

Local Government in Bangladesh

Essays on Issues and Problems

Edited by
Masuda Kamal
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This book is dedicated to
the students of Local Government
in Bangladesh

Preface

Socio-economic and political success of any country depends to a large extent on the efficacy of local government. Bangladesh is a developing country of South East Asia which has long history of local government. Local government in Bangladesh plays an important role in initiating and implementing development programs.

Due to its linkage with different social science disciplines literature on local government is fairly demanded, especially by the students. Considering this demand this compilation work has been done within a very short period of time. All the articles included in the book have been published as journal articles. We hope it will help the reader to enhance their knowledge about local government in Bangladesh.

This edition is a starting; the editors are committed to develop this book at the time of next edition where the other relevant issues of local government will be covered more in an elaborate manner. Any kind of suggestions to develop this book is cordially welcome.

Finally, we are grateful to the Osder Publications for publishing this book.

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Local Government System in Bangladesh: An Overview

Masuda Kamal
Khandakar Al Farid Uddin

Introduction

Local government is an integral part of total government system. Without the effective local government, governance of total government is impossible. Globally all the countries are giving emphasize to strengthen the local government system for ensuring the welfare of mass people.

The success of any country's socio-economic and political development depends not only on central government but also on the effectiveness and efficiency of local government. The effectiveness of local government depends on how much power it can exercise and the frequency or scope of its service delivery. The power of local government is concerned with legal authority, financial autonomy, central-local relation, personality and politics (Chowdhury and Al-Hossienie, 2012).

Local government in Bangladesh plays an important role in initiating and implementing development programs; disputes resolution or providing judicial redress through village courts to local disputes to the people at the grassroots level. But the local bodies have always been subjected to the domination of the bureaucrats and the national level politicians, since the inception of the system. Again, until recent years, women had only symbolic representation in the form of nominated member in local bodies (Hussain, 2003).

Definition of Local Government

The local government generally refers to the locally set administrative bodies, boards, committees of the government. They act, on the whole, as the agents of the government. Local Government candidates are the elected or nominated by the local people and perform the functions for the local development according to Local government act/rules and regulation.

Local government plays significant role in institutionalizing politics in a democratic political system; making pro-people civil administration

and conducting participatory development programmes throughout the world. Primarily it provides scope for the local people to engage in the local level politics and administration (Ahmed, 2007).

Local government is a form of Government that discuss administrative, economic and welfare activities for ensuring overall development activities of a specific locality. It ensures the basic services of people relating to different development actions. It is also called decentralized form of Government that are responsible to ensure human rights, democracy and good governance (Islam, 2010).

According to Duane Lockard “Local government as a public organization authorized to decide and administer a limited range of public policies within a relatively small territory , which is a sub-division of a regional national government local government is at the bottom of pyramid of government institutions, with the national government at the top and intermediate governance.”

According to United National (UN)

The term local government refers to a political sub- division of a nation or state which is constituted by law and has substantial control of local affairs, including the power to impose taxes and exact labour for prescribed purposes.

Local Government in Bangladesh

Local government in Bangladesh has a long historical lineage and a strong constitutional framework. The Constitution of Bangladesh is one of the most progressive ones in the region as far as the emphasis and importance to Local Government is concerned (Aminuzzaman, 2010).

Bangladesh inherited the colonial structure of local government because our country was under the British Raj for two hundred years and under Pakistan for around 24 years. During the British and Pakistani periods, different changes were made to the LGI structure. Even after independence, several changes were made to the structure of the local government bodies under different regimes.

Origins of Local Government in Bangladesh

The history of local government is common in Bangladesh, Pakistan, and India considering that they all had been under British colonies for centuries. The Bangladesh local government has its roots in the British rule, and it passed through the neocolonial Pakistani period before

arriving at its present state. Therefore, the evolution of the local government in Bangladesh is discussed in terms of bellow three periods (Pandey, 2011).

The British Period (1757 - 1947)

The local government system in the subcontinent became subject to a number of experiments during 200 years of the British colonial rule. The primary objective was to serve the British imperial interests. Being an imperial power in India, the British were more concerned with the maximization of land revenue collection, and with the maintenance of law and order. Owing to this, they had no understanding of the indigenous self-governing institutions, nor did they have any interest in them. The local government in British Bengal had its inception in *the Bengal Village Chowkidari Act of 1870*. Under this Act, several villages formed a union, each creating the chowkidari panchayet (an organisation). These organisations comprised of five government-appointed members served for three years. They also became responsible for the appointment of chowkidars (village police) tasked with law and order maintenance. Their salaries were paid through the taxes imposed on villagers (Siddique, 1992: 17-18).

The Chowkidari Panchayat members were considered government officials rather than representatives of villagers. Their main task was to assist the administration in maintaining law and order, and in collecting taxes. To establish a more responsible government, *the Bengal Local Self-Government Act*, based on Lord Ripon's Resolution on local self-government adopted in 1882, was passed in 1885. History tells us that this has become the foundation of the local self government in India.¹ Under this Act, union committees, local government boards, and district boards were established for different levels. This resolution proved to be significant because it defined general principles for the development of local institutions in the future, and it provided the rationale behind the functions of the local bodies (Siddique, 1992: 17-18).

Later on, *the Bengal Village Self- Government Act of 1919* was enacted to abolish the Chowkidari Panchayet and Union Committees. In place of these tiers, union boards and district boards were set up. In 1946, the nomination system was abolished. Until then, union boards were composed of two-thirds of the elected members and of one-third of the appointed members. The Union Board was entrusted with the responsibility for law and order maintenance, roads and bridges construction, health care provision, charitable dispensaries, and for

primary school maintenance. On the other hand, the District Board became responsible for water supply and assistance. Apart from the above-mentioned responsibilities of the Union Board, it was given the power to adjudicate over minor criminal cases, and it was even given the authority to levy Union taxes (Noor, 1986:81). This system continued until 14 August 1947 when the Indian subcontinent was divided into two independent states, namely India and Pakistan.

During the British period, the local government bodies were dominated either by the appointed officials or by the British ruler's representatives. Thus, the majority of India's population did not have any say in the activities of these bodies (Khan, 1997). During the latter part of the British rule, a number of laws were passed to make urban local government bodies more representatives of local communities. This was done by introducing elections, and by extending the powers of the local government bodies. However, provisions were also kept for the election of the chairman and vice-chairman from among the elected commissioners.

The Pakistan Period (1947 - 1971)

The Pakistani period (1947-1971) witnessed the development of representative government under the veil of authoritarianism. The Government continued with the same local government system that existed in British India during the first 10 years of its rule, except for a few changes in the composition and structure of the local government (Ahmed, 1997: 42-52). In 1958, all the local government bodies were suspended due to the promulgation of Martial Law by General Ayub Khan. Eventually, a four-tier hierarchical system of local government was introduced in the name of basic democracy (Siddique, 1992: 17-18).

These four tiers were (i) Divisional Council, (ii) District Council, (iii) Thana Council or Municipal Committee, and (iv) Union Council or Union Committee. On average, a union is comprised of an area with 10,000 inhabitants with the Union Council that consists of 15 members. Out of these members, two thirds were elected by the general voters, and one third of the members were appointed by the Government. However, the nomination system was abolished in 1962. Both the chairman and vice-chairman of the council were elected by the members from among themselves. The elected representatives of the Union Council were called basic democrats. The total number of such councils was 7,300. Along with the responsibility for law and order, the Union Council was

given 37 functions. They include agriculture development, water supply, education, communications, and social welfare. Apart from these functions, the Council was also given the authority to establish a conciliation court. The members of the court were vested with judicial power under the Muslim Family and Marriage Ordinance of 1961.

Aside from this, the authority to impose taxes on property and other sources was entrusted to the Union Council with the intention to generate its own funds in addition to the existing Chowkidari fund. The government grant was allotted to the rural works programme, and to the Union Parishad office construction (Siddique, 1992).

The Bangladesh Period (1971 - 2014)

Since the independence of Bangladesh in 1971, the structure of the local government bodies has undergone different changes. Some changes have been occasionally made in terms of the nomenclature of tiers of local government.

However, little has been done to establish these bodies as self-governing institutions. Therefore, the structure of the local government system has remained more or less the same, although there have been different initiatives to effect changes in the structure of the local government bodies. Immediately after independence, the Union Council was renamed as Union Panchayat, and an administrator was appointed. The Thana Council was called Thana Development Committee, while the District Council became the Zila Board or the District Board. In 1973, the name of Union Panchayat was reverted to Union Parishad. A more significant change was brought about through *the Local Government Ordinance, 1976*. This Ordinance provided for each tier of local government. To be specific, these were the Union Parishad for the union level, the Thana Parishad for the Thana level, and the Zila Parishad for the district level. This marked the first time that an ordinance was passed to bring all the local government institutions under a single legal framework. The Union Parishad included one elected chairman, nine elected members, two appointed women members, and two peasant representatives. The Thana Parishad included the Sub-Divisional Officer (who was also the ex-officio Chairman), the Circle Officer, and the Union Parishad Chairman. The Zila (District) Parishad included elected members, official members, and the female members whose number was determined by the central government. They served a five-year term of office. However, no elections were held, and government officials oversaw the Parishad (Siddique, 1994).

In accordance with the Amendment to the Local Government Ordinance, the Swanirvar Gram Sarker (village self-government) was introduced at the village level in 1980. However, this was abolished by the Martial Law Order in July 1982 (Huque, 1988). Then, several local government acts were passed in 1982, 1983, 1988, and 1989.³ The *Upazila Parishad Ordinance (1982)* was particularly significant because it was supposed to help implement the Government's decentralisation programme. In the Upazila System (as it came to be known), the (directly) elected chairman would have the principal authority in running the affairs of the Upazila system with a five-year tenure. The Upazila Nirbahi Officer (UNO) served as his/her subordinate. This system lasted for nine years, and it seemed to be effective (Siddique, 1994). One may wonder why the system was considered effective. This is because there was a balance of power between the people's representatives and government officials. The system of indirect participation of people in the decision-making process of the Upazila Parishad was present. This was made possible through their elected representatives. Moreover, the Chairman of the Upazila Parishad used to be elected on the basis of universal adult franchise. The general public was very much pleased, knowing that the administration was decentralised and thus accessible and transparent.

However, the Bangladesh Nationalist Party (BNP) Government (1991-96), which came to power through a relatively fair election,⁴ abolished the Upazila system in 1991. The main purpose behind such a decision was to strengthen control of the Members of Parliament over local affairs in their respective constituencies. As long as the elected Upazila Chairman was present in the Upazila, the MPs found it difficult to establish their supremacy over local administration. During its five year tenure, the Government could not provide an alternative democratic form of local government. When another relatively free and fair election in 1996 brought the Bangladesh Awami League (AL) to power (1996-2001), the new administration constituted a Local Government Commission. In May 1997, it came up with the Report on Strengthening Local Government Institutions. The Commission recommended a four-tier local government structure including Gram (Village) Parishad, Union Parishad, Thana/Upazila Parishad, and Zila (District) Parishad. The then AL Government started to implement recommendations forwarded by the commission in 1997. Nevertheless, this system did not last long because the BNP Government (2001-2006) introduced changes

in the local government structure once more after coming to power in 2001. Specifically, it introduced Gram Sarker (GS) in place of Gran Parishad at the ward levels. Each Gram Sarker represented one to two villages having on average 3,000 inhabitants. The Union Parishad member, elected from the Ward, chaired the GS that consisted of other members, both males and females, elected in a general meeting of the Ward voters under the supervision of the “prescribed/directing authority.”

However, after coming to power on 11 January 2007, the army backed the caretaker government (CTG) headed by dr. Fakruddin Ahmed, and it abolished Gram Sarker on 20 April 2008. It did so considering that the GS was created to serve the political purposes of the BNP. All these tiers are concerned with rural local governments in Bangladesh. In addition to the abolition of the Gram Sarker, the caretaker government made a noteworthy amendment to the Upazilla Parishad (UP) Act of 1998 through an ordinance. Basically, the CTG amended the controversial provision of the Act of 1998 that made it mandatory for the UPs to follow the suggestions of the local MPs as advisors.

Following the directive of the last CTG, the election to the UPs was held in January 2009 under the newly elected AL Government that came to power on 6 January 2009 after winning the election on 29 December 2008. Without ratifying the ordinance promulgated by the CTG, the Government put the UZP Bill (2009) before the Parliament where they added more autocratic features. And the UP Act 2009 was passed unanimously in the Parliament. One of the most important features of the UP Act 2009 is the provision of making it mandatory for the UPs to follow the suggestions of local MPs. Clauses 1 and 2 of Article 25 of the Act provide that the MPs shall be advisors of their respective UPs, and that their pieces of advice shall be treated as mandatory as indicated in the original UP Act of 1998. Moreover, a clause of the Act prohibits the UPs to communicate directly with the Government without informing the respective MPs. Clause 27 (kha) of the Act has made mandatory that the minutes of each session of the UP must be sent to their respective MPs within 14 working days. In that way, the Government has strengthened the control of the MPs over their respective UP, which is contrary to the basic principle of democracy, decentralization, and good governance (The Local Government Act, 2009).

At present, we see three tiers of local government at rural level and two tiers of local government at urban level. In rural level union Parishad at union level, upazila Parishad at upazila level and Zila Parishad at district level and in the urban areas city corporation at megacities and Pourashava at city/town level.

Legal Framework of Local Government in Bangladesh

The local government institutions in Bangladesh owe their origin to the British rule in this part of the world. Initially the Chawkidari Panchayet Act of 1870 was the first step to maintain village peace and order by local initiative. Subsequently, the Local Self- Government Act 1885, the Village Self- Government Act 1919, and the Basic Democracy Order 1959 provided the foundation of the local government bodies.

The legal framework of local government in Bangladesh can be defined from two perspectives, Constitutional and, Local Government Acts and Ordinances.

Constitutional Framework

- Article 9 implies that, ‘The State shall encourage local Government institutions composed of representatives of the areas concerned and in such institutions special representation shall be given, as far as possible to peasants, workers and women.’
- Article 11 says that, ‘The Republic shall be a democracy in which fundamental human rights and freedoms and respect for the dignity and worth of the human person shall be guaranteed, and in which effective participation by the people through their elected representatives in administration at all levels shall be ensured.’
- Article 59(1) declares that, ‘Local Government in every administrative unit of the Republic shall be entrusted to bodies, composed of persons elected in accordance with law.’
- Article 60 clarifies that, ‘For the purpose of giving full effect to the provisions of article 59 Parliament shall, by law, confer powers on the local government bodies referred to in that article, including power to impose taxes for local purposes, to prepare their budgets and to maintain funds.’

Rural Local Government Acts or Ordinances

The President’s Order 7, 1972: This order promulgated after the emergence of Bangladesh.

- Under this order Basic Democracy system was abolished in response to the popular will.
- Designated committees replaced the defunct committees except divisional councils.
- Later Divisional Development Board was created instead Divisional Council.
- Union councils were named into Union Panchayet, District Councils were District Boards. (Siddiqui;2005)

The President's Order 22, 1973: The name of Union Panchayet was changed to Union Parishad and it was proclaimed as a directly elected body. It had 37 authorized functions unchanged as Basic Democracy Order, 1959. (Siddiqui; 2005)

Local Government Ordinance, 1976: This act proposed to continue the same three stages of local government as before. Similar to the previous experiment, only the Union Parishad (UP) elections were held and other two were left under bureaucratic control. UP members were elected. Thana Parishad's members were UP chairmen and SDO was made Chairman and COD was the Vice-Chairman.

Zilla Parishad was consisted of

- Directly elected members,
- Nominated women members &
- Officials.

Besides, a new institution called the Swanirvar Gram Sarkar (self-reliant village government) was launched in 1980, in effect, to create primarily a political support base managed by an alliance of rural elite patronised by the government.

The Local Government Ordinance, 1983: Thana Parishad was replaced by directly elected Upazila Parishad (UZP) and it was entrusted with the power to impose tax, rates, fees & tolls.

The Local Government (Zilla Parishad) Act,1988: ZP is comprised of (a) Public representatives/MPs UP& Paurashova Chairmen (b) nominated women members (c) nominated women members (d) govt. officials.

The Local Government Ordinance, 1991: abolished the upazila system. Proposed a 2 tier system: Union Parishad at union level and Zila Parishad at district level

The Upazila Act, 1998: A Local Government Commission was set up in 1997 to strengthen Local Government Institutions. This commission recommended four-tier decentralized local government system and directly elected women at all levels. Under this recommendation the Upazilla Act 1998 had taken. According to the act- four-tier system:

1. Gram parishad at village level,
2. Union parishad at union level,
3. Upazila parishad at thana level, and
4. Zila parishad at district level.

But this act had not come into operation.

Local Government Act, 2001: It introduced four-tier Local government system which was recommended by early Hasina government. But Gram Parishad was renamed to Gram Sarkar.

Gram Sarkar Act, 2003: this act was passed for the creation of Gram Sarkar (village government). According to the Act Gram Sarkar represent 1 or 2 villages comprising of people 3,000 (approx.) on average. It composed of Union Parishad member as the Chairman and 13 nominated members.

