

Election of the Local Government Bodies with Party Identity: Bangladesh Perspective

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Abstract

The Bangladesh Local Self-Government (Amendment) Act of 2015 provided a new system of partisan election in the local self-government bodies, supplanting the old system of non-partisan election. The government claimed that the new system would, among other things, strengthen the foundation of democracies by establishing linkage between the local and central democracies. The amended Act has received the comments both of its adversaries and adherents. According to the former the act was passed for the advancement of the interest of the ruling party in power and it would, among other things, destroy the level playing ground and the rural power structures; and that it would conform to the top-down approach to democracy against the down-top approach as exist in the UK. Against these arguments the opponents argue: the new system has been passed for the interest of the state. Always the change is an important element of development for human society. But this change would improve the level playing ground and would destroy the old power structures in rural areas and establish, on its ruins, an unadulterated local democracy. Thus the two groups are set apart and the arguments of each group are elected on granite. An intelligent researcher might say that no system was perfect and that if the old system was bad, the new one is worse.

Keywords: Local self-government, election, political party, democracy, Bangladesh.

Introduction

All the independent countries of the world possess local self-governments, some of them being terribly marvelous. Usually there are two units of local self-government-Municipality for towns and Union Parishad (in Bangladesh case) for County-side or for the rest areas. The Municipality is being administered by an elected Mayor and his/her several Members/Councilors and the local area by an elected Chairman/Chairperson and his/her several Councilors, along with some of the Councilors.

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Bangladesh is no exception. The Bengal Local Self-Government Act of 1885 provided for the establishment of Municipality in towns and Union Board in villages with the elected Mayor and few Councilors and elected President and few Members, some of them are being nominated by the government. These provisions remained unchanged during the British period. In Pakistan era the name Municipality stood unchanged, but the name of Union Board was changed as Union Council. In Bangladesh, Municipality became Pouroshova and the Union Council became Union Parishad. Under the Local Self-Government Act of 1885, elections were held on a non-party basis. In Bangladesh, this type of election prevailed up to 2014. In 2015, the Government of Bangladesh, by an amendment, has introduced, like those of the UK, the USA and India, a partisan election system in local bodies. The present article analyses the various aspects of the Bangladesh Local Self-Government (Amendment) Act 2015 and its operations.

Objectives of the Study

1. To identify the advantages and disadvantages of the election with party identity.
2. To provide the policy suggestions for an expected ideal partisan election of local self-government in Bangladesh.

Methodology

Mainly the secondary sources have been used in this study. Content analysis is applied as the method of the research for achieving the aims and goals of the study. Necessary information and data have been collected from different secondary sources like news papers, published books, articles, unpublished research works and government documents.

Conceptual Framework

Election is the way to elect the representatives for ruling in a particular area by voters. In fact, elections are envisaged to be one of the key instruments of democratic governance as they empower the voters for making effective choice of leadership (Khan, 2006). Election is a process for representation of people's voice in the state decision making through representatives; it is a symbol of legitimacy of the authority governing the state. The citizenry reflection in decision making strengthen democracy and political process, that alone can be ensured through election (Mushrafi, 2009).

The election and political parties play a vital role in the understanding of politics in developing countries, particularly in the analysis of democratization and specifically the consolidation of democratic political regimes. It is defined as an officially recognized political group as being part of the electoral process and who can support candidates for elections

on a regular basis. Thus, political parties and election as used as a way of the integration of a society's democracy. The political parties therefore, indispensable in the governance process and function as a tool of exercising political power within the parameter of a democratic political system (Hasanuzzaman, 2009).

The local government reforms in Bangladesh evolved very distinctly according to the needs of the ruling elites and with the change of government. The policy also kept changing (Aminuzzaman, 2010). The government of Bangladesh decided to use party symbols in local elections. The new amendment allowed the Election Commission to arrange countrywide municipal elections on party basis and political parties were able to nominate candidates for the symbols (Daily Star, 2015). The independent candidates would contest personally. The political parties registered under the Election Commission would nominate candidates to contest the polls. Therefore, candidates nominated by the registered political parties would join the race by carrying symbol while the posts of councilors were non partisan as in were the past.

The Constitution of Bangladesh (Articles 9, 11 and 60) made provisions for establishing local governments as an indivisible organ to administer with a smaller territory within the country while administrative autonomy was not given to such bodies (Khan, 2011).

