

ISSUE: 10 PERCENT ARMED FORCES QUOTA IN THE CIVIL SERVICES OF PAKISTAN

- 1. Should the 10 percent armed forces quota into civil services continue as it is?*
- or*
- 2. Should the military personnel only enter the civil services via the competitive CSS examination administered by the Federal Public Service Commission?*

1. INTRODUCTION

Intellectuals of all ages have romanticized the idea of natural rights of man- a category ironically used to describe the entire human race including women. While there is room for debate in the procedure adopted by nation-states to ensure equality of rights and opportunity for all citizens, there is little disagreement on the morality of the concept. On a philosophical plane, following Rawls (1972), the only justifiable criterion for tolerating social and economic inequality is if it satisfies two conditions. First, it must be attached to offices and positions open to all under conditions of fair equality of opportunity; and second, it must be to the greatest benefit of the least advantaged members of society. Affirmative action programmes, therefore, enjoy legitimacy to paradoxically create inequality with the long term aim of creating equality of opportunity and right for all. It is a kind of distributive justice that attempts to set the balance of society right.

Affirmative action programmes to aid progress of the least advantaged sections of society are a regular feature of the constitution or law of many countries. Historical injustices against the "Other Backward Castes" (OBCs) or Scheduled Castes (SC) and Scheduled Tribes (ST) was cited as one of the main reasons for the 1981 Mandal Commission, implemented in 1991 by Prime Minister V.P. Singh, recommending a reservation of 49 percent jobs in total for the OBCs, ST and SC in government, nationalized banks, all universities and affiliated colleges, and all private sector undertakings which have received financial assistance from the government in one form or another (Kumar(1997)). The Commission also recommended educational and other concessions and such measures as a separate network of financial and technical institutions to foster business and industrial enterprise among OBCs. Affirmative action for African-Americans is another example. It has constituted a significant part of American public policy since the early 1960s when segregationist laws and racial discrimination were prohibited.

The desire to make competition fair and provide the greatest benefits to the least advantaged is what might grant the quota system in the civil services of Pakistan less of a sinister look. It has been argued by many analysts that significant discrepancies in the relative economic development of regions of Pakistan and the persistent perception that Punjabis dominate the political life of the Pakistani nation, in particular the civilian and military bureaucracy, has provided the justification for the implementation of the regional or provincial quota system of recruitment to Pakistan's civil bureaucracy. After all, the Constitution of Pakistan grants the State the right to take affirmative action to ensure equal representation of the entire citizenry, be they from any race, religion, caste, sex in the national economic

and social life of the country¹. If economic and social justice is the benchmark for initiating a quota system, what remains less clear is the rationale for keeping it limited to the civilian bureaucracy. Despite the fact that “in the late 1980s, it was estimated that over 95 percent of the officers in the Pakistan military were either Punjabi (60-65 percent) or Pathan (30-35 percent)”², there appears to be no effort to introduce a quota system of recruitment in the armed force of Pakistan³. While the power politics of Pakistan and civil-military relation is not the topic of discussion, an investigation might help understand the political economy of affirmative action in Pakistan.

Coming back to the quota system of recruitment to civil services, it is interesting to note that although it came with a sunset clause, the legal provision has never seen the sun set on it. It is naturally never politically easy to implement such roll-backs and therefore, even if the quota was effective in achieving its goal and is no longer rationally required, there are very few chances of ever going back to a complete merit system. The first regional or provincial quota system of recruitment to civil services was introduced in September 1948, which was revised in November 1949. The 1956 Constitution extended the time span for application of the quota system by 15 more years, up to March 1971. After the brief interregnum under Ayub’s martial law government (1958-62), the 1962 Constitution provided a 10 year period for the quota system, which was to end in 1972. Before the end of this quota period, Yahya (1969-71) amended the quota system and extended it separately to urban and rural areas of Sindh. According to the new formula, the rural and urban population of Sindh was given 60 percent and 40 percent representation in both provincial and federal services respectively. The 1973 Constitution not only kept the quota system alive but also extended the period of its enactment by another 10 years (see appendix A1 for details of the quota implemented). Zia maintained Bhutto’s federal quota system intact and added the controversial 10 percent armed forces quota to the list in 1980. The quota system continues till date with a further reduction in merit based recruitment from 10 percent to 7.5 percent.

