

Quota System in Pakistan – A Critical Analysis

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Introduction

The basic purpose of quota system is to be ensured by the governments that if at any specific time period, if the entire population couldn't be guaranteed to have uniform access to opportunities of growth and development at par with each other; with respect to their distinct region, terrain, population and available facilities including physical infrastructure, then the implementation of quota system would be ensured so that people belonging to different regions may not lose the opportunities of getting government employment .

Quota system is established by the national/federal governments for the common people so that if there are any dichotomies observed in provision of growth facilities within a country, the opportunity to grow and develop may at least be equally provided through reserving quota-based seats for the different sets of population in different governmental organizations or departments. However, with the provision of quota system, it is also desirable that efforts may be made to develop the less developed areas so that the residents become equally competitive to get selected on open merit while competing with people from developed areas.

In this research paper, an attempt has been made to present and analyze the prevailing framework which sustains Quota system in our country Pakistan, through examining the root causes for the need of this system. The research is primarily conducted through analysis of secondary data regarding the constitutional/legal framework of quota system in Pakistan. Primary data is also obtained through a questionnaire from a random sample of fifty participants belonging to federal and provincial civil service, both at the middle and the senior management levels. Three retired civil servants, two of whom are serving Members of Federal Public Service Commission (FPSC), were interviewed for collection of primary data through structured questions. In the end, some workable recommendations are presented as a result of the threadbare analysis of the prevailing quota system in the country through examining its framework and through feedback of the stakeholders to make this provision more equitable and meritorious.

Statement of Problem

The jobs offered by the Federal government of Pakistan have the fixed quotas for all the provinces including Gilgit Baltistan and Azad Jammu and Kashmir. The provision of fixed quotas is meant for ensuring equity among different federating units of the country. Although, the implementation of providing jobs on these fixed quotas does not fulfill this inherent purpose. There is a constitutional/legal framework supporting this whole system, which this study intends to understand and analyze.

Scope and Boundaries of Research

Scope of the research is to explore the root causes of provision of quota system in government jobs in the country since its inception, relate to any such practices especially in the neighboring countries for such provisions as well as to gauge the level of implementation of quota system in the federal government through secondary and primary data. The research presents the recommendations through which the proper implementation of the quota system may fulfill its inherent purpose of promoting equitability and meritocracy through institutional arrangements. The research covers the application of quota system under the jurisdiction of Federal government of Pakistan only, for the purpose of simplicity, leaving all other provincial governments in the country.

Research Questions

Following research questions were formulated to conduct the research on analyzing various factors that tend to provide for quota system in the country:

1. What are the constitutional provisions for application of quota system in Pakistan especially for the federal government jobs?
2. How the application of quota system ensures equitability and merit in Pakistan?
3. To what extent, the implementation of quota system achieves the inherent purpose, in the country?

Review of Literature

Mr. Abdul Wajid Rana, a former Federal secretary and former FPSC member opines in his article namely Quota system in Pakistan, that “it is imperative to understand the basis of provision of quotas that have been institutionalized to give representation to different identity groups”. He believes that equity and diversity are the cornerstones of policy and politics of federation across the globe. He argues in his article that State has to ensure survival against different identity groups i.e. it has to provide justice for underdeveloped by providing positions in authority’s; has to preserve the public order through participation of all in decision-making process and it has to establish legitimacy through its nationwide acceptance. He strongly argues that due to all these categorical reasons, quota system is fundamental to statecraft and therefore it is driven in Pakistan due to all these important reasons too.¹

Another article in Daily Dawn newspaper presents an altogether different approach towards the provision of quota system in Pakistan. It highlights that quota system was an exception to the Article 27 of the Constitution of Islamic Republic of Pakistan 1973 that categorically states that “No citizen otherwise qualified for appointment in the service of Pakistan shall be discriminated against in respect of any such appointment on the ground only of race, religion, caste, sex, residence or place of birth.” It argues that the quota system was introduced because of the uneven level of development and lack of appropriate educational facilities in certain parts of the country. It also elaborates that the provision was not made as a permanent feature of the constitution rather it was initially protected for a period of 20 years and thereafter the period was extended through the 16th Amendment in 1999 for another 20 years. Now that period has passed and the rationale for which the quota system was envisaged and protected in the constitution does not exist anymore so now the quota system may be declared as unconstitutional.²

In another article of same newspaper of the country, the writer opines that “first one may think within the box before moving outside the box. The subject of the quota system has been lying inside the box for 40 plus years. Historically, the quota system was re-invented ‘democratically’ with some innovation in 1973 and given constitutional protection for 25 years. The innovation provided a clear divide between rural and urban Sindh. Although other provinces did not replicate this rural-urban divide. The quota system provided a blockade to merit and eroded the roots of competition and fairness. The evil design behind the quota system in general and a

¹ <http://tribune.com.pk/story/1553353/quota-system-Pakistan>.

² www.dawn.com/news/1511727.

rural-urban divide in particular have produced inefficient and corrupt government workplaces. The quota system has intensified ethnicity among the various communities of the country and turned away capable youngsters who mostly belong to urban centers, from government organizations. The need is to completely abolish this menace and promote open merit and provide equal opportunities to all”.³

In another article, Mr. Khawaja Amer argues that the Civil Service of Pakistan selects only 7.5 percent of the applicants on merit while the rest are selected on quota basis. According to him, the rationale behind the quota system was to give every province representation according to their population but unfortunately the system had so far proved advantageous only for the sons and daughters of landlords having rural domicile who otherwise live in urban areas. He opines that the “application of merit should now be ensured without any discrimination as the essence of the 1973 constitution. The Urdu-speaking immigrants who despite being in minority initially emerged as the elites and enjoyed top positions in Pakistan civil service, since Muslim League was dominated by Urdu speaking leaders, they preferred to appoint Urdu speakers in civil services. To further consolidate the position, the leaders declared Urdu the national language of Pakistan despite the fact that only three percent of the population spoke this Language. As of 1981 census, Sindhis were 11.7 percent of Pakistan’s population, but their representation in the senior ranks of the civil services was mere 3.6 percent”.⁴

Research Methodology

The information on provision of quota system in Pakistan was collected through secondary data available from the Constitution of the country and related references available online. The Annual Statistical Bulletins on the employment of Federal government besides the latest Population Census, were also referred as secondary data. Therefore, research encompasses quantitative as well as qualitative aspects of the problem, however, a random sample was also selected of the civil servants belonging to provincial and federal service at middle and senior management levels through an online questionnaire. Telephonic interviews were also held with the Members of FPSC. The purpose for this primary qualitative data collection was to know the perspective of these stakeholders to gauge the efficacy of the system and to critically analyze the research topic. The critical analysis helped to find answers to the research questions and to form a set of recommendations for making implementation of quota system in a manner to fulfil its inherent purpose.

