  - b. Paper II : English & General Knowledge; and
  - c. Paper III : Bhutan and its (i) Socio-Political Institutions and (ii) Socio-Economic Development since 1961.
- 3.5.2. Each paper shall carry equal weightage and be evaluated out of 100 marks and their aggregate shall be converted to 70% of the ME.
- 3.5.3. The Written Examination for technical graduates, including law graduates opting for the PGDNL shall comprise the following three papers:
  - a. Paper I : Language and General Knowledge (Common Paper - 20%)
  - b. Paper II : General Subject Knowledge (Common Paper for each professional group-15%)
  - c. Paper III : Subject Specialisation Paper (Subject specific – 35%)
- 3.5.4. Each paper shall be evaluated out of 100 marks and converted to the respective scale of 20% for Paper I, 15% for paper II and 35% for Paper III, and then added to obtain the total marks.

- 3.5.5. The WE for Dzongkha graduates opting for appointment in positions requiring Dzongkha specialisation and teaching shall comprise of the following three papers:
    - a. Paper I : Dzongkha Language & General Knowledge (20%)
    - b. Paper II : English Language & Current Affairs (15%)
    - c. Paper III : Buddhist Studies (35%)
  - 3.5.6. Each paper shall be evaluated out of 100 marks and converted to the respective scale of 20% for Paper I, 15% for Paper II and 35% for Paper III and then added to obtain the total marks.
  - 3.5.7. The RCSC shall review the examination papers from time to time to enhance its relevancy.
- 3.6 Viva Voce
- 3.6.1. Viva Voce shall be based on an oral interview, bilingual in both Dzongkha and English, to be conducted by a Committee of five members (minimum) appointed by the RCSC.
  - 3.6.2. The assessment shall be based on a total of 100 marks and each Interview Committee Member shall assess individually, except in areas where documentary evidence is required, in which case marking for that particular area shall be based on consensus.

#### 4. Eligibility Criteria

A candidate shall:

- 4.1. Be a Bhutanese citizen;
- 4.2. Have attained at least 18 years and not be older than 35 years for pre-service and 45 years for in-service candidates, on the last date of online registration;
- 4.3. Have a minimum of Bachelor's Degree with at least three years duration from an Institute recognised by the relevant authorities of the Royal Government in the relevant field with the exception for the following:
  - 4.3.1. Candidates from Shedras who are awarded equivalent Bachelors/ Masters Degree in two years;
  - 4.3.2. With a minimum two-year Bachelors Degree acquired by in-service candidates with minimum of Class X and Certificate/Diploma of two years or more, if duly validated by the Royal University of Bhutan/Bhutan Accreditation Council/Bhutan Medical and Health Council and other similar authorities empowered by an Act of the Parliament, for in-service Civil Service candidates; and
  - 4.3.3. With Masters Degree but without Bachelors Degree approved by the RCSC for in-service Civil Service candidates prior to 2nd September, 2007.
- 4.4. Meet the following subject requirements:
  - 4.4.1. PGDPA: Minimum of a Bachelor's Degree in any field;
  - 4.4.2. PGDFM: Minimum of a Bachelor's Degree in Commerce/ Economics/ Finance/ Accountancy (Honours)/ Economics (Majors)/Business Administration /Business Management;
  - 4.4.3. PGDE: Minimum of Bachelor's/Master's Degree with at least one relevant subject prescribed for the Bhutanese School Syllabus or Higher Educational Institute programmes and has obtained the minimum qualifying marks in the subject at the Bachelor's Degree examination, if prescribed; and
  - 4.4.4. PGDNL: Minimum of Bachelor's Degree in Law.
- 4.5. Meet the minimum qualifying marks in the Bachelor's Degree that may be prescribed by the RCSC;
- 4.6. Have been a non-bachelor's degree holder and voluntarily resigned from the Civil Service; and
- 4.7. Have qualified in the PE to appear in the ME.

#### 5. Disqualification

- 5.1. A candidate shall not be eligible to appear for BCSE if he has:
  - 5.1.1. A Bachelor's Degree which is not full time, for all pre-service candidates;

- 5.1.2. Been convicted of a criminal offence;
- 5.1.3. Been terminated or compulsorily retired from the Civil Service, Government Corporation/Project;
- 5.1.4. Voluntarily resigned from the Civil Service with Early Retirement Scheme (ERS) benefit;
- 5.1.5. Voluntarily resigned from the Civil Service while he had a Bachelor's Degree;
- 5.1.6. Been adjudged by a competent medical authority as mentally unsound;
- 5.1.7. Already appeared the BCSE-PE thrice and/or CSCE/BCSE-ME twice;
- 5.1.8. Intentionally given false statements or used fraudulent practices in Academic/Civil Service Examinations;
- 5.1.9. Used fake/forged documents;
- 5.1.10. Failed to furnish testimonials as required under this Rule;
- 5.1.11. Been previously selected for the Civil Service but dishonoured the appointment;
- 5.1.12. Failed to produce NOC from the employer to appear the BCSE, if employed;
- 5.1.13. Participated in politics and not completed the required "cooling off" period of three years; and
- 5.1.14. Been otherwise disqualified for appointment by the Government.

## 6. Registration for Examination

- 6.1. A graduate wishing to appear for the BCSE shall register online at [www.rcsc.gov.bt](http://www.rcsc.gov.bt).
- 6.2. Registered candidates shall be provided with information on the venue, date and time of the PE.
- 6.3. Candidates who qualify in the PE shall be required to report in person for verification and confirmation for the ME with the following documents in original as well photocopies:
  - 6.3.1. Bhutanese Citizenship Identity Card;
  - 6.3.2. Must have applied for Security Clearance Certificate online, which the official Focal Person of the RCSC shall verify;
  - 6.3.3. Class X transcripts;
  - 6.3.4. Class XII transcripts;
  - 6.3.5. Degree certificate/provisional certificate and academic transcripts;
  - 6.3.6. Medical fitness certificate issued by a competent RGoB medical doctor;
  - 6.3.7. Merit/other certificates (if any); and
  - 6.3.8. No Objection Certificate from the employer, if employed.
- 6.4. A graduate in medical and health profession shall produce a certificate of registration from the Bhutan Medical and Health Council (BMHC).
- 6.5. Degree marks shall be confirmed with the candidates during the registration for the purpose of calculating academic weightage.
- 6.6. The name of the candidate who meets all the requirements shall be recorded and the candidate concerned shall sign against his name. Only then shall the candidate who qualifies in the PE be considered as confirmed to appear for the ME.
- 6.7. Confirmed candidate shall be issued an Admission Card, which shall be used for both the WE and Viva Voce. The card shall have a photograph of the candidate with the RCSC stamp, allotted roll number, year of the examination and signature of the candidate. The name of the candidate shall not be mentioned.
- 6.8. A candidate shall be fully responsible for the Admission Card issued to him and maintain strict confidentiality of his roll number.

## 7. Conduct of Candidate

- 7.1. During the WE, a candidate shall:
  - 7.1.1. Reach the examination hall at least 15 minutes before the scheduled time for examination;
  - 7.1.2. Wear the national dress;
  - 7.1.3. Be allowed entry into the examination hall only on production of the CID card for the PE and Admission Card for the ME;

- 7.1.4. Be searched before entering the hall or on re-entry after going out of the hall during the examination;
- 7.1.5. Not bring any article, electronic devices, document or written material of any form inside the hall, except the Admission Card, ink, pen, pencil, eraser and nonprogrammable calculator (if required);
- 7.1.6. Have substantial space around his seat for the examination to prevent any communication with others;
- 7.1.7. Conform his behaviour to the Code of Conduct and Ethics prescribed under this Rule;
- 7.1.8. Not canvass for getting favour in the examination in any manner;
- 7.1.9. Not talk, consult, whisper, smoke, eat or indulge in any unacceptable behaviour in the examination hall; and
- 7.1.10. Not give or leave any identification marks on the written answer sheet(s) other than the allotted roll number.
- 7.2. Non-compliance to the above rules shall result in debarring of the candidate from the present as well as future BCSE.
- 7.3. Any breach of rules during the examination by a candidate shall be reported in writing to the RCSC by the Chief Invigilator. Such a candidate shall be liable for disciplinary action by the RCSC.

## 8. Administration

- 8.1. The Agencies shall be responsible for submitting graduate requisition against approved positions to the RCSC on annual basis in June of each year, unless specified otherwise.
- 8.2. The RCSC shall prioritise graduate vacancies against approved positions based on the requisition of the Agencies.
- 8.3. The RCSC shall widely publicise the BCSE through media allowing at least one month for registration. The announcement shall specify all relevant information on the examination including the following:
  - 8.3.1. Vacancies in the Civil Service;
  - 8.3.2. Eligibility as well as the disqualification criteria;
  - 8.3.3. Documents required;
  - 8.3.4. Registration process and schedule;
  - 8.3.5. Schedule and venue for registration, briefings, distribution of Admission Cards, PE and ME centres, declaration of PE and ME results, selection and placement of candidates; and
  - 8.3.6. Selection and placement procedures.
- 8.4. The RCSC shall prescribe general standards and guidelines for the PE and ME.
- 8.5. The RCSC shall call upon any entity or official in the Government to assist the Commission in the preparation and conduct of BCSE, including facilities.
- 8.6. The question setters, invigilators, evaluators and interview Committee members and others so appointed shall be paid honorarium as approved by the RCSC.
- 8.7. The question setters, evaluators and interview Committee members shall declare Conflict of Interest to the RCSC in the prescribed format.
- 8.8. The RCSC shall appoint a Registration Team comprising representatives of relevant Agencies to assist in the smooth conduct of the BCSE.
- 8.9. The RCSC shall coordinate deployment of security personnel, if required.
- 8.10. Registered applicants shall be provided with information on the BCSE, vacancies and code of conduct before the PE.
- 8.11. The RCSC shall facilitate with appropriate logistics arrangements for physically and visually challenged candidates.
- 8.12. Agency shall facilitate leave for in-service candidates to appear BCSE. However, they shall not be entitled to TA/DA.

## 9. BCSE Management Committee

- 9.1. The RCSC shall establish a BCSE Management Committee comprising members from all Divisions/Services in the Secretariat.
- 9.2. The BCSE Management Committee shall be responsible for the coordination and management of the examination as per the delegation of authority by the RCSC including the following:
  - 9.2.1. Verification of documents;

- 9.2.2. Registration of candidates;
  - 9.2.3. Distribution of Admission Cards to candidates;
  - 9.2.4. Examination related logistics;
  - 9.2.5. Invigilation duty;
  - 9.2.6. Compilation of results;
  - 9.2.7. Verification of results; and
  - 9.2.8. Placement of candidates.
- 9.3. The BCSE Management Committee shall function under the overall guidance of the Commission.

## 10. Invigilation, Evaluation and Interview

- 10.1. Invigilation during WE
- 10.1.1. The RCSC shall appoint Invigilators for proper conduct of the WE. Invigilators shall comprise qualified civil servants, one of whom shall be designated as the Chief Invigilator for the centre. They shall keep strict vigilance and carry out their responsibility sincerely and without any fear or favour.
  - 10.1.2. The RCSC shall provide the required number of copies of the list of registered candidates to the Chief Invigilator for information and use as attendance lists for WE. The list shall have the following information:
    - i. Roll number of each candidate listed serially;
    - ii. CID number;
    - iii. Provision for signature by the candidate at the time of entry into the examination hall;
    - iv. The date, time and subject of the Written Examination of the particular paper; and
    - v. Provision for dated signature of the Chief Invigilator, before submission of the list to the RCSC.
  - 10.1.3. Chief Invigilator shall:
    - a. Be responsible for ensuring admission of only the registered candidates to the examination hall after verifying the roll number and admission cards and sealed photographs on them, and in accordance with the provisions of this Rule;
    - b. After confirming the identity of the candidate, cause the candidate to sign the attendance list in front of him, before allowing him entry into the examination hall;
    - c. Ensure proper conduct of the WE and proper behaviour of the candidates as provided in this Rule;
    - d. Direct and supervise all Invigilators to ensure proper conduct of examinations;
    - e. Hand over the attendance lists and answer papers in sealed covers to the RCSC, immediately after completion of the examination for each paper; and
    - f. Submit a written report to the RCSC at the end of the examinations.
- 10.2. Setting Questions and Evaluating Answer Papers of WE
- 10.2.1. The RCSC shall appoint qualified officials/persons as resource persons to set the question papers as well as to evaluate the answer papers.
  - 10.2.2. The RCSC shall maintain question item bank.
  - 10.2.3. The evaluation of PE shall be carried out by Optical Mark Reader (OMR).
  - 10.2.4. The evaluation of WE papers shall be on the basis of roll numbers and not by disclosing the identity of the candidate by name.
  - 10.2.5. The setting of question papers and evaluation of answer papers shall be conducted in strict secrecy. Any breach of the confidentiality of these processes by any official/person involved shall result in disciplinary action as per the undertaking executed with the RCSC.
  - 10.2.6. Re-evaluation of answer papers shall not be permitted, except recounting.
  - 10.2.7. Recounting of answer papers shall be charged a fee of Nu. 300/- per paper.
- 10.3. Conduct of Viva Voce

- 10.3.1. The Viva Voce shall be conducted by a Committee comprising a minimum of five members, one of whom shall be designated as the Chairperson.
- 10.3.2. The Committee Members and Chairperson shall be appointed by the RCSC.
- 10.3.3. The Viva Voce shall be conducted on the basis of roll numbers.
- 10.3.4. Each member shall use the specific assessment form. The Chairperson of the Committee shall, ensure results are compiled in the specific format.
- 10.4. Declaration of Result and Follow Up
  - 10.4.1. Results for the three parts of the examination shall be confidentially compiled so that information about the marks obtained by a candidate in other parts of the selection process is not available to the Evaluators/Interview Committee Members.
  - 10.4.2. The RCSC shall declare results of the PE within 21 days from the date of the examination.
  - 10.4.3. The final results of the ME, ranked in order of merit shall be announced within one month from the last day of Viva Voce.
  - 10.4.4. Public announcement of results shall be by the roll numbers.
  - 10.4.5. The RCSC shall preserve all records of the examination results.
  - 10.4.6. Answer scripts and registration documents shall be preserved for one year or till the conduct of the next exam, whichever is later.
  - 10.4.7. A candidate shall be given opportunity to appeal to the RCSC only once for each paper for review of the examination result within 10 working days from the date of declaration of the result and outcome of the appeal shall be delivered within seven working days from the last date for submission of Appeal.

## 11. Annual Intake

- 11.1. The annual intake shall be decided by the RCSC based on requirement against approved positions and supply of qualified candidates.

