

Policy Brief

Quota for Minority Students in Technical & Professional Institutions

Quota for Minority Students in Technical & Professional Institutions

Inside This Policy Brief

1. Executive Director's Note
2. The issue
3. Minority job statistics
4. Constitution on minority protection
5. Why doesn't the quota work?
6. Key limiting factors
7. What is to be done in educational institutions?
8. Recommendations

The issue

The Government of Pakistan through its notification on May 26, 2009 reserved a minimum of five percent quota for minorities. This order defines a minority in the light of Article 260(3)(b) of the Constitution of Pakistan signifying religious denomination and its allocation is similar to job quotas reserved for women and the disabled. An important highlight of this quota is that it has to be carried forward if suitable candidates are not available.

Similar quota provisions for minorities have been subsequently replicated by the Government of Punjab (notified on May 27, 2010 and further consolidated on February 9, 2015); by the Government of Sindh (through a resolution on May 30, 2010); and by the Government of Khyber Pakhtunkhwa (initially reserving a 0.5% job quota and then to one and three percent and ultimately to five percent in August 2015). The Government of Balochistan also endorsed five percent job quota for minorities through resolution of the Balochistan Assembly on March 13, 2015.

Despite introducing an affirmative action, data reveals that the minority job quota is not only prone to compliance issues but the number of minority employees is yet below actual population of minorities in Pakistan. Having in implementation for nine years now at the federal level, the absence of minority employees is still open to plausible interpretations. One section of human rights and minority based activists argue that the minority candidates generally do not fulfill criteria for jobs. They lack academic and professional qualifications. Unless the job quota is complemented with minority quota in technical and professional institutions the aim of mainstreaming minorities in public and professional life will remain unrealized.

Quota for minority students in technical and professional institutions will be a subsequent effort to ensure that minority candidates are placed in allocated jobs with better qualification and the job quota is filled to obtain equity in public and professional sphere of Pakistani life. It will be a meaningful measure for mainstreaming religious minorities.

Executive Director's Note

This policy brief comes from our organization Bargad's commitment to values of equal citizenship and social cohesion. It reinvigorates the debates on minority job quota and as to why it has failed to place minority candidates into employment according to the quota obligations. There is still negligible presence of minority employees in public and private sector employment and when the quota is adopted it works generally in lower tier of jobs. For a casual observer, this defiance can be attributed to a lack of implementation. But the implementation justification has its limited utility when we find that the quota is not covered by legislative measures nor it is bound by penalty for non-compliance. There is further no institutional mechanism or legislative and administrative oversight available for its implementation.

It is therefore plausible that we look towards other explanations for filling the minority quota in employment. One of the key answers can be linked with technical and professional educational attainment of minority candidates and their competencies that leave job allocations for minorities vacant. It is argued that since the minority candidates lack matching qualifications they can't fill the job quotas.

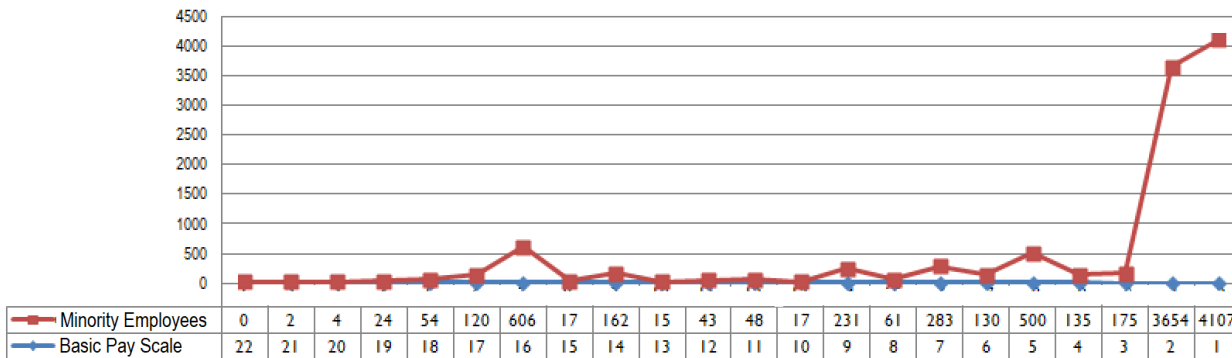
The present policy brief subscribes to this argument and pushes for introducing five (5) percent minority quota in technical and professional institutions so that they are qualified enough to duly benefit from the job quota.

