

**EFFECT OF CONTRACTUAL APPOINTMENTS IN BANGLADESH
CIVIL SERVICE (1991-2011)**

Mahmudul Haque

Name of Supervisor:

Professor Dr. Mobasser Monem



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Department of Public Administration

UNIVERSITY OF DHAKA, BANGLADESH

Certification

I have the pleasure to certify that the thesis entitled **Effect of Contractual Appointments in Bangladesh Civil Service (1991-2011)** in partial fulfillment of the requirements of the award of the degree, Master of Philosophy (M.Phil) in Public Administration, University of Dhaka, is prepared by Mahmudul Haque. As per the instructions of one of the members of M.Phil thesis committee, he has amended the thesis with all necessary corrections.

I have gone through the latest version of the thesis under my supervision that is found to be satisfactory.

I wish him all success in future. It may be sent for evaluation now.



15.05.2019

Dr. Mobasser Monem

Professor

Department of Public Administration

University of Dhaka

&

Supervisor

Professor

Department of Public Administration
University of Dhaka



DECLARATION

I hereby declare that this M.Phil. Thesis entitled “**EFFECT OF CONTRACTUAL APPOINTMENTS IN BANGLADESH CIVIL SERVICE (1991-2011)**” has been carried out by me for the degree of Master of Philosophy under the guidance and supervision of Dr. Mobasser Monem, Department of Public Administration, University of Dhaka.

The interpretations presented are based on my reading and understanding of the original texts and they are not published anywhere in the form of books, monographs or articles. The other books, articles and websites, which I have made use of are acknowledged at the respective places in the text.

For the present thesis, which I am going to submit to the University, no degree or diploma or distinction has been conferred on me before, either in this or in any other University.

Place: Dhaka

Date: May 28, 2019

Signature
Mahmudul Haque
Research Student
Reg. No. 84; Session: 2011-12

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mhmud_pad@yahoo.com

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ABBREVIATIONS

| | |
|--------|---|
| ACR | Annual Confidential Report |
| ADB | Asian Development Bank |
| ADC | Additional Deputy Commissioner |
| Add. | Additional |
| AL | Awami League |
| APD | Appointment Posting and Deputation |
| ASRC | Administrative and Services Reorganization Committee |
| Asstt. | Assistant |
| BADC | Bangladesh Agriculture Development Corporation |
| BBC | British Broadcasting Corporation |
| BBS | Bangladesh Bureau of Statistics |
| BCS | Bangladesh Civil Service |
| BEPZ | Bangladesh Export Processing Zone |
| BFDC | Bangladesh Film Development Corporation |
| BISS | Bangladesh Institution of International and Strategic Studies |
| BIWTC | Bangladesh Inland Water Transport Corporation |
| BNP | Bangladesh Nationalist Party |
| BOI | Board of Investment |
| BPATC | Bangladesh Public Administration Training Center |
| BPSC | Bangladesh Public Service Commission |
| BSCIC | Bangladesh Small and Cottage Industries Corporation |
| CCS | Covenanted Civil Service |
| CPTW | Career Planning and Training Wing |
| CSP | Civil Service of Pakistan |
| CSS | Central Secretariat Service |
| CTG | Caretaker Government |
| DC | Deputy Commissioners |
| DCC | Dhaka City Corporation |
| DFID | Department for International Development |
| DG | Director General |

| | |
|-------|---|
| DIG | Deputy Inspector General |
| DoPT | Department of Personnel and Training |
| DS | Deputy Secretary |
| DU | Dhaka University |
| EC | Election Commission |
| ED | Establishment Division |
| EPCS | East Pakistan Civil Service |
| ERD | Economic Relations Division |
| etc. | et cetera |
| FCA | Fellow Chartered Accountant |
| FF | Freedom Fighter |
| GDP | Gross Domestic Product |
| GOB | Government of Bangladesh |
| IAS | Indian Administrative Service |
| ICS | Indian Civil Service |
| IG | Inspector General |
| IRD | Internal Resource Division |
| IT | Information Technology |
| LGED | Local Government Engineering Department |
| MOPA | Ministry Of Public Administration |
| NGK | Neeti Gobeshona Kendro |
| NPC | National Pay Commission |
| NPSC | National Pay and Service Commission |
| NPM | New Public Management |
| NSI | National Security Intelligence |
| OSD | Officer on Special Duty |
| PDB | Power Development Board |
| RAJUK | Rajdhani Unnayan Kartipakkha |
| REB | Rural Electrification Board |
| ROB | Rules of Business |
| Rtd. | Retired |
| Sec. | Secretary |
| So.Bi | Songsthapon Bibhag |

| | |
|------|--------------------------------------|
| SOM | Songsthaon Montranalaya |
| SP | Superintendent of Police |
| Sr. | Senior |
| SRO | Statutory Regulatory Order |
| SSB | Superior Selection Board |
| UK | United Kingdom |
| UNDP | United Nations Development Programme |
| UNO | Upajila Nirbahi Officer |
| US | United States |
| VDP | Village Defense Party |

ABSTRACT

In spite of having a long history of highly structured bureaucracy of Bangladesh inherited from British-India, at present, the civil service of Bangladesh has lost its image for unscrupulous decisions by the successive governments through over politicization. Over the years, mostly intentionally, all governments have manipulated the civil service for their partisan political interest and to rule the country surviving in power for long. In this regard, they have illegally controlled the personnel administrative matters like recruitment, promotion, transfer, posting, OSD, forced retirement and contractual appointment. Among them, wholesale contractual appointments by the ruling parties have intensified the degree of politicization in administration. Although, all democratic governments of Bangladesh have claimed that they have resorted such practice to retain the smooth service of capable officers having proven professional expertise to fill up vacuum in special circumstances in public interest, but the increasing number of contractual appointments over the decades appears to have been based more on political loyalty of the concerned officials to serve government's narrow political interest. Contractual appointments may have many positive sides, but its negative impacts are pervasive in Bangladesh civil service now. The study has analyzed only the three negative effects of contractual appointments including “Foster Partisan Political Interest”, “Blockage of Promotion” and “Low Level of Morale” which have been measured with several indicators. To build an analytical framework, relevant literatures have been discussed. The study is unique and the major objective of it is to assess the negative effect of contractual appointments in Bangladesh Civil Service. The main research question was how contractual appointments affect negatively in Bangladesh Civil Service. Primary and secondary data have been used for the study. Primary data were collected through in-depth interview and semi-structured questionnaire survey. A total of thirty (30) respondents, fourteen (14) from serving civil servants and sixteen (16) from retired ones, were taken as sample respondents to conduct interview and semi-structured questionnaire survey. And the secondary data were gathered from several newspapers, journals, Bangladesh Gazettes, books, reports, websites, blogs and posts etc. An extensive review of literatures, documents, newspapers and web pages pertained to the contractual appointments, politicization and civil service, was conducted. As the research goes mostly with the qualitative in nature, the collected data were organized and analyzed in a systematic way and the data and findings were presented with detailed analysis and explanation in order to address research questions and fulfill the objectives. From the analysis, it appears

that contractual appointments have increased over the years and fostered the partisan attitude among the bureaucrats in administration as the ruling parties have desperately strived to get undue advantages from them, to consolidate the power and to run the country over and over again. To this end, successive governments have superseded one another through intensifying the degree of nepotism & favouritism, political patronage, divisions among civil servants in separate camps in administration. In addition, confrontational politics among political parties, lack of consensus among them on national issues and vulnerable democratic institutions have very close connection with contractual appointments. Such appointments at higher administration have blocked the promotions of hundreds of careerist, efficient and professional bureaucrats as the hierarchy of administration is pyramidal in structure and the tenure of service age of the employees is limited. And thus the frequent blockage of promotions and partisan politics in administration have sharply decreased the morale and productivity of the civil servants. The variables -- the main three negative effects -- of the study are very closely connected to one other, therefore, the measuring indicators to prove them are also intertwined. So, the most striking feature of the variables and indicators is that they influence one another. For example, the variables -- 'foster partisan political interest' and 'low level of morale' -- can be measured by the same indicators. Likewise, the variable -- 'low level of morale' -- may also be measured by the other two variables -- 'blockage of promotion' and 'foster partisan political interest' together with some other indicators. For this reason, several statements and quotations might also have been used in measuring the above variables. In fact, the result of this study provides a snapshot picture of the negative effects of contractual appointments in Bangladesh civil service which may assist a proper policy formulation and implementation to overcome from the deep-rooted problems.

CHAPTER 1: INTRODUCTION

1.1 Background of the Study

The present civil Service of Bangladesh has a large history which originated during British rule in India. Bangladesh bears a colonial legacy in its entire public administration system. Present day Bangladesh was part of the British Empire for almost two hundred years. The civil service of Bangladesh has been still stumbling to generate expected quality services for the nation even almost fifty years of its age after the independence in 1971. Except few causes, overall public service of Bangladesh is really very poor. The public service in Bangladesh is centralized by undue formalism, bureaucratic corruption, ubiquity of rules and procedures - the inefficiency syndrome (Hakim, 1987 cited in Zafarullah and Khan 2007). The former veteran bureaucrat and scholar Dr. Akbar Ali Khan properly depicted the civil service of Bangladesh as “the entire public service is in a state of crisis. It is characterized by a rigid structure, low productivity, lack of delegation of authority, recruitment not totally based on merit, inappropriate training and not need-based, promotion not linked with performance, irrational transfer, constant inter-cadre feud, pay not linked to performance and productivity and low morale (Khan, 2009:112 in Zaman, 2015). There is a common perception that civil servants are more or less apathetic to the needs of the people and that they are unwilling to listen to them (Alkadry, 2003 cited in Jahan and Shahan, 2008).

The government of Bangladesh has two tier administrative system. The upper tier is the central secretariat of the national level consisting of the ministries and divisions to provide policies and to perform clearing house function. The other tier consists of ‘line-departments/directorates’ attached to the ministries and divisions that are mainly responsible for general administration, service delivery to citizens and implementation of various government development programs at the sub-national level (Ahmed, 2001:327, in Jahan, 2006). Upper tier or the “higher echelon of the civil service in many countries of the world are overwhelmingly dominated by a select band of individuals who significantly influence the administration of the public affairs. Indeed, higher civil service are no longer mere instruments of the political will; rather they enjoy wide latitude within the governmental decision making structures. Today, their sphere of dominance extends to the area of public policy formulation and implementation” (Zafarullah & Khan, 2007:125). Successive governments of Bangladesh badly strived to control the bureaucracy through various forms like recruitment, transfer, promotion, officers on special duty (OSD), forced retirement and contractual appointment of the higher level of administration. The most unfortunate matter is that politicization of civil service has become institutionalized. “The term politicization has generally a negative connotation in democratic societies. The assumption is that the best way to gain control over the public bureaucracy is to have the capability appointing one’s own faithful persons to positions who influence or control public policy” (Peters and Pierre, 2004:4-5). In mature democracies, the extent of political control is not a problematic issue as the politicians in power obey the established rules and regulations. In developing political system, this situation, if not totally opposite, is somewhat disturbing (Ali, 2016). It can be argued that certain level of politicization of the civil service is unavoidable and even desirable but beyond this desirable

level, politicization can easily undermine the reputation and effectiveness of the public administration (Monem, 2007).

All governments of Bangladesh have more or less utilized the contractual appointment system as a handy tool to politicize the civil administration only for their own partisan interest. They did not even care the rules and regulations relating to it. As per rules, contractual appointments to the highest posts are, supposed to be the exception, not the norm. Such random use of contractual appointment has a negative and frustrating effect on the junior officers who find their promotion blocked. This is not good for governance as these appointees on many occasions have received undue favour because of political allegiance (Aminuzzaman, 2013). The gradual increase in contractual appointments over the years in Bangladesh civil service may also reflect the competency problem as the governments are sometimes bound to contract because of the dearth of the sufficient number of efficient public servants (Monem, 2007). There is also a question that such appointments are not transparent at all. There is no advertisement for the contractual appointments in technical posts of certain projects and programmes. The successive governments did not make specific laws for such appointments only for their partisan interests. They did not yet formulate a comprehensive civil service Act. It is known that the BNP-led four party government took an initiative to formulate a civil service act but they did not formulate it and the Awami league-led grand alliance government also continued the process and expensed half a crore taka behind this initiative through getting statements and information of more than 500 individuals and organizations and arranging several meetings, seminars and symposiums. After all, a draft Civil Service Act was prepared and submitted it to the Prime Minister through ministry of public Administration. But it has gone to the deep freeze without getting the approval of prime minister. Now they are thinking to make a different law for the civil servants (Chowdhury, January 2013). Although contractual appointments, are seemed to be given on special and sudden circumstances to avoid complexities in administration, it is widespread in Bangladesh that such appointments are given only on political ground. In fact, politicization of administration is the mother of all problems in administration. Political patronage by the ruling parties in administration have increased the level of partisan politics, creating the administration a ground of polarization, incompetence, corruption and very poor governance. The major costs of patronage is that it excludes competent persons from positions in the bureaucracy, which impairs efficiency. The political benefit of employing a person through patronage must be weighed against the efficiency loss for not giving the most qualified person the job (Sundell, 2012). It is widely believed that contractual appointment is totally a matter of political will and over the years it has been given by the ruling parties to strengthen the partisan political interests so far.

1.2 Statement of the Problem

Various surveys indicate that citizens consider the public service as “over centralized, unaccountable, inefficient, over paid, coercive, unethical and rent seeking” (Zahan, 2006). In public sector, there are allegations of inefficiency, red–tapes, inability and corruption, nepotism and political interference in civil service management have seriously undermined its efficacy. Deep politicization of public service system over the years has added to the problem more. Many competent public servants cannot render their best because of dysfunctional practices in public service management. Many incompetent officers, including even the corrupt ones got promotions and positions in political considerations. This practice has demoralized many

efficient government officials. A few routine seekers revolve round the political power. The political authority harbors them and enjoys dividends (Chowdhury, August 2013).

In terms of governance, the government of Bangladesh has incurred a very dismal performance even after almost fifty (50) years of its independence. It has a very poor performance in world-wide governance indicator. In case of governance effectiveness, Bangladesh's performance is the worst in south Asia. As this measure assesses the perception about bureaucracy, World Bank Surveys on governance suggests that Bangladesh civil service is the weakest in south Asia and one of the worst in the world (Khan, 2016). He also wrote in his 'Dysfunctional Bureaucracy of Bangladesh (part-2)' that 80 percent countries in the world are more effective than Bangladesh. The performance of bureaucracy in 168 countries is better than that of Bangladesh. There are only 41 countries which underperformed Bangladesh in government effectiveness. In fact, the economic miracle in East Asian countries is often attributed to their success in building effective government. Explaining the 'East Asian Miracle' - an analysis by World Bank in 1993 remarked that in Japan, Korea, Singapore, Taiwan and China where fastest economic growth occurred, have strong and well-organized bureaucracies wielding considerable power. The country's bureaucratic efficiency is rated at 4.7 on a zero to 10 scale (10=best) (Mukherjee et al., 2001, cited in Jahan, 2006). Multiple factors are liable for such poor performance of the civil servants. The most important factor among them the recruitment system of Bangladesh civil service is not totally based on meritocracy. Fifty six percent (56%) quota at the recruitment stage accepts comparatively less quality entrants in Bangladesh civil service, and thus the long term chronic negative effect is apparent in Bangladesh civil service (Wahab, 2009). The development of modern civil service system is based on the ideals of permanency in career, recruitment is strictly based on merit through competitive examinations and political neutrality (Encyclopedia, 2000 cited in Ali, 2007). There are glaring examples of successful civil services in Asia who have applied a total merit based recruitment system. Recruitments and promotions in civil services have become merit based on largely competitive in Japan, South Korea, Singapore, Taiwan and Malaysia (Aminuzzaman, 2013). The founding father and first prime minister of Singapore, Le Kuan Yew argued, "if you want Singapore to succeed you must have a system that enables the best man and the most suitable to go into the job that needs them". In 1965, this city state was a small trading post with an employment rate of 14 percent. Fifty years later, its unemployment rate had dropped to 1.9%. In 1959 Singapore's GDP (Gross Domestic Product) per capital was USD 510. Fifty years later it is 100 times bigger. Whatever Lee Kuan Yew may have got wrong, on meritocracy, he was apparently completely right (UNDP Global Centre for Public Service Excellence, 2015). It emphasizes the idea of competence and equality and it gives up the patronage, favouritism, nepotism, corruption and incompetence for joining the civil service. A quality and efficient civil service is built up mainly on merit-based recruitment, need-based training, congenial working environment and transparent performance appraisal system and it's not a by-product of sheer training and experience (Yesmin, 2010). The less quality and incompetent persons try to be close to the ruling party high-ups and be partisan. As Mondal (June, 2006) echoed that many civil servants involved in partisan politics to hide their inefficiency and corruption. They maintain clandestine as well as open relationship with the ruling party. Tadbir (personal lobbying) and political connection create a very strong situation for them. They utilize it for getting extensions after retirements (Zafarullah and Khan, 2007:251). As government always tries to recruit party-men-bureaucrats on contract, these partisan and politically mighty bureaucrats are awarded such appointments. In this case, the ruling party government willingly

and sometimes unwillingly keep confidence on such partisan civil servants. And they (Partisan officials) ultimately lead further politicization in administration. Personnel administrative indicators like promotion, transfer, training, OSD, force retirement and contractual appointments are also very much vulnerable in Bangladesh. In terms of promotion which is the most vital motivational factor of employees, successive governments deprived hundreds of efficient officers from the due promotions and also gave portions to hundreds in spite of not having available vacant posts violating the organogram, creating huge disarray in administration.

Frequent transfer and forced retirement are also a very common practice in Bangladesh civil service. There are some rules and regulations for promotion of civil servants. Seniority, Annual Confidential Report (ACR), Superior Section Board (SSB), are the key factors and actors for promotion. Some different factors are also playing vital role for promotions though they are beyond the rules and norms of administration. Frequent transfers in the civil administrations have created atmosphere of uncertainty -- affecting officials. Most neutral officers remain in fear of transfer since many of the secretaries are new in the present positions (NGK, 2010). All governments misuse the public servants (Retirement) Act 1974 Article 9(2), where any officer can be given force retirement for public interest after 25 years of service without showing any reason. And many of the officers take retirement after 25 years of service from their own in fear of being OSD or forced retirement by the government. As Ali (2011) States that forced retirement before the age of superannuation still remains a handy tool for political victimization of civil servants who are perceived to lack in loyalty to the party in power. Besides, the ruling parties give contractual appointments on these vacant posts after the forced retirements. Also, training has frequently become the victim of organizational neglect (Shafritz & Russell, 2003:360). Training provided to the civil servants is not up to the desired level for various reasons. There is a lack of capacity in terms of physical facilities & logistic supports and of efficient trainers. In this era of globalization together with the internal complex socio-political setting, a result oriented high quality set-up of training is essential. Thousands of efficient officers have been dumped OSD during all regimes, depriving the nation from their proper services. Though there are few reasonable grounds to keep a person OSD. But in the most cases OSD is a mechanism to make civil servant staying without any work. OSD culture is not a new practice in civil bureaucracy. It is a legal penalty for any civil servant, yet, this state apparatus of Bangladesh is used for political purposes. To Keep close to the favorite one and maintain the dislike one OSD is a legal process in the civil bureaucracy and on government – who is free from doing this practice (NGK, 2010).

In case of contractual appointment in personnel administration where retired civil, military or any other person is given appointment generally to higher administrative posts by the special authority of the honourable President. The Article No. 5(3) of public servants (Retirement Act) 1974, declares that any employee (civil or military) after superannuation may be given contractual appointment for the public interest. And circular No. E.D. A1-119/75-333(100) dated 19-5-1975 declares that only specialists may be given contractual appointments in ministries/divisions/departments/statutory bodies etc. And as per Memorandum of Establishment Ministry No. SOM (Bidhi-4)-Bibidah-6/87-3(200) dated 16th January 1988 declares that the top posts of statutory bodies, state owned enterprises and institutions may be filled up contractually by in-service and retired officials and any especial eligible person from the mass people/citizen of Bangladesh by the honorable president's special authority. (Source:

Establishment Manual, volume-2, The Daily Prothom Alo, January 20, 2011 and The Ittefaq September 17, 2014). Sometimes the government has to keep continuation of the function of the of the government agencies by contractual appointments where normal appointment is not possible in a hurried manner due to administrative complexities, and sometimes specialists and experts are also given appointments contractually in technical or professional posts where there are insufficiencies of such expertise in some particular cases. But successive governments misuse this system by randomly giving contractual appointments to its like-minded people which has a serious negative and frustrating effect on the junior officers who find their promotion blocked. As Aminuzamana (2013) stated that one (1) contractual appointments at the level of secretary blocks the upward progress of six (6) other officials at other lower level. Careerist and professional bureaucrats feel serious deprivation which ultimately has a negative effect on their performance and thus overall performance of civil service goes very poor. This study is to find out the negative effects of contractual appointments by investigating into how and why such appointments are frequently given. In this parliamentary form of government, successive governments of Bangladesh have shown too much support to their political group and ideologically like-minded people in governments without considering the issue carefully, although impartiality, political neutrality, and non-partisanship are said to be the hallmark of an effective and efficient civil service. Non-partisanship is the practice of no involvement of the civil servants with any political party even if the person has strong belief in any political ideology. An administrator is to do his task without any fear or favour to any political party. The values of the administrators will flow from the constitution not from the ideology of any political party. The administrators are always at constant interface with the politicians. Hence, it is necessary to aloof themselves from any political ideology and do his/her duty no matter under which party they work. But what we have experienced in the last 47 years that all democratically elected governments (from 1991) have shown too much partisan attitude using the civil service for their narrow political will. It is the government who influences the civil servants to be partisan. The party in power gives all advantages to 'their men' creating a sharp division among the civil servants. As the former secretary to Bangladesh civil service M. Abdul Latif Mondal wrote in the Daily Star that successive governments established a game of dividing the bureaucrats in terms of freedom fighters and non-freedom fighters and control the bureaucracy to their own advantage. From the democratic progress in 1991, the government of BNP (1991-1996) the AL (Awami Legue (1996-2001), the BNP alliance (2001-2006), the AL (2009-2013) and the same (AL) Awami League government at present (2014-present) have successfully divided the whole civil servants into major separate camps. In the meantime, many of the civil servants have violated their service rules and have made themselves active supporter of the above major two blacks. The most shocking matter is that the non-partisan civil servants have been sidelined (Mondal, June 2006). Such partisan attitude of the governments have been dominant in giving contractual appointments of their loyal bureaucrats in key administrative posts. And after being appointed through political affiliation, these officials only carry out the order of the political masters.

1.3 Research Question

Every research work begins with a set of research questions, and according to these questions, the entire research process is regulated (Aminuzzaman, 1991:55). The research questions of this study are given below:

Main research question

How do contractual appointments affect negatively on Bangladesh Civil Service?

Specific research questions

- a) How do contractual appointments foster partisan political interest?
- b) How do contractual appointments block the promotions of others?
- c) How do contractual appointments decrease the morale of deprived officials?

1.4 Objectives of the Research

The main objective of the research is to assess the negative effects of contractual appointments in Bangladesh Civil Service. It is assumed that the negative effects of contractual appointments are much higher than the positive ones as per the Bangladesh Civil Service is concerned.

1.5 Scope of the Research

The main focus of this research is to map the degree of contractual appointments in Bangladesh civil service and the negative effects of them. Generally, contractual appointments are given at the top administrative posts of various ministries, divisions and departments etc. from the retired civil bureaucrats and sometimes from the retired or in-service military officers. Though, overall civil service of Bangladesh is considered to have consisted of vertically four classes – class-1 to class-4, BCS (Bangladesh Civil Service) is the only cadre service, which includes general and technical/professional cadres. This study has worked mainly on senior cadre-service officers – deputy secretary to secretary -- with special emphasis on senior officers from administration cadre of Bangladesh civil service who are considered to be the policy-making bureaucrats. Non-cadre officers are excluded from this research. So, it will highlight the contractual appointments of top administrative posts and their probable negative effects in country's overall civil service.

1.6 Significance and rationale of the study

Politicization of Bangladesh civil service is a serious concern. Successive governments politicized the whole administrative process by controlling the personnel factors of Bangladesh civil service for their partisan political interest. Personnel matters generally include recruitment, promotion, posting, transfer, training, Officers on Special Duty (OSD), force retirement and contractual appointment etc. The System of contractual appointments in Bangladesh civil service has been kept as an exceptional case where there may have a lack of specialized and technical experts in sudden unavoidable situation. But the contractual appointment among other personnel issues has been an easy target by all ruling parties. They politicized the contractual appointments by appointing their partisan senior officers in various higher administrative posts, blocking the path of others to be promoted timely, which ultimately creates disappointment and disarray among the professional and efficient civil servants. Such random use of contractual appointments by the successive governments for narrow political interest increases the degree of politicization in the whole administration, generating the poor governance for the country. This research aims at finding out the negative

effects of contractual appointments and the likely reasons behind it. It also intends to give a methodical solution of contractual appointments so that the civil service of Bangladesh is built up on the ideology of professionalism and meritocracy. This study may add new idea and knowledge to policy formulators and help them to find the way out from the negative trend of contractual appointments.

1.7 Operational Definitions of the Terms used

1.7.1 Contractual Appointment

Appointment means the act of appointing or designating someone for an office or position or the office or position to which one has been appointed. According to Cambridge English Dictionary (2016), “the act of officially choosing someone for a job, or the job itself and the Oxford living dictionary wrote” an act of assigning a job or position to someone. “As per Oxford advanced Learner’s Dictionary (2015), “the act of choosing a person for a job or position of responsibility.” A contract appointment is an appointment which is recruited at a fixed or variable percentage of time, limited terms and conditions of employment are specified in a written employment contract/agreement.

In the context of contractual appointment of Bangladesh Civil service, appointment of an officer after superannuation (after retirement) on contract basis for a certain period of time is given by the government, utilizing their special expertise, extraordinary capacity and experience in various ministries, divisions, departments, corporations, bodies, projects and so on. Here, contractual appointment indicates the reappointment system of a civil or military officer after their superannuation (retirement age) in Bangladesh Civil Service and appointments of outsiders on contract as lateral entry to higher administrative posts. In this study, contractual appointment mainly focuses on reappointment or contract appointment of retired civil bureaucrats on higher administrative posts designating from deputy secretary to secretary or the same designated officers.

1.7.2 Bangladesh Civil Service

The term civil service simply refers to any branch of government service in which individuals are recruited on the basis of merit through competitive examinations. In Bangladesh, “civil service” denotes a particular class or classes of service to which recruitment is made on the basis of open competitive examinations conducted by the Bangladesh public service commission (PSC). It includes all functionaries of the government excepting those in the military service (Report of the pay and service commission, 1997). In general, BCS has 28 cadre services together with some non-cadre services. Cadre services – two types: general and technical/professional -- are created under the law with a quantity of the position or arrangement and staffing and upgrading rules. In contrast, non-cadre services are generally centered at positions, with no certain arrangement of movement whether horizontal or vertical. Although, this service was vertically consisted of four classes – class-1 to class-4 – the national pay scale of 2015 has declared them to be considered under total 20 grades of pay. However, this study has only worked on senior cadre-officers with special emphasis on senior officers from administration (general) cadre of Bangladesh civil service.

1.7.3 Effect of Contractual Appointments

Contractual appointments generally after the superannuation (general retirement age) of government officials are supposed to be given for few particular reasons as exceptional cases. As per rules, sometimes, experts are contractually appointed only in some specialized and technical posts. Besides, to accomplish certain projects/programmes and unavailability of opportunity to recruit in sudden vacancies such appointments are also given. In the above cases, contractual appointment may bring mobility in administration.

But successive governments of Bangladesh have given huge number of contractual appointments violating the general norms, rules and regulations, which have increased politicization in administration, blocked the promotions of many and decreased the morale of deprived officials causing frustration among them and ultimately created disarray in administration. Over the years, the number of such appointments have increased and it has many more negative effects than positive sides. Considering the above, the researcher have analyzed only the negative effects of contractual appointments in this study.

1.8 Study Approach and Methodology

Research methodology is the way and technique of achieving the objectives of any study. Primarily, it focuses on the data collection method along with the justification of using the method. It also includes the basic parameters related to the selected method and different tools and techniques used in data collection. According to Kothari (2004), research methodology is a way to systematically solve the research problem and it may be understood a science of studying how research is done scientifically. Research methods are simply understood as all those methods or techniques that are used for conducting a research. This methods refer to the methods that the researchers use in performing research operations (Kothari, 2004:7-8). As Aminuzzaman (1991) wrote “the instruments applied for collecting data also fall within the scope of methodology of a research. The choice of methodological approach depends upon the nature, scope and objectives of the investigation to be carried out”.

1.8.1 Approach of the Study

The purpose of this study is to investigate the negative effects of contractual appointments in Bangladesh Civil Service. The approach of the study primarily meticulous and overall review of relevant literatures such as books, research articles, reports, Bangladesh gazettes, newspapers, online blogs and posts particularly those are related to the issue of contractual appointments and politicization of Bangladesh civil service. The researcher has made a systematic approach to conceptualize the key concepts, and to develop a methodology, which would be sound and simple to operate, and comprehensive and most appropriate to conduct the study. In such a process, initially the researcher has made a critical and perceptive analysis, related literatures and theories to identify the key variables those are very much pertinent to the study. Based on such analysis, a solid and precise analytical framework (Figure 2) has been developed.

Creswell (2003) identified three research approaches – quantitative, qualitative and mixed methods approach. The basis for quantitative research is numbers and statistical methods. It is useful for large data set and it seeks measurements and analyses that are easily replicable by other researchers (King et al., 1994). Qualitative research focuses on a small number of cases using in-depth interview and analysis to understand events and phenomena from the respondents' perspective through looking closely at their own words. Qualitative research takes place more in a natural setting (Creswell, 2003). And it analyses the patterns of answers or responses and the results are often presented in the respondents' own words. The mixed method combines the techniques of both the quantitative and qualitative approaches in order to get the advantages of the both and also to overcome or reduce the problems of any particular approach. Moreover, it helps create easily understandable research designs out of complex data and analysis (Creswell, 2003).

In this study, researcher mainly depended on qualitative approach where the primary data were collected through in-depth interviews and at the same time a semi-structured questionnaire survey were conducted to supplement the data and findings.