## 12. Selection, Placement and Appointment

- 12.1. To be eligible for selection, a candidate shall be required to obtain at least 50% average mark in the BCSE ME.
- 12.2. Placement of qualified candidates shall be based on the following criteria:
  - 12.2.1. Merit ranking of the BCSE results for the respective examination category; and
  - 12.2.2. Availability of vacancy.
- 12.2. Placement of an in-service candidate from/to a Constitutional Office shall be decided in consultation with the Office concerned.
- 12.3. Priority shall be given for placement of an in-service candidate in his Agency.
- 12.4. If a selected candidate withdraws his candidature before the start of the PGD Course or within one month from the date of appointment for direct appointees, the vacancy shall be offered to the next qualified candidate in order of merit.
- 12.5. Candidate shall be given the opportunity to appeal to the Appellate Authority/Administrative Tribunal for review of the placement result within 10 working days from the date of declaration of the placement result.
- 12.6. Candidate selected for PGD Course shall successfully complete the respective course at the Institutes/Colleges designated by the RCSC as a pre-service course before his appointment in the Civil Service.
- 12.7. The requirement of two years of service excluding probation period for long-term training shall not apply to in-service candidates selected for PGD courses.
- 12.8. On successful completion of the PGD course, the candidate shall be appointed against a vacant position and shall be assigned appropriate position valued at Position Level P5.
- 12.9. Appointment of PGD candidate shall be against approved vacant positions based on:

- 12.9.1. Merit ranking of BCSE (75%) and Post Graduate Diploma course (25%); and
- 12.9.2. Subject relevancy to the extent possible.
- 12.10. Candidates with Master's Degree appointed as Assistant Lecturers in tertiary institutes shall be appointed in Position Level P4.
- 12.11. A law graduate on successful completion of the PGDNL shall be appointed in Position Level P4.
- 12.12. A technical graduate selected in the BCSE shall be appointed in Position Level P4/P5.
- 12.13. Seniority and Position Level for in-service candidates selected through BCSE shall be protected.
- 12.14. A candidate selected for appointment shall execute an undertaking of adherence to the Code of Conduct and Ethics and undertake an Oath of Allegiance as per Annexure 4/3.
- 12.15. A candidate appointed in the Civil Service is expected to serve in the rural areas. Such candidates who have served in rural areas shall be given weightage during the selection through open competition for promotion and long-term training.

### 13. Orientation and Probation

- 13.1. A technical graduate selected for appointment shall be required to undergo an orientation programme to be organized by the RCSC along with other direct appointees.
- 13.2. A candidate selected for appointment in the Civil Service shall undergo an Induction Programme of appropriate duration during the probation organized by the Agency.
- 13.3. A candidate shall initially be placed on probation for a period of one year and during probation, the provisions of Chapter 4 on Recruitment, Selection and Appointment - Regular Civil Service Rules and Regulations of the BCSR shall apply.
- 13.4. An in-service candidate selected through BCSE shall be treated same in terms of training with the rest without having to serve probation provided he has already completed one year probation.

### 14 Obligation

- 14.1. A candidate appointed through BCSE shall be obliged to serve a minimum of four years of active service or completion of training obligation, whichever is higher;
- 14.2 A civil servant resigning before fulfilling Section 14.1 obligation shall forfeit his post-service benefits, except Provident Fund and Group Insurance Scheme benefits.

### 15. Eligibility of Non-select BCSE Graduates for recruitment by Agencies

#### 15.1. Pre-Service Candidates

- 15.1.1 Candidates who meet the cut-off percentage of the BCSE ME result but "not selected" shall be issued "Certificate of Eligibility" by the RCSC for possible recruitment by Agencies to S1 positions in Supervisory and Support Positions. List of such candidates shall also be maintained and shall be available on the RCSC website.
- 15.1.2 "Certificate of Eligibility" for recruitment to S1 positions shall be valid for two years from the date of issue of Certificate of Eligibility. Recruitment of eligible graduates by Agencies shall be as per Chapter 4 on Recruitment, Selection and Appointment – Regular Civil Service Rules and Regulations of the BCSR.
- 15.1.3 The above shall apply only to the General Graduates who appear ME for PGDPA, PGDFM & PGDE examination categories.

#### 15.2. In-Service Candidates

- 15.2.1. Candidates who meet the cut-off percentage of the BCSE ME result but "not selected" shall be issued "Certificate of Eligibility" by the RCSC for possible recruitment by Agencies.

- 15.2.2. General graduates shall be appointed in S1 positions in Supervisory and Support Positions through open competition irrespective of their current Position Levels.
  - 15.2.3. Technical graduates shall be appointed in one Position Level lower than those selected through the BCSE (S1 for P5, P5 for P4 selects).
  - 15.2.4. Certificate of Eligibility shall be valid for two years from the date of issue.
  - 15.2.5. A candidate appointed shall not be required to serve probation provided he has already completed one year probation.
16. 'RCSC-Select Graduates' are those university graduates selected through National Level Graduate Recruitment Examinations or those recruited into the Civil Service prior to the introduction of such examinations.

Appendix-I

**CONSTITUTION OF INDIA**

**Relevant Section**

**CHAPTER II— PUBLIC SERVICE COMMISSIONS**

**Article 315**

Public Service Commissions for the Union and for the States.—

1. Subject to the provisions of this article, there shall be a Public Service Commission for the Union and a Public Service Commission for each State.
2. Two or more States may agree that there shall be one Public Service Commission for that group of States, and if a resolution to that effect is passed by the House or, where there are two Houses, by each House of the Legislature of each of those States, Parliament may by law provide for the appointment of a Joint State Public Service Commission (referred to in this Chapter as Joint Commission) to serve the needs of those States.
3. Any such law as aforesaid may contain such incidental and consequential provisions as may be necessary or desirable for giving effect to the purposes of the law.
4. The Public Service Commission for the Union, if requested so to do by the Governor of a State, may, with the approval of the President, agree to serve all or any of the needs of the State.
5. References in this Constitution to the Union Public Service Commission or a State Public Service Commission shall, unless the context otherwise requires, be construed as references to the Commission serving the needs of the Union or, as the case may be, the State as respects the particular matter in question.

**Article 316**

Appointment and term of office of members.—

1. The Chairman and other members of a Public Service Commission shall be appointed, in the case of the Union Commission or a Joint Commission, by the President, and in the case of a State Commission, by the Governor of the State.

Provided that as nearly as may be one-half of the members of every Public Service Commission shall be persons who at the dates of their respective appointments have held office for at least ten years either under the Government of India or under the Government of a State, and in computing the said period of ten years any period before the commencement of this Constitution during which a person has held office under the Crown in India or under the Government of an Indian State shall be included.

- 1A. If the office of the Chairman of the Commission becomes vacant or if any such Chairman is by reason of absence or for any other reason unable to perform the duties of his office, those duties shall, until some person appointed under clause (1) to the vacant office has entered on the duties thereof or, as the case may be, until the Chairman has resumed his duties, be performed by such one of the other members of the Commission as the President, in the case of the Union Commission or a Joint Commission, and the Governor of the State in the case of a State Commission, may appoint for the purpose.

2. A member of a Public Service Commission shall hold office for a term of six years from the date on which he enters upon his office or until he attains, in the case of the Union Commission, the age of sixty-five years, and in the case of a State Commission or a Joint Commission, the age of sixty-two years, whichever is earlier:  
Provided that—
  - a) a member of a Public Service Commission may, by writing under his hand addressed, in the case of the Union Commission or a Joint Commission, to the President, and in the case of a State Commission, to the Governor of the State, resign his office;
  - b) a member of a Public Service Commission may be removed from his office in the manner provided in clause (1) or clause (3) of article 317.
3. A person who holds office as a member of a Public Service Commission shall, on the expiration of his term of office, be ineligible for re-appointment to that office.

#### **Article 317**

Removal and suspension of a member of a Public Service Commission.—

1. Subject to the provisions of clause (3), the Chairman or any other member of a Public Service Commission shall only be removed from his office by order of the President on the ground of misbehaviour after the Supreme Court, on reference being made to it by the President, has, on inquiry held in accordance with the procedure prescribed in that behalf under article 145, reported that the Chairman or such other member, as the case may be, ought on any such ground to be removed.
2. The President, in the case of the Union Commission or a Joint Commission, and the Governor in the case of a State Commission, may suspend from office the Chairman or any other member of the Commission in respect of whom a reference has been made to the Supreme Court under clause (1) until the President has passed orders on receipt of the report of the Supreme Court on such reference.
3. Notwithstanding anything in clause (1), the President may by order remove from office the Chairman or any other member of a Public Service Commission if the Chairman or such other member, as the case may be,—
  - a) is adjudged an insolvent; or
  - b) engages during his term of office in any paid employment outside the duties of his office; or
  - c) is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body.
4. If the Chairman or any other member of a Public Service Commission is or becomes in any way concerned or interested in any contract or agreement made by or on behalf of the Government of India or the Government of a State or participates in any way in the profit thereof or in any benefit or emolument arising therefrom otherwise than as a member and in common with the other members of an incorporated company, he shall, for the purposes of clause (1), be deemed to be guilty of misbehaviour.

**Article 318**

Power to make regulations as to conditions of service of members and staff of the Commission.—

In the case of the Union Commission or a Joint Commission, the President and, in the case of a State Commission, the Governor of the State may by regulations—

- a) determine the number of members of the Commission and their conditions of service; and
- b) make provision with respect to the number of members of the staff of the Commission and their conditions of service:

Provided that the conditions of service of a member of a Public Service Commission shall not be varied to his disadvantage after his appointment.

**Article 319**

Prohibition as to the holding of offices by members of Commission on ceasing to be such members. On ceasing to hold office—

- a) the Chairman of the Union Public Service Commission shall be ineligible for further employment either under the Government of India or under the Government of a State;
- b) the Chairman of a State Public Service Commission shall be eligible for appointment as the Chairman or any other member of the Union Public Service Commission or as the Chairman of any other State Public Service Commission, but not for any other employment either under the Government of India or under the Government of a State;
- c) a member other than the Chairman of the Union Public Service Commission shall be eligible for appointment as the Chairman of the Union Public Service Commission or as the Chairman of a State Public Service Commission, but not for any other employment either under the Government of India or under the Government of a State;
- d) a member other than the Chairman of a State Public Service Commission shall be eligible for appointment as the Chairman or any other member of the Union Public Service Commission or as the Chairman of that or any other State Public Service Commission, but not for any other employment either under the Government of India or under the Government of a State.

**Article 320**

Functions of Public Service Commissions.—

1. It shall be the duty of the Union and the State Public Service Commissions to conduct examinations for appointments to the services of the Union and the services of the State respectively.
2. It shall also be the duty of the Union Public Service Commission, if requested by any two or more States so to do, to assist those States in framing and operating schemes of joint recruitment for any services for which candidates possessing special qualifications are required.
3. The Union Public Service Commission or the State Public Service Commission, as the case may be, shall be consulted—
  - a) on all matters relating to methods of recruitment to civil services and for civil posts;

- b) on the principles to be followed in making appointments to civil services and posts and in making promotions and transfers from one service to another and on the suitability of candidates for such appointments, promotions or transfers;
- c) on all disciplinary matters affecting a person serving under the Government of India or the Government of a State in a civil capacity, including memorials or petitions relating to such matters;
- d) on any claim by or in respect of a person who is serving or has served under the Government of India or the Government of a State or under the Crown in India or under the Government of an Indian State, in a civil capacity, that any costs incurred by him in defending legal proceedings instituted against him in respect of acts done or purporting to be done in the execution of his duty should be paid out of the Consolidated Fund of India, or, as the case may be, out of the Consolidated Fund of the State;
- e) on any claim for the award of a pension in respect of injuries sustained by a person while serving under the Government of India or the Government of a State or under the Crown in India or under the Government of an Indian State, in a civil capacity, and any question as to the amount of any such award, and it shall be the duty of a Public Service Commission to advise on any matter so referred to them and on any other matter which the President, or, as the case may be, the Governor of the State, may refer to them:

Provided that the President as respects the all-India services and also as respects other services and posts in connection with the affairs of the Union, and the Governor, as respects other services and posts in connection with the affairs of a State, may make regulations specifying the matters in which either generally, or in any particular class of case or in any particular circumstances, it shall not be necessary for a Public Service Commission to be consulted.

- 4. Nothing in clause (3) shall require a Public Service Commission to be consulted as respects the manner in which any provision referred to in clause (4) of article 16 may be made or as respects the manner in which effect may be given to the provisions of article 335.
- 5. All regulations made under the proviso to clause (3) by the President or the Governor of a State shall be laid for not less than fourteen days before each House of Parliament or the House or each House of the Legislature of the State, as the case may be, as soon as possible after they are made, and shall be subject to such modifications, whether by way of repeal or amendment, as both Houses of Parliament or the House or both Houses of the Legislature of the State may make during the session in which they are so laid.

#### **Article 321**

**Power to extend functions of Public Service Commissions.—**

An Act made by Parliament or, as the case may be, the Legislature of a State may provide for the exercise of additional functions by the Union Public Service Commission or the State Public Service Commission as respects the services of the Union or the State and also as respects the services of any local authority or other body corporate constituted by law or of any public institution.

**Article 322**

Expenses of Public Service Commissions.—

The expenses of the Union or a State Public Service Commission, including any salaries, allowances and pensions payable to or in respect of the members or staff of the Commission, shall be charged on the Consolidated Fund of India or, as the case may be, the Consolidated Fund of the State.

**Article 323**

Reports of Public Service Commissions.—

1. It shall be the duty of the Union Commission to present annually to the President a report as to the work done by the Commission and on receipt of such report the President shall cause a copy thereof together with a memorandum explaining, as respects the cases, if any, where the advice of the Commission was not accepted, the reasons for such non-acceptance to be laid before each House of Parliament.
2. It shall be the duty of a State Commission to present annually to the Governor of the State a report as to the work done by the Commission, and it shall be the duty of a Joint Commission to present annually to the Governor of each of the States the needs of which are served by the Joint Commission a report as to the work done by the Commission in relation to that State, and in either case the Governor, shall, on receipt of such report, cause a copy thereof together with a memorandum explaining, as respects the cases, if any, where the advice of the Commission was not accepted, the reasons for such non-acceptance to be laid before the Legislature of the State.

## Appendix-II

# CITIZEN'S CHARTER OF UPSC

### Brief History

The Royal Commission on the Superior Civil Services in India under the Chairmanship of Lord Lee, which submitted its Report in 1924, recommended the setting up of the Public Service Commission. This led to the establishment of the first Public Service Commission on October 1, 1926 under the Chairmanship of Sir Ross Barker. The limited advisory function accorded to the Public Service Commission and the continued stress on this aspect by the leaders of our freedom movement resulted in the setting up of a Federal Public Service Commission under the Government of India Act, 1935. The Federal Public Service Commission became the Union Public Service Commission after Independence and it was given a Constitutional Status with the promulgation of Constitution of India on January 26, 1950.

### Preamble

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 Mandate of Union Public Service Commission

The mandate of the Union Public Service Commission, under Article 320 and 321 of the Constitution of India, includes:

1. Recruitment by conduct of competitive examinations;
2. Recruitment by selection through Interviews;
3. Advising on the suitability of officers for appointment on promotion as well as transfer-on-deputation;
4. Advising the Government on all matters relating to methods of Recruitment to various services and posts; framing and amendment of recruitment Rules;
5. Disciplinary cases relating to different civil services;
6. Miscellaneous matters relating to grant of extra-ordinary pensions, reimbursement of legal expenses, etc.
7. Advising the Government on any matter referred to the Commission by the President of India.
8. On the request of the Governor of a State, to serve all or any of the needs of a State relating to recruitment, with the approval of the President.