³ <https://www.dawn.com/news/1572895/abolish-quota-system>.

⁴ www.globalvillagespace.com/pakistans-quota-system-who-really-benefits-.

Section I

1.1 Initial Provisions of Quota System in Pakistan

The quota system in Pakistan was originally established to give every region of the country representation in institutions according to their population. It was first introduced in Pakistan by Prime Minister Liaquat Ali Khan in September 1948. It was further refined in 1949 when 20 percent of seats were allocated for Central Superior Services (CSS) on merit. The Constitution of Pakistan of 1956 extended the quota system of 1949 by 15 years. In 1970, General Yahya Khan's martial law government extended the quota system according to which the rural and urban including Karachi, Hyderabad and Sukkur population in Sindh was given 60 percent and 40 percent representation in services on the recommendations of the then martial law administrator Rukhman Gul of Sindh.⁵

“Pakistan introduced the quota system in civil services in 1948. East Bengal, which accounted for 56.75 percent of the population, got a share of 42 percent in services which added to their grievances against the central government. Similarly, Karachi with a population of around one million in 1951 got a mere 2 percent share and 15 percent share for migrants. Punjab was allocated 24 percent quota against 28 percent population and all other provinces, including the former princely states got 17 percent quota against 13.75 percent population. This quota policy was revised in November 1949 introducing a merit quota of 20 percent”.⁶

⁵ www.dailyparliamentiantimes.com--quota-system-.

⁶ <http://tribune.com.pk/story/1553353/quota-system-pakistan>.

Table 1

First Quota in September 1948			Revised in November 1949	
Geographic Areas	Percentage of population	Share in Quota (Percent)	Geographic Areas	Share in Quota (Percent)
East Bengal	56.75	42	East Bengal	40
West Punjab	28	24	Punjab and Bahawalpur	23
Sindh, Balochistan, NWFP, Khairpur	13.75	17	Sindh, Balochistan, NWFP, Tribal Area	15
Potential Migrants	Unknown	15	Merit	20
Karachi	1.2	2	Karachi	2
Total	100	100		100

Source: Tribune.com.pk/story/1553353/quota-system-Pakistan

Later on, both the Constitutions of the country of 1956 and that of 1962 retained the provision of quota system up to 1972. Afterwards the separation of East Bengal from Pakistan and General Yahya Khan’s martial law, government also extended the quota system and introduced the rural and urban quotas in Sindh with 60 percent and 40 percent share. Then the 1973 Constitution also protected the already prevalent quota system and rationalized it. The quota for Sindh, NWFP now Khyber-Pakhtunkhwa, Baluchistan, GB, FATA and Azad Kashmir were clearly defined percentage-wise. Karachi was included in urban Sindh. By 1990s, the quota for women and disabled persons was also introduced.⁷

1.2 Current Provision of Quota System in Constitution of 1973

The 1973 Constitution of Pakistan clearly describes in Chapter- I titled, “Fundamental Rights and Principles of Policy”, in Article 27, about safeguarding the fundamental rights of the citizens of Pakistan against the discrimination in the federal and provincial government services with three provisos. It is reproduced here:

Article 27: Safeguard Against Discrimination in Services

“(1) No citizen otherwise qualified for appointment in the service of Pakistan shall be discriminated against in respect of any such appointment on the ground only of race,

⁷ <http://tribune.com.pk/story/1553353/quota-system-pakistan>.

religion, caste, sex, residence or place of birth.

Provided that, for a period not exceeding [forty] years from the commencing day, posts may be reserved for persons belonging to any class or area to secure their adequate representation in the service of Pakistan:

Provided further that, in the interest of the said service, specified posts or services may be reserved for members of either sex if such posts or services entail the performance of duties and functions which cannot be adequately performed by members of the other sex.

Provided also that under-representation of any class or area in the service of Pakistan may be redressed in such manner as may be determined by an Act of Majlis-e-Shoora (Parliament).

(2) Nothing in clause (1) shall prevent any Provincial Government, or any local or other authority in a Province, from prescribing, in relation to any post or class of service under that Government or authority, conditions as to residence in the Province. for a period not exceeding three years, prior to appointment under that Government or authority”.⁸

“The original 1973 Constitution had fixed a period of 10 years for the job quota for provinces, but the governments in the 1980s and 1990s enhanced it to 40 years. When the initial 10-year period expired in 1983, the Military Dictator Gen Zia-ul Haq amended the Constitution after a cabinet decision and extended the period to 20 years. This act was later provided a constitutional cover through the controversial Eighth Amendment. The 20-year extended period expired in 1993 during the first government of Mr. Nawaz Sharif but the federal cabinet decided to continue with the job quota for provinces in federal government departments. Despite the Cabinet’s decision, the Constitution was not amended till 1999. Through the 16th Constitutional Amendment Act 1999, the period was extended from 20 to 40 years during the second tenure of Mr. Nawaz Sharif as Premier of the country, reviving the quota system in services till 2013”.⁹

Recently, Pasban Democratic Party has challenged the quota system through a constitutional petition in March this year in the Supreme Court of Pakistan. They have prayed to declare this system null and void, illegal and unconstitutional after the expiry

⁸ <http://www.pakistani.org/pakistan/constitution/part2.ch1.html>.

⁹ www.dailyparliamentarianimes.com--quota-system-.

date as per the 1973 Constitution of Pakistan. The petitioners stated that after the expiry in 2013, quota system is practically dead and buried, because the constitutional cover is no more available to this practice. In the absence of extension of the period, given in the Constitution, implementation of the quota regime has already become unlawful.