1.8.2 Methodology of the Study

Appropriate methodology for any kind of social science research is very important in order to achieve the objectives and get answers for research questions. Among many other issues of any research, the three most significant aspects which require special attention during the selection of methodology are research question, existing knowledge and variables (Bennett, 1983, Aminuzzaman, 1991). In this study, to fulfill objectives and considering various limitations, researcher adopted the following methodology:

Secondary Data

The researcher spent considerable amount of time prior to conducting survey questionnaires and interviews, in order to review the literatures and documents which are closely related to contractual appointments and politicization in Bangladesh civil service (1991-2011). Due consideration was given to the reliable sources for the secondary information. The researcher surveyed major national dailies in this period (1991-2011) which include the Daily Ittefaq, Inqilab, Ajker Kagoj, Janakantha, Prothom Alo, Jugantor, Daily Star, Kaler Kantha, Manab Kantha, etc. Besides, many other online newspapers and columns of scholars written on them are also reviewed. The documents which were specifically reviewed included: Bangladesh Gazettes, relevant books, manuals of Ministry of Public Administration, journal articles, research reports, web pages of Ministry of Public Administration of Bangladesh, several blogs and posts etc.

Primary Data

The researcher himself collected some primary data from retired and serving civil servants from the level of Deputy Secretary to Secretary. To identify the effect of contractual appointments in Bangladesh civil service, an interview guide and a semi-structured questionnaire were used to conduct survey for required data. In-depth interviews were conducted with the civil servants in order to get detail information and clear understanding of

related facts and figures. Besides hard copies of the semi-structured questionnaire were provided to the official to collect the information.

Quantitative and Qualitative Data

Both qualitative and quantitative methods have been used in this study for collecting data. In a social science research, using any one method for data collection may not always be appropriate, so a combination of the two methods is helpful to achieve research objectives with the expected level of methodological accuracy (Aminuzzaman, 1991). In quantitative method, the respondents are usually asked to respond structured questions in a preferred format, for example, Yes or No, Agree or Disagree, Satisfied or Dissatisfied, etc. This type of research is conducted to get a specific response which could be presented with precise estimation. On the other hand, qualitative research seeks semi-structured and mostly open-ended responses from the respondents. Researcher tries to get into deep and detail of information through probing and prompting the respondents during face to face interview.

Preparation of Interview Guide and Questionnaire

For this research, data were collected mainly from interview guides and semi- structured questionnaire were also used. The questionnaire was drafted and designed with such relevant questions which would satisfy the objectives of the study. Besides, interview guide and checklist were prepared to conduct in-depth interviews. The questionnaire and guides were finalized in consultation with the supervisor.

1.9 Study Area and Sampling

As, it has been mentioned earlier that the study has covered contractual appointments in Bangladesh Civil Service (1991-2011) that includes basically four regimes -- Khaleda Zia (1991-1996), Sheikh Hasina (1996-2001), Khaleda Zia (2001-2006) and Sheikh Hasina (2009-2011).

A total of 30(thirty) respondents were selected through snowball sampling techniques for questionnaire survey and interviews together. Since the contractual appointments are given at the higher administrative posts and mostly to the rank of joint secretary and above and a very few times it is also given to the rank of deputy secretary as well. Interviews were taken from the civil servants of the designation of Deputy Secretary, Joint Secretary, Additional Secretary and Secretary. More than half (16 of 30) of the interviewees are ex-civil servants and the rest are from serving bureaucrats. Since the research topic -- contractual appointment -- is considered, to some extent, sensitive to politics and of the ruling party interest, the researcher chooses mostly the retired civil servants so that they feel comfort to give answers.

1.10 Sample Size

Interview and questionnaire survey

A total of 30 (Thirty) respondents were chosen from different designations (mentioned above) for interview and questionnaire survey altogether. The composition of respondents are as follows:

Table 1: Number of respondents with different designations.

| Designation | No. of Respondents |
|----------------------|--------------------|
| Secretary | 7 |
| Additional Secretary | 7 |
| Joint Secretary | 10 |
| Deputy Secretary | 6 |
| Total | 30 |

1.11 Sources of Data and Collection Procedures

The data and information required to address the research questions of this study were collected using both qualitative and quantitative methods of data collection. Major data collection through interviews and questionnaire survey were conducted from January 2016 to November 2017. Besides, many online newspapers, articles, blogs and posts are also considered for collecting data.

1.12 Data Processing and Analysis Technique

The data analysis is the process and way of making order, structure and meaning of the collected data. The process involves data organization, theme development and testing and writing reports (Marshal and Rossman, 1989). Creswell (2003) mentioned that there are diverse ways of analyzing data with an objective to make sense of the data. In this study, the interview information was analyzed in a systematic way to highlight ideas, opinions and analyses of respondents in their own words. The findings from semi-structured questionnaire survey and interviews were analyzed focusing on the negative effects of contractual appointments. Moreover, information and statistics from several newspapers and sources are also analyzed.

1.13 Limitations

The small sample size was one of the major limitations of the study as the interviewees are seemed to be high-profile in nature and it was also difficult to reach them frequently. The study is also considered to be a sensitive one to serving and retired senior bureaucrats as they were sometimes unwilling to give interviews and to fill up the questionnaire. Some of the serving officials were very much cautious about their answers and maintained a neutral stance in this regard. The research was based on both primary and secondary data, but the scarcity of related academic materials and studies on this subject area in Bangladesh context was also a major constraint. It was also difficult to survey all newspapers of 20 years (1991-2011) as they were not in an organized way in archives of different libraries. Another major constraint was that the detailed statistics of contractual appointments was not provided by the concerned authority of Ministry of Public Administration as the matter is treated as highly political. So, the researcher had to depend mainly on interview with civil servants and data of contractual appointments published in Bangladesh Gazettes, various manuals and manual (printed) and online newspapers. Above all, being the study a new and unique one, there is always a dearth of opportunity to analyze other available related studies and take resources from them.

1.14 Organization of the Paper

This study is organized in six chapters. After this introductory chapter, the second chapter reviews relevant literatures regarding contractual appointments, effects of it and politicization of Bangladesh Civil Service with varying degrees through which an analytical framework has been developed for this study. Third chapter focuses on an overview on the Civil Service of Bangladesh. There is a concise demonstration about the history, legal frame work and administrative structure of Bangladesh civil service together with a brief comparison between Bangladesh and other developed world regarding meritocracy and spoils system administration. The fourth chapter deals with the contractual appointments of Bangladesh Civil Service and the nature and degree of politicization through such appointments. The fifth chapter explains the data presentation and analyses with interpretation through the lens of related literatures. It describes and analyzes the data and findings. In the sixth and final chapter, a conclusion with some recommendations is drawn depending on the findings. It provides a brief discussion on the findings and results of the study and finally assesses whether research questions have been answered and objectives of the study have been fulfilled and it also provides the scope for future study in the relevant field.

1.15 Chapter Summary

This chapter has described in details about the background, objectives, significance and rationale, scope, study area and methodology of the study. It also delineates some basic concepts related to the study. In the next chapter, different literatures regarding contractual appointment and politicization of Bangladesh civil service are discussed along with the detailed description and definitions of all related terms and concepts used in developing analytical framework of the study.

CHAPTER 02: LITERATURE REVIEW AND ANALYTICAL FRAMEWORK

2.1 Introduction

Naturally, social problems and issues are very complex and interrelated and it is not always possible to give a comprehensive and satisfactory analysis of any phenomenon (Aminuzzaman, 1991:63). The review of the existing literatures related to the research topic and draw an analytical framework of the study are the most important tasks to be completed at the beginning of any study. Social scientists usually develop an analytical framework by assimilating some established theories and literatures (Aminuzzaman, 1991:63). This chapter discusses related literatures and finds out suitable analytical framework for the study. The researcher then identifies related variables to analyze the research issue and finally draws an analytical framework for the study which will be used to give detail explanation of relationships among the variables. It is mentioned earlier in the first chapter that the main objective of this study is to assess the negative effects of contractual appointments in Bangladesh Civil Service. It was assumed that partisan politics, blockade of promotion and decreasing level of morale are the main negative effects of contractual appointments in administration.

In this chapter the researcher reviews some literatures of politicization, partisan interest of government, nepotism and favouritism and contractual appointments in order to make a solid framework for analysis of the issues related to the study. The exploration of these literatures also provides necessary inputs for appropriate research design and works as the major instruments for data analysis to make a reasonable inference from the outcomes of the study. Moreover, these literatures help researcher determine what kind of data to collect and to spell out the strategies for analyzing them. The researcher, in this chapter, also tries to explain and clarify the terms and concepts related to the study focusing on the study objectives.

2.2 Literature Review

Civil service is relatively a new term used to denote the old governmental feature that has been very much important in modern political system. The phrase was first used in British-Indian administration when the introduction of open competitive examination was initiated in 1854. The concept is closely similar to, but not identical in meaning with other terms, such as public service and public bureaucracy. Inevitably, a crucial role is being played by the civil service in the operation of modern governmental system, be it either in Western or non-Western states, in countries in the communist or non-communist blocks, and in developed or developing nations (Encyclopedia.com, 2008). For its steel frame, civil service had been the core institution to manage the British colonial state in India from its beginning to the end. In most post-colonial states the system holds the key to effective government and to manage efficiently and judiciously the affairs of each state (Morshed, 1997:73). Bangladesh bears a colonial legacy in its entire civil service system. Bangladesh was a part of the British India for almost two hundred years. Immediately, after the British Empire, Bangladesh has undergone the elite civil service of Pakistan before 1971 which was the exact replica of the civil service of British-India. The civil service is more or less, a system based on the closed career concept in spite of having few variations in recent years. The focus is on the individual who is a member of a

corps (functional cadre) recruited at the entry level on the basis of his general educational knowledge and performance in the open competitive examinations. The system includes permanency of tenure except for the reasons of grave misconduct (Zafarullah and Khan, 2007). At present, the modern civil service is developed on the ideal of permanency in career; recruitment is strictly based on merit through competitive examination and political neutrality.

In Bangladesh, the term civil service is used to denote a particular class or classes of service to which recruitment is made on the basis of open competitive examinations conducted by the Bangladesh Public Service Commission (BPSC). The constitution of Bangladesh did not use the term civil service or civil servant. Article 21(1) of the constitution has laid down that every person in the service of the Republic has a duty to strive at all times to serve the people. The appointments, conditions of service, tenure of office, dismissals and reorganization of service have been stipulated in articles 133,134,135,136 and 152 of the constitution (Aminuzzaman, 2013). Moreover, the following are the basic acts/provisions and rules relating to public servants:

- Bangladesh service Rules (BSR) part 182 (These rules were promulgated under the India Act 1935).
- The public servants (Retirement) Act 1974).
- The government servants (conduct) Rules 1979).
- Bangladesh civil service (Recruitment). Rules 1981.
- The government servants (Discipline and Appeal) Rules 1985.
- BCS (Bangladesh Civil Service) officers' promotions Rules 2002.
- Bangladesh public Administration training policy 2003.

Mentionable that there is no civil service act in Bangladesh to regulate the performance management of the civil servants. The Article-133 of our constitution clearly described that the public administration would be run as per a law passed by the Parliament but no such law has been enacted since the independence of the country, although successive governments have introduced rules as ad hoc basis for the narrow political interest. It is widely believed that absence of a comprehensive civil service act has allowed the successive governments to manipulate the whole structure of their will (Aminuzzaman, 2013).

In parliamentary democracy of Bangladesh, the government, by the political party it receives mandate, always tries to please them in various ways and even by the cost of general interest. Although the government in power repeatedly states that it has been doing everything for the interest of their people, but most of the time it formulates policy and programmes in such a way that it gives advantages/privileges to its party men. The people of Bangladesh have never experienced the real taste of the democracy, with the very poor performance of the civil servants under the provocation of the government. A government's commitment to democracy, to a large extent, determines its mode of interaction and attitude towards bureaucracy and a well-institutionalized bureaucratic system is capable of getting out of the vulnerable position, unless modified in an abrupt, dramatic or disruptive ways (Carino, 1991). Ironically, the nature of bureaucracy in both pre-(before 1991) and post-(after 1991) democratic period remained almost the same except for an increase number of ministries, divisions, departments, corporations and statutory bodies (Ahmed, 2002:323-326 cited in Jahan, 2006). The rule of law

started breaking down as successive elected governments began to misuse state power for partisan and personal gain. Increasingly, the judiciary, civil bureaucracy, police and other institutions of government began to lose their autonomy as they were also brought under partisan political pressure and the continuation of the confrontational politics has plagued Bangladesh for decades, partisanship continued to affect the functioning of government and civil society organizations. Indeed, a healthy politics–administration relationship depends mostly on the nature of the bureaucracy and the extent of democratization (Jahan and Shahan, 2008). Governments have reined in the bureaucratic advancement and have not allowed them to build up an institution with actual democratic ideology. In this process, the governments always try to keep its policy making bureaucrats (mostly joint secretary and above) very close to it. So, they like to grab the partisan officers or at least like-minded officers to its policy level. So, in all administrative posts of ministries, divisions, departments, corporations, statutory bodies, autonomous and semi-autonomous organizations, governments’ recruit, appoint, and transfer its close people in higher echelon of bureaucracy. Ruling party always tries to control the administration through promotion, transfer, OSD, forced retirement and contractual appointment.

In all the above cases, almost all time, the successive governments have given undue advantages to its likeminded civil servants and have deprived thousands from their legal rights, who the governments think beyond its ideology. Even the governments deprived the neutral ones. The ruling parties, especially in Bangladesh, were actually not committed to any mass-oriented policies and try to change them in order to achieve short term political gain. They try to satisfy their clientele by formulating advantageous policies for them (their party men) and in return they gain political loyalty to survive in the government (Monem, 2006:196).

In the field administration level, the government makes hit/fit list for the deputy commissioner to be appointed in various districts. Here, it tries to co-opt the party men bureaucrats/like-minded officers, because it always tries to manipulate the local and national elections and to give special privileges to its political party supporters. The police administration has also been politicized, so that the party men get undue advantages and the oppositions are coerced. The government party MPs and ministers have influence on DCs and SPs and they want the DCs & SPs to be docile to them. Only for the narrow political interest, all governments of Bangladesh have politicized the total civil administration and through this way, the partisan bureaucrats get the chances to play the unethical role in administration going beyond their oath and legal jurisdiction.

Contractual appointments generally after the superannuation (general retirement age) of government officials are supposed to be given for few particular reasons as exceptional cases. Sometimes, lack of special expertise in some specialized posts, to accomplish the certain projects/programmes and unavailability of opportunity to recruit in sudden vacancies may be the causes for such appointments. But the statistics and reports found in different newspapers and other media sources that successive governments have hugely misused this system by the random use of it for their partisan political interest. All governments have appointed their party men bureaucrats (like-minded bureaucrats) at the higher administrative posts (from joint secretary level to above) on contractual basis showing total disregard to the legal rules and regulations. It is widely believed that partisan bureaucrats have been awarded by giving contractual appointments for several years for their loyalty to the governments, so the

governments can trust them. Violating the rules to recruit/appoint contractually only on specialized/technical posts, all governments have appointed their loyal civil servants and military officials at the highest/top posts of ministry, divisions, departments, corporations, statutory bodies, enterprises etc. So, the contractual appointments are now totally politicized except a very few cases.

However, depending on the constitution's obligation together with the existing rules, PSC (Public Service Commission) has been conducting recruitment to the entry level to join BCS (Bangladesh civil service). BCS is now a mixture of merit and quota where the quota is dominant, as 56 percent of total appointees are from quota system. Thousands of meritorious students have been blocked their way to enter into the Bangladesh civil service. Through this process, relatively a wide range of less meritorious students have joined the BCS, taking the most risky job of running the country as they are controlling the driving wheel, jeopardizing the whole nation. As, Wahab (2009) stated that quota system gives access to comparatively poor competent officers and it results in a long term negative impact in Bangladesh civil service, increasing partisanship. Meritocracy emphasizes the notion of equality and competence as it opposes patronage, nepotism, corruption, and incompetence for entering in the civil service. This is a system that values the principles of full competition, open selection, careful assessment of qualities and of having a set of qualification standards and established recruitment process, rather than arbitrary appointments of individuals to civil service position (UNDP Global Centre for Public Service Excellence, 2015). Indeed, the quota-based less meritocratic focus on entry to BCS ultimately generates a group of non-professional and relatively less efficient bureaucrats in higher echelons of administration. In such circumstances the successive governments take the undue advantages by appointing the partisan/like-minded bureaucrats contractually in the name of filling up the vacancies by the expert ones. It is the reality that top level bureaucrats have the administrative authority in the secretariat in the policy formulation process of the government. Higher levels of the civil service in many countries of the world are extremely dominated by a select band of individuals who significantly influence the administration of public affairs. In fact, the top civil servants are no longer mere instruments of the political will; rather they enjoy a huge extent of freedom within the government's decision making structures. Today, their area of dominance extends to the area of public policy formulation and implementation (Zafarullah & Khan, 2007:125). As the senior bureaucrats play a vital role in policy making, the successive governments of Bangladesh have selected the politically loyal bureaucrats for the vital posts of administration through contractual appointments. Such appointments in the higher policy level posts of administration are more or less common in the world as there may have a lack of specialized or technical manpower. Bangladesh is not exception to that. By appointing them contractually, the government keeps continuation of the functions of the government agencies where the normal appointment is not possible in a hurried manner due to administrative and legal complexities. To meet this sudden requirement, the Public Servants (Retirement) Act-1974 and rules 1975 declare the system of contractual appointments only in special cases. In March 1982, the then ministry of Establishment ordered few conditions for contractual appointments of the employee after their retirements. These are:

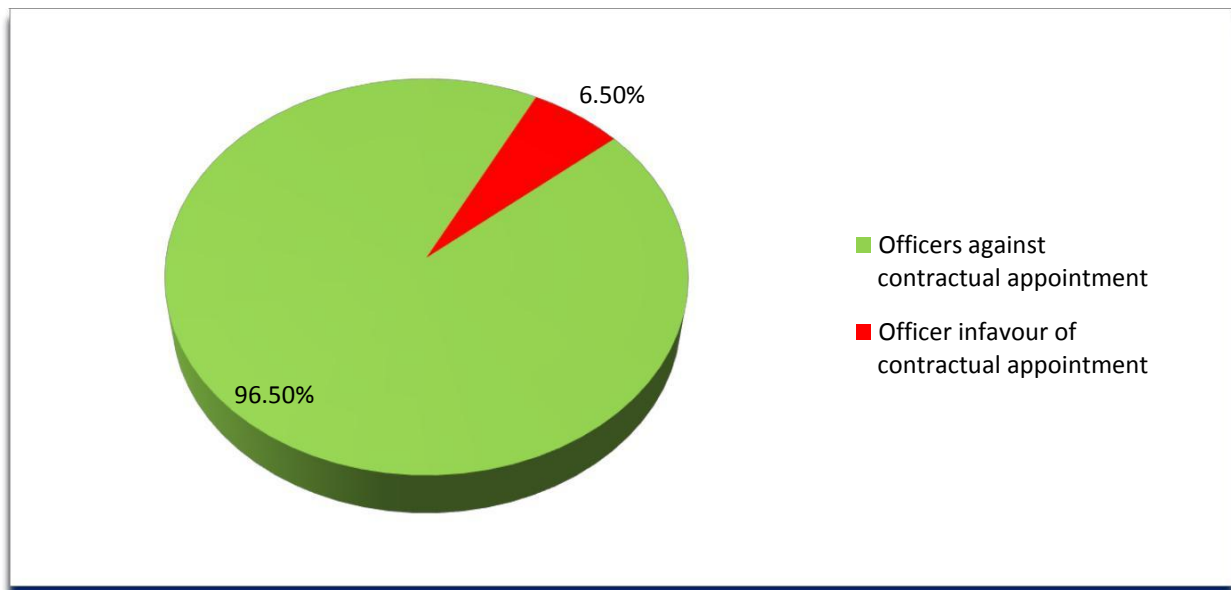
- a. The proposed contractual appointment should only be a technical post.
- b. The service of the proposed employee for contract must be mandatory.

- c. The situation for giving contractual appointment will be such that there is no eligible or fit person to fill up the vacant post.
- d. And such contractual appointment will not obstruct the timely promotion of the junior ones (Mondal, March 2014 in the Daily Jugantor March 12, 2014).

On October 31, 1987 the Matin Committee also recommended to continue 10% contractual appointments under the quota of the honorable president stating that it was desirable to utilize the service of such officers on contract in view of the dearth of experienced officers (Ali, 1993:30). But, the successive governments of Bangladesh utilized the contractual system as a handy tool to manipulate the administration and of course, politicize the whole administration for their own partisan interest. They did not even care the rules and regulations relating to it. As Ali (2011) stated that “unfortunately, since 1991 to till date, depending on the visible loyalty to the party in power, civil servants have been rewarded or punished. Evidence of this trend have been reported by the media but to no effect. This trend in politicization starts from the stage of recruitment to post retirement contractual appointment to those group of candidates/civil servants who are perceived by the party in power to have an acceptable degree of loyalty”. According to the rules, contractual appointments are exceptional orders and should only extraordinarily be implemented. But the random appointments to important positions in the public administration, which have adverse reactions among the aspirants and this practice provides scope for preferential treatment and politicization of the civil service. Retired civil and military bureaucrats have been appointed in the civil bureaucracy which causes unrest and rowdiness in administration. Nevertheless, having been available officials, contractual induction of retired officers in the higher posts of administration hampers the morale of the bureaucracy (NGK, 2010). Thus, the civil administration becomes a dumping ground for retired bureaucrats, hindering the overall performance of the bureaucracy.

So, the noble idea of contractual appointments by expert and specialized ones during the insufficiency of skilled personnel has been made ridiculous by the immense misuse of successive governments for their narrow political interests. Now, such appointments happen either for installing so-called eligible officers or on the whim of a syndicate comprising some influential senior officials (Rashid and Alam, February 2016). Careerists due for promotion are apparently disturbed being “denied the opportunity of reaching the top; from them it comes “accusations of unfairness in the evaluation of performance” and the manner by which the contractual appointees are “judged by their political learning and not quality” (Holiday, 23 December 1997 quoted in Zafrullah and Khan, 2007). From 1991 to till date, hundreds of honest and skilled officials have been deprived from their due promotions and have also been forcibly retired from their jobs only in the name of giving so called contractual appointments to others. A vast majority - 93.5% of serving government employees - are against contractual appointments in general administrative posts, the report of the pay commission published in 2014. Government officials interviewed by the National Pay and Service Commission (NPSC) reveals that excessive contractual appointments have been blocking their promotions, resulting in frustration and poor performance. Only 378 out of total 5472 government servants surveyed by NPSC were in favor of contractual appointments.

Figure 1: NPSC Survey: Public servants against contractual appointment.



Source: Adapted from The Dhaka Tribune, December 26, 2014.

The commission led by former Bangladesh Bank governor Dr. Mohammed Farashuddin said that too many contractual appointments have opened up scope for nepotism and politicization of civil service. A member of the commission told the Dhaka Tribune that in most cases, contractual jobs have been given to retired or serving army personnel and sometimes to retired bureaucrats by which the existing cadres are deprived from their timely seniority.

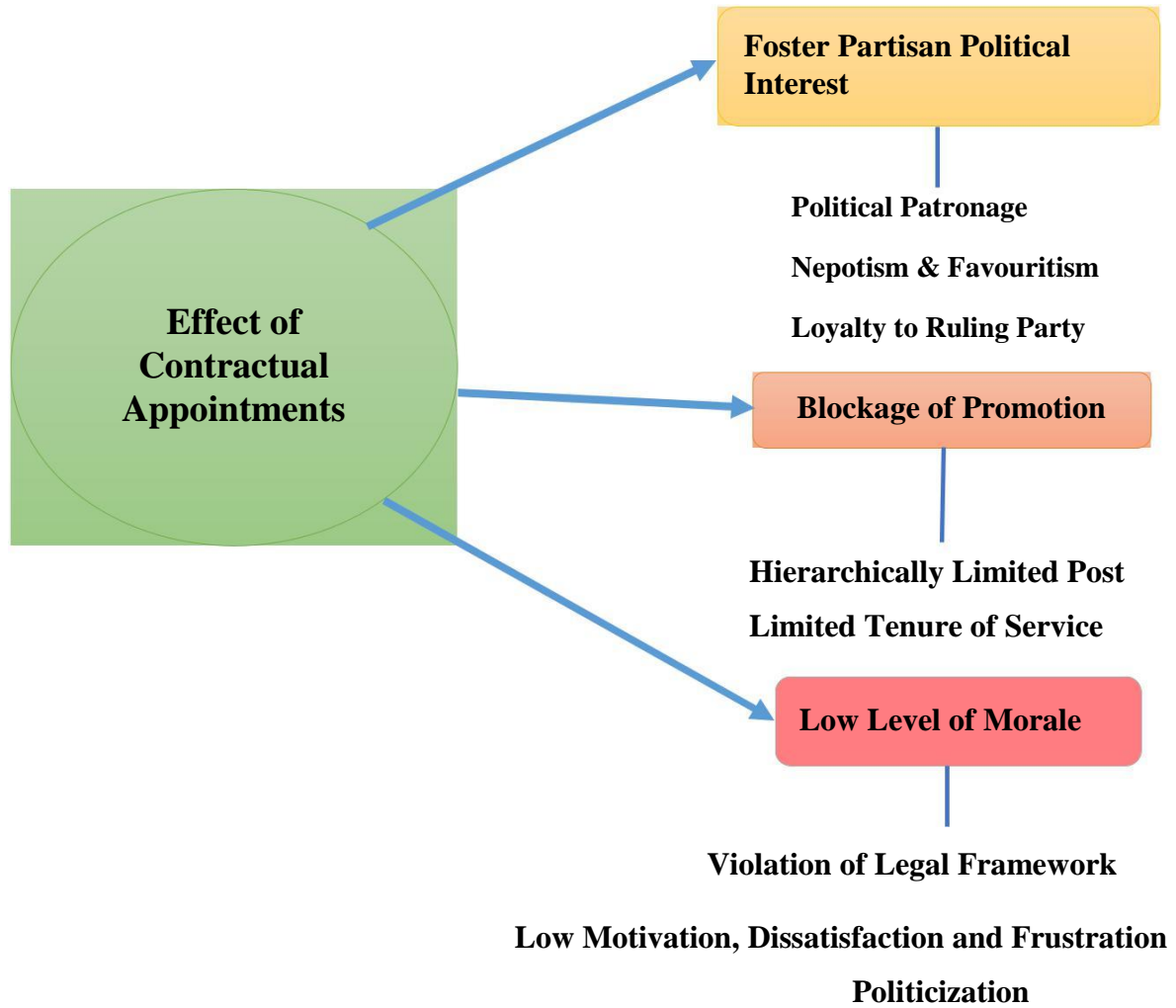
Some officials believe that political governments get the opportunity to appoint people contractually because of the declining standard of civil bureaucrats. There are allegations that despite being inefficient, many people were appointed for contractual jobs only from political consideration (The Dhaka Tribune, on line news, December 26, 2014).

2.3 Analytical Framework

In a study of social science, it is not possible to cover all related aspects to explain any issue. Researchers incorporate different explanatory variables for their studies in order to address the research questions as well as fulfill objectives. These variables are identified based on reviewing related literatures. The researcher also identified several explanatory variables for the current study depending on the relevant literatures. It was mentioned earlier that the major objective of this study is to measure the negative effects of contractual appointments in Bangladesh Civil Service. Analyzing the relevant literatures, the researcher considered three main variables “Foster Partisan Political Interest”, “Blockage of Promotion” and “Low Level of Morale” that are the main effects of contractual appointments which will be measured through different indicators/variables.

Figure 2: Analytical Framework

Analytical Framework



In the present analytical framework, the variables regarding the effect of contractual appointment will be measured using the indicators shown in the Table below:

Table 2: Table of Indicators

| | Variables | Measuring Indicators | Sources of Data* |
|------------------------------------|------------------------------------|---|------------------|
| Effect of Contractual appointments | Foster Partisan Political Interest | Political Patronage | Q,I,C |
| | | Nepotism & Favouritism | Q,I,C |
| | | Loyalty to Ruling Party | Q,I,C |
| | Blockage of Promotion | Hierarchically Limited Posts | Q,I,C |
| | | Limited Tenure of Service | I,C |
| | Low Level of Morale | Violation of Legal Framework | I,C |
| | | Low Motivation, Dissatisfaction and Frustration | Q,I,C |
| | | Politicization | I,C |

*Q-Questionnaire, I-Interview, C-Content Analysis

2.3.1 Foster Partisan Political Interest

It is assumed that most of the contractual appointments are given by the ruling parties for their partisan political interest. Since Bangladesh has not been yet built up with the real democratic ideology, there has been a lack of national consensus, agreement and positive culture among major political parties (Azizuddin, 2011). Undemocratic practices of democratically elected political leaders gradually became a popular topic of debate in the media and civil society. There were demands for governance reforms such as eradicating corruption, reversing the politicizing of government machinery, restoring the rule of law, and establishing transparency and accountability (Jahan, 2007). In actual sense, having the dysfunctional democratic system, the ruling parties have always engaged in negative politics and maintained a clientelist mode in recruitment (Jahan and Shahan, 2008). In this situation, the ruling party rewards a loyal civil servant with quicker promotions, profitable postings, contractual appointments and important positions in administration; moreover he/she gets party post and becomes minister after retirement. He/she plays a key role as the party spokesman or in policymaking (Islam, 2004:9). The ruling parties always try to satisfy their clienteles (their party-men-bureaucrats) by formulating advantageous policies for them and in return they gain political loyalty to survive in power (Monem, 2006:196). In fact, ruling parties always politicize the personnel matters like recruitment, promotion, transfer, OSD, forced retirement and contractual appointment. The successive governments have left no stone unturned to grab the partisan officers or at least politically like-minded officers to appoint at policy level (from joint secretary to secretary). So, in all administrative posts of

ministries, divisions, departments, corporations, statutory bodies, autonomous and semi-autonomous organizations, the governments try to recruit, appoint contractually, and transfer their close people at higher echelon of bureaucracy, which block the promotions of many others, keep unusual OSDs, give force retirements and abnormal transfers. In this respect, contractual appointment is used as a lucrative tool to serve partisan political interest of the party in power. So, in the name of bringing mobility in administration through contractual appointments, successive governments have actually increased the degree of politicization and partisanship in administration.