### Methods of Recruitment

Recruitment is made by one of the following Four methods:

1. Direct Recruitment
2. Promotion

3. Deputation/absorption; and

### Direct Recruitment

Direct Recruitment is conducted broadly under the following two methods: -

1. Recruitment by Competitive Examination; and
2. Recruitment by Selection.

### Recruitment Through Examination

The Commission conducts following examinations on a regular basis at various Centres located throughout the country for appointment to various Civil/Defence services/posts: -

1. Civil Services (Preliminary) Examination;
  2. Civil Services (Main) Examination;
  3. Engineering Services Examination;
  4. Combined Medical Services Examination;
  5. Indian Forest Service Examination;
  6. Geologists' Examination;
  7. Indian Economic Service/ Indian Statistical Service Examination;
  8. Special Class Railway Apprentices;
  9. Combined Defence Services Examination [Held twice a year];
  10. National Defence Academy and Naval Academy Examination [Held twice a year];
  11. Central Police Forces (Assistant Commandants) Examination;
  12. Section Officers/ Stenographers (Grade-B/ Grade-1) Ltd. Departmental Competitive Examination;
- A Calendar of examinations is published in the Employment News/Rozgar Samachar, stating name of examination, date of notification, date of receipt of application & date of commencement of examination, well in advance normally in October of the preceding year and also displayed on the website [www.upsc.gov.in](http://www.upsc.gov.in)
  - The notifications for all the examinations are published in the Gazette of India and are published in the Employment News/ Rozgar Samachar. Abridged version of notification is also published in major newspapers throughout the country including regional language newspapers. Copies of the notifications are also sent to all Employment Exchanges and Universities, etc. These are also available on the website at [www.upsc.gov.in](http://www.upsc.gov.in).
  - Eligible candidates can apply online for appearing in the examination.

### Interactive Voice Response System (IVRS)

On 1<sup>st</sup> October 2009, Interactive Voice Response System (IVRS) was launched. With the launch of the system, the candidates can now have information on telephone relating to programme of examinations, status of application, venue information and result.

### Online Application

The Commission introduced the system of accepting Online Applications with effect from Engineering Services Examination notified in January, 2010.

### Exemption from payment of fees for female candidates

In accordance with the instructions issued vide DOPT letter No. 39020/03/2009-Estt (B) dated 15th July, 2009, all female candidates have been exempted from payment of fees for Commission's Examination with effect from Combined Medical Services Examination, 2010 notified on 5.9.2009.

### Recruitment Through Selection

The Commission is also charged with the responsibility of direct recruitment at various levels by selection method to all Group "A" Posts and selected Group "B" Posts in the Central Government.

Vacancies are advertised in Employment News, besides major newspapers of the country, along with application format, which can also be accessed by logging on to web site at [www.upsc.gov.in](http://www.upsc.gov.in)

After receipt of applications, short-listing of candidates is done by computerized Preliminary Scrutiny package. This is done on the basis of consciously devised rational criteria. Equity, justice and fair-play are the touch stones of this entire process. The criteria may include higher qualifications and experience than that is prescribed as the essential and desirable qualifications.

On conclusion of the process, the short-listed candidates are called for interview. If a large number of candidates apply for particular post(s) or the nature of the qualifications stipulated for the post(s) are such that it is not quite possible to short-list the candidates on the basis of qualifications and / or experience, a Recruitment Test may be conducted to short-list the candidates. The Interview Boards are presided over by Members of the Commission, who, in turn, are assisted by eminent experts drawn from respective fields/ disciplines pertaining to the post for which recruitment is being done.

Once the interviews are over, steps are taken to finalise the Interview-Board Report and after the same has been approved by the Commission, the recommendation of the Commission is conveyed to the concerned Ministry/ Department under intimation to the recommended candidate(s).

### Promotion

The Chairman or a Member of the Commission presides over the Departmental Promotion Committee Meetings to consider promotions from Group 'B' to Group 'A' and from one grade to another within Group 'A', where promotion is to be made by Selection.

The Commission is also entrusted with promotions from State Services (State Civil/Police/ Forest Services) to All India Services through a Selection Committee presided over by the Chairman or a Member of the Commission in terms of the respective IAS/IPS/IFS/Promotion Regulations and selection of Non-State Civil Service Officers for appointment to the IAS under IAS (Appointment by Selection) Regulations, 1997.

### Deputation/Absorption

The Recruitment Rules for a number of posts provide for appointment by Deputation (including short term contract) and Absorption. When the field of consideration consists of Central Government as well as State Government officers, prior consultation with the Commission is necessary for selection of an officer. When the field for consideration is made more broad-based and consists of not only Central/State Government officers, but also officers from non-Government Institutions, the selection has to be made in consultation with the Union Public Service Commission.

### Annual Report

An Annual Report containing details of the work done by the Commission together with a Memorandum explaining the cases, if any, where the advice of the Commission was not accepted along with reasons for such non-acceptance is laid on both Houses of Parliament, The Annual Report of the Commission is also available on the website of the Commission at [www.upsc.gov.in](http://www.upsc.gov.in)

### National Conference of Chairmen of State Public Service Commissions

The Constitution of India does not provide any formal linkage or relationship between Union Public Service Commission and State Public Service Commissions. Through the National Conference of Chairpersons of State Public Service Commissions, held annually since 1999, a system of informal relationship has evolved over the years, the National Conference provides a forum for exchange of ideas and information regarding common areas of interest and had striven to bring about some uniformity in the functioning of the State PSCs. Such gathering, provide a suitable platform for a discussion of the changing socio-economic milieu and consequential changes to be brought about in the work ethos of the Commissions in consonance with expectations of the people and with the Constitutional obligations.

### Responsibility of the Users

The Commission is committed to the goal of ensuring fair, efficient and impartial selection in the minimum feasible time. In order to achieve this objective, the Commission expects the candidates to scrupulously abide by the instructions contained in the advertisements of the Commission in the Press as also on the website of the Commission, with regard to filling up the application forms etc.

### Whom to contact / how to access information

#### (i) Facilitation Counter:-

- A 'Facilitation Counter' functions in the campus of the Commission from where any information / clarification about any matter dealt with

by the Commission can be obtained on all working days between 10.00 A.M. to 5.00 P.M, in person or on telephone Nos. 011 – 23385271 or 011 – 23381125 or 011 – 23098543.

**(ii) Web-Site:-**

- Information about various examinations conducted by the Commission, their notification, the receipt and registration of applications, issue of Roll Nos and allocation of venue of the examination, results of written examinations, personality tests, etc. is also available on the web-site of the Commission at [www.upsc.gov.in](http://www.upsc.gov.in)

**(iii) Information under RTI Act, 2005**

- For providing information to the members of public under RTI Act 2005, Central Public Information Officers (CPIOs) and Appellate Authorities have been appointed by the Commission. Their names, designation, Telephone Numbers and the subject matter dealt with by them are indicated in the Annexure. The same are also available on the web-site of the Commission at [www.upsc.gov.in](http://www.upsc.gov.in).

## Appendix-III

# ROLE AND FUNCTION OF UPSC

### 1. INTRODUCTION

The Union Public Service Commission has been established under Article 315 of the Constitution of India. The Commission consists of a Chairman and ten Members.

The terms and conditions of service of Chairman and Members of the Commission are governed by the Union Public Service Commission (Members) Regulations, 1969.

The 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.

### 2. CONSTITUTIONAL PROVISIONS

Chapter II of Part XIV of the Constitution (Article 315-323) deals with the Public Service Commissions. The Articles of the Constitution dealing with the items concerning the Union Public Service Commission/Public Service Commissions in the States are the following:

- Art. 315: Public Service Commissions for the Union and for the States
- Art. 316: Appointment and term of office of members
- Art. 317: Removal and suspension of a member of a Public Service Commission
- Art. 318: Power to make regulations as to conditions of service of members and staff of the Commission
- Art-319: Prohibition as to the holding of offices by members of Commission on ceasing to be such members
- Art. 320: Functions of the Public Service Commissions
- Art. 321: Power to extend functions of the Public Service Commissions
- Art. 322: Expenses of Public Service Commissions Art. 323: Reports of Public Service Commissions

### 3. THE MANDATE OF UNION PUBLIC SERVICE COMMISSION, UNDER ARTICLES 320 AND 321 OF THE CONSTITUTION OF INDIA, INCLUDES:

1. Recruitment by conduct of competitive examinations;
2. Recruitment by selection through interviews;
3. Advising on the suitability of officers for appointment on promotion as well as transfer-on-deputation;
4. Advising the Government on all matters relating to methods of Recruitment to various services and posts; framing and amendment of Recruitment Rules;
5. Disciplinary cases relating to different civil services;
6. Miscellaneous matters relating to grant of extraordinary pensions, reimbursement of legal expenses, etc.
7. Advising the Government on any matter referred to the Commission by the President of India.

#### 4. RECRUITMENT TO VARIOUS SERVICES AND POSTS

Under Article 320 of the Constitution of India, the Commissions are, inter-alia required to be consulted on all matters relating to recruitment to Civil Services and Posts.

**RECRUITMENT** is made by one of the following three methods:

1. Direct Recruitment;
2. Promotion; and
3. Deputation (including Short-Term Contract/ Absorption).

**DIRECT RECRUITMENT** is conducted broadly under the following two methods;

1. Recruitment by competitive examination.
2. Recruitment by selection.

#### 5. RECRUITMENT BY COMPETITIVE EXAMINATION

Under the Constitution, one of the functions of the Commission is to conduct examinations for appointments to the Services of the Union. In addition to Examinations for Civil Services/Posts under the Union, competitive examinations are also held by the Commission under special arrangements with the Ministry of Defence for certain Defence Services, namely, entry to the National Defence Academy, Indian Military Academy, Naval Academy, Air Force Academy and the Officers Training Academy. The interviews for the Defence Services are conducted by the Services Selection Boards of the Ministry of Defence.

The Commission usually conducts over a dozen examinations every year on an all India basis. These include examinations for recruitment to services/posts in various fields, such as Civil Services, Engineering Services, Medical Services, Forest Service and Defence Services, etc.

**The Main examinations held are as under:**

1. Civil Services (Preliminary) Examination.
2. Civil Services (Main) Examination.
3. Engineering Services Examination.
4. Indian Forest Service Examination.
5. Combined Medical Services Examination.
6. Central Police Forces Examination.
7. Indian Economic Service/ Indian Statistical Service Examination.
8. Geologists' Examination.
9. Special Class Railway Apprentices' Examination.
10. Combined Defence Services Examination (twice a year).
11. National Defence Academy and Naval Academy Examination (twice a year)
12. Section Officers/Stenographers (Grade-B/Grade-I) Ltd. Departmental Competitive Examination.

At present, the Union Public Service Commission conducts these examinations at numerous venues spread over 45 regular centres throughout the country. Some examinations conducted by the Commission are objective in nature with multiple choice questions; some are subjective in nature requiring conventional answers while few examinations have a mix of objective and subjective patterns.

Except for CDS and NDA Examinations, candidates who are declared qualified in the written Examination are called for Interview/Personality Test conducted by the

Commission. The object of the Interview/Personality Test is to assess the intellectual qualities, social traits and general awareness of the candidates. In respect of NDA and CDS Examinations, the interviews of candidates who qualify the written examination are conducted by Services Selection Boards (SSB) under the aegis of the Ministry of Defence.

The number of candidates applying for the Union Public Service Commission Examinations has been increasing steadily over the years. The total number of applicants for all the competitive examinations held by the Commission went up from 7,46,953 in the year 2001-02 to 18,93,030 in the year 2010-11. The Commission has also started inviting applications online from the candidates for various Examinations from 2010.

For the Civil Services (Preliminary) Examination, the number of applicants rose from 2,56,673 in the year 2001-02 to 5,47,698 in 2010-11.

The number of applicants and candidates recommended on the basis of examinations held by the Commission for the past few years are given below:

Year	No. of Applicants	No. of Candidates Recommended
2001-2002	7,46,953	4,084
2002-2003	9,21,160	3,528
2003-2004	11,56,233	4,010
2004-2005	11,45,729	3,228
2005-2006	12,12,580	4,051
2006-2007	11,08,289	3,405 *
2007-2008	10,99,634	2,889
2008-2009	9,41,517	4,104
2009-2010	15,00,787	3,697
2010-2011	18,93,030	4,896
2011-2012	21,02,131	6,863

\* Excluding 32 candidates who were recommended through the Civil Services (Main) Examination - 2005 on April 3, 2007.

#### NUMBER OF WOMEN CANDIDATES AT THE CIVIL SERVICES (MAIN) EXAMINATION

The number of women candidates who appeared in the 2006, 2007, 2008 and 2009 Examinations were 669, 894, 1185 and 1286 respectively. The number of women candidates successfully recommended on the basis of the Civil Services Examinations for the years 2006, 2007, 2008 and 2009 were 101,143,166 and 195 respectively.

#### REPRESENTATION OF SCHEDULED CASTES/ SCHEDULED TRIBES AND OTHER BACKWARD CLASSES IN CIVIL SERVICES/ POSTS

In order to protect the interests of the Scheduled Castes and Scheduled Tribes candidates, orders are issued by the Government of India from time to time, modifying / reiterating various instructions so as to ensure that the vacancies reserved for them are filled up only by the candidates belonging to these communities. At present, reservation of vacancies has been provided as 15% for Scheduled Castes and 7.5% for Scheduled Tribes candidates. The Commission scrupulously follow these guidelines so as to ensure

that, to the extent possible, full representation is given in all the services to Scheduled Castes/Scheduled Tribes candidates.

Government of India have issued orders in October 1994, regarding reservation for Other Backward Classes in Civil Services and Posts under the Government of India. According to these orders, 27% of the vacancies in Civil Services and Posts under the Government, to be filled through direct recruitment, shall be reserved for the Other Backward Classes. These orders have already been implemented by the Commission.

#### **INTRODUCTION OF NEGATIVE MARKING IN THE EVALUATION OF OBJECTIVE TYPE QUESTION PAPERS IN THE EXAMINATIONS/RT's CONDUCTED BY THE COMMISSION**

The Commission has introduced negative marking in the evaluation of Objective Type Question Papers in all the Examinations/ RT's conducted by the Commission w.e.f. the Combined Medical Services Examination, 2007.

#### **CHANGE OF SYLLABUS AND PATTERN OF THE CIVIL SERVICES (PRELIMINARY) EXAMINATION FROM 2011**

Syllabus and pattern of the Civil Services (Preliminary Examination) in the scheme of the Civil Services Examination have been revised from 2011. The Civil Services Preliminary Examination shall now comprise of two compulsory papers of 200 marks each and the duration is of 2 hours each. The questions will be of objective type (multiple choices).

#### **INTRODUCTION OF SUBMISSION OF APPLICATIONS THROUGH ONLINE MODE ONLY**

The Commission launched system for online receipt of applications for the Engineering Services Examination with effect from February, 2011 and has now switched over to 100% online application for all its structured examinations as well as selection through the Direct Recruitment method.

### **6. RECRUITMENT BY SELECTION**

Recruitment by Selection is made by the following methods:

1. By Interview only
2. By Recruitment Test followed by Interview

#### **BY INTERVIEW ONLY**

Where the number of applicants is very large, it is not practicable to call for interview all the applicants who fulfil the prescribed minimum eligibility conditions. The Commission, therefore, shortlist the candidates to be called for interview on the basis of certain pre-determined criteria related to the job.

A large number of recruitment cases is handled by the Commission by the method of interview only.

#### **BY WRITTEN TEST FOLLOWED BY INTERVIEW**

In this category, there are two types of procedure followed:

1. An objective-type written and/or practical test to test the skill of the candidates, followed by Interview. The final selection is decided by Interview, aided by the performance of the candidates in the written test and/or practical test.

