



Public Service Ethics: The Case of Bangladesh

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Abstract

Enhancing and nurturing ethics in the public service is mandatory to curb corruption and provide efficient service delivery. The environment of public service ethics in Bangladesh faces multidimensional challenges. In spite of the presence of the legal and institutional support the occurrence of unethical behaviour is continuing. This paper outlines the structure of ethical administration; both legal and institutional. Then it explores the political and cultural backdrop of public service ethics in Bangladesh in an attempt to find out the reasons behind the prevailing unethical behavior. It takes an explorative approach depending mainly on secondary data. By analyzing the background and existing literature the paper concludes that the field of the public service ethics in Bangladesh is marred with politicization, lack of leadership initiation, colonial legacy of corruption, diminishing citizen's trust and apathetic attitude. Genuine practice of the core values of public service is required create a conducive environment for ethics. The identification of the values that are less practiced and the negative traits that are rampant in the public service will enable policy makers to set effective strategies.

Keywords: *Ethics; Public Service; Bangladesh; Politicization; Administrative Culture*

Introduction

Ethics in public service is becoming a central driving force as it is directly linked with efficient public service delivery. Public service ethics is defined as broad norms that delineate how public servants – as agents of the state, and where applicable, as members of an established profession such as accounting law, etc. – should exercise judgment and discretion in carrying out their official duties (UNDESA 2000: 5). Values are the “enduring beliefs that influence the choices we make among available means or ends” (Rokeach, 1973:5). Ethics on the other hand relate to issues of right or wrong, good or evil (Kernaghan, 2003; Kakabadse, Korac-Kakabadse, & Kouzmin, 2003:478). The ethical standards are reflected through the core values of the public service. The most frequently stated core public service values in the OECD countries are impartiality, legality, integrity, transparency, efficiency, equality, responsibility and justice.

And for these values to be reflected properly there is need for a well- structured system which on the other hand has to be supported by a conducive social, political and organizational cultural.

The environment of public service ethics in Bangladesh faces multidimensional challenges. Public servants are entrusted with the responsibility of safeguarding public interest and resources. Widespread corruption and unethical behaviour in the public service is seriously undermining public trust in government (IGS 2010; Aminuzzaman & khair 2014). A survey conducted by Transparency International Bangladesh (TIB) (2012) has revealed that overall 63.7% of the households experienced corruption. As Zafarullah (2007) puts it, “Bureaucratic venality and intemperance have been thriving often with political support, public servants work behind a veil of secrecy unconcerned about transparency, accountability mechanisms are inadequate or weak, the common people have limited access to government functionaries, public grievance procedures are almost alien to those who make decisions, and last but not least, public management operates without the public.”

The public service of Bangladesh does not have any codified laws of ethics. Ethical guidance is taken from various laws which take in hand behavioral standards pertinent to integrity and honesty of public servants and administering of punishment in cases of violations. But this plethora of rules and regulations have proved to be ineffective as in reality they are not properly enforced. The public service has created such a reputation that applicants are attracted to the opportunity of rent seeking rather than its professional pride (WB, 1996).

This paper outlines the structure of ethical administration; both legal and institutional. Then it explores the political and cultural backdrop of public service ethics in Bangladesh in an attempt to find out the reasons behind the prevailing unethical behavior. So, the research question is that, in spite of an existing ethical infrastructure, which social, political and cultural elements impede it’s effectiveness and foster unethical behavior? Under this purview the quest will be to observe how the core values of public service ethics are molded or diminished by the socio-cultural and political environment.

Methodology

The study progresses by first defining the basic concepts and elements related to public service ethics. Then it takes an explorative approach depending mainly on secondary data. For this, various research articles, newspaper articles, national and international survey reports have been used. Based on previous research the paper tries to identify the factors that obstruct the practice of ethical behavior. With the colonial backdrop the exploration of the current legal, administrative and cultural setting will help policy makers for future reforms. It may also facilitate cross country research particularly with countries that have similar legacies.