The Local Government (Upazila Parishad) Ordinance, 2008: Local Government (Upazila Parishad) Ordinance was passed in 2008 setting up the Upazila Parishad (UZP) as a free and independent local government organization directly elected by the people.

- Abolish the advisory role of MPs on UZP
- Create two elected vice-chairman position in UZP
- 30% seat reserve for women in UZP
- Abolish the Gram Sarkar.

The Upazila Parishad (Reintroduction of the Repealed Act and Amendment) Act, 2009: On April unanimously passed the Upazila Parishad (Reintroduction of the Repealed Act and Amendment) Act. This act reintroduced the Upazila Parishad Act 1998 with some amendments.

- Clauses 1 and 2 of Article 25 of the Act, restored power of MPs on Parishad and making the Chairman virtually powerless.
- The act repealed the Local Government (Upazila Parishad) Ordinance 2008.

The Union Parishad Law, 2009: The Parliament passed the Local Government (Union Parishad) Act 2009 on 6th October, 2009. The Act has lot of positive changes in compare to the last ordinance. The UP Act 2009 has rightly recognized the importance of community participation, transparency and accountability by adding new dimensions to the traditional functions of UPs, which are vital institutions for local governance and local development. The focused issues are-

- The ward committee
- Ward meetings
- Participatory budget and Participatory planning

The Upazila Parishad (Amendment) Bill-2011: The Upazila Parishad (Amendment) Bill-2011 was passed by parliament NOV 29, 2011. According to the bill-

- Upazila Nirbahi Officer is the Principle Executive Officer of UZP and responsible for the Secretary of Zila Parishad.
- By Section 26 executive power vested on the Chairman
- By Section 25 Mp will be the advisor and Parishad should follow his advice.
- The bill provides a short-cut procedure to remove a chairman, 2 vice-chairmen or any member of a parishad on grounds of misconduct, refusal to discharge duties, absence for 3 consecutive meetings and mental and physical inability to perform duties etc by simply issuing a gazette notification.
- The 29th section of the amended bill provides that the vice-chairmen would be the president of 17 committees of upazila parishad.
- Increased the total number of committees from 12 to 17

Urban Local Government Acts or Ordinances

The President's Order no 22 of 1973 & The Paurashava Ordinance, 1977 defines the structure & functions of Urban Local Government.

Activities of pourashava were regulated by the Paurashava Ordinance, 1977 for long. In 2009, Local Government (Pouroshava) Act, 2009 was set in place. Currently, pourashavas are being run in accordance with the provision laid down in this Act.

All the City Corporations are governed by their respective statutes which is different that of the Pourashava Ordinance, 1977. These are functioning under the framework of the Pourashava Ordinance of 1977,

the Dhaka City Corporation Ordinance of 1983, the Chittagong City Corporation Ordinance of 1982, the Khulna City Corporation Ordinance of 1984, the Rajshahi City Corporation Ordinance of 1987, the Barisal City Corporation Ordinance of 2002, the Shylet City Corporation Ordinance of 2001, Comilla City Corporation Ordinance of 2011, Narayangong City Corporation Ordinance of 2011, and Rangpur City Corporation Ordinance.

The recent acts of The Pouroshava Election Rules 2010 & The City Corporation Law, 2009; Code of Conduct for City Corporation Elections Amendment (2008) have brought significant changes in the LG system.

The Local Government (City Corporation) (Amendment) Bill, 2011: Aimed at dividing the Dhaka City Corporation (DCC) into two bodies 'Dhaka North City Corporation' and 'Dhaka South City Corporation,' to provide better services to the city dwellers. The amendment Bill has incorporated a new clause-3 Ka- in the Local Government (City Corporation) Act-2009 to divide the DCC.

Legal Framework for Hill District Local Government

Three separate Acts created the three hill district Local Government Parishads, namely Rangamati, Khagrachhari and Bandarban in 1989. These legislations were brought about in order to grant autonomy to the ethnic minorities living in this region.

Rangamati Hill District Local Government Parishad Act, 1989: According to the act Rangamati Hill District Local Government Parishad consists of a Chairman, twenty tribal members and ten non-tribal members who have been directly elected by the voters of the concerned Hill District

Khagrachhari Hill District Local Government Parishad Act, 1989: Khagrachhari Hill District Local Government Parishad comprises a Chairman, twenty-one tribal members and nine non-tribal members who have been directly elected by the voters of the concerned Hill District.

Bandarban Hill District Local Government Parishad Act, 1989: Bandarban Hill District Local Government Parishad consists of a Chairman, nineteen tribal members and eleven non-tribal members. The voters of concerned Hill District directly elect them.

According to these three Acts the term of the three hill district Local Government Parishad is three years after their constitution and each parishad has 21 functions.

Structure of Local Government in Bangladesh

In Bangladesh we can find two types of local government bodies.

These are,

1. Rural Local Government and
2. Urban Local Government

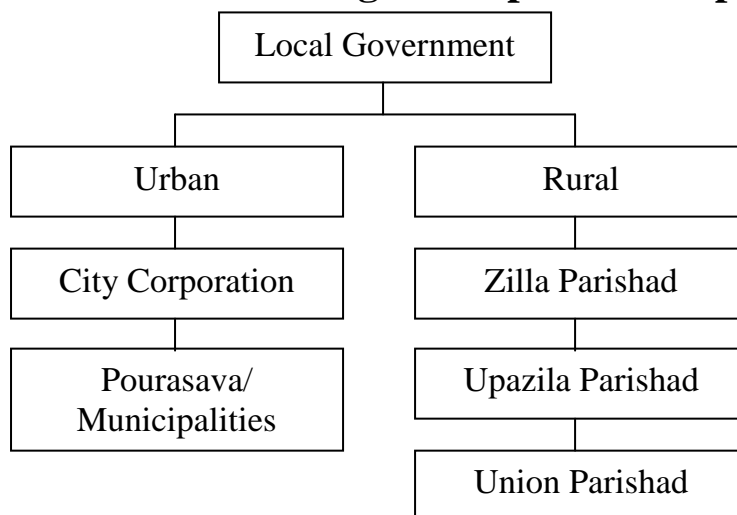
Rural Local Government is divided into three tires,

1. Zila Parishad
2. Upazila Parishad
3. Union Parishad

And the Urban Local Government can be divided into 2 tires.

1. Pourashava (for smaller Municipalities)
2. City Corporation (for four of the largest cities)

After a series of evolution it gets the present shape.



Rural Local Government

Zila Parishad: The administrative unit that figures prominent in this country is called District, which is headed by an accomplished professional having long and laudable experience called Deputy Commissioner/District Magistrate who is expected to be highly talented and gifted with good leadership quality. In 1976, General Ziaur Rahman promulgated a local government ordinance providing for zila parishad in each district. Though the ordinance said the parishads shall be composed of elected representatives for a five-year term, no elections have yet been held. Instead, deputy commissioners were appointed ex-officio chairmen of the parishads. Two years after promulgation of the ordinance, the country's first military ruler amended the constitution through a martial law proclamation to bring back the provision requiring the government

to promote local government institutions. There are total 64 districts in Bangladesh Each Zila Parishad will consist of-

- 1 Chairman
- 15 Members
- 5 Women member for reserved seats

Upazila Parishad

Grabbing state power in 1982, General HM Ershad introduced upazila parishads. During his rule, he promulgated an ordinance and five acts including the zila parishad act of 1988. Each thana was upgraded to upazila and designated as focal point of administration with responsibility for all local development activities. The central government retained the authority to oversee regulatory functions and major development activities of national and regional importance. Ershad regime held two upazila elections--one in 1985 and the other in 1990. The Upazila system introduced in 1982 was abolished in 1991. Since inception the local government institutions were given the responsibilities for maintenance of law and order infrastructures development and their maintenance, health, education etc. within their area. Though they had sources of own, revenue income foremost of their activities they mainly relied on various grants from the government. Though Zila Parishad is a local government at District level there is no elected body for their management. An area covering several square kilometers having several thousand populations is named as Union that is administered by an elected Chairman. These Chairmen are the dominant and voting members of the Parishad (counseling body) apart from various upazila level functionaries representing respective district counter parts. There are 485 Upazila in Bangladesh. Each Upazila Parishad will consist of

- Chairman (Top Executive)
- 2 Vice Chairpersons
- All Union Parishad Chairmen
- Reserved women representatives

Union Parishad

Union Councils are the smallest rural administrative and local government units in Bangladesh. Each Union is made up of nine Wards. Usually one village is designated as a Ward. There are 4,498 Unions in

Bangladesh. A Union Council consists of a Chairman and twelve members including three members exclusively reserved for women. Union Parishads are formed under the *Local Government (Union Parishads) Act, 2009*. The boundary of each Union is demarcated by the Deputy Commissioner of the District. A Union Council is the body primarily responsible for agricultural, industrial and community development within the local limits of the union. There are nine general members and three women members. The Chairman and members are elected by direct election on the basis of adult franchise every five years. Three reserved women members, one for each three Wards, are also elected by direct election. The Chairman and Member candidates must be Bangladeshi citizens having their names in the electoral roll of the respective Union or Ward. General elections of the Union Councils are conducted by the Bangladesh Election Commission. Majority Members of a Union Council may bring a motion of no confidence against a member or Chairman to the Upazila Nirbahi Officer. There is total 4498 Union Parishads in Bangladesh. Each Union Parishad will consist of-

1. Chairman: There shall be a chairman of Union Parishad directly elected by the voters of the Union.
2. Members: Nine members shall be directly elected from the nine wards constituting the Union.
3. Women members: Three seats shall be reserved for women. Each of the women members shall be directly elected by the male and female voters of three wards within a Union.
4. Official members: The Block Supervisor (Directorate of Agriculture), Health Assistant, Family Planning Assistant, Family Welfare Worker, Ansar/VDP and all other field staff of government departments working at Union level will be the official members of Union Parishad. They will have no voting right .
5. Others members: Representatives of Muktijoddah, Cooperative Societies, Disadvantages groups/Professions (e.g weavers, fishermen, landless workers, destitute women, etc) will be members of Union Parishad without voting right.

Urban Local Government in Bangladesh

City Corporation

There are 10 city corporations now in Bangladesh. These are-

1. Dhaka City Corporation (DCC-North)

2. Dhaka City Corporation (DCC-South)
3. Chittagon City Corporation
4. Khulna City Corporation
5. Rajshahi City Corporation
6. Sylhet City Corporation
7. Barisal City Corporation
8. Rangpur City Corporation
9. Comilla City Corporation
10. Narayangonj City Corporation

Each city corporation will consist of

- 1 Mayor and
- 1 Commissioner from each ward.
- There will have required number of reserved seat for women.

For many years these Corporations were run by nominated rather than elected Mayors, although members of the City Corporation Council (Ward Commissioners) used to be elected from the respective wards.

Municipality/Pourashava

Pourashava (Municipalities) and City Corporations constitute the two types of urban local governments. There are 314 *Pourashavas* in Bangladesh. The functions of *Pourashava* and City Corporations are basically similar with one important difference: the 1997 *Pourashava* Ordinance categorized the functions of *Pourashava* as compulsory and optional. This categorization does not apply to City Corporations. However, for both *Pourashava* and City Corporations functions continue to be seen as compulsory and optional. Each *Pourashava* will consist of

- 1 Mayor and
- 1 Commissioner from each ward.

There will have required number of reserved seat for women

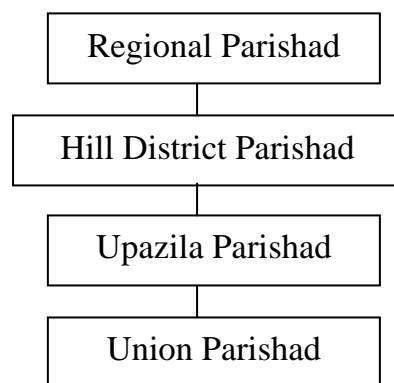
The Hill Tracts

The Chittagong Hill Tracts, combining three hilly districts of Bangladesh Rangamati, khagrachhari and Bandarban districts. The area

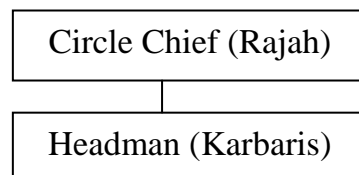
of the Chittagong Hill Tracts is about 13,295 sq km, which is approximately one-tenth of the total area of Bangladesh. The Government administrative system in the Chittagong Hill Tracts is different from other parts of Bangladesh. At present there are three different systems in the CHT: the central government's administrative system; the self rule government initially formed in the 1989 Hill District Council Act and revised in the Peace Accord of 1997; and the traditional administrative system of Circle Chiefs and Headmen. The Chittagong Hill Tracts is divided into three administrative districts. The general administrative system of the central government in the CHT is represented by the Office of the Deputy Commissioner at the District Level and the local government bodies are the Regional Council, the Hill District Councils, the Upazila Parishad, Union Parishad and Poursava.

The local govt. of the hill tracts of Bangladesh is structured along 2 parallel subsystems. That are-

Sub System: 1



Sub System: 2



Rules for Territorial Circles in the Chittagong Hill Tracts, 1884 divided the area in to three circles (Amendment in 1892):

1. The Chakma,
2. The *Bohmong*, and
3. The *Mong*

Each circle was governed by a local chief, responsible for collecting revenues and managing internal affairs. Each circle was in turn divided into *taluks* (Estates), administered by the *dewans* and *taluks* were further sub-divided into ‘*mauza-circle*’ lands (localities), conventionally administered by the Headmen respectively. Each *mauza* was divided into villages/*paras*, usually administered by the *Karbaris* under the Headman. All these persons were appointed by the chiefs with the concurrence of the Deputy Commissioner. This post came from the post ‘Superintendent’ established in British regime. There are now three Deputy Commissioners for three districts in CHT. The Deputy Commissioners are the civil administrator representing the government of Bangladesh. They acted as District Magistrates with jurisdiction to civil and criminal matters. The Headmen are responsible for resource management, land and revenue administration, maintenance of law and order and administration of traditional justice in the *mauza* circle. The Headmen in turn are assisted by *Karbaris* or village heads, particularly in maintaining law and order and dispensing traditional justice. The Chiefs are empowered to regulate the acts of the Headmen and acted as an appellate court.

Functions of Local Government Bodies

There are various functions of local government institutes,

Development Functions

- To coordinate formulation and implementation of the development plans;
- To assist in constructing physical infrastructure under various programs;
- To undertake village development programs, food for work programs, canal digging and such other development programs;

Administrative Functions

- To play the role of the administrative head;
- To convene and chair meetings;
- To control and monitor activities of different committees and subcommittees in accordance with the rules;
- To appoint village police subject to prior approval of the controlling authority,
- To provide necessary data and information to the central government and other regional agencies;

- To maintain own installations/establishments;
- To perform such other functions as may be assigned by the government.

Public Relation Functions

- To take necessary actions to exhibit proceedings of development programs and services;
- To inform the local police station about the state of law and order;
- To inform the concerned authority about natural disaster, epidemic, and insect attack on crops;
- To maintain communication with different government directorates.

Revenue and Budget Functions

- To perform overall economic activities;
- To determine rates of taxes, fees, and other charges after consulting important personalities of the locality;
- To appoint tax collectors and monitor their performance;
- To place the draft budget in the meetings for discussion; and
- To recommend necessary modifications in the budget.

Judicial Functions

- To perform as the head of the village court;
- To conduct local arbitration (shalish) about small feuds, riots, and disputes over land ownership; and
- To play due role in the arbitration council.

Other Functions

Apart from the aforesaid functions, the Local government institute performs other functions as well. These include:

- To issue and attest certificates;
- To distribute ration cards;
- To appoint suppliers and dealers;
- To regulate relief distribution programs; and
- To identify landless citizens and play complementary role in khas land (Government owned land) distribution.

Factors Affecting UP's Performance

1. Limited understanding of functions by Local government bodies.
2. Local government bodies members are only partially aware of their formally prescribed responsibilities, and in many cases lack the skills and resources required to discharge those functions.
3. Most studies and assessments have found that women members are generally excluded from major decision-making arenas.
4. Local government bodies have limited capacity and incentive to raise revenue and are therefore highly dependent upon central government grants.
5. Government officials located at Local government level are answerable only to their own line departments and tend not to consult with let alone coordinate work through the Local government bodies.
6. Evidence indicates that the local government line staffs have limited control over the types of projects to be undertaken at local level. Projects are designed and decisions are being undertaken at the Ministry level and relegated to the local agencies for implementation only.
7. Relationship between elected representatives and local officials is characterized by mutual mistrust, suspicion and even hostility, but this does not preclude collusion where this is in the mutual interest of the parties concerned.
8. A range of line departments performing both regulatory and developmental roles are located at the Upazila. The UNO, as the senior executive cum coordinating officer, has formal responsibilities of coordination but can exert little practical control over most of the activities undertaken by line departments. A recent estimate suggests that only about 2 percent of national development budget is channeled through local government system (Akash, 2009).
9. Increasing power of MPs over the local elected actors: MPs are only expected to perform a relatively minor and advisory role at Upazila level. In practice their influence from the Union and upwards is much more extensive and their views tend to outweigh other actors.