At present, the provincial and regional quota prescribed in 1973 for direct recruitment to civil posts under the Federal Government⁴ has been reviewed in 2007⁵. The following merit and provincial/regional quotas are observed in direct recruitment to posts under the Federal Government which are filled on All-Pakistan basis:

¹See Article 25, Article 27 and Article 37 of the Constitution of the Islamic Republic of Pakistan, 1973.

²Kennedy, C.H., “The Politics of Ethnicity in Sindh,” *Asian Survey*, Vol. 31, No. 10 (Oct., 1991), pp. 938-955

³There is, however, a mention of lowering the marks required for eligibility of candidates for armed forces applying from Balochistan, FATA, Gilgit-Baltistan, District Neelum (AJK), District Kohistan, Chitral, Dir, Kaghan/Naran of District Mansehra, Tharparkar, Tehsil Umerkot, District Rajanpur, Area of Cholistan Desert, Drawer Fort, Salamsar, Mojgarh and Dingarh of Punjab studying in same area.

⁴Establishment Division’s OM No. 8/9/72-TRV, dated 31.08.1973 (SI No.13)

⁵Establishment Division’s OM No. 4/10/2006-R-2, dated 12.02.2007

	Quota
Merit	7.5 %
Punjab (including Federal Area of Islamabad)	50 %
Sindh*	19 %
(a) Urban Sindh (Khi, Hyderabad, Sukkur)	7.6 %
(b) Rural Sindh (rest of Sindh)	11.4%
KPK	11.5 %
Balochistan	6 %
Gilgit-Baltistan/FATA	4 %
AJK	2 %

*Seats in Sindh are divided on a 40:60 ratio between Urban and Rural Sindh

In addition to the aforementioned, a ten percent quota has been reserved for women. Fortunately, this reservation does not affect the open merit seats, but are calculated against the quota of the province of origin of women candidates.

While the potential rationale for this affirmative action was the creation of a level playing field for all, irrespective of gender or ethnic affiliations, it remains to be seen whether it achieved what it set out to achieve. Did it improve the social mobility prospects of the least advantaged members of society? Or did it only help the well-established members of these provinces or regions gain access to civil services? Historical evidence suggests that the affirmative action objectives are generally hard to achieve as individual incentives are sometimes distorted by it. It has been argued that both in India and the USA, the current economic and social quota systems perpetuate patterns of caste-based or race-based disparities in all spheres of life: education, occupation, income or consumption as well as health indicators (Deshpande (2006)).

Affirmative action programmes need to be periodically reviewed through thorough empirical investigation. The first step in this direction might be to expedite the Census of Pakistan which was originally meant to be carried out by 2008. In the context of Pakistan another important intervening variable which determines the efficacy of the quota system, is the domicile certificate meant to establish regional or provincial affiliation.

As an aside, a case can be made for converting the current affirmative action programme in Pakistan into an income based programme. It would naturally raise the additional concern of ascertaining the income levels of households. However, reservation of seats for sections of society that earn below a certain level of income might help strengthen the moral argument for a quota system of recruitment to civil services.

1.1. Ten Percent Armed Forces Quota. While questions can be raised about the shape and size of the gender and ethnicity based quota system, there are few that would dispute the very need of positive discrimination in these areas. On the other hand the moral rationale for initiating a ten percent armed forces quota in civil services remains less clear. If a justification of any affirmative action programme, which sidelines merit, is the creation of a level playing field for disadvantaged member of society then the logic of an armed forces quota in civil services potentially loses its strength. Some argue that it serves to enhance the spirit of cooperation between the civil and military institutions of the State. This point begs the question of why there has been no effort to initiate a reverse quota for civilians in the armed forces.

Apart from that the morality of granting military inductees the notional marks of the officer who secured the highest marks in the CSS exam appears less clear. Does it create or destroy the level playing field that any positive discrimination programme aims to achieve? Would it not actually go in favour of some of the armed forces inductees if they were to enter the civil services through the CSS exam? It might save them the effort of sometimes having to doubly prove themselves, despite being one of the best. In addition, the rationale for restricting induction of military personnel to DMG, FSP and Police remains unclear. Is the training of military personnel less suited for service in other occupational groups? What makes them more suited to these service groups?

1.1.1. *History of Armed Forces Induction into Civil Services.* This section borrows heavily from Kennedy (1987)⁶.

Both the Ayub and Bhutto administrations created space for retired and released military personnel to enter the civilian bureaucracy. In 1962, President Ayub introduced a 50 percent reservation for ex-servicemen in Class IV posts. Retired military officers were to be given preference over civilians in filling ex-cadre vacancies. However, the extent of Ayub's militarization of the civilian bureaucracy was the recruitment of 8 army Captains to the CSP in 1961-62.