Public Service Ethics in Bangladesh: Supporting Elements

There are no definite set of codes of ethics for the public service of Bangladesh. Directions for ethical behavior are provided in the Constitution along with multiple other rules like, Government Servants (Conduct) Rules (1979), Government Servants (Discipline and Appeal) Rules (1985) and others give directions for the ethical behavior of civil servants. The fundamental principles of the Constitution emphasize on democratic values, rule of law, fundamental human rights and freedom, political, economic and social equality and justice. Article 29 of the Constitution states the equal opportunity for all citizens for employment in the public service. Appointment procedure and conditions of the service, the tenure of office, the dismissal of civilian public officers and the reorganization process of the service are delineated in article 133 to 136 and 152 of the Constitution.

The Civil Service Conduct Rules, 1979, specifically addresses the limits on gifts and foreign awards, public demonstration in honour of government servant and raising fund; lending and borrowing; declaration of assets; communication of official documents; approach to members of the parliament; management of newspapers and periodicals; radio broadcast and communication to the press; prohibition of nepotism, favouritism and victimization; prohibition of political or other influence, approaching foreign mission and aid giving agencies. The areas of public interest, transparency, accountability, conflict of interest and impartiality are dealt with in this Rule. Government Servants (Discipline and Appeal) Rules 1985, Public Servants (Dismissal on Conviction Ordinance), 1985 The Government Servants (Special Provisions) Ordinance 1979, Administrative Tribunals Act 1980, The Public Employees Discipline (Punctual Attendance) Ordinance 1982 and Rules of Business 1996 are rules pertaining to the guidelines of behaviour of public servants. These mainly encompass the penalties for misconduct and violation of rules; penalties, punishments and inquiries for offences, appeal and review; attendance and penalties in case of violations and work procedures of civil servants. Other important legislation like, Anti-Corruption Act 2004, Penal Code 1860, Prevention of Corruption Act 1947, Prevention of Money Laundering Act 2012, Public Procurement Act 2006, Right to Information Act 2009 and The Whistle Blowers' (Protection) Act 2011 supplement the legal aspect of the ethical administration. The Public Service Act, 2015 mainly aims to reduce politicization and the administrative costs of the Government. The ineffectiveness of these legislation are reflected through the continuing incidents of unethical behavior in the public service. While the rules have many good features, overall, they have been ineffective in fostering expeditious, predictable and well considered decision making (WB 1996: 103). To see desired results the rules need to be updated, followed and implemented stringently.

Institutions including constitutional bodies like the Bangladesh Public Service Commission (BPSC) and Comptroller and Auditor General exert weightage in the ethical infrastructure. In Bangladesh the, Anti-Corruption Commission (ACC), Parliamentary Committees, Office of the Comptroller and Auditor General (C&AG), and the Administrative Tribunals oversee the misappropriation of funds and wrongdoings. Although there is a provision to establish an Ombudsman still no significant steps have been taken except for the introduction of a tax ombudsman, which was again annulled in the ninth parliament.

Bangladesh Public Service Commission (BPSC) – one of the prominent constitutional bodies- is also a key element of the ethical infrastructure. The Constitution of Bangladesh under the Articles 137-141 delineates that BPSC will deal with the management of competitive examinations and tests for selecting qualified candidates. BPSC is also has the authority to advise the President in framing recruitment rules; promotion, transfer and disciplinary matters; employees' appeals and memorials; and other matters related to the public service. It is expected to promote ethical values through transparent, fair and merit-based recruitment.

Standing committees, select committees and special committees are the three major types of committees of the National Parliament. Parliamentary committees in addition to facilitating in law making, work as oversight bodies over the functions of the executive. They are a medium of communication between Members of Parliament (MP) and the civil servants and for letting out public grievances. The Constitution of the People's Republic of Bangladesh instructs that the Parliament should set up a Public Accounts Committee (PAC) and a Privileges Committee and other committees it deems necessary. The Constitution empowers the Parliament to grant the committees power to ensure attendance of witnesses, examining them on oath and to impel them to produce documents. Another Legitimate source of parliamentary committees is provided by the Rules of Procedure of Parliament (Rules). The Rules outline the scope and the required number of these committees. These also specify the composition of different committees and prescribe some other important matters, such as the way(s) decisions are to be taken, the procedures to be followed to convene meetings of a committee and the methods used for examining witness (BJS: Ahmed 2001: 17).