The UK, the USA and Indian Experiences

In order to understand properly the various aspects of the above mentioned Act and its operations, it may be pertinent to discuss the local self-government arrangements prevalent in the UK, the USA and India.

While introducing the Local Self-Government (Amendment) Act 2015, example of partisan local government elections in countries like the UK, the USA and India, that are characterized by the robust local government system, have been cited by the people in power or their supporters, as if , introduction of partisan local government elections will endow similar success in Bangladesh.

The UK (a unitary state like that of Bangladesh)'s effective local governance is legendary, though it does not have any constitutional footing. It derives its authority from Parliamentary legislation and theoretically local government system can be abolished or interfered by the central government. But in reality no government would dare to do it. On the contrary, leadership's commitment along with other factors, the UK maintains a strong democratic, autonomous and effective local government system, which is endowed, besides the mandated authority, with discretionary powers providing these local bodies with significant operational and innovative freedom.

The local government in the USA (a federal State), on the other hand, has been created through constitutional instructions, i.e., the constitution gives it the authority to perform any function unless explicitly forbidden by the constitution.

In India, a relatively new democracy, due to the existing factors like those of the UK and the USA, similar trends are discernable.

In all these countries the 'central government' (State/ Province in case of the USA and India) gives distinct guidelines for the local government bodies in terms of its relationship with the central government and other governmental functionaries, and thereby, clearly designating its autonomy, authority, role, capacity, etc. As a result, in all these countries, there are existing local governments practicing democracy at the grass root level by ensuring peoples' participation in policy formulation and by making the executive accountable to the people (Choudhury, 2015).

Studies on local self-government of countries like the U.S.A., the U.K. and India show that political parties have assumed an active role in the elections of rural local self-governments. The party organizations in the U.S.A. are well-connected from rural to the national level (Chandra, 1968). However, their working is being criticized on the ground that they complicate any formal discussion of functions and undermine the 'localness' of local government (Shapre, 1960). Though the elections are conducted on a party basis, the councilors once elected act as independents (Maccoh, 1949).

The parliamentary system of government of India necessitates the association of political parties with *Panchayati Raj* institutions to keep the power linkage from village to the State and to the Centre. The village leaders depend upon the leaders at the State level for getting government aid which they can utilize in the village and strengthen their influence and power. In return, the leaders at the State and even at the Centre depend on the *Panchayati Raj* functionaries for their success in elections (Seshardi, 1972).

Why Government introduce the New System?

Under the new system political leaders at local areas would get an opportunity to participate in the election. It was the democratic expectation of the people. Thus there should be an improvement of responsibilities and an opportunity of fulfilling the development commitment of the candidates. The candidates would be more active to provide welfare services to local people. At the same time political parties can observe and monitor the activities of local self- government representatives who belong to the party. Thus the party principles and peoples' interest can be protected (Daily Janakantha, 2015). The government argues that the foundation of democracy might be more

powerful, if the local self-government elections are held on party-basis. The ideal party candidates would get the way for achieving leadership in local government. Elections would be free, fair, neutral and participative. In fact, the informal system has been transferred into the formal one. As a result, transparency and good governance can be ensured and effectiveness would be increased. Moreover, political parties would get an opportunity to justify their position at the grass root level. The leadership at the root level would grow up easily. A culture of accountability would ensure from local level to national level which is an important factor for development process (Kalimullah, 2016). The local election, it is further argued, was very important for establishing practice of democracy at the local level. So, the local election would play a role for strengthening democracy in this way. Moreover, political parties would get an opportunity to participate at root level development activities formally (Daily Janakantha, 2015).

Reactions *against* the introduction of the new system and those *for* its Introduction

Reactions against the Act

The members of the civil society, journalists, experts, politicians, local self-government's leaders and academicians have shown serious reaction to the introduction of this system. It is said that such a vital decision has been made without the discussion among different political parties, civil society, experts and other critiques. Major and minor political parties and even a part of the government have raised their voice against the introduction of the system.

‘The government has introduced the system for their own interest and not for the betterment of either democracy or local government. There were no political and administrative preparations and environment in the country for arranging such kind of partisan local government election (Razi, 2015).’

They claimed that the decision was not taken through national level discussion. It might be exercised in the experimental way.

Badiul Alam Mojumder, a famous civil society member and organizer, said that there was no reason to arrange the local self- government election on the basis of party system in the present political culture (Majumder, 2015). ‘Partycracy’ would be established in local government through the process. Common people would be deprived of their proper services. Women empowerment would be hampered, he further adds.