Conclusion

It is inevitable that bringing government closer to the people will make it more responsive and hence more likely to develop policies and outputs which ensure the needs of citizens. Local government institutes are

introduced in the aim of ensuring welfare at the grassroots level and disseminate the government activities. Positive outcomes are mainly associated with strong commitment by a national government to promote the interests of the people of local level

Noble laureate Amartya Sen (1999) observed that poverty is the deprivation of basic capabilities that provide a person with the freedom to choose the life he or she has reason to value. These capabilities include good health, education, social networks, and command over economic resources, and influence on decision-making that affects one's life. From this perspective, poverty and underdevelopment is thus a condition that has three interrelated perspectives: a. it is the lack of income, employment, productive assets, access to social safety nets; b. lack of access to services such as education, health care, information, credit, water supply and sanitation; and c. lack of political participation, dignity and respect.

Nevertheless it is also true that without a real devolution of authority, local governments will find it hard to be effective in addressing the developmental needs, poverty and the good governance. In fact, countries that have developed well-organized and strong political will to install an effective and truly decentralized local government system can easily establish strong local government institutes.

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Local Government Reform in Bangladesh: Some Entry Points

Ferdous Arfina Osman

Introduction:

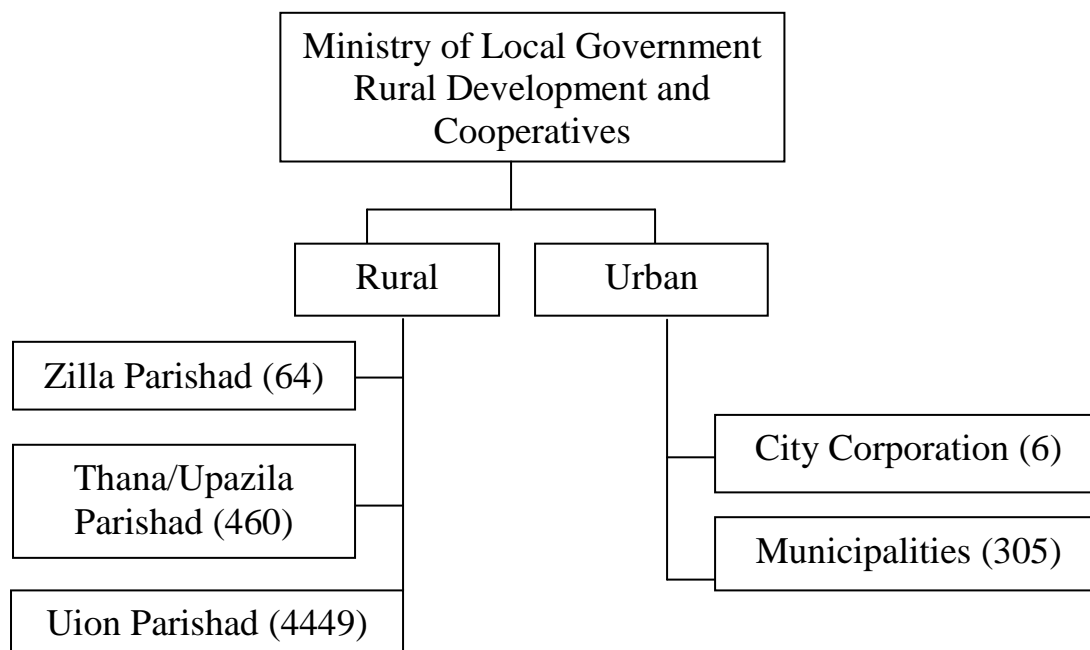
Local government in Bangladesh needs a drastic reform as it still appears to be inefficient to meet the prerequisites of democracy and attaining pro-people development. This crisis in local government is well-recognized, and prescriptions abound of what reforms the country should introduce. Over the years, different committees, commissions were engaged in a creative search for better ways of organizing and financing local government but hardly their recommendations were implemented. Presumably, the reforms proposed in the past had either technical faults or failed to gain political support. The process of reform is not concerned only with defining priorities and refining policies, but also with reforming and restructuring the institutions through which it is implemented. There is a need for a pragmatic assessment of what constitutes an appropriate agenda for reform in the light of the real problems that have to be addressed and the constraints that have to be overcome. But ‘the challenge of reform is not only the length of the reform agenda i.e. ‘what’ of reform rather it is also vital to consider ‘how’ reforms are introduced and sustained in the real world’ (Rahman & Robinson, 2006). To facilitate the implementation process, ‘a tentative sequencing of reform initiative’ (Ahmed 2002) can be undertaken. The whole initiative may be divided into two phases in view of the time frame i.e. long term and short-term. Short-term reforms could be termed as policy reforms, which could be materialized within a couple of months, and long-term reforms are basically legislative reforms, which may take years. This paper deals with certain short term policy issues, which could be addressed immediately without introducing any legislative change. These issues can be considered as the entry points through which reform can be started. Before discussing the reform issues, the paper gives a brief overview of the present state of local government in Bangladesh focusing on its structure and reforms undertaken so far.

Structure of Local Government in Bangladesh: An Overview

Bangladesh is divided into six main territorial divisions for administrative purposes. These divisions, in turn, are subdivided into

sixty-four districts. Below the district level, there are further urban and rural subdivisions. Thus there are two distinct kinds of local government institutions in Bangladesh—one for the rural areas and another for the urban areas. The local government in the rural areas represents a hierarchical system comprising three tiers: Union Parishad, Upazilla Parishad and Zilla Parishad. In addition to the existing three tiers of rural local government another tier at the village level had been proposed by different regimes in different nomenclature like Multipurpose Cooperative, Gram Sarkar, Palli Sava, Gram Sava, and Gram Parishad without being functionally operational. On the other hand, the urban local government consists of Paurasavas/Municipalities and City Corporations. The existing structure of local government in Bangladesh can be shown through the following figure:

Figure-1: Structure of Local Government



District: The first tier of rural local government is Zila Parishad at the district level. According to the Zila Parishad Act, 2000, a Zila Parishad (ZP) is comprised of (a) a Chairman, (b) fifteen members and (c) five women members in the reserved seats. The ZP Chairmen and members, including the women members will be elected by the members of an electoral college consisting of the City Corporation Mayor and commissioners (if any), Upazila Parishad Chairmen, Paurasava Chairmen and Commissioners and UP Chairmen and members within the jurisdiction of a district. Despite this provision of democratic set up, in practice, ‘local government at this level has taken the form of supervised bodies under the control of the chief executive officer i.e. the

Deputy Commissioner, with a narrow functional and financial jurisdiction (Rahaman & Robinson 2006). Several functional departments of the central government have field –level representatives at district headquarters, most of them are controlled by their line departments based at the national headquarters in Dhaka while few of them act under the supervision of respective division level ‘line’ authorities. The Zila Parishad Act 2000 has further curtailed the functions of ZP in terms of number and significance. During the British period, the then District Boards were responsible for the construction of new roads, bridges and water channels within the district. But at present LGED performs this function instead of ZP. Consequently, ZPs are losing their significance and people are not getting adequate opportunity to participate in the development of their district. Zilla Parishad, now-a-days, thus turns into a dormant institution. Since independence several attempts were made to strengthen ZP by making provision of elected members but none could see the light.

Thana: At the thana level, Thana Development Coordination Committee (TDCC) constituted in 1993 consists of a Chairman, ex-officio members, women members and official members. The Union Parishad Chairmen within the Upazila are the ex-officio members of the TDCC who preside over its meetings in turn according to the alphabetical order of their names. The Thana Nirbahi Officer (TNO), the executive officer at the Thana level acts as the member secretary of the Committee and the local Member of Parliament is the adviser to the Committee. However, in the absence of an elected body, the Thana Nirbahi Officer (TNO) becomes the key administrator of thana management. He acts as the controller of resources channeled down to the thana level and below. Line agency officials operating at the thana level and below must secure permission from the TNO before funds can be released for government projects (Ahmed, 2002).

Union: The lowest tier of local government is at the union level called the Union Parishad (UP). The UP is the only functional tier of rural local government elected by the local people. It has been the focal point in the local government system except for a period in the 1980s when the thana became the focal point. Two important policy changes in the 1990s have put the spotlight further on this body, namely,

- i. a streamlining of the representational base of the parishad by demarcating a union into nine wards (electoral units) instead of the previous three and having a member from each ward; this provision

was first suggested in 1993 and became operational through the union election of 1997;

- ii. Strengthening of female representation within the parishads by 1997 through the provision for direct election to three reserved female seats.

At present, the UP has one Chairman, nine male and three female members, all of whom are directly elected by the people. One female member represents three wards. Despite being a representative body, the UP lacks the required autonomy and capacity to undertake local development activities.

Urban Local Government

Through the enactment of a series of Acts during Pakistan regime and independent Bangladesh Urban local government has reached to the present stage. In 1983, a new dimension was added to municipal administration by introducing a new type of municipal body namely the Municipal Corporations. Now small cities are called the pourasavas while the big cities with metropolitan police administration are termed as City Corporations. Both the City Corporations and municipalities are headed by the elected representatives called the Mayor and Chairman respectively. Municipality Chairmen administers a number of wards, the members of which are called the Commissioners who are directly elected for five years.

An overview of the structure of local government in Bangladesh reveals that the country has an established local government system but in reality, it is a fledgling one, most of which exists only in name. Studies reveal that local government bodies had never been, in the past, and even so in liberated Bangladesh, “self governing” bodies in the true sense of the term (CPD 2001). All along it had been under the direct control of bureaucracy and political power. These were mere the extensions of central government with guided and limited local participation. There is also the question of the degree of autonomy and flexibility in decision making that the local government system enjoys (Ali, 2002). In rural area, the UP, the only functioning local government body, has little authority or little responsibility although nearly 60,000 grassroots leaders are part of it. It also has little resources at its disposal to perform any of the 48 functions (Local Government Ordinance 1983) assigned to it. Still there is no institutional framework for dealing with local resource mobilization. On the other hand, local government system

is least accountable to the people. In an attempt to make the local government accountable, existing laws have given the government wide powers relating to local councils including giving directions to local councils to perform some functions, and removal and suspension of the popularly elected Chairman, members on specific grounds. This has resulted in a shifting of accountability from citizen to higher authority, which is in no way healthy and comfortable.

To resolve these problems several reform efforts have been undertaken so far which is dealt with in the next section.

1. Reforms Undertaken So Far

In recent years four different Commissions/Committees were constituted in 1993, 1997, 1999 and 2007¹ to reform/ reorganize and strengthen the role, structure and functions of local government in Bangladesh. No significant effort has been made to operationalise the recommendations of these reform commissions. Almost all of major LG reform efforts, as a matter of fact, mostly addressed the long term issues, i.e. number and level of tiers, relationship between tiers, composition, distribution/share of functions among the tiers and central government etc. The core issues like devolution of authority for enabling local government to operate in an autonomous manner, accountability of local government are still been overlooked. Moreover, a very of the recommendations of these committees have been implemented so far. Below is a list of reforms so far undertaken to strengthen local government:

Key Targets/Concerns	Actions taken/Underway
Effective strengthening of Union Parishads and Pourashavas	<ul style="list-style-type: none"> • Job description for women members developed • Considerable number of Union Parishad complexes built • Orientation training for all UP functionaries implemented • Position of UP secretary upgraded • New tax schedule for UPs issued • Pilot projects on strengthening different aspects of UPs ongoing
Ensuring women's participation in local government	<ul style="list-style-type: none"> • Act 20 of 1997 provided for exclusive reservation of three seats for women to be elected directly on the basis of adult franchise.

¹ Under the present caretaker government a local government reform committee was formed in June 2007, which has recently submitted its recommendations to the government.

Key Targets/Concerns	Actions taken/Underway
	<ul style="list-style-type: none"> • The 1998 Act relating to Upazilas provided for one-third of the total members to be women members • The Zila Parishad Act 2000 reserved five seats for women • For each of the Hill District Councils, including the Regional Council, reservation for women members were made.
Strengthen resource position of Union Parishads and Pourashavas	<ul style="list-style-type: none"> • Pourashavas are getting direct ADP allocation • Ups are getting direct block allocation from FY 2004-05 • Guideline for use of Block fund has been implemented
Establish and make effective all constitutionally mandated LG bodies	<ul style="list-style-type: none"> • Establishment of Upazila Parishads • Establishment of Zila parishads
Activate dormant capacities such as UP standing committees, SMCs, upazila health review council, Gram Sava, Gram Sarkar	<ul style="list-style-type: none"> • Pilot projects ongoing for activating UP standing committees • SMCs for secondary schools revived
Innovate and expand performance-based budgetary support to Union Parishads	<ul style="list-style-type: none"> • Eligibility criteria developed • Several pilot project experiences have accumulated • ADP supplementation for selected UPs being reviewed
Strengthen participatory space for non-state actors	<ul style="list-style-type: none"> • Pilot projects for inclusive Union coordination meetings • Good practices on open budget sessions • SMCs and PTAs exist but are yet to be effective
Broader participation and autonomy for the tribal people	<ul style="list-style-type: none"> • Establishment of the Hill District Councils and the Regional Council in the Chittagong Hill Tracts, which ended the sense of isolation and deprivation of the tribal people and enabled them to decide matters relating to their general welfare locally.

Source: GOB (2005) Unlocking the Potential: National Strategy for Accelerated Poverty Reduction; Planning Commission, Dhaka; Ali, Shawkat 'Local Government, 1971-2000' in Chowdhury A.M. & Alam, Fakhrul ed. Bangladesh on the Threshold of the Twenty First Century, Asiatic Society, Dhaka.

This list entails that significant progress has been attained so far but still much remains to be achieved to make local government truly autonomous, strong and effective. The paper suggests some short term, quick initiatives to remove the existing weaknesses.

Short-Term Policy Reforms: The Entry Points

Producing tangible benefits in the short term is often a wise first step to opening up larger reform agendas (Rahaman & Robinson, 2006). Short-term policy reform would focus on bringing some positive changes in local government within the existing set-up. These small-scale reforms can get started right away with much less of a challenge in policy innovation. Following issues should be given attention in this regard:

Accountability and transparency:

A strong local government system is synonymous with a responsive, accountable and transparent system. At present the only functional units of local government-- the UP and the Municipalities are democratically elected bodies but taking part in the election is not the ultimate goal of democracy rather how far people are participating in the decisions that affect their lives, how far the administration is transparent and responsive to them are much more significant. There exists a persistent lack of accountability and transparency in the operations of local bodies caused by arbitrary use of power by the central government and weak control over local bodies in terms of supervision and monitoring. Local finance is literally uncontrolled, budgeting and accounting systems are not transparent and annual reports are seldom prepared. To make local government efficient and meaningful, accountability and transparency deserve serious attention.

Accountability and transparency at the local level is a two-way traffic. One refers to the accountability and transparency of operations and functions of the local government units to ensure their credibility to the electorates. Other refers to making public service agencies accountable to the local bodies. Let me clarify these one after another.

Since local government is bestowed with certain funds and functions, transparency of its functions and accountability is an important issue. How can we design a mechanism to make local government accountable to the local people? A study (CPD, 2001) has suggested that accountability can be achieved through adequate supervision and monitoring. Legally the Monitoring and Evaluation Wing of the Local Government Department of the Ministry of Local Government Rural Development and Cooperatives (LGRD&C) is responsible for monitoring the functions of the local bodies but the monitoring mechanism of the said wing is weak, inadequate and ineffective. The other mechanism as suggested by the said study could be through

inspection and visit by the field level government functionaries, such as, the TNO and the ADLG. But their functions at present are more of controlling than of monitoring. Apart from these traditional systems, new checks and balances need to be evolved. It has to be agreed that 'to a large extent, accountability can be ensured through open government. In a sense transparency is the best form of audit' (Vijayanand, 2002). To make local government truly accountable, its fund utilization, decision making process, adherence to procedures and maintenance of files and records have to be transparent. The relevant LG regulations also prescribe that UPs are to ensure public display of (in the notice board) the budget and major decisions of the UP meetings particularly with regard to development projects. But this practice is almost absent in most Union Parishads (CPD 2001). If the UPs don't comply with the rule, then an alternative or additional effort may be undertaken following Kerala's example (Vijayanand, 2002). *First*, at the local level, performance auditing teams could be formed by pooling surplus staff in the UPs, Municipalities and different departments to conduct regular auxiliary audit with a view to correcting mistakes as and when they occur and guiding local governments in maintaining the proper systems; *second*, setting up of a technical audit team consisting of senior engineers selected for their integrity to investigate complaints of malfeasance in public works.

Second root of accountability in local government is making the government agencies working at the local level accountable to the local bodies for their performance. Absence of accountability of public officials to the community they serve is an important issue. There is no system in place for the community to act collectively to make the service providers accountable. Local government can make it possible through a contract mechanism. LG can sign contracts with the public agencies specifying the services they should provide. Later, it would monitor the financial provisions and their performance. This is already being practiced in China (Bloom, Gerald 1997).