The PAC deals with the expenditure of the Government and in that way contribute in the accountability process, which accordingly helps in ensuring ethical standards of public administration. It generally scrutinizes the accounts of the Government and the reports of the Comptroller and Auditor General; therefore, their functions are interrelated. It has to check a number of things: that the moneys shown in the accounts as having been disbursed are legally available for, and applicable to the service or purpose to which they have been applied or charged; that the expenditure conforms to the authority which conforms it; and that every re-appropriation has been made in accordance with the provisions made in this behalf under rules framed by competent authority. (Chowdhury; Ahmed 2001: 23). Public Undertaking Committee (PUC) and Committee on Estimates (EC) are some of the significant standing committees. The main functions of the PUC, according to the Rules, are to report to the parliament about the malfunctions of the public undertakings and to advise and give recommendations for preventing corruption.

But, the lack of technical skills, workforce and limited authority of the parliamentary committees leads to the inefficiency which hinders parliamentary oversight. The limits of the powers of standing committees on ministries in Bangladesh are not merely limited to technical issues but are virtually relevant for delineating the relationship between the legislature and the executive (Aminuzzaman, 2013).

The office of the Comptroller and Auditor General was established in 1973 through the provisions of the Constitution of Bangladesh to conduct a full range of audit of all Government departments, offices and other public bodies and public companies. Appointed by the President of the Republic, the Comptroller and Auditor General is the head of the Government Audit Department and holds his office until the age of 60 years. He has the mandate to decide the scope and extent of audit. The Constitution bestows upon the CAG complete independence and empowers him to have access to any government office or entity, official, property or documents to audit any government department or government owned entity. The CAG certifies the Finance and Appropriation Accounts of the Republic (Government Accounts). Despite the fact that there are no laws that compel the CAG to disclose its reports, these are made public after the placement in the parliament through the President. The CAG has been free from any external or political influence (TIB, 2014) though later study (TIB, 2015) has detected cases of corruption in some of its offices.

In addition to these institutions the Information Commission and Human Rights Commission also buttress the ethical administration. But these institutions have not been able to show any noticeable impact in this arena.

Training enables to tune the attitude and behaviour of public servants in accordance to the values of the public service. Bangladesh has a training policy. Various training organizations provide different types of training including basic to cadre specific ones. There are around 25 training institutions, among which Bangladesh Public Administration Training Center (BPATC) is the apex training organization for public servants. Objectives of the training courses are mainly to well-prepare officers with knowledge regarding the policies and rules- regulations of the Government and acquaint them of the recent changes in the field of Public Administration. The courses aim to equip the public servants so that they can professionally confront the challenges of their job. Although some courses comprise of ethics related topics, but the focus is mostly on compliance and financial subjects. BCS Administration Training Academy, National Academy for Planning and Development, Bangladesh Academy for Rural Development are some of the other prominent training institutions. But their training programmes do not emphasize as much on ethics either.

In addition to these, the Government of Bangladesh has introduced the National Integrity Strategy (2012) and Annual Performance Agreement (APA) (2014-15) as steps towards uplifting ethical standards of the public service. Following the Strategy, the National Advisory Committee with the Prime Minister

as the chair has been formed and each ministry has set up a NIS unit. Formation of ethics committees in organizations are in the process. APA is used as an instrument to ensure accountability and transparency, ensure proper use of resources, develop financial management of organizations and to enhance the quality of services and service delivery processes through Strategic objectives. It is implemented at different levels of the Government. Mandatory Strategic Objectives are set by the Cabinet Division. Some of the activities and indicators in MSO includes E-filing, National Integrity Strategy (NIS), use of Unicode, introduction of Innovation/Small Improvement Projects (SIP), Citizen Charter, Grievance Redress System (GRS), effectiveness of training, solving audit objections, settle pension cases, APA implementation status, updating official website etc. (GOB, 2019). Other provisions also facilitate the promotion of values within the public service: the confidential declaration by public office holders of their property and interests, the confidential declaration by government employees of possible conflicts of interests, the identification of more vulnerable sectors and risk assessments, sanctions for non-compliance with the regulations, recourse against administrative decisions, and internal and external control mechanisms.