The August 1973 administrative reforms package of Bhutto extended military recruitment by making military officers eligible to participate in the lateral recruitment programme⁷. Prime Minister Bhutto appointed 83 military officers into Pakistan's senior bureaucracy. 38 of them were appointed to the Tribal Areas Group (TAG), 25 to the Foreign Affairs Group (FAG), 14 to the Secretariat Group, and 3 to the District Management Group (DMG).

Zia continued the practise of re-employing senior retired military officers on a contract basis in civilian posts till 1980. The number of such military recruits was small, and re-employed officers never became regular members of the public service nor did they enter occupational groups.

However, Zia's military recruitment programme from 1980s onwards, departed from the policies of his predecessors in four significant aspects. First, there were comparatively greater inductions of military officers into civilian government service under his rule. Second, it placed such officers in comparatively higher ranks than civilians. Third, Zia's military recruitment programme became an institutionalized and regular part of the selection process to the federal bureaucracy. Unprecedented in the history of Pakistan, Zia's military recruitment entitled military officers a specified number of posts in the civilian bureaucracy annually. Finally, the military inductees became much more closely integrated with the civilian bureaucracy than their counterparts under previous military recruitment programmes. Thus, such military appointees become regular and permanent members of the civilian bureaucracy and members of the occupational groups (Kennedy (1987)).

1.1.2. *Methodology of Armed Forces Induction.* In February 1980, 10 percent of the annual (direct recruitment) vacancies in the specified occupational groups in grade 17, which had till now been filled via the FPSC competitive examination, were reserved for military personnel

⁶Kennedy, C.H., "Bureaucracy in Pakistan," Oxford University Press, 1987

⁷'Lateral recruits' i.e. individuals without cadre affiliation to posts within the Central Secretariat were seen as a means to gain some measure of political control over members of the bureaucracy. Provisions for movement between cadres were also introduced. Neither of these provisions commanded broad-based support either in service association demands or in the reports of indigenous administrative commissions (Kennedy (1987)).

with up to 8 years of commissioned service⁸. The same applied, mutatis mutandis, to corporations and other autonomous bodies set up by the Federal Government or working under its administrative control.

The Chiefs of the Armed Forces recommend officers for civil services induction. It has been widely believed that partisan considerations and networks within the military have a role to play in this recommendation. A panel of 3 officers against each vacancy is scrutinized by the Ministry of Defence before they are placed before a High Powered Selection Board, constituted by the President for the purpose. The present composition of the High Powered Selection Board is not clear. Kennedy (1987) explains that during the time of Zia, the High Powered Selection Board comprised of Zia and a bunch of his Advisors. This High Powered Selection Board also determined the occupational groups to which the officers are to be allocated. Officers inducted in various groups and services are adjusted against vacancies allocated to the regions or provinces to which they belong. On appointment on regular basis, the military officers are absorbed in the civilian bureaucracy, and sever connection with the armed forces.

The seniority of the inducted military officers is counted from the year in which they are inducted. Recruits through the FPSC retain their inter se seniority. However, military inductees start their civilian careers with an edge. They are awarded the notional marks of the officer who stood first in the competitive examination via FPSC. They are, therefore, placed above nearly all the officers with whom they receive their training. From induction onwards military officers receive the same training and are subject to the same examination and promotion rules as are the other FPSC recruits.

Changes in Induction Methodology over the years:

From November 1980, groups and cadres to which the inductees could be appointed were specified. Except Economists and Planners Group, Trade and Commerce Group and Office Management Group, all occupational groups were to be open to military officers for induction in grade 17 and 18. The Secretariat Group, Foreign Affairs Group, Information Group, the Accounts group⁹ were to be made open for appointment in grade 19 and above¹⁰.

In 1982, the occupational groups to which these inducted officers could be recruited were restricted to District Management Group, Foreign Affairs Group and the Police Group with an annual intake of 5, 3 and 2¹¹. In 1982, the regular annual induction in grade 18 was done away with to a larger extent. Limited number of serving Majors or equivalent rank officers could, however, still be chosen by the President. Such cases were to be processed through the Defence Services Officers Selection Board, headed by the Minister for Interior and put up to the President for approval.¹² Overall, it is unclear whether this reservation in DMG, FSP and Police of 5, 3 and 2 are individuals or percentages of total vacancies in these groups or total vacancies overall. The intake in practise has departed off and on from these instructions (see appendix A2 for details of year-wise military inductions). In 1990, in addition to DMG, FSP and Police, there was one induction in Military Lands and Cantonment Group. In 1992, there were additional inductions made in Information and Postal Group.