2. An objective-type written and/or practical test to screen candidates to be called for interview, the final selection being decided by Interview only.

The volume of work handled in the Recruitment Wing for the years 2001-2002 to 2011-12 is indicated below:

Year	No. of Applications Received	No. of Candidates Called For Interview	No. of Candidates Recommended
2001-2002	1,80,971 #	3,583	571
2002-2003	46,698	4,336	843
2003-2004	42,325	2,018	355
2004-2005	3,08,827*	2,805	391
2005-2006	55,065	5,411	745
2006-2007	44,744	4,089	1,059
2007-2008	14,774	1,956	418
2008-2009	46,648	4,492	865
2009-2010	82,221	3,280	808
2010-2011	1,06,083	4,083	1,117
2011-2012	44,442	3,946	1,036

# Includes 1,09,307 applications belonging to one bulk case of Assistant Provident Fund Commissioner.

\* Includes 2,22,166 applications belonging to one bulk recruitment case of Assistant Provident Fund Commissioner, Ministry of Labour.

## 7. APPOINTMENT BY PROMOTION AND ON DEPUTATION/ ABSORPTION

In accordance with the procedure decided by the Government, in consultation with the Commission, Chairman or a Member of the Commission presides over the Departmental Promotion Committee Meetings to consider promotions from Group 'B' to Group 'A' and from one grade to another within Group 'A', where promotion is to be made by Selection.

### DEPUTATION

The Recruitment Rules for a number of posts provide for appointment by Deputation (including short term contract) and Absorption. When the field of consideration consists of Central Government as well as State Government officers, prior consultation with the Commission is necessary for selection of an officer. When the field for consideration is made more broad-based and consists of not only Central/State Government officers but also officers from non-Government Institutions, the selection has to be made in consultation with the Union Public Service Commission.

The work handled with regard to Promotion to Civil Services and Posts in Ministries/ Departments/ Union Territories, Promotion to Central Services, Appointment on Deputation/ Absorption, Confirmation etc. for the years 2001-2002 to 2011-2012 is indicated in the following table:

Year	Promotion in Civil Services		Deputation / Absorption	
	Officers considered	Officers recommended	Officers considered	Officers recommended
2001-2002	24,348	4,755	1,418	192
2002-2003	26,162	7,176	6,884	291
2003-2004	18,003	4,565	8,252	222
2004-2005	18,818	4,241	9,157	151
2005-2006	18,141	6,046	7,698	233
2006-2007	12,760	4,016	6,661	131
2007-2008	12,397	4,540	7,195	313
2008-2009	13,342	6,056	5,516	422
2009-2010	18,123	6,634	3,330	298
2010-2011	14,181	3,598	3,393	380
2011-2012	12,478	6,507	2,948	240

## 8. ALL INDIA SERVICES

The All India Services Act, 1951 and Rules and Regulations framed there-under regulate the recruitment and conditions of service in respect of the All India Services viz. Indian Administrative Service, Indian Police Service and Indian Forest Service.

Direct recruitment to the Indian Administrative Service and Indian Police Service is done through the Civil Services Examination and for the Indian Forest Service through the Indian Forest Service Examination held by the Commission.

The relevant Rules and Regulations provide that 33% of the vacancies in the Indian Administrative Service/Indian Police Service/Indian Forest Service should be filled up by promotion from amongst the officers of the State Services in consultation with the Commission. The Selection Committee presided over by Chairman/Member of the Commission consists of senior Government representatives of the Central and the State Government. The work handled with regard to promotion to All India Services for the years 2001-2002 to 2011-2012 is indicated in the following table:-

### Promotion to All India Services

Year	No. of officers considered	No. of officers recommended
2001-2002	451	151
2002-2003	680	228
2003-2004	1,271	462
2004-2005	1,107	395
2005-2006	957	326
2006-2007	961	349
2007-2008	1,054	366
2008-2009	846	299
2009-2010	1,297	432
2010-2011	1,105	418
2011-2012	1,601	596

## 9. RECRUITMENT RULES

In accordance with the provisions contained in Article 320 of the Constitution read with the provisions of Union Public Service Commission (Exemption from Consultation) Regulations 1958, Recruitment Rules of all Group 'A' and Group 'B' posts in various Ministries/ Departments of Government of India are required to be framed in Consultation with the Commission. Consultation with the Commission is also necessary for framing/amending Recruitment Rules for certain categories of posts under the Employees State Insurance Corporation, The Delhi Municipal Corporation, The New Delhi Municipal Council, Employees Provident Fund Organisation etc. under the relevant Acts made by Parliament in pursuance of the provisions of Article 321.

All proposals for framing/amending Recruitment Rules are examined keeping in view the cadre structure of the organisation and the circulars issued by the Govt. from time to time. After approval, the Commission's advice in the matter is communicated to the Ministry/ Department concerned. More than 15,000 Recruitment Rules have been framed/ amended so far.

## 10. DISCIPLINARY MATTERS

Under Article 320(3) of the Constitution, the Commission is required to be consulted on the quantum of penalties in disciplinary cases affecting persons serving under the Government of India in a Civil Capacity.

The number of disciplinary cases received and disposed off during the last eleven years is as under:

Year	No. of cases pending at the Commencement of the year	No. of cases received during the year	No. of cases disposed of during the year	Balance left at the end of year
2001-2002	219	807	816	210
2002-2003	210	827	817	220
2003-2004	220	829	762	287
2004-2005	287	995	903	379
2005-2006	379	972	1017	334
2006-2007	334	854	884	304
2007-2008	304	681	767	218
2008-2009	218	708	743	183
2009-2010	183	850	797	236
2010-2011	236	762	826	172
2011-2012	172	655	679	148

## 11. ANNUAL REPORT

Under Article 323 of the Constitution, the Commission present annually to the President a Report as to the work done by the Commission. On receipt of such report, the President shall cause a copy thereof to be laid before each House of the Parliament together with the Memorandum explaining the reasons for non-acceptance as respect the cases, if any, where the advice of the Commission was not accepted.

## **12. STATE PUBLIC SERVICE COMMISSIONS**

Article 315 of the Constitution of India, inter alia, provides for a Public Service Commission for each State. There are 28 State Public Service Commissions, which are entrusted with functions as enumerated under Article 320 of the Constitution.

## **13. NATIONAL CONFERENCE OF CHAIRPERSONS OF STATE PUBLIC SERVICE COMMISSIONS**

The National Conference of Chairpersons of State Public Service Commissions is functioning as a forum for discussing methods, procedures and general functioning of the State Public Service Commissions. In September 1999, it was decided that Hon'ble Chairman, Union Public Service Commission will be the Chairman of the National Conference of Chairpersons of State Public Service Commissions. Since the year 1999, 15 meetings of the National Conferences have been held.

## Appendix-I

# THE MALDIVIAN CIVIL SERVICE ACT

## Chapter 2

### Civil Service Commission

#### Civil Service Commission and its legal status

As per this Act, a “Civil Service Commission” shall be established as an independent legal entity, with a separate seal, possessing power to sue and suit against and to make undertakings in its capacity.

#### Power of the Civil Service Commission

The Commission possesses the following powers in undertaking its responsibilities.

- a. The Civil Service Commission or an employee of the Commission approved by the Civil Service Commission possess the following powers to investigate whether Maldivian Civil Service Act, the Regulation and the Code of Conduct of the Maldivian Civil Service has been implemented and to investigate accusations against the breaches of Maldivian Civil Service Act, the Regulation and Code of Conduct of the Maldivian Civil Service.
  - i. to summon employees of the Maldivian Civil Service and others to obtain evidence.
  - ii. to obtain documents and information from those stipulated in a for the purpose of an investigation, to enter premises without producing a notice.
- b. The Civil Service Commission possesses the power to take actions against the breaches of this Act, the Regulation and the Code of Conduct of the Maldivian Civil Service under a regulation formulated by the Civil Service Commission.
- c. Of the work assigned to the Civil Service Commission as per Maldivian Civil Service Act, the Civil Service Commission has the discretion to assign work it determines to offices.
- d. The Civil Service Commission has the discretion to publish various researches it carries out and to conduct seminars, workshops, other programs to enhance awareness on Civil Service.
- e. The Civil Service Commission has the discretion to disclose what should, generally be disclosed regarding Civil Service and to publish statements thereof.
- f. The Civil Service Commission has the discretion to execute everything to implement the responsibilities of the Civil Service Commission.

#### Composition of the Commission

The Civil Service Commission shall consist of 5 members.

#### Tenure of the members of the Commission

The tenure of a member of the Commission is 5 (Five) years effective from the date of appointment. Members may be re-appointed for a further 5-year term except for those who are dismissed from service.

#### Prerequisites of the members of the Commission

The members of the Commission shall fulfil the following prerequisites;

- a. Must be a citizen of the Maldives.
- b. Must be a Muslim.

- c. Must be of sound mind.
- d. Must have attained 30 years of age.
- e. Must not have during the past 5 years been convicted of an offence for which a *hadd* is prescribed in Islam and that of a criminal offence.
- f. Must not be a person holding an elected position under the Constitution or any Law of the Republic of Maldives.
- g. Must not be engaged in any other employment.
- h. Must have served in the government or with a private party for a period of minimum 10 years in the management field upon completion of first degree.

### Appointment of Members to the Commission

Appointment of Members of the Commission shall be carried out as follows:

- a) Each instance a Member to the Commission needs to be appointed; the Secretariat of the People's Majlis will advertised the vacancy. Then the Committee on Independent Institutions shall review the applicants and shall present a report to the People's Majlis.
- b) In accordance with sub section
  - a. A session of the parliament shall vote and select Member(s) to the Commission. The president shall then appoint those members to the Commission.
  - c) The pre-requisites of Members as stated in the Act shall be met for a person to be appointed as a Member of the Civil Service Commission. He/She should acquire the necessary educational qualifications and be capable of discharging the duties and responsibilities as a Commission Member.

The members to be appointed to the Commission shall be capable of undertaking the duties and responsibilities of the Commission, and shall fulfil the prerequisites. The candidates to be appointed as members of the Commission, proposed by the President for the opinion of the People's Majlis, shall be among the President's nominees and respondents from the general public. The President shall emphasis the candidates to be representative of diverse professions.

### Oath of the Members of the Commission

The members of the Commission shall assume office upon taking, before the Judge, the oath as follows:

"I, ...(name of person)..., do swear in the name of Almighty Allah that I shall obey the religion of Islam, that I shall protect the Constitution of the Republic of Maldives and the fundamental rights of the Maldivian citizens, that I shall discharge the responsibilities and duties as a Member of the Civil Service Commission of the Maldives independently, fairly and justly, impartially and faithfully."

Upon taking the oath aforementioned in above sub-section, before a Judge, a member be assumed as a member of the Commission.

### Dismissal of Members of the Commission

A member of the Civil Service Commission shall be removed from office under the circumstances specified in sub section (a) and in the manner specified in section (b) of this article:

- a) On the grounds of misconduct that does not befit a member of the Civil Service Commission: incapacity; or incompetence.
- b) Any finding to that effect by the committee on Independent Institutions of the People's Majlis pursuant to sub section (a) and upon the approval of such a finding by the parliament by the majority of those present and voting, calling for the member's removal; the member shall be deemed removed from office.
- c) If a member is removed from office in accordance with sub section (b) the speaker of the People's Majlis shall inform the president. The president shall then inform the person who is removed from office.

### Vacancy of Post of Member of the Commission

The post of a member shall be deemed vacant in the following circumstances.

1. End of tenure.
2. Resignation.
3. Being dismissed as a member of the Commission as per section 15.
4. Standing to be elected to a political position under the Constitution or any Law
5. Death.
6. Failure to fulfill any prerequisites stipulated in this Act.

### President and the Vice- President of the Commission

- a) The President and a Vice-President of the Commission shall be appointed from the Members of the Commission.
- b) From the members of the Commission, nominations for the President and Vice President of the Commission shall be submitted to a session of the parliament. President and Vice President of the Commission shall be appointed after the nominations received majority votes from that session.
- c) The posts of the president or Vice President of the Civil Service Commission shall be vacant if the individual resigns; or a circumstance arises in which the individual is removed from the post.

### Responsibilities of the Commission

The main responsibilities of the Commission are:-

- i. Except those excluded from Civil Service, to appoint, dismiss, determine the salaries and benefits and to execute everything to implement thereof to serve the people on behalf of the State of the Maldives as per the Constitution, the Laws of the Maldives, policies of the Government.
- ii. To prepare the employees of the Maldivian Civil Service competent in serving the government which is lawful and the People's Majlis fairly, apolitically by respecting the Laws and regulations.
- iii. To protect the rights of the employees of the Maldivian Civil Service and to establish a fair work place.
- iv. To formulate the responsibilities, rights, powers and duties of the employees of the Maldivian Civil Service.

- v. To assess whether government offices value the prerequisites of the Maldivian Civil Service.
- vi. To formulate the Regulation and the Code of Conduct of the Maldivian Civil Service.
- vii. To monitor whether the systems established at the main offices of the government to enforce the Regulation, the Code of Conduct of the Maldivian Civil Service as per subsection 18(f) and the prerequisites of the Maldivian Civil Service are reasonable.
- viii. To take actions upon evaluation of the complaints lodged to the Commission.
- ix. To submit reports on matters regarding the Maldivian Civil Service to the People's Majlis.
- x. To implement Maldivian Civil Service Act, the Regulation and the Code of Conduct of the Maldivian Civil Service.
- xi. To investigate and take actions on complaints lodged regarding the breach of this Act and the Code of Conduct by the Senior Officers of the main government offices and the employees of the Maldivian Civil Service.
- xii. To shape the Maldivian Civil Service as a career based service or a service which has opportunities in the field.
- xiii. To create leadership role among the employees of the Maldivian Civil Service, to train and to attempt to make them able for the work.
- xiv. Where the government needs the advice and instructions regarding the Maldivian Civil Service, to provide it.
- xv. To formulate guidelines to create and repeal positions of the Maldivian Civil Service, and to execute them as per the guidelines.

#### **Submission of report**

Upon completion of the investigations the Commission shall submit reports to the following persons:-

- a. To the President where a minister heads the office being investigated.
- b. To the minister responsible for the office where a responsible officer heads the office being investigated or to the President where there is no ministry responsible for the office.

#### **Salary and the benefits of the members of the Commission**

The People's Majlis shall determine the salary and benefits of the members of the Civil Service Commission.

#### **Appointment of employees to the Commission**

As per a regulation formulated by the Civil Service Commission to administer and assist the Civil Service Commission the Civil service Commission shall appoint employees, transfer them from one employment to another and dismiss them.

#### **Salary and other benefits of the employees of the Commission**

As per the instruction of the Ministry of the Finance and Treasury, the Civil Service Commission shall determine the salary and the benefits of the employees of the Commission.

#### **Experts and Consultants**

- a. Where the Commission needs assistance on a specific area, the Commission has the discretion to acquire the assistance under a contract.

- b. The assistance stipulated in subsection (a), shall be acquired upon making an arrangement for the payment upon consultation with Ministry of Finance and Treasury.

**Annual Report**

The President of the Civil Service Commission shall submit a report on the activities of the Commission to the President and People's Majlis within two months of each financial year. The report shall contain activities of the Civil Service Commission including efforts to improve the work and potential changes. To prepare the report, the responsible officers of the offices must provide the relevant information required by the Commission as per the Maldivian Civil Service Regulation.