The petitioners maintained that the quota system has been declared un-Islamic and illegal by the Federal Shariat Court and the Hon'ble Supreme Court of Pakistan. Further said that the quota kills the competition and deteriorate the quality of service and causes hatred amongst the deprived persons as this quota is unethical, un-Islamic and un-constitutional, void ab initio. Furthermore, the urban and rural quota is maintained only in Sindh, while in the other three provinces, no distinction on the basis of rural and urban is made. Thus urban-rural quota in Sindh province seems discriminatory in basic essence.¹⁰

The former Leader of Opposition of the Provincial Assembly of Sindh, Mr. Khawaja Izhar-ul Hasan, approached the Sindh High Court against the issue of fake domiciles in Sindh. The issue is under enquiry by government of Sindh in compliance of the orders of the Honorable Court. The findings of the enquiry may help the government in ruling out the issue of fake domiciles in future. The matter is currently sub-judice.¹¹

1.3 Legal Framework of Quota System in Pakistan

According to the prevailing and most current provision of quota system in Pakistan, following is the proportion for the quota-based seats for the provinces and other areas by the federal government:

¹⁰ www.dailyparliamentiantimes.com--quota-system-

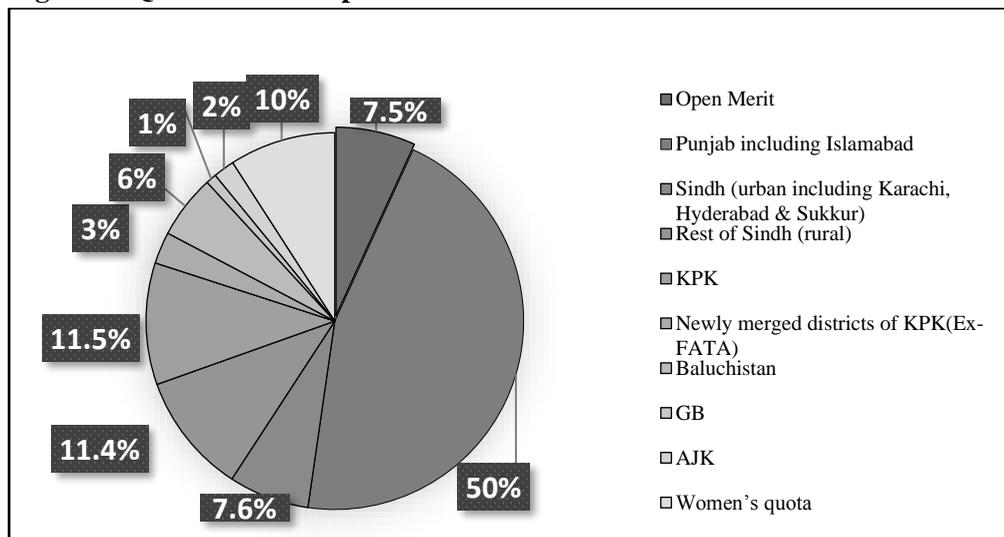
¹¹ Daily Jang Karachi Urdu Newspaper of 3rd December, 2020.

Table 2

S#	Quota Status	Quota Percentage (%)
1	Open Merit	7.5
2	Punjab including Islamabad	50
3	Sindh (urban including Karachi, Hyderabad & Sukkur)	7.6
4	Rest of Sindh (rural)	11.4
5	KPK	11.5
6	Newly merged districts of KPK(Ex-FATA)	3
7	Baluchistan	6
8	GB	1
9	AJK	2
10	Women's quota *(inclusive of overall 100%)	10

Source: Cabinet Secretariat, Establishment Division, Federal Government of Pakistan

The notification categorically states about newly merged districts that “the share shall not be merged into Khyber Pakhtunkhwa and be observed independently for next 10 years in conjunction with the ten-year Development Plan devised to bring the Ex-FATA at par with the Khyber Pakhtunkhwa socially and economically”.¹²

Figure 1: Quota based Proportions in Pakistan

¹² Notification by Establishment Division, GoP S.R.O. No. 747(1)/2020 dated 19th August, 2020.

Section II

2.1 Provision of Quota System in Neighboring Countries

2.1.1 India

India is home to multi-lingual and multi-ethnic communities. Having majority hindu population, India also houses Muslims, Sikhs, bhuddists, Christians and people from lower castes. The Indian government also has the system of reservation or quota, which guarantees the comparatively disadvantaged lower castes and tribes by reserving places in government jobs, educational institutions and even seats in parliament and state assemblies. Indian Hindus are socially divided into different categories of castes and these categories are decided through inheritance. The lower castes like Dalits who are socio-economically downtrodden work in fields of the higher caste landlords. Although India government outlawed the caste system way back in 1955 but still the lower castes continue to be victimized through social and economic exclusion.

In recent years, millions of members of other communities have rallied to demand changes to the reservation policy that, they argue, unfairly favor groups at the lower end of India’s social order. “There is a need for a wider debate on whether economic criteria should also be included while reserving government jobs. Parliament needs to discuss this threadbare,” Desh Ratan Nigam, a member of the Rashtriya Swayamsevak Sangh (RSS), the ideological parent body of the ruling BJP, told Al Jazeera. “There are sections in the other 50 percent which are poor. The government has decided that there should be criteria totally focused on poverty and not caste, creed or religion. Poverty does not see caste.”

Critics of Indian government’s recent policy say “steps like these are precursors to doing away with caste-based reservations, a system long detested by India’s upper castes, who say the program deprives them of opportunities. They want the government to revise existing affirmative action policies that favor low-caste Hindus and Other Backward Classes – a collective term covering socially and educationally deprived groups. They are actually trying to dilute the concept of reservation itself, says senior journalist Dilip Mandal, who tracks caste politics in India”¹³.

¹³ <https://www.aljazeera.com/news/2019/1/8/india-plans-job-quotas-for-upper-caste-poor-as-election-nears>.

2.1.2 Bangladesh

In Bangladesh, the quota system was introduced in 1972 and still there are 218 types of quotas in public services without necessary reform in the last 46 years. Currently only 44 percent of government jobs are accessible for the ordinary job seekers. A total of 56 percent of government job recruitment under Bangladesh Public Service Commission (BPSC) is done via quotas as there are 30 percent quotas for children and grandchildren of the freedom fighters, 10 percent posts are allotted to the women, district quota counts another 10 percent, small ethnic groups' quota is 5 percent and 1 percent quota is available for the physically challenged persons.