Candidates with lower caliber might exist within the ruling party and also the standard of candidate would decrease. Tradition of non-partisan local government election is century old. All local government tiers

including Union Parishad are to maintain the neutrality in the election (Seraj, 2015). But under the new system neutrality would be a far cry.

The introduction of the new system in local self-government election has created different type of tension, conflict and clash at the grass-root level politics. There is a rare case of party system do not exist inter and intra political party conflict. But a new experience about intra party conflict has shown at grass root level politics. Competition, ultra challenge, desperateness, threat, attack, impatience, dishonesty and so on were basic characteristics of the latest Union Parishad election ((Seraj, 2015)). Factional politics in rural area have been converted into the grouping politics making inter party conflict severe whereas intra party conflict arises due to the competition for achieving nomination from their own party, and it has specially occurred in the ruling party where for the getting of nomination face a lot of challenges. When a candidate gets a nomination after facing inter and intra political party's conflict, there is no way to accept a negative result from the election. That is why the party candidate tries to use his influence in the local area and manages protest campaigns against his counterpart. This means that the level plying ground which existed under the old system would be destroyed (Prothom Alo, 2016).

Union Parishad elections held from March-May (2016) have become a point of serious discussion because of casualties and conflicts and mismanagement as observed at rural level.

Many Chairmen were elected uncontested with no person to contest. It indicates that in some areas local people did not like contesting in the election on party basis to avoid threats and conflicts.

The number of uncontested Chairmen declared elected was 157, about 30% of total Chairmen elected in the latest Union Parishad elections (in the first phase 54, second phase 34, third phase 25 and fourth phase 44) belonging to the ruling party Bangladesh Awami League. The election of this number of candidates were unopposed, mainly from Bangladesh Awami League, indirectly gave a message of influencing others not to participate in the election. Bangladesh Nationalist Party (BNP) at the fourth phase could not file candidates in 106 Union Parishads because of the disinterest of party activists. It is significantly mentioned that the rebel candidates of Awami League secured 880 chairmen post. A lot of casualty had been taken place in this election. And total 200 or more had died in that election (Prothom Alo, 2016).

Out of 323 the total 234 Pourosova election has been held in 2015 where 20 political parties participated the electoral contest. 945 Mayor Candidate contested in the election and among them 7 Mayoral candidates nominated by Awami League were elected uncontested before

the polls. There were no BNP backed candidates in four Pourosova (Daily Kaler Kantho, 2015). It is mentioned that the rebel candidates of Awami league, BNP and Jatiya Party were in battle as independent candidates.

The ruling Awami league clinched a landslide victory bagging more than three fourth of the 234 mayoral posts (Jakir, 2016). They secured 168 Mayors; their archrival the BNP 19 and Jatiya party got 1 seat respectively. Rebel candidates those who contested independently secured 26 posts comprising of Awami League, BNP and JP (Sharifujjaman & Rashid, 2016). In many pourosovas occurred severe intra party conflicts as rebels challenged party nominated mayrol candidates. A total of 19 candidates boycotted the election alleging various anomalies and demanded fresh polls (Daily Independent, 2015). The voter turnout was 73.92 (Daily Ittefaq, 2016) while 58.66% voter turnout was in the election of 2011 (Samakal, 2011)). It is true that the percentage of voter turnout was high in compare to last pourosova election.

Out of 493 Upazila Parishad the total 470 Upazila Parisha election has been held where the one of the major political party BNP did not participate having no confidence on election authority. The main feature of this election was that about more than one fourth of the Chairman (149) has been elected uncontested before the polls. Awami League secured 317 Chairmen post while rebel candidates of Awami League secured second largest 149 Chairmen.

This implies that elections hold at different areas was not participatory and some supporters from political parties were not interested to be the candidate in their own areas. Obviously, this tendency or inertia to democratic spirit tends to show that adult franchise could not be considered as welcoming scenario. It is mentioned that some of the candidates of opposition or neutral have boycotted the election because of capturing the polling centre by the ruling party nominated candidates. The Polling agents of rival candidates were forced out of booth and took control of many polling centres to stuff ballots in favour of their candidates by the ruling party men (Anam & Rahman, 2015). Post polls violence cause death winning ruling party men. There were some incidents of journalist assault during the election by the ruling party men. This type of election with total chaos throughout the country was considered very alarming by civil society organizations of the country.