**Special reports**

The Commission has the discretion to submit reports to the People's Majlis, where urgency arises to submit a report prior to the date of an annual report regarding an activity of the Commission.

**Appointment and dismissal of Civil Service Employees**

The Civil Service Commission has all the power to appoint, dismiss employees of the Maldivian Civil Service and to transfer them from one employment to another.

Appendix-I

**INTERIM CONSTITUTION OF NEPAL, 2007**

**PART 13  
PUBLIC SERVICE COMMISSION**

**Article 125 Public Service Commission:**

- 1) There shall be a Public Service Commission of Nepal, consisting of the Chairperson and such number of other Members as may be required.
- 2) The President shall, on the recommendation of the Constitutional Council, appoint the Chairperson and other Members of the Public Service Commission.
- 3) At least fifty percent of the total number of the Members of the Public Service Commission shall be appointed from amongst the persons who have worked for at least twenty years in any government service, and the rest of the Members shall be appointed from amongst the persons, who have done research, investigation, teaching or any other significant work in the field of science, technology, art, literature, law, public administration, sociology or any other sphere of national life and who hold a high reputation.
- 4) The term of office of the Chairperson and the Members of the Public Service Commission shall be six years from the date of appointment, subject to Sub-clause (a) of the proviso to Clause (8). Provided that-
  - a) if, before the expiry of his or her term, the Chairperson or a Member of the Public Service Commission attains the age of sixty-five years, he or she shall retire .
  - b) the Chairperson or a Member of the Public Service Commission may be removed from his or her office on the same ground and in the same manner as has been set forth for the removal of a Judge of the Supreme Court.
- 5) The office of the Chairperson or a Member of the Public Service Commission shall be deemed vacant in any of the following circumstances:
  - a) if he or she tenders resignation in writing to the President;
  - b) if, pursuant to Clause (4), his or her term expires or he or she ceases to hold his or her office; or
  - c) if he or she dies.
- 6) No person shall be eligible to be appointed as the Chairperson or a Member of the Public Service Commission unless he or she, possesses the following qualification:
  - a) holds a Master's Degree from a university recognized by the Government of Nepal
  - b) is not a member of any political party immediate before' appointment;
  - c) has attained the age of forty five years', and
  - d) possesses high moral character.
- 7) The remuneration and other conditions of service of the Chairperson and the Members of the Public Service Commission shall be as determined by law. The remuneration and other conditions of service of the Chairperson and the Members of the Public Service Commission shall not, so long as they hold office, be altered to their disadvantage.
- 8) A person once appointed as the Chairperson or a Member of the Public Service Commission shall not be eligible for appointment in any other government service. Provided that-
  - a) Nothing in this Clause shall be deemed to be a bar to the appointment of a Member of the Public Service Commission as its Chairperson, and when a Member is so appointed as the Chairperson, his or her term of office shall be so computed as to include his or her term as the Member.

- b) Nothing in this Clause shall be deemed to be a bar to the appointment to any political position or to any position which has the responsibility of making investigations, inquiries or findings on any subject, or to any position which has the responsibility of submitting advice, opinion or recommendation after carrying out a study or research on any subject.

**Article 126 Functions, duties and powers of Public Service Commission:**

- 1) It shall be the duty of the Public Service Commission to conduct examinations for the selection of suitable candidates to be appointed to the positions in the civil service.  
**Explanation:** For the purposes of this Article, all services or positions in the Government of Nepal, other than the services and positions of army officers or soldiers and of armed police and police personnel and such other services and positions as are excluded by an Act from the civil service positions thereof, shall be deemed to be the civil service or positions thereof.
- 2) No permanent appointment to any pensionable position in the civil service shall be made except in consultation with the Public Service Commission.
- 3) The Public Service Commission shall be consulted:
  - a) on matters concerning the law relating to the conditions of service of the civil service;
  - b) on the general principles to be followed in making appointment and promotion to the civil service or positions thereof and in taking departmental action;
  - c) on matters concerning the suitability of any candidate for appointment to a civil service position for a period of more than six months;
  - d) on matters concerning the suitability of any candidate for transfer or promotion from one service to another with the civil service or from any other government service to the civil service;
  - e) on matters concerning the, permanent transfer or promotion of any employee working in any position which does not require consultation with the Public Service Commission to any position which requires consultation with the Public Service Commission; and
  - f) on matters relating to departmental action proposed against any civil servant.
- 4) Notwithstanding anything contained in Clause (3), matters falling within the purview of the Judicial Service Commission pursuant to Article 114 shall be governed by that Article.
- 5) The Public Service Commission shall be consulted on the general principles to be followed in the course of making appointment and promotion to any position of the military service, armed police service or police service or other government service.
- 6) If any public corporate body intends to seek advice of) the Public Service Commission on the laws in force relating to the conditions of service of the employees in the service of such body and on the general principles to be followed in the course of making appointment and promotion to any position of such service and in taking departmental action against any such employee, the Public Service Commission may advise on such matters.  
**Explanation:** For the purposes of this Article, the expression "public body" shall mean any corporate body of which the Government of Nepal owns or controls fifty percent or more of the shares or assets.
- 7) The Public Service Commission may delegate any of its functions, duties and powers to any of its members, a committee of such members or any employee of the Government of Nepal as to be exercised and complied with subject to the specified conditions.
- 8) Subject to this Constitution, other functions, duties and Rules of procedure of the Public Service Commission shall be as determined by law.

**Article 127 Annual Report:**

- 1) The Public Service Commission shall, every year, submit to the President; an annual report on the works it has performed, and the President shall arrange to submit such report to the Legislature- Parliament, through the Prime Minister.
- 2) The annual report to be submitted pursuant to Clause (1) shall set out, inter alia, the details of examinations conducted by the Public Service Commission to select candidates throughout the year, details of examinees who have passed such examinations, details of advice made to various corporate bodies, details of advice made in relation to departmental action and punishment proposed to be taken against and imposed on civil servants, statements whether such advice has been complied with, details of advice, if any, made in relation to the general principles to be followed while making appointment and promotion to any position of any government service and while taking departmental action concerning such position and details of future reforms to be made in the field of civil service.

## Appendix-II

# CIVIL SERVICE REGULATION, 1993

### Regulation 16

#### Process of appointment:

1. Any candidate recommended from the Public Service Commission through open competition pursuant to Section 8 of the Act shall be required to be appointed by the competent authority within 2 months in case of gazetted post and within 15 days in the case of non-gazetted post from the date of submission of the recommendation letter and such notice of appointment shall be required to be given to the concerned candidate through prompt means. In cases where the concerned candidate has not received the notice of appointment or notice has been returned, a notification to the concerned candidate to collect the appointment letter shall be published in the public newspaper by giving the time limit of one month. In case the appointment letter has not been collected within such time limit, alternate candidate referred in the recommendation may be appointed according to order of merit. The notice of appointment so made shall be required to be given to the Public Service Commission within 15 days of such appointment.

### Regulation 17

#### Appointment Letter May Be Issued or Cancelled:

1. The following officer shall issue appointment or cancellation letter to the civil employee as follows:
  - (a) For gazetted civil employee, Secretary of the Ministry of General Administration,
  - (b) For non-gazetted and class less employee, Competent Authority.
2. While issuing appointment letter to any Civil employee pursuant to sub rule (1), the concerned officer may fix the date for him to join the office. The concerned employee shall be required to join the office on the same date in case where any specific date has been fixed for joining the office and within thirty-five days from the date of receiving such appointment letter excluding time for journey in case where any date has not been fixed.
3. Except informed with evidence of having a situation beyond his control, the appointing officer may cancel the appointment letter of a civil employee who has not joined the office within the time limit pursuant to sub rule (2). Such information of cancellation of appointment letter shall be required to be given to the Public Service Commission.

## Appendix-I

### FEDERAL PUBLIC SERVICE COMMISSION ORDINANCE, 1977 (NO.XLV OF 1977)

WHEREAS it is expedient to repeal and, with certain modifications, re-enact the Federal Public Service Commission Act, 1973 (LXVI of 1973);

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (CMLA Order No.1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:-

#### 1. Short title and commencement:-

1. This Ordinance may be called the Federal Public Service Commission Ordinance, 1977.
2. It shall come into force at once.

#### 2. Definitions:-

In this Ordinance, unless there is anything repugnant in the subject or context:-

- (a) "Commission" means the Federal Public Service Commission; and
- (b) "Member" means a member of the Commission and includes the Chairman thereof.

#### 3. Composition of Commission, etc:-

1. There shall be a Federal Public Service Commission.
2. The President shall by regulations determine:-
  - (a) the number of members of the Commission and their conditions of service; and
  - (b) the number of members of the staff of the Commission and their conditions of service:  
Provided that the salary, allowances and privileges of a member of the Commission shall not be varied to his disadvantage during his term of office.
3. The Chairman and other members of the Commission shall be appointed by the President.
4. The Commission shall have:
  - (a) not less than one half of the members who shall be persons having held office in the service of Pakistan in basic pay scale 21 or above post;

Provided that no serving Government servant shall be appointed as a member;

- (b) at least one member each from
  - (i) retired judges of the superior judiciary;
  - (ii) retired officers not below the rank of Major-General or equivalent of the Armed Forces; and
  - (iii) Women and the private sector possessing such qualifications and experience as the Federal Government may by rules prescribe.
- 5. No proceedings or act of the Commission shall be invalid merely on the ground of the existence of a vacancy in, or a defect in the constitution of the Commission.

**4. Term of office of members, etc:-**

- (1) A member of the Commission shall hold office for a term of three years from the date on which he enters upon office or till he attains the age of sixty-five years whichever is earlier:

Provided that a member of the Commission who is a retired judge of the Supreme Court or a High Court shall hold office for a term of three years within five years from the date of his retirement:

Provided further that a member of the Commission shall not be eligible for re-appointment.

- (1A) Notwithstanding anything in any contract, agreement or any instrument containing terms and conditions of the service, a member who, on or after the commencement of the Federal Public Service Commission (Amendment) Act, 2006, completes his tenure or attains upper age-limit specified in sub-section (1) shall on such commencement forthwith cease to be member as defined in clause (b) of section 2.
- (2) A member may resign his office by writing under his hand addressed to the President.

**4A. Oath of office:-**

Before entering upon office the Chairman and a member shall take oath in the form set out in the Schedule to this Ordinance before the President in case of Chairman and before the Chairman in case of a member.

**5. Ineligibility for further employment:-**

On ceasing to hold office, a member shall not be eligible for further employment in the service of Pakistan.

**5A. Appointment of a serving member as a Chairman:-**

A serving member of the Commission shall be eligible for appointment as Chairman for a term not exceeding the unexpired portion of his term as such member.

**6. Removal from office:-**

A member shall not be removed from office except in the manner applicable to a Judge of a High Court.

**7. Functions of the Commission:-**

- (1) The functions of the Commission shall be:-
- (a) to conduct tests and examinations for recruitment of persons to All-Pakistan Services, the civil services of the Federation and civil posts in connection with the affairs of the Federation in basic pay scales 16 and above or equivalent; and
  - (1a) The recruitment to the posts in basic pay scales 11 to 15 made by any authority or person on or after the 28<sup>th</sup> May, 2003, other than through the Commission, shall, notwithstanding any provision of this Ordinance or any other law, rule, notification or any order, decision of judgment of any court or forum, be deemed to be, and always to have been, validly made, taken or done and shall not be called in question in any court or forum or any ground whatsoever.
  - (b) to advise the President:
    - (i) on matters relating to qualifications for and methods of recruitment to, services and posts referred to in clause (a);
    - (ii) on the principles to be followed in making initial appointments to the services and posts referred to in clause (a) and in making appointments by promotion to posts in BS-18 and above and transfer from one service or occupational group to another; and
    - (iii) on any other matter which the President may refer to the Commission; and
  - (c) to hold examinations for promotion for such posts as the Federal Government may, from time to time, by notification in the official Gazette, specify.

**Explanation:-**

In this section, "recruitment" means initial appointment other than by promotion or transfer.

- (2) Recruitment to the following posts shall be outside the purview of the Commission:-
- (i) in the President 's Secretariat;
  - (ia) in the Directorate General of Inter Services Intelligence (ISI);
  - (ii) filled by appointing a person on contract for a specified period.
  - (iii) filled on ad-hoc basis for a period of six months or less provided that-
    - (1) no ad-hoc appointment shall be made before placing a requisition with the Commission for regular appointment; and
    - (2) before filling the post on ad-hoc basis, prior approval shall be obtained from the Commission;
  - (iv) filled by re-employing a retired officer, provided that the re-employment is made for a specified period [] in a post not higher than the post in which the person was employed on regular basis before retirement; and
  - (v) filled by the employment or re-employment of persons on the recommendations of the High Powered Selection Board constituted by the President who are, or have been, Officers of the Armed Forces and hold, or have held, such posts therein as are

declared by the President to be equivalent to the posts to be so filled.

- (3)(a) A candidate aggrieved by any decision of the Federal Public Service Commission may, within thirty days of such decision, make a representation to the Commission and the Commission shall decide the representation within fifteen days after giving the candidate a reasonable opportunity of hearing. The decision of the Commission, subject to the result of review petition, shall be final.
- (b) A candidate aggrieved by the decision of the Commission made under paragraph (a) may, within fifteen days of the decision, submit a review petition to the Commission and the Commission shall decide the review petition within thirty days under intimation to the petitioner.
- (c) Save as provided in this Ordinance, no order made or proceeding taken under this Ordinance, or rules made hereunder, by the Commission shall be called in question in any court and no injunction shall be granted by any court in respect of any decision made or taken in pursuance of any power conferred by, or under, this Ordinance.
- (d) Any candidate aggrieved by a decision of the Commission under paragraph (b) may, within thirty days of the decision, prefer an appeal to the High Court.

**7-A Conduct of Business of Commission, etc:-**

The Chairman of the Commission may, with the approval of the Federal Government, make rules for regulating the conduct of the business of the Commission; and such rules may provide for any of the functions of the Commission specified by it being performed by a Committee composed of two or more members constituted by the Chairman for the purpose.

**8. Commission to be informed when its advice not accepted:-**

Where the President does not accept the advice of the Commission, he shall inform the Commission accordingly.

**9. Reports of Commission:-**

- (1) It shall be the duty of the Commission to present to the President annually a report on the work done by the Commission, and the President shall cause a copy of the report to be laid before the National Assembly and the Senate.
- (2) The report referred to in sub-section (1) shall be accompanied by a memorandum setting out so far as is known to the Commission:-
  - (a) the cases, if any, in which the advice of the Commission was not accepted and the reasons thereof; and
  - (b) the matter, if any, on which the Commission ought to have been consulted but was not consulted and the reasons thereof.

**10. Rules:-**

The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

**11. Omitted.**

**SCHEDULE**  
**[(See section 4A)]**

I, \_\_\_\_\_

do solemnly swear that I will bear true faith and allegiance to Pakistan:

That, as a Chairman (or Member) of the Federal Public Service Commission I will discharge my duties, and perform my functions, honestly, to the best of my ability and faithfully in accordance with the Constitution of the Islamic Republic of Pakistan and the law, and always in the interest of the solidarity, integrity, well-being and prosperity of Pakistan.

