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## Bringing transparency to public service recruitment



Students chant slogans demanding reforms in the quota system. Even after the abolition of the system through a prime ministerial intervention, there remain significant problems in the public-sector recruitment process as far as transparency is concerned. File Photo: STAR

The recent countrywide agitation against the quota system for selection of candidates for government jobs was successfully ended through the timely intervention of the prime minister. But our youth remain concerned about corruption in many other areas of the recruitment process. The authorities should pay heed to them before they turn into a full-blown crisis.

The frustration caused to many hardworking and meritorious students and their parents by frequent leakage of question papers before exams is profound and has potentially far-reaching consequences. Even the government expresses its exasperation for its inability to control the menace.

What is less known is the anguish of those who sit for public service examinations only to discover, when results are out, that less meritorious and undeserving candidates are selected for the coveted jobs. There was very little they could do about it in the past. However, with the adoption of the Right to Information Act (RTI) 2009, many of them have resorted to using the law to unearth the truth.

Over the last five years, applicants have filed many RTI requests with the authorities who conduct public service examinations. They include the Public Service Commission, Judicial Services Commission, Institute of Bankers, Bangladesh University of Engineering and Technology, various Education Directorates and Boards and others. These normally relate to the marks the applicants and others had obtained in the exams and other information which would indicate if an unfair practice had taken place and if policies, such as those on quota, were properly followed.

We learnt from an analysis of the complaints filed with the Information Commission that the concerned authorities are generally reticent to disclose information, even those permitted under the RTI Act. There is still great reluctance to change from the age-old culture of “official secrecy” to “transparency and accountability”, as required in the law.

The analysis implies that the authorities are fearful of disclosure of information which may land them in trouble for any irregularity in their action. What is more unfortunate, however, is their penchant to disregard even the decision of the Information Commission in favour of disclosure.

Additionally, most of the authorities concerned are quick to deny disclosure by resorting to a ruling by the High Court issued in response to a writ petition.

This ruling related to a RTI application made in 2013 by a candidate appearing in the Bangladesh Civil Service examination. He had asked the Public Service Commission to provide him with his marks from the written and oral examinations. He had also asked for information on the qualification of the examiner for the Science and Technology paper. Both requests were denied on grounds that it was against their policy to provide such information, as it may endanger the lives of the examiners. The Information Commission directed the Public Service Commission to provide the information without disclosing the names of the examiners. The candidate's other request related to marks obtained by persons placed last on the lists of candidates who qualified for various categories of government services. The applicant was asked to reapply with a more specific description of the information sought.

Alas, when he reapplied, the applicant was informed that the Public Service Commission had challenged the decision of the Information Commission in the High Court. And, as is normally the case, the court asked the relevant parties to show cause why the Information Commission decision for disclosure of the requested information should not be held illegal. The matter has since then remained there, as no one has responded to the ruling yet, not even the Information Commission.

Greater damage was, however, caused by the unfair use of the High Court ruling in subsequent RTI requests made to the Public Service Commission and similar bodies. In most cases, the authorities concerned took the position that since the matter was under judicial consideration of the High Court, the information requested could not be disclosed until it was resolved.

Known as the subjudice principle, this became a thorn in the side of RTI applicants. A subjudice matter must be resolved before similar requests may be dealt with; it presents an easy excuse for the authorities to drag their feet.

RTI complainants challenged this argument, noting that the ruling applied to specificities of the case and that the High Court had not specifically forbidden the disclosure of any information. The Information Commission initially wavered and denied intervening in cases where the subjudice principle was invoked by public authorities. But in a more recent case, it took a clear-cut position in a well-argued judgement.

In this case, two applicants, Ripon Chakma and Jayati Chakma, from the Rangamati District of the CHT region, had applied for information from the Public Service Commission relating to the process of the appointment of Assistant Upazila Education Officer. The applicants had qualified in the written examinations and had sat for the oral exams. When they were not chosen, they asked the Public Service Commission for relevant information to establish if due process, including application of the quota policy, was followed.

The Public Service Commission denied the information on various grounds, including the safety and security of the examiners, privacy of personal information, and the subjudice argument referred to above. In a well-argued decision on the complaint case filed by Ripon Chakma to the Information Commission, the latter rejected the submissions of the Public Service Commission and decided in favour of disclosure of information sought by the applicant.

The Information Commission also took the initiative, on its own volition, to include the case of Jayati Chakma in its decision even though she had not filed a complaint; she was discouraged by the hassle and cost involved in the complaint process. The Information Commission deserves praise for the correct position it took in this case; for providing detailed argument for its decisions in this and many other recent cases and for a significant increase in the number of complaint cases it has dealt with in the last two years.

Four months have passed since the Chakma decision, but the Public Service Commission is yet to abide by the Information Commission's decision. The government should be deeply concerned about this. Our youth is dissatisfied with the selection process for public jobs and showed this in their recent agitations. We must pay attention to their remaining concerns in this regard before they take a more serious turn. We must also remember that RTI is an essential element for Bangladesh's progress towards attaining the objectives of Sustainable Development Goals by 2030. Let us show our commitment to transparent and accountable governance.

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