Local Finance:

Local government in Bangladesh is resource poor as both government allocation for the local bodies and the sources of local resource mobilization are limited. In Philippines 40% and in Kerala 36% of national budget is spent for local government while Bangladesh doesn't have any fixed allocation for local government. The local governments' share in the total public expenditure does not exceed 2 percent while in a

unitary country like Bangladesh, a vibrant system of local government could be established when its share of total public expenditure approaches around 12 percent per annum (Ahmed, 2002). In 2005-06 allocation for local government bodies was only Taka 100 crore out of a Taka 643.83 billion budget. Perhaps it is still unknown to the policy makers approximately how much each local government unit needs to perform its functions efficiently. From this estimation only, it is possible to determine how much of the required revenue would come from the government and how much to be raised locally. At present, the sources of revenue for local bodies include:

- Local taxes/levies (on markets, trades, holding tax etc.)
- Shared taxes (land revenue, vehicle tax etc.)
- Annual Development Plan (ADP) Block Grants from the national government (for development works, pay and salary of the elected members and staff)
- User charges: (water rate, electricity rate etc.)

The money received from these sources is not at all adequate for performing the functions assigned to it. More strikingly, the local bodies are not entitled to spend or utilize the money it mobilizes locally. The CPD Report (2001) illustrates it clearly:

‘In case of UPs, of the revenue generated from the leasing of the rural market, 25 percent is retained by national government, 10 percent by the Upazila, and 15 percent is earmarked for the maintenance of the market, and the rest 50 percent is the entitlement of the UP. Another feature of financial control is that the UNO receives funds transferred from UP mobilized resources like share of land transfer tax, market lease money for retention in the accounts maintained by him for later distribution to UPs on the basis of prescribed government guidelines.’

This situation demonstrates that UPs have no direct control over the resources it mobilizes. The ADP block grants received from the government is also spent according to the instructions of national government. Such pre-fixing the local priorities from the above seriously limits the scope of local level planning, local participation and local initiative for bringing any positive change at the local level.

Thus we can see that the real problems of local finance is three- fold:
i) sources of local finance is limited ii) mismatch between the resources required and the resources available iii) lack of control over the locally raised money

The recipe for a short-term solution to these problems could be the following:

- i. Each local body should have sufficient resources to finance its expenditure responsibilities. To broaden the resource base six major revenue sources for the local government can be identified (Ahmed, 2002): (a) local taxes (b) share of centrally collected taxes (c) general grants and transfer from central government for development expenses and administrative expenses (d) matching grants based on contributions of local government bodies (e) user charges (f) borrowing from the central government and from the market.
- ii. The UPs should mobilize additional revenue from the existing sources through undertaking some stringent measures. Fees from hats and bazaars are a good revenue sources for UP. This should be realized regularly. UPs may also try to tap new sources through mobilization of natural and human resources depending on the potentialities of the respective local areas. The best examples of resource mobilization are tree plantation, fisheries and livestock project and labor -intensive programmes that may be jointly undertaken by local governments and NGOs.
- iii. Local government should be given the authority to determine the rate of tax it imposes and the way the money would be utilized at least, partially.

In order to capture the efficiency gains of local government, it would be necessary for the local government to have ‘a significant set of expenditure responsibilities and a significant amount of taxing powers’ (Bahl, 1999).

Capacity Building

Local government in Bangladesh is severely deficient in institutional capacity referring to both human competence and logistics. Lack of institutional capacity is reflected in lack of (i) clear understanding of roles ii) relevant knowledge, skills and abilities; (iii) appropriate resources to work on the roles and tasks, (iv) commitment and interest in improving the perspectives and methods used by the professional. Relevant studies show that in both the UPs and Poursavas, most of the Chairmen and members lack the required knowledge and understanding of their role and the operational procedures and functions of their respective institutions. They are also unaware of the intricate rules as regards to budgeting, planning, and resource management. For example,

UPs are required to maintain and preserve more than 100 registers (for general office management, village courts, test relief programmes, food-for-works programmes etc.) while in effect very few registers are maintained (CPD, 2001). As a result, in most cases, rules, regulations are not followed, meetings are not held regularly, nor is there systematic recording or dissemination of information (Rahman, 1996). In most cases, Union Plan book containing the information regarding the development plans of the Unions, budget and accounting information are non-existent. Another weakness of the local level management particularly at the UP level is poor record keeping. The non-existence of records in financial as well as in programme areas results in difficulty in assessing performance, which frustrates the twin goals of transparency and accountability. Thus there is a marked gap between the formal procedures and day-to-day operation of local bodies leading to a serious degradation of the quality of its operation.

To address these inadequacies training of all types of personnel involved in local government is crucial. Without professional staff trained in local government management at the local level, elected representatives knowledgeable in the art of public service, and volunteers cultivated in democratic governance, no local or national government can function effectively (Rahaman, 1996). At present a number of government as well as non-government organizations are imparting training to the local level functionaries. Government organizations providing training include the National Institute of Local Government, the Bangladesh Academy for Rural Development (BARD), the Rural Development Academy at Bogra (RDA), the Local Government Engineering Department (LGED), and the Public Health Engineering Department (PHE). NGOs with active support from the donor community imparting training include Khan Foundation, Bangladesh Nari Pragati Sangstha (BNPS), CARE-Bangladesh, Prip Trust, Concern Bangladesh, Nari Uddug Kendra, Ain-O-Shalish (ASK). Studies show that the capacity of government organizations providing training is very limited. A study (CIDA, 2002) notes a comment of the Secretary Local Government Division² that even if the existing facilities of the National Institute of Local Government is used in full capacity, GOB would hardly be able to train even 15 percent of the total UP members with in next five years. This limitation of government facilities is being addressed by the NGOs. But studies show that a number of

² Address of Mr. A Y B Siddiqui, Secretary LGD, in a book launching ceremony held at National Press Club, May 22, 2002.

NGOs have developed some training materials on their own. Some of these training materials are not up to the standard and do need updating, changes, corrections and putting in to a perspective (CIDA, 2002). Government institutions also should develop a practical and down to earth training manual covering most of the critical aspects of UP affairs including:

- Awareness on roles, functions and responsibilities of Union Parishads
- Rules and regulations on UP and its functioning
- Technical skill on preparation of projects/schemes/modalities of management of PICs
- Techniques and processes of local resource mobilization
- Budgeting and financial management
- Project implementation and monitoring meeting management/communication skills
- Role and function of standing committees
- Record keeping
- Social mobilization/salish-ADR management/and crisis management skills

Keeping these most critical and priority areas in mind, Government and NGOs should develop a uniform training manual for strengthening and capacity building of UPs. It is also important to note that female UP members deserve priority over the male members because majority of them have come from relatively lower income groups, who were mostly housewives encouraged to participate in the UP election by their husbands, fathers and relatives. Moreover, due to our patriarchal society, they hardly get any support, sympathy or cooperation from their male counterparts and the Chairman. Considering these realities training curriculum should be made gender-sensitive. Thus making a uniform training curriculum government may contract out the training responsibilities to a number of national and regional NGOs, which have considerable experience, competence and facilities to undertake such programme at the field level. Capacity building effort thus should go in a coordinated manner rather than sporadic and isolated attempts.

Now-a-days, Poursava management requires new roles and responsibilities with the growing complexities of urban problems. Training curricula for Poursava Chairmen and members also needs modification. Office management, public relations, field supervision,

involving citizens in Pournasava-initiated projects should be added to the curriculum (Rahaman, 1996).

Inter-tier linkage and coordination among local bodies, private sector and NGOs

Local government is a part of overall governance. It should not be viewed narrowly as a single administrative entity but as entities, which within a broad framework can show many different contours, magnitudes and patterns. It is imperative to develop a holistic attitude through promoting a linkage approach to institutional strategy at the local level. In Bangladesh, at present, there are now two operational tiers of rural local government, namely UP and ZP, and two types of urban local government, namely Pournasavas and City Corporations. Structurally and functionally, the rural local government tiers are vertically placed indicating supervisory relationship with each other (Figure 1). Thus the tiers are interlinked in an authoritative manner. Upper tiers maintain only supervisory relationship with the lower tiers though 'the tiers represent widely different interests and are different from each other with respect to size and scope' (Siddiqui, 2005). For example, ideally, the UPs serve as a primary level for the economic development and planning function of local government and in absence of an operational tier at the village level, it is also entrusted with the responsibility of ensuring community participation in decision making and community leadership. Thana/Upazila may broadly be considered as the authority concerned for local resource mobilization and allocation of resources. Zila parishads may serve as a training ground for national leadership. Thus all levels are necessary and important to the overall needs of self-governance (Rahaman, 1996). Therefore, instead of maintaining authoritarian relationship between the tiers, there should be a coordinative approach. Inter-tier linkage is essential for 'enabling complementarities and performance of higher order functions' (Vijayanand, 2002). Through coordination and linkage between and among different tiers local government can act as a sturdy agent of the respective locality and deal with the national government in a better way. One direct way of doing it is to make the heads of lower tier local governments ex-officio members of the higher tier. In Bangladesh it is already being practiced. All UP Chairmen within the thana are ex-officio members of the TDCC which approves all UP schemes. TDCC also supervises the UP's development activities. Similarly, in the Zila Parishad also this sort of linkage exists as according to the Zilla Parishad

Act 2000, the Zila Parishad is elected by an electoral college comprising the City Corporation Mayor and Commissioners, UZP Chairmen, Paurasava Chairmen and Commissioners and UP Chairmen and members within the jurisdiction of a district. Thus formally the linkage exists but in practice it fails to produce any impact.

Cooperation and coordination among local bodies, NGOs and government agencies is also crucial for attaining efficiency and effectiveness. Siddiqui (2005) has identified certain advantages of such partnership. *First*, it could pave the way for the identification and solution of common problems. *Second*, it could lead to pooling and sharing of costly machinery, scarce financial resources, expertise and experience for providing certain common services in respect of public health, planning, election administration, staff training, public works, tax assessment and collection, waste disposal, recreational facilities, civil defense, etc. *Third*, cooperation and coordination between and among the local bodies, NGOs and private sector could engender joint venture projects on the one hand and reduce overlapping of programmes on the other.

Local government has much less involvement in local economic development. It is rare that the big cities are active in promoting joint ventures and exploiting economic opportunities. Instead, it would be fair to say that local government institutions exert a negative effect on the local business sector through bureaucratic controls, taxes, and failure to provide adequate infrastructure. Public-private partnership at the local level can facilitate local economy towards faster poverty reduction.

Need-based service delivery

Globally, local government is seen as a managerial tool to distribute local public goods and services. Formally, local bodies are assigned to perform an impressive list of public functions. But in practice, their role is confined to mere developing or maintenance of physical infrastructures and some petty things than delivering public goods and services with equity and efficiency. Public service activities delivered by local bodies are mostly controlled by the central government through the personnel deployed at the local levels. The limited services they provide in most cases fail to reach those who really need them due to lack of community participation. Local government bodies suffer from limited capacity to provide need-based service to the local people due to a lack of defined tasks and responsibilities, adequate quality and quantity of

personnel, a resource base, logistical support and quality leadership. Unions compared to the Pourasavas are the worse sufferers in this regard. The limited number of staff and low level of their knowledge and skills make it difficult for local bodies to operate efficiently.

Short-term recipe for resolving this problem includes: capacity building of the local functionaries, increasing their resource base, community engagement in development planning and budget management. In addition, building partnership among the local bodies, government agencies, private sector and NGOs does have an effective bearing on service delivery. Bakshipur Union of Lakshmipur District is a unique example of how local government, concentrating on limited service delivery, can bring together resources and effectively solve problems (Rahaman, 1996). The UP of the said Union realizing the nature of health problems in the area, focused on drinking water and sanitary latrines as a key to improving the health service delivery system within the UP. Then it developed a partnership between the health center, primary schools, PHED leading to a social awareness campaign about the importance of using tubewell water and sanitary latrines leading to a miraculous success in service delivery within all limitations. In addition, contractual relations between local authorities and service providers as in China can be introduced. To ensure need-based service delivery, local bodies should be delegated more authority. Decentralisation will lead to greater efficiency in service delivery as it would delegate more power to the local bodies which is a long term reform issue. In many countries (Bolivia, Chile, Cambodia, Brazil) today major social services such as health and education are being passed to local government, which we can also ponder.

Conclusion:

Since 1990s, local government reform commissions have recommended for many ambitious long term reform initiatives majority of which have remained shelved due to procedural complexities. To avoid any kind of complexities and uncertainties, the paper suggests short term policy reforms so that the long awaited and much pronounced local government reform can at least get started. Moreover, incremental and small-scale reforms always have greater potential than big solutions. These short term efforts are important as they can be considered as the entry points to broader or macro level policy change and can also provide a real-life demonstration of what is doable.

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Local Government in Bangladesh: A Review of Reform Efforts from 1972 to 2006

Saifuddin Ahmed

Introduction

Local government plays significant role in institutionalizing politics in a democratic political system; making pro-people civil administration and conducting participatory development programmes throughout the world. Primarily it provides scope for the local people to engage in the local level politics and administration. Of course, these are influenced by the legal status and functional nature of local government. From a comprehensive perspective Siddiqui (2005) emphasizes that three distinct issues such as *local politics*; *local administration* and *local governance* are interlinked in local government system where ‘local politics’ act as host areas having some political characteristics like factionalism, political competition etc. operating within local area, ‘local administration’ involves in implementation of decisions by not only local government institutions but also national/provincial/state government units operating at the field level (Siddiqui, 2005: 3), and ‘local governance’ refers to application of various governance criteria such as accountability, transparency, decentralization, efficiency, financial integrity, participation, equity etc. in all the organizational efforts (Siddiqui, 2005: 3). Local government is widely known as local self-government, government with representative character mainly responsible for administering local affairs. The representative character of local government can only be met by devolutionary types of decentralization. The managerial needs of national government can be fulfilled by delegating authority to field officers. But threat will remain unless distinct cultural communities are not integrated with the management of field works of the government. This integration is a political process, which ensures participatory governance as well as representation of interest groups (Hyden, 1993). This local (self) government concept is in line with the devolutionary form of decentralization suggested by Mawhood (1985). Acknowledging Talcott Parson’s “level of social control” and “value/goal” levels Mawhood identifies it as sharing of the governmental power by a central ruling group with other groups, each having authority within a specific area of

the state. He prescribes that local government bodies should have their own budget, separate legal existence, authority to allocate substantial resources, specific functions and decisions making authority. It has been expecting that this reality and constitutional obligation would be given priority to the reform initiatives of local government. The initiatives were formally launched during all the political and non-political government. The committees' recommendations were placed before the policy actors. But it is observed that in most of the cases the recommendations were not implemented in full-fledged. The scholars as well as local government thinkers would like to say that there are some vested interest group who are so powerful and convincing that the ruling government could not implement the recommendations. Such intervention in implementing reform policy can better be analyzed by the policy reform model given by Grindle and Thomas (1990).

Methodology

In this paper content analysis method has been applied. All the Reform Committees/commissions' recommendations have brought into consideration. The nature of political government and relevant literatures have examined in this regard.

All these issues also constitute the most basic characteristics of any effective local government system.

Constitutional Basis of Local Government in Bangladesh

Local government system with all these forementioned qualities need to be established in Bangladesh for political institution building as well as conducting participatory and sustainable development administration. The Constitution of the People's Republic of Bangladesh has provided the legal foundations of local government in the Article 59 and 60 and made provisions for the existence of representative local bodies in each administrative unit of the republic entrusted with some major functions including "a. administration and the works of public offices, b. the maintenance of public order, c. the preparation and implementation of plans relating to public services and economic development." (Article 59). "For the purpose of giving full effect to the provision of Article 59, Parliament shall by law confer powers on the local government bodies referred to in that article, including power to impose taxes of local purposes, to prepare their budgets and to maintain it." (Article 60). No doubt, the local government system in Bangladesh has been based on

strong legal foundation protected by constitutional provision, but still it could not develop in institutionalized manner upholding the essential characteristics of local government for many reasons.

Present system of local government in Bangladesh

Following the forementioned evolutionary process different types of local government now exist in Bangladesh, such as in rural areas there are Union Parishad, Upazila Parishad and Zila Parishad and in urban areas there are city corporations and pourashavas. Besides these, for three hilly district i.e. Bandarban, Khagrachari and Rangamati there are special type of local government systems. Among these categories of local government; the rural local government constitutes the main stream of local government system of Bangladesh in terms of population, area and functional coverage. The present study also concentrates only in the study of this local government system. It is to mention here that except the union parishad no other tier of local government is representative in nature. There is people's representatives only at the central government i.e. the National Parliament and at the bottom level i.e. Union Parishad. In between these there are two vital tiers local government units – Thana and District, which are not even theoretically representative in nature and practically are not functioning accordingly. But it is mandatory to have people's representation at every tiers of local government as per Article 59 and 60 of the Constitution. More than two decades ago the Upazila Parishad was introduced fully composed of local people's representatives at thana level. But it could not continue.