This policy brief provides smart, concise and quick information and analysis, which will be useful for rights-based workers in their advocacy work. It also offers prompt information to policy makers, elected and non-elected leaders, media practitioners and civil society activists in building a case for introducing minority quota in technical and professional institutions and promoting equity in public and professional sphere of Pakistan.

(Sabiha Shafeen)

Pakistan: Population by Religion, Census 2017 (In %ages)							
	Muslim	Non-Muslim	Christian	Hindu	Ahmadi	Scheduled Castes	Others
Pakistan	96.28	3.73	1.59	1.6	0.22	0.25	0.07
Khyber Pakhtunkhwa	99.44	0.56	0.21	0.03	0.24	*	0.08
FATA	99.6	0.41	0.07	0.03	0.21	0.03	0.07
Punjab	97.21	2.79	2.31	0.13	0.25	0.03	0.07
Sindh	91.31	8.69	0.97	6.51	0.14	0.99	0.08
Balochistan	98.75	1.24	0.4	0.49	0.15	0.1	0.1
Islamabad	95.53	4.46	4.07	0.02	0.34	*	0.03

Minority job statistics

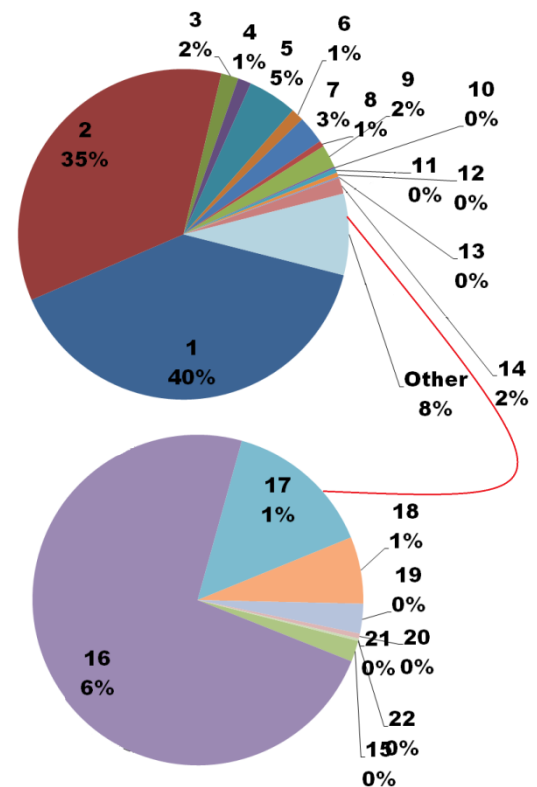


Source: Annual Statistical Bulletin of Employees of Autonomous/Semi-Autonomous Bodies/Corporations under the Federal Government (2012-13), Establishment Wing, Government of Pakistan.

A comprehensive data on share of religious minorities in Pakistan is hardly available. Major official sources published on annual basis i.e. Economic Survey of Pakistan, Labour Force Surveys, Pakistan Employment Trends, etc., and the provincial Development Statistics don't provide such data and the segregated figures for religious minorities in jobs are not available. However, a publication of the federal establishment wing "Annual Statistical Bulletin of Employees of Autonomous/Semi-Autonomous Bodies/Corporations under the Federal Government" can provide us partial information to indicate severity of the problem. According to its 2012-13 edition, there were a total of 446,816 federal government employees; out of which, 10388 belonged to religious minorities. This means that at the federal level, only two percent of the total employees are from religious minorities. It is not only far below the quota requirement but is also lesser than population ratio of religious minorities (3.72%) in Pakistan.

The federal government employees' data further reveals that in terms of Basic Pay Scale (PBS), the minority employees are largely placed at lower tier of the government positions. Forty percent are employed at the level of BPS 1 and another thirty five percent do their jobs at BPS 2. The total number of gazetted officers (from BPS 17 to 22) is only 214 with no one working at BPS 22 and only two are employed at BPS 21. Another key feature is that both at gazetted and non-gazetted positions, the share of Punjab is far greater than its part of minority population in the country. In gazetted positions, Punjab occupies 58.82% share as compared with 31.86% of Sindh, while in total employees' positions this is respectively 57.00% and 18.64%.

Another data, shared with the parliament in September 2015, informs that more than 70% posts reserved for non-Muslims were lying vacant. This indicative case of the federal government employees clearly establishes to rethink about minority job quota in Pakistan and link it with a matching quota in technical and professional institutions.



Distribution of Non-Muslim Federal Government Employees by Basic Pay Scale and Percentage out of a Total of 10388 Non Muslim Employees (2012-13)

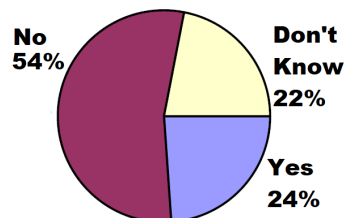
As it is manifested by empirical evidence on minority job quota, it has so far not shown due results.