⁸Establishment Division O.M. No. 14//5/78-D. III, dated 10-02-1980.

⁹Only for those military personnel who had experience of Finance and Accounts.

¹⁰Establishment Division O.M. No. 1/22/80-Ind.-Cell, dated 29-11-1980.

¹¹Establishment Division O.M. No. 1/19/80-IC(Pt)/CP-5, dated 1-3-1982.

¹²Establishment Division O.M. No. 1/19/80-IC(Pt)/CP-5, dated 1-3-1982.

In 1991, further changes were specified. Officers of the armed forces irrespective of their rank were eligible for induction in the civil service to posts in pay scale 17, provided, their overall service record in the armed forces was not below high average and they were below 32 years of age¹³. The principle of restricting induction to only DMG, FSP and Police was continued¹⁴. Induction was to be equal to 10 percent of annual vacancies in each of these groups with a minimum of 2 vacancies in each group¹⁵. It was further specified that allocation to various occupational groups was to be through FPSC instead of Defence Services Officers Selection board (DSOSB)¹⁶. Each service headquarter was to have a Board which was to examine the cases of officers willing to be considered for induction in civil services and who fulfil the conditions indicated above¹⁷. Each Board was then to recommend to the Ministry of Defence names equal to double the number of available vacancies¹⁸. Interestingly, FPSC was given the task of selecting armed forces officers and allocating them to occupational groups on the basis of psychological tests, viva voce and regional/provincial quota¹⁹. The practise at present is unclear. What role does recommendation of the Armed Forces Chiefs play now? Does the High Powered Selection Committee still operate? Does it have veto power over FPSC? These are some questions that require further investigation.

Conclusion

In the end, Thinkers' Corner would like to state that this discussion does not in any way question the calibre of the military personnel that enter the civil services. To the contrary. Some of the best officers of the civil services of Pakistan have been armed forces inductees. The real question here is whether the inequality created through a ten percent armed forces quota has the moral rationale of generating equality of opportunity or rights behind it? Is there a need for affirmative action or positive discrimination in favour of military personnel? Does this policy benefit the least advantaged members of society? Incremental changes are what sets a nation on the right track and this debate question is an attempt in that direction.

¹³Establishment Division O.M. No. 10(1)/91-CP.I, dated 09-09-1991

¹⁴ibid.

¹⁵ibid.

¹⁶ibid.

¹⁷ibid.

¹⁸ibid.

¹⁹ibid.

Appendix A1. Details of the Quota System Implemented in Pakistan

This section draws entirely from Waseem (1997)²⁰.

The first quota system, introduced in September 1948, provided for a regional/provincial model of recruitment as follows:

Region/Province	Quota (%)	Population (%)
East Bengal	42	56.75
(West) Punjab	24	28
Karachi	2	1.5
All other provinces & princely states of West Pakistan	17	13.75
Potential migrants from India	15	9.8 included in the above

A revised quota system was implemented in November 1949 along the following lines:

Category	Quota (%)
Merit	20
East Bengal	40
Punjab (including Bahawalpur)	23
Karachi	2
All other provinces and princely states	15

In 1973, the new commitment to giving proportionate representation to underprivileged communities was reflected through the provision that all provincial/regional quotas were 'to be worked out to the 1000th fraction'.

	Quota (%)
Merit	10
Punjab (including Federal Area of Islamabad)	50
Sindh*	19
(a) Urban Sindh (Khi, Hyderabad, Sukkur)	7.6
(b) Rural Sindh (rest of Sindh)	11.4
KPK	11.5
Balochistan	3.5
Gilgit-Baltistan/FATA	4
AJK	2

*Seats in Sindh are divided on a 40:60 ratio between Urban and Rural Sindh

Appendix A2. Armed Forces Induction 1985-2009

The following information has been reproduced from Khurshid (2011)²¹:

1985- 13th CTP		
Occupational Group	No. of Officers	No. of Inductees from Armed Forces
District Management Group	38	5
Foreign Service	16	3
Police Group	11	2

²⁰Waseem, M., "Affirmative Action Policies in Pakistan," Ethnic Studies Report, Vol. XV, No. 2, July 1997