Economic Intelligence Unit (EIU) of British magazine 'The Economist' has said in its last report that "47 percent graduates of Bangladesh are jobless. Only Afghanistan has more educated unemployed youth than that in the subcontinent with a percentage of 65, while the rate is 33 percent in India, 28 percent in Pakistan, 20 percent in Nepal and only 7.8 percent in Sri Lanka. Due to the lack of job opportunities most of the educated youths in Bangladesh attempt to get a government job in cadre service. For example - in the 38th BCS examination, 3,89,468 candidates applied against only 2024 posts".

The fundamental principles of Bangladesh's constitution provide guarantee for equality of opportunity for all citizens in respect of employment or office in service of the republic without any sort of discrimination. However, through another constitutional article, right is given to the state for "making special provision in favor of any backward section of citizens for the purpose of securing their adequate representation in the state service". The civil society in Bangladesh think that the inequitable quota system needs to be reviewed to make the whole process of recruitment more rational as they also consider the quota system not only discriminatory but also against the constitutional rights.¹⁴

2.2 Provision in Other Multi-Lingual Multi-Ethnic Countries like Singapore

Singapore is a small city state of South East Asia. Singapore's economic freedom score is 89.4, making it the world's freest economy in the 2020 Index. Its sustained extraordinary performance has resulted in one of the world's highest per capita incomes

¹⁴ <https://www.daily-sun.com/magazine/details/295438/Inequitable-Quota-System>.

and solid rates of GDP growth.¹⁵

Geographically speaking, about 74.1 percent of residents are of Chinese descent, 13.4 percent of Malay descent, 9.2 percent of Indian descent, and 3.3 percent of other (including Eurasian) descent. Singapore has four official languages: English, Malay, Mandarin, and Tamil. The fact is that living and working in Singapore could derive many economic benefits as many factors including low tax rates, manifold business opportunities, strong and growing economy draw many foreigners to the country. Singapore became a popular destination for foreigners for availing the job opportunities. In the wake of resulting situation, Singapore government introduced a quota system to curb the oversaturated labor market of the country.

According to the quota system imposed by the government, “it sets a restriction upon employers in the country. Every employer in Singapore is to hire a number of foreign workers which does not exceed the limit stated by the government. The details of the quota regarding the quantity of foreign workers are dependent on the industry of which the company is a part. The government of Singapore had specific reasons in mind when it introduced the quota system. This is because the large influx of foreigners has caused the job market to become oversaturated in Singapore. In many instances, there are more people applying to work in Singapore than there are openings for employment. Not only does this mean that some foreigners who come to Singapore to find work will not be able to do so, but even some locals who are interested in finding a job will find doing so more difficult than ever before. Thus, to facilitate the employment of locals and ensure that Singapore citizens and permanent residents are more likely to be legally employed, the government imposed the quota system so as to strike a balance between the employment of foreigners and locals”.¹⁶

Section III

3.1 Findings of Research

Pakistan Public Administration Research Center under the umbrella of the Establishment Division of the federal government of Pakistan maintains the data regarding federal government civil employees and publishes it in the form of bulletins on annual basis. These Annual Statistical Bulletins are referred here as secondary data source to find the answers to the research questions. After referring the Bulletins from

¹⁵ <https://www.heritage.org/index/country/singapore>.

¹⁶ <https://www.paulhypepage.com/why-are-there-restrictions-on-the-hiring-of-foreigners-by-singapore-companies/>.

FY 2014-15 to FY 2018-2019, the overall percentage share of the provinces on the basis of their domiciles including Civil Armed Forces (CAF) is tabulated as follows:

Table 3: Employment Status Provinces Wise

Provinces/ Areas	Year 2014-15	Year 2015-16	Year 2016-17	Year 2017-18	Year 2018-19
Punjab including ICT	45.42%	45.18 %	47.10%	47.52%	47.66%
Sindh(U)	6.54%	6.97%	5.85%	6.56%	6.71%
Sindh (R)	7.13%	6.41%	8.18%	7.37%	7.30%
Balochistan	4.07%	3.96%	4.07%	4.21%	4.54%
KPK	26.30%	26.87%	24.55%	24.17%	26.00%
FATA	2.68%	3%	2.44%	2.45%	5.47%
GB	6.81%	6.59%	6.55%	6.46%	1.06%
AJK	1.05%	1.02%	1.26%	1.26%	1.26%

The highlighted areas in above table are shown to have more employment than the fixed quota. This may be termed as an anomaly in employing people from those particular areas more than their fixed quota. If the data for KPK is referred, it is evident that the employment in KPK exceeded the quota limit of 11.5% even if it is assumed for the sake of simplicity, that in those particular years, the whole of the open merit selection of 7.5% quota was made from KPK excluding the rest of the provinces, even then the data shows disparity because the quoted employment is 25.56% on average in these five years which is way more than 19% (11.5% + 7.5%). The other areas which seem to have employment more than their dedicated quota include GB and FATA as well.

A table below shows year-wise employment status in numbers, by province of domicile for the years 2009-10 to 2018-19 (ten years):

Table 4: Year Wise Employment Status by Province of Domicile

PROVINCE	YEAR WISE EMPLOYMENT STATUS BY PROVINCE OF DOMICILE										Annual Average Growth Rate (%)	Total Growth in last in Decade (%)
	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19		
Punjab	206202	209618	206425	205737	204812	199351	205363	268732	276198	277258	3.34	34.45
Sindh	62458	60329	61095	58694	58082	59988	60826	80081	80948	81522	3.09	30.52
Sindh (R)	22452	29014	34224	29198	28492	28712	29146	46691	42844	42502	7.34	89.30
Sindh (U)	40006	31315	26871	29496	29590	31276	31680	33390	38104	39020	-0.27	-2.46
Khyber Pakhtunkhwa	124668	125529	126939	124795	118618	115426	122120	140053	140486	151246	2.17	21.31
Baluchistan	19092	19383	18181	18395	17875	17868	17977	23226	24442	26389	3.66	38.22
Azad Jammu & Kashmir	4922	4888	4682	4596	4456	4614	4648	7165	7327	7356	4.56	49.45
Gilgit Baltistan	26044	26375	26506	27421	28561	29923	29956	37397	37577	-----	4.68	44.28
FATA	3769	3842	7333	7178	12117	11751	13627	13899	14262	31815	26.74	744.1
TOTAL	447155	449964	451161	446816	444521	438921	454517	570553	581240	581755	2.966	30.10

Source: Annual Statistical Bulletin of Federal Government Employees For 2018-19

The above table shows many variations in terms of province-wise employment status almost every year. The last column of above Table shows that FATA topped the list with 744% positive growth followed by Sindh Rural with 89.3%, AJK with 49.5% and Balochistan with 38.2% in these ten years (2009-2019). The above table also shows that Sindh urban witnessed a negative growth of 2.5% in this decade. For the year 2018-19, GB's employment has reduced by -84% due to merger of Chief Secretary Secretariat in provincial service, earlier it was federal government employment historically. The year in which maximum variation is found is 2015-16 to 2016-17, when the percentage growth increased manifold in almost every area and province with Sindh Rural at the top followed by AJK, Punjab, Balochistan and GB. Another striking anomaly is 123% increase in FATA's employment status in 2017-18 to 2018-19.