That, I will not allow my personal interest to influence my official conduct or my official decisions and that in the performance of my functions, whether in the selection of persons for recruitment or appointment or in any other way, I will act without fear or favour, affection or ill will.

May Allah Almighty help and guide me (A' meen).

## Appendix-II

# CIVIL SERVANTS ACT, 1973 (Act No. LXXI of 1973)

### SI.No.2

*An Act to regulate the appointment of persons to, and the terms and conditions of service of persons in, the service of Pakistan.*

**WHEREAS** it is expedient to regulate by law, the appointment of persons to, and the terms and conditions of service of persons in, the service of Pakistan, and to provide for matters connected therewith or ancillary thereto;

It is hereby enacted as follows: -

#### 1. Short title, application and commencement. –

- (1) This Act may be called the Civil Servants Act, 1973.
- (2) It applies to all civil servants wherever they may be.
- (3) It shall come into force at once.

### CHAPTER 1. – PRELIMINARY

#### 2. Definitions. –

(1) In this Act, unless there is anything repugnant in the subject or context, -

- (a) **“ad hoc appointment”** means appointment of duly qualified person made otherwise than in accordance with the prescribed method of recruitment, pending recruitment in accordance with such method;
- (b) **“civil servant”** means a person who is a member of an All-Pakistan Service or of a civil service of the Federation, or who holds a civil post in connection with the affairs of the Federation, including any such post connected with defence, but does not include-
  - i) a person who is on deputation to the Federation from any Province or other authority;
  - ii) a person who is employed on contract, or on work-charged basis or who is paid from contingencies; or
  - iii) a person who is a “worker” or “workman” as defined in the Factories Act, 1934 (XXV. of 1934), or the Workman’s Compensation Act, 1923 (VIII of 1923);
- (c) **“initial appointment”** means appointment made otherwise than by promotion or transfer;
- (d) **“pay”** means the amount drawn monthly by a civil servant as pay and includes technical pay, special pay, personal pay and other emoluments declared by the prescribed authority to be pay;
- (e) **“Permanent post”** means a post sanctioned without limit of time;
- (f) **“prescribed”** means prescribed by rules;
- (g) **“rules”** means rules made or deemed to have been made under this Act;
- (h) **“selection authority”** means the Federal Public Service Commission, a departmental selection board, departmental selection committee or other authority or body on the recommendation of, or in consultation with which any appointment or promotion, as may be prescribed, is made; and
- (i) **“temporary post”** means a post other than a permanent post.

(2) For the purpose of this Act, an appointment, whether by promotion or otherwise, shall be deemed to have been made on regular basis if it is made in the prescribed manner.

## CHAPTER II. – TERMS AND CONDITIONS OF SERVICE OF CIVIL SERVANTS

### 3. Terms and Conditions.-

[(i)] The terms and conditions of a civil servant shall be as provided in this Act and the rules.

[(ii)] The terms and conditions of service of any person to whom this Act applies shall not be varied to his disadvantage].

**4. Tenure of office of civil servants.** – Every civil servant shall hold office during the pleasure of the President.

**5. Appointments.** – Appointments to an All-Pakistan Service or to a civil service of the Federation or to a civil post in connection with the affairs of the Federation, including any civil post connected with defence, shall be made in the prescribed manner by the President or by a person authorised by the President in that behalf.

**6. Probation.** -(1) An initial appointment to a service or post referred to in section 5, not being an ad hoc appointment, shall be on probation as may be prescribed.

(2) Any appointment of a civil servant by promotion or transfer to a service or post may also be made on probation as may be prescribed.

Where, in respect of any service or post, the satisfactory completion of probation includes the passing of a prescribed examination, test or course or successful completion of any training, a person appointed on probation to such service or post who, before the expiry of the original or extended period of his probation, has failed to pass such examination or test or to successfully complete course or the training shall, except as may be prescribed otherwise;-

- (a) if he was appointed to such service or post by initial recruitment, be discharged; or
- (b) if he was appointed to such service or post by promotion or transfer, be reverted to the service or post from which he was promoted or transferred and against which he holds a lien or, if there be no such service or post, be discharged:

Provided that, in the case of initial appointment to a service or post, a civil servant shall not be deemed to have completed his period of probation satisfactorily until his character and antecedents have been verified as satisfactory in the opinion of the appointing authority.

**7. Confirmation.** – (1) A person appointed on probation shall, on satisfactory completion of his probation, be eligible for confirmation in a service or as the case may be, a post as may be prescribed.

(2) A civil servant promoted to a post [ ] on regular basis shall be eligible for confirmation after rendering satisfactory service for the period prescribed for confirmation therein.

(3) There shall be no confirmation against any temporary post.

(4) A civil servant who, during the period of his service, was eligible to be confirmed in any service or against any post retires from service before being confirmed shall not, merely by reason of such retirement, be refused confirmation in such service or post or any benefits accruing there from.

(5) Confirmation of a civil servant in a service or post shall take effect from the date of occurrence of permanent vacancy in that service or post or from the date of continuous officiation, in such service or post, whichever is later.

### 8. Seniority. –

(1) For proper administration of a service, cadre or [post] the appointing authority shall cause a seniority list of the members for the time being of such service, cadre or [post] to be prepared, but nothing herein contained shall be construed to confer any vested right to a particular seniority in such service, cadre or [post], as the case may be.

(2) Subject to the provisions of sub-section (1), the seniority of a civil servant shall be reckoned in relation to other civil servants belonging to the same \*[service or cadre] whether serving in the same department or office or not, as may be prescribed.

(3) Seniority on initial appointment to a service, cadre or post shall be determined as may be prescribed.

(4) Seniority in [a post, service or cadre] to which a civil servant is promoted shall take effect from the date of regular appointment to that post.

Provided that civil servants who are selected for promotion to a higher [post] in one batch shall, on their promotion to the higher [post], retain their inter se seniority as in the lower [post].

**9 Promotion.**-(1) A civil servant possessing such minimum conditions as may be prescribed shall be eligible for promotion to a higher post for the time being reserved under the rules for departmental promotion in [ ] the service or cadre to which he belongs [:]

{Provided that the posts of –

- (a) Additional Secretary and Senior Joint Secretary may, in the public interest, be filled by promotion from amongst officers of regularly constituted Occupational Groups and services holding, on regular basis, posts in Basic Pay Scale 20; and
- (b) Secretary may, in the public interest, be filled by promotion from amongst officers of regularly constituted Occupational Groups and services holding, on regular basis, posts in Basic Pay Scale 21;

In such manner and subject to such conditions as may be prescribed.]

(2) A post referred to in sub-section (1) may either be a selection post or a non-selection post to which promotions shall be made as may be prescribed –

- (a) in the case of selection post, on the basis of selection on merit; and
- (b) in the case of a non-selection post, on the basis of seniority-cum-fitness.

[(3) Promotion to posts in basic pay scales 20 and 21 and equivalent shall be made on the recommendations of a Selection Board, which shall be headed by the Chairman, Federal Public Service Commission].

**10. Posting and transfer.** – Every civil servant shall be liable to serve any where within or outside Pakistan, in any [equivalent or higher] post under the Federal Government, or any Provincial Government or local authority, or a corporation or body set up or established by any such Government.

Provided that nothing contained in this section shall apply to a civil servant recruited specifically to serve in a particular area or region.

Provided further that, where a civil servant is required to serve in a post outside his service or cadre, his terms and conditions of service as to his pay shall not be less favourable than those to which he would have been entitled if he had not been so required to serve.

**11. Termination of Service;**- (1) The service of a civil servant may be terminated without notice –

- (i) during the initial or extended period of his probation: Provided that, where such civil servant is appointed by promotion on probation or, as the case may be, is transferred from one [service], cadre or post to another [service] cadre or post his service shall not be so terminated so long as he hold a lien against his former post in such [service] cadre or post but he shall be reverted to his former [service], cadre or post as the case may be;
- (ii) on the expiry of the initial or extended period of his employment; or
- (iii) if the appointment is made ad hoc terminable on the appointment of a person on the recommendation of the selection authority, on the appointment of such person.

(2) Where, on the abolition of a post or reduction in the number of posts in a cadre of [service] the services of a civil servant are required to be terminated, the person whose services are terminated shall ordinarily be the one who is the most junior in such cadre or [service].

(3) Notwithstanding the provisions of sub-section (1), but subject to the provisions of sub-section (2), the service of a civil servant in temporary employment or appointed Adhoc shall be liable to termination on fourteen days' notice or pay in lieu thereof.

**[11A. Absorption of civil servants rendered surplus –** Notwithstanding anything contained in this Act, the rules, agreement, contract or the terms and conditions of service, a civil servant who is rendered surplus as a result of re-organization or abolition of a Division, department, office or abolition of a post in pursuance of any government decision may be appointed to a post, carrying basic pay scale equal to the post held by him before such appointment, if he possesses the qualifications and fulfils other conditions applicable to that post:

Provided that where no equivalent post is available he may be offered a lower post in such manner, and subject to such conditions, as may be prescribed and where such civil servant is appointed to a lower post the pay being drawn by him in the higher post immediately preceding his appointment to a lower post shall remain protected].

11B. (1) Where it is brought to the notice of the appointing authority that appointment of a person to a civil post was made without observing the prescribed procedure or without fulfilling the prescribed qualification, experience and age limit, it may send a reference to the Federal Public Service Commission for determination whether he is fit to hold the post to which he was appointed and, if not, whether he is fit to hold any other post compatible with his qualification and experience.

(2) On receipt of the advice of the Federal Public Service Commission on a reference made under sub-section (1), the appointing authority may pass such order of appointment or termination of service as may be considered by it to be just and equitable:

Provided that if it is proposed to pass order of termination of service in the light of the advice of the Commission, a reasonable opportunity of showing cause against the order of termination, shall be provided.

(3) Where an order of appointment is made on the advice of the Commission, it shall be treated as a case of fresh appointment and seniority of such an appointee shall be determined in accordance with the Civil Servants (seniority) Rules, 1993].

**12. [Reversion to a lower post etc:-** (1) A civil servant appointed to a higher post on Adhoc, temporary or officiating basis shall be liable to reversion to his lower post.

(2) No civil servant shall be dismissed or removed from service or reduced in rank by an authority subordinate to that by which he was appointed.

(3) No such civil servant as aforesaid shall be dismissed or removed from service, or reduced in rank, until he has been given a reasonable opportunity of showing cause against the action proposed to be taken against him;

Provided that this sub-section shall not apply: -

- (i) Where a civil servant is dismissed or removed from service or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge; or
- (ii) Where the President or any person authorised by him under the rules is satisfied, for reasons to be recorded in writing, that in the interest of the security of Pakistan or any part thereof, it is not expedient to give to that civil servant such an opportunity].

**12-A. [Certain persons to be liable to removal, etc:-** Notwithstanding anything contained in this Act or in the terms and conditions of a civil servant appointed or promoted during the period from the first day of January 1972, to the fifth day of July, 1977, the President or a person authorised by him in this behalf may;

- (a) without notice, remove such a civil servant from service or revert him to his lower post [] as the case may be, on such date as the President or, as the case may be, the person so authorised may, in the public interest, direct; or
- (b) in a case where the appointment or promotion of such a civil servant is found by the President or, as the case may be, the person so authorised to suffer from a deficiency in the minimum length of service prescribed for promotion or appointment to the higher grade, direct, without notice, that seniority in such case shall count from the date the civil servant completes the minimum length of service in such appointment or promotion, as the case may be ].

**13 [Retirement from Service. – (1)** A civil servant shall retire from service -

- (i) on such date after he has completed [twenty] years of service qualifying for pension or other retirement benefits as the competent authority may, in public interest, direct; or
- (ii) where no direction is given under clause (i), on the completion of the sixtieth year of his age.

(2) No direction under clause (i) of sub-section (1) shall be made until the civil servant has been informed in writing of the grounds on which it is proposed to make the direction, and has been given a reasonable opportunity of showing cause against the said direction.

**Explanation:** In this Section, “competent authority” means the appointing authority prescribed in rule 6 of the Civil Servants (appointment, Promotion and Transfer) Rules, 1973].

**14. Employment after retirement. - (1)** A retired civil servant shall not be re-employed under the Federal Government, unless such re-employment is necessary in the public interest and is made with the prior approval of the authority next above the appointing authority:

Provided that, where the appointing authority is the President, such re-employment may be ordered with the approval of the President.

(2) Subject to the provisions of sub-section (1) of section 3 of the Ex-Government Servants (Employment with Foreign Governments)(prohibition) Act, 1966 (XII of 1966), a civil servant may be during leave preparatory to retirement, or after retirement from Government service, seek any private employment:

Provided that, where employment is sought by a civil servant while on leave preparatory to retirement or within two years of the date of his retirement, he shall obtain the prior approval of the prescribed authority.

**15 Conduct.**—The conduct of a civil servant shall be regulated by rules made, or instructions issued, by Government or a prescribed authority, whether generally or in respect of a specified group or class of civil servants.

**16. Efficiency and discipline.**— A civil servant shall be liable to prescribed disciplinary action and penalties in accordance with the prescribed procedure.

**17. Pay.**—A civil servant appointed to a post [ ] shall be entitled, in accordance with the rules, to the pay sanctioned for such post [ ]:

Provided that, when the appointment is made on a current charge basis or by way of additional charge, his pay shall be fixed in the prescribed manner:

Provided further that where a civil servant has, under an order which is later set aside, been dismissed or removed from service or reduced in rank, he shall, on the setting aside of such order, be entitled to such arrears of pay as the authority setting aside such order may determine.

**18. Leave.**—A civil servant shall be allowed leave in accordance with the leave rules applicable to him, provided that the grant of leave will depend on the exigencies of service and be at the discretion of the competent authority.

**19. Pension and Gratuity.**—(1) On retirement from service, a civil servant shall be entitled to receive such pension or gratuity as may be prescribed.

(2) In the event of the death of a civil servant, whether before or after retirement, his family shall be entitled to receive such pension, or gratuity, or both, as may be prescribed.

(3) No pension shall be admissible to a civil servant who is dismissed or removed from service for reasons of discipline, but Government may sanction compassionate allowance to such a civil servant, not exceeding two thirds of the pension or gratuity which would have been admissible to him had he been invalided from service on the date of such dismissal or removal.

(4) If the determination of the amount of pension or gratuity admissible to a civil servant is delayed beyond one month of the date of his retirement or death, he or his family, as the case may be, shall be paid provisionally such anticipatory pension or gratuity as may be determined by the prescribed authority, according to the length of service of the civil servant which qualifies for pension or gratuity; and any over payment consequent on such provisional payment shall be adjusted against the amount of pension or gratuity finally determined as payable to such civil servant or his family.

**20. Provident Fund.**—(1) Before the expiry of the third month of every financial year, the accounts officer or other officer required to maintain provident fund accounts shall furnish to every civil servant subscribing to a provident fund the account of which he is required to maintain a statement under his hand showing the subscriptions to, including the interests according thereon, if any, and withdrawals or advances from his provident fund during the preceding financial years.

(2) Where any subscription made by a civil servant to his provident fund has not been shown or credited in the account by the accounts or other officer required to maintain such account, such subscription shall be credited to the account of the civil servant on the basis of such evidence as may be prescribed.

**21. Benevolent Fund and Group Insurance.**—All civil servants and their families shall be entitled to the benefits admissible under the Central Employees Benevolent Fund and Group Insurance Act, 1969 (II of 1969), and the rules made thereunder.