2.3.2 Blockage of Promotion

Given the pyramidal structure of hierarchy of Bangladesh Civil Service, in terms of number of officers, comparatively each upper step of hierarchy is narrower than the lower one. The posts of Secretary, Additional Secretary, Joint Secretary, Deputy Secretary, Senior Assistant Secretary and Assistant Secretary are limited unless they are increased by the Government. For example, it is impossible for all Additional Secretaries to become Secretaries because the posts of Secretary are lesser than those of Additional Secretary, though they have the required ages and qualifications and the same condition for other senior posts in comparison with the junior ones. Another important factor is the age limit of service tenure for employee. At present, 59 years (60 for freedom fighters and their wards) of age is the ceiling for an employee to continue in the service. This variable will assess how contractual appointments block promotions of many others. Continued extensions of employees in top administrative posts and the subsequent backlog of promotion in the civil service have whipped up fresh rancor among many others. Officials said while thousands of mid-and-junior level officials are in the queue for years without promotion, others who have already served their terms are being appointed on contract (The Daily star, January 3, 2003 last modified on June 12, 2013). Over the years, the successive governments have appointed hundreds of officials on contract blocking the promotions of thousands of others. It is seen from different reports that at least 670 senior cadre officials (Senior Assistant Secretary to Secretary only), except military bureaucrats and outsiders, were contractually appointed during 1991-2011.

2.3.3 Low Level of Morale

Morale can be defined as the total satisfaction derived by an individual from his job, his work-group, his superior, the organization he works for and the environment. It generally relates to the feeling of individual's comfort, happiness and satisfaction. It is a state of mind or willingness to work which in turn affects individuals and organizational objectives. On the other hand, low morale is a state of mind of an employee which reflects dissatisfaction, low motivation, absenteeism, discomfort, unwillingness to work and poor performance etc. According to Herzberg, motivating factors of any individual in an organization are achievement, advancement, recognition etc. So, promotion is always a motivating factor. In the context of contractual appointment in Bangladesh Civil Service, random appointments of retired civil and military bureaucrats create frustration among professional officers, block smooth career paths of many, erode the amity of Civil Service, and decrease the efficiency and overall performance of bureaucracy. Successive governments appoint retired civil and military officers contractually mostly on political ground, frustrating thousands of professional and

skilled officials through blocking their smooth career progress. In fact, when they see their promotions are blocked, career planning is hampered; they feel discomfort in service, get frustrated and ultimately lose their morale to work hard. This variable will assess how contractual appointment decreases the morale of deprived officials.

2.4 Chapter Summary

This chapter has provided detailed description of related concept in the purview of relevant and existing literatures. The literatures have revealed that all the selected terms and variables are highly relevant and correlated with the effect of contractual appointments of Bangladesh Civil Service. So, depending on the variables and terms in the relevant literatures, an analytical framework has been developed. These variables are closely intertwined and can be influenced one another. Therefore, the measuring indicators mentioned in the analytical framework to prove the variables are also interlinked. For instance, the first variable 'foster partisan political interest' can be measured by the indicator 'loyalty to ruling party' or 'nepotism', which can also be considered as indicators to measure another variable 'low level of morale'. Moreover, the second variable 'blockage of promotion' can affect deeply on the third variable 'low level of morale'. So, these similarities will carefully be analyzed in the analysis part of thesis. The framework will be used in detailed discussion of data findings from the study. The next chapter will present an overview of Bangladesh Civil Service with details on the evolution, legal framework and structure of it.

CHAPTER 3: CIVIL SERVICE OF BANGLADESH: AN OVERVIEW

3.1 Introduction

This chapter attempts to discuss an overview about the civil service of Bangladesh. Historically, from the British colonial period, the civil service of the sub-continent was a combination of merit and patronage - quota based, and subsequently, Bangladesh inherited it. After the independence from Pakistan in 1971, the government of Bangladesh formulated the constitution and it contains special articles for recruitment of government employee. Besides, the successive governments time to time promulgated some rules and regulations for proper functioning of entire administration. Recruitment policy of contractual appointments in Bangladesh, which is widely known as spoils system appointment, is, to some extent, vague, creating maladministration and the scope of politicization. Moreover, other personnel issues are also severely politicized by the successive governments. As a result, the administration of Bangladesh is the worst performing among other administrations of the world in various indicators. Considering all these issues, we should have a clear understanding about Bangladesh Civil Service, its rules and regulations and structures in order to make a sense of the current study for analysis.

3.2 Concept of Civil Service

According to Finar (1941), “civil service is a professional body of officials, permanent, paid and skilled”. Policy formulation is the function of cabinet or ministry, but policy implementation, the core element of development, is the major function of the civil servants. Although the policy formulation falls in the jurisdiction of cabinet, it depends mostly on civil servants for data of policy formulation (Quoted in Islam, 2013:3). According to Khan and Zafarullah on their writings in “The Bureaucratic Ascendency”, “the civil service is, by and large, based on the concept of the closed career system, although in recent years there have been cases of variations. The focus of classification is on the individuals who is a member of a corps (functional cadre) recruited at the entry level on the basis of his general educational background and performance in open competitive examination. There is permanency of tenure except for reasons of gross misconduct. A civil servant is not separated until he attains retirement age” (Zafarullah and Khan, 2007:12).

The term civil service includes all functionaries of the government excepting those in the military service (Report of the pay and service commission, 1997). The military and elected officials of the republic are excluded from this term. However, the meaning of the term ‘civil service’ differs from country to country. There is no standard definition or terminology used. The civil service system is a multiple system, in the sense that it has many subsystems. A single definition of civil service does not fit fully in all countries all the time, although the essential elements remain the same. It is a legal, neutral and permanent organ of government, which is essential for delivery of services to the people of a country with the utmost integrity, honesty and objectivity (Zaman, 2015). In this paper, civil service refers to Bangladesh civil service.

3.3 History of Civil Service in Bangladesh

The present civil service in Bangladesh has a long history which originated during British rule in India. Civil service had been the core institution to manage the British Colonial State in India from its beginning to end. Unlike British civil service, which is the product of responsible political government, the Indian civil service originated and evolved from the needs and environment of the colonial state formation process of the East India Company (1765–1858). Towards Indianization of civil service, the East India Company lost its monopoly right partially in 1813 and fully in 1833. The covenanted civil service remained closed to the Indians until the last charter Act of 1853, when the system of recruitment in the civil service by patronage was entirely abolished. Henceforth, the system of appointment in the CCS (covenanted civil service) by competition came into operation. The covenanted civil service was renamed as Indian civil service (ICS) under the Act of 1861. But as regards the participation of the Indians in the ICS, it remained more or less an impossible task, because Indians were required to participate in the competition by appearing in examinations in London, and at a very tender age and with two year probation in England. No Indian could become a member of the Indian civil service until 1863, when Satyendra Nath Tagore became the first Indian to become a member of the ICS, and the stream remained continued until the 1920s when Indian civil service examinations began to be held simultaneously in England and India, and when policies were taken to admit Indians in the civil service than in the past. In order to enable more Indians to join civil service, the governor general and viceroy Lord Lytton (1876 – 1880) established a system of statutory civil service in 1879. In the milieu of the increasing clamour for holding the ICS examination in India and more participation of Indians in the civil service, a public service commission was appointed with Sir C. Aitchison as its chairman. Aitchison, a senior ICS member and Lieutenant Governor of Punjab, devised a plan which was finally approved in 1889 and came into execution in 1891. Under the new plan, the statutory civil service was abolished. The civilian officers of the government were divided into three classes, the imperial Indian Civil Services, the provincial civil service and subordinate civil service. The first was still to be recruited in England, but was open to Indians who could make the journey to England and sit for the examination in London. The other two services were recruited in India and most recruits were made from the Indians. In 1893 the House of Commons took a resolution to hold the civil service examination simultaneously in England and India. But the resolution remained a pious wish until the end of the First World War. From 1922, Indian civil service examinations began to be held simultaneously in England and India, and consequently larger number of Indians got entry into the Imperial civil service and provincial civil services every year. By 1939, out of a total of 1299 posts in the Indian civil service 540 (41%) were held by Indians, whereas the percentage remained below one percent before the First World War. Alongside regular competition for civil service including provincial services, the government also recruited members for civil service on a large scale on nominations made by the provincial governments (Civil service – Banglapedia, 2015). At the time of the partition of India and departure of the British in 1947, the Indian civil service was divided between the new dominions of India and Pakistan. The part which went to India was named the Indian Administrative Service (IAS), while the part that went to Pakistan was named the “Civil service of Pakistan (CSP). The last recruited batch of the ICS was in October 1944. Since 1947, the trend in the development of the civil service during this period is largely marked by continuity of the inherited tradition of the structure and functions of the services that existed prior to 1947. The service structure of the government of Pakistan, till 1971, inherited by Bangladesh, was

under three main categories of regularly continued services from Pakistan, namely: i) The former all-Pakistan service ii) The former central superior service iii) The former provincial services. The administrative service (former CSPs and EPCS) had been dominating in the overall administrative structure in both central and provincial government in the past and this created a deep rooted discontent among the members of the functionalist and specialist service which ultimately formed a strong demand for a rational service structure in Bangladesh. Immediately after independence from Pakistan, the then government of Bangladesh set up two important reform commissions: the Administrative and Services Reorganization Committee (ASRC) and the National Pay Commission (NPC). The committee recommended for a single civil service structure covering all the services in ten grades. Under the constitution formulated in 1972, the country was declared to be unitary state, and thus the relevance of central service was lost. The constitution does not use the term civil service but refers to all classes of civil servant as persons in the services of the republic. The then government set up few commissions to form a unified civil service system, with the recommendation of pay and service commission (Rashid commission) officers of all cadres belong to one single service called Bangladesh Civil Service (BCS). The table below will show a brief chronology of Civil Service of Bangladesh (Civil service – Banglapedia, 2015).

Table 3: Chronology of Civil Service of Bangladesh at a Glance

| Chronology of Civil Service of Bangladesh at a Glance | |
|--|---|
| Period | Feature of Civil Service System |
| 1765 to 1853 (Company Administration) | Covenanted Civil Service (CCS) under East India Company, mostly Patronage system, Recruitment from England. Company Administration in Subcontinent. |
| Govt. of India Act-1858 and Indian Councils Act of 1861 (Under Direct Government of British Crown- British Raj), statutory civil service in 1879 | End of Company Administration, Abolition of Statutory Civil Service. Interlocution of Indian Civil Service (ICS) includes Imperial, Provincial and Subordinate Service. Recruitment from India and England in 1922. |
| During Partition in 1947 (End of British Colonial Period) | Indian Administrative Service (IAS) in Indian Dominion and Civil Service of Pakistan (CSP) in the Dominion of Pakistan. |
| 1947 to 1971 (Pakistan Period) | Three Services include All Pakistan Service, Central Superior Service and Provincial service in East Pakistan as Province Under Pakistan. |
| 1972 to till date (Bangladesh) | Uniform single Civil Service- Bangladesh Civil Service (BCS) under new constitution after freedom from Pakistan in 16 th December 1971. |

Source: Adapted from Banglapedia, 2015.

So, it reveals that covenanted civil service under the company was mostly patronage by the British Government until the simultaneous recruitment system held in 1922. Although competitive examinations held centrally, the nomination-based (patronage) recruitments were continued in provincial governments by 1947. And the trend carried on after partition of India and Pakistan, and later in Bangladesh after 1971.

3.4 Legal Basis for Recruitment/Appointment in Bangladesh Civil Service

Certain requirements can be identified for the establishment and maintenance of any civil service system. Some kind of legal basis for the system must be provided (Encyclopedia, 2017). It will have a constitutional or statutory or an elaborate service code. The constitution of Bangladesh has granted equal employment opportunities for the citizens. According to the preamble of the constitution, the fundamental aim of the state is to realize through the democratic process a society in which the rule of law, fundamental human rights and freedom, equality and justice, political, economic and social, will be secured for all citizens. Article 19(1) declares “the state shall endeavour to ensure equality of opportunity to all citizens. Harassing supporters of opposition parties and depriving them from participating in the administration undermines the very spirit of the constitution of Bangladesh. Giving preference to ruling party activities instead of merit based recruitments amounts to racism and human rights violation, which is prohibited by the constitution. Article 28(1) shows that the state shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth. Article 29(1) declares that there shall be equality of opportunity for all citizens in respect of employment or office in the service of the Republic. Article 29(2) reveals that no citizen shall, on the grounds only of religion, race, caste, sex or place of birth be ineligible for, or discriminated against in respect of the republic. However, under clause (3) of the same article, the constitution has provided certain exceptions with special provisions, in favour of any backward section of citizens for the purpose of securing their adequate representation in the service of the republic. The above constitutional provisions indicate that civil service recruitment policy in Bangladesh must be of merit with very few exceptions. Admittedly, the rules of conduct for the civil service vary from country to country, but many of the elements are more or less common based on universally accepted ethical values relevant to ensure professional conduct (Ali, 2007). The constitution of Bangladesh never uses the term civil service or civil servant. Article 21 (2) of the constitution has laid down that “every person in the service of the republic has a duty to strive at all times to serve the people.” The appointment, conditions of service, tenure of official, dismissal and reorganization of service has been stipulated in articles 133-136 and 152 of the constitution.

For instance, the government servants (conduct) rules 1979, which regulates the terms and conditions of service of the republic. The section 25 of this rule states:

- a. No government servant shall be a member of, or be otherwise associate a member of, or be otherwise associated with, any political party, or shall take part, or assist, in any manner, in any political activity in Bangladesh or abroad.
- b. No government servant shall permit any person dependent on him for maintenance or under his care or control to take part or in any way assist any movement or activity which is, or tends directly or indirectly to be subversive of government as by law established in Bangladesh.
- c. No government servant shall canvass or otherwise interface or use his influence in connection with or take part in any election to a legislative body, whether in Bangladesh or elsewhere. Provided that a government servant who is qualified to vote at such election may exercise his right to vote, but if he does so, he shall give no indication of the manner in which he proposes to vote or has voted.

Many civil servants with the direct influence of the successive governments have started to ignore these rules (Jahan, 2006). However, once again, the present Awami League government has approved a draft policy of government servants in principle in the name of “Government Servants’ Act 2015”. Though, it has still many works to do before it approves finally by the cabinet.

3.5 Classification of Bangladesh Civil Service

At present, there are 28 cadres in the BCS (Wahab, 2009). Cadre services are created under the law with a quantity of the position or arrangement and staffing and upgrading rules. In contrast, non-cadre services are generally centered at positions, with no certain arrangement of movement whether horizontal or vertical. In 1981, cadre service in Bangladesh was first formally documented, as soon as Bangladesh civil service recruitment rules were framed. Bangladesh civil service more widely known by its abbreviation BCS is the exclusive service in the state (Ali, 2007). Overall, the civil service of Bangladesh is organized vertically into four classes, which are class-I, Class-II, Class- III and Class-IV. These classes vary depending on different variables such as levels of duty and responsibility, educational qualification and range of pay (Ahmed and Khan, 1990). The higher class, class-I, is considered as specialized and are a major class and the rest are responsible to carry out a variety of supportive roles. Entirely, class-I and part of Class-II employees are counted as ‘gazette’ officers and others are measured as ‘non-gazette’ officers (Ahmed 2002).

3.6 Ministry of Public Administration and its Role

In Bangladesh, ministry of public administration is charged with general responsibility for overseeing all important aspects of personnel administration. The function of Ministry of Public Administration: “formulation of policy on regulation of civil services and determination of their terms and conditions (policy on method of recruitment, age limit, qualification, reservation of posts for certain areas and sex, medical fitness, examinations, appointment, posting, transfer, deputation, leave, travel, seniority, promotion, selection, suppression, retirement, superannuation, re-employment, appointment on contract, conditions of pensions, determination of status etc.” (Bangladesh gazette, April 15, 2012). The vision of Ministry of public administration is to become a key provider of high quality organizational, functional and human resources support to Bangladesh public service with a view to ensuring an efficient, professional, transparent and responsive public service delivery. The mission of MOPA is development of a competent and accountable public service system by attracting, developing, engaging and managing an efficient and innovative organizational, functional and human resources support system. And the values of MOPA are based on the core values of competency, professionalism, integrity, responsiveness and accountability (Yearly report, 2010 - 2011, Ministry of Public Administration). In this respect, MOPA plays a vital role in recruiting the senior civil servants on contract basis. Unfortunately, the consecutive governments didn’t maintain the values, missions and visions of ministry of public administration for their narrow political gain.

3.7 Recruitment/appointment process of Bangladesh civil Service

Recruitment is the process of searching for prospective employees and stimulating them to apply for jobs in the organization. No element of the career service system is more important than the recruitment policy (Wahab, 2009). Various methods of recruitment are laid down in different recruitment rules. These rules recognize three methods of appointment: first, recruitment by direct appointment through competitive examinations, second, appointment by promotion, and third, appointment by transfer or deputation (Ali, 2007:45). According to the current recruitment policy of Bangladesh, there are three means of recruitments: direct recruitment through open competitive examinations, promotion and transfer, and direct lateral recruitment (Report of Bangladesh Public Service Commission, 2004:12, quoted in Monem, 2007). Moreover, contractual appointments and appointments on ad hoc basis are also very common in Bangladesh. Here, we shall deal with contractual appointments especially from within and sometimes from outside cadres in Bangladesh civil service.

3.8 Role of Bangladesh Public Service Commission

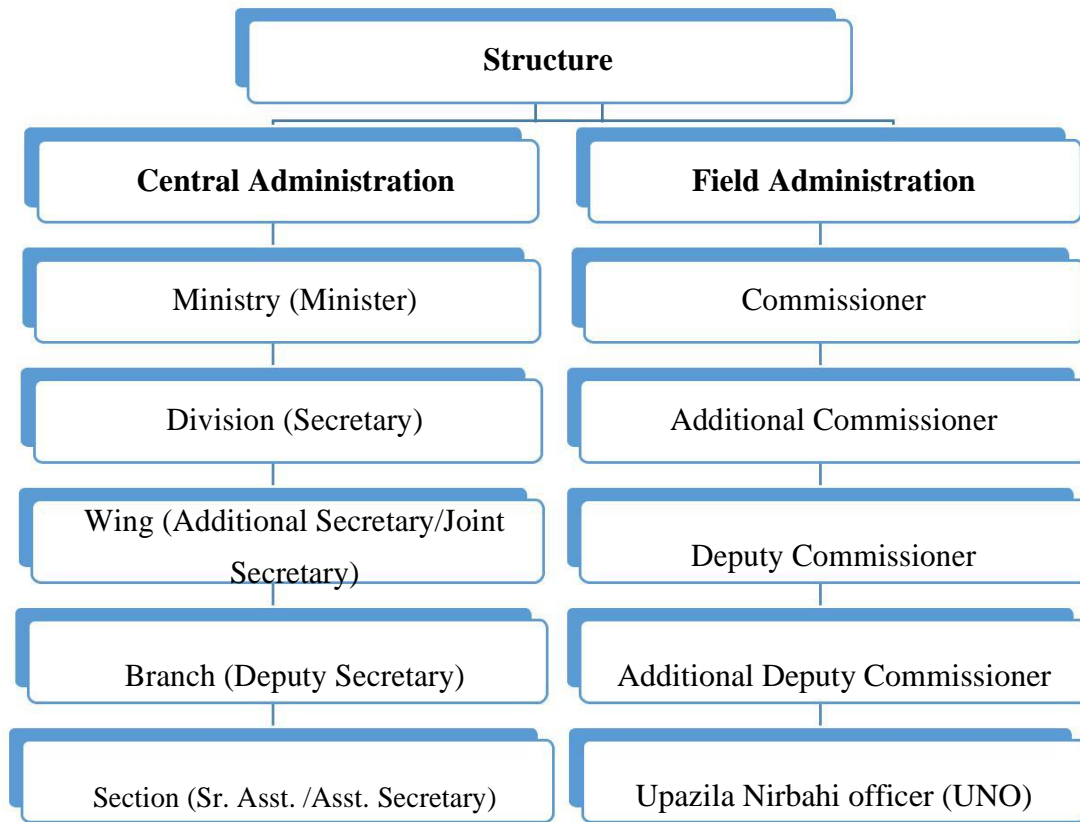
A commission called public service commission was first established in India in 1926, when it was entrusted with functions almost similar to those of its British counterpart in London, particularly in matters of recruitment of public servants of the central government of British India. Similar provincial 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 public service commission (renamed later East Pakistan Public Service Commission) came into being in East Bengal (Later named East Pakistan) in August 1947. After the emergence of Bangladesh, in April 1972, the Bangladesh government issued a legal instrument called the Bangladesh public service commission order (President's order no. 34 of 1972) which provided for the establishment of two separate public service commission (PSCs): Bangladesh public service commission (BPSC) (First) and Bangladesh public service commission (BPSC) (Second). In November 1977, the government of Bangladesh established one single PSC in place of two commissions with the promulgation of Bangladesh Public Service Commission-1977 (ordinance No. LVIT of 1977). The ordinance also fixed the number of member of BPSC between six and fifteen including the chairman (Gov. 1977). It is mentioned earlier that the constitution of Bangladesh has assigned PSC to conduct tests and examinations for the selection of suitable persons for appointments to the services of the republic. The PSC is also empowered to advise the president in framing recruitment rules, promotion and other matters related to civil service. The matters on which the President is obligated constitutionally to consult the commission include methods of recruitment, principles of appointment and promotion, principles of transfer, terms and conditions of service, and discipline. Although, he is otherwise obligated to consult the commission, there is no obligation to accept the commission's advice in all cases (Banglapedia, 2015). In the case of contractual appointments, it is no exaggeration to say that the president and the chairman of the PSC have actually nothing to do when the executive head of government – the Prime Minister – takes any decision.

3.9 Policy formulation in the secretariat of Bangladesh

The secretariat refers to a conglomerate of all ministries and divisions (Zafarullah and Khan, 2007). From the British colonial days, the Secretariat (Bangladesh equivalent of the Whitehall) has been the core of the entire public administrative process. It may be described as the nerve center of all government activities, where policies are conceived, initiated, designed and apportioned to field agencies for implementation. It is the core of the government which focuses on policy formulation and planning while implementation and execution of policies and programmes fall within the responsibilities of the executing agencies (The Third Five Year Plan, 1985-90 in Morshed, 1997). Specifically, its role is to formulate public policy; undertake administrative planning; evaluate policy and plan implementation; frame legislation, rules and regulations; formulate sectoral plans and programmes; prepare budget and control expenditure; interpret and coordinate policies; supervise personnel management of cadre personnel in ministries/divisions and higher level personnel in statutory bodies, attached departments and subordinate offices; and advice and assist ministers in their administrative duties/responsibilities vis-a-vis parliament (Zafarullah and Khan, 2007).

The allocation of functions among the ministries/divisions is made in accordance with the rules of business issued by the president in exercise of his powers conferred under article 55(b) of the constitution. Moreover, a separate document called secretaries instruction, issued by the government under rule 34(x) of the rules of business, provides the manner of disposal of government business in the secretariat and its various attached department. The Prime Minister may, whenever necessary, constitute a ministry consisting of one or more divisions. For efficient disposal of business allocated to a ministry/division, it is divided into wings, branches and sections. A wing is major sub-division of a ministry/division for conducting specified duties of a distinct nature and headed by a joint secretary or an additional secretary. A branch means several sections grouped together which is headed by a deputy secretary or an officer of equivalent rank, whereas a section is the basic working unit headed by an assistant secretary or a senior assistant secretary. The secretary is the administrative head of a ministry/division. He is responsible for its administration and discipline and for proper conduct of business assigned to it. He is also responsible for careful observance of the rules of business in his ministry/division, attached departments and subordinate offices. The implementation of the policies as adopted by the division/ministries is normally carried out by a number of executive agents as attached departments and subordinate offices (Banglapedia, 2015). As the policy-making bureaucrats (Joint secretary to Secretary) are seated at the top positions of secretariat, most contractual appointments are given at these levels. The structure of the administrative system in Bangladesh is as follows:

Figure 3: Structure of Bangladesh Civil Service



Source: Study tool, 2013

Below table will depict the total Manpower of Secretariat of Bangladesh:

Table 4: Manpower of Secretariat 2017

| Designation | Posts |
|---|-------|
| Secretary / Senior Sec. / Officer of Same Designation | 78 |
| Additional Sec. / Officer of Same Designation | 493 |
| Joint Sec. / Do | 831 |
| Deputy Sec. / Do | 1285 |
| Senior Assistant Sec. / Do | 1452 |
| Assistant Sec. / Do | 1376 |

Source: www.mopa.gov.bd.on 06.04.2017

3.10 Spoils system administration by contractual appointments

Spoils system indicates the practice of appointing applicants to public offices as a reward for their loyalty to the political party in power. It is also called patronage system where the political party winning the election rewards its campaign workers and other active supporters by appointing to government posts and by other favors. The spoils system involves political activity by public employees in support of their party and the employee's removal from office if their party loses the election (Encyclopedia Britannica, 1998). So, the contractual appointments are considered mainly the spoils system appointments. Historically, strict meritocratic recruitment to public officers has been a rare phenomenon. Patronage has instead been a very common method of appointment, and continues to be an important factor in electoral democracies (Sundell, 2012). Though both patronage and meritocracy continued in different countries, the latter was dominant in most developed civil administrations in the world. As Francis Rourke (1992) observed both the values of political responsiveness and administrative professionalism remain highly in a democratic bureaucracy (Cadena et al., 2008). Overtime, however, this practice gave way to an open recruitment system based on merit (Ali, 2011). In developed administration, contractual appointments are kept open for all, published advertisements, maintained quality of recruitment through merit and expertise. Meritocracy, the complete merit based recruitment system, reinforces the notion of equality and competence as it rejects patronage, nepotism, corruption and incompetence for entering the civil service. It is a system that values the principles of competition, open selection, careful evaluation of qualities and of having a set of qualification standards and established recruitment process, rather than arbitrary appointment of individuals to civil service positions (UNDP Global Centre for Public Service Excellence, 2015). Though, contractual appointments can't be considered totally void of merit, there is always a chance of nepotism and political patronage at least in a country like Bangladesh where the ruling parties have always been trying to continue in power by influencing top level bureaucrats.

3.11 Quota system opens up the door for contractual appointments

Quota system is always considered to be the anti-merit approach in the recruitment of any administration. Immediately after independence of Bangladesh, on 5th September, 1972, quota system was firstly institutionalized by the executive order with the signature of the then secretary of Establishment.

“In 1997, the ruling Awami League with its sentimental connection to the war which it spearheaded and, more importantly, to obtain political leverage, decided to continue the quota by extending it to the wards of FFs” (Zafarullah, 2010). The current quota system - 55% quota in class-1 and Class-2 officers - was introduced in March, 1997 (DFID, 2004, cited in Monem, 2007). And, another 1 percent quota added on 12th January 2012 for the disabled persons. So, there were only 44 percent accessible for merit-based recruitment (Islam, 2013 quoted in Ferdous, 2015). Moreover, quota has always been implemented without transparency and has allegedly been a process of politicization. The appointments under quota have never made public either by PSC or by MOPA in official documents, gazette notifications (TIB, 2007:9 quoted in Jahan, 2012). Generally, quota-appointees are unable to perform at the expected level and several times they are looked down upon by their superiors (Zafarullah, 2013). In an interview, Prof. Dr. Muntasir Mamun of Dhaka University spoke to the Daily Jugantar that the efficiency has been decreased in bureaucracy over the years for such quota (The daily Jugantor

online, October 21, 2016). In an answer to a question by the Daily Jugantor, the chairman of PSC Dr. Mohammad Sadik said that relatively less meritorious students are got more opportunities in BCS by the quota system. Therefore, it is assumed that relatively less meritocratic employment through quota at the entry level of all cadre and non-cadre services might have led to contractual appointments in administration in the future in the absence of sufficient expert officials. However, the current Awami League government has recently abolished the quota in all class-1 and class-2 cadre and non-cader services in 15th September, 2018 after the huge agitation by the university graduates of Bangladesh.

3.12 Chapter Summary

This chapter is all about the evolution of the civil service of Bangladesh together with the structure, function, recruitment process, secretariat system and regulatory framework of Bangladesh civil service. Allegedly, quota-based entry to administration creates an opportunity to contractual appointment in the future, because, there might not have enough high quality expert professionals in the higher administrative posts. Also, the chapter has provided the negative impact of spoils-system administration by clarifying that the political patronage and nepotism may always have close link with contractual appointment.

CHAPTER 4:

CONTRACTUAL APPOINTMENT: A TOOL FOR POLITICIZATION OF CIVIL SERVICE

4.1 Introduction

Contractual appointment is always considered a spoils system appointment in administrative culture. This is not always a bad idea. Outside experts may bring innovative ideas and solution to the long standing problems of administration. A certain level of contractual appointment is usually seen in different developed countries' administration. The concept of new public management accepts such outsiders and contractual appointees to bring mobility in administration. The government of Bangladesh formulated few provisions for contractual appointments. The Ministry of Public Administration (MOPA) gives contractual appointments from the retired civil and military bureaucrats, private professionals and highly expert and eligible persons from the citizens of Bangladesh under the special quota of the President. Every government wants to control the high-ups of the bureaucrats to survive and sustain in power for long. Since the democratic journey in 1991, all ruling parties have manipulated and sometimes violated the exceptional norm of contractual appointments. This chapter will try to focus on how contractual appointments and other personnel administrative decisions have been politicized over times in Bangladesh together with some glaring examples of lateral entry/contractual appointments in different countries.

4.2 Contractual Appointment as Patronage Appointment

Patronage is the power of elected and appointed officials to make partisan appointments to office or to confer contracts, honours, or other benefits on their political supporters. While subject to frequent attack from reformers, patronage has traditionally been the method by which political leaders' assure themselves a loyal support system of people who will carry out their policies and organize voters for their continued political control. The patronage appointment process is more commonly known as the spoils system (Shafritz and Russell, 2003). Politicization can also be equated with patronage. In order to tighten its hold on the administrative system or, more generally, to control the bureaucracy, the political leadership may place its favored career officials in strategic positions in the governmental hierarchy or employ outsiders on contract (often retired civil and military bureaucrats, business people or academics who have an attachment toward the ruling party). These "super bureaucrats" maintain "close links" with the political executives (Campbell and Szablowski, 1979:13 quoted in Zafarullah and Khan, 2007:239).

4.3 lateral entry/Contractual appointment in administrations of different countries

Lateral Entry means entry of outside domain experts in government structure at sufficiently senior position to allow for proper utilization of their expertise. Generally, the government can benefit by recruiting people from non-government backgrounds, or what is called lateral entry (constituting a change within an organization or a hierarchy to a position). So, lateral entry

indicates hiring outside talents, experts, highly skilled professionals into an organization especially in public sector entities where private sector expertise can be invaluable.