It is quite evident that local government system could not properly develop and function in Bangladesh inspite of its long journey since British colonial rule. But a densely populated and poverty prone country like Bangladesh requires participation to mobilize local resources, bring forefront the disadvantaged segments of the society and thus to ensure good governance. Participation is viewed as the exercise of people's power in thinking and acting and, thereby, realizing the essence of democracy in conformity with the constitutional dictum that all power belong to the people. These can be ensured through effective local government system.

Strengthening efforts of Local Government in Bangladesh

The government of Bangladesh also clearly realizes the need for such local government and initiates different reform moves by appointing

different reform committees and commissions. These commissions and committees are:

- *Committee for Administrative Reform and Reorganizations (CARR)* headed by Rear Admiral M.A. Khan during Ershad Regime.
- *Local Government Structure Review Commission* headed by the then Information Minister Barrister Nazmul Huda; during 1991-1996 Khaleda Zia's Government.
- *The Local Government Commission* headed by the then Member of Parliament Advocate Rahmat Ali during 1996-2001 Sheikh Hasina's Government.

Significant changes were made during Ershad Regime at thana level. Following the recommendation of the CARR; the government formed Thana Parishad (TP) at each thana which were later termed as Upazila Parishad. The elected members of Upazila Parishad headed by an elected chairman entrusted the key responsibility of all policy matters of the Upazila. All the development activities of the central government were set at each Upazila and the officers of those offices were accountable to the elected chairman of the Upazila parishads. Moreover, all the subdivisions were upgraded into districts. These changes of local government were a good move to make a pro-people local government institutions in Bangladesh. The Upazila Parishad as a local government institution was made in line with the concept of "devolution" vis-a-vis "deconcentration" of decision making power into sharp focus. Devolution establishes reciprocal and mutually benefiting relationships between central and local government implying that the local governments are not subordinate administrative units but exclusive authorities in their areas to be able to interact reciprocally with other units of government in the political system of which they are integral parts. It was thought that such devolution would not only contribute to good governance through rational sharing of powers and responsibilities between the central government and the local government bodies, but also lead to greater success in the management of development programmes/projects and better delivery of services through more efficient discharge of respective functions. Moreover, people's vote will be seen to be bearing fruits and democracy will be seen to be functioning at the door steps of the voters when they will witness that the representatives elected by them to the various tiers of local government are in fact contributing to the upliftment of their lot. Needless to say,

such visibility is very vital for democratic culture to take desirably deep roots.

But it could not continue as soon as the BNP led government headed by Begum Khaleda Zia took over the state power in 1991. She formed a *Local Government Structure Review Commission* headed by the then Information Minister Barrister Nazmul Huda. Followed by the recommendation the government abolished Upazila parishad and formed two-tier local government system; *Gram Sarker* at village level and *Zila Parishad* at zila level. Though Zila Parishad was established and started working from Ershad regime. This was highly criticized by many quarters. It stopped a journey towards a real participatory local government system which was established at thana level. Though the Upazila parishad has had criticism, but it is believed that if the system could run for a long period of time, its limitations could be overcome. The experts opined that abolition of Upazila system was absolutely political.

In 1996 the Awami League Government set a Local Government Commission. The Commission proposed a four-tier local government institutions at the village, union, upazila and zilla level. These institutions will be known as Gram Parishad (GP), Union Parishad (UP), Upazila Parishad (UzP) and Zilla Parishad (ZP) respectively. GPs will be established in each of the 9 wards of every union of the country, while UzPs and ZPs will be also established respectively in every upazila and zilla of the country; except that in the three zillas of the hill-tracts area where existing ZPs will, subject to some modifications following signing of the Peace Agreement for the hill tracts, continue to function. In fulfilling the commitment of the democratically elected government, each of the local level institutions will have well-defined and extended functions to carry out. The gram parishads will keep the union parishads posted about their functions and problems. The local government institutions at other three levels will be entrusted with similar functions at varying levels of responsibilities and authorities, including the authority to raise resources for financing local level development activities.

But after the recommendation was placed; only the Union Parishad (UP) has been reorganized and election was conducted under the new system. No other level's recommendations have yet been implemented.

Not to implement the recommendations of this Local Government Reform Commission have created a barrier to establish a participatory governance in Bangladesh.

In 2001 BNP led four party alliance formed government headed by Khaleda Zia. This government revived Upazila parishad and again formed gram sarker. During its five years tenure this government could not conduct election of Upazila Parishad.

Review of the Efforts

Most of the committees gave emphasis on institutionalizing local government system. But still the local government system could not emerge in Bangladesh as democratic and stable institutions. Evolution of decentralization in Bangladesh is characterized by: (a) domination by and complete dependence on central/national government; (b) unrepresentative character; (c) grossly inadequate mobilization of local resources; (d) limited or lack of participation of the rural poor in the decentralized bodies; (e) successive regimes' marginal and superficial commitment to devolution or decentralization in practice (Ahmed and Khan, 2000). All these realities create an objective situation to study the recommendations of different reform committees/ commissions and the changes made in the local government following the recommendations with a view to establishing effective local government. If we look at the structure of the committees (Annex 1), we would find that the chairmen and members of the committees are members politically biased. They could hardly propose such policy reform which is not expected by the head of the government or state. The CARR is fully dominated by the civil and military bureaucrats. They could bring a very good changes like Upazila Parishad. Though it had political ill motive. During Khaleda regime Upazila Parishad was abolished and one of the significant causes were getting bureaucrats blessing. And it is seen that about half of the members of *Local Government Structure Review Commission*

was civil servants. *The Local Government Commission* formed during Hasina regime in 1996 was also dominated by the civil servants in number. There are belief that the either in political or in non-political regime the local government reform could not be made participatory and thus strong because of the intervention of civil servants.

Local government cannot be strong enough in a country like Bangladesh where the local government ministry is too strong and

intends to control it. The interference by lawmakers also diminishes the power of the local government representatives and the local government institutions act like a front organization of the ruling party.¹

The central government also exercises substantial financial and administrative control over the local government institutions in different ways (Panday (2005)). Local government bodies have been chronically resource poor in Bangladesh. The LG regulations empowered them to mobilize resources from local sources through assessment and levy of taxes, leasing of local Hats and Bazaars, water bodies, etc. But they do not receive the total resources generated from their entitled sources.

The local government has had poor Institutional capacity. Siddiqui (2005) wrote about the problems of local government in Bangladesh as domination by and complete dependence on the national government, highly inadequate mobilization of local resources, a serious mismatch between formal local government functions, on the one hand, and the means of carrying out the same (in terms of financial and human resources) on the other, almost total exclusion of and lack of participation in local government bodies by the poor, and token representation of women, marginal commitment to devolution /decentralization in practice, not only in relation to the national government vis-à-vis local government but also within the local government bodies themselves (for example between the Mayor and the Ward commissioner, “presidential” type of local government continuing under a parliamentary democratic central government, which is a serious anomaly, the advocacy by the so-called civil society for genuine decentralized local government is ineffectual, and hence no “big bang” approach to local government reforms is possible in the foreseeable future, no significant improvement has taken place in the personnel system of the local government bodies during the last five decades, and hence permanent local government functionaries continue to be a highly marginalized group of public servants. These could be better interpreted by the *Interactive Model of Policy Reform*.

¹ Khan & Aminuzzaman, quoted in the editorial of the Daily Independent (6-8-2006) referring opinion of the participants of an workshop organized by Bangladesh Centre for Communications Programme (BCCP) on 'The role of media in strengthening local government', in association with Democratic Local Governance Programme (DLGP), the USAID and RTI International in 2006.

Reviewing the reform efforts from theoretical perspective

The Interactive Model of Policy Reform

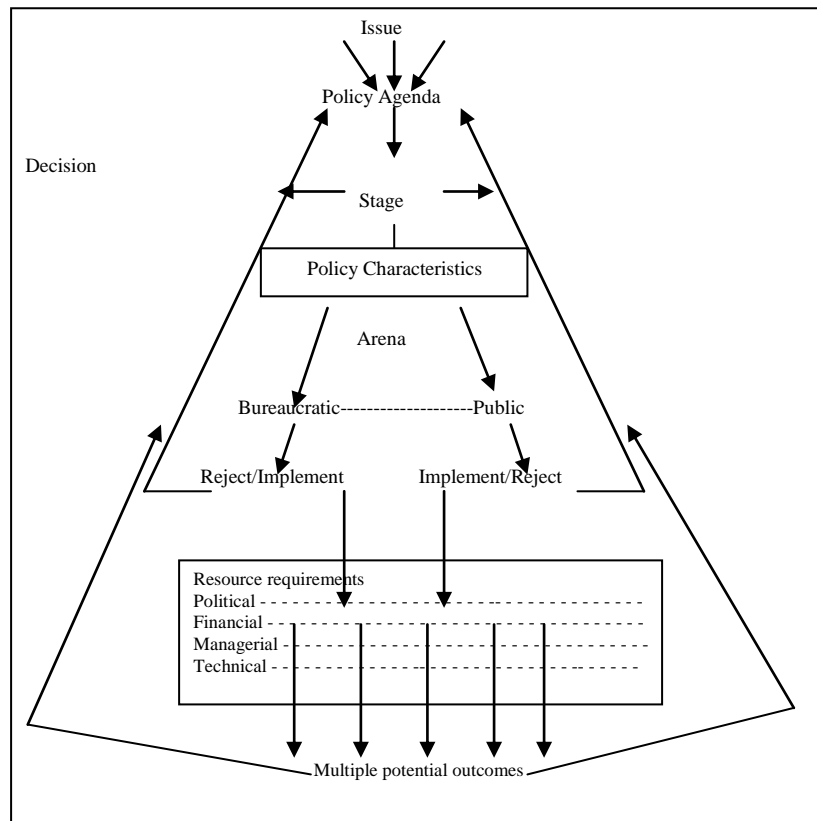
The main concern of the interactive model is the role of the stakeholder of the existing or revised policy. Whether the stakeholders accept or reject the policy reform. What is the impression of the parties involved in the existing policy or change of the new policy? At what level the parties' involved can interact into the change as well as implementation process of the policy? This paper is primarily concerned about the factors those have influenced not to implement the Recommendations made by different Commissions/Committees worked in different regime. This model will provide important input to analyze it.

Thomas & Grindle (1990:1166) writes

“We begin with the assumption that a state of equilibrium surrounds an established policy set. This equilibrium results from the acceptance of the existing policy or institutional arrangements by those who are affected – positively or negatively – by them. Efforts to alter existing policy upset that equilibrium and will elicit some response or reaction from those affected by the change. Reaction to policy change may come at any point in the process of decision or implementation. However, reactions are more than likely to occur further into the process since the effects of the change will become more visible as the nature and the impact of the new policy become more evident. The nature, intensity, and location of those reactions will determine whether the reform is implemented and sustained. The central element in the model is that a policy reform initiative may be altered or reserved at any stage in its life cycle by the pressures and reactions of those who oppose it.”

In policy reform process the interested parties can exert pressure for change at many points. Some interests may be highly effective to influence the policy. Some one can influence the high – level officials in government or other actors in policy or policy implementation level. There are actors or resources affecting the managers of the implementation process or those who control the resources needed for implementation. Attempt to alter, promote or reserve policy reform initiatives depends on the strength, location and the stake involved.

The interactive model of policy implementation is shown:



There are factors which have influenced to set policy agenda amongst from a number of issues. The agenda is very loud and clear i.e. reforming local government. Then there are some stages of the decision like, how the commission will be formed, what would be their terms of references, when and to whom to submit the report etc. All these characterize the policy which has had both bureaucratic as well as public arena. Then the question comes to implement the recommendations made by the commission. Whether the recommendations are implemented or rejected or kept in shelve. The fact is that the recommendations made by the Local Government Reform Commissions have not been implemented significantly. According to the model there are some resources which availability contributes to implementing the policy of reforming local government and which unavailability causes not to implement the policy. The resources are political, financial, managerial and technical. Guided by this model we can justify the much talked reasons of paralyzing the local government institutions. It is said in intellectual arena and the common people perceive that lack of political good intention as well as unwillingness to implement the reform agenda are one of the main reasons of keeping local government weak in Bangladesh. Even though there are potential outcomes from the recommendations made by different commissions/ committees, lack of

resources, technical expertise and managerial incapability are seen responsible have a strong local government institutions in Bangladesh.

Conclusion

It is believed that a real participatory local government system is pre-conditions for good governance. Eradicating poverty, strengthening decision-making ability of the local people, utilizing as well as mobilizing local resources is effectively possible to ensure a participatory local government at each tier of the local level administration. Acknowledging this fact all the political governments in Bangladesh set different reform commissions. But the recommendations prepared by those commissions were not implemented as of the recommendations they gave. The reasons urgently needed to find out. Identifying the reasons would help policy makers to overcome the barriers in future and to establish a needful local government system in Bangladesh and thus to ensure good governance.

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Annex 1

Committees and Commissions formed to reform local government in Bangladesh

<i>Title of the Committee/ Commission</i>	<i>Structure of the Committees/ Commissions</i>	<i>Background of Chairman/Members</i>
<p>1st Committee <i>Committee for Administrative Reform and Reorganizations (CARR)</i> Comm. Formed April 28, 1982, General Ershad Regime Report Submitted June 22, 1982 The Report is finalized in less than two (02) months.</p>	<p>Chairman Rear Admiral M.A. Khan, DCMLA and Chief of Naval Staff Members 1. Mr. A.Z.M. Obaidullah Khan – Minister in Charge of Agriculture, (a) 2. Mr. M.M. Zaman – Secretary, Cabinet Division, (b) 3. Brigadier Mahmudul Hasan – Director, Military Operation, Army Headquarters, (c) 4. Dr. M. Anisuzzaman – Professor of Public Administration, CU, (d) 5. Dr. Shaikh Maqsood Ali – DG, NIPA, (b) 6. Dr. A.M.M. Shawkat Ali – Member-Director, BADC (Acted as Member – Secretary of the Committee), (b) 7. Mr. Obaidul Huq – Editor, The Bangladesh Observer (Co-opted member), (e) 8. Mr. S..M. Al-Hussainy – Member, Planning Commission (Co-opted member), (b) Mr. M.A. Samad – Director of Agriculture (Co-opted member) (b)</p>	<p>Chairman – Army Officer Members a. Civil Politician 01(10%) b. Civil Servant 05 (50%) c. Army Officer 01(20%) d. Academics 01(10%) e. Media Person 01(10%)</p> <p>Note: % is calculated considering the chairman as member of the committee.</p>
<p>2nd Committee <i>Local Government Structure Review Commission</i> Comm. Formed November 25, 1991 Begum Khaleda Zia led BNP Report Submitted July 30, 1992 The Report is finalized in eight (08) months.</p>	<p>Chairman Barrister Nazmul Huda, Information Minister, GOB. Members 1. Md. Kabir Hossain – State Minister, Ministry of Land, GOB, (a) 2. Abdul Hye – Deputy Minister, Ministry of LGRD, (a) 3. Dr. Abdul Moeen Khan – MP from Narsingdi-2 (a)</p>	<p>Politician, Members a. Civil Politician 04(25%) b. Civil Servant 07(44%) d. Army Officer 00 00%) d. Academics 03(19%) e. Media Person 00(00%)</p> <p>Note: % is calculated considering the chairman as member of the committee.</p>

<i>Title of the Committee/ Commission</i>	<i>Structure of the Committees/ Commissions</i>	<i>Background of Chairman/Members</i>
	<ol style="list-style-type: none"> 4. A.T.M. Alamgir – MP from Colilla-10 (a) 5. Cabinet Secretary, Bangladesh Secretariat, (b) 6. Dr. Shaikh Maqsood Ali – Member, Planning Commission, (b) 7. Mr. S..M. Al-Hussainy – Former Member, BPSC, 8. Secretary, Statistics Division,(b) 9. Dr. Emazuddin Ahmed – Professor, Department of Political Science, DU, (d) 10. Dr. Lutful Huq Choudhury - Professor, Department of Public Administration, DU, (d) 11. Dr. Amirul Islam Choudhury, Professor, Department of Economics, JU, (d) 12. Dr. Ali Ahmed – Former MDS, BPATC (b) 13. Mr. Waliul Islam – Former Commissioner, Dhaka Division, (b) 14. Dr. Kamaluddin Siddiqui – Secretary, Prime Minister’s Office (b) 15. L.R. Bhuiyan – Joint Secretary, LG Division as Member Secretary. (b) 	
<p>3rd Committee <i>The Local Government Commission</i> Comm. Formed 1st September 1996 Sheikh Hasina Led Awami League Report Submitted May, 1997 The Report is finalized in nine (09) months.</p>	<p>Chairman Advocate Rahmat Ali Members 1. Mr. Suranjeet Sen Gupta – MP, (a) 2. Advocate Fazle Rabbi –MP(a) 3. Kazi Azhar Ali – Former Secretary to the GOB, (b) 4. A.T.M. Shamsul Huq Former Secretary to the GOB, (b) 5. Begum Taherunnessa bdullah</p>	<p>Chairman – Civil Politician Members a. Civil Politician 02(25%) b. Civil Servant 03(38%) e. Army Officer 00(00%) d. Academics 01(13%) e. Media Person 00(00%)</p> <p>Note: % is calculated considering the chairman as member of the</p>