**22. Right of appeal or representation.**—(1) Where a right to prefer an appeal or apply for review in respect of any order relating to the terms and conditions of his service is provided to a civil servant under any rules applicable to him, such appeal or application shall except as may be otherwise prescribed be made within thirty days of the date of such order.

(2) Where no provision for appeal or review exists under the rules in respect of any order or class of orders, a civil servant aggrieved by any such order may, within thirty days of the communication to him of such order, make a representation against it to the authority next above the authority which made the order:

Provided that no representation shall lie on matters relating to the determination of fitness of a person to hold a particular post or to be promoted to a higher post or grade.

### Chapter III. —Miscellaneous.

**23. Saving.**—Nothing in this Act or in any rule shall be construed to limit or abridge the power of the President to deal with the case of any civil servant in such manner as may appear to him to be just and equitable:

Provided that, where this Act or any rule is applicable to the case of a civil servant, the case shall not be dealt with in any manner less favourable to him than that provided by this Act or such rule.

**[23A. Indemnity.]**—No suit, prosecution or other legal proceedings shall lie against a civil servant for anything done in his official capacity which is in good faith done or intended to be done under this Act or the rules, instructions or directions made or issued thereunder.

**23B. Jurisdiction barred.**—Save as provided under this Act and the Service Tribunals Act, 1973 (LXX of 1973), or the rules made thereunder, no order made or proceedings taken under this Act, or the rules made thereunder by the President or any officer authorized by him shall be called in question in any Court and no injunction shall be granted by any Court in respect of any decision made, or proceedings taken in pursuance of any power conferred by, or under, this Act or the rules made thereunder].

**24. Removal of Difficulties.**—If any difficulty arises in giving effect to any of the provisions of this Act, the President may make such order, not inconsistent with the provisions of this Act, as may appear to him to be necessary for the purpose of removing the difficulty:

Provided that no such power shall be exercised after the expiry of one year from the coming into force of this Act.

### CHAPTER IV.—RULES.

**25. Rules.**—(1) The President or any person authorised by the President in this behalf, may make such rules as appear to him to be necessary or expedient for carrying out the purposes of this Act.

(2) Any rules, orders or instructions in respect of any terms and conditions of service of civil servants duly made or issued by an authority competent to make them and in force immediately before the commencement of this Act shall, in so far as such rules, orders or instructions are not inconsistent with the provisions of this Act, be deemed to be rules made under this Act.

**26. Repeal.**—The Civil Servants Ordinance, 1973 (XIV of 1973), is hereby repealed.

## Appendix-III

### CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1973

1. In exercise of the powers conferred by section 25 of the Civil Servants Act. 1973 (LXXI of 1973), the President is pleased to make the following rules, namely:-

#### Part I – GENERAL

2. These rules may be called the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973:-

In these rules, unless there is anything repugnant in the subject or context:-

- a) "appointing authority", in relation to a post means the person authorized under rule 6 to make appointment to that post.
- b) "Selection Board" means a Board constituted by the Federal Government for the purpose of selection for promotion or transfer to posts in basic pay scales 19 to 21 and equivalent, consisting of such persons as may be appointed by government from time to time.
- c) "Commission" means the Federal Public Service Commission.
- d) "Department Promotion Committee" means a Committee constituted for the purpose of making selection for promotion or transfer to posts under a Ministry, Division, Department or Office of the Federal Government in basic pay scales 18 and below and equivalent; and
- e) "Departmental Selection Committee" means a Committee constituted for the purpose of making selection for initial appointment to posts under a Ministry Division, Department or Office of the Federal Government in basic pay scales 1 and above other than appointments which fall within the purview of the Federal Public Service Commission under rule 3 of the Federal Public Service Commission Functions Rules, 1978;

3. (1) Appointments to posts shall be made by any of the following methods namely:-

- a) by promotion in accordance with part.II of these rules.
- b) by transfer in accordance with part II of these rules and
- c) by initial appointment in accordance with part. III of these rules.

(2) The method of appointment and the qualifications and other conditions applicable to a post shall be as laid down by the Ministry or Division concerned in consultation with the Establishment Division.

(3) Notwithstanding anything contained in sub-rule (1) or the method of appointment laid down in the recruitment rules, a person who is rendered surplus as a result of the reorganization or abolition of a Division, Department, Office or permanent post in pursuance of any government decision or as a measure of economy may be appointed to a post in the basic pay scale to which he belonged, if he possesses the qualifications, and fulfills other conditions, applicable to that post.

(4) Where a person referred to in sub-rule (3);

- (i) Possesses educational qualifications which are considered interchangeable with or equivalent to the qualification prescribed in the relevant recruitment rules; or
- (ii) Fulfills the prescribed qualifications and the conditions for initial appointment to the post in relevant rules except the condition relating to prescribed experience,

the appointing authority may, for reasons to be recorded in writing, relax the requirement of educational qualifications or as the case may be the prescribed experience.

4. (1) In each Ministry, Division, Department or Office of the Federal Government there shall be one or more Departmental Promotion Committees, and Departmental Selection Committees, the composition of which shall be determined by the Ministry or Division concerned in consultation with the Establishment Division.

(2) Each such Committee shall consist of at least three members one of whom shall be appointed Chairman.

5. Where an appointing authority for (Posts in basic pay scales 15 and below and equivalent) does not accept the recommendation of a Departmental Selection Or Department Promotion Committee, it shall record reasons therefore and obtain orders of the next higher authority.

6. (1) The appointing authority specified in column (3) of the table below shall be competent to make appointment to the various posts in the basic pay scales specified in column (2) of that table "provided that appointment to posts in basic pay scales 20 and above or equivalent in the President's Secretariat shall be made by the President:

S.No.	Basic Pay Scale of Posts.	Appointing Authority.
1.	Posts in basic pay scales-20 and above or equivalent	Prime Minister
2.	Posts in basic pay scales 17 to 19 or equivalent	Secretary of the Ministry or Division concerned
3.	Posts in basic pay scale 16 or equivalent	An officer notified by the Secretary of the Ministry or Division concerned.
4.	Posts in basic pay scales 3 to 15 or equivalent	An officer notified by the Secretary of Ministry or Division concerned.
5.	Posts in basic pay scales 1 and 2 or equivalent	An officer notified by the Secretary of Ministry or Division concerned

"(2) Notwithstanding anything contained in sub-rule (1) the Appointing Authority specified in column (4) of the table below shall be competent to make appointments to the posts specified in column (3) of that table in the department specified in column (2) thereof.

**TABLE**

S.NO.	NAME OF DEPARTMENT	BASIC PAY SCALE OF POSTS	APPOINTING AUTHORITY
1.	Pakistan Audit Department and Officers of Inter-Departmental Cadre of Accounts Group	i) 17 to 19 or equivalent ii) 16 or equivalent iii) 3 to 15 or equivalent iv) 1 to 2 or equivalent	Auditor General of Pakistan An officer notified by the Auditor General of Pakistan An officer notified by the Auditor General of Pakistan An officer notified by the Auditor General
2.	Intelligence Bureau	i) 17-19 or equivalent ii) 1-16 or equivalent	Director General Intelligence Bureau. Officer(s) notified by the Director General, Intelligence Bureau.

**Part. II – APPOINTMENTS BY PROMOTION OR TRANSFER**

**7.** Promotions and transfer to posts in basic pay scales 2 to 18 and equivalent shall be made on the recommendation of the appropriate Departmental Promotion Committee and Promotions and transfer to posts in basic pay scales 19 to 21 and equivalent shall be made on the recommendation of the Selection Boards.

**7-A** (1). The Competent Authority may approve the promotion of an officer or official from the date on which the recommendation of the Central Selection Board or, as the case may be, the Departmental Promotion Committee was made.

(2) Notwithstanding anything in FR 17 the officer or official who expires or superannuates after the recommendations of the Central Selection Board or the Departmental Promotion Committee and before the issuing of the notification, shall stand exempted from assumption of the charge of the higher post. The Principal Accounting Officer or an Officer so authorized, will give a certificate to the effect that the officer or official has expired or superannuated.”

**8.** Only such persons as possess the qualifications and meet the conditions laid down for the purpose of promotion or transfer to a post shall be considered by the Departmental Promotion Committee or the Central Selection Board as the case may be.

**8-A.** No promotion on regular basis shall be made to posts in basic pay scales 17 to 22 and equivalent unless the officer concerned has completed such minimum length of service, attended such training and passed such departmental examination, as may be prescribed from time to time.

**8-B.** (1) Where the appointing authority considers it to be in the public interest to fill a post reserved under the rules for departmental promotion and the most senior civil servant belonging to the cadre or service concerned who is otherwise eligible for promotion does not possess the specified length of service the authority may appoint him to that post on acting charge basis.

(2) (Omitted)

(3) In the case of a post in (basic pay scales 17 to 22 and equivalent) reserved under the rules to be filled by initial appointment, where the appointing authority is satisfied that no suitable officer (drawing pay in basic pay scale) in which the posts exists is available in that category to fill the post and it is expedient to fill the post it may appoint to that post on acting charge basis the most senior officer otherwise eligible for promotion in the organization, cadre or service, as the case may be, in excess of the promotion quota.

(4) Acting charge appointment shall be made against post which are likely to fall vacant for a period of six months or more. Against vacancies occurring for less than six months, current charge appointment may be made according to the orders issued from time to time.

(5) Appointment on acting charge basis shall be made on the recommendations of Departmental Promotion Committee or the Central Selection Board, as the case may be, same in the case of (Post in basic pay scale 22 and equivalent).

(6) Acting charge appointment shall not amount to appointment by promotion on regular basis for any purpose including seniority.

(7) Acting charge appointment shall not confer any vested right for regular promotion to the post held on acting charge basis.

**9.** Appointments by transfer shall be made from amongst the persons holding appointment on a regular basis in (posts in the same basic pay scale or equivalent to or identical with the posts to be filled).

**Part.III – INITIAL APPOINTMENT.**

**10.** Initial appointment to posts in the All Pakistan Services, the Civil Services of the Federation and all posts in connection with the affairs of the Federation in basic pay scales 16 and above or equivalent and the posts in basic pay scales 11 to 15 or equivalent, in ;

- (1) the Federal Secretariat;
- (2) the Central Board of Revenue;
- (3) the Federal Investigation Agency;
- (4) the Anti-Narcotics Force;
- (5) the Pakistan Railways;
- (6) the Directorate General of Immigration and Passports;
- (7) the Export Promotion Bureau;
- (8) the Islamabad Capital Territory Administration;
- (9) the Bureau of Emigration and Overseas Employment;
- (10) the Estate Office;
- (11) the Organizations, except autonomous bodies, under the Ministry of Health and the Ministry of Education.

Except those which, under the Federal Public Service Commission (function) Rules, 1978, do not fall within the purview of the Commission, shall be made on the basis of tests and examinations to be conducted by the Commission.”

**11.** Initial appointments to posts in basis pay scales 1 to 15 and equivalent, other than those mentioned in rule 10 shall be made on the recommendations of the Departmental Selection Committee after the vacancies have been advertised in newspapers.

**12.** A candidate for initial appointment to a post must possess the educational qualifications and experience and, except as provided in the rules framed for the purpose of relaxation of age limit, must be within the age limit as laid down for the post:

[Provided that unless otherwise specified in the method of appointment, qualifications and other conditions applicable to a post as laid down under sub rule (2) of rule 3, the experience prescribed for initial appointment shall be the post-qualification experience].

**12-A Alteration in the date of birth:** The date of birth once recorded at the time of joining government service shall be final and thereafter no alteration in the date of birth of a civil servant shall be permissible.

**13.** A candidate for appointment shall be a citizen of Pakistan.  
Provided that this requirement may be relaxed with the approval of the Establishment Division.

Provided further that, in the case of candidates to be appointed on temporary basis to posts in the Pakistan Missions abroad such relaxation shall not be accorded for a period exceeding one year at a time.

**14.** Vacancies in the under-mentioned posts shall be filled on All Pakistan basis in accordance with the merit and provincial or regional quotas prescribed by government from time to time:-

- i) All posts in basic pay scales 16 and above and equivalent.
- ii) Posts in basic pay scales 3 to 15 and equivalent in offices, which serve the whole of Pakistan:  
“Provided that if no suitable person holding the domicile of the Province or Region to which a vacancy has been earmarked and fulfilling the prescribed qualifications is found even after the vacancy has been advertised twice, the appointing authority may fill up the vacancy on open merit on contract in the following manner, namely:-

- a) contract appointment shall be made initially for a period of one year, and if the post falls under the purview of the Federal Service Commission, the Commission shall be informed about contract appointment;
- b) if nomination is not received from the Federal Public Service Commission within one year, contract appointment may in the public interest be extended for another one year; and
- c) the Federal Public Service Commission shall ensure that the nominations of the qualified candidates are made within a period of two years. If Federal Public Service Commission does not find a suitable candidate, it shall advise the appointing authority, for extension in the contract.”

**15.** Vacancies in posts in basic pay scales 3 to 15 and equivalent in offices which serve only a particular province or region shall be filled by appointment of persons domiciled in the province or region concerned.

**16.** Vacancies in posts in basic pay scales 1 and 2 and equivalent shall ordinarily be filled on local basis.

**17.** A candidate for appointment must be in good mental and bodily health and free from any physical defect likely to interfere with the discharge of his duties. A candidate who after such medical examination as Government may prescribe is found not to satisfy these requirements, shall not be appointed.

#### **Part-IV: ADHOC AND TEMPORARTY APPOINTMENTS.**

**18.** When under the Federal Public Service Commission (Function) Rules, 1978, a post is required to be filled through the Commission, the appointing authority shall forward a requisition to the Commission on a prescribed form immediately. In exceptional cases, ad hoc appointment may, however, be made for a period of six months or less with prior clearance of the Commission as provided in rule 19; and

**19.** When the appointing authority considers it to be in public interest to fill a post falling within the purview of Commission urgently pending nomination of a candidate by the Commission, it may proceed to fill it on ad hoc basis for a period of six months or less after obtaining prior clearance as laid down for initial appointment in Part III shall be followed in making ad hoc appointments.

**20.** Short term vacancies in the posts falling within the purview of the Commission and vacancies occurring as a result of creation of temporary posts for a period not exceeding six months, may be filled by the appointing authority otherwise than through the Commission on a purely temporary basis after advertising the vacancy.

#### **Part V – PROBATION:**

**21** (1) Persons appointed by initial appointment, promotion or transfer shall be on probation for a period of one year.

(2) The period of probation may be curtailed for good and sufficient reasons, to be recorded, or, if considered necessary, it may be extended for a period not exceeding one year as may be specified at the time of appointment.

(3) On the successful completion of probation period, the appointing authority shall, by specific order, terminate the probation.

(4) If no order is issued under sub-rule (3) on the expiry of the first year of probation period, the period of probation shall be deemed to have been extended under sub rule (2);

Provided that, subject to the provisions of proviso to sub-section (2) of section 6 of the Civil Servants Act., 1973 in the absence of an order sub-rule (3) the period of probation shall, on the expiry of the extended period under sub-rule (2), be deemed to have successfully been completed.

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**GOVERNMENT SERVANT:**

Government servant means a person serving executive, judicial, legislative and administrative business of state (1983 PLC (SC)-642.