The idea of inducting exceptional talents from outside is not entirely new. Many developed countries co-opt outside talents/experts into their administrations. History of civil service merit system of the United States and selected foreign countries, together with executive reorganization studies and personnel recommendation (US government printing office, 1976) depicted that in the past, the British civil service was the epitome of a closed career service. Members entered at the bottom of the service and rose by promotion within it, professional life to the service. Lateral entry was very unusual there. However, in 1964 the treasury adopted a policy of bringing a limited number of recruits into the middle and upper ranks of the service; provision is also made for recruiting persons with needed scientific or technical qualifications at higher levels. Australia, Belgium, New Zealand, the UK, the Netherlands and the US identify specific senior positions that are open to appointments from a wider pool of civil servants as well as private sector executives with relevant domain experience. Lateral entrants bring their own work culture, and this enables renewal and adaption in government organization (Mehta, July 2015).

In India, contractual appointments from within and outside administration are given to a very limited extent. An article ‘Contractual appointment post-retirement not in rules’ published in 2012 demonstrated that the Department of Personnel and Training (DoPT), in its reply to Lok Sabha stated that “government servants are allowed to continue in service after 60 years in rare and exceptional cases.” It stated that all India service rules, 1958, provides for extension in service in public interest “only to the incumbents of five posts – cabinet secretary, defense secretary, home secretary, director of intelligence bureau, and director of central bureau of investigation.” On the question of promotion chances of serving officers being hampered by extensions and employment on contract of retired officials, the DoPT stated that the government is committed to ensure “promotion aspects of long-serving bureaucrats are not hampered” (Hindustan Times, 28th May, 2012). Apart from the five posts mentioned above, the government rules allow specialists in health service, scientific field, those dealing with budget works and full-time members of a committee to be wound up soon, to continue in service after retirement. Moreover, successful lateral entry have also been made into various departments like space, atomic energy, science and technology, etc., which have been headed by experts in their respective fields.

There is no ‘one size fits all solution’ solution, not in recruitment, nor in any other area of public administration (Sundell, 2012). The concept of new public management allowed managers more flexibility, bringing methods of recruitment in public sector organizations closer to those used in private sector. Many countries have therefore decentralized hiring authority and “New Public Management” paradigm which emphasize the value of private sector practices in management of public bureaucracies, including greater flexibility and decentralization of hiring practices, under the slogan “let the managers manage” (Osborne and Gaebler, 1992 quoted in Sundell, 2012). The government, instead of playing an interventionist role in various sectors, is advised to redefine its role and to transform itself into a catalyst of private investors and business institutions (Haque, 2001: 99-103 cited in Monem, 2007). However being one of the poorest countries of the world and with a malfunctioning market, the government of Bangladesh still has to play an important role in various sectors (Monem,

2007). And such appointments - lateral entry from outside the administration or contractual appointments from within the cadres - should have specific laws & rules to be followed. Sundell (2012:4) also stated that when the risk for patronage and nepotism is high, a more regulated recruitment process is preferable, otherwise, the recruiters and the political parties will distribute public jobs to unqualified persons for patronage.

4.4 Laws/Rules/Regulations for Contractual Appointment in Bangladesh

There are few set rules and regulations for contractual appointments in some vital administrative posts like divisions, directorates, departments, corporations, autonomous, semi-autonomous and other government entities. The public servants (Retirement) Act-1974 & Rules-1975 declares about the contractual appointment in only special cases. The act consolidates and amends the law relating to the retirement of public servants. The Government has been given power to make rules under section 11 of this Act. Under this rule a government servant must retire from service on attainment of 57 years (Now 59 years amended on 2012) of age. In fact leave preparatory to retirement (LPR) for a period of one year is allowed to an employee, from the date of superannuation, provided that such leave is earned/accumulated to his credit and he finally retires at the attainment of 58 (now 60) years of age.

Re-appointment or extension of service under this rule is completely prohibited. However, the President, in the interest of Public service has extraordinary powers to appoint any suitable person on a contract basis for which there is no age-bar. For public interest, the government may also ask an employee to retire from service without showing any reason when he has completed 25 years of service. Similarly, a government servant may also opt to retire at this stage of service of which prayer (petition) with 30 days' notice is to be given to the appointing authority.

As per establishment Manual, volume-1, Chapter-1, Cha, "Chukti Bhittik Niyog" (Contractual Appointment), there are some articles regarding contractual appointments where terms and conditions for such appointments are clarified with the title "Oboshor Grohoner Shadharon Boyosh Shima Otkromer Por chukti Bhittik Niyog Proshonge" (The context of contractual appointment after the superannuation of general age limit of retirement). The below box-1 and 2 has these information.

Box 1: Total Articles of Contractual Appointments: 18 (2-19)

(Only the related articles are mentioned in the box-1)

Article-2: Article no. 2 declares that only the posts where comparatively more eligible and expert specialists on technical matters are rare, they may be given contractual appointments after retirement.

But in other cases, where eligible persons are found, the available usage of such rule is not desirable.

Article-3: circular Relating to contractual Appointment (Establishment) Division, Memorandum No. Shong. Sho. 3/A 1-119/75-333(100) Dated Dhaka 19-5-1975.

Article-4: It indicates that the junior officers are not trained up properly.

Article-5: Necessary actions for replacing, the senior officers by the junior officers.

Article-6: Government's unwillingness to appoint contractually and suggestions to prepare the junior ones by necessary training and support.

Article-7: Circular relating to above Article (Establishment Division Memorandum No. E.D/A2-3/76-54 dated 26-1-1976).

Article-8: As per Article No. 4 of the public servants (Retirement) Act 1974, all servants after the age of 57 (Now 59) have to go for retirement and article 5(3) of the same Act declares that by the approval of the honorable president, any such employee after superannuation may be given contractual appointment for the public interest. As per circular NO. E.D. A1-119/75-333(100) dated 19-5-1975 only specialists may be given contractual appointments in Ministry/Division/Department/Body etc. where it is difficult to get comparatively more eligible and efficient Technical experts.

Article -9-13: Procedures to apply for contractual appointments.

Article -14: Various circulars by the government.

- E.D (R-4) 1E-61/74-42b dated 18-12-1974.
- Circular No. So. Bi/A1-119/75-333(100) dated Dhaka 19th may 1975.
- Circular No. So. Bi /A2-3/76-54, dated 26-01-1976
- Memo. NO. Ed (R-4) 1E-47 /76-56, dated 24-06-1976.

Article -15: All circulars relation to it are to be carefully watched by all concern.

Article-16-19: Procedures for contractual Appointments by Ministry/ Division/ Department/ Bodies etc.

Source: Establishment Manual, volume-1, Chapter-1, Cha, Chukti Bhattik Niyog (Contractual Appointment) P-541-566.

Depending on public servants Retirement Act 1974, the then Ministry of Establishment (currently Ministry of Public Administration) promulgated an SRO (Statutory Regulatory Order) No. 261-Air/89/98 Bidhi-217-7-89 in 1989 which declares a rule for 10% contractual appointments/deputations in each level from Deputy secretary to secretary by the special authority of the honorable President (The Daily Prothom Alo, July 26, 2011 & the Daily Ittefaq, September 17, 2014).

4.4.1 Eligibility for contractual appointments:

Box 2: Eligible Persons for contractual appointments

- 1) As per circular No. ED, B/A1-119/75-333(100) dated Dhaka 15-05-1975:
All cadre officials after their superannuation (general retirement age) may be contractually appointed.
- 2) As per memorandum of Establishment ministry No. SoM. (Bidhi-4) - Bibidah 6/87-3 (200) Dated 16th January 1988/1 la Magh, 1394:
Contractual appointments for the posts of Chairman, Managing Director, Director of Statutory bodies, State Owned Enterprises /institutions-
 - a) Senior management executives of statutory bodies/state owned enterprise/institutions.
 - b) In-service civil and military officers.
 - c) Retired civil and military officials.
 - d) Especially eligible persons from the mass people.

Source: Establishment Manual, Vol-1, chapter -1, cha, Ministry of Establishment, Bidhi shakha-4, pp-553.

It is known from various newspaper sources that retired civil and military officers, pro-government politicians, artists, literary men, journalists, NGO (Non-Government Organization) activists and various professional men have been given priority for giving contractual appointments. As the system of parliamentary democracy, it is clear that by the instruction of the Prime Minister, the honourable President of Bangladesh may give contractual appointments to any person while he thinks necessary.

4.5 Political Control over Bureaucracy

The Bureaucratic responsibility in a democracy largely depends on the existing politics-administration relationship. The scholars of public administration, especially Woodrow Wilson among others who have vast knowledge on politics, have taken numerous efforts to define this relationship. Initially, a politics-administration dichotomy model was proposed which differentiated the role of the elected officials and the administrations - the former would be engaged only in shaping policies and the latter would only ensure the effective and efficient implementation of these policies (Khair, 2012). However, over time, the dichotomy model was rejected on the ground that politics and administration are not two mutually exclusive boxes, or absolute distinctions, but they are two closely linked aspects of the same process (Friedrich, 1971:401 quoted in Khair, 2012).

The concept of political control of civil service is an admitted fact in any democratic system. The concept hinges on the premise that the elected party having the required majority to form government will be responsible for governance. At the same time, the time honored and established practice requires that the party in power is to be aided by permanent officials of the

state. The extent of political control is to be exercised by and under laws, rules and regulations adopted for the purpose. This means that political control is to be guided and governed by an appropriate regulatory framework (Ali, 2016). In both developed and developing political system, the basis of political control of civil servants rests on the perception that each political party has its own programmes and policies that are to be implemented if voted to power. This requires a corps of civil servants which is a true believer in its political ideology (Ali, 2011).

In a real democracy, the degree of political control is not a major issue. The reason is that the politicians in power obey the established rules and regulations, but in developing political democracy, this situation is almost opposite. Every regime change made the bureaucracy vulnerable and from this perspectives, the bureaucracies of transitional democracies had to go through at least two regime-shifts and at the same time, as they are dealt with by political leaders in abrupt, dramatic or disruptive way getting out of this vulnerable situation becomes difficult for the institution (Carino, 2001 quoted in Khair, 2012). But the situation of Bangladesh civil service is far worse than any other transitional bureaucracy in the world. Since democratic journey in 1991 to till date, depending on the visible loyalty to the party in power, civil servants have been rewarded or punished. Evidence of trend has been reported by the media but to no effect (Ali, 2011). When political leaders come into power, they make every effort to take control of the bureaucracy to serve narrow political ends. This controlling process is done at the price of the neutral competence of the bureaucracy and undermines greater public interest. Thus, the vulnerability and persistence of the vulnerability make political intervention inevitable, which eventually destroys the neutral competence of the bureaucracy as an institution. The case of Bangladesh shows that this political intervention often trickles down from the central level to the street level bureaucracy and creates an impact on the authority and power of the bureaucrats. As a result, when the bureaucracy lacks its neutral competence, it becomes difficult for the institution to effectively perform its duties, i.e. to suggest the most effective way of designing and implementing democracy often disrupts and/or destroys the necessary political institutions which act as safeguards for the bureaucracy. The case is not that different for Bangladesh. Here, the democratic practices have resulted in a winner takes all syndrome where politicians make every effort to capture the state to reap its political gains. In order to do so, the parties often show their inertia to develop safeguards for the bureaucracy or they even take steps to undermine the existing safeguards. In Bangladesh, there is no whistle-blowing protection act for the bureaucrats and at the same time, their job security is often not ensured and vulnerable to political pressures (Khair, 2012). It is the only narrow partisan politics of Bangladesh which never allowed the bureaucracy to build itself as an ideal, efficient, effective and skilled institution mostly responsible for ensuring governance.

4.6 Politicized personnel administration in Bangladesh civil service (Promotion, OSD, Forced retirement and Transfer etc.)

In Bangladesh, every government tries to make the administration in favour of ruling parties' political ideology. While this phenomenon is common in almost all countries, it has taken an ugly turn here and its ramifications are detrimental to the basics of administration. There are basically two aspects of politicization. One aspect relates to politicization of the service delivery system in that loyalty based on clientele's nexus gets preference in the system. The other aspect relates to how public servants are politicized for petty party or sectional interests (Zafarullah and Khan, 2001; Khan, 1998, Siddiqui, 1996, cited in Sarker, 2004). Both ruling

and opposition parties may have their points of contact in the bureaucracy and partisan bureaucrats maintain clandestine links with parties providing them with information and advice (Aberbach et al, 1981, cited in Khan and Zafarullah, 2007). A partisan bureaucrat can use legitimate authority and exercise discretion to favour party supporters in obtaining benefits from the administration (Riggs, 1969:259). In Bangladesh, politicization of bureaucracy - the issue has been described a lot of times in this discourse - occurs in several forms like contractual appointments, forced retirements, frequent OSD and transfer, formation of PSC by the likeminded people of government and quota system recruitment as well. Democratic governments manipulate the civil bureaucracy, and create the platform of breaching rules and regulations: civil administration becomes the house of instability hindering performance of the bureaucrats. Fear of political retribution has gripped many officials in both central and field administration adversely affecting the presentation of the civil bureaucracy (NGK, 2010). There was wide perception of having conscious effort to promote civil servants loyal to the party and government in power at the cost of professionalism. Parties in power are often blamed for trying to create party-men in the civil service through promotion and posting based on patronage (Khan, 1998; Jahan, 2006; Jahangir, 2010; cited in Rabi and As-saber, 2012). Due to widespread politicization, it is now generally perceived that bureaucracy has been divided into pro-AL and pro-BNP groups. As a result, every government tries to recruit its supporters in the civil services. Thus supporters of the ruling party are getting promotion while others are frequently made Officers on Special Duty (OSD). In fact, politicization of civil service has become institutionalized in such a way that the governments think seriously about the composition of the public service commission (PSC). This is done with the expectation that the PSC would recruit supporters of the ruling party (Pandy, May 2012). Given the immense pressure of politicization by the successive governments, many of the neutral and efficient officials fell in dilemma and sometimes they lost their neutrality being scapegoats of the vicissitude of the political governments. As Anisuzzaman (1986) wrote that “another level of bureaucratic politics, civil servants strive for career advancement or obtaining extra benefits for themselves by direct intervention. Here, they operate in their individual capacities and not as members of any cadres. However, they may utilize their cadre affiliations or their political connections in promoting their case”. It’s the ‘Tadbir’ (personal lobbying) which becomes a critical factor in achieving their objectives. This normally happens in gaining extensions after retirement, overseas scholarships, lucrative positions in international organizations and transfers to government agencies or public corporation of their choice. After Bangladesh achieved independence, the Awami League (AL) leadership made the bureaucracy one of the principal targets for its attacks, determined to reduce its powers and privileges and make it subservient to the ruling party’s political will. In the name of wiping out bureaucratic malfeasance and ensuring responsibility in the administration, promotions criteria were ignored, new appointments were made on irrational bases and dismissals were decided capriciously (Khan and Zafarullah, 1983). Sympathizers and supporters of the ruling party, and particularly those who had fled the country during the 1971 war of liberation and sought refuge in India, become the beneficiaries of a peculiar spoils system (Khan and Zafarullah, 2007:25). Public servants in key positions in the secretariat and public enterprises replaced political appointees and they began to handle the bulk of the decisions made (Ahmed, 1980:163-64).

During the Awami League (AL) regime (1972-75) a deliberate attempt was made to alienate the bureaucracy. Immediately after liberation many senior Bengali civil servants were removed or downgraded for alleged collaboration with the Pakistan army during the liberation war.

Inexperienced and even corrupt officials took over high positions through political patronage. An established rule of seniority was violated by giving promotions and important positions to midlevel and junior officers, whose only qualification was that they had fled to India and been closed to the government in exile. Many senior Bengali officers who were detained in Pakistan until 1974 did not service due positions when they returned to Bangladesh (Rashiduzzaman, 1997). And thus the entire bureaucracy got negatively politicized rather than making it a perfect state engine to drive the nation.

From 1975 to 1990, there were military rule in various forms in Bangladesh. The military authority needed the support of the civil bureaucracy, and the civil bureaucracy strengthened its position in return for supporting the military regime. The civil bureaucracy's power continued to expand because its organizational strength and managerial skills were essential for supporting successive governments (Monem, 2007). Senior bureaucrats were appointed members of presidential advisory council immediately after the two military takeovers in 1975 and 1982. They were assigned the more important ministerial portfolios because of their expertise and experience in administration. Also they were placed on important advisory committees and made members of reform planning bodies. This gave them the power to significantly influence almost all governmental decisions (Zafarullah and Khan, 2007). Moreover, there were also nepotism in joining to the higher prestigious posts. Supporters or hangers-on of the two military regimes - Zia era (1975– 1981) & Ershad era (1982 – 1990) - were given lucrative assignments in Bangladesh missions overseas in total disregard to the claims for those positions by career foreign service personnel. Zia began the practice and Ershad institutionalized it. This form of patronage had a pernicious effect on the morale of civil servants. In this period, the elite bureaucrats appointed during Pakistan period were reestablished in the higher posts and many of the military bureaucrats were given the top posts of various divisions, departments, directorates, corporations, field administrations of foreign and police department and so on. And after the competition of their services, many of the highly ambitious civil and military bureaucrats joined the politics of BNP (Bangladesh nationalist party) and JP (Jatio Party). So, it is apparently clear that in the name of neutral competence, they actually showed the political loyalty to the government (Kalimullah and Hasan, May 2014).

With the inception of democratic voyage in 1991, the people expected that the government of Bangladesh would keep its administration neutral, free from politicization and of course, a full merit based entity. But, unfortunately the then BNP government did not do so. The democratic era in Bangladesh has witnessed massive politicization but it was not to gain efficiency and increase effectiveness. Rather, the primary emphasis was placed on recruiting party-men bureaucrats at times ignoring their qualifications. In first five years of democracy -1991 to 1996 - the BNP ruled the country. Politicization appeared in various forms including the placement of party loyalists in important civil service positions. Also, the government tried to manipulate the recruitment process of the civil service by letting in candidates with links to student wing of the party (Zafaulah, 1997 quoted in Monem, 2007). On February 8, 1992, the government decided to promote as many as 654 officials, which created a lot of controversy (The Daily Sangbad, June 2, 2000 cited in Monem, 2007). From 1991 to 1996, the government issued orders of forced retirement of at least 51 civil servants; most of them were never shown any reason for this order (Karim, 1996:30). As per Public Servants (Retirement) Act, Article No. 9(2), the government can give forced retirement to any employee after his/her 25 years of service without showing any reason. Force retirement before the age of superannuation still

remains a handy tool for political victimization of civil servants who are perceived to lack in loyalty to the party in power. Worse still, the deep seated trend is to reinstate such civil servants by another party which comes to power. This was done on the plea that when another political party was in power, a group of civil servants were unjustly deprived of promotions due to them. This cycle of setting wrongs' right goes on. In the process of seeking support of politics of power by civil servants for promotion has taken deep roots in civil bureaucracy (Ali, 2011).

After coming in power in 1996, the Awami League government continued the process of politicization. A good number of senior civil servants in the end of BNP government's tenure in 1996 were directly involved in a movement to remove the democratically elected BNP government through 'Janatar Mancha' - an anti-government platform made by several bureaucrats to overthrow the then BNP government - which was the gross violation of civil service conduct rules and the first ever blatant political stand by the pro-Awami League bureaucrats after democracy in 1991. The Awami League, the party that came to power due to that movement, decided to reward to those civil servants by including one of them in their ministry and by promoting the others (Haque and Rahman, 2003: 411-12 cited in Jahan, 2006).

In 1996, 242 officers (from assistant secretary to secretary) were given promotions, but all of them were officers on special duty (OSD). Moreover, the vacant posts were half the total promotion (The Daily Ajker Kgoj, December 4, 1996). In 1997, the police administration was in turmoil where promotions, postings, and transfers were given illegally. 4 Junior DIGs (Deputy Inspector General) were promoted as additional IG (Inspector General) avoiding 9 senior DIGs and 2 junior SPs (Superintendent of Police) were also promoted depriving at least 20-22 senior SPs. From a neutral source of police, it is known that at least 20 skilled and meritorious officers were transferred from Dhaka to different remote areas for only political interest (The Daily Ajker Kagoj, August 17, 1997). It is also seen in 1998 that at least 12 senior police officers were given forced retirement and at least 70 more officers were in the queue to be retired forcibly. All these work done for ill-political motive though the government termed it as reorganization of police administration (The daily Ajker Kagoj, December 30, 1998).

In 2001, the government decided to promote as many as 355 officials depriving many competent officials of promotion, as the government was not sure about their political loyalty - a violation of seniority (The Daily Prothom Alo, January 14, 2001 cited in Monem, 2007). Also in 2001, just few months before the election of parliaments, a massive reshuffle and appointments of new DCs (Deputy Commissioners) in 31 districts created question among the common people. Since the DCs, will act as returning officers during the election, it is not beyond question that the party in power has done the work for their illegal motive – working in the election in favour of the ruling party (The Daily Prothom Alo, March 21, 2001). Another report published on mid-June 2001, the Awami League government did an unprecedented work by giving huge appointments only in the month of May considering the upcoming election. A total of 101 UNOs (Upajila Nirbahi Officers), 128 ADCs (Additional Deputy commissioners), 48 DCs (Deputy Commissioners) and 4 Divisional commissioners were appointed in different places. Two (2) ADCs in each of all 64 districts have been also been appointed. All changes are done considering the upcoming election and of course to gain illegal political advantage by the posting of like-minded field level civil servants of the party in power (The Daily ProthomAlo, June 15, 2001). After the parliament election on October 1, 2001, the previous chief of caretaker Government (CTG) said that the Awami League government gave a huge

number (at least 6 hundred) of promotion at different levels of administration for getting undue advantages from it. Such activities created a widespread controversy in the country (The daily Janakanth, January 06, 2002). In October, 2001, the BNP formed the government and maintain firm control over the bureaucracy by making it highly politicized. OSDs, forced retirements, contractual appointments and illegal promotions were very much common in this five-year period. Immediately after coming into power, the BNP (Bangladesh Nationalist Party)-led four party alliance government gave force retirements and OSDs to a number of 36 Additional IGs, DIGs, and SPs (The Daily Janakantha, November 21, 2001). Another report was published by criticizing the BNP-led four party alliance government that the government has been running with double-policy, in one side, there is prize posting and on the other hand, a blue-print of forced retirement to anti-BNP supporters in the government (The Daily Janakantha, November 22, 2001). In the name of reshuffling the administration, the government gave huge transfers and OSDs which created a panic among the employees. To get safe from OSD and transfer in administration, officers had to pay bribe of tk. 20 lac to 50 lac to the powerful political persons of the party in power. Specially, police and administration cadre were the worse effected (The Daily Janakantha, December 8, 2001).

In the first 56 days of the BNP led alliance government, from the top post of secretary to the lowest post of senior assistant secretary, more than one hundred forced retired and OSDs, more than two hundred officials were transferred in different places. By this time, senior officials of administration and police department (totaling 50 officials) were forcibly retired or dismissed their contractual appointments. In the name of mopping up the partisan officials, the government has started to give important postings to the like-minded and partisan officers (Daily Prothom Alo, December 6, 2001). Before the completion of one year tenure, the BNP Government gave 82 employee of 1973 freedom fighter batch a forced retirement who have been alleged with the formation of ‘Janatar Mancha’, and 300 employees were given ‘show cause’ notice in this connection (The Daily Jankantha, April 09, 2002). In 2002, a report published in several newspapers that in terms of promotion merit is not only the eligibility to be promoted in senior ranks rather family and political background has been the vital issue. Total 170 posts of Deputy Secretary and 120 post of Joint secretary have been kept vacant for not getting politically like -minded people by the government (The Daily Janakanth, April 17, 2002). In 2005, the national pay commission opined that promotion, transfer and OSD are given by political influence and individual relationship (The Daily Prothom Alo, January 15, 2005). “Allegedly, promotion decisions are no longer being made according to seniority or merit, rather importance is given to party loyalty; this is causing a severe damage to the morale of the civil servants”(The Daily star, July 17, 2006, quoted in Monem, 2007).

The number of total OSDs at the time when four parties-led the democratic government left the power were 755. The below table will clarify it:

Table 5: Number of OSD in 2006

| Designation | Numbers |
|-----------------------------------|------------|
| Secretary | 23 |
| Additional Secretary | 27 |
| Joint secretary | 64 |
| Deputy Secretary | 601 |
| Senior Assistant Secretary | 40 |
| Total | 755 |

Source: The Daily Prothom Alo, 17 November, 2009.

It is reported that the government has initiated a new process of politicization. With the consent of Prime Minister's office (PMO), an unofficial cell was created to make sure that no civil servant who is or was sympathetic to Awami League is promoted (Khan, 2003:402-03 quoted in Monem, 2007). The SSB (Superior Selection Board) was dysfunctional in actual sense. The decisions are made by the PMO and the SSB's only duty is to approve the list supplied by the PMO (Prime Minister's Office) (The Daily Janakantha, May 5, 2006 quoted in Monem, 2007).

The period of caretaker Government (CTG) in 2007-2008, gave a neutral environment to the civil servants and tried to regain the actual image of an ideal country's civil service as much as possible. In 2007, the editorial column of the Daily Prothom Alo stated that it is difficult to bring back the image of the civil service of Bangladesh after a huge margin of politicization and partisan politics. In the previous year, many of the employees did not work or sometimes were not given to work going beyond the partisan politics or political loyalty in a democratic society. Unfortunately, after 1990, the way Bangladesh started its new journey to democracy, it was not expected to have such a worst politicized administration. All successive governments politicized the administration in the form of various means only on the basis of loyalty to party in power and used the administration in the interest of their party politics and to come in power over and over again showing a total disregard to the interest of mass people (The Daily Prothom Alo, March 06, 2007). In a secretariat meeting, Kazi M. Aminul Islam, the secretary to the chief advisor's office, requested the civil servants to brighten the image of the government and earn peoples' appreciation through improving performance. The total administration was engaged in their routine task for arranging a free and fair election (The Daily Star, April 29, 2008). In a meeting, the then chief advisor to the Caretaker Government (CTG) Dr. Fakhruddin Ahmed asked the country's top bureaucrats to overcome "partisan" concerns and concentrate on holding free, fair and credible elections (The Daily Star, April 19, 2008). So, it is seen that the CTG tried to run the administration with neutrality till the next parliament election.

After the landslide victory of Awami League in December, 2008 parliament election, once again, they started to politicize the whole administration exceeding the all previous records of politicization. From 2009 to 2012, there were almost 600 OSD officials. They had no desk and work. Yet, the government had to spend almost tk. 3 crore per-months for salary and other remuneration (The Daily Amardesh online, October 20, 2013). A Statement published in The

Daily Star that “this iniquitous instrument had been wielded by every political party that came to power, in lesser or greater degree. Perhaps, it is only in Bangladesh that one would find employees of the republic being paid for doing nothing at all. It has been a blatant attempt to politicize the administration, little realizing that this would sap the innate strength of the civil servants, that of unquestioned loyalty to the state” (The Daily Star, August 19, 2009). According to the rules promulgated in November 1986, an officer can be made OSD for five grounds only, such as misconduct, during leave for more than 2 months, officers awaiting training, OSD-pending posting after returning from foreign training and unavoidable administrative necessity. But during the present Awami League regime, officers are being made OSDs on the basis of their alleged political identity towards BNP.

During 2009- to October 2012, at least 1906 employees (Deputy Secretary to Secretary) were given promotion. Among them there were 60 secretaries, 293 Additional secretaries, 688 joint secretaries and 865 deputy secretaries. On January 25, 2006, in the first month after coming into power, 7 officers have been promoted as secretary depriving some skilled and efficient officers. On 27th January, after two days of previous promotion, 72 officials were got promoted depriving many others. These were, allegedly, also the matter of politicization. In 2011, the government gave promotions of 503 officers (from deputy secretary to additional secretary) depriving at least 553 eligible officers. Even most of the deprived officers were in the top-list of merit. On October this year, 43 officials were given promotion as additional secretary and secretary by depriving many others (Chowdhury, January 2013).

It is seen that the overall promotions were many more than the total vacant posts. The below table will show the picture of it:

Table 6: Promotion Galore against the vacant posts on January 8, 2013

| Designation | Serving Currently | Total Posts | Excess | Shortage officials |
|----------------------------|-------------------|-------------|--------|--------------------|
| Add. secretary | 271 | 107 | 164 | - |
| Joint secretary | 630 | 430 | 200 | - |
| Deputy secretary | 1526 | 830 | 696 | - |
| Senior Assistant secretary | 1403 | 1774 | - | 371 |
| Assistant secretary | 758 | 2095 | - | 1333 |

Source: Abridged from Chowdhury, January 2013.

Above table no. 6 shows that from deputy secretary to additional secretary, there are a lot of excess officials but in the lower two posts of assistant secretary and senior assistant secretary, there are huge shortage of officials. These two states - excess and shortage - can never be sound for running a good administration. Furthermore, excessive promotions at the top levels indicate the act of satisfying and controlling the high officials for supporting the ruling party. Former cabinet secretary Ali Imam Majumder told the Daily Prothom Alo that deprived officials must be promoted. It is their right. But it would not be right to promote anyone without vacant posts (Sharifuzaman, 2016). In an interview taken by BBC (British Broadcasting Corporation) on the occasion of International Public Administration day, the former top official of Bangladesh civil service, Dr. Akbar Ali Khan said that no place of administration has been kept free from politicization. Recruitment, appointment, posting, promotion and even in the extension of tenure, politicization is extensive. In a word, the administration is totally politicized. In this period of 5 years, the Awami League government gave forced retirement to many, at least 250 employees were given contractual appointments throughout the tenure, among them almost 100 from Bangladesh Military service.