Constitution on minority protection

Various articles of Pakistani constitution (Article 4, 20, 21, 22, 26, 27, 28, 37, 51 and 106) protect minority rights and equal citizenship for all, while Article 36 is about protection of minorities. The preamble of the constitution also guarantees 'fundamental rights, including equality of status, of opportunity and before law, social, economic and political justice, and freedom of thought, expression, belief, faith, worship and association, subject to law and public morality.' However, it's Article 27 of the constitution (Safeguard against discrimination in services) which endows job quota for minorities: "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." This is where the job quota is constitutionally originated. On other count, the Pakistani constitution frames the principle of 'equity' in terms of geography-based regional balance and social justice for all 'irrespective of sex, caste, creed or race.'

Why doesn't the quota work?

"In your opinion should there be a quota system?"



Source: Gillani Poll, conducted by Gallup Pakistan, 2009.

As it is manifested by empirical evidence on minority job quota, it has so far not shown due results. The reasons may vary from its short tenure to compliance and implementation issues, hostile political environment, social resistance, practical neglect, and also weak interest articulation and aggregation in the public space.

We have hardly found sufficient public and parliamentary debates. The opponents categorize it as a measure against equal opportunity for all, as positive discrimination and a step that could cause social conflict. Hence, a half-hearted administrative adaptation of job quota where political will to own and follow its implementation is lacking. That's why we also witness no follow-up and oversight mechanism for implementation of the minority quota in the parliament and the provincial assemblies. Similarly, a body like minority rights commission that could have, at least, theoretically, performed such over-sight work is itself in shambles.

Key limiting factors

In the absence of proper institutional mechanism for ensuring that the minority job quota is duly filled, the civil society needs to reinitiate debates on employment quota both on technical and socio-political grounds. The quota in present shape is an administrative measure, which requires legislative backing. It is non-binding and can be easily put to half-hearted implementation. More intense voices have to be made and a national discourse on quota compliance is due; alongwith pushing forward the principles that necessitate quota. So far, the values of equity, positive discrimination and uplift of marginalized religious and social communities have been subject to hostile political environment especially when it comes to religious minorities.

What is to be done in technical and professional institutions?

The links between technical and professional educational attainment and employability are well established. In the absence of data, we can assume that an affirmative action of student quota in technical and professional institutions would increase opportunities for socio-economic mobility of minority families. This would help their kids to join decent work in both public and private sectors which is currently reduced to mostly lower tiers of a selected range of fields. Nevertheless, it is noteworthy that introducing student quota is a challenging task for the governments since there is enough opposition to the idea of quota. One key finding against student quota in technical and professional institutions has been illustrated in the previous page of this Policy Brief. It's equally testing that in Pakistan, equity is practically discouraged. While looking at income-level equity, Dr Shahrukh Rafi Khan (1994: SDPI, Islamabad) concludes about admissions policy of a public university that it violates both the equal opportunity criteria for equity and also the fiscal equity criteria. In such a scenario, introducing minority quota in technical and professional institutions is an uneasy job that can be won over with greater partnerships within the civil society and across the government tiers, parliamentarians, officials, academicians, media practitioners and the public interest activists.

Recommendations

- Job quota for minorities should be given a legislative cover.
- Federal and provincial bureaus of statistics should be bound to provide segregated socio-economic data pertaining to minority households.
- Five (5) percent student quota for minority candidates in technical and professional institutions must be introduced and made part of the university charters and a clause for affiliation with the government education boards.
- Civil society should initiate campaigns on minority job quotas with a focus on clarifying constitutional stipulates on 'Equity', 'Social Protection' and 'Social Well-being'.
- It is suggested to create partnerships among civil society, media, parliamentarians, technical and professional institutions, public intellectuals and public interest groups for promoting equity based practices and measures in technical and professional education and employment.

This policy brief has been developed within framework of the project, "Transforming Communities for Peaceful Co-existence" (TCPC) implemented by Bargad a youth development forum to promote peace, justice and cooperation among youth in Pakistan. TCPC seeks a positive narrative of intra and interfaith harmony and a civil society advocating for reforms. It has been funded by Norwegian Church Aid (NCA).



Lahore Office: 3/8 Raceview Villas, Jail Road, Lahore.
Tel: 042-35408477-78 Email: info@bargad.org.pk
Website: www.bargad.org.pk

