



Integrity in Public Administration: Policies and Practices

Executive Summary

Mohua Rouf

23 June 2019

Transparency International Bangladesh (TIB)

Integrity in Public Administration: Policies and Practices

Research Advisors

Dr. Iftekharuzzaman, *Executive Director, TIB*

Professor Dr. Sumaiya Khair, *Advisor, Executive Management, TIB*

Mohammad Rafiqul Hassan, *Director – Research and Policy, TIB*

Study Supervisor

Shahzada Akram, *Senior Programme Manager – Research and Policy, TIB*

Research

Mohua Rouf, *Programme Manager – Research and Policy, TIB*

Acknowledgments

Professor Dr. Salahuddin M. Aminuzzaman, Department of Public Administration, University of Dhaka, has provided intensive cooperation in the research process. I would like to express my sincere gratitude to him. TIB's Research and Policy Division officials have enriched the report with their opinions, suggestions and cooperation. Public administration Officials, retired government officials, public administration experts, journalists enriched this research by providing their valuable opinions, experiences and observations. Sincerely grateful to all of them.

Released on: 23 June 2019

Contact

Transparency International Bangladesh (TIB)

MIDAS Centre (Level 4 & 5)

House- 05, Road- 16 (New) 27 (Old)

Dhanmondi, Dhaka-1209, Bangladesh

Tel: +880 2 9124788-89, 9124792

Fax: +880 2 9124915

Email: info@ti-bangladesh.org

Website: www.ti-bangladesh.org

Integrity in Public Administration: Policies and Practices

1. Introduction

1.1 Background and Rationale

Public administration of a country plays an important role to implement policies and programs of the government. Specifically, it is the planning, organizing, directing, coordinating, and controlling of government operations. In 1947 Paul H. Appleby defined public administration as “public leadership of public affairs directly responsible for executive action”. In a democracy, it has to do with such leadership and executive action in terms that respect and contribute to the dignity, the worth, and the potentials of the citizen.

Bangladesh follows a two-tier administrative system. The upper tier is the central secretariat at the national level consisting of the ministries and divisions which formulate policies and undertake major decisions. The lower tier consists of the ‘line’ departments/directorates attached to the ministries and divisions that are mainly responsible for general administration and service delivery to the citizens and implementation of various government development programmes at the sub-national level.

The Ministry of Public Administration organizes the activities and disciplines of government officials, including the formation and deletion of posts of different ministries and their subordinate functionaries, approval of organizational structure, recruitment and promotion, training, posting, rules, authorization and amendment.

Practising integrity in the public administration is an important tool in establishing good governance at all levels of society including government, politics, and public-private sectors. The National Integrity Strategy (NIS) was adopted in 2012 with an aim of establishing good governance. The NIS emphasized on integrity practice in 10 state and six non-state institutions, among which the public administration is one of the very important institution. However, there is lack of an overall review of how and to what extent it has been implemented in the public administration after six years have passed since the adoption of the NIS.

1.2 Objectives and Scope

The objective of this research is to review the existing legal frameworks and practices in the implementation of the NIS in the activities of public administration. In doing so the 11 strategies on public administration in the NIS has been reviewed in terms of the status of the implementation of these strategies. The study covers the first class government officials of all ministries/ divisions, departments, divisional, districts and Upazila offices whose appointment, posting and promotion, disciplinary issues, evaluation and incentive are maintained by the Ministry of Public Administration.

1.3 Methodology and Timeline

Officials of the Ministry of Public Administration, experts, journalists, ACC officials, Cadre and Non-cadre officials and retired government officials from different ministries and divisions were interviewed. Moreover, relevant laws and policies, research reports, academic reports, media reports and websites were reviewed. Data collection, analysis and report were prepared during June 2018 to March 2019.

2. Key Findings

There are five short-term and six long-term strategies included in the NIS for Public Administration. Short-term refers to one year, while mid-term refers to three years and long-term refers to five years. The 11 strategies are as follows:

Short-term Strategies

1. Submission of information on wealth of government employees
2. Implementation of Public Interest Information Disclosure (Protection) Act 2011

3. Introduction of grievance redress system
4. Introduction of annual performance evaluation, incentives and allowances
5. Ensuring employment of officials in vacant positions

Mid and long-term Strategies

6. Enactment of the civil service act
7. Development of a 'Career Development Plan' for public officials
8. Ensuring training and capacity building of training institutions
9. Introduction of competitive promotion system on the basis of seniority, performance, knowledge and skill
10. Introduction of e-governance and its expansion
11. Fixing a logical salary structure in accordance with current day-to-day expenditure.