Establishment Division, Federal government of Pakistan with S.R.O. No. 791(1)/2020 dated 24th August, 2020 has recently ordered two amendments in the Civil Servants (Appointment, Promotion and Transfer) Rules 15 & 16 of 1973 stating that jobs in grade 1 to 16, for the Federal government offices located within ICT, will be filled not less than 50% by the people domiciled in ICT only. This notification seems to be violating the applicable quota of ICT which is included in the 50% quota of the province of Punjab irrespective of the location of offices.

The question arises that whether the evident huge increase in the employment of KPK, FATA and Sindh Rural over this period (2009 – 2019) caused any decrease in the employment for rest of the provinces and areas below their dedicated quota? The striking positive growth percentage in the employment especially in FATA and Sindh Rural seems to have been made at the expense of other areas against the very spirit of quota system application in the country.

In order to co-relate population of every area with its dedicated quota, following comparative table is shown below to find the relationship:

Table 5: Correlation between Population and Dedicated Quota

Total Population (Million)				Percentage			Population vs Quota Gap % (2017)		Actual % Employment 2018-19	
1	2	3	4	5	6	7	8	9	10	11
	1981	1998	2017	1981	1998	2017	Quota	(8-7)		Gap (10-8)
Pakistan	84.25	132.35	207.77	100	100	100				
Sindh	19.03	30.44	47.89	22.59	23.00	23.05	19	-4.05	14.01	-4.99
Punjab	47.29	73.62	110.01	56.13	55.63	52.95	50	-3.92	47.66	-2.34
ICT	0.34	0.81	2.006	0.40	0.61	0.97	Part of Punjab			
KP	11.08	17.74	30.52	13.15	13.40	14.69	11.5	-3.19	26.00	14.5
Baloch.	4.33	6.57	12.34	5.14	4.96	5.94	6	0.06	4.54	-1.46
FATA	2.2	3.18	5	2.61	2.40	2.41	3	0.59	5.47	2.47
AJK (Not included in Pakistan Population)	1.983	2.973	4.045	2.35	2.25	1.95	2	0.05	1.26	-0.74

Source: Annual Statistical Bulletin of Federal Government Employees 2018-19 and Pakistan Bureau of Statistics

**For 2017-18, Gilgit Baltistan with population of 1.9 million has share of 6.55% (almost equal to Sindh Urban) jobs in Federal government. For 2018-19, GB employment has been shown 1.06% due to merger of Chief Secretary Secretariat in Provincial service, earlier it was Federal government employment historically.*

Analyzing the data shown in above table discloses that the KPK is getting 26% of jobs against allocated quota of 11.5% and FATA 5.47% against 3% quota, in total this region got 31.47% jobs against 14.5% quota. The fact mentioned on page 12 above, is again reiterated here that even if all of the 7.5% merit-based jobs were diverted to this region even then the actual employment must not exceed 19%. Another amazing anomaly which is discovered is that the 17.10% (14.69% and 2.41%) population of KPK and FATA in total country's population as per 2017 population estimates by PBS, has 31.47% share in Federal government's jobs. Column 11 shows the actual employment against quota where KP and FATA have surplus of 14.5% and 2.47% employment respectively while the largest negative gap can be observed in Sindh which is -4.99% with huge impact in Sindh Urban followed by Punjab with -2.34%.

3.2 Result of Questionnaire

Structured questions were asked to gauge the perspective of the stakeholders on the subject and for collection of primary data. The sample population of this survey comprised the civil servants both from the provincial and the federal level.

Following questions were asked and these are the responses received (presented graphically):