²¹The information for 13th CTP has been corrected from the graph in Khurshid (2011) p.317

1986- 14th CTP		
Occupational Group	No. of Officers	No. of Inductees from Armed Forces
District Management Group	29	5
Foreign Service	31	3
Police Group	13	2

1987- 15th CTP		
Occupational Group	No. of Officers	No. of Inductees from Armed Forces
District Management Group	33	5
Foreign Service	28	3
Police Group	10	2

1988- 16th CTP		
Occupational Group	No. of Officers	No. of Inductees from Armed Forces
District Management Group	20	2
Foreign Service	6	1
Police Group	-	-

1989- 17th CTP		
Occupational Group	No. of Officers	No. of Inductees from Armed Forces
District Management Group	16	4
Foreign Service	11	3
Police Group	15	2

1990- 18th CTP		
Occupational Group	No. of Officers	No. of Inductees from Armed Forces
District Management Group	25	5
Foreign Service	7	3
Police Group	17	3
Mil. Land & Cantt. Group	1	1

1991- 19th CTP		
Occupational Group	No. of Officers	No. of Inductees from Armed Forces
District Management Group	14	2
Foreign Service	10	1
Police Group	10	1

1992- 20th CTP		
Occupational Group	No. of Officers	No. of Inductees from Armed Forces
District Management Group	16	2
Foreign Service	14	3
Police Group	10	3
Information Group	8	1
Postal Group	9	1

1993- 21st CTP		
Occupational Group	No. of Officers	No. of Inductees from Armed Forces
District Management Group	15	3
Foreign Service	13	1
Police Group	9	2

1994- 22nd CTP		
Occupational Group	No. of Officers	No. of Inductees from Armed Forces
District Management Group	12	1
Foreign Service	14	3
Police Group	11	2

1995- 23rd CTP		
Occupational Group	No. of Officers	No. of Inductees from Armed Forces
District Management Group	21	5
Foreign Service	14	3
Police Group	9	2

1996- 24th CTP		
Occupational Group	No. of Officers	No. of Inductees from Armed Forces
District Management Group	21	2
Foreign Service	14	3
Police Group	13	2

1997- 25th CTP		
Occupational Group	No. of Officers	No. of Inductees from Armed Forces
District Management Group	19	2
Foreign Service	9	2
Police Group	21	2
Office Management Group	27	1

1998- 26th CTP		
Occupational Group	No. of Officers	No. of Inductees from Armed Forces
District Management Group	19	2
Foreign Service	6	2
Police Group	11	2

1999- 27th CTP		
Occupational Group	No. of Officers	No. of Inductees from Armed Forces
District Management Group	16	2
Foreign Service	6	2
Police Group	17	3

2000- 28th CTP		
Occupational Group	No. of Officers	No. of Inductees from Armed Forces
District Management Group	20	2
Foreign Service	14	2
Police Group	47	6

2001- 29th CTP		
Occupational Group	No. of Officers	No. of Inductees from Armed Forces
District Management Group	13	2
Foreign Service	16	2
Police Group	11	2

2002- 30th CTP		
Occupational Group	No. of Officers	No. of Inductees from Armed Forces
District Management Group	2	-
Foreign Service	10	3
Police Group	28	2

2003- 31st CTP		
Occupational Group	No. of Officers	No. of Inductees from Armed Forces
District Management Group	16	2
Foreign Service	10	2
Police Group	8	2

2004- 32nd CTP		
Occupational Group	No. of Officers	No. of Inductees from Armed Forces
District Management Group	23	2
Foreign Service	18	2
Police Group	12	3

2005- 33rd CTP		
Occupational Group	No. of Officers	No. of Inductees from Armed Forces
District Management Group	28	3
Foreign Service	15	2
Police Group	16	2

2006- 34th CTP		
Occupational Group	No. of Officers	No. of Inductees from Armed Forces
District Management Group	28	4
Foreign Service	20	-
Police Group	16	2

2007- 35th CTP		
Occupational Group	No. of Officers	No. of Inductees from Armed Forces
District Management Group	35	4
Foreign Service	10	2
Police Group	12	1

2008- 36th CTP		
Occupational Group	No. of Officers	No. of Inductees from Armed Forces
District Management Group	32	3
Foreign Service	19	4
Police Group	34	3

2009- 37th CTP		
Occupational Group	No. of Officers	No. of Inductees from Armed Forces
District Management Group	36	5
Foreign Service	25	2
Police Group	33	3