The following section discusses the legal preparedness for implementing the above strategies, to what extent these are practised, and challenges for the implementation.

2.1 Submission of information on wealth of government employees

Relevant laws and policies: The Government Servants (Conduct) Rules, 1979, mentions about the declaration of the property details of the government employees at the time of entering government service and showing any increase or decrease of property in the month of December every five years. The types of properties include all immovable and movable properties, including shares, certificates, securities, insurance policies and jewellery worth BDT 50,000 or more belonging to, or held by the employee or a member of his/her family, and liquid assets. The rule also stipulates that no government servant is allowed to construct a building, whether intended to be used for residential or commercial purpose except with the previous sanction of the government obtained upon an application in this behalf disclosing the source from which the cost of such construction shall be met.

Practice: No specific information was found about whether any action was taken by the government for the asset declaration of government employees between 1979 and 2007. One initiative was taken in 2008 and most of the government officials provided the details of their property to the Secretary of Public Administration. Government officials recruited since 2010 have been giving declaration of immovable and movable assets of themselves and family members during joining at the service. Recently, the Ministry of Land has set an example in the estimation of wealth of more than 17,000 3rd and 4th Class employees. A section of government officials buy houses and flats in the name of wife and children, without taking a prior approval from the government.

Challenges: There is currently no process to monitor asset declaration every five years that is not in practice for a long time. There is also a debate to what extent the law is applicable in the present day, as six pay-commissions were declared after the enactment of this rule, and thus the monetary limits seem too low in the present context. According to many government officials, as they are submitting tax returns to the National Board of Revenue (NBR), asset declaration mentioned in the policy is not applicable for them. However, all government officials are not entitled to income tax returns process on the one hand, while no other government organization has the right to get the information submitted to NBR, on the other.

2.2 Implementation of Public Interest Information Disclosure (Protection) Act 2011

Relevant laws and policies: The Public Interest Information Disclosure (Protection) Act 2011 and Public Interest Information Disclosure (Protection) Rules 2017 have been adopted. The objective of the law is to provide legal protection to the person disclosing information on irregularities and corruption. For making such disclosure, no criminal or civil, or, where applicable, departmental suit can be filed against the whistle-blower. However, the intentional disclosure of wrong information is punishable. Provision has been made to keep the identity of the information provider confidential.

Practice: No complaint has so far been lodged using this law till now.

Challenges: A lack of knowledge and awareness of this law among a section of government officials is observed. The obstacles to implement this law is the lack of supportive environment for civil

servants, lack of confidence, and fear of risks. According to Section 5 (6) of the Act, if it appears to the court in the hearing that the judgement is not possible without disclosing the identity of whistleblower, the court can disclose his/her identity. This is believed to act as a negative incentive for whistleblowing.

2.3 Introduction of grievance redress system

Relevant laws and policies: The Ministry of Public Administration has a traditional Grievance Redress System (GRS). The Cabinet Division has formulated ‘Grievance Redress System Guidelines, 2015’, which was reviewed in 2018.

Practice: In 2007, the Cabinet Division introduced uniform GRS in various ministries, divisions, and other offices. Citizens, government officials, or any government department can complain to this uniform GRS system if it feels dissatisfied on any government service. Focal points have been established in different ministries, divisions and departments. In 2011, a website (www.grs.gov.bd) was created in all ministries. In addition, a ‘Public Grievance Center’ was started centrally for common people at the gate no. 5 of the Secretariat.

All disciplinary complaints against public servants are to be submitted to the Ministry of Public Administration. From 2009 to 2017, the Ministry received 2,313 complaints for bribery, corruption, irregularities, arbitrariness, illegal activities, unauthorized honorarium withdrawal, and non-payment of rent of government house from all government agencies. Of these, 2,309 complaints were settled. From 2009 to 2017, 415 departmental suits were filed as a result of disciplinary action. Among this, 188 cases were exempted, minor penalties imposed on 117 and major penalties imposed on 63 people, while 47 cases were not resolved.