Figure 2: Satisfaction with Provision of Quota System in Pakistan

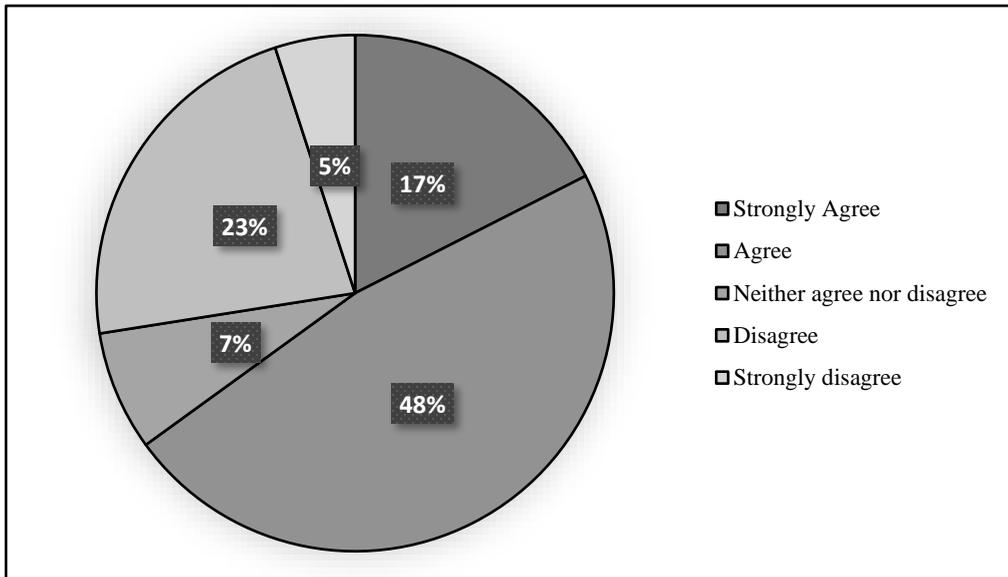


Figure 3: Quota System and Equitability

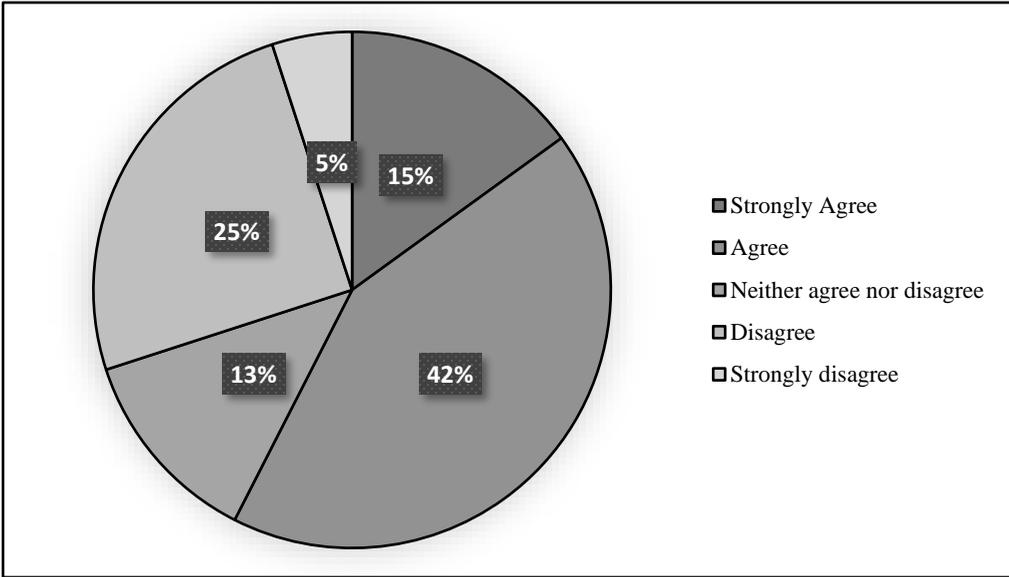


Figure 4: Quota System and Time Boundedness

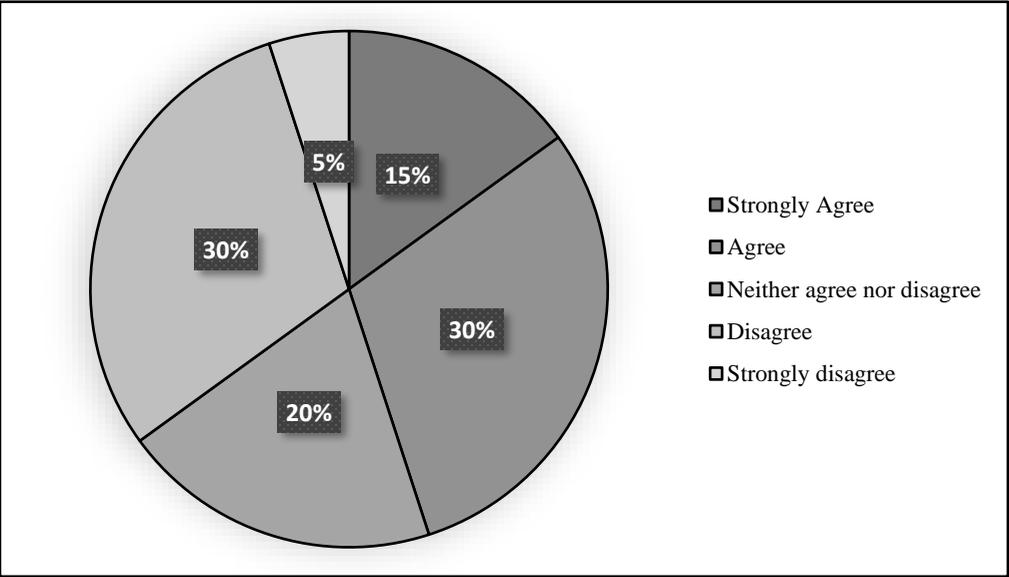


Figure 5: Agreement with Statement “No Quota No Representation”