<i>Title of the Committee/ Commission</i>	<i>Structure of the Committees/ Commissions</i>	<i>Background of Chairman/Members</i>
	<p>– Chairman, Shishu Academy, 6. Dr. B.K. Jahangi – Pro- ViceChancellor, NU. (d) 7. A.H.M. Abdul Hye-Secretary, LG Division, GOB. (b)</p>	committee.
<p>4th Committee <i>The Committee for making dynamic and strong Local Government</i> Comm. Formed June 03, 2007 Report Submitted November 01, 2007 The Report is finalized in 05 months.</p>	<p><i>Chairman</i> Dr. A.M.M. Shawkat Ali <i>Members</i> 1. Dr. Syed Giasuddin Ahmed – Professor, Department of Public Administration, DU, 2. Dr. Badiul Alam Majumder – Secretary, SHUJON 3. Dr. Dilara Chowdhury - Professor, Department of Government & Politics , JU, 4. Advocate Md. Ajmat Ullah Khan – President, Association of Bangladesh Pourava, 5. Mir Enayet Hossain Munshi – President, Association of Bangladesh Union Parishad, 6. Mizanur Rahman – Join Secretary (Development), Local Government Division.</p>	<p>Chairman – Civil Servant Members a. Civil Politician00(00%) b. Civil Servant 02(29%) f. Army Officer 00(00%) d. Academics 02(29%) e. Media Person 00(00%) f. People’s Rpr. 02(29%) g. NGO Repr. 01(14%)</p> <p>Note: % is calculated considering the chairman as member of the committee.</p>

Basis of Institutional Capacity Building of Rural Local Government in Bangladesh: A Brief Discussion

Mohammad Shafiqul Islam

Introduction

Bangladesh is a sovereign, unitary and independent country of the world and local Government is working as part of subordinate branch of government. Local government is a form of Government that discuss administrative, economic and welfare activities for ensuring overall development activities of a specific locality. It ensures the basic services of people relating to different development actions. It is also called decentralized form of Government that are responsible to ensure human rights, democracy and good governance. Local Government is important part of central government and it is recognized as a quasi-sovereign government. In the article... of constitution of Bangladesh ensures effective local government through participation in administration at all levels. The local government works, as an organization for servicing people and it is a vital dimension in development. The success of local government depends on how much it is institutionalized. In fact, the institution means to organize the people, mobilize resources, ensure participation of people, accountability and transparency, formulate plans, coordinate and implement development activities. The institution of local government also focuses on the recognition from people, community, and society. In the study of local government of Bangladesh the institutional capacity has been discussed through theoretical concept.

Data collection

The study has been developed through secondary sources of data. The data are collected from different books, journals, newspapers, and from Internet websites. Different scholars views regarding local Government have been discussed in the study.

Objectives of the study

The degree of institutional strength makes local government more effective and efficient. The local government of Bangladesh is insufficient in terms of political, administrative, and financial management. The local government is seriously dependent on central

government as well as foreign donors. The nature of work, management procedure, and utilization of local resources are connected to institutionalization of local government in Bangladesh. The institutional capacity is to be strengthened when all sorts of supports are available in local level. In the study the following objectives are selected to explore the institutional capacity of local government in Bangladesh.

1. To know about democratic values in local government system such as election process and peoples participation.
2. The pre-condition of institutionalization of local government is autonomy and how it has been practiced at Rural- Local government in Bangladesh.
3. The institutional strength of local government is highly depending on management process. In the study different dimensions of management process in local government have been discussed to know about institutional capacity.
4. The social recognition is an important component of institutionalization process. It has been analyzed the recognition of local government from different professionals, civil society, rural elites as well as mass people.

Theoretical Analysis

The term institution is used in different senses. It is a long time process and a part of human being as well as organization. It is called custom or system of the society. The custom or system is to be institutionalized when it will be recognized by society. Different thinkers of social sciences used institution as different views. According to political scientists (Scott 2001:6), “institutions as frameworks of rules, procedures and arrangement or prescriptions about which actions are required, prohibited or permitted”. In the view of economics of organization, institutions as governance structures, social arrangements to minimize transaction cost. It is a set of principles, norms, rules, and decision-making procedures that shape the expectations of actors.

In the book of *Institutions and Organizations* by W. Richard Scott (2001:51-58) mentions three pillars of institutions such as regulative, normative, and cognitive-cultural and each pillar is considered as a vital ingredient of institutions. These elements are important factors of the organization to make them institutionalization. The regulative pillar is the process of rule-setting, monitoring, controlling, and sanctioning

activities. It is highly formalized and always maintains rules and regulation of the organization. The regulative pillar of local government is rules, law, monitoring management, coordination, and different administrative procedures of local government in Bangladesh. It helps to run the organization in formal procedures. With this institution the control mechanism play an important role in the organization. The central-local relations, donors' assistance over local government and different control of administrative management are relevant to this institution. This kind of institution is legitimized by rules and regulations. The normative pillar of institution is norms and values of the organization. It is not the formal structure of the organization but it helps to fix up the goals and objectives. It indicates social obligation, commitment, and expectation. In normative pillar the system may be different but society/state must be approved. It needs official approval/recognized by the organization. The ideas of normative institution have been discussed to know about institutionalization of local government in Bangladesh. The third pillar of institution of Scott is cultural-cognitive. It is the shared conceptions that constitute the nature of social reality. It is socially constructed and culturally supported and approved by society. It creates specific meaning and must be approved by the society. The symbols, words, signs, gestures are used to make them meaningful. This concept of institution is also linked to local government of Bangladesh.

Background

The local Government of Bangladesh is a historical process and its present outcome is achieved from the British and Pakistan period through different changes and amendments. Bangladesh was born in 1971 by liberation and a composition of local government was essential to run the country. The first action on local government in Bangladesh was the president's order to dissolve all local bodies and appointed official administrators. The District council, and the Thana council were placed under control of Deputy Commissioner (DC) and Sub Divisional Officer (SDO) respectively (Faizullah 1987:16).

According to Presiden Order no.22 of 1973 the Union Parishad of Local had been changed in the area of composition but the functions of Union parishad were same as before. A position of vice-chairman was created at Union level along with a chairman. In 1976, a new law called Local Government Ordinance-1976 had been introduced to reform rural

local level governance in Bangladesh. A provision had been created for nominated members at Union and Upazila parishad and the post of vice-chairman was abolished. In Local Government amendment Ordinance-1980 a village level local government named 'Gram Sarkar' has been set up with elected Chairman and members. The composition of Gram Sarkar was twenty-two members including women, peasants, and landless. The Gram Sarkar was given wide range of functions but without due resource back up or taxation power. But it did not continue longer period due to political reason and it had been abolished in 1982.

The Thana level local government had been changed after independence of Bangladesh. According to president order no. 7 in 1972 the name of local government was Thana Development Committee (TDC). Later on, Local Government Ordinance no. 22 in 1976 the name of local government was Thana Parishad. During this period the local government had done only the regulating functions such as law and order, revenue collection and judiciary. The development functions were absent and it was lack of people's participation. The Local Government Ordinance-1982 was remarkable evidence to make decentralization of local government in Bangladesh. The Upazila parishad had been formed and a chairman elected by people as well as some selected representatives including government officials got opportunity to work there. The Upazila Nirbhai Officer (UNO) was secretary of the parishad. The controlling as well as development functions of Upazila parishad help people to provide them maximum services.

According to president Order no. 7 in 1972 and Local Government Ordinance 1976 the name of local government at district level was Zila Board and Zila Parishad respectively. The composition of Zila Parishad was elected, nominated (women members), and government officials. Chairman and vice-chairman were come from elected and nominated members. But no election was held during this period. The district commissioner and secretary of local government were responsible as a chairman and secretary of Zila parishad. The local government ordinance in 1988 the number of Zila parishad had been extended from 22 to 64 and a chairman had been appointed for three years among 61 districts. The district commissioner was chairman and representative, nominated and government officials were member of this parishad. There was no voting right of government officials at meetings. It had compulsory and non-compulsory functions and collection of fund from nine sources.

In 1996, the empowering government constituted the local government commission and suggested four-tier local government structure such as Gram Parishad (GP) at village level, Union Parishad (UP) at the union level, Upazila Parishad (UPZ) at Thana level and Zila Parishad (ZP) at district level. The main objective of LG was to make it democratic and powerful. The parliament passed the Local Government Act-1997 at village and union level. The Union Parishad had been empowered but Gram Parishad was inactive due to legal embargo. In November 1998, the parliament legislated the Upazila Act, 1998. A bill on Zila Parishad had been processed but was not finalized due to political culture of Bangladesh. The election of ZP and UZP were not held till now. In 2001, the government had been changed and only the Union parishad was continued till now. Later on, the government introduced Gram Sarkar at village level. The Union Parishad is composed of a chairman and nine members including women members and people directly elect them. But there was no election process of Gram Sarkar and it is basically formed by undemocratic process. The caretaker Government took over power and abolished it due to its ill purpose.

Analysis of Data

Institutionalization of local government depends on some factors relating to empowering of management system and other relevant issues. The rural local government of Bangladesh is traditional as well as functionally weak in its institutional capacity due to some lack of measurement from different period in Bangladesh.

1. Human Rights and Participation

The power of people is the important force to make strengthen the local government institution. People's unity is the strength and it makes them organized to the institution. The force of people to politician and bureaucrats strengthen local government bodies. With a view to strengthening the local government, the interference by bureaucrats and lawmakers should be stopped (The Daily Star 2007:2). People's awareness regarding legislature and local government bodies are significant factors to make the local government meaningful. People's participation at grassroots level is needed to institutionalize democracy as well as strengthen local government institution. The power of people is the tools to make the local government stronger and participative. Development becomes truly effective when local people participate in the planning process.

2. Accountability

The local government can be accountable to deliver service among mass people. The public service institutions play important role regarding this. The institutional capacity of rural-local government depends on effective accountability of public service organizations. Political commitment is needed to institutionalize local government in Bangladesh. The political parties do not implement commitment after empowering in government. It is possible to make accountable of local government by enhancing managerial activities and responsibilities. It is necessary to provide more power to people representatives so that they can serve the people effectively.

3. Organizations and Management

Local government system needs to be changed so that public services including health, education, and agriculture can reach people through elected representatives. Legal framework must be formulated for strengthening the local government. The existing system must be changed and the elected representatives can take different initiative under strong monitoring management. There will be standing committees in the local government institutions to look after more important issues. The local government ombudsman needs to introduce at local level in order to ensure budgetary allocation and financial accountability. Strong local government commission can play important role in achieving the objectives of local bodies. The commission supervises; coordinate, and monitoring all activities of local government and take necessary actions and it must be highly powerful and free from politics. The functions of commission are to be fair and neutral, and legally it must be recognized by society.

4. Decentralization

A democratic decentralized pattern of local government is required to strengthen local government institution in which consists of structure, reform, and functions of local government in Bangladesh. Decentralization is the latest tools of development administration and by strengthening local government institution it is possible to reduce poverty from the country. All power should be delegated to local government. The proper administrative and political decentralization are needed to ensure for providing the rights of people at grass roots level. The local government is to be considered as unit of service for people

and supported by mass people. The rules and regulation of local government should be people oriented and mass people can easily participate in development process. As part of decentralization process the role of local government in the society will do as a changing agent. The principles of decentralization help to make rural–local government effective and people oriented. It is important to reintroduce Upazila parishad democratically to strengthen local government and presently it is needed consensus among political parties, civil society, and professionals.

5. Personnel Management

The personnel of local government are important supportive force to ensure efficiency and effectiveness as well as it plays positive role in institutional capacity building. The strength of institutional capacity depends on personnel management of the organization. In the organization of local government presently the union parishad is effective and the personnel of this organization are recruited by district administration. A secretary and a few supportive officials are working at union parishad. The set up of personnel management of local government are not well organized and institutionalized because there is no specific provision regarding personnel management. The recruitment rules are not specified and there is no clear guidance regarding promotion, transfer, training etc. The status of secretary and other personnel is not considered as like as other personnel of public service. The staff of local government must be trained up and have to be capable to work with people. There have some training institutions to train up local government officials but it is not sufficient and has some lack of technical support.

6. Women Empowerment

The effective participation of women in politics at local government makes it meaningful and effectiveness. Women are important human resource to make economic development for the country because half of our populations are women. It is recognized in society as well as state that the participation of women in local government is significant. That is why government has taken initiative to participate three women members at union level. It is a process of women empowerment in local government but practically women are not able to participate in decision-making. The social recognition of women is not institutionalized in our country. The values of society in Bangladesh are not

standard and perception of male towards women is considered as negatively. The social meaning towards women empowerment is not highly acceptable from all levels. The women participation in local government is not democratic and it is also true that women are not aware of from themselves. The lack of education is important obstacle in empowering women by which impacts on institutionalization of local government in Bangladesh.

7. Participating Organizations

NGOs and donor agencies are supportive organization to strengthen local government institution. It is possible to enhance capacity of people by taking different initiatives through NGOs activities to local government in Bangladesh. The donor's are providing technical as well as financial support to institutional capacity building but it is difficult to provide full support by them. Some NGOs and voluntary organizations are involved in making local government effective to empowering rural people. The initiatives of participating organization help to institutionalize local government. But the major actors of government organization are not fully supported to institutionalize local government in Bangladesh.

8. Local- central relations

The relation between the central and local governments lacks co-ordination and it is completely top-down (The daily Star 2007:2). In the constitution of Bangladesh the guidelines regarding local government is stronger but practically the institutions of local government is weak because lack of better relation with central government. The central government is always used paternalistic attitude towards local government. The exercises of power sharing between central and local government make it institutionally stronger.

The strong monetary management and free from influence of lawmakers and central government the local government of Bangladesh can be effective.

9. Autonomy

The administrative and financial autonomy of local bodies are the pre-condition in strengthening local government institutions. Administratively, local government is highly depends on central government. Finance is an important source and called it heart of administration. It works as a pre-requisite to make autonomy of rural-local government. In

fact, Union Parishad in Bangladesh is highly dependent on its grants to central government for its development expenditure (Wahhab 2002:137). The budgetary allocation of local government is insufficient and the management of resource mobilization is inefficient. The resources are important source to make local government self-reliant and institutionalized. The regulating functions are to be self administered by local representatives and the demands of people are to be considered by local government. There have some potential resources at local level and it needs to mobilize properly for institutional development.

10. Bureaucracy

The bureaucracy is an important part in local government and it plays a vital role to make local government effective. The bureaucrats are working with peoples representative in local government but they are not accountable to people. It is constitutional obligation that government officials are to be accountable to the authorities by whom they are employed (The Daily Star 2007:2). Strengthen of local government depends on the willingness of bureaucrats but the present bureaucratic culture is not favor of to strengthen local government institution. The bureaucracy is a more powerful actor in local government in compare to people representative that does not make fruitful result in development. Local government is not free from influence of bureaucratic culture of Bangladesh and traditional norms in administration. The excessive domination of bureaucracy over local government hampers institutionalization of local government in Bangladesh.

Conclusion

Local Government is the important tier in socio-economic development and it ensures good governance in the country. The degree of institutional capacity make local government strengthens and it helps to ensure peoples aspiration and demand. The local government of Bangladesh is lack of well-organized and institutional capacity that reflects in local development at different sectors. The institutional capacity makes local government more powerful and functional. In the developing society of Bangladesh the highly organized institutional form of local government is necessary to make local development. The participatory and decentralized form of local government should be introduced at different level to get meaningful outcome. Necessary actions of management, rules and procedure are needed to strengthen institutionalized form of local government in Bangladesh.

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Decentralization and Local Governance: Documenting Undocumented Factors

Mohammad Rafiqul Islam Talukdar

Introduction

Many countries of the globe, especially developing countries of Africa, Latin America and Asia, are currently undertaking new programmes of decentralization in governance and public administration for several reasons with varying degrees of realization, but one thing is common, at least in paper aspiration, that is the improving local governance and development. Unlike herein Bangladesh the key likely challenges for local governance are outdated & controversial laws and lack of local resources, material, finance, expertise and competent leadership. Here among the rural local government institutions the Zila Parishad is running without an elected Parishad, while the existing Union Parishad has been waiting for years to have its overdue election that is likely to be held in early 2011. And the regenerated Upazila system with democratic decentralization has just started its journey. The local government institutions in general, upazila parishads in particular are passing through a transition. It is expected that transition will be over with effecting new local government acts by issuing subsequent rules and regulations and by amending some obsolete and controversial laws soon. Thus, herein the local government system is probable to see the sunrise.

Contextual Analysis of Decentralization

In general sense, decentralization is the process of transferring power from state- government to its agency, private institution, regional and local government. According to L.D. White, “the Process of decentralization denotes the transfer of authority, legislature, judiciary or administrative from a higher level of government to a lower”. And Mawhood pointed out - “Decentralization as a structure of government where bodies are created at the local level separated by law from the national centre in which local representatives are given formal power to decide on a range of public matter”.