Complaints can be directly submitted to the ACC on irregularities and corruption of government officials. The ACC introduced a hotline for lodging complaints. In the last few years (2014-17), 46 government officials have been arrested red-handed in connection with receiving bribes. A number of 168, 84, and 27 government officials were arrested by the ACC in the year 2016, 2017 and 2018 respectively for corruption.

Challenges: It is time consuming to resolve complaints after sending ‘Departmental Investigation Report’ of various ministries / agencies to the Ministry of Public Administration for taking steps.

2.4 Introduction of annual performance evaluation, incentives and allowances

2.4.1 Modern Annual Performance Evaluation system

Relevant laws and policies: A draft ‘Performance Based Evaluation System-PBES’ has been formed.

Practice: So far piloting the PBES has been completed by the Ministry of Public Administration. Still now the Annual Confidential Report (ACR) is being implemented to assess the performance of government civil servants.

Challenges: Although introducing PBES is a short-term strategy of the NIS, and should have been implemented within one year after developing NIS, it has not yet been finalized even after six years.

2.4.2 Incentive and Allowances

Relevant laws and policies: The government has introduced the Public Administration Award and Integrity Award.

Practices: On 23 July 2016, 30 officers received the ‘Public Administration Award’ for the first time. Later 26 public servants in 2017 and 39 public servants and three government agencies in 2018 won this award. For the first time the ‘Integrity Award’ was given in 2017-2018. The last pay-commission doubled the salaries and allowances in 2015. The ‘Bengali New Year Allowance’ is being given since 2016 (Bangla 1423). The Deputy Secretaries are given interest free credit facility for purchasing cars and Deputy Secretaries also are declared as privileged officer. The pension rate has been fixed at 90

percent of the basic of the last pay instead of 80 percent. Government civil servants will get home loan at low interest rates. The age of retirement age has been made from 57 to 59 years.

Challenges: Although the deputy chief of different departments are also equally involved in the formulation of government policies, plans and implementation of projects, there is dissatisfaction among deputy chiefs of the other cadres as they are not entitled to car loan facilities. Despite various motivations no real progress in increasing integrity in public administration is observed. There is also no specific example of reducing corruption due to salary increase.

2.5 Ensuring employment of officials in vacant positions

Relevant laws and policies: The ‘Bangladesh Civil Service Recruitment Rules, 1981’ was formulated where the recruitment process and eligibility are determined. The ‘Government Employment Act, 2018’ mentioned contractual recruitment [Section 49(1)].

Practice: At present, 23 percent posts are vacant in public administration, among which 27% posts of Senior Assistant Secretary and equivalent posts, 29% Assistant Secretary and equivalent posts, while more than 100% positions of Deputy Secretary, Joint Secretary and Additional Secretary are posted. The Ministry of Public Administration has no preparation to appoint in these vacant posts. As a result of unplanned recruitment, senior officials in the public administration (Additional Secretary to Deputy Secretary) are appointed more than approved positions. In recent years, the trend of contractual recruitment has increased. In most cases, the main criteria for such appointments is to be ‘the ruling party’s own people’.

In order to get posting in a preferred post, lobbying has become regular in some cadres. In the BCS Education Cadre, many teachers are engaged in lobbying to the concern ministry, Department of Secondary and Higher Education or Members of Parliament to get a posting in Dhaka. In some cases, the former student leader of the ruling party is getting posting in Bangladesh High Commission abroad considering political affiliation, who have no idea about diplomacy. In the Ministry of Land, lobbying culture among the public servants to get posting in attractive and preferred places has become so conspicuous that the ministry issued a circular on 21 July 2015 mentioning that lobby is contrary to the Government Public Servant (conduct) Rules 1979. In addition, a portion of government doctors regularly lobby for getting appointment in the capital or district headquarters.

Challenges: BCS recruitment process is taking about two and a half years starting from publication of the examination circular to publication of results. Although not included in the law, a number of law-enforcement agencies (Police, NSI, DGFI) investigate candidates during the BCS selection. Different issues including political affiliation of the candidate’s family members are explored. Regardless of having regular officials, contractual recruitment increases the government’s financial costs. Contractual recruitment for position of Secretary limits the scope of the promotion of skilled and qualified Additional Secretaries. This results in discontent, frustration and inefficiency among skilled civil servants. In addition, administrative work steps are increased gradually and the decision making process has become more time-consuming.