Factors Affecting Public Service Ethics of Bangladesh

The social context, administrative structure and culture attribute to the composition of the attitude and behaviour of public servants. While institutional mechanisms of accountability are important safeguards against corruption of all types, ethics and ethical standards are much more complex and internalized virtues that must be developed in the political as well as administrative cultures of a country (Farazmand, 2002: 129). All the legislation and institutional arrangements will not be effective unless and until the public servants have the mind-set to comply with them. This section will try to identify the factors that obstruct the growth of an ethical environment in the public service of Bangladesh with a focus on the social, political and cultural aspect.

Politicization

A constructive and depoliticized administrative culture is a major precondition for a well-functioning ethical infrastructure. The administrative culture of Bangladesh is engraved with various 'bureaupathologies' (Khan, 1998) like corruption, elitism, lack of accountability and transparency, nepotism, authoritarianism, irresponsiveness etc. Politicization breeds all these negative attributes. It has engulfed almost all the major institutions that constitute the ethical infrastructure in the public service.

The ACC is the most powerful mechanism of compliance-based approach for establishing ethics in the public service. Unfortunately, it has lost its credibility in the public eye due to perceived political influence (Iftekharuzzaman 2013). Allegations of politicization was there from the beginning of the establishment of ACC because almost no files were charged against officers with party affiliation. Transparency International Bangladesh (TIB) conducted a brief opinion survey on the activities of the Commission, (when it was known as the Bureau) where respondents expressed a lack of faith in the Bureau and thought that the government used it as an instrument to harass the opposition party (TIB 2001). In order to strengthen the ACC in terms of efficiency and effectiveness it must be allowed to function independently. But, a note of caution is that the independence should not leave scope for unaccountability. The Anti-corruption Law 2004 provides no accountability or self-regulatory mechanism except under Section 29 which only stipulates that within March every year the Commission shall submit to the President a report on activities completed in the previous calendar year, following which the President will take measures to place it in the Parliament. The law does not indicate any follow-up, or any other accountability mechanism (Iftekharuzzaman 2010, The Daily Star, 23rd February 2010).

The uncooperative nature of the bureaucracy also works as major impediment for the effective functioning of parliamentary committees. Although the bureaucracy does not always openly defy the authority of committees, neither can it be seen as much hospitable to their suggestions or demands for more transparency and accountability. One of the important reasons is the overdependence of the

successive ruling parties over the bureaucracy for regime maintenance (Ahmed 2001: 32). The minister is responsible for all the actions of his/her ministry which is a rather difficult job to maintain always. In order to reduce the pressure and build a more direct relationship between the parliament and the bureaucracy, as happens in some other parliaments based on the Westminster model, bureaucrats could be required to appear before parliamentary committees to justify their actions (World Bank 2002: ix). There is, however, no 'one best way' of balancing relations between the executive and the legislature. But it is now widely recognised that one important way of strengthening the parliament without weakening the executive is to make maximum use of committees. (Ahmed, 2001). Legislative oversight can help to keep public sector managers on their toes (Wehner, 2006:90).