Though traditionally there are four forms of decentralization (i.e. deconcentration, privatization, delegation and devolution), most of the thinkers, for example, Mawhood, Uphoff, Rondinelli and Cheema pertinently emphasize on devolutionary decentralization that is resultant

in democratic decentralization.¹ Globally as well in Bangladesh now it is widely believed that democratic decentralization can be conducive to local good governance leading to economic advancement and poverty reduction.

Formally, devolution is the creation or increased reliance upon sub-national levels of government, with some degree of political autonomy, that are substantially outside direct central government control yet subject to general policies and laws, such as those regarding civil rights and rule of law (USAID, 2000:6). While, theoretically, devolution does not necessarily mean democracy, there is a tendency to equate the two (Oxhorn, 2004). Democratic decentralization goes further than the devolution does in terms of autonomy, responsibility and accountability of the local authority, and participation, opportunity & emancipation of the people. A full-fledged democratic decentralization not only creates environment for wider participation, social inclusiveness and for citizens to demand accountability of local authority, but also generates a sense of transparency and accountability of the country's political system and of the government. Two interlinked and inevitable components of this latest form of decentralization are structural decentralization and institutional democratization.

Despite the limited empirical evidence to support decentralization and clarify how to reap its potential benefits, policy makers seem to be willing to push it forward in many countries (Smoke, 2003:7); Bangladesh is no exception of those. Again, much of the decentralization literature focuses on its often-problematic performance, and positive writings tend to be based on anecdotal instances of success or enthusiastic rhetoric about its benefits.² Decentralization is basically an elusive phenomenon resultant from the failure of centralized approaches to development, continual pressure from internal development agencies, country context reform needs and international development trends. Nonetheless, internationally as well as nationally there is evidence that democratic decentralization provides the environment for wider participation and inclusiveness. Thus, developing political capacity of

¹ See Begum et al., 1998; Mawhood P., 1985; Rahman M.H., 1989; Rondinelli D.A., Cheema G.S. (eds.), 1985.

² Bahl and Linn (1992); Prud' home (1995); Ter-minassian (1997); Bird and Vaillancourt (1998); Litvack, Ahmad and Bird (1998); Allen (1999); Cohen and Peterson (1999); Manor (1999); Blair (2000); McCarney (2000); Turner (2000); Belshaw (2000); Steffensen and Trollegaard (2000); Smoke (2001); Charlick (2001); Harbeson (2001); Wunsch (2001); UNCDF (2002) and Smoke (2003).

local citizens for demanding accountability, and engaging local authorities towards economic advancement are apparently ways to ensure the sustainable poverty reduction in rural areas. Hence, correlation between the democratic decentralization and local good governance leading to economic advancement and fighting poverty would be significant to the regenerated upazila system context in Bangladesh.

Local Government & Local Governance

Local governments are nothing but sub-national territorial units of the state, which should have expenditure responsibilities and revenue assignments. And more importantly, a local government must be a legal persona as a body corporate, and it is expected to have democratic control on its affairs by locally elected representatives. The contemporary world is experiencing profound change in the local government as well as local governance, which basically aims to strengthen the local government as a body corporate so as to encounter local economic activities (see Talukdar, 2009:17).

Local governance is governing at the local level viewed broadly to include not only the machinery of government, but also the community at-large and its interaction with local authorities, while democratic local governance is, in turn, local governance carried out in a responsive, participatory, accountable and increasingly effective (i.e. democratic) fashion. Decentralization gives the local governance system the opportunity to become increasingly democratic (USAID, 2000).

Factors to Unleash the Local Good Governance

There is a long heritage of local government in Bangladesh, but it is the weakened as well as neglected tier of the Government both from the economic and governmental power viewpoints. In Bangladesh, like many other developing countries, the decentralization, by itself, will not unleash the promises of good governance at the local level to meet the development goals, basically getting people free from poverty and their entitlement of human rights, unless it is undergone with some factors that could turn these potentials into reality. For instance, a) Structural decentralization unless goes with institutional democratization at local governments in Bangladesh, it would not reinforce to build commitment to get the pro-people empowerment with right based approach; b) Democratic Decentralization does neither come comprehensively across economic development nor bring sustainable solutions to rural poverty

unless it is undergone with full-fledged Fiscal Decentralization; c) Obsolete and controversial laws need to be amended along with generating rules and regulations based on the new local government Acts to overcome stalemate of the local governments, particularly the deadlock of the upazila system in Bangladesh; d) All three-tier local governments in Bangladesh need to be democratically, administratively and fiscally decentralized; e) Meticulous academic as well as professional contributions, and sincere political as well as bureaucratic efforts for effective functioning of new acts, especially establishing and carrying out Standing Committees, are must.

Addressing Undocumented Factors

Further to these binding issues, there are some undocumented concerns that must be addressed to get optimum outcome of decentralization achieved herein Bangladesh.

Policy Instruments

A particular local government should initiate its governance policy based on the real community perspective coupled with international guideline on decentralization (see UN-HABITAT, 2007) and national decentralization policy framework. Unlike, we are yet to develop a national decentralization policy. Consequently, a nuanced linkage between the tiers of the local government and the unity of diversity in different projects functioning in the local government (even in the same tier of the local government or same donor funded projects in different tiers of the local government) seem to be missing.

Institutional Arrangement

Local Government Commission should be rebuilt to play a creative role in nurturing local leadership skills and strategies, and in establishing institutional democratic practices at the local government. The interplay of local government institutions to enhance the capacity of local government is central to the new decentralization adaptation in Bangladesh.

And extending the involvement of civil organizations, including entrepreneurial institutions and political party activities at the local level, in harmonizing the competing interests within the community, is significant to the democratic decentralization. Global experience and anecdotal evidence support that the *Public-private partnership* can drawn a new venture for the success of the local government. To get the

real institutional democratization at the local government and new decentralization outcome on the livelihood of the people, national institutions like Parliament, Election Commission, Local Government Commission, National Human Rights Commission, Supreme Court and the Government itself must facilitate the advancement of the local government.

Citizen Activism

Evidence supports that citizens' active participation significantly entrenches the quality of local governance by demanding accountability on public goods and services delivery. Globally as well as in Bangladesh, the success of new democratic decentralization mostly depends on citizen activism in local decision-making, planning, budgeting and scheme implementation, while women's participation in those is central to the discussion. Civic education to ensure community participation in local governance and to demand accountability of local public office holders can get started through donor funded projects and media involvement. According to the international guideline on decentralization - records and information should be maintained and in principle made publicly available not only to increase the efficiency of local authorities but also to make it possible for citizens to enjoy their full rights and ensure their participation in local decision-making.³ This crosscutting aspect is, however, pointed out in the Local Government (Union Parishad) Act, 2009.

Electoral Politics

Firstly, development of electoral politics at the local level is very important. The National Election Commission should emerge as one of the most trusted institutions in the country with commitment to develop and implement participatory democracy in the election process both in central and local elections, giving the opportunity to make the peoples' voices heard and fully participate and exercise their democratic rights. Secondly, the involvement of political parties in local political elections is at the center of several debates, but one of the vital aims of democratic decentralization concludes these debates. The augmentation of continual

³ United Nations Human Settlements Programme (UN-HABITAT). 2007. 'Governance and democracy at the local level: Local officials and the exercise of their office'. International guidelines on decentralization and the strengthening of local authorities. Nairobi, 00100, Kenya. P.4

political competition will affect on accountability and political lessons for local leaders. Nonetheless the Election Commission should be keen to transform the involvement of political parties towards a supportive climate for a competitive, free and fair election process. Empirical evidence suggests that free and fair election is vital for the accountability leverage. For example, there was a failure of the Upazila system during the autocratic regime when the Election Commission had less freedom to hold a fair election. Those unfair elections were resultant unaccountable local governance that generated further mistrust and suspicion between the local government and community people.

Leadership

One principal challenge, facing any new democratically decentralized local government in the process of economic growth & poverty reduction and for the establishment of human rights, is to get ready effective leadership. In the context of Bangladesh, this challenge is likely to get complicated due to the conflict of interest between the concerned legislator and elected local government authority. Continued practice of institutional democratic values at the local level, however, flourishes the quality and sense of leadership. More importantly, the central government must protect the local government for its smooth functioning from detrimental interfering of the Member of Parliament, while the concerned MP may facilitate the local government in terms of ensuring government's fiscal allocations/block grants for infrastructural development at the local level and in terms of mediating governmental process to make up development projects/programmes for the wellbeing of the local community based on the demand as well as reality of the local government. Most importantly, in order to ensure transparency and accountability of local authorities, legislators may oversee the performance of local governments and can foster the access to information as well as right to know of the local people, particularly on issues of human rights, local resources, expenditure responsibilities & revenue assignments and on policy as well as programme agenda that are designed and carried out by the local government or for the local community. Notwithstanding the urgent need is to instigate or strengthen local capacity as well as leadership development projects that aim to develop the entrepreneurial capacity and leadership competency of the community leaders so as to promote innovative policies and to surmount institutional obstacles.

Administrative Reform

As the local government in Bangladesh is expected to be charged with new responsibilities provided with new resources, policy-framework and programme-agenda, here local administrative reform is a must to get those magnitudes coped with local governance. Hence, there are calls to create an adequate, competent and gender balanced civil administration for every tier of the local government so as to ensure effective, balanced and timely delivery of public goods and services and to do smooth implementation of development projects.

Concluding Remarks

Decentralization does have several dimensions, and its apposite exposure and appearance vary across countries, and its implementation takes considerable time, and it is not instinctively positive or negative, and its efficacy depends on particular country context and conditions (Smoke, 2003). Anecdotal evidence and global experiences, basically from Africa and Latin America, demonstrate that majority of advantages from democratic decentralization can broadly be captured as improved efficiency in governance and/or equity and in fighting poverty with rights based approach.

A number of efforts have been undertaken in Bangladesh for local democratization, which are mostly coupled with structural perspective⁴ of devolution. Herein democratic decentralization is yet to get full-fledged in terms of institutional democratization.⁵ And strong influence of earlier trends is still evident. Nonetheless, there are few success stories. For example, LGSP-LIC⁶ project has tended pro-people local governance with institutional democratization. Unlike the project is limited at Union Parishads in 6 LIC districts under 6 administrative

⁴ Basically, structural decentralization alerts the balance of power among levels of government favoring localized levels of government; even to some extent this component allows local peoples' representatives to govern the local government, but values associated with legacy do not always change until it get touched with institutional democratization.

⁵ Institutional democratization refers to this shift in values, rules, skills, and interactions, favoring transparency, equity, responsiveness, accountability, and other traditional democratic values (Hodgson, 2006; McGill, 1997; OECD, 1996).

⁶ Local Governance Support Project- Learning and Innovation Component (LGSP-LIC) is a second generation pilot project of Local Government Division of Bangladesh Government, funded by UNDP, UNCDF, EC & Danida. And it is resultant from Sirajganj Local Governance Development Fund Project (SLGDFP).

divisions of the country,⁷ while the LIC learning and best practices are subject to be tailored in larger Local Governance Support Project (LGSP).⁸ Surprisingly feeding of LIC lessons to LGSP is yet to be demonstrated. Some of the LIC practices are, however, documented in the new Union Parishad Act that is inclined to shifting the focus from structural decentralization to institutional democratization. Unless the Act get supported by the pro-people rules & regulations and by the recommendations of this article, a balanced & nuanced view of decentralization, and integrated perspective on how to advance it will not be portrayed.

⁷ Sirajganj in Rajshai, Barguna in Barisal, Feni in Chittagong, Narshindi in Dhaka, Hobigonj in Sylhet and Sathkira in Khulna.

⁸ LGSP is functioning at Union Parishads all over the Bangladesh.

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Upazila Parishad: A Centre for Development or a Battleground of Power? A Contemporary Analysis of Conflicts and Controversies

Khandakar Al Farid Uddin

Introduction

Bangladesh has the parliamentary form of government; the prime minister is the chief executive of the country. He/she has council of ministers, who assist him/her in the duties depending on the bureaucrats. For the convenience of government and to run the administration smoothly, the country is divided into seven administrative divisions: Dhaka, Chittagong, Rajshahi, Barisal, Khulna, Sylhet and newly formed Rongpur. Each division placed under a divisional commissioner. Subsequently each division is then sub divided into Zilas (Districts). There are 64 districts. The administration of each district is headed by a deputy commissioner (DC) assisted by other officials. Afterwards each district consists of several thanas (Upazila). There are 483 thanas (Upazila). Thereafter, thanas are unions, which are followed by several villages. There are about 4403 unions.

The divisional level is the highest tier of administration following the national level. The Divisional Commissioner plays a supervisory role over all the departments and agencies in the Division. The District has been the focal point in the administrative system. When construction is small scale, it falls under the jurisdiction of the Thana or Upazila administration. The administrative head of the Thana is known the Thana Nirbahi Officer (TNO) or Upazila Nirbahi Officer (UNO). The District and Thana/Upazila executives are assisted by a large number of officials as well as professional and technical personnel. The most important thing is that local government in urban and rural areas is entrusted to bodies elected by the people by competitive elections. Such bodies are known as Pourashavas or City Corporations and Municipalities in urban areas, and Upazila Parishads, Zila Parishads and Union Parishads in rural areas.

The Upazila Parishad (UP) is undoubtedly an important tier of local government, has significant potential to bring the government closer to the people. The Upazila Parishad Ordinance (1982) was promulgated with a hope to enhance the government to the grass root level. The UP

did not last long (1985-1991) and ended with the fall of the military turnmcivil regime headed by Lt General Ershad, which is recently declared ‘illegal government by the supreme court of Bangladesh’.¹ Recently in the age of democratic government after a 19 years pause, election has taken place in high spirits at the Upazila level in 2009, which turn over a new leaf in the history of democratic Bangladesh. When Bangladesh is over head and ears for functioning of the newly elected Upazila Parishad as a free and independent local body, the old issue of power sharing between the local MP and UP chairman once again came into existence. At present UP became a dead letter and the purpose of strengthening the local government went in vain by different conflicts and controversies among the UP Chairman, Vice Chairman, Members of Parliament and Upazila Nirbahi Officer (UNO).

The age-old Local Government: Evolution and Origin of Upazila Parishad (UP):

The local government system in Bangladesh is very ancient. Historically, local government always existed in Bengal. There is evidence of some forms of village self government in the oldest Hindu religious writing, “the Rig Veda” written in approximately 1200 B.C. (Siddiqui, 2005). From the medieval period it was called Panchayet. A ruler named Sher Saha had divided Bengal in the form of Pargana, which is an example of medieval local government.

Therefore, the current system of local government owes its origin to British colonialism in the sub-continent. The Chawkidari Panchayet Act of 1870 was the initial step towards this direction and was designed to maintain peace in the village areas. Thus, the Local Self-Government Act 1885, the Village Self-Government Act 1919, as well as the Basic Democracy Order 1959 laid down the foundation of the system of local government in Bangladesh.

After Bangladesh was formed the new government of Sheikh Mujib abolished the old system and introduced Union Panchayet by an executive order (IGO, 1972) and later the name was changed to Union Parishad in 1973. After the changes of government in 1976, General Zia government promulgated a new local government ordinance, provided for a three tier system of local government i) Union Parishad for a Union, ii) Thana Parishad for a Thana, and, iii) Zila Parishad for a

¹ The Daily Bangladesh Potidin, 15-09-2010.

District. In 1978, a new body was created at the village level called the Gram Sarkar (Village government).

In the march of 1982, General Ershad captured state power through a bloodless coup and Martial law was clamped upon the country. In July 1982 the Local Government Ordinance, the Swanirvar Gram Sarker (self-reliant village government) was abolished and a major change was also initiated through the introduction of the Local Government Ordinance in 1982 (Upazila Parishad and Upazila Administration Reorganization). As a result, 460 thanas of the country were upgraded and renamed as Upazila (Sub-district) in 1983 by an ordinance. Upazila as an upgraded form of thana was made the focal point of local development administration (*Md. Awal Hossain*). In 1991 the *Khaleda Zia government* abolished the UP by an executive order. In 1996, Awami League formed government with commitments in the election manifesto to develop a strong, decentralization, effective local government system but they didn't restore Upazila system.

Khaleda Zia government of 2001 to 2006 was in favour of introducing the Local Self Government and proposed Gram Sarker (Village Government) at village level. After that, the issue of strengthening the local government came up strongly during the two-year (2006-2008) long military backed or supported caretaker government (CTG) of Dr. Fakhruddin. This government promulgated the Upazila Parishad Ordinance in 2008 with an aim to conduct Upazila election and created a Local Government Commission. Subsequently, according to the ordinance, MPs were removed from the advisory role and two new elected positions of Vice Chairpersons were created (of which one must be a woman). The ordinance also reserved 30% seats for the women (*As Saber, S.N. & Rabbi, M.F. 2009*). Under this ordinance, election was held in almost all the 480 Upazilas of the country on January 22, 2009. Later, the newly elected Awami League government decided to revoke again Upazila Parishad Ordinance 2008 and scrapped the Local Government Commission. Accordingly, a bill was passed in the parliament on the 6th of April 2009 by reinstating MPs as advisors of the Parishad.