Appendix-I

**THE CONSTITUTION OF THE DEMOCRATIC  
SOCIALIST REPUBLIC OF SRI LANKA**

[CHAPTER 1X]

**THE EXECUTIVE**

**The Public Service**

**54.** (1) There shall be a Public Service Commission (in this Chapter referred to as the "Commission") which shall consist of nine members appointed by the President on the recommendation of the Constitutional Council, of whom not less than three members shall be persons who have had over fifteen years experience as a public officer. The President on the recommendation of the constitutional Council shall appoint one member as its Chairman.

(2) No person shall be appointed as a member of the Commission or continue to hold office as such member if he is or becomes a member of Parliament, a Provincial Council or a local authority.

(3) Every person who immediately before his appointment as a member of the Commission was a public officer in the service of the State or a judicial officer, shall, upon such appointment taking effect ceases to hold such office and shall be ineligible for further appointment as a public officer or a judicial officer ;

provided that any such person shall, until he ceases to be a member of the Public Service Commission, or while continuing to be a member, attains the age at which he would, if he was a public officer or a judicial officer, as the case may be, be required to retire, be deemed to be a public officer or a judicial officer and to hold a pensionable office in the service of the State, for the purpose of any provision relating to the grant of pensions, gratuities and other allowances in respect of such service.

(4) Every member of the Commission shall hold office for a period of three years from the date of his appointment, unless he becomes subject to any disqualification under paragraph (2) of this Article or earlier resigns from his office by writing addressed to the President or is removed from office by the President on the recommendation of the constitutional Council or is convicted by a court of law of any offence involving moral turpitude or if a resolution for the imposition of civic disability upon him has been passed in terms of Article 81 or is deemed to have vacated his office under paragraph (5) of this Article.

(5) A member of the Commission shall be eligible for reappointment as a member, but shall not be eligible for appointment as a public officer or a judicial officer after the expiry of his term of office as a member. No member shall be eligible to hold office as a member of the Commission for more than two terms.

(6) A member of the Commission who without obtaining prior leave of the Commission absents himself from three consecutive meetings of the commission, shall be deemed to have vacated office with effect from the date of the third of such meetings, and shall not be eligible thereafter to be reappointed as a member of the Commission.

(7) The President may grant a member leave from the performance of his duties relating to the Commission for a period not exceeding two months and shall for the duration of such period on the recommendation of the Constitutional Council, appoint a person qualified to be a member of the Commission to be a temporary member for the period of such leave.

(8) A member of the Commission shall be paid such emoluments as may be determined by Parliament. The emoluments paid to a member of the Commission shall be charged on the Consolidated Fund and shall not be diminished during the term of office of such member.

(9) The Commission shall have the power to act notwithstanding any vacancy in its membership, and no act, proceeding or decision of the Commission shall be or be deemed to be invalid by reason only of such vacancy or any defect in the appointment of a member.

(10) There shall be a Secretary to the Commission who shall be appointed by the Commission.

(11) The members of the Commission shall be deemed to be public servants, within the meaning and for the purposes of Chapter IX of the Penal Code.

#### **Powers and functions of Cabinet of Ministers and of the Commission**

**55.** (1) The appointment, promotion, transfer, disciplinary control and dismissal of public officers shall be vested in the Commission.

(2) The Commission shall not derogate from the functions and powers of the Provincial Public Service Commissions established by law.

(3) Notwithstanding the provisions of paragraph (1) of this Article, the appointment, promotion, transfer, disciplinary control and dismissal of all Heads of Departments shall vest in the Cabinet of Ministers, who shall exercise such powers after ascertaining the views of the Commission.

(4) Subject to the provisions of the Constitution, the Cabinet of Ministers shall provide for and determine all matters of policy relating to public officers.

(5) The Commission shall be responsible and answerable to Parliament in accordance with the provisions of the Standing Orders of Parliament for the exercise and discharge of its powers and functions and shall forward to Parliament in each calendar year, a report of its activities for such year.

#### **Committees of the Commission**

**56.** (1) The Commission may delegate to a Committee consisting of three persons (not being members of the Commission) appointed by the Commission, the powers of appointment, promotion, transfer, disciplinary control and dismissal of such categories of public officers as are specified by the Commission.

(2) The Commission shall cause the appointment of any such Committee to be published in the Gazette.

(3) The procedure and quorum for meetings of any such Committee shall be as determined by the Commission by rules made in that behalf. The Commission shall cause such rules to be published in the Gazette.

(4) There shall be a Secretary to each Committee, who shall be appointed by the Commission.

#### **Delegation of powers to a public officer**

**57.** (1) The Commission may delegate to a public officer, subject to such conditions and procedure as may be determined by the Commission, its powers of appointment, promotion, transfer, disciplinary control and dismissal of such category of public officers as are specified by the Commission.

(2) The Commission shall cause any such delegation to be published in the Gazette, including the conditions and procedure determined by the Commission for such purpose.

#### **Right of appeal**

**58.** (1) Any public officer aggrieved by an order relating to a promotion, transfer, dismissal or an order on a disciplinary matter made by a Committee or any public officer

under Article 56 or Article 57, in respect of the officer so aggrieved, may appeal to the Commission against such order in accordance with such rules made by the Commission from time to time, relating to the procedure to be followed in the making, hearing and determination of an appeal made to the Commission and the period fixed within which an appeal should be heard and concluded.

(2) The Commission shall have the power upon such appeal to alter, vary, rescind or confirm an order against which an appeal is made, or to give directions in relation thereto, or to order such further or other inquiry as to the Commission shall seem fit.

(3) The Commission shall cause to be published in the Gazette the rules made by it under paragraph (1) of this Article.

#### **Administrative Appeals Tribunal**

**59.** (1) There shall be an Administrative Appeals Tribunal appointed by the Judicial Service Commission.

(2) The Administrative Appeals Tribunal shall have the power to alter, vary or rescind any order or decision made by the Commission.

(3) The constitution, powers and procedure of such Tribunal, including the time limits for the preferring of appeals, shall be provided for by law.

#### **Commission not to exercise power where there is delegation**

**60.** Upon delegation of any of its powers to a Committee or a public officer appointed under Article 56 or Article 57 as the case may be, the Commission shall not, while such delegation is in force, exercise or perform its functions or duties in regard to the categories of public officers in respect of which such delegation is made, subject to the provisions contained in paragraphs (1) and (2) of Article 58.

#### **Procedure at meetings**

**61.** (1) The quorum for a meeting of the Commission shall be five members.

(2) All decisions of the Commission shall be made by a majority of votes of the members present at the meeting. In the event of an equality of votes, the member presiding at the meeting shall have a casting vote.

(3) The Chairman of the Commission shall preside at all meetings of the Commission and in his absence, a member elected by the members present from amongst themselves, shall preside at such meeting.

#### **Immunity from legal proceedings**

**61A.** Subject to the provisions of paragraphs (1), (2), (3), (4) and (5) of Article 126, no court or tribunal shall have power or jurisdiction to inquire into, or pronounce upon or in any manner call in question any order or decision made by the Commission, a Committee, or any public officer, in pursuance of any power or duty conferred or imposed on such Commission, or delegated to a Committee or public officer, under this Chapter or under any other law.

#### **Savings of rules and regulations in force**

**61B.** Until the Commission otherwise provides, all rules, regulations and procedures relating to the public service as are in force on the date of the coming into operation of this Chapter, shall, *mutatis mutandis*, be deemed to continue in force as rules, regulations and procedures relating to the public service, as if they had been made or provided for under this Chapter.

#### **Interference with the Commission**

**61C.** (1) Every person who, otherwise than in the course of such person's lawful duty, directly or indirectly by himself or by or with any other person, in any manner whatsoever influences or attempts to influence or interferes with any decision of the Commission, or a Committee or a public officer to whom the Commission has delegated any power under

this Chapter, or to so influence any member of the Commission or a Committee, shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one hundred thousand rupees or to imprisonment for a term not exceeding seven years, or to both such fine and imprisonment.

(2) Every High Court established under Article 154P of the Constitution shall have jurisdiction to hear and determine any matter referred to in paragraph (1) of this Article.

**Oath or affirmation of office**

**61D.** A person appointed to any office referred to in this Chapter shall not enter upon the duties of his office until he takes and subscribes the oath or makes and subscribes the affirmation set out in the Fourth Schedule to the Constitution.

**Appointments by the President**

**61E.** The President shall appoint –

- a. the Heads of the Army, the Navy and the Air Force ; and
- b. subject to the provisions of Article 41C, the Attorney-General and the Inspector-General of Police.

**Interpretation**

**61F.** For the purposes of this Chapter, "public officer" does not include a member of the Army, Navy, or Air Force, an officer of the Election Commission appointed by such Commission, a police officer appointed by the National Police Commission or a scheduled public officer appointed by the Judicial Service Commission.

## Appendix-II

# ADMINISTRATIVE APPEALS TRIBUNAL ACT (NO. 4 OF 2002)

### Short Title

1. This Act may be cited as the Administrative Appeals Tribunal Act, No. 4 of 2002.

### Constitution of the Administrative Appeals Tribunal

2. (1) The Administrative Appeals Tribunal established under paragraph (1) of Article 59 of the Constitution, (hereinafter referred to as the "Tribunal") shall consist of three members appointed by the Judicial Service Commission, from among persons who have had over twenty years of experience as a public officer or ten years of experience in the legal profession, one of whom shall be appointed its Chairman.

(2) The terms of office of the members of the Tribunal, including its Chairman, shall be three years.

### Powers of the Tribunal

3. The Tribunal shall have the power to hear and determine any appeal preferred to it from any order or decision made by

- (a) the Public Service Commission in the exercise of its powers under Chapter IX of the Constitution;
- (b) the National Police Commission in the exercise of its powers under Chapter XVIII A of the Constitution

### Procedure for preferring an appeal

4. (1) Any public officer or police officer as the case may be, aggrieved by an order or decision made by the Public Service Commission or the National Police Commission, as the case may be, may prefer an appeal in writing to the Tribunal within four weeks from the date of receipt of such order or decision.

(2) An appeal preferred to the Tribunal under subsection (1), shall set out concisely and precisely the grounds on which the aggrieved public officer or police officer, as the case may be, seeks to have the order or decision against which such appeal is being preferred altered, varied or rescinded and shall be signed by such officer.

### Public Service Commission and the National Police Commission to be notified

5. (1) Upon receipt of an appeal under section 4, the Tribunal shall notify the Public Service Commission or the National Police Commission, as the case may be, of such fact, and shall forthwith forward a copy of such appeal to the appropriate Commission.

(2) The Public Service Commission or the National Police Commission, as the case may be, shall thereupon have the power to place before the Tribunal for its consideration objections, if any to or against such appeal.

### Tribunal to satisfy itself of prima facie grievance

6. The Tribunal may, upon a consideration of the grounds set out in an appeal preferred to it and on being satisfied that there exists a prima facie grievance-

- a. entertain such appeal;
- b. call for a report from the Public Service Commission or the National Police Commission, as the case may be;

- c. require the Public Service Commission or the National Police Commission, as the case may be, to produce any document or other material which in the opinion of the Tribunal relates to the grounds set out in the appeal;
- d. notify any other public officer or police officer, as the case may be, of the same category whom the Tribunal considers likely to have been affected by the order or decision of the Public Service Commission, or the National Police Commission, and require such officer to produce before the Tribunal any material such officer may wish to place before the Tribunal in connection with such appeal, within a period of two weeks from the date of receipt by him, of such notice.

#### **Disposal of appeals**

7. The Tribunal shall hear and finally dispose of any appeal preferred to it under this Act, within a period of two months from the date of receipt of such appeal.

#### **Decision of the Tribunal**

8. (1) The decision of the Tribunal shall be under the hand of the Chairman and shall be communicated in writing to the Public Service Commission or to the National Police Commission, as the case may be, to the public officer or the police officer who preferred the appeal and to any other public officer or police officer who was notified by the Tribunal under paragraph (d) of section 6. The decision of the Tribunal shall, be the decision of the majority.

(2) A decision made by the Tribunal shall be final and conclusive and shall not be called in question in any suit or proceedings in a court of law.

#### **Officers and servants of the Tribunal**

9. (1) The Chairman of the Tribunal may, in consultation with the Judicial Service Commission, appoint such officers and servants as may be necessary for the exercise of the powers of the Tribunal

(2) The removal and exercise of disciplinary control over the officers and servants appointed under subsection (1), shall be vested with the Judicial Service Commission.

#### **No suit or prosecution to lie against the Tribunal**

10. No suit or prosecution shall lie against any member, officer or servant of the Tribunal for any lawful act done or omitted to be done in good faith under this Act or which is to be in good faith under this act done on the directions of the Tribunal.

#### **Sinhala text to prevail in case of inconsistency**

11. In the event of any inconsistency between the Sinhala and the Tamil texts of this Act, the Sinhala text shall prevail

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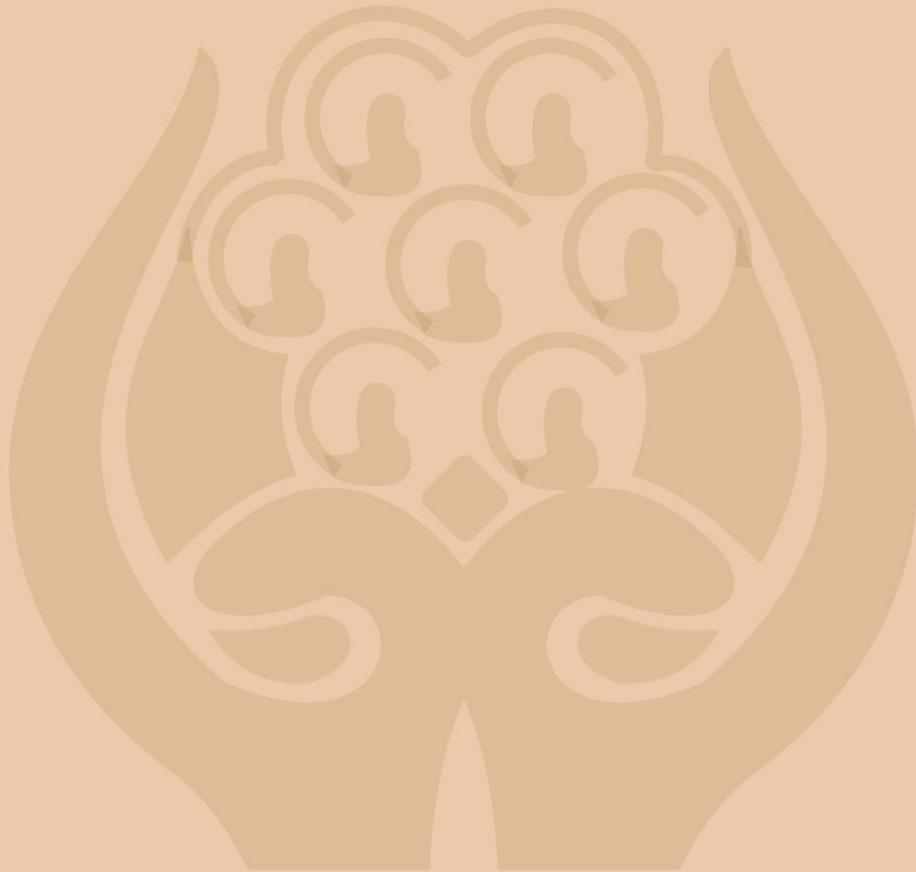
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