BPSC also has not been able to escape from the plight of politicization. There have been numerous allegations of partisan recruitment of BCS examinees, leakage of BCS question papers and taking bribe by few Members, officials and staff of this Constitutional body. This has led to distrust and loss of credibility of the Commission (Khan 2002; The Bangladesh Observer, 26 July 2005; The New Age, 19 November 2005; News Today, 20 November 2005; The Daily Star, 2 September 2003). The findings of an opinion survey (TIB, 2007) demonstrate that the corrupt employees (35%) and officials (29%), Members and persons appointed on political consideration (28%), question preserver/distributor/deliverer (24%), student leaders/activists of ruling party (23%), the Chairman and few Members of the exam committee (20%) are mainly involved in leakage of BCS question papers (TIB, 2007:37-38). The Structural limitations provided in the report of TIB (2007:8) depicts the extent of politicization. The limitations are: 1. Although the PSC is an independent body, its Secretariat is practically under the control of the government. The internal recruitments, disciplinary and administrative issues of the PSC are influenced by the government. 2. Qualification, eligibility criteria and appointment procedure for appointment of Chairman and Members are not clearly defined, nor transparent. 3. Barring few exceptions Chairmen and Members have been appointed on partisan political consideration since 1972, making the Commission an outfit serving partisan political interests, and a recruitment agency of candidates aligned to the ruling party(ies). 4. Lower rank of Chairman/Members compared to other Constitutional bodies has created scope of interference in PSC from the bureaucracy. 5. There is no specific accountability mechanism especially for the Chairman and Members. 6. There is lack of sufficient deterrence including disciplinary actions against the corrupt, who include personnel at all levels. 7. PSC Members were found to be involved in various income-earning as well as partisan political activities.

Lack of Citizen's Trust

The public perception about the behaviour of civil servants is not a pretty one either. Individual encounters with officials identified —unnecessary harassment, procrastination in deciding simple problems, discourteous and arrogant behaviour, keeping customers waiting for hours before attending to their needs, frequent absence from office, not maintaining appointments, ignoring pleas for reconsideration of a problem, unwilling(ness) to correct mistakes, and making unabashed approaches for pecuniary benefits (Khan et al, 1997: 18; IGS, 2008:51). The general perception is that the members of the public are harassed and humiliated by public officials at different levels of administration (PARC, 2000:7). This elitist and uncooperative and arrogant nature discourages people to avail assistance from the public organizations. Recent shocking incidents (Daily Star, 2001; Financial Express March, 2020) of condescending behavior of public servants towards citizens have highlighted the misuse of power and lack of respect towards the citizens. Reported events like these have further added to the causes of diminishing citizen's trust.

Lack of Leadership Role

Hart (2001) believes ethics cannot be effective without proper leadership. It supports the prompt and effective implementation of government policies and programs. Leaders can introduce aspirational values by setting examples. Establishing these values through frequent practice can help in gradually changing the culture of the organization. There is a dearth in the willingness of taking leadership actions among the public servants in Bangladesh. They leave this role to the political authorities. As Choudhury (2010) explains his interaction with some public servants regarding this matter, 'What was striking however was their inability as a group to see themselves as possible leaders in implementing government programs. In their words that was the responsibility of political leaders or ministers.' They perceive their roles to be limited to performing their duties according to rules and regulations. The reason for not having the enthusiasm to take leadership roles may be attributed to the politicization of the bureaucracy. Unfortunately, initiating programs and leading them passionately has sometimes proved to have damaged the career of public servants. With the change in the government, the new party in power sees these public servants as loyalists of the previous government. Therefore, they are replaced or transferred to less important positions.

Colonial Legacy of Organizational Culture

Bangladesh has inherited a bureaucracy that is elitist, archaic, non-responsive, and change resistant (Ahmed, 1979; Zafarullah, 1987). Lack of ethical standard and conducts in the public sector of Bangladesh has its roots in the British colonial rule which was mainly authoritarian and elitist in nature and was meant to serve the imperial interest. Public interest is often undermined. With minor improvements the picture continues to be more or less the same, even today. The behavioral patterns of bureaucrats have dramatically altered due to changed social, economic and political factors. All these have greatly influenced drastic changes in the values, norms, beliefs and perceptions of bureaucrats (Khan, 1998:34). The civil service is still wedded to the authoritarian norms, procedural formalism and secretive deliberations of the colonial period, and offers little convincing evidence of the development of any ethos of public service (World Bank, 1996: 61). As mentioned earlier the public service of Bangladesh is bogged down by these negative features of the administrative culture. One study (Haq, 2011) conducted on public servants showed that 53% of the civil servants who took part in the study chose 'culture and mentality' as the prime factor that can enhance ethical standards. Also, about 23% thought that attitude and behaviour of administrators played an essential role in ensuring public service ethics. This points out that there are some issues worth investigating about the administrative culture and the attitude of the public servants. It is not an ideal situation for ethics to thrive if public servants turn a blind eye to the unethical behaviour of their colleagues and ethical behaviour is not encouraged adequately.