The article no. 5(6) of 2009 election manifesto of Awami League declared that all recruitments and promotions of administration would be confirmed on the basis of merit, efficiency and seniority for establishing a partisan free and public oriented inclusive administration (Sarker, July 2011). Unfortunately, they did not keep their words and continued the corrupted path of the previous governments; even they did worse than what happened before and continued administrative politicization after coming in power by a most controversial election of 2014. There were about twice the number of officers in the public administration than the as usual posts. As a result, the top level of administration is becoming abnormally heavy. On the other hand, the number of officials at the lower level was totally inadequate. The public administration has thus lost balance. In that period, 2573 officers in the public administration of additional secretary, joint secretary and deputy secretary level. There were only 1367 post in these three levels, meaning a surplus of 1206. It means that even there were no posts, officers will be promoted but have to carry out their same old duties. The number of public

administration officers stood at 5438. Over the past seven years about 2500 officers have been promoted. On the other hand, there is an inadequate number of officers at the lower level of the administration. There were 1390 senior assistant secretaries against a total of 2000 posts and 1409 assistant secretaries (assistant commissioners at the field level). Over 500 more officers were needed at this level. Presently, most of the officers in the public administration are of the ruling party ilk. They lead the administration and are placed in the key positions. The few officers, who are not of the ruling camp, have been sidelined and made OSDs with unimportant postings (Sharifuzzaman, February 2016). Still there are some good officials who are not partisans and never bother about their postings and promotions. It is the political parties who have made the bureaucrats' life uncertain and unpredictable. Even those bureaucrats who intend to remain neutral and climb the ladder of success through hard labour and performance are denied these opportunities.

4.7 Contractual Appointments in Bangladesh

The Mujib Era (1971-1975)

After independence, the political leaders desperately tried to control and rearrange the civil bureaucracy in the name of bringing responsiveness to the people of Bangladesh from so-called elitist status. During this period (1971-75), the recruitment system was unplanned, awkward and lacked serious commitment on the part of those at the helm of state affairs. The absence of a clear recruitment policy led to whimsical and incremental decisions on appointment. No public personnel planning was undertaken and ad hoc basis arrangements regulated the induction of personnel at the base level of higher civil service (Zafarullah & Khan, 2007:131). During this period, the partisan influence over the bureaucracy was pervasive. Bureaucrats particularly those at the senior levels have been involved in politics since the independence in 1971. The close relationship between the top leaders of the Awami League, the party that led the movement for independence and those civil servants who had crossed the border and sought refuge in India in forming the "government in exile" (also known as Mujibnagar government) was one of the most important factors in opening the bureaucracy to direct political influence as well as in culturing bureaucrats to foster political ambitions. The number of the civil servants supporting the Mujibnagar government was small, neither were they senior to those officers who remained inside the country. The so-called patriotic bureaucrats convinced the ones who should be in command of the civil service in the new nation. Their attempt initially succeeded as the government gave them accelerated promotions, graded them higher or seniority lists, placed them in key positions of administration and enhanced their salaries and benefits (Zafarullah and Khan, 2007:254-255).

On the other hand, hundreds of efficient and honest bureaucrats were given forced retirement for their alleged collaboration with Pakistan Army. Within a month of independence a large number of senior civil servants, suspected for their political orientation by the political executive, were forcibly retired under the special presidential orders - PO-9 and PO-97 - that provided for the dismissal of any officer without the right of appeal. This practice continued until the end of 1974 when arbitrary dismissal become a common feature. This injudicious action of the government to patronize a special group of civil servants at the expense of others sowed the seeds of factionalism within the bureaucracy as these patriot ones formed their own association styled "the Mujibnagar Government Officers/Employees Association (MGOEA)"

to get their vested interest through direct support to the government. In fact, contractual appointments were not seen in this period but a lot of lateral entries were given to the political sympathizers. The estranged bureaucrats were inducted laterally to a large number of party sympathizers and supporters to high ranks in the civil service. In most of the cases, these entrants had little or no experience in administrative matters, and instead they complicated the administrative matters and obstructed providing quality leaderships; they can only perform the nominal functions of the bureaucratic machine. The hiatus between political appointees and career bureaucrats rapidly widened, making the implementation of political decisions complex. The net result: administrative efficiency declined, the quality of insubordination became an administrative nuisance that thrived in an environment of distrust and hostility (Zafarullah & Khan, 2007: 255-256).

The Military Regime (1975-1990)

Zia and Ershad Government

Immediately after taking over the power by military government, the inception of appointing military officers into civil bureaucracy on deputation or as lateral entrants was initiated. This system continued during the two military rules of Ziaur Rahman and H.M. Ershad (The daily Prothom Alo, January 31, 2010). The military-bureaucracy relationship was mutually advantageous and reinforcing for both groups. The bureaucrats were more comfortable in an impersonal and formal work environment and in a similar way the military high-ups found it convenient to utilize the bureaucracy to hand on to power. Senior bureaucrats were appointed members of Presidential Advisory councils immediately after the two military take overs in 1975 and 1982. They were assigned to more important ministerial portfolios because of their 'expertise' and 'experience' in administration (Zafarullah and Khan, 2007: 257). In this two regimes lateral entry/deputation/contractual appointments of the military officials were in euphoria.

The Democratic Inception

BNP Government (1991-1996)

After 15 years of military rule, the BNP government started to politicize the administration in various forms. In connection to partisan politics, the BNP government gave several contractual appointments at the higher administration of the government. BNP Government also continued the trend of military induction into civil bureaucracy. In January 1991, there were so far 20 employees of different level of administration - senior assistant secretary to secretary - on contract basis, among them the cabinet secretary, chief secretary to the prime minister and the president, secretary of different ministries, additional secretary to Ministry of Sports, divisional commissioner of Rajshahi, Chairman of RAJUK, senior diplomat - ex-minister (press) in Belgium, senior diplomat in Pakistan Embassy, director of BADC (finance), director (Joint Secretary) to the then Anti-Corruption Bureau, District Ansar-VDP Adjutant etc. A few of them were for at least 1 year on contract but most of them for 2 years and few for 3 years contract. Several retired Army officers were on contract mostly after their retirement in different corporations, bodies and institutions of Government like director of BISIC, Bangladesh Computer Council, Industries Development Corporation, DG to Department of

Relief and Rehabilitation, member of Anti-Corruption Bureau, Director to Supply and Monitoring Department, Chairman of Bangladesh Steel and Engineering Corporation, Executive Director of Bangladesh Parjatan Corporation and the Chairman of BEPZ etc. Besides, outside experts like professors of different Universities, retired judges of High Court, especially eligible persons from different spheres of private sectors were also contractually appointed in different ministries, divisions, departments, corporations, semi-autonomous and autonomous bodies and institutions etc. Few instances are: a politically-biased person as the President's Press secretary, a CU professor of Bangla department appointed as director of Nazrul Institute, a CEO of B. Alam Co. and a Professor of DU economics department were appointed to the Ministry of Labour and Manpower and Chairman of Bangladesh Shishu Academy, a journalist as first secretary (press) to Calcutta, Managing director of BBS, Chairman of BIWTC, secretary to film and publications Department, Chairman of Wage Board, Chairman of BISS (Bangladesh Inst. of International and Strategic Studies) were given contractual appointments at least for one year each. The government also tried to appoint experts on contract for several projects in various areas of the country, like the project of massive agriculture rehabilitation on the southern districts of Bangladesh. In this project, a deputy director of its implementation unit was also appointed on contract for two years. Besides, the retired judges of High Court division were also appointed on contract as members of Tax Tribunal. The below table will provide the actual statistics of contractual appointments in 1991.

Table 7: Contractual Appointment in 1991

| Classification of Appointees | Number |
|--|--------|
| Rtd. Sr. Asstt. Secretary to Secretary | 11 |
| Rtd. Army Officers | 14 |
| Others | 28 |
| Total | 53 |

Source: Bangladesh Gazette, 1991.

In April 1992, a joint secretary who was on LPR, was appointed on contract for 2 years with the same designation in Road and Transport Division after cancelling his preparatory leave to retirement. In 1992-93, the government gave contractual appointments to an Additional I.G. (Inspector General) and three DIGs (Deputy Inspector General) of police from military personnel, later they have been given force retirement by the Awami League government coming into power in 1996 (The Daily Ittefaq, October 7, 1998). In January 1994, a secretary, was also in LPR, was appointed in contract for 2 years with his same designation as a Secretary to the Ministry of Jute. In 26th November 1994, a retired additional secretary also appointed on contract for two years as the chairman of Turnover Tax Commission (Bangladesh Gazette, December 15, 1994). In 1995, the retired chief secretary to the Prime Minister's Office for 1 year, a retired additional secretary to Privatization Board for 2 years, a retired joint secretary to Ministry of Law, Judgment and Parliamentary Affairs for 2 years, a retired joint secretary and a senior assistant secretary for few months to Jatio Sangsad Secretariat, the retired secretary

to Ministry of Establishment (presently MOPA) for 2 years, a retired additional secretary of Finance Division as a permanent member of Administrative Reorganization Committee and several others were appointed contractually. In June 1995, a secretary was given contractual appointment as rector of BPATC (Bangladesh public Administration Training Center), earlier he was also contractually appointed in EC (Election Commission) (The Daily Ajker Kagoj, June 25, 1995). And among other vital posts where the BNP government appointed contractually are the chief secretary to Prime Minister, home secretary, Finance secretary and the governor of Bangladesh Bank (Rahman, May 2015). So, it appears that during the first 5 years of BNP government, there were as many as 217 retired senior cadre and non-cadre officers, retired army officers, retired Judges, professors of different universities, journalists, political persons and professionals from different private organizations were contractually appointed for 1/2/3 years (Bangladesh Gazette, 1992-1995). It seems that the BNP government was, sometimes, bound to reappoint the retired experts on contract in different senior administrative posts without having available qualified personnel in Bangladesh Civil Service. Besides, immediately after Military rule in 1991, many of the retired Army officers were on contract in various civil administrative posts either they were here from Military rule before 1991 or for their indirect influence on civil administration. The Government continued contractual appointments to several vital posts without regarding rules of technical/specialized posts for such appointments under the Public Servants (Retirement) Act, 1974. It is seen that during the first 5-year of BNP government, though the extent of contractual appointments was not too much but such appointments were not beyond dispute at all because many of the appointments were given to the ruling party's political allegiance. The below table will show the statistics of contractual appointments in the first five years of BNP government.

Table 8: Contractual Appointments 1991-1995

| Classification of Appointees | Number |
|--|--------|
| Rtd. Sr. Asstt. Secretary to Secretary | 47 |
| Rtd. Army Officers | 40 |
| Others | 120 |
| Total | 207 |

Source: Bangladesh Gazette, 1991-1995.

Awami League Period (1996-2001)

After coming into power in 1996, the AL (Awami League) drastically politicized the civil service. As Monem (2007) stated that it did not waste any time to reward these civil servants who made 'Janatar Mancha' in the end of BNP government to over throw the previous government violating the civil service code. It is widely believed that the strategy to bring down the government exceeds the level of politicization sharply than the previous one. A report published by the Daily Ajker Kagoj which showed that a total of 50 employees were contractually appointed and it was 46 in June 24 of this month, among them 8 secretaries though the government always utters that it is unwilling to give contractual appointment (The

Daily Ajker Kagoj, September 13, 1997). Another news published by the same newspaper which showed that government gave extension of two police officers for two years each in non-technical posts which is a violation of the civil servants (Retirement) act-1974 (The Daily Ajker Kagoj, December 23, 1997). In case of Foreign Cadre, up to December 1998, fourteen Ambassadors out of total 49 Ambassadorial posts were given contractual appointments. There were huge disappointments among the foreign cadre (The Daily Ajker Kagoj, December 28, 1998). In 1998, the daily Ittefaq published news that the present government exceeds all records of contractual appointments than those of the previous government. BCS administration Association showed their extreme discomfort against such appointments. It said that only for political favouritism they get contractual appointments. These appointees show more emphasis on the affairs of political masters not of the public interest (The Daily Ittefaq, July 28, 1998). In 2000, there were 77 officials on contract basis and in July 15, 2001, the last day of Awami League government, a total 37 employees were in contractual appointment (The Daily Prothom Alo, July 26, 2011 and the Daily Ittefaq, September 17, 2014). In 2005, the Daily, Prothom Alo published a news where a total of 124 officers were on contract basis during the Awami League's period (1996-2001) among them 12 women - 8 secretary and 4 joint secretary (The Daily Prothom Alo, January 15, 2005). It is alleged that most of the contractual appointments were on the basis of political loyalty to the Awami League government.

BNP- led 4 Party Regime (2001-2006)

In 2001, the Bangladesh Nationalist Party formed the government and tried to maintain firm control over the bureaucracy by making it highly politicized (Monem, 2007). Immediately after coming to office BNP-led alliance government relaxed the 10 percent quota system. There were 10 percent ceiling for contractual appointments when the president used to be in charge of such appointment. It creates an unlimited opportunity for the government to recruit contractually in the posts of Deputy Secretary and above. The amended rule also gives the President an opportunity to recruit any person in the higher administrative posts. (The Daily Star.net, January 03, 2003, Sarkar, July, 2011 & September, 2014, The Daily Prothom Alo, 26 July 2011 and The Daily Ittefaq, May 28, 2013). A report published by the Daily Janakantha which showed that Mahmudur Rahman, Managing Director of Shinepukure Ceramics also an ex-Managing Director of Munnu Ceramics, a famous scholar and ceramics expert, a BUET graduate, has been appointed as the executive chairman of Board of Investment (BOI) as a lateral entrant. It was alleged that he was a pro-BNP man but there was no question of his merit, efficiency and eligibility (The Daily Janakanth, November 19, 2001). Another news by the same Daily newspaper published that 10 percent president's quota from Deputy Secretary to above level has been abolished and the President is now on the authority of as much contractual appointment as he thinks at the secretary level. Now 5 five secretaries are on the contract basis out of total 64 secretaries (The Daily Janakantha, November 29, 2001). On December 2001, the government gave one year contractual appointment to education secretary and an army person also on contract as a chairman on Khulna Development Authority (Khulna Unnayan Kortipakkha) (The Daily Prothom Alo, December 07, 2001). Another news published by the same newspaper that 4 secretaries - chief secretary to Prime Minister, Secretary of Industry, Local government and Rural Electrification Board - have been appointed contractually for one year. And the actor Wasimul Bari Rajib has been appointed contractually to Bangladesh Film

Development Corporation (BFDC) as managing Director (The Daily Prothom Alo, December 21, 2001).

On January 2002, a secretary and 2 (two) other additional secretaries have been contractually appointed to the department of co-operative (The Daily Janakantha, January 04, 2002). Another report published by the Daily Star online that 22 out of 54 secretaries and 14 other additional secretaries were in charge of different ministries and divisions. Only 18 of them were regular (The Daily Star. Net, January 03, 2003). An online newspaper reported that the 4 party alliance government only in their first three years gave 206 officers on contract in different level of administration (Bangladesh news 24X7.com, September 24, 2016). Kim and Monem (2009) mentioned in their article the statistics of contractual appointments during BNP-led alliance government which (the statistics) was published by the DFID (Department for International Development) in 2004. The below table will show it–

Table 9: Contractual Appointment in 2003

| Rank | Officers on Contract |
|----------------------------|----------------------|
| Secretary | 26 |
| Additional secretary | 15 |
| Joint secretary | 05 |
| Senior Assistant Secretary | 01 |
| Assistant Secretary | - |
| Total | 47 |

Source: Abridged from DFID, 2004.

In 2005, the government has appointed a Brigadier General on contract as the chief of NSI (National Security Intelligence) (The Daily Prothom Alo, January 05, 2005). On the same month, a report on the same newspaper showed that National Pay commission (NPC) has recommended to stop all types of contractual appointment except the technical posts only. The commission opined that almost all types of contractual appointment are on the basis of partisan political interest and thus creates negative attitude and disappoint among public servants. It halts the promotions of others drastically. It's not expectable to give such random contractual appointments for such a rapidly developing economy (The Daily Prothom Alo, January 15, 2005). Another report by the same daily showed that at present, January 2005, 24 secretaries out of 57 secretaries in different Ministries are on contractual basis and 17 additional secretaries also on contract basis by the President's quota. The chief secretary to Prime Minister Dr. Kamal Uddin Siddique has been appointed on contract for 4 (four) years. During this 5-year term period, the government gave 283 contractual appointments in various government, autonomous, semi-autonomous and statutory bodies breaking all previous records, now this number goes down to 248 (The Daily Prothom Alo, January 15, 2005). Sarkar (September, 2014) wrote that during the five year term (2001-2006) of the BNP-led government, a total of 286 employee were on contract in different level of administration (The daily Ittefaq, September 17, 2014). Jahan (2006) cited from the newspaper, the Daily star, July 17, 2006 that the number of contractual appointments has also been increased most of them are on the basis of political allegiance, and it is alleged that most of the secretaries and additional secretaries on contract basis are inclined either toward BNP or Jammata-e-Islami.

Awami League-led Grand Alliance

Period: First Five Years (2009-2014)

After a landslide victory in December 2008, the Awami League-led grand alliance continued the euphoric politicization of administration. The government also accelerated the number of contractual appointments. The Daily Prothom Alo published a news that almost 100 contractual officials were recruited up to the first 10 months of this governments in the various government institutions (The Daily Prothom Alo, November 17, 2009 cited in NGK, 2010). Azad (March 2011) wrote in his article that the number of contractual appointments in 2010 was around 115 and now in 2011 about 200 administrative posts are occupied by the retirees and outsiders, which the serving bureaucrats claimed blocked their promotions and postings to the positions they have yearned for long (The Daily star, online edition, March 27, 2011). The government has appointed large number retired and civil and military officials as well as other professionals to key administrative positions, frustrating many serving officials. The deprived officials denounced the practice saying too many contractual appointments provides scope for nepotism and politicization of the civil service. During this year (2011), the post of cabinet secretary, Principal secretary to Prime Minister, Secretary to Prime Minister's office, Secretary to Statistics Division, Secretary of Rural Development and co-operative Division, Chairman of NBR (National Board of Revenue), Alternative Executive Director of World Bank, Chairman of Bangladesh Parjatan Corporation, Chairman of Tariff commission, Secretary of Information commission, Chairman of Bangladesh Jute Mills Corporation, DG (Director General) of NSI, DG of Bangladesh Television, chairman of BTRC (Bangladesh Telecommunication Regulatory Commission) and the Chairman of Rajdhani Unnayan Kartipakkiha (Rajuk) etc. were filled up by retired civil and military bureaucrats. A member of BTRC, Chairman of Chittagong Development Authority, DG of Bangladesh Shilpakala Academy, Ambassador to Kuwait and Ambassador to Germany were also filled up by the specially qualified people depending on the president's 10 percent quota. Over 200 retirees and outsiders have been appointed contractually to different positions, including the posts of cabinet secretary, principal secretary to Prime Minister's office and ambassadors in last two years (The Daily Online Alochona, March 19, 2011). Sarkar (July 2011) wrote that during the last 30 months (up to July 2011 after coming into power in 2009) Awami League-led grand alliance government gave contractual appointments to 216 officials in different administrative positions (The Daily Prothom Alo, July 26, 2011). At present more than 13 secretaries, 104 additional secretaries or same designated officers, 86 joint secretaries or same designated officers, 13 deputy secretaries or same designated officers are on contract basis. The below table will show it.

Table 10: Contractual appointment in 2011

| Designation | Number |
|------------------------------------|--------|
| Secretary/Same Designated Officers | 13 |
| Additional Secretary/Do | 104 |
| Joint Secretary/Do | 86 |
| Deputy Secretary/Do | 13 |
| Total | 216 |

Source: Abridged from Sarkar, July 2011.

Contractual appointments were also given in Banks, Insurances, Bangla Academy, National Museum, Bangladesh Shilpa Kala Academy and Public Library etc. During this period, the retired Navy official Khurshid Alam was most successful one as he played an important role in maritime boundary arbitration against Myanmar. He was appointed on contract as Additional secretary. During this 5-year term, huge numbers of official were contractually appointed. In 2015, the Minister of Public Administration told the Parliament that total of 654 officials were contractually appointed in different administrative posts during the last 5 years. He said as per the public servants (retirement) act 1974 article 5 (3) and the Memorandum of Establishment Ministry 1988 No. SOM (Bidhi-4) Bibidah-6/87-3 (200), the honorable President gives contractual appointments to retired civil/military and any other eligible persons from general people (One News BD, Online news, November 17, 2015. So, it is quite clear that each government superseded another one in politicizing the civil service through contractual appointments except a very few exceptional ones.

4.8 Poor Governance

Governance can be viewed simply as the act or manner of governing, of exercising control or authority of actions over subjects; system of regulations. It can also denote how people are ruled, how the affairs of the state are administered and how the functions of national system of politics in relation to public administration and law are regulated (Landell Mills and Serageldin, 1991:304 quoted in Khan, 2006). In public sector of Bangladesh, there are allegations of inefficiency, red tapes, inability and corruption. Nepotism and political interference in civil service management have seriously undermined its efficacy. Deep politicization of public service system over the years has added enough fuel to the problem. Many competent public servants can't render their best because of dysfunctional practices in public service management. Many incompetent officials, including even the corrupt ones, got promotions and positions on political considerations. This practice has demoralized many efficient government officials. A few routine-seekers revolve round the political power. They do not care anything. The political authority harbors them and enjoys dividend (Chowdhury, January 2013). It further institutionalizes the systematic partisan politicization of the bureaucracy both civil and military. Far worse, it rewards the worst sycophantic elements within the bureaucracy with converted positions while punishing those who remain neutral and professional and may deserve promotions based on their performance. This has been one of the major factors behind an overall slide in the quality of governance over the past decade for which Bangladesh has paid a bitter price. The country director of the department for international development (DFID), David Wood at a press briefing during a two day long conference titled "Asia-2015: Promoting growth, ending poverty" questioned the capability of Bangladesh civil servants in implementing foreign aid projects (The Daily Star, July 17, 2006 quoted in Monem, 2007). A senior PSC member confessed that the performance of the civil service is sometimes embarrassing for the government as some civil servants lack basic command of English language and communication skills (The Financial Express, October 29, 2005).

Bangladesh has a very poor performance in worldwide governance indicator. The below table 11 will clarify it:

Table 11: Governance indicators in Bangladesh 1996-2009

| Indicator | Aggregate Measure in 1996 | Global ranking from the bottom in 1996 | Aggregate Measure in 2009 | Global ranking from the bottom in 2009 |
|--------------------------|---------------------------|--|---------------------------|--|
| Voice and Accountability | -0.23 | 42 | -0.37 | 35 |
| Absence of violence | -0.89 | 19 | -1.55 | 8 |
| Government Effectiveness | -0.69 | 26 | -0.99 | 17 |
| Regulatory Quality | -0.11 | 39 | -0.79 | 23 |
| Rule of Law | -0.83 | 23 | -0.72 | 28 |
| Control of Corruption | -0.3 | 30 | -0.96 | 38 |

Source: Adapted from Daniel Kaufman et al., 2010. World Governance Indicators. Washington D.C., World Bank, in Khan, 2016.

Above table indicates that the aggregate measures for all the indicators of governance in Bangladesh are negative in both 1996 and 2009. Global ranking by each indicator would place Bangladesh in bottom range of 5 to 25 percent. Between 1996 and 2009, the performance of Bangladesh deteriorated by five (out of six) indicators (khan, 2016).

4.9 Chapter summary

This chapter has described the nature of contractual appointments and lateral entries in Bangladesh civil service with few comparisons with other countries. The rules and regulations for contractual appointments, eligibility and misuse for such appointments, few vague and unclear provisions in rules are depicted here. Besides, strong political control over bureaucracy, politicization of whole personnel administration, statistics and examples of such politicization regarding recruitment, promotion, transfer, OSD, forced retirement and contractual appointments in different regimes are mentioned. In particular, several other statistics and data of contractual appointments (1991-2011) from different sources have also been assembled. It appears from this chapter that the successive governments over the years have left no stone unturned to politicize the administration and to sustain in power forever through illegal means, which ultimately leads to a very poor performance of civil service of Bangladesh and of course a very poor governance in overall governance indicators of the world. The following chapter will discuss about the findings and analysis of data.

CHAPTER 5: FINDINGS AND ANALYSIS

5.1 Introduction

In this chapter, the researcher looks into the answers of research questions - how do contractual appointments foster partisan political interests? How do contractual appointments block the promotions of others? And how do contractual appointments decrease the morale of deprived officials? The main objective of the study is to assess the negative impacts of contractual appointments in Bangladesh Civil Service. To fulfill the purpose, responses from 30 (thirty) civil servants (14 serving and 16 retired) of different designations were interviewed and surveyed with a semi-structured questionnaire. The questionnaire covered all major issues of analytical framework that includes the variables: effect of contractual appointments - fostering partisan political interest, blockage of promotion and low level of morale. All three variables overlap one another and the measuring indicators have, to some extent, influences on all of them, therefore, the same quotes, references and statements sometimes have been utilized in several places. This study was mostly completed using qualitative method and accordingly, the survey data have been presented and analyzed below.

5.2 Basic Information about the Respondents

A total of 30 (thirty) respondents were covered under the questionnaire survey. Before presenting main data and analysis, a brief description about the respondents regarding their designation and current situation is given below table 12.

Table 12: Details of Respondents

| Designation | Number of Respondents | | No. of Respondents |
|----------------------|-----------------------|---------|--------------------|
| | In-Service | Retired | |
| Secretary | 1 | 6 | 7 |
| Additional Secretary | 1 | 6 | 7 |
| Joint Secretary | 8 | 2 | 10 |
| Deputy Secretary | 4 | 2 | 6 |
| Total | 14 | 16 | 30 |

n=30

Above table reports the demographic characteristics of interviewees. It is seen that 14 respondents are in service and 16 others are retired. The researcher considered the civil servants from Deputy Secretary to Secretary as contractual appointments are closely linked to them as per the rules of MOPA of Bangladesh government. And, the researcher chooses only the civil servants as the respondents of this study because they are directly connected to the effect of contractual appointments. The number of retired bureaucrats, specially six additional secretaries and six secretaries, are more than those of serving bureaucrats. It is because in-service high officials can't be reached randomly and they may not be willing to respond all the questions holding those high-level posts.

5.2.1 Foster Partisan Political Interest

Political Patronage

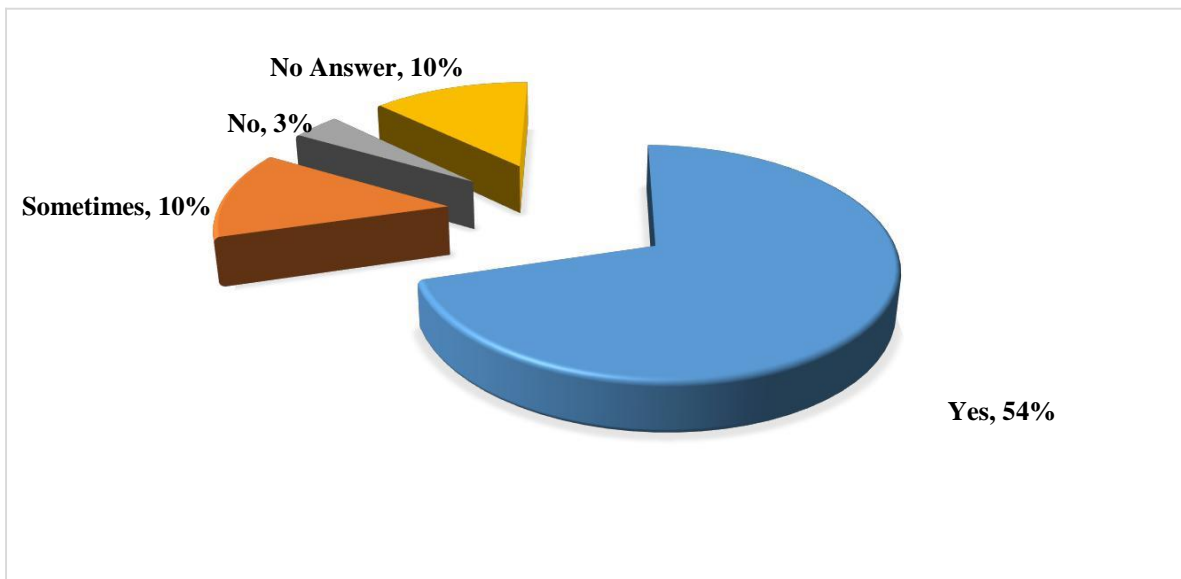
In all south Asian states, relaxation of recruitment norms in the bureaucracy has encouraged political interference designed to abuse the recruitment process as an instrument of political patronage and for politicization of administration (Doullah, 2016). Bureaucracy was the much hated term during the initial period of Bangladesh politics (Ahamed, 1980). Since independence, all governments have strived to influence civil servants for party interests, and in doing so, they have inducted people through spoils/patronage system (Sarker, 2004). It was considered earlier that the bureaucracy was steel framed and elitist in nature and unable to listen to the demand of the mass people. The strong demand for moulding the civil service more people-oriented was widespread. During the new political environment of Bangladesh immediately after the independence, the Awami League strengthened the political control over the bureaucracy to make it more public friendly. Many important administrative positions were given to political people for their participation in liberation war and for organizing the government in exile (Rahman, 1980). Political patronage and favouritism were pervasive to destroy the unity and cohesiveness of the civil service. Actually, it did not accelerate the smooth functioning of administration rather it brought a deadlock in overall administration of the newly born Bangladesh. And the worst effect was that the bureaucracy got divided into two major blocks “Mujibnagar VS non-Mujibnagar” or “patriots VS collaborators” by the then political leadership (Khan and Zafarullah, 1980). The democratic institutions like free press, neutral bureaucracy, effective parliament and autonomous interest groups were not built up instead these institutions are developed strongly along party lines (Rahman, 1980). Unfortunately, the seed of partisan politics in administration sowed immediately after the independence continued even after the democratic journey in 1991. As the democratic institutions like the effective parliament, free and autonomous election commission, freedom of press and media, neutral and merit based administration are still volatile; peaceful co-existence among political parties is absent; frequent turmoil and violence (hartal (general strike), arson, killing, disappearance etc.) are common; corruption, nepotism and favouritism are widespread; lack of political consensus of national issues and the severe tendency of the ruling party to wipe out the opposition from politics are still the dominant features of Bangladesh. So, allegedly, all attempts of the ruling parties are considered to be partisan. Even the budget announced by the government is treated by the opposition as political budget. Such partisanship of the successive governments has been continuing and accelerating day by day. Once a new parliament is elected, the serious malpractice of partisan politics resumes and a party cabinet is installed (Zafarullah and Khan, 2007:71). As the prominent scholar Dr. Emajuddin Ahamed wrote in the Newspaper - the Daily Star that “democratic culture, which helps build consensus among the politically relevant social sectors including the political parties, is yet to get off the ground. Politics, in consequence, has been confrontational and the social forces have been fragmented and divided, thus making it very difficult for any government to build consensus behind any developmental agenda. When politics becomes confrontational, partisanship becomes intense. That leads to immunity for the party followers even for their worst excesses and corrupt practices, and vengeance to the opponents. Polity becomes power-oriented in the sense that power turns out to be the motive force at every layer of administration” (Ahamed, 2004). He also wrote that such division is not for any ideology or any special agenda rather for execution of power (Ahamed, May 2017). Over the years, democratically elected political leaders started behaving in an autocratic manner using state power to reward political supporters and punish and repress

the political opposition (Jahan, 2004). Successive regimes have tried to patronage only those civil servants who are like-minded to the governments and ready to give undue advantage to the parties in power (Sobhan, 2002). This politicization of administration covers all personnel management decisions like recruitment, promotion, transfer, posting, training and contractual appointments showing total disregard to quality and efficiency rather depending on person's loyalty to certain political party (Jahan, 2006). Day by day, contractual appointments have become popular and the pro-ruling party retired bureaucrats and others are appointed contractually in the civil service of Bangladesh in order to serve the ruling party's interests and also to obey the orders of the politicians (Begum, 2012). Several newspapers have published their news on contractual appointments and emphasized on stopping the random usage of them. As Jahan and Shahan (2008) quoted from the Daily Star that the number of contractual appointments increased in Bangladesh Civil Service and most of them are on the basis of political affiliation (The Daily Star July17, 2006). Taking the advantage of president's quota, many of the partisan bureaucrats and professionals close to the government have been availing the undue advantage of contractual appointments and thus the politically loyal people are being dominant in civil service. And most of them get busy on showing loyalty to political party not on their work (The Daily Ittefaq, May28, 2013). Rajib (February, 2017) wrote in the Daily Kaler Kantha that many of the employees at higher administrative posts are appointed contractually only for the political reasons though many are still available to replace them (The Daily Kaler Kantha, February 27, 2017). While interviewing, most of the respondents stated that contractual appointments are fully political except few technical or specialized posts and certain projects/programmes. A former secretary to IRD (Internal Resource Division) and also formerly the chairman of NBR (National board of Revenue) told that these appointments are totally political and he termed it as 'political bribing'. A retired joint secretary, formerly attached to Ministry of Public Administration, told that he has been deprived several times from promotion while many others have got promotions on political consideration. Moreover, contractual appointments erode the amity of civil service, and decrease the efficiency and overall performance of bureaucracy. Successive governments appoint retired civil and military officers contractually mostly on political ground not for the dearth of expert ones. The below table 13 will certify the dramatic work of Political Patronage behind Contractual Appointments.