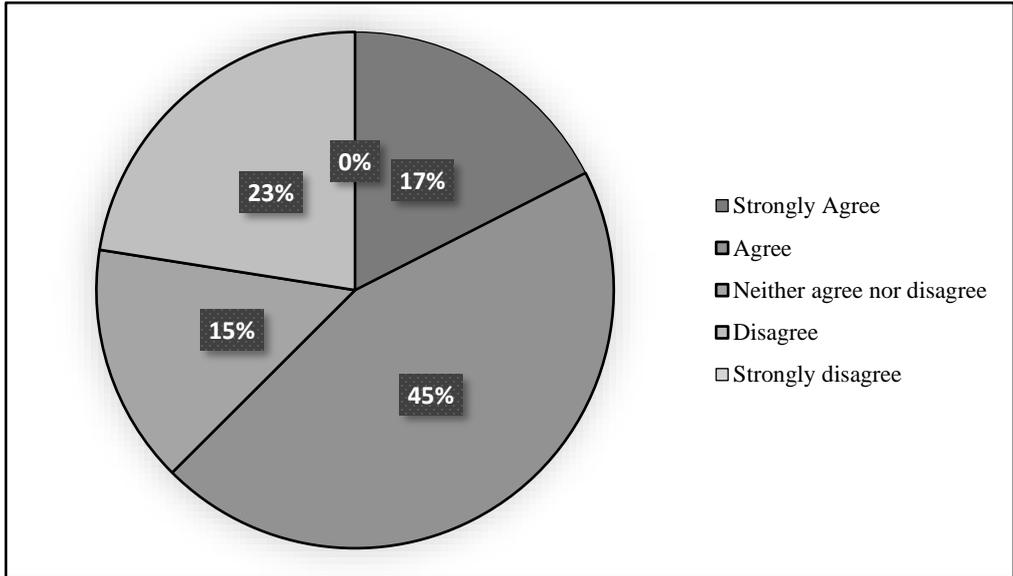


Figure 6: Quota System vis-à-vis Damaging Merit

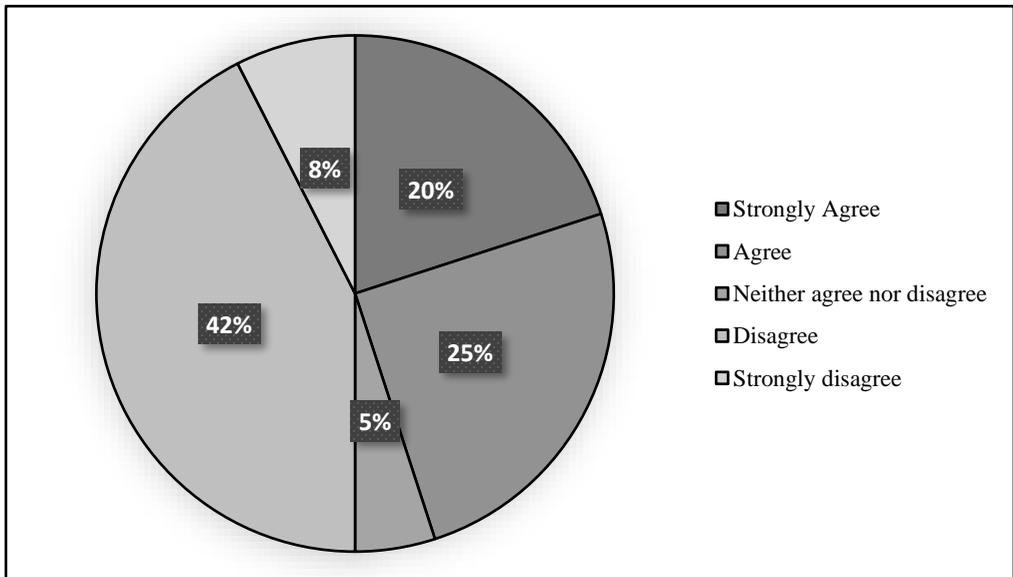
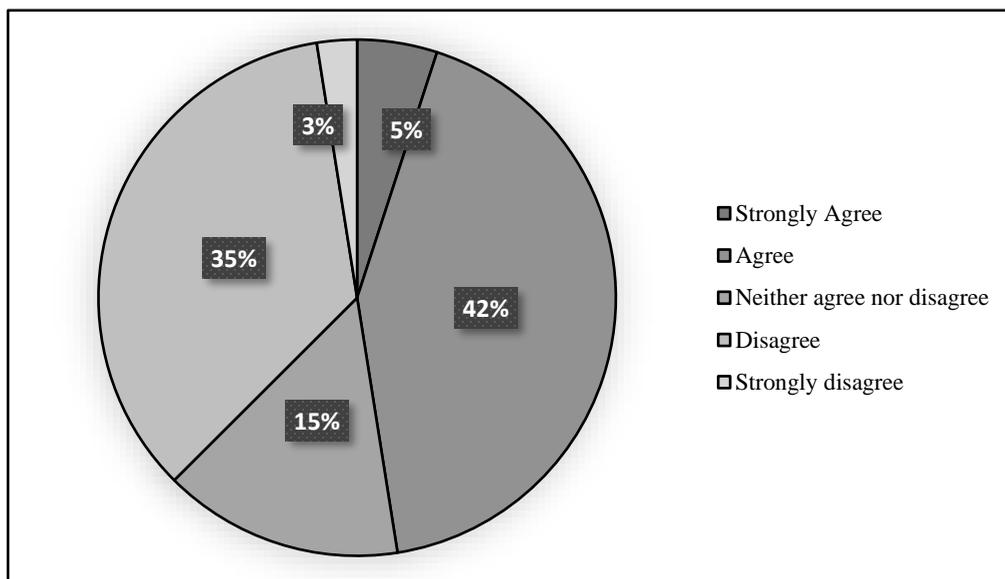


Figure 7: Quota System as Constitutional Right



3.3 Inference Drawn from The Interviews

Three retired senior civil servants, two of them are presently working with FPSC as Members, were interviewed through specific questions on prevailing quota system in the country. These are the inferences, which are drawn from their replies during the interviews, on quota system in Pakistan:

1. The inherent purpose behind provision of the quota system remained very clear right from the start, which is, to provide equitability and representation to all the federating units and areas of the country, in the jobs offered by the Federal government.
2. There may be some problems at the implementation stage, which are now known to us much better than ever before, as now we have data of so many years in front of us, to refer and to correct the systemic errors, if there are any.
3. The issues of fake domiciles have recently observed. Such practices must be ruled out with strict checks and balances to discourage it from happening in the future.
4. The dedicated seats with provincial quota, which remained unfilled due to any

reason, are carried forward almost every year. These may be filled through conducting special examination to give opportunity to those from areas like Balochistan, Sindh Urban, AJK and GB.

5. There is need to take decisions based on facts and also ensure proper checks through changes in laws and regulations. It is also much needed to take steps for the fulfillment of the inherent purpose of implementing the quota system in the country i.e., discouraging the phenomenon of fake domiciles and promoting and hire the real deserving talent from the areas to which the applicants actually belong.
6. The socio-economic development of the country is very important keeping all the regions and areas at par with each other, in order to promote a healthy competition but the quota system should be in place as well to secure the representation of people from all parts of the country for the promotion of national integration and equitability.¹

3.4 Critical Analysis

After stock taking of literature review, constitutional provisions, the relevance from the neighboring countries as well as from the example of Singapore which is a multi-lingual and multi-ethnic country, Statistical Bulletins on employment of Federal Government, population census, figures and data with reference to Table 3,4 & 5 above, the responses received from the questionnaire and the interviews, following is a brief critical analysis:

1. The prevailing quota system in Pakistan had an inherent purpose of the provision of equitable representation to all the federating units and areas of the country for strengthening the national integration.
2. Province of Punjab leads the demographic statistics with highest population followed by Sindh, KPK, Balochistan, FATA, AJK and GB respectively, therefore, have the respective percentages in quota allocation accordingly.²
3. The neighboring countries of India and Bangladesh also have quota system in place with categorical reasons to give representation to all the residents belonging to different castes and regions. The implementation though remains doubtful, with

¹ Interview with Mr. Abid Saeed (Retired PAS officer & Member, FPSC) and with Mr. Shoaib Mir (Retired PAS officer & Member FPSC) dated 8th November, 2020.

² Pakistan Bureau of Statistics - Population Census 2017.

concerns raised by various sectors of their societies and a national thought process is an ongoing factor to debate the efficacy of this system in both of the countries.