On the other hand, there was an absence of adequate commitment of the Election Commission to organize a free and fair election of Union Parishad. There are also allegations from civil society organizations that some political parties have indulged in trading while nominating

candidates (Nath, 1016). The Election Commission is likely to work in favour of the party in power. This is not a very good element of the local government election.

The rural power structure would be seriously affected by the introduction of the partisan system of Union Parishad election. The whole rural society is touched by the rural power structure. The integration, harmony, discipline and values of rural society depend on the functioning of rural power structure forming different influential persons who belong to family, lineage, 'somaj' and so on. In fact, it was totally a different type of leadership pattern which was traditionally achieved and supported by its inhabitants informally. Introduction of partisan system of Union Parishad election would destroy severely that rural power structure.

Nowhere in the world, it is found that only the Chief Executive would be elected on partisan basis, while the assembly members on non-partisan one. Local government's institutional arrangements, as such, would be rearranged, which most likely would obliterate residual vital democratic principle of separation of powers encompassing both executive-legislative relations as well as local judicial system (Choudhury, 2015). On the question the passing of a resolution of the Union Parishad there might be stalemate between the Chairman and Members. It might impede the development of democracy.

Pro-Act Views

The above mentioned arguments were presented by the individuals and organizations that seemed to be unhappy to the new system. Pro-Act critiques nullify the above statements and present their own arguments.

One argument was that the last Union Parishad election was associated with casualties, conflict and mismanagement. A friendly critique might say that such phenomenon might take place in some centres and they might not be universal as the hostile critiques stated.

Another criticism was that without any prior preparation the system was introduced. The friendly critiques say that those who were related to the local self-government administration would state that preparation was not necessary. The local self-government administration might arrange any type of election at any time.

The unhappy critiques opined that the new system would establish 'partyocracy'. But to political thinkers it was a much unwarranted statement. The linkage of the political parties with the local self-government might be a further step towards the consolidation of the democracy from highest to the lowest levels.

The opponents of the Act said that the normal procedure of development of democracy followed down-top approach. The argument

that the down-top approach of democracy is a system to be accepted. But critiques might say that throughout the world the top-down approach predominates the political arena. The USA and almost all the recent democracies were the results of top-down approach. Britain possesses a down-top approach, i.e., county system (local self-government unit) precedes the establishment of parliament. This is an exception. The USA and India and probably others have a top-down approach.

Bangladesh is no exception. Although the Local Self-Government Act was passed in 1885, the process of creation of Union Board and the delimitation of their areas took about three decades and the first election was held in 1920s. But in 1909 the Reform Act was passed introducing representative government at the center and local areas in the provinces. So, the central government was formed first; it was followed by the founding of the Local Self-Government.

The opinion that the new Act would create inter and intra political parties' conflict was also an unwarranted statement. One friendly critique might say that the new system would drive away from local self-government inter and intra political parties' conflict in the local self-government which the new system might have had.

The common people might get larger services than the old system had provided. This was against the opinion that the common people would be deprived of the services.

The statement that the new system would pave the way for candidates with lesser quality being elected cannot be accepted as this was not a very strong argument. If under the old system all the candidates were qualified, under the new system the same phenomenon might take place.

Under the old system, it was held, that there was a complete harmony between the Chairmen and the Members; it might be a fact. But this system corrupts the administration. Under the new system, what is established, is a balance of power between the Chairmen and his Members. This system of balance of power exists in the central government of the USA. It is more important for the development of local democracy than the unanimity of the Chairmen and Members under the old system.

The argument that the Election Commission would work in favour of the government cannot be accepted as true. Again the party system might be stronger than the non-party method under the old system.

Pro-Act critiques might say that the statement of the existence of level playing ground was visionary. The words were a jargon, which means nothing. What was needed was free and fair election. But it cannot be through a revolutionary process; it can be through an evolutionary process. But it cannot be achieved at a stroke.

Certainly the new system would destroy the existing rural power structure based on kinship, lineage, etc. The destruction would be for betterment of the society. The rural power structure depended on, under the old system, patron-client relationship. Landlords were the patrons; the rayots were the clients; the rich peasants were patrons and middle and poor peasants were the clients. Similarly the money-lenders were the patrons and the debtors were the clients. Because of the existence of that social system only the patrons were elected and so any other candidate would not have any right to intervene in the local politics. As a result, the friendly critique would say that the new system would pave the way for the evolution of local democracy based on universal adult suffrage.