Table 13: Political Patronage Matter behind Contractual Appointments

| Respondents | Do you think Political Patronage Matter Behind Contractual Appointments? | | | | Total Percentage |
|-------------|--|-----------|-------|-----------|------------------|
| | Yes | Sometimes | No | No Answer | |
| 30 | 16(54%) | 10(33%) | 1(3%) | 3(10%) | 100% |

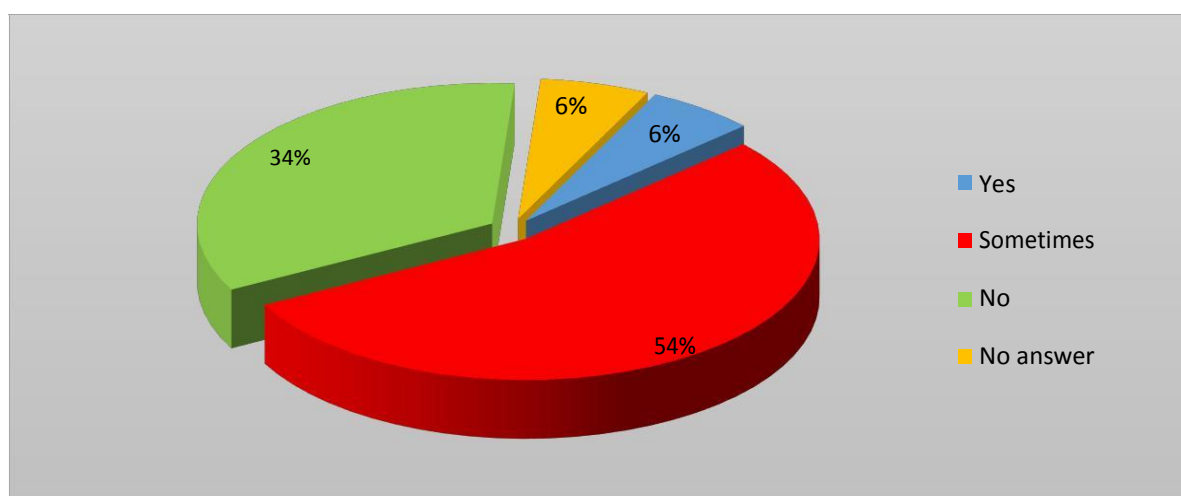
Figure 4: Political Patronage Matter behind Contractual Appointments



The above diagram shows the four scale question - yes, sometimes, no, no answer – which was in the semi-structured questionnaire of the study. The questionnaire demonstrates that 54% civil servants are on the opinion that the ruling parties always patronage the contractual appointees so that they help the government to establish the political agenda. Asked ‘whether the governments appoint civil servants on contract for insufficient number of skilled manpower’, 54% respondents answered ‘sometimes’; 34% opined ‘no’ and only 2% of total interviewees stated ‘yes’. The following Table 14 demonstrates the statistics of ‘the reason behind appointment on contract’.

Table 14: Reason behind Appointment on Contract

| Respondents | Do you think successive governments appoint the civil servants on contract for the insufficient number of skilled and expert manpower? | | | | Total Percentage |
|-------------|--|----------------------|---------------|--------------------|------------------|
| 30 | Yes 2(6%) | Sometimes 16(54%) | No 10(34%) | No answer 2(6%) | 100% |

Figure 5: Reason behind Appointment on Contract

Most of the interviewees have stated that partisan political interest of the ruling parties is the main cause behind such appointments. Only in few cases, governments had to give contractual appointments due to insufficient number of experts in few projects and technical posts. As Zafarullah and Khan (2007) echoed that retired civil servants are reappointed on contract in an arbitrary manner due to irrational guidelines, non-objective criteria and personal lobbying. It is generally considered that professional cadres like engineering, health, agriculture may have some technical or specialized posts. Besides, government's certain projects, programmes, budgetary work and statistical issues may also need some technical and professional persons on contract if sudden vacancies are seen. During interview, a retired secretary did not totally accept any contractual appointment. While interviewing to a former retired cabinet secretary, he was also on contract, expressly stated that no contractual appointment is necessary if the governments create the environment of professionalism by stopping the partisan politics in civil service. As most of the interviewees answered that contractual appointment or lateral entry in administration are not fit for Bangladesh at present, as the political institutions and democracy are still fragile and not institutionalized in reality. The current variable - political patronage - will further be proved by the information in the below box-3.

Box 3: Negative Image of Administration

Politicization of Administration

It is really difficult to retrieve the positive image of administration from the politicization. In spite of having democratic label, the successive governments did not give the administrators to work neutrally; instead they are forced to go through the partisan politics and party loyalty. Although after the democratic voyage in 1991, it was expected to have a neutral administration to build the nation. Every government relentlessly politicizes the administration through recruitment, promotion, OSD, force retirement and contractual appointments. Partisan bureaucrats have been appointed on contract on a large scale. Many have been given force retirement and hundreds of officers were kept OSD, creating polarization in two different camps (The Daily Prothom Alo, (From Editorial) March 07, 2007).

Oshoccho Niyog Babostha Shubho Noe (Vague recruitment system is not positive)

After 1990, the BNP and Awami League recruited “their men” at the high level of administration and in many other constitutional posts. There was no circular and open appointment policy for contract. In fact, all the important posts of civil and military administration are filled by the one hand i.e. by the will of the Prime Minister (The Daily Prothom Alo, July 03, 2007).

National Pay Commission to Stop Contractual Appointment

The national pay commission (NPC) on January 2005 recommended stopping all types of contractual appointments except few technical posts. It opined that such appointments are given on the basis of political influence and personal relations, blocking the promotions of neutral and professional bureaucrats, creating disappointment and frustration among them, decreasing the quality of work and increasing the corruption in administration (The Daily Prothom Alo, January 15, 2005).

This is totally a vague and unclear rule because the eligible persons for such higher posts are totally depends on the ruling party. So, this creates the appointment of partisan politics. Retired civil/military officers, pro-government politicians, artists, literary men, Journalists and various professionals have been given contractual appointments. The persons totally loyal to the party in power have been appointed contractually, in education board, corporations like FDC, BRTC, BIWTC, RAJUK, NSI, BTV, Public Works Department, Director of Education Engineering, Tariff Commission, Foreign Missions and even in the semi Judicial organization – the press council (The Daily New Age, August 14, 2009, The daily Prothom Alo, 26 July, 2011 & Dainik Manab Kantha, 16 Feb, 2014).

Nepotism & Favouritism

Today the concept of nepotism refers to the misuse of the office in favour of family members, kith and kin, and relatives. Favouritism means the general inclination to favour one person or group over others. It refers to the provision of special privilege to friends and colleagues and acquaintances in the areas of employment career and personnel decision. These two words have almost the same meaning, favouring the relatives, friends and like-minded people in the administration disregarding the merit, efficiency and seniority principle. In terms of nepotism and favouritism in Bangladesh civil service, persons loyal to the party in power get opportunity/special privileges in appointment on contract basis and in other personnel decisions like promotion, placement and transfer to important posts. Whatever the denomination may be for nepotism, favoritism and political patronage all are indicators of corruptions of administration. As Khan (2012) stated that forms of corruptions are abuse of authority, nepotism, favoritism, fraud, patronage, theft and deceit. Using position while in power to grant undue favour and benefit to one's relatives, friends and key supporters is a hall-mark of politics in Bangladesh. Jamil et.al.(2015:1013) also stated that most common forms of political and administrative corruption in Bangladesh are pecuniary bribes, abuse of authority, nepotism, favouritism, tadbir (personal lobbying), fraud, patronage, theft and deceit. And such illegal activities start from the recruitment process of BCS and ends with post retirement contractual appointments. As TIB (Transparency International Bangladesh) (2007) published their report against different types of irregularities with regard to Bangladesh Civil Service. Such irregularities include leakage of BCS question papers, selection of civil servants on political connection, nepotism and favouritism and corruption of members, officers and employees. All the daily newspapers have time to time published reports/articles/news/views/opinions on these issues. Among all the irregularities, political affiliation or ideology gets priority in any administrative decision, so nepotism or favouritism generally works within the ruling party politics only. And very few times it crosses this partisanship.

Recruiting contractually to Bangladesh civil service is deeply close to nepotism and favouritism which ultimately leads to partisan politics. Because, such malpractices in appointments accept the close friends and cronies belong to the same political ideology of the political/administrative high-ups of the government. This unfair treatment of one person better than others absolutely depends on the political ideology of party in power. Since, those who are in power and top positions of government they prefer 'their men' i.e. the person of the same political ideology they belong to. It is postulated that being appointed through such corrupt process, contractual appointees behave and act as per the direction of their political masters even sometimes they show more sycophantic behavior to the ruling party. So, contractual appointments through nepotism & favouritism increase the process of politicization or in other words, it fosters the partisanship in administration. ADB (Asian development Bank) (2007) found out several reasons - politicization, nepotism and favouritism - behind the inefficiency of civil bureaucracy of Bangladesh. It seems apparent that Awami League will never give a special administrative position to a BNP (Bangladesh Nationalist Party) supporter and on the other hand, the BNP will never appoint an Awami league supporter to any important administrative post. The intelligence report against any civil servant which was generally taken for any illegal activity or crime is now providing on the basis of family background and political ideology. So, it is very much clear that nepotism, cronyism and favouritism whatever the term is, they are not beyond the interest of

partisan politics. The below box-4 will also provide some information on this variable – nepotism and favouritism – which mostly work for political purpose.

Box 4: Political Background is Essential

Merit is not the only ability to promote; rather Family and Political background is necessary

In 2002, a report published in several newspapers that in terms of promotion merit is not the only eligibility to be promoted in senior ranks rather family and political background has been the vital issue now. A list of Additional secretary has been sent to prime minister recently to promote but the promotion process is halted because an informal and secret intelligence report provided to prime minister which showed that most of the promotion seekers are not loyal to the ruling party. Total 170 posts of Deputy Secretary and 120 post of Joint secretary have been kept vacant for long for not getting politically like-minded people by the government (The Daily Janakanth, April 17, 2002).

Panic for many neutral officers in promotion for secret intelligence report

At present, so-called intelligence report by the ruling party for promotion and important posting of officers has been a serious panic to the neutral and meritorious ones. The concerned official is totally unaware of what the report has been provided to the high-ups of the government and he/she is not being given the opportunity to explain the allegation as self-defense. Even, some pro-government officials are not getting timely promotions for personal victimization. In case of promotion for Additional Secretaries, a joint secretary has been sidelined from the list by the so-called secret report which he has known by the online newspaper that he was the president of the pro-BNP student wing in his student life in Chittagong University, but in reality, he never studied in CU rather he was a student of Dhaka University. Moreover, such secret weapon (so-called intelligence report) is also being considered while making DC fit-list to various districts (sheershanews24.com, November 28, 2017).

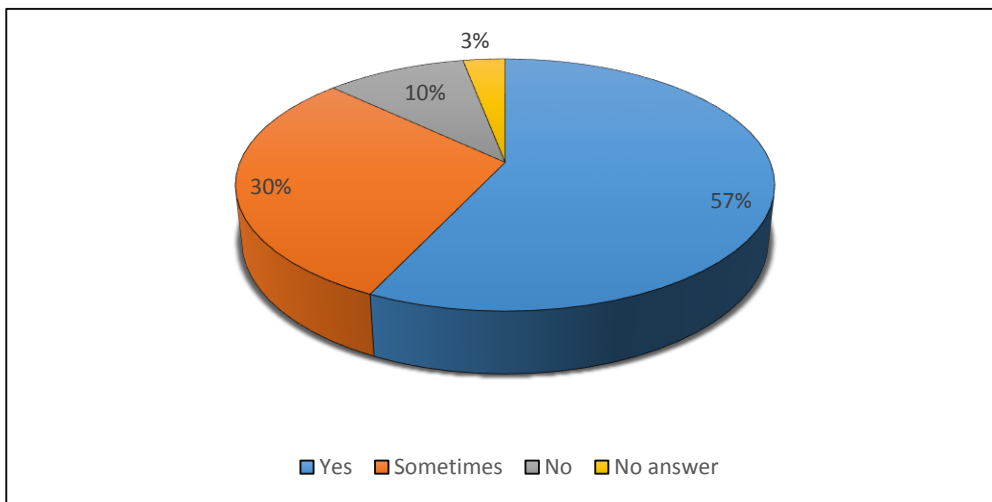
So, almost all times, nepotism/favouritism in contractual appointment gives priority to political biasness which ultimately leads to partisanship in administration.

Political favouritism is seriously taken into account while giving contractual appointments by the ruling party. And getting this extra favour, the appointees show special loyalty to the party in power and ultimately foster partisan political interest. Thus, the civil service turns into partisan politicization. This has been a common scenario in Bangladesh civil service over the regimes. The below table-15 will clarify this assumption.

Table 15: Contractual Appointments prioritize Political Favouritism

| Respondents | Does political favouritism get priority during contractual appointments? | | | | Total Percentage |
|-------------|--|-----------|--------|-----------|------------------|
| | Yes | Sometimes | No | No answer | |
| 30 | 17(57%) | 9(30%) | 3(10%) | 1(3%) | 100% |

Figure 6: Contractual Appointments Prioritize Political Favouritism



In the answer to the question ‘whether contractual appointments prioritize the political favouritism’, the vast majority (57%) of the respondents totally agrees with the question and they opines that political favouritism is predominantly considered during contractual appointments which ultimately fosters partisan politics among bureaucracy. 30% of the respondents answered ‘sometimes’.

Only 10% respondents disagree with the question. And the rest 3% did not give answer. So, it appears that the successive governments have appointed the retired bureaucrats contractually mostly on political ground (for partisan interest of the ruling party) and such appointments expedites partisan politics in administration. “These appointments open up the ways for nepotism. The government should rather extend the age limit of public servants to create equal opportunity for everybody”, said former advisor to former caretaker government Dhiraj Kumar Nath, who was also a retired secretary (The Daily Online Alochona, March 19, 2011). As Mondal (June, 2006) stated that successive governments formulated rules and regulations for their student wings and relatives and also gave undue advantages for ‘their men’ in higher posts of administration through promotion, transfer and contractual appointments. While interview, the former additional secretary (Director General to Compulsory Primary Education Monitoring Unit -MOPED) stated

that relatives, friends and closed ones of ruling party’s high-ups (Member of Parliaments, Ministers and Partisan Bureaucrats) were given contractual appointments in successive regimes, disregarding the eligibility and efficiency of the expert professionals.

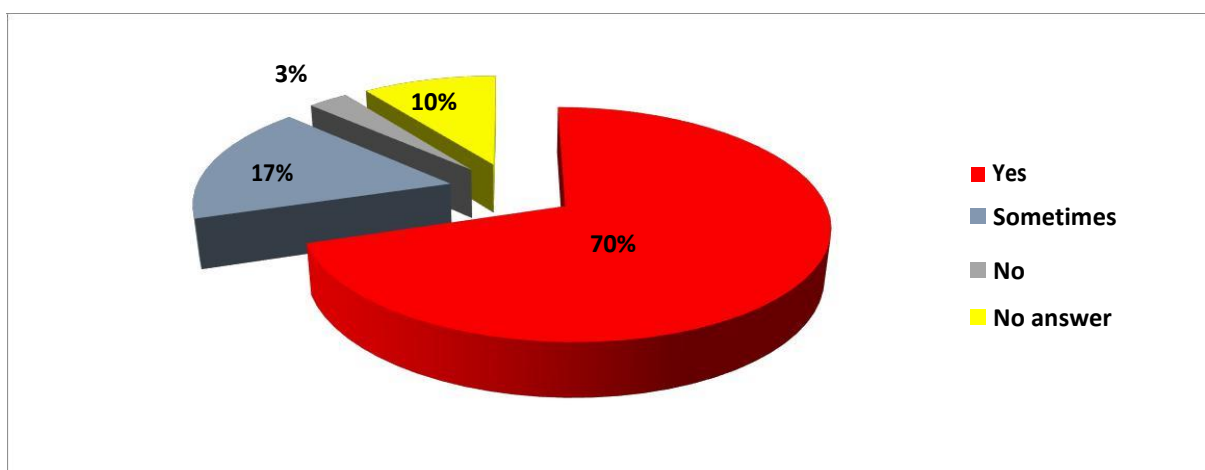
Loyalty to ruling party

Presumably, contractual appointees show more loyalty to the ruling party. During the interview, the former secretary to ministry of Public Administration opined that partisan politics is all over the civil administration of Bangladesh, particularly in the personnel decisions like promotion, transfer and contractual appointments, and it is postulated that the loyal bureaucrats to the government must get privileges. Getting contractually appointed after their superannuation, they show more loyalty to government’s political party, creating partisanship in administration. Most of the respondents of my questionnaire survey agreed that contractual appointees show loyalty to the ruling party. Almost all (70%) respondents answered ‘yes’, which is mentioned in the below table-16.

Table 16: Loyalty to party in power

| Respondents | Do contractual appointees show loyalty to party in power? | | | | Total Percentage |
|-------------|---|-----------|-------|-----------|------------------|
| | Yes | Sometimes | No | No answer | |
| 30 | 21(70%) | 5(17%) | 1(3%) | 3(10%) | 100% |

Figure 7: Loyalty to party in power



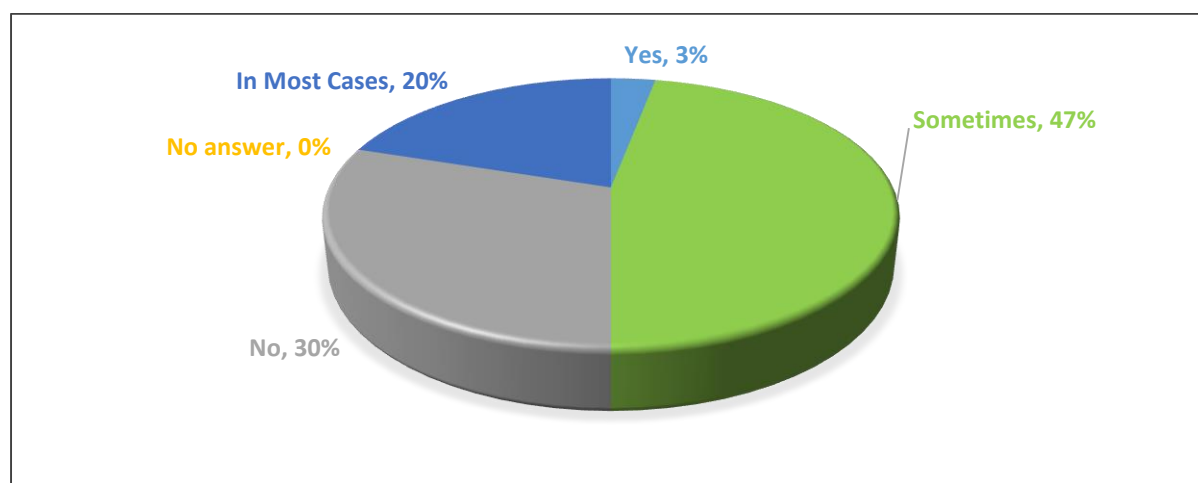
So, political ill motive has a substantial role behind contractual appointments. The ruling party always thinks that contractual appointees will act as per the instructions of the ruling high-ups and they will help establish their parochial political agenda going beyond the neutrality of administration. Another important thing of contractual appointment is that its nature is temporary – the employer can anytime sack the employee from the job or can cancel the contract or can extend the contract period. In consequence, the appointees have the considerable chances to be biased to follow the ruling party’s political agenda to survive in the job. In such a way, a patron-

client relationship is developed. Patronage indeed can be an effective tool to win elections, which makes it attractive for governments (Sundell, 2012). In this case, the ruling party do not follow the merit-based selection principle. “The myopic political vision regarding civil service management led the successive governments to substantially abandon the concepts of selection by merit, political neutrality and permanency in career” (Ali, 2002). So, political patronage is the main intention behind such appointments. Thus, sometimes, contractual appointees get bound to serve the ruling party interest willingly or unwillingly and they can’t work fairly and impartially. As Mondal (March, 2014) wrote that governments can cancel the contract only by a short notice of one month. So, the appointees on contract are more or less influenced by the ruling party politics. In addition, many officers, though worked neutrally during their whole tenure of service, try to behave in partisan line to get closer to the ruling party hoping for contractual appointments. Asked ‘whether contractual appointees can perform their duties fairly and impartially’, the majority of the respondents (47%) answered ‘sometimes’, which actually indicates that they can’t perform neutrally, and 30% respondents expressly opined that they can’t work fairly and impartially. Only 20% respondents answered “in most cases”, which actually demonstrates that there is of course some certain situations where they are unable to perform impartially. So, the answers of the table-17 depicts that such appointments ultimately increases partisan politics in administration.

Table 17: Fair and Impartial behavior of Contractual Appointees

| Respondents | Do you think contractual appointees can perform their duties fairly and impartially? | | | | | Total Percentage |
|-------------|--|-----------|--------|---------------|-----------|------------------|
| | Yes | sometimes | No | In Most Cases | No answer | |
| 30 | 1(3%) | 14(47%) | 9(30%) | 6(20%) | 0(0%) | 100% |

Figure 8: Fair and Impartial behavior of Contractual Appointees



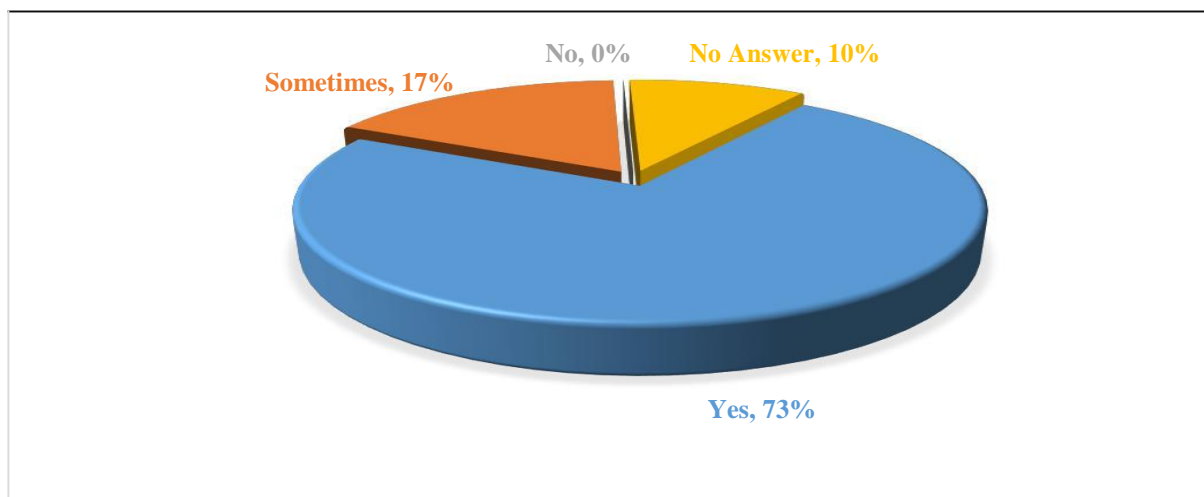
During interview, most of the civil servants uttered quite clearly that the successive governments have politicized the exceptional rules of contractual appointments. They arbitrarily and randomly utilized the contractual appointments for their petty party interests. And the appointees can’t

maintain the neutral stance in administration as they have been reappointed with special advantages by their political masters. The last 46 years of experience shows that all governments have utilized the law of contractual appointment to make or not to make rules for appointing activists of student wing and relatives to the cadre and non-cadre posts in the public service, promoting their party men to key posts in administration and giving contractual appointments to such retired civil servants who only blindly carry out instructions of their political superiors (Mondal June, 2006). The below table-18 will give the answers of a question whether politicization through contractual appointments interrupt the value of public service neutrality.

Table 18: Contractual Appointments Interrupt the Public service Neutrality

| Respondents | Do you think politicization through contractual appointments interrupt the value of Public service neutrality? | | | | Total Percentage |
|-------------|--|-----------|-------|-----------|------------------|
| | Yes | Sometimes | No | No Answer | |
| 30 | 22(73%) | 5(17%) | 0(0%) | 3(10%) | 100% |

Figure 9: Contractual Appointments Interrupt the Public service Neutrality



The above table demonstrates that 73% respondents answered 'yes', and they think that wholesale contractual appointments with political affiliation or through politicization interrupt the value of public service neutrality in Bangladesh. It was also seen that they try to extend the period of contract from one year to even more years by showing extreme loyalty and partisan attitude towards the ruling party. Few instances are shown in the below box-5 and 6.

Box 5: Example of Partisan Appointees

No relieve from contract in administration

Mr. X was an important secretary, worked as a secretary in different ministries under the current AL government, also worked in the office of Prime Minister, was on contract for 3 years. After the end of contractual period, he worked in a government organization with the same honour of a State Minister. Recently he retired from the job. But, before his retirement, he told his personal secretary, staffs and driver that 'please don't attach to any important officer of the government as I will come back again towards you'. I may even be appointed as an Election Commissioner, I need you then. I won't be able to bring you back if you are engaged in any VIP and may not get such loyal persons like you. A person of the secretariat, not to be named, told the story to The Daily Kaler Kantha, also stated that one who has got the taste of any such contract job or special appointment will leave no stone unturned to get more and more even showing too much partisan attitude which the ruling party blindly accepts. Such officers try to continue the job until their deaths. This may be through contractual appointments or by any other means. They know how to get intimacy with the policy makers (The Daily Kaler Kantha, February 27, 2017).

A much talked-about contractual appointment

A much-hyped contractual appointment in a govt. organization creates widespread criticism among the employees. Mr. X, an additional secretary, appointed contractually on August 2017 for third consecutive times as a chairman of an organization, which is called one of the most corrupted institutions of the government of Bangladesh. The post was considered as an administrative one. He has never worked in such a direct administrative post. Before joining here in 2014, he worked in EPZ, Jamuna Multi-Purpose Bridge authority, General Insurance Corporation and Ministry of Commerce. Coming here, he became mighty officer with the owner of huge amount of money involving with limitless corruption and irregularities. He used part of these corrupted money giving ruling political high-ups to consolidate his contract. A dependable source of this office told the newspaper that 4 days after the end of his second contract period, his extension was accepted for another contract for 3rd time. It is alleged that he was able to manage the ruling political elites by huge lobbying, black money and showing extreme loyalty to the ruling party elites (sheershanews24.com, September 14, 2017).

Box 6: Division/polarization/batch culture in administration

Division/Polarization/Batch Culture in administration

Prize posting, black listing, forced retirement and OSD are widespread in administration. Polarizing by FF and non-FF or by BNP and AL is continuing now. (The Daily Janakanth, 22 November, 2001).

From 1973 Freedom Fighter Batch, 11 officers were forced retired as per rules of 1974, 9(2) after their 25 years of service and more 19 are on the queue to be sent on such retirement. They were alleged to have plot against BNP government by the “Janatar Mancha” before 1996 national election (The Daily Janakanth, 30 November, 2001).

Mr. X, a civil servant of 1984 batch, was deprived of promotion. He claimed that being DC at the tenure of BNP led government was the only fault for him that caused the deprivation of his promotion (The daily Samakal, September 10, 2009).

After 1991, the BNP government gave wholesale promotions (more than 700 from deputy secretary to above), which were terribly more than actual vacancies in 1992, to get sympathy to the ruling party. It continued during AL govt. coming power in 1996. A total of 101 UNOs (Upajila Nirbahi Officers), 128 ADCs (Additional Deputy commissioners), 48 DCs (Deputy Commissioners) and 4 Divisional commissioners were appointed in different places. Two (2) extra-ADCs in each of all 64 districts have been appointed. It was alleged that 600 officials were given promotions just before the national elections. All changes were done considering the upcoming national election and of course to gain illegal political advantage by the posting of like-minded field level civil servants of the party in power (The Daily Prothom Alo, June 15, 2001). Coming in power by the BNP led Govt. in 2001; it created widespread criticism by politicizing the whole administration, forced retirement to pro-AL officers, and many contractual appointments to pro-BNP officers. The trend of politicization continued. After coming in power by a landslide victory in 2008, the AL government carried on the same culture. Massive promotions were given, though posts were only half of the total promoted officials. Many of the forced retired and retired officers were given contractual appointments (especially many FF batch officers), who expired their age of 59 years of service with some retrospective effect (The Daily Jugantor, March 12, 2014).