4. In Singapore, the quota system is in place to safeguard the rights of its permanent residents in comparison to abundant foreign workers coming from the rest of the world.
5. The constitutional provision for quota system, especially in the jobs offered by the Federal government of Pakistan, has always been in place since its inception in one form or the other, even before and after the country's separation from East Bengal.
6. The latest provision for the said quota system was valid till 2103 but the quota-based hiring is an ongoing phenomenon in the country while the Federal Cabinet has been recently reported to address this issue soon after getting feedback from FPSC.
7. The provincial/area specific quota provisions and fake domiciles are considered as harmful to the merit by some Journalists and by a political party besides by a former leader of opposition from Sindh as well in recent past on issue of fake domiciles. The matter is sub-judice presently.
8. Table 4 & 5 above, clearly highlight the anomalies in share of employment in relation with quota and population. The higher percentage of share in jobs as compared to the dedicated quota especially in most obvious cases of KPK and FATA are discriminatory as these areas have share in federal government jobs much more than their dedicated quota as well as way more than their population (2017). On the contrary, Sindh Urban occupies much reduced share as compared to its quota as well as compared to its latest population estimates.
9. The recent notification ordering changes in the rules of Civil Servant Act 1973, for hiring ICT domiciled people up to 50% in Federal government jobs in grade 1 to 15 for office locations within ICT, seems against the very spirit of already enforced quota system. Amendment in Act is introduced through Statutory Regulatory Order which is another anomaly in legal procedure.
10. The huge growth percentage in the provincial employment of KPK, Sindh Rural and FATA over last ten years needs to be taken as a case study to discover the impact of such high percentage of employment and to check whether this increase was done at the expense of some other provinces/areas or else.

11. The results of the survey questionnaire showed that majority of civil servants were satisfied with the provision of quota system in the country. The majority thinks that quotas ensure representation by their areas/provinces in the Federal government employment. The majority also thinks that quotas have provided equitability in the country without affecting merit. On the question of making quotas - time bound, majority thinks affirmative, and majority also opined that it should be provided as constitutional right to all the provinces and areas of the country.
12. The inference drawn from the interviews held with the retired civil servants also highlighted the fact that quota system is an integral part of our national integration and it must be implemented in letter and spirit with change in relevant laws and introducing technological interface so that no fake documents could ever deprive the actually deserving people from their right of employment in the Federal government.
13. Another inference drawn from the interviews highlighted that the provision of provincial quotas need not be time bound as these are going to be relevant in a heterogeneous country like Pakistan for all times to come but most important point is to identify the gaps and lacunas in the system if there are any, to fix the issues with proper implementation.

Section IV

4. Conclusion

The use of quota system in Pakistan is a constitutional provision for equitable representation to all the federating units of the country. The comparison of statistical bulletins' data on employment in the Federal government with allocated quotas and estimated population census showed that the increased growth in identified provinces and areas are way beyond their reserved quota as well as population.

The overall satisfaction over the current provision of quota system is evident from the primary data collected in this research. Although the concerns of many other stakeholders are needed to be addressed through necessary changes in relevant laws and initiating technological interface in most judicious and transparent manner for fulfillment of the inherent purpose of the quota system in the country.

5. Recommendations

In the backdrop of the threadbare analysis, as a result of this research on the quota system in Pakistan, following recommendations are proposed for increasing the efficacy of the said system and for the fulfillment of its inherent purpose of promotion of equitable representation:

1. The provision of quota system should be made a part of country's constitution by the Legislature, through a constitutional amendment to provide it a legal cover, securing the representation from each federating unit and area for another considerable time as the previous provision expired in 2013 already.
2. The huge gaps in the current employment, against the allocated quota & percentage population must be enquired into, to gauge the reasons. The gaps are evident through table 5 in KPK which has 26% jobs against its population of 14.69% and with quota of 11.5% while FATA has 5.47% jobs against its population of 2.41% and quota of 3% while the worst case is of Sindh which has only 14.01% jobs against its population of 23.05% and quota of 19% with negative growth rate of minus 2.5% in Sindh Urban particularly. An enquiry should be initiated by the Establishment division for finding reasons behind these amazing anomalies in employment, beyond the allocated quota as well as population.
3. The issuance of domiciles needs to be linked with the certificates of matriculation by amendment in the relevant law of Citizenship Act of 1951 and subsequent rules to ensure that people may get their domiciles from the districts from where they get their secondary and higher secondary education. It will rule out the chances of getting rural domicile despite the fact of studying at urban centers. It will drastically reduce the chance of systemic error of getting rural domiciles despite being brought up and studied in urban centers.
4. The emerging huge gap between the share of rural and urban Sindh in terms of respective employment must be looked into in the context of issuance of fake or dual domiciles. For ensuring transparency and fairness, amendment may be made in the relevant Act of NADRA by giving it another mandate of issuance of Domiciles as well. Owing to the Central Database, identity and whereabouts of the parents can easily be linked to the applicants of domicile and the chances of getting fake or dual domiciles will be ruled out to a great extent. Although the verification of relevant documents may continue to be the responsibility of the District Collectors (Deputy Commissioners' offices).

5. The recent notification ordering changes in the rules of Civil Servant Act 1973, for hiring ICT domiciled people up to 50% in Federal government jobs in grade 1 to 15 for office locations within ICT, needs to be reviewed by the Federal government as apparently it seems a blatant violation of the existing quota system and its rationale. Amendment in Act may be introduced through proper legislation instead of issuing Statutory Regulatory Order only.
6. The Federal government of Pakistan should plan to conduct special examinations in phased manner through FPSC, to fill the carried forward seats from all the provinces and areas as per their allocated quota.
7. The development of all the provinces and areas of the country should be focused to make each area at par with other in terms of socio-economic growth, opportunities to read and progress besides the availability of physical infrastructure in a phased manner. The Federal and provincial governments should strengthen the process of devolution. Provincial governments should explore the opportunities of revenue generation in provincial subjects through required legislation.
8. The percentage of open merit should also be increased by the Federal government, with the passage of time after achieving equal level of development in all provinces and areas of the country, to address the concerns of those who think that quota system is antithesis to promotion of merit.
9. Last but not the least, the quality of teaching in the institutions needs to be raised with introduction of analytical, problem-solving, emotional intelligence and thought-oriented cognitive skills instead of rote learning to enhance the overall academic standards of the students by all the Provincial governments. This will ultimately help the Employer i.e. the Federal government to employ better quality of human resource in its institutions and occupational groups from all the provinces and areas of the country through a competitive and equitable process of selection.

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