The general cadre and technical (Doctors, Engineers, Agriculturalists, Diplomats) cadre are recruited through the same examinations. Moreover, for the promotion of Deputy Secretary and above, it is regular practice to create supernumerary position for admin cadre only, while other cadres do not get such promotions. Financial support for purchasing car and maintenance is available only for officials of administration cadre. Discrimination exists in terms of ranking, for instance, as the police chief (IG) and the Home Secretary are in the same position, there is an issue of control. Not in the Secretariat, the same situation is at the field level also. In the BCS (Education) Cadre, teachers of the same batch are less likely to be promoted at the same time and promotion is time-consuming in education sub-cadre.

2.6 Enactment of the civil service act

Relevant laws and policies: The Government adopted the ‘Government Employment Act, 2018’. According to Section 41 (1), in order to arrest the government civil servant in the criminal case, the prior approval of the recruiting authority has to be taken. Section 45 states that at any time after the completion of 25 years of employment, the government can make civil servants retire.

Practice: Since this law has been adopted very recently, it is yet to be reviewed.

Challenges: The provision of taking government permission to arrest civil servants is a discrimination and contrary to the Constitution. It is violation of the constitutional provision that all citizens are equal before law. As a result, the authority of the ACC to arrest government employees is feared to be curtailed.

2.7 Development of a ‘career development plan’ for public officials

Relevant laws and policies: The ‘Government Employment Act, 2018’ has a provision of developing a ‘Career Development Plan’ for the government employees.

Practice: A draft of the ‘Career Development Plan’ has been developed in 2018.

Challenges: It took more than six years to develop the career development plan although the NIS mentioned about it in 2012.

2.8 Ensuring training and capacity building of training institutions

Relevant laws and policies: The Public Administration Training Policy, 2003 mentioned that poor performance of participants in training will be considered as a negative development in promotion, the ‘Basic Training’ and ‘Departmental Courses’ should be completed within two years of the trainee period. Policy also stated that the trained official, after completing training in abroad, must work at least for one year related to the training achieved.

Practice: Currently there is a total of 325 government training institutes. The four Divisional Public Administration Training Centers are in Dhaka, Chittagong, Rajshahi and Khulna operated by Bangladesh Public Administration Training Center. There are two types of courses – Main Courses and Short Courses. The main four trainings are: Foundation Training, Administration and Development Training, Senior Staff Course Training, and Policy, Planning and Management Course Training. Two short courses on integrity- ‘Corruption Prevention Course’ and ‘Governance Innovation Course’ are offered.

Challenges: In spite of having obligation in the policy, in many cases, the ‘Departmental Training’ course [for instance, Police, Agriculture, Fisheries and Water Resources, Administration (Surveys and Settlement Training)] of some cadres is not completed within two provisional years. After the completion of training abroad, officers are not posted for one year in the position related to the training achieved. Though policy stated that poor performance in training will be adversely affected by promotion as a negative factor, but in reality it is not adhered to.

2.9 Promotion based on seniority, talent, knowledge and skill

Relevant laws and policies: The ‘Government Employment Act, 2018’ mentioned honesty, talent, skill, seniority, training and perfection in job to be the main considering factors for the promotion of civil servants [Section 8 (1)]. According to Bangladesh Civil Service (Examination for Promotion) Rules 2017, eligibility for promotion are to pass the Senior Scale Examination, job settlement and employee’s perfection in job. There is another promotion rule titled ‘Deputy Secretary, Joint Secretary, Additional Secretary and Secretary promotion Rule, 2002’.

Practice: Competitive promotion on the basis of seniority, knowledge and skill is neglected in many cases. Although there is a rule to participate in ‘Job Settlement Examination’ and ‘Senior Scale Examination’ to promote to Senior Scale posts, there is no examination for promotion from Deputy Secretary to the Secretary. Now the ‘Intelligence Report’ has been added to the promotion process in administration though it is not mentioned in any promotion rule. Apart from getting adequate scores according to promotion rules, a candidate for promotion for the position of joint secretary and above should be ‘fit under all considerations’ to the Superior Selection Board. This rule is often misused in many cases. Seniority has been violated many times due to political consideration.