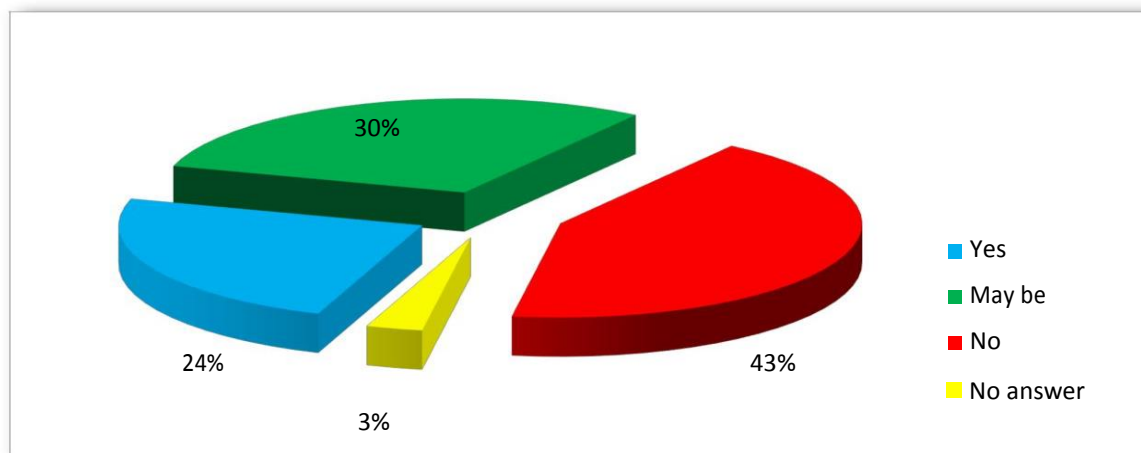
Merit, efficiency and honesty-based promotions have been continuously disregarded over the years. Some 150 officers of 1985 batch and about 100 officers of 1984 batch are still deputy secretaries, though two officers of 1984 batch were made Secretaries to the government. In the case of 1982 batch administrative service, 36 officers were made Secretaries, disregarding the seniority in most cases. Among a total of 151 officers of this batch, around 77 officers are additional secretaries and the rest remain as joint secretaries. A large number of these officers have gone to retirement or on the verge of retirement without being promoted (The Financial Express, September 10, 2014).

Considering the above negative consequences of contractual appointments, many interviewees are dead against this system of appointments in Bangladesh civil service and they don't think it is fit for Bangladesh now, although the idea of appointments from outside experts or the experts from cadre services on contract basis is so far good for administration. let's see the answers of the respondents in the below table-19.

Table 19: Contractual appointment/lateral entry/NPM

| Respondents | Do You think contractual appointment /lateral Entry fit for Bangladesh Civil Service? | | | | Total Percentage |
|-------------|---|--------|---------|-----------|------------------|
| | Yes | May be | No | No answer | |
| 30 | 7(24%) | 9(30%) | 13(43%) | 1(3%) | 100% |

Figure 10: Contractual appointment/lateral entry/NPM



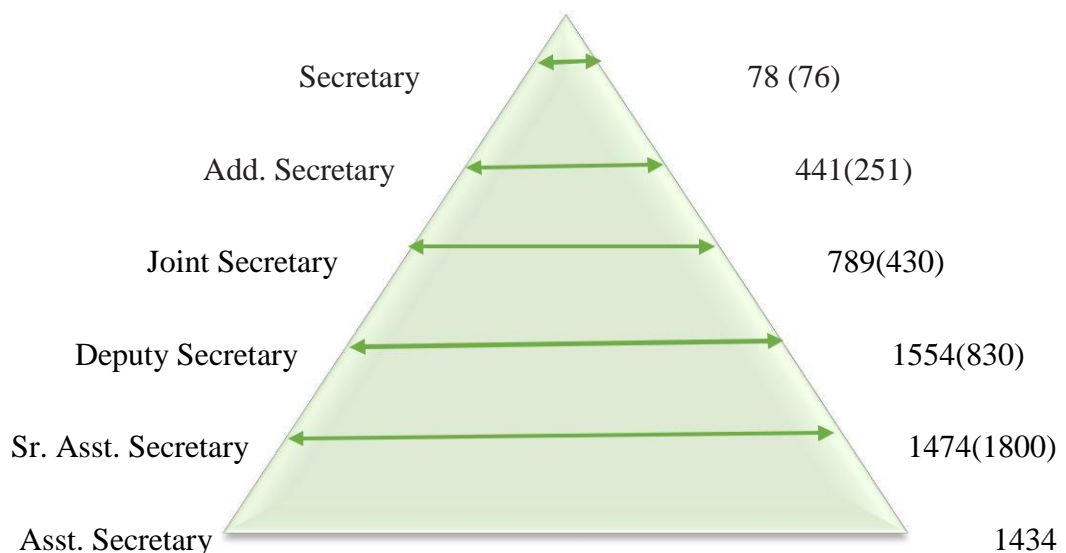
From the above table no.19, majority (43%) respondents answered ‘no’ while 30% answered ‘may be’ and 24% of the respondents are in favour of such appointments. While interview, almost all respondents in favour of lateral entry/contractual appointment were very much cautious about such appointments but most of them stated that such appointment should only be given in technical posts. Although the concept of new public management has been using in most of the developed bureaucracies but they don’t think such appointments are fit for Bangladesh now, since the successive governments of Bangladesh have shown their absolute partisan attitude in running the administration and have never thought it neutrally, and they have destroyed the public service neutrality, amity and cohesiveness of civil service. Thus the bureaucracy did not built up on neutral competence. In addition to that the democratic institutions are not built up in Bangladesh yet. As, former secretary to Bangladesh Government, Jafar Ahmed Chowdhury, wrote in his column in the Daily Financial Express that unfortunately, the civil service, among many institutions in Bangladesh, has been destroyed. It is now highly politicized with top-heavy administration. The system has become weak, unable to provide good governance (Chowdhury, September 2014). Interviewees opined that a consensus among political parties and formulation of a comprehensive civil service policy are necessary.

5.2.2 Blockage of Promotion

Hierarchically Limited Post & Limited Tenure of Service

Given the pyramidal hierarchical order and a stipulated age limit of service for the officials in Bangladesh Civil Service, any contractual appointment at the higher level (especially Secretary, add. Secretary or Jt. Secretary) for a certain period of time blocks the smooth promotions of many other officers down the line. It is mentioned earlier that the age limit of officers are 59 years (60 for freedom fighters and their wards). There is no alternative to get timely promotion for any qualified officer to reach the top most level of the hierarchy of the administration. Besides, every civil servant immediately after joining the administration has his/her own career planning where he/she at least wants to reach. As the hierarchy of the administration is narrowest at the top in terms of posts (posts of Joint Secretaries are around half of the posts of Deputy Secretary, posts of Add. Secretaries are less than those of half of the Joint Secretaries and the posts of Secretaries are one fourth of the total posts of Add. Secretaries so far). So, it is not possible for all officers at the level of Add. Secretary to become Secretaries. This is the general norm of all public/private organizations in the world. But the most unfortunate matter is that when any one at the top levels is given contractual appointment for extra tenure after his/her superannuation, it ultimately blocks the promotions of others relatively at the lower levels. Over the years, this arbitrary practice of contractual appointments by successive governments of Bangladesh has been very popular for gaining partisan political interests. While interview, the respondents explained that the age limit and pyramidal structure of Bangladesh civil service are the main reasons behind the blockade of promotion if contractual appointments are given. The below diagram 11 will clarify it.

Figure 11: Hierarchical order of Civil Servants



Source: www.mopa.gov.bd (Accessed 10 November 2017)

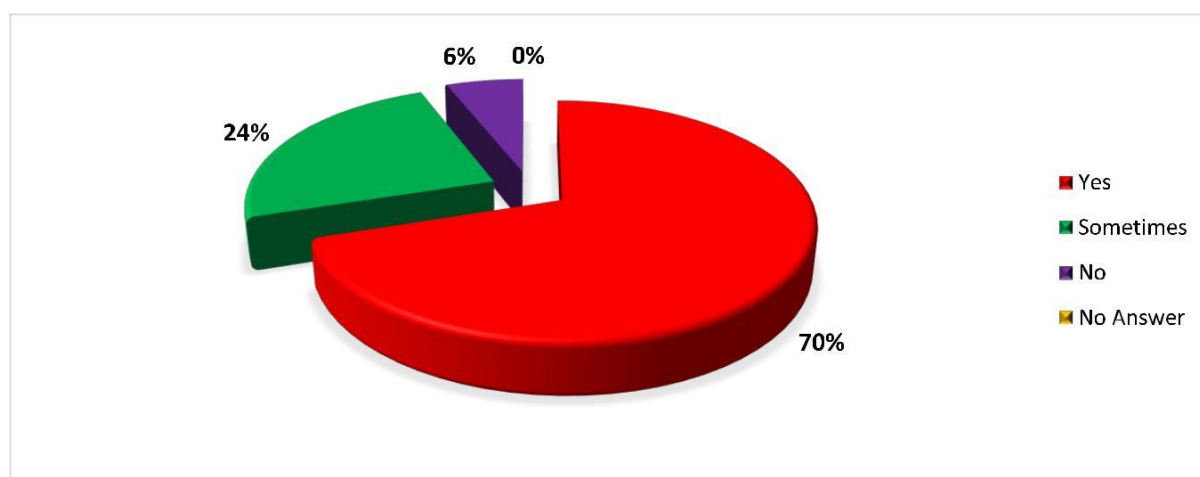
Above diagram depicts that comparatively the senior posts are much lesser than the junior ones. Only 76 posts are for the secretaries, 251 for Add. Secretaries, 430 for joint secretaries and 830 for the deputy secretaries. The posts of Assistant secretaries and Sr. Asst. Secretaries are more or less equal. It also reveals that the officers are almost double at all posts from deputy secretary to

additional secretary. It is now very much common that governments give huge promotions in spite of not having available vacancies which ultimately creates disarray in administration as promoted ones do the same old jobs. Such wholesale promotions are allegedly given on political considerations. Moreover, any contractual appointment at the secretary level ultimately blocks the promotions of lower 5 officers onward.

At present, the retirement age of the officers are 59 (60 for freedom fighters). During interview, the respondents clarified how the promotions are blocked by contractual appointments. Say, for example, an Additional Secretary, now 58 years of age, qualified from all aspects to become secretary, is waiting for his due promotion with only one year remaining from his retirement age. In the meantime, a secretary, 59, who is supposed to retire now, has been given one more year of contractual appointment at the same post. In this case, the additional secretary, who was eagerly waiting to become a Secretary, has to serve his remaining one year of job with the same designation and has to retire unless he is further considered for another contract, and the same negative effect falls on the other lower posts, since the upper posts of the ladder are lesser than the those of the lower ones. So, in the same way, a Joint Secretary, a Deputy Secretary and a Senior Assistant Secretary are deprived from their due promotions timely. Moreover, it forces many others to retire without their promotions timely. Dr. Akbar Ali Khan told the Daily Prothom Alo that one contractual appointment at the higher level of administration blocks the opportunity of upward progress of the lower five (5) posts. To him, only in specialized posts, where the experts may not be available in few certain cases, such contractual appointments may be allowed, but its wholesale usages in administration creates disarray among the civil servants (The Daily Prothom Alo, 26.07.2011). The article no. 5(3) of the Public servants (Retirement) Act-1974 declares that the president by the instruction of the Prime Minister may give contractual appointments to the retired civil and military bureaucrats only to the technical and specialized posts where there are certainly vacancies and lack of available experts. But the ruling parties don't care the rules and give wholesale appointments on contract in the general administrative posts blocking the promotion paths of many others. The Daily Manab Kantha (2016) reported that one (1) contractual appointment blocks at least eight (8) lower posts to be promoted by others. As Aminuzzaman (2013) also echoed that effect of contractual appointment at the level of secretary effectively blocks the onward progress of six other officers at other lower levels. A former cabinet secretary echoed the same and told the daily Samakal that contractual appointments block the promotions of the lower officers (The Daily Samakal, October 14, 2015). Another report published on the Daily Ittefaq where the former advisor to the former caretaker government and a retired bureaucrat M. Hafijuddin Ahmed opined the same that one (1) contractual appointment blocks at least 5 (five) lower posts (The Daily Ittefaq, September 17, 2014). In my Questionnaire, the answers to a question 'whether Contractual appointments hinder the career planning of meritorious and professional bureaucrats' will depict in the below table-20.

Table 20: Contractual Appointments hinder the smooth career planning

| Respondents | Do you think contractual appointments at higher level of administration hinder the proper career planning of meritorious and professional bureaucrats? | | | | Total Percentage |
|-------------|--|-----------|-------|-----------|------------------|
| 30 | Yes | Sometimes | No | No Answer | 100% |
| | 23(70%) | 7(24%) | 2(6%) | 0(0%) | |

Figure 12: Contractual Appointments hinder the smooth career planning

Most of the respondents (70%) answered 'yes' which reveals that smooth career planning of a qualified bureaucrat is impeded by the contractual appointments, while 24% opined 'sometimes'. So, it is quite clear that contractual appointments make a blockade in the promotions of many others. While interview, a retired deputy secretary - currently on Leave Preparatory to Retirement - expressed his serious anger saying that he joined as BCS Administration cadre officer but she was denied her due promotions over the years for unknown reason. Successive governments have deprived her. She was qualified, neutral and fair in service and never incurred any disciplinary action. She thinks that partisan attitude of governments especially in promotions, OSDs, contractual appointments and forced retirements is the main cause behind her deprivation.

Similarly, when interviewed, all retired joint secretaries and additional secretaries opined that they have been deprived several times from their promotions particularly from the level of deputy secretary as they think they were neutral in all governments; they did not show any loyalty to any of the political parties during their service. They also opened that contractual appointments have blocked the promotions of hundreds of brilliant civil servants during their service period. The following statistics (Table-21) of contractual appointments in different

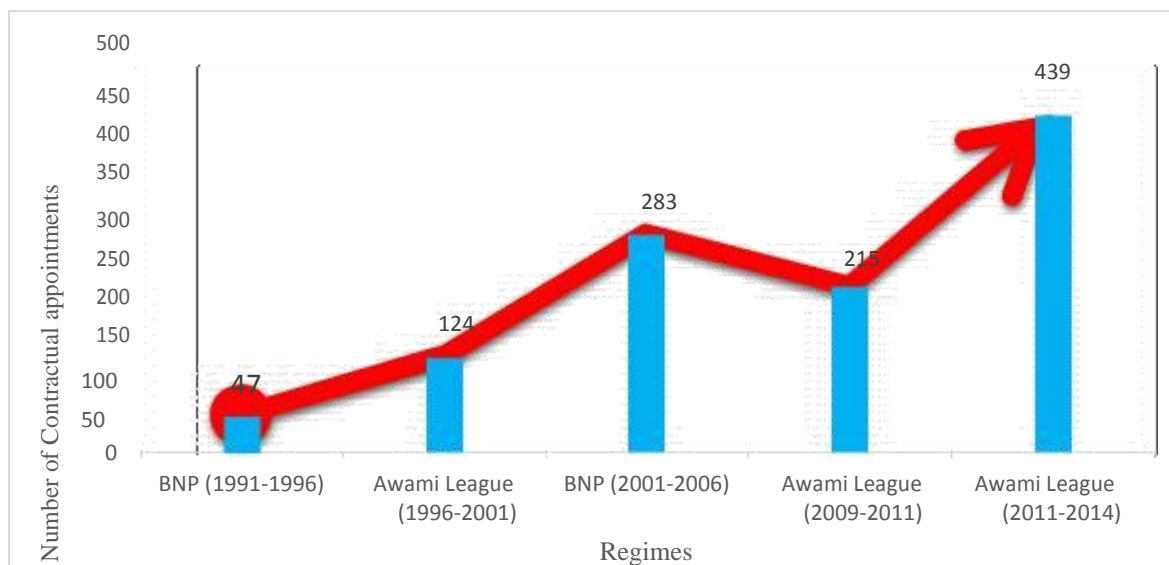
regimes may reveal wholesale contractual appointments which ultimately blocks thousands of efficient officers from their due promotions.

Table 21: Contractual Appointments in Different Regimes

| Regimes | Number of Contractual appointments | Classification of Appointees |
|--|------------------------------------|--|
| BNP (1991-1996) | 47 | Retired Senior Assistant Secretary to Secretary |
| Awami League (1996-2001) | 124 | Do |
| BNP (2001-2006) | 283 | Do |
| Awami League (2009-2011) & (2011-2014) | 215 & 439 | Retired Senior Assistant Secretary to Secretary & Others |

Source: Bangladesh Gazette 1991-1995, The Daily Prothom Alo, January 15, 2005, The Daily Ittefaq, September 17, 2014 and The Daily Prothom Alo, July 26, 2011.

Figure 13: Contractual Appointments in Different Regimes



Source: Abridged from Bangladesh Gazette 1991-1995, The Daily Prothom Alo, January 15, 2005, The Daily Ittefaq, September 17, 2014 and The Daily Prothom Alo, July 26, 2011.

The above picture shows contractual appointments only for the general cadre officers. It is seen from the picture that during the first tenure of BNP (1991-1996), number of contractual appointments at the higher administrative posts were comparatively less - only 47, it increased to 124 during AL (1996-2001), also a sharp increase to 283 during the second term power of BNP (2001-2006), even the upward trend continued in the AL period (2011-2014) and it is still continuing. At least 670 senior cadre officials (Senior Assistant Secretary to Secretary only) except military bureaucrats and outsiders were contractually appointed during 1991-2011. As one contractual appointment at higher level of administration blocks the 5 lower successive posts, it may be inferred that at least (670×5) 3350 general cadre officials were deprived from their due promotions during the above span of time. But retired military officers, persons from different corporate entities, pro-government politicians, artists, literary men, journalists, NGO (Non-Government Organization) activists and various professionals have also been given priority for giving contractual appointments under exceptional role of the president's 10% quota. If we consider all contractual appointments, civil, military and others, the statistics will be huge and even more than double the current figure.

5.2.3 Low Level of Morale

Violation of Legal Framework

Successive governments violated the legal obligations of contractual appointments - appointments are only for technical/specialized posts. There are few set rules and regulations for contractual appointments in Bangladesh civil service. It appears that ruling parties have manipulated and frequently violated the rules for their partisan interest. Article 131-136 of Constitution has described everything about Civil Service of Bangladesh. As per Article 65(1) of the constitution, parliament enacts laws that set the legal context for the functioning of the civil service. The same article authorized parliament to delegate authority to the executive to make rules, regulations and bylaws that regulate day to day disposal of business. Article 133 mentions that parliament may by law regulate the appointment and conditions of the service of the civil servants. Article 136 empowers parliament to make laws for reorganization and reform of the service and to bring change in the service conditions of the civil servants when necessary. Sometimes the government has to keep continuation of the function of the of the government agencies by contractual appointments where normal appointment is not possible in a hurried manner due to administrative complexities, and sometimes specialists and experts are also given appointments contractually in technical or professional posts where there are insufficiencies of such experts in some particular cases. But successive governments have misused this system by randomly giving contractual appointments to its likeminded people violating the technical/specialized norm. The public servants (Retirement) Act 1974 & Rules 1975 declare about the contractual appointment in only few exceptional cases. The act consolidates and amends the law relating to the retirement of public servants. The Government has been given power to make rules under section 11 of this Act. Re-appointment or extension of service under this rule is completely prohibited unless the emergency comes forward. The governments circular No, ED: A1-119/75-333 (100) dated 19-5-1975 shows that experts and specialists may be given contractual appointments only in the technical and specialized posts during insufficiency of expert ones. The circular also gives emphasis on the issue that such appointment can be given only when it will not block the promotions of others. It also prohibits the random usages of such exceptional rules (Establishment manual, 541-566). However, the president, in the interest of Public service, has special power to appoint any suitable person on a contract basis for which there is no age-bar. The article No 5(3) of public servant (retirement) Act 1974 declares that by the special authority of the honorable president, any government employee after superannuation may be given appointment on contract for the national interest.

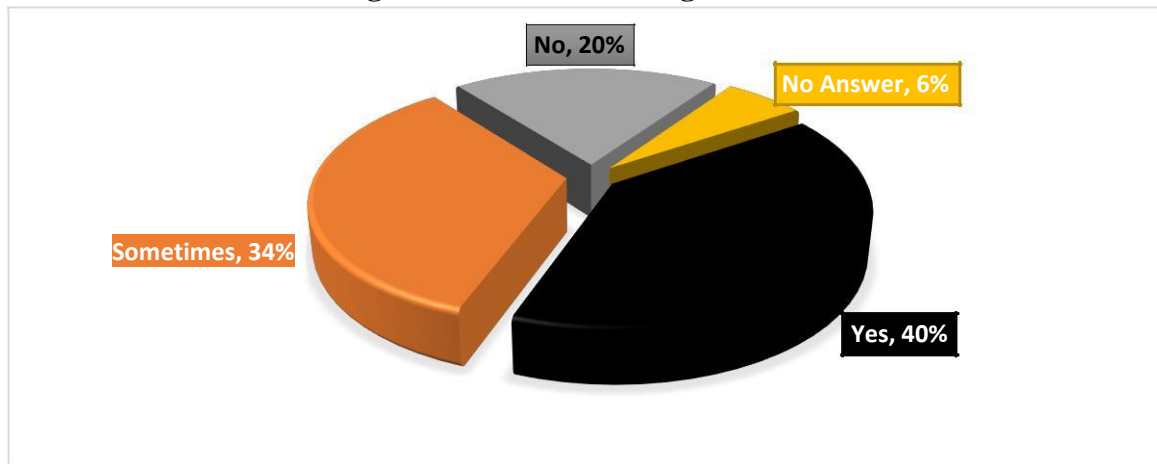
All successive governments particularly after 1991 manipulated the rules of 10% president's quota and sometimes violated it mostly for their political interest. This quota for filling the positions of secretaries from outside or by retirees was often exceeded by the governments and this is seen by the career bureaucrats as a hindrance to their route to higher echelons of civil service or in statutory bodies (Zafarullah and Khan, 2007:252). Blocking of huge number of promotional posts by random and wholesale contractual appointments over the years is a serious violation of constitution of Bangladesh. According to the preamble of the constitution, "the fundamental aim of the state is to realize through the democratic process a society in which the rule of law, fundamental human rights and freedom, equality and justice, political, economic and social, will be secured for all citizens". Article 19(1) declares "the state shall endeavour to ensure equality of opportunity to all citizens. Article 29(1) declares that there

shall be equality of opportunity for all citizens in respect of employment or office in the service of the Republic. The article 133 of the constitution clearly spelt out that the public administration would be run as per a law passed by the parliament but no such law has been enacted since the country's independence, although consecutive governments have introduced rules as ad hoc basis for political gain. It is widely believed that absence of civil service Act has allowed the successive governments to manipulate the whole structure at their will (Aminuzzman, 2013). So, it's crystal clear that the successive governments have frequently violated, manipulated and misused the exceptional policy of contractual appointments for their narrow partisan interest, which ultimately lowers the morale of careerist civil servants. While interview, most of the respondents suggested to give such appointments only on technical and specialized posts, like few posts in Atomic Energy, land record, power sector, different development projects, budget etc. and in various ministries/divisions like agriculture, environment, family planning, LGED, Roads and Highways, statistics division, planning, finance, IT department, Water Development Board, PWB, Education, LGRD, REB, Science and Technology and health department etc. They think that there are few posts in the above departments where contractual appointments may be given to few highly expert and extraordinary people in case there are dearth of expert manpower. But in reality, governments have frequently violated the above rules, which have certainly despaired the careerist professionals. The following (table-22) demonstrates the violation of technical and specialized norms for contract.

Table 22: Violation of legal framework

| Respondents | Do you think that the successive governments of Bangladesh have violated the technical/professional rules while giving contractual appointments? | | | | Total Percentage |
|-------------|--|----------------------|--------------|--------------------|------------------|
| 30 | Yes 12(40%) | Sometimes 10(34%) | No 6(20%) | No Answer 2(6%) | 100% |

Figure 14: Violation of legal framework



The chart showed that 40% respondents are of the opinion that successive governments have violated the legal rules of technical/specialized sectors. They said that the governments misused such exceptional norm giving huge number of contractual appointments to general administrative posts for political reasons. 34% respondents opined “sometimes”. The most interesting matter is that many civil servants are found really unconscious about the laws and rules of contractual appointments, but they simply think it is politicized. And thus such violation of legal framework creates disappointment among the neutral bureaucrats.

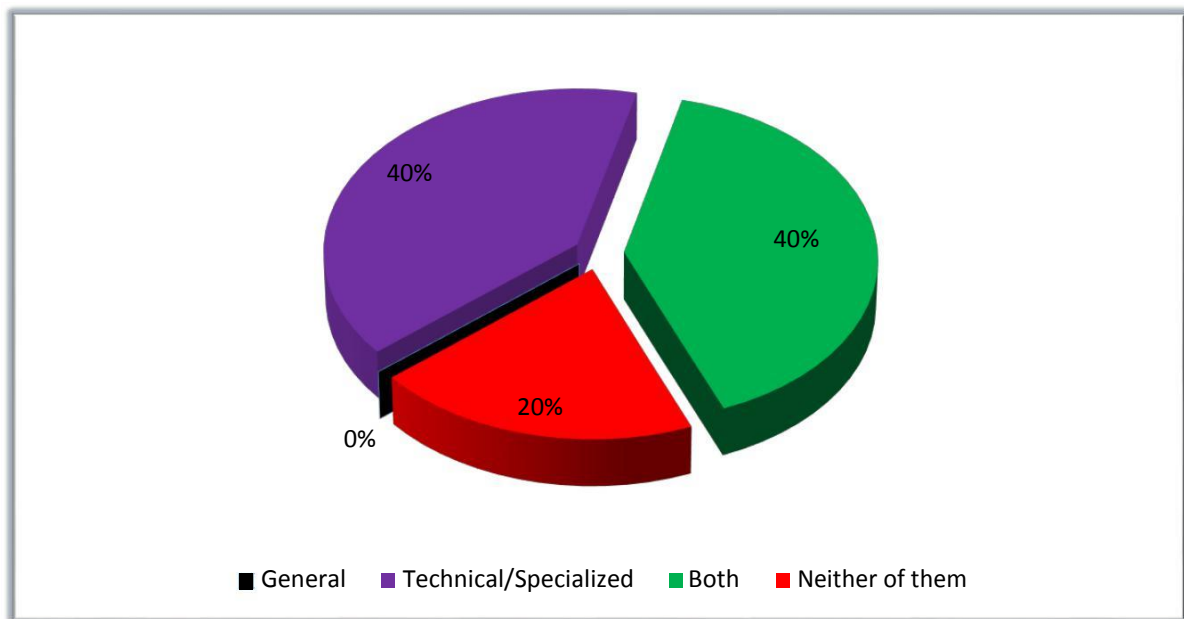
The present laws and rules relating to contractual appointments have some loopholes as well, where there is a chance to misuse of these rules utilizing it for narrow political interests. The articles no. 5(3) of the Public servants (Retirement) Act-1974 declares that the president by the instruction of the Prime Minister may give contractual appointments to the retired civil and military bureaucrats only to the technical and specialized posts where there are certain vacancies and lack of available experts. But this article did not clarify what the technical and specialized posts are? Can we consider the posts of secretaries of all ministries and divisions are technical or specialized? If not, then how the successive governments appointed the retired civil and military officials contractually on different ministries and divisions etc. Since, the rule has the vagueness, all governments took the advantage of it and politicized the civil service by appointing their like-minded bureaucrats on contract basis with the expense of efficiency, expertise and professionalism. The below (table-23) showed that 40% of the respondents are in favour of only technical posts for such appointments, 40% are for both general and technical posts and 20% are totally against any contractual appointments. These 20% respondents think,

our administration has enough expert and professional people who are ready to take over any vacant posts. Interviewees have shown their serious concern over the contractual appointments that almost all contractual appointments, particularly appointments in general administrative posts, are politically biased towards the ruling party, or in other words, successive governments tried to control the administration by such contractual appointments.

Table 23: Necessity of cadre appointment on contract.

| Respondents | To what cadre appointment on contract may be necessary? | | | | Total Percentage |
|-------------|---|-----------------------|---------|-----------------|------------------|
| | General | Technical/Specialized | Both | Neither of them | |
| 30 | 0(0%) | 12(40%) | 12(40%) | 6(20%) | 100% |

Figure 15: Necessity of cadre appointment on contract.



Another rule no. SOM (Bidhi-4)-Bibidah 6/87-3(200) of the memorandum of establishment ministry of 1988 shows that the president may appoint serving and retired civil and military bureaucrats and any eligible persons from the mass people on contract basis to statutory bodies, state owned institutions, semi-autonomous, autonomous organizations and so on. It is not quite clear who the special eligible persons of the mass people are? This rule has also some sort of shortcomings, through which ruling party can easily politicize the civil service. And these have been utilized by all governments to appointed their partisan people on contract from different spheres of life including politicians, literary men, journalists, advocates, actors, businessmen, non-government organization (NGO) workers and professional ones who are actually from the same political block like the ruling party. Besides, the SRO No. 261 of 1989 of the then Establishment Ministry declares that the president has the authority to appoint 10 percent on contract or on deputation at every stage of deputy secretary, joint secretary, Additional secretary and secretary. In this case president appoints from retired civil and military

bureaucrats. Ten percent is a large amount which was carefully utilized by the military rulers from 1975 to 1990. They co-opted the military bureaucrats in civil administration. Moreover this 10 percent quota has been re-organized by the successive governments. In 2001, the BNP-lead 4 party alliance government abolished the ceiling of 10% president quota and creates a limitless opportunities to appoint their party-men bureaucrats on contract at the highest echelon of civil service - secretary level. This has done totally on partisan political consideration. As Zafarullah and Khan (2007) echoed that retired civil servants are reappointed on contract in an arbitrary manner due to irrational guidelines, non-objective criteria and personal lobbying. A responsible source of the administration told the Daily Star that the ruling party recruits them given the weakness of rules and laws regarding such appointments (The Daily Prothom Alo, January 31, 2010). It is generally considered that professional cadres like engineering, Health, Agriculture may have some technical or specialized posts. Besides, government's certain projects, programmes, budgetary work and statistical issues may also need some technical and professional persons on contract if sudden vacancies are seen. During interview, a retired secretary did not totally accept any kind of contractual appointment – not even in technical posts. Such vagueness and many other loopholes of the legal frameworks and violation of rules by the ruling parties have entirely demoralized the thousands of professional bureaucrats as they are frequently deprived from their promotions.