The critiques said that the old system was a traditional one. It was static, but no human society is static. It has always been changing; change is an important factor in the development of the civilization. So, Kipling says, “old order changed yielding place to the new, lest the old order corrupts the society.”

The hostile critiques opined that, “the election of so large’ candidates uncontested show the disinterest of the people in the local election.” The number was an absolute one; it was not relative. So, the statement was faulty, because under the old system many more ‘large number’ of candidates might have been elected uncontested. Did it mean that the old system also was disliked by the people?

The above are the arguments against and for the Act and it’s working. Both sides’ arguments are very strong. According to one side the old system was good and new system was bad. The proponents of the Act say that the old system is bad and the new one is good.

Policy Suggestions

The empirical observation reveals that there are many positive and negative implications of party identity election prevents the opportunity to all equally in the local self-government elections and the local people are not familiar in this respect. Moreover the study on recent past local self-government reveals some drawbacks, therefore the following recommendation are made.

Pro active role by stake holders

Independent Election Commission (EC) must be formed so that it provides an atmosphere of a free, fair and credible election. The EC will have to ensure that the ruling party must not get any extra opportunity. The EC would perform its responsibilities and authority without any obstacles as well as the Executive must provide cooperation mentioned in the constitution of Bangladesh (Rahman & Habibullah, 2016). To hold a free and fair election in the future, all the stakeholders like administrators,

election officers, candidates and political parties must carry out their duties in a professional, transparent and impartial manner. They should behave in such a way that promote a free and fair process and ensure the integrity in the election (Anam & Rahman, 2015).

Revise the Recruitment System of Officials

The recruitment system of returning officers from the civil bureaucracy for local government election should be altered. Otherwise, EC should recruit observers of its own to watch the conduct of election like India (Anam & Rahman, 2015).

Revise the Legal Frame Work

Revising the legal framework, the provision could be incorporated that the law enforcing agency must be brought under the direct control of the Election Commission's jurisdiction like many other countries in the world; the members of the law enforcing agencies must be deployed from other parts of the country and after the election they will be sent back to their work place. As the violation of electoral code is common in a country like ours, the EC should take effective measures to stop these violations to ensure free, fair and transparent election.

Manpower Structure for the EC

The EC needs sufficient manpower to perform all necessary actions properly in the local self-government election ((Rahman & Habibullah, 2016).

Ensuring the Implementation of Electoral Code of Conduct

EC will have to take necessary actions for implementing the existing electoral code of conduct so that all of the candidates would be compelled to follow the code of conduct. The tendency of no respect to the code of conduct by some ruling candidates must be stopped.

Role of the Media

Definitely the media can play a vital role to implement a new system like other democratic processes of Bangladesh. Through the broadcast and telecast the genuine irregularities and violence of election the media can put pressure on the respective authorities for taking action immediately.

Awareness of Local People

Public participation and awareness is important than any other things for effectiveness of the party based election in the local self-government election. Different type of initiatives should be taken by the stakeholders for increasing the awareness of the people. View exchange programs between candidates and local people, program of people's consciousness regarding the rules and regulation of election and other motivational programs may be launched by NGOs, EC or other local organizations who are considered as election working group.

Conclusion

In a retrospect, it seems evident that the old system was a traditional one, though it was static. And so the people were traditionally attached to that. As a result, they participated in election *en mass*. The new system has introduced changes to which the people were not accustomed.

The political element of political philosophy indicates that the apathy of the general people to the new changes ultimately lead to their discontinuance. As for example, Great Britain had a traditional monarchical government. Oliver Cromwell (1649-1660) introduced other form of government hanging the King Charles 1 (1625-1649). But Cromwell's initiated totally failed because of the ignorance of the people about the experiments. In the case of Bangladesh the same phenomenon - the new system-might fail to accomplish its objectives.

The success of a new Act depends upon its continuity. Hence the old system attained some successes, but the new system has failed to exhibit any positive potentiality, because it was examined in a time when it did not pass even a year. Both systems might have drawbacks. But if the old system was bad, the new one might be worse if the people are not taken in confidence. There is no doubt that the new trend of policy would contribute to the beginning of a new democratic trend and political tolerance in the country, if the new system is established systematically and smoothly.

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