Challenges: The pyramid shape of public administration is disrupting gradually. Having more than one officer in the same position is a problem of work distribution in Ministries and Divisions. The posts of 3/4 Additional Secretaries have been created in each ministry. Civil servants show loyalty towards political government to get promotion and various political governments also try to exploit this opportunity and capture the administration. When the government comes to power, they promote their 'own' people in important positions in the administration, and in doing so, often seniority, qualifications, experience, talent, even honesty are neglected. Receiving training and training scores are not considered as qualifications for promotion. There is a tendency to make civil servants 'Officer on Special Duty (OSD)' who do not believe in the ideology of the ruling political party. However, OSDs are getting salary and pension and is also paid after the tenure of the service. As a result, the expenditure on the non-productive sectors is increased. The efficiency of civil servants is not being used. The state is not getting the benefit of the experience of civil servants who are OSDs.

2.10 Introduction of e-governance and its expansion

Relevant laws and policies: The 'National Information and Communication Technology Policy, 2018' has been adopted.

Practice: A comprehensive e-service platform (NES) has been created nationally to transform government services of all departments, district and Upazila offices into e-services. Nearly 25,000 portals (*TothoBatayon*) for all the government offices including all unions, Upazila, districts, divisions, directorates, ministries are almost done. Through online application, duplicate / screen / commentary / certified copies of the land records are given from the records of the Deputy Commissioner's Office.

Challenges: Still in different ministries, files are shared in the traditional system. There is a lack of coordinated initiative to provide e-services in various departments. There is still a lack of technical knowledge and skills regarding e-governance among a portion of government officials.

2.11 Fixing a logical salary structure in accordance with current day-to-day expenditure

Relevant laws and policies: The government has announced the Eighth National Salary Scale, 2015. Salary adjustment is being done based on inflation from 2018.

Practice: According to the eighth pay scale, Government employees are getting the revised salary from 1 July 2015. Allowance are effective from 1 July 2016. According to the former Finance Minister's announcement, adjustment will be made by coordinating inflation every year (March 2017).

Challenges: A total of 14.26 percent of the national budget is spent on the salary and allowances of the public administration but there is no visible progress of reducing corruption.

3. Overall Observations

In the NIS, among 11 strategies related to public administration, the practice of five strategies is satisfactory including Incentive and Reward, Training, Reform civil service act, E-Governance in government service, Setting up the rational salary structure. The practice of three tactics has not yet started, including implementation of the whistle-blower protection act, performance-based evaluation system, and career development plan. Due to political and other effects, the practice of few strategies are not fruitful (such as competitive promotion) and there is a negative impact on the administration. There is an anxious increase of politics in the administration. As a result, there is a huge risk of lack of professional excellence in the administration. Due to time consuming recruiting process, on an average 20 percent of the posts remains vacant in the public administration in almost every year.

4. Recommendations

Government Servant (Conduct) Rules, 1979

1. The Government Servant (Conduct) Rules, 1979 has to be updated in light of the NIS. Beyond income tax returns, according to the Government Servant (Conduct) Rules, 1979, a specific

structure (Digital System) must be made for asset declaration by the Government, and to ensure the declaring of the assets in December after every five years.

Government Employment Act, 2018

2. In the 'Government Employment Act, 2018', the provision of taking permission to arrest civil servants have to be abolished and other risky clauses such as 6 (1) and 45 have to be amended.
3. In the 'Government Employment Act, 2018' the term 'government' should be replaced by the word 'republic' instead of the word 'government'

Recruitment

4. No additional recruitment in the higher positions against vacant posts of public administration and the vacant posts in the lower areas should be filled so that the administration get perfect structure.

Promotion

5. Initiative should be taken to resolve inter-cadre discrimination by providing equal opportunities and set up uniform facilities for all cadres with regard to promotion.
6. Officials of technical cadres should be appointed in higher positions instead of appointing from admin cadre.
7. Training scores and evaluation of skill of civil servants of the republic should be taken into account in promotion.

Career Development Plan

8. The Ministry of Public Administration should formulate the 'Career Development Plan' suitable for respective cadres.

Public Interest Information Disclosure (Protection) Act 2011

9. In order to create a conducive environment for implementing the Public Interest Information Disclosure (Protection) Act 2011, various initiatives have to be taken to increase awareness among government officials about this law.