Low motivation, Dissatisfaction and Frustration

High morale of an employee is not achieved on its own rather it must be facilitated through proper organization, management and motivation (Taillard and Giscoppa, 2013). The high-priority issue of an organization in order to achieve its goal is to get the employee motivated. With connection to Maslow's need hierarchy theory, civil servants want to get their self-actualization by reaching the highest echelon of administration - the post of secretary in the bureaucracy of Bangladesh. But contractual appointments by the ruling parties for our policy making bureaucrats - Joint secretary to Secretary - have demotivated many aspirants to work hard who get their promotions blocked as the governments always strive to keep such policy level bureaucrats at their hand to establish their political motive and ideology. Motivation is the reason for people's actions, desires, and needs. Performance comes from ability and motivation of an employee. Low motivation brings low morale in administration. There was a question in the study that whether contractual appointments demotivate the deprived officials who have been denied promotions. It is obvious that deprived officials from their promotions will certainly be demotivated, dissatisfied and frustrated. According to Herzberg's Two-Factor theory, the sense of personal growth/job achievement, acquiring recognition, opportunity for advancement, status and challenging or stimulating work are the motivating factors for work in any organization (Prasad, et al., 1991). When the careerist bureaucrats see their promotions are blocked for contractual appointments, they feel severe deprivation, lose their rhythm of work and morale. Besides, company policy and administration, feeling of job satisfaction are among the hygiene factors according to Herzberg which are also vulnerable in Bangladesh Civil Service such as: violation of contractual rules, forced retirement of any civil servant for so called public interest after the service length of 25 years, and frequent OSDs. And such policies regarding the issues randomly misused by the ruling parties. Thus the volatile hygiene factors dissatisfy the career conscious civil servants. "Contractual appointments of the retired bureaucrats and professionals to top positions of the public administration continue to hold up the promotion process of regular civil servants, thereby frustrating them" (Aminuzzaman, 2013

and NGK, 2010). In case of military appointments on contract in civil bureaucracy, the former cabinet secretary and scholar Dr. Akbar Ali Khan told the Daily Prothom Alo that such contractual appointments from the military officers at the civil administration may create disappointment among the civil officials who have been deprived from their due promotions, resulting in the severe damage of their morale blocking their promotions and prestigious postings. The government should limit contractual posts to some technical areas only where there have insufficient number of qualified people, added Akbar, also was in contract for few months in BNP-led alliance government (The Daily Star.net, March 27, 2011). While interview, most of the bureaucrats have expressed their grievances over contractual appointments at many high-ranked posts. The top positions of various corporations, bodies, autonomous and semi-autonomous institutions are filled by a large number of ex-bureaucrats, military officials and other professional or so called eligible men under the President's 10% quota which the serving officials felt that they are not honoured in the jobs. As Zafarullah and Khan (2007) stated that the process of inducting military personnel - both serving and retired - into top administrative positions gained momentum during military period and this trend continued even after the democratic voyage in 1991. They are appointed contractually in NSI (National security Intelligence), Police departments, various important posts of home ministry, foreign affairs ministry, health ministry and in various corporations and bodies. It is alleged that most of the appointments on contract are on the basis of political allegiance or nepotism and favouritism. Also, the top prestigious positions of various corporations and bodies are several times filled by the lateral entrants, which is another disappointing matter for the professional bureaucrats. Asked about the military appointments in civil bureaucracy, the former CAG and chairman of the Trustee Board of TIB, Mr. M. Hafizuddin Khan counter questioned whether there is any dearth of eligible civil bureaucrat in civil administration? He said this is illegal and such appointments block the promotions of civil bureaucrats and ultimately creates dissatisfaction and frustration among them (The Daily Prothom Alo, January 31, 2010).

Various anonymous sources said that there are available eligible civil officials to be appointed on a regular basis. But successive governments did not consider the civil bureaucrats on many vital posts of corporations, departments and autonomous and semi-autonomous organizations of Government rather they have appointed military officers on contract on political consideration, decreasing the morale of the regular serving officials (24th September, 2016, Bangladesh news24x7.com). The below box-7 will give a brief but clear picture of Military recruitments in civil administration.

Box 7: Militaries on Contract in Civil Administration

Militaries on contract in civil administration

During the colonial period, the military officers were co-opted in civil administration for the necessity of rapid administrative development of British rule as there were lack of sufficient number of skilled civil officers in the sub-continent.

This trend continued after the expiry of British rule, followed by the government of India and Pakistan and by Bangladesh after getting free from Pakistan in 1971. The Mujib government tried to control the civil bureaucracy but his initiatives were severely criticized for immense politicization. After independence, the Mujib government gave appointment of major general C.R. Datta as the chairman of the Freedom Fighter Welfare Trust (The Daily Prothom Alo, January 31, 2010). Another source said that his government inducted two military officials in police administration, one of them was an IG (Inspector General of Police) during four party alliance government and the other went on retirement as additional IG (The Daily Samakal, September 7, 2010). From 1975 to 1990, there was military rule in Bangladesh. The military authority needed the support of civil bureaucracy and the civil bureaucracy strengthened its position in return for supporting the military regime (Monem, 2007). General Zia appointed many military officials to high civil posts. By consisting the council committee on senior appointments and promotions consisting of ministers, he violated a convention of political non-interference in the field of senior appointments and promotions (Ahmed, 1986). After Zia, Ershad continued the process of induction of military bureaucrats in civil bureaucracy. Such a situation created dissension among career conscious bureaucrats who were averse to the lateral entry. This flow of military appointments into civil bureaucracy continued even after the democratic journey in 1991. They are appointed contractually in various ministries, divisions departments, and in various corporations and bodies. Such contractual appointments in the higher administrative posts block the path of other civil servants to get promotion timely. Besides, the military bureaucrats creates the psychological pressure to the civil ones. It is known that during the four party alliance government (2001-2006) a total of 82 military officials were appointed on contract in civil administration and now in this period of Awami League, its number of contractual appointments so far as 122 (The Daily prothom Alo January 31, 2010. Such lateral entries to various administrative posts make serious disappointments among careerist civil bureaucrats.

Although, presumably, we have not enough skilled and expert officials in civil service and they are not being prepared with proper career planning, need-based high quality training, motivation and performance appraisal rather politicization in recruitment process with the most irrational contractual appointment system frustrate the brilliant officers and stimulate them to go abroad and to settle here, thereby the country losing service of the brilliant officers (The Daily Kaler Kantha, February 27, 2017). The below box-8 will certify the level of frustration of some senior civil servants' suicidal activities.

Box 8: Suicide from frustration

Two Joint Secretaries committed suicide

Several pathetic news have been published by the daily Amardesh Online that two joint secretaries have committed suicide for deprivation from promotion and having as OSD for long time. Mr. X, a 83rd batch cadre officer, was deprived from his due promotions for three or more times and also kept OSD for several years, has committed suicide on 12th July 2012. His son told the newspaper that his father would feel insult when his juniors got promoted and he had to honour them but he had all qualifications to be promoted. Many of his colleagues are now Secretaries.

Earlier, on 16th August 2010, a joint secretary of DCC also committed suicide. He was kept OSD for 22 months. One of his family members said that he was a man of work but such a situation he never expected. He got mentally upset and committed suicide at his resident in Banani, Dhaka. Now, unfortunately, hundreds of efficient and professional officers are still deprived from their due promotions for years. Such deprivations severely demolish the morale of them which ultimately creates disarray and lessen the productivity in administration.

Source: The Daily Amardesh online, 8th January & 20th October, 2013.

The above instances are the samples of many other negative effects of demotivation by contractual appointments and other personnel issues.

Politicization

Effective bureaucracy needs wise and sound public personnel administration. Personnel administration is an extremely difficult task. The caliber of any organization is primarily determined by the quality and character of the people within it. It needs blending of universal principles and indigenous cultural considerations to build an effective public administration (NGK, 2010). The conceptual basis of civil service management rests on a number of clearly defined, though interrelated areas. These includes a) size, b) recruitment, c) pay and pension d) deployment e) career planning and management f) Training, g) disciplinary control h) promotion i) disposal of business and j) openness versus secrecy in government (Ali, 2007:1).

Contractual appointment as part of recruitment has created a widespread controversies among the civil servants and all stakeholders of Bangladesh civil service. Though it is difficult to precisely draw the line of demarcation between politics and administration in respect of civil service management, the concept requires the civil servants to act under the overall guidance and supervision of the politically elected officials such as ministers in the form of Westminster democracy. “The argument for political control rests on the premise that civil servants are required to assist ministers in framing of policies and more importantly, executing the policies and programmes approved by ministers in charge of relevant ministries. At the same time, in multiparty framework of parliamentary democracy based on white hall model, the civil servants are expected to be politically neutral further distinguished by anonymity and permanency in career”(Ali, 2007:02). In this response, appointment, promotions and deployment of the

officers are the most important and sensitive functions of civil service management. Controversies arise when these are framed or otherwise amended to serve narrow political ends. In the recruitment process, the element of political control ideally has to be absent. However, in this area also narrow political considerations may creep into make way for politicization of the recruitment process (Ali, 2007).

F. Jahan and A. M. Shahan quoted from Rouban (2007) that “another dimension of politicization generally refers to a situation where appointment, transfer, promotion and other career decisions of civil servants are dependent on the will of the political masters. In different countries the application of this principle has resulted in two extreme situations. At one extent, in many developed democracies, partisan appointment at the key strategic positions of the government is considered a normal phenomenon. This practice has often been deemed as beneficial as it would allow the executive branch to practice some means of control over policy decisions. Besides, in this cases, partisan appointment does not imply incompetence and partisan appointees are often separated from the career civil servants through specific rules” (Rouban, 2007). On another extent, this form of politicization is often used “to hand out jobs to friends of political party or parties in power, operating a shift from a relationship of clientele to one of parentela” (Peters cited in Rouban 2007:204).

It has been mentioned several times in this study that politicization has been institutionalized in Bangladesh Civil Service over the years. Party loyalty and political ideology have been the dominant features in personnel decisions. The number of contractual appointments also increased and most of these appointments and extensions on contract are on the basis of political allegiance (The Daily Star, July 17th, 2006). Governments also appointed several political functionaries as executive heads of some public corporations and bodies like WASA, Road transport, BIWTA etc. (Aminuzzaman, 2013). And such politicization may cause a decline in the morale of the neutral civil servants and reduce their efficiency and effectiveness (Jahan, 2006). “Contractual appointments provide scope for preferential treatment and politicization of the civil service. Every government places its own set of bureaucrats in top positions, compromising competence and performance for partisan loyalists. It further institutionalizes the systematic partisan politicization of the bureaucracy. Far worse, it rewards the worst sycophantic elements within the bureaucracy with coveted positions while punishing those who remain neutral and professional and may deserve promotions based on their performance” (NGK, 2010). It is the political parties who have made the bureaucrats’ life uncertain and unpredictable. Even those bureaucrats who intend to remain neutral and climb the ladder of success through hard labours and performances are denied the opportunities. Therefore, reaching at top positions at the higher echelon of bureaucratic hierarchy are now hinged on political pendulum and one has to be very careful to swing it, i.e. which side one chooses may either reward him profusely or cost him dearly (NGK, 2010). Professor Dr. Salahuddin M Aminuzzaman told the daily Prothom Alo on Monday that the government can recruit an official on contract only once and only for fulfilling the urgency, otherwise, it can frustrate other officials and their work spirit (The Daily Prothom Alo, November 25, 2017).

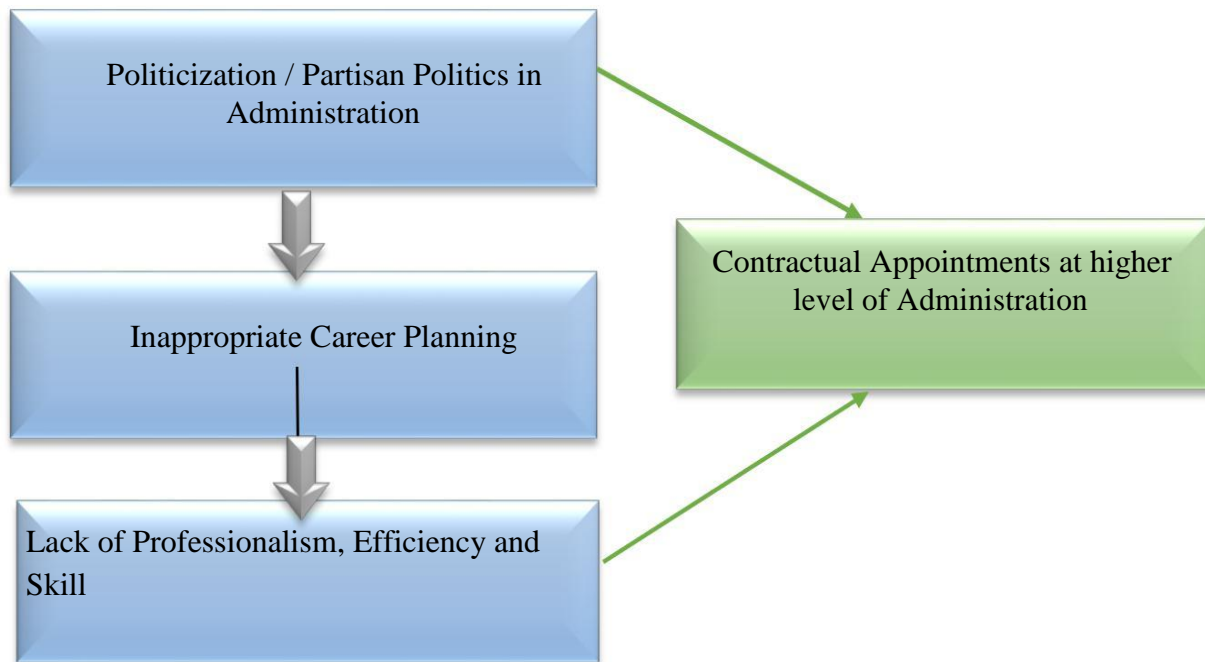
Promotion to the rank of DC, SP, PS of minister and attachment to Prime Minister’s office are treated as a very risky thing for many professional civil servants. Although, these are the posts which have more power and prestige but the neutral and professional civil servants are a bit skeptical regarding these posts. Any officer upgraded to those posts has to face wraths and immediately after the change of government they see the opposite side of the coin – the

harassment. The reason for the harassments is only relating to their posting to the cited posts. The problem goes more intense when a meritorious civil servant becomes the escape goat (The Daily Samakal, September 13, 2009). While interview, all respondents opined that contractual appointments – the ultimate result of politicization - have certainly demoralized all neutral bureaucrats. Any blockade on the way to working at higher level of the government is enough to disappoint the entire administrative system. Any irregularity in the process of recruitment is bound to impair the foundation of public service and to destroy the careers of vast majority of officers, while inefficient party loyalists do more harm to the government at the end by misleading it from real crisis. Such practice must be avoided (8 it is the right of every official to be duly promoted and fairly treated based on his or her merit and tenure of service. In public service, merit matters first. Other considerations like personal allegiance and political loyalty should not be allowed. They destroy service discipline and commitment of officials to serve the people. Eventually, they become corrupt and complicit to policies and actions that serve the party in power. A highly partisan administration betrays the nation, allowing injustice to spread and chaos to grow at all levels (The New Nation, September, 11, 2017). Moreover, in terms of career planning, the junior civil servants can't grow up properly. Career planning and development is the deliberate process through which a person becomes aware of personal career related attributes and the lifelong series of stages that contribute to his or her career fulfillment. "It underlies the employer's role to utilize its employee's abilities to the fullest and give all employees a chance to grow and to realize their full potential and to develop successful careers" (Aminuzzaman, 2013).

The career planning and Training Wing (CPTW) of Ministry of Public Administration was formally started in 2002 within the Ministry of Establishment under an additional secretary. The main purpose of the Wing is to devise and operationalize a career planning system in the context of civil service of Bangladesh. One of the major functions of the wing is to rationalize the training system, undertake training need assessment and make placement plan for the locally and overseas trained public officials. This wing is supposed to work hand to hand with appointment posting and deputation (APD) wing of the Ministry of Public officials based on their career records, training and track record of competence and ACR. However, a World Bank Study in 2006 noted that the CPTW at present is dormant and functionally inactive. The most important and powerful wing of the MOPA is the APD wing. This wing makes the vital decisions as far as career development is concerned. Although the process of direct recruitment is conducted by the PSC, all appointments to the senior civil service (deputy secretary and above) are made by the prime minister upon the advice of the superior selection board (SSB) which is comprised of the principal secretary, the cabinet secretary, the secretary of Home Ministry, and the secretary of Establishment Ministry (DFID, 2004 cited in Jahan, 2006).

An interview to several senior assistant secretaries to secretaries conducted by Dr. Salahuddin M. Aminuzzaman (2013) observed that the process of induction to deputy secretary (DS) positions is not transparent. Politicization and favoritism has significantly caused the credibility of the system of induction. Over the last one and a half decades, due to inappropriate career planning, professionalism and competence of BCS have declined noticeably. In case of promotion, posting and transfer, successive governments have also politicized the administration. Proper career planning policy is not being implemented by the governments only for getting narrow political advantages. So, unsmooth career planning leads to lack of professionalism and efficiency in administration and ultimately leads to contractual appointments for running a good administration. The below diagram-16 will clarify it.

Figure 16: How Contractual Appointments get priority



Source: Researcher's self-sketch

Above diagram clarifies that contractual appointment at higher level administration generally gets priority when the government politicizes the administration and partisan politics gets dominance among the higher level officials. And such partisanship blocks the proper career planning of others and ultimately leads to lack of professionalism, expertise and efficiency, creating further dearth of available experts in running the administration in future.

5.3 Chapter Summery

This chapter presented the study findings and analyses in details with all three variables –Foster Partisan Political Interest, Blockage of Promotion and Low level of Morale. These three variables are the main negative effects of contractual appointments which are measured with various indicators. As per the answers of respondents and interviews from them together with the content analysis discussed in this chapter, it appears that all the effects of contractual appointments are interrelated but the major one is fostering the partisan political interest in administration which ultimately institutionalized the overall politicization in Bangladesh Civil Service. Most interviewees are on the opinion that contractual appointments are given mostly on partisan attitude and it ultimately leads to politicization in administration. Besides, promotion blocks of thousands of others and decrease the level of morale to work in administration have been proved as true by the answers of semi-structured questionnaire, opinions of interviews from the respondents and different content analyses.

CHAPTER 6: CONCLUSION AND RECOMMENDATION

6.1 Summary of findings

This chapter represents the concluding remarks with summing up the major findings of the study. The main objective of the study was to assess the negative effects of contractual appointment in Bangladesh civil service. There are three main effects of contractual appointments – foster partisan political interest, blockage of promotion and low level of morale. The main aim of the research was to find out the effect of contractual appointments in Bangladesh Civil service spanning the period of 1991-2011. A total of thirty (30) respondents -- all are Civil Servants -- were covered through in-depth interview and semi-structured questionnaire survey. After analyzing the data and findings it is found that contractual appointments at higher administrative posts given by the successive governments have increased the partisan politics in administration, blocked the promotions of thousands of meritorious and neutral officers and decreased the morale of the deprived officials . Indeed, the system was initiated from an ideal notion that in case of insufficiency of expert manpower, contractual appointments should be given particularly in few technical posts. But the findings showed that all successive governments misused the system only for their partisan will, violating such technical or specialized norm. They randomly and arbitrarily co-opted the retired civil and military bureaucrats together with so-called eligible men from the general people who were politically biased to the ruling party for such appointments manipulating the president's ten percent quota. In this context, successive governments did not even formulate any comprehensive law relating to it, though it was initiated by them several times. But the governments make few rules and regulations regarding contractual appointments which are inadequate and vague. All governments took advantages and utilized them for their own interest and even sometimes they have changed the rules for their own political interest. All respondents have agreed that such random usage of contractual appointments should be stopped and it should also be limited to only technical posts. According to findings, favouritism and political patronage of the successive governments and loyalty of the contractual appointees to the ruling party matter behind fostering the partisanship in administration. In terms of blockage of promotion by contractual appointments, any contractual appointment after superannuation at the higher administrative post ultimately blocks 5/6 lower officers who are generally supposed to be promoted chronologically; since the civil service of Bangladesh has hierarchically pyramidal in structure and the stipulated service limit (59 years of age) of the employees. Such Blockage of promotion and partisanship in administration ultimately decrease the morale of the careerist, neutral and meritorious officers thus creating disarray and overall bad governance.

6.2 Conclusion

The civil service of Bangladesh has now been drastically politicized and underperformed in ensuring governance which was a steel frame of neutral competence and meritocracy in the early days of British India. Only for the political gain and survival in power, the successive governments have misused the most important organ of the state -- the executive branch. In doing so, all governments targeted the personnel administration that includes recruitment, promotion, transfer, postings, OSD and contractual appointments. Unfortunately the noble concept of contractual appointments has been completely politicized. No government over the regimes has formulated a comprehensive civil service act or passed a law which could clearly spell out rules of contractual appointments as per the order of the constitutional obligation. Giving such appointments to party-men-bureaucrats and depriving thousands from their due promotions, successive governments have destroyed the morale and productivity of the neutral and professional ones which ultimately increases the politicization and partisanship in administration. Moreover, such politicization by the ruling parties has divided the civil servants into two major blocks: pro-Awami League and pro-BNP, or, sometimes, freedom fighters and non-freedom fighters. Over the years, hundreds of retired civil and military bureaucrats were given contractual appointments at higher echelons of administration unnecessarily and only for awarding the ruling party's sycophants. Suggestions from several retired civil servants have clarified that there must be a clear-cut rule for such appointments and it should be in such a way that it will never block the promotion path of others.

6.3 Recommendation

From the above study, it can be recommended that 10 percent president's quota at all senior administrative posts -- from deputy secretary to secretary -- should be abolished, rather a very few specific posts which the government may consider to be filled by contractual appointees should be selected like India (discussed in chapter-4). For instance, contractual appointments may be given to the posts of the secretary of law or finance, or the chief or principal secretary to the prime minister, where extra-ordinary knowledge or expertise can be required. But the policy for such recruitments will in no way block the promotions of other subordinate officers. There may be created some advisory posts at the top hierarchical levels of secretariat so that they can come up with their expertise without sitting at the direct hierarchical lines of bureaucracy -- resulting in no promotion barrier for juniors. In this respect, a political consensus among ruling and opposition parties is a must, so that they formulate a policy and can't change the rules frequently.

Another important thing is to clarify the technical/specialized posts of various ministries, divisions or bodies, which will certainly stop the random use of such appointments. There should have a list for technical/specialized sectors of various ministries/divisions. In terms of lateral entrants -- military bureaucrats or outside private experts -- there should also have some sort of rules and regulations. It's better not to induct the military officers into the civil administration as several interviewees have shown their serious resentment for the military contract. However, they may be appointed in some technical/specialized posts only with a very limited numbers after finally formulating a policy which will demarcate their scope of appointments. For the outside private experts, the same policy may be followed. But in both

the above cases, an open competitive selection test is required for ensuring transparency, merit and expertise with proper circular for job on the media.

Finally, there is no alternative to develop a fully merit-based civil service – no quota based-recruitments at all levels of entries -- for ensuring governance and facing the challenge of the 21st century, so that an intellectually sound administrators and diplomats can be built up. To this end, a comprehensive civil service act or law passed by parliament is immensely necessary. In this respect, the political leaders should take lessons from the successful administrations of neighbouring countries like Singapore, Taiwan, South Korea and Malaysia who have achieved better governance remarkably in a short period of time. And everything positive for the best governance of the country will happen only when the government and opposition parties will come together and reach a consensus for the betterment of the country.

6.4 Further Research

The current study highlighted the politicization in Bangladesh Civil Service through contractual appointments – the effective and powerful tool among many other catalysts. The study mostly based on qualitative approach with a limited number of respondents (only 30) for in-depth interview and semi-structured questionnaire. The findings of the study may not be generalized as the sample size is very small. So, there is an opportunity to further research with a standard level of sample and to find out the effect of contractual appointments.

As the research is, to some extent, sensitive to politics and ruling party, there is always a scope of doubt from the answers of the serving higher bureaucrats. So, the findings may not be simplified as final and there is of course a further scope to research. The researcher considered only three negative effects - “foster partisan political interest”, “blockage of promotion” and “low level of morale”- of contractual appointments but it may have many other effects which may be addressed in further research.

Finally, the concept of NPM (New Public Management) always accepts lateral entry and contractual appointments in this era of advanced globalized world. So, apart from political perspective, more researches may also be conducted on this issue.

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APPENDIX: A**QUESTIONNAIRE**

No. :

Date:

This information will be used only for the research work of an MPhil thesis of the Department of Public Administration of the University of Dhaka. All the answers and information of the questionnaire will be kept in strict confidence. Your feedback for the following questions will be of invaluable assistance to my research.

**RESEARCH TOPIC: EFFECT OF CONTRACTUAL APPOINTMENTS IN
BANGLADESH CIVIL SERVICE (1991-2011).**

PART A: PERSONAL INFORMATION

- 1) Name:
- 2) Profession: In Service Retired
- 3) Designation/Designation during Retirement:
- 4) Mobile No..... 5) E-mail address.....

PART B: RESEARCH RELATED QUESTIONS

Please give tick (√) mark on multiple choice answers and write in short the answers to the questions no. 3.1, 4.1, 16, 17, 18 & 19).

1. In this era of responsive government, the concept of New Public Management accepts the lateral entry/contractual appointments. Do you think it is fit for the civil service of Bangladesh? a) **YES** b) **NO** c) **MAY BE** d) **NO ANSWER**
2. In connection with lateral entry, outside experts may bring fresh insights and innovative solutions to long standing problems of the government. Do you agree with this? a) **YES** b) **NO** c) **MAY BE** d) **NO ANSWER**
3. To bring utmost mobility in administration, if necessary, which of the following is the most suitable one you think? a) **Contractual appointments from within the cadre** b) **Lateral entry from outside cadre** c) **Both** d) **Neither of them.**

3.1) why do you think so? **Ans:**

4. To what cadre appointments on contract may be necessary? a) **General** b) **Technical or Professional** c) **Both** d) **Neither of them.**

4.1) why do you think so? **Ans:**

5. Do you think politicization through contractual appointments interrupt the value of public service neutrality? a) **YES** b) **NO** c) **SOMETIMES** d) **NO ANSWER**

6. Does political favouritism get priority during contractual appointments? a) **YES** b) **NO** c) **SOMETIMES** d) **NO ANSWER**

7. Do you think successive governments appoint the civil servants on contract for the insufficient number of skilled and expert manpower? a) **YES** b) **NO** c) **SOMETIMES** d) **NO ANSWER**

7.1) which one of the below you think is/are the cause(s) behind such insufficiency of skilled and expert officials in administration? a) **Quota system accepting comparatively less quality entrants in BCS** b) **Professional trainings not based on high quality standard in complex socio-political setting** c) **Low level of motivation for the employees without having a performance based evaluation system and a high degree of partisan politics in administration** d) **ALL**

8. Do you think Political Patronage Matter behind Contractual Appointments? a) **YES** b) **NO** c) **SOMETIMES** d) **NO ANSWER**

9. Do contractual appointees show loyalty to party in power? a) **YES** b) **NO** c) **SOMETIMES** d) **NO ANSWER**

10. Do you think contractual appointments at higher administration hinder the smooth career planning of other meritorious and professional bureaucrats? a) **YES** b) **NO** c) **SOMETIMES** d) **IN MOST CASES** e) **NO ANSWER**

11. Do you think contractual appointees can perform their duties fairly and impartially? a) **YES** b) **NO** c) **SOMETIMES** d) **IN MOST CASES** e) **NO ANSWER**

- 12. Do you think contractual appointees should be seated in the direct hierarchical line of administrative set-up? a) **YES** b) **NO** c) **SOMETIMES** d) **NO ANSWER**

- 13. Does contractual appointment decrease the level of satisfaction and productivity of deprived officials? a) **YES** b) **NO** c) **SOMETIMES** d) **IN MOST CASES** e) **NO ANSWER**

- 14. Do you think that successive governments have violated the technical /specialized rules while giving contractual appointments? a) **YES** b) **NO** c) **SOMETIMES** d) **NO ANSWER**

- 15. Do you think the quota system, considered to be a less meritocratic recruitment system, during entry to BCS creates a possibility of appointments on contract in future? a) **YES** b) **NO** c) **SOMETIMES** d) **NO ANSWER**

- 16. Could you please mention the name of successful contractual appointees who performed exceedingly well in their respective field during contract period? **Ans:**.....
.....

- 17. Instead of appointing retired civil and military bureaucrats on contract at the top level of administration, if necessary, can they be appointed as advisors of different ministries/divisions? **Ans:**

- 18. Could you please mention the name of ministries/divisions/departments where contractual appointments of highly expert professionals are usually necessary?
Ans:.....

- 19. For dynamic and well-performed administration in Bangladesh, how can contractual appointment policy be rationalized? **Ans:**

“Thanks for your help”

.....
Signature of Answerer

.....
Signature of information

APPENDIX: B

Questions for Interview guide

- 1) Why do you think lateral entry/contractual appointments not fit for the civil service of Bangladesh?
- 2) Why has the civil service of Bangladesh been drifting away from the standard of neutrality and professionalism?
- 3) How dose contractual appointment expedite partisan politics in administration?
- 4) Do you think contractual appointees should be seated in the direct hierarchical line of administrative set-up?
- 5) Do you think the existing rules and regulations are enough for civil service of Bangladesh?
- 6) How do contractual appointments block the promotions of Professional Bureaucrats?
- 7) Does nepotism and favouritasm play substantive role in accelerating contractual appointments in Bangladesh civil service?
- 8) Could you please mention the name of successful contractual appointees who performed exceedingly well in their respective field during contract period?
- 9) Could you please mention the name of ministries/divisions/departments where contractual appointments of highly expert professionals are usually necessary?
- 10) For dynamic and well-performed administration in Bangladesh, how can contractual appointment policy be rationalized.