Bribe in the disguise of gift has somewhat gained acceptance. The same study reflected that while 55% of the respondents said that there is a clear line between gifts and bribe, about 47% perceived that it is normal to accept gifts. This indicates that taking or giving gifts in exchange of undue favour is not always seen as a bad thing. In addition, 45% of the participants held the view that wealthy public servants are respected in the society.

The culture of accepting gifts is deep-rooted from the colonial period and can be seen even today. Bribe is the main form of corruption. Various reports state that even before the entry in to the public service - that is in the Bangladesh Civil Service exam - there are different amount of bribe packages for different unethical action. For example, contract for good marks in viva voce is 2-5lac taka, contract for good cadre 5 to 10 lac taka and so on (TIB, 2007:38).

From the previous discussion about the extent of politicization of the BPSC, the reason behind the increase in unethical behaviour can be detected. When a culture of corruption and politicization becomes

a normal practice from the very entry level it is even easier to incline towards more unethical behaviour and breed corruption later on in the career. It on one hand leaves very little room for ethical values to flourish and on the other fosters a strong administrative culture of unethical behavior.

Apathetic

‘The arrogance of high office, unethical behaviour, failure to respect legislative intent and apathy towards work have been rampant’ (UNDP, 1993). Apathy or the lack of intention to react or expose wrongdoings is another cultural drawback that hinders ethical environment in Bangladesh. One research (Haq, 2011) revealed that, although the public servants know their rights and obligations while exposing wrong doings (56.4%), majority (78%) thought that they do not participate in this activity. About 51% of the respondents agreed that one can get away by ignoring ethics. There are several possible reasons behind this perception. First, although there are quite a number of rules and regulations to counter unethical behaviour, punishments are seldom enforced. Second there are many loopholes in the laws through which the offenders can easily slip away. Third, the existing administrative culture tends to overlook unethical behaviour. A culture of impunity has developed as there have been no enforcement of admonitory punishments specially due to political and financial influence (Monem & Baniamin 2011; Aminuzzaman 2002).

Conclusion

While all the elements of ethical administration in Bangladesh seems to be in place the reality does not present expected results. With an inherited colonial culture, the administrative system of Bangladesh is more focused on rules and regulations, leaving the value-based perspective in the shadow. As these two aspects are not in sync, it is creating a difficult setting for ethics to flourish. The problems confronted by Bangladesh public service regarding ethics is not unique. Many other countries, particularly those of South Asia, share more or less similar experiences. Some have gone a long way in surmounting the issues while others have fallen behind. Bangladesh is also striving to resolve the situation through the introduction of new laws and strategies. For these to gain effectiveness the organizational culture which is marred with politicization and apathy has to gradually change. And this requires genuine practice of the core values of public service. The identification of the values that are less practiced and the negative traits or ‘bureaupathologies’ that are rampant in the public service will enable policy makers to set effective strategies. Bangladesh can look towards other countries such as Singapore and Malaysia, which were almost in the same conditions not far from now but have managed to improve the ethical standards of the public sector.

Amid all discrepancies ethical public servants are still managing to survive and bureaucracy has displayed its strength against external pressure from time to time. Proper leadership, motivation and appreciation of ethical behavior will help to nurture the core ethical values. A depoliticized public service is a precondition for ethical administration where positive political will has to play the instrumental role.

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