Constitutional and Legal Basis of Local Government:

In any democratic polity, local government is given legal recognition either by an act of Parliament or by incorporation of relevant provisions in the Constitution (*Khan, 1996: 1*).

Bangladesh's Constitution of 1972 clearly spelt out the legal basis of local government;

Article 9 of the Constitution provides “the state shall encourage local government institutions composed of representatives of the areas concerned” (*Ishrat Ali*).

Article 11 corroborates people participation, “the Republic shall be a democracy in which effective participation by people through their elected representatives in administration at all levels shall be ensured (*Ishrat Ali*).

Article 59, Chapter III of the Constitution states that, 'Local government in every administrative unit of the Republic shall be entrusted to bodies composed of persons elected in accordance with law' (*Pranab Kumar Panday*).

According to Article 59(1), the local government bodies in every administrative unit of the republic are the major actors of all sorts of local development works. Yes, the parliament has something to do for the local government and this is also defined in our constitution (*Md. Anwarul Kabir*).

Article 60 of the Constitution states 'for the purpose of giving full effect to the provision of article fifty nine, Parliament shall, by law, confer powers on the local government bodies referred to in that article including power to impose taxes for local purposes, to prepare their budgets and to maintain funds' (Constitution of People's Republic of Bangladesh, as modified up to 30th of November, 1998). (*Pranab Kumar Panday*)

Article 65(1) of the constitution, MPs are vested with legislative powers of the Republic and so their supreme obligation is to formulate, modify various legislations with a view to administering country in righteous ways following the people's aspiration as the Article 7(1) confirms that all powers in the republic belong to the people (*Md. Anwarul Kabir*).

Upazila Parishad act 2009, A SLAP to Democracy:

Upazilla Parishad is a downright useful institution for empowering people and strengthening democracy. Bangladesh has been striving to establish representative local government system which is closer to people, responsive to their needs and accountable for its deeds by UP. The caretaker government of Bangladesh promulgated the Upazila

Parishad Ordinance in 2008 and created a Local Government Commission to oversee the activities and performance of the Parishad. According to the ordinance, members of the parliament were removed from the advisory role of UP.

It is unfortunate that Awami League government under a new Ordinance and legislative framework decided to restore Upazila Parishad Ordinance of 2008 and abolished the Local Government Commission. Subsequently, on 6th of April 2009 a bill was passed in the parliament, by which all efforts for empowering people and strengthening democracy fell flat.

As reported in a national daily, according to clauses 1 and 2 of Article 25 of the Act, MPs will be advisors of their respective UPs and their advices should be treated as mandatory as ascribed in the original UP Act 1998. Besides, as per these clauses UPs must not communicate with the government directly without prior notice to the concerned MPs (*Md. Anwarul Kabir*).

Moreover, the clause 27 (kha) of the Act dictates that after each session of the UP, minutes of the session must be submitted to their respective MPs within 14 days. In essence, instead of nurturing democracy, this Act has made UPs fully accountable to their respective MPs. This, in turn, will promote the autocracy in the psyche of the respective MPs in the UP (*Md. Anwarul Kabir*).

According to the new act of 2009, Upazila Nirbahi officers will be the presidents of standing committees instead of secretaries.

The circular gives the UNO the authority to prepare a number of reports as well as the Annual Confidential Report of the council officials.

UP is obviously crucial for strong local government for strengthening democracy at the grass-root level as well as in the national level. Needless to say that Upazila system was introduced to ensure people participation in the activities of government through their elected representative. But unfortunately after promulgation of Upazila Parishad Act 2009, UP has now turned into a decorative tier of local government which is undoubtedly a slap for our democracy.

Conflicts and Controversies Regarding Upazilla Parishad:

The controversy over the power of the Upazila Parishad has generated serious debate in the political and civil arenas of Bangladesh. As a result

meetings, seminars, symposia, rallies, press conferences and even litigations in the court of law are taking place. With the advent of Upazila Parishad act 2009, it became talk of the town. Still this issue is a hot cake in the table of discussion. This conflicts and controversy is not new. If we look backward, the history of UP has amazing conclusion in all regimes. The policy makers are always between cup and leap regarding UP.

‘Professor Mohabbat opined that former-president Hussain Mohammed Ershad took the idea from the report and he used the idea in order to enable his own gain, like Ayub Khan’s basic democracy.’ Professor Mohabbat also added, ‘When Ershad failed to get political affiliation at the national level he introduced Upazilla to get validation in politics from the grass root level’.²

Debate and discussion continued throughout the decades about Upazila system. At the very beginning people evaluate Upazila as a politics of Ershad to stay in power for long time.

Husain Imam, a columnist said, “IF General Ershad in his nine-year military, quasi-military rule did one good thing, it was his introduction of the Upazila system. At that time, his critics thought it simply a ploy to consolidate his autocratic rule all over the country, the way Field Marshal Ayub Khan tried by introducing the so-called “Basic Democracy” in the country. Whatever might have been the intention of General Ershad, the system worked for the better”.³

‘Unfortunately, after the formation of Upazillas back in 1985, it was not implemented positively; rather it was a political move. For this reason a conflict between Upazilla Chairmen and MPs materialised,’ explains Professor Zarina Rahman Khan from the Department of Public Administration, Dhaka University.⁴

In 2009, elections are certainly more important because the rules have been changed and give the elected chairman the final say over matters concerning his Upazilla. The local MP is removed from the advisory position and will not be permitted to assert any dominance over the matters of Upazila Parishad any longer. This means that a local MP

² Government Matters: Dyuti Monishita and Mohiuddin Alamgir, New Age Extra, January 23-29, 2009.

³ Resuscitating Upazila Parishads, Husain Imam, Bangladesh Today, 04-06-2009.

⁴ Government Matters: Dyuti Monishita and Mohiuddin Alamgir, New Age Extra, January 23-29, 2009.

might even have to work with a chairman who supports, or is a member of a rival party. But unfortunately present government amended Upazila Ordinance and made MPs the advisors of the Parishad which increases the complexity of the Upazila Parishad.

At present there are 3 (three) types of conflict in the Upazila System, these are the following:

- i) Member of Parliament (MP) versus Upazila Chairman: MP thinks themselves as the boss or superior in local government. On the other hand Upazila Chairman considers MP as a competitor.

Harun-ur-Rashid Hawlader, convener of Bangladesh Upazila Parishad Association and chairman of Dumki Upazila under Patuakhali said, 'Bureaucracy and the superior attitude of MPs towards the Upazila is democracy's enemy in the country'.⁵

Upazila Chairman of Chandpur Sadar M. Yusuf Gazi in a reaction stated that so approved Upazila Parishad Act did not open the opportunity for Upazila Chairman to pay respect at the graveyard and attend at the invitation at the dinner without the approval of the MP.⁶

- ii) Upazila Chairman versus Upazila Nirbahi Officer (UNO): Upazila chairman argue that UNO don't co-operate with the UP bodies. They deny their instruction and they have nothing to say in the Upazila administration.

Abdul Mazid Photo, convenor of the Upazila Chairman Oikya Parishad and chairman of Saturia Upzila under Manikganj district said in a press conference,

"The UNOs don't coordinate with the chairmen and vice- chairmen for accomplishing any work of the Upazila and this attitude undermines the image of the elected representatives,"

Photo also said, "The UNOs are doing all development works of the Upazila consulting with the local MP and the role of Upazila chairman and vice chairman are only the audience".⁷

On the other hand, Upazila nirbahi officers (UNOs) 'do not like the idea of working under the authority of the chairmen,' according to official sources.⁸

⁵ The New Age, July 23-29, New Age Extra.

⁶ Weekly Holiday Metropolitan, 24-04-2009.

⁷ Bangladesh Today, 22-08-2010.

iii) Vice-chairman versus Upazila chairman and UNO: Vice-chairman is one of the crucial positions of the UP but they have conflict somewhere with the chairman and somewhere with the UNO. Vice-chairmen are sitting idle as their task is not specified in the new law.

Biswanath Upazila Parishad vice-chairman Angura Begum said, ‘I am elected by 55,000 votes not to sit idle. If the new rules do not specify the task of vice-chairman, it is absolutely unacceptable as we are committed to work for the people’.⁹

Other way, vice-chairmen are not getting any position in the Upazila administration because of non co-operation from the UNOs.

Noor Alam, vice chairmen of the Mongla Upazila in Bagherhat district said, ‘Bureaucrats are another hindrance as, according to the law, at least 14 committees need to be chaired by the vice chairmen. But in reality, nothing of the sort exists’.¹⁰

Nowadays, the decentralisation of power to the Upazila levels has been a topic of debates over the years. There are significant movements by local government representatives, various discussions amongst civil society members, government and non-government institutions, researchers, policymakers, practitioners and donors.

While the constitution of the country guarantees the decentralisation of authority to local government but unfortunately it continues to be hindered by the lawmakers, bureaucrats and government authorities.

“The objective of the constitution, is governing of the local areas by the local representatives which was also observed in the case of Kudrat-E-Elahi Panir Vs. Bangladesh in the following terms: "It is meant for management of local affairs by locally elected persons. If government officers or their henchmen are brought to run the local bodies, there is no sense in retaining them as Local Government Bodies (Ershadul Alam)”.¹¹

In the same way, “the High Court on 08-11-2009 has asked the government why the MPs should not be removed as advisers to the UP, a local government body.

⁸ The New Age Bangladesh, 06-05-2009 , via www.bd64.com

⁹ Ibid.

¹⁰ The New Age Bangladesh, New Age Extra, July 23-29

¹¹ The Daily Star, 21-08-2010.

The bench of justices Mohammad Anwarul Haque and A H M Shamsuddin Chowdhury issued the order on a petition filed by three Upazila chairmen of Manikganj. It asked the government why the provision of appointing the MPs as advisers to UP and their approval in the planning of development programme should not be declared illegal. It also asked the government why the provision of keeping the UNOs presidents of standing committees instead of secretaries should not be declared illegal”.¹²

The local-level representatives alleged that in spite of strengthening the local government, the bureaucrats and the people’s representatives are more inclined towards crippling the important local bodies and the representatives’ workforces due to their corruption and financial interest.

In fact, the allotment of Tk.15 crore to each MP and implementation of some projects by the UNO are schemes for empowering the central government where as the existence of local government is under threat. Such in-cooperative attitude of government clearly states that government or the political parties are not friendly to strengthen the local government.

“Most of our allocation is gobbled up through corruption as we have to manage Upazila officials for the cheques,” says Ataharul, a UP chairman. He also alleged that allocation for their office is being ‘gripped’ by the lawmakers although lawmakers have ‘special allocation’ for ensuring the implementation of their activities. From 381 tonnes of TR as general allocation for my area, around 100 tonnes were taken away by the local lawmaker and Awami league leaders”.¹³

The elected local government representatives are also annoyed with the fact that the Upazila chairmen do not have any authority of appointment and disciplinary actions, if needed, against the officials either deputed to or placed at the disposal of Upazila Parishads, according to the UP Chairman and Vice-Chairman (Responsibilities and Financial Facilities) Rules 2010. They also don’t have the scope to evaluate the performances of Upazila level civil servants through annual confidential report (ACR).

Recently, the UP Chairmen are giving ultimatum to the government to resolve the problems of Upazila otherwise they all together will resign

¹² Dhaka, 08-11-2009, bdnews24.com

¹³ The Daily Star, 31-08-2010.

from their position. On the other hand UNOs are also expressing same ultimatum to the government. In this circumstances government formed a national committee where cabinet secretary Abdul Aziz NDC is the chairman, to resolve this problem. It is listened from a source of ministry that UNOs are the victim by executing MPs order. UNOs have nothing to do because MPs are giving them various development lists (Bangladesh Potidin, 23-08-2010).

These are the present scenario of our local government system. Local administration is facing problems as the local administrators and lawmakers were holding meetings following the directives from the central administration by avoiding the Upazila chairmen. Interestingly enough, the most important thing is that each side fears that interference from the other side might debar them from fulfilling their commitments.

Argument in Favour or Against:

There are lot of argument in favour or against these conflicts and controversies; some significant arguments are pointed out below.

The people vote for MP and make them policy maker but MPs has an election mandate of local development. If they don't have any position in the UP they have limited scope of doing something for their voters.

Dr. Abul Kalam Azad is a Professor of Economics at the University of Chittagong opined that,

“The MP will make laws! In the National Parliament laws are legislated for the whole country -- not for any particular area. Why will the voters of a particular area vote for a person who will make laws for the whole country?”

If the MPs are removed of power to manage the development works of their respective constituencies, they will lose the local acceptances of the voters in their own constituency.

Local government is the government-below or a government which is organised locally. UP is about local leadership, building strong communities and ensuring the wellbeing and an institution for empowering people and strengthening democracy.

Ershadul Alam is an advocate and researcher said,

“Participation of the chairman in development activities is necessary as he, being a resident of the locality, is aware of the

kind of development projects needed for the area within his jurisdiction. The chairman can also play an active role in establishing rule of law in his area”.

Similarly Professor Zarina Rahman said, “MPs will concentrate on foreign policy, economy, law-making and Upazilla Chairmen will concentrate on social and cultural development, and building roads, bridges, and culverts on a local level”.¹⁴

The Chairmen maintain a stronger and direct relation with the common mass. A notification empowered the UNOs to be the Chairman of Law & Order Committee for concerned Upazila. Question may arise who knows better the law & order situation in an Upazila? Chairman or UNO? It's obviously the Chairman who has a continuous, close and stronger relation with each of the villages of his/her Upazila”, said by Md. Isharat Ali.

The Upazila Nirbahi Officer (UNO) is a representative of the central government in the local government. UNOs have to prepare budget, plan for development, prepare project documents, implement projects, must go through the auditing process and so on.

Kazi S.M. Khasrul Alam Quddusi expressed,

“The UNOs, who are representatives of the central government at the Upazila level, have definitely been doing a superb job of coordinating the activities of various departments at the Upazila level. The level of sophistication of most of the UNOs is also highly commendable”.

To implement the central government development plans successfully and smoothly the role of UNOs undoubtedly significant.

Dhiraj Kumar Nath said,

“There is no apparent legal reason to such a motion except downgrading the bureaucracy to the dust. It is true whenever bureaucracy is undermined, efficiency must be comprised which eventually shatter the image of a government”.¹⁵

Whatever might be the argument in favour or against, the recent rows over powers or hierarchy in the Upazilla have weakened this institution.

¹⁴ Government Matters: Dyuti Monishita and Mohiuddin Alamgir, New Age Extra, January 23-29, 2009.

¹⁵ Weekly Holiday Metropolitan 24-04-2009.

If this conflict of interest is not ended, the whole institution of local government could collapse and the development goal of central government will go in vain.

Recommendations:

Local government is organized on the spirit of decentralization, is obviously a subsystem of greater political system of a country which has roots of democracy. Bangladesh is a multi party democratic country and all the activities of the country depend on the candour of the political parties. If political party want, they can take any initiative to make a strong local government body like Upazila Parishad. The ruling political party has two third majorities in the parliament, they can easily take any attempt to strengthen the Upazila Parishad. It is just the political will of the government. On the contrary the opposite political parties have to raise their voice in the favour of Upazila chairman and have to force the government to solve the ongoing problem of Upazila Parishad. There must be a national consensus among the different power holders. Without democratic setup at the national level, the government institutions both central and local, cannot grow and develop in the real.

Professor Anwar said,

“If we want a strong and effective local government, then political will is a must and in order to achieve smooth democracy, the practice of local government is also a must”.¹⁶

The objectives have to improve local government performance is essential through a stronger financial position and increasingly effective public service delivery, financial administrative and managerial capacity. Local capacity is one of the most important factors creating a well-functioning UP services.

Professor Mohabbat said,

‘We need self-local government, but not the kind of local government where bureaucrats and central government control every aspect of the local governments. If we want a strong local government, then infrastructure development and economic solvency is obligatory’.¹⁷

¹⁶ Government Matters: Dyuti Monishita and Mohiuddin Alamgir, New Age Extra, January 23-29, 2009.

¹⁷ Ibid.

Civil service reform is usually a supporting strategy for strengthening the local government operations. Reform of the civil service therefore is the process of modifying rules to obtain a more efficient, dedicated and performing local government. To implement the central government master plan civil servants have to be cordial and friendly with the Upazila chairman.

Another important thing, interferences of the central government in the local government issues should be clearly and permanently removed.

Professor Zarina clarified, 'Local Government Rural Development (LGRD) Ministry will not interfere in the works of the Upazilla for the better function of the local government'.¹⁸

As a matter of fact, the authority and responsibility of local self-government bodies should go hand in hand. Their day to day working must be free from official direction and they must have the power to initiate any development project without any complexity of central recommendation.

Decentralization of powers and functions to local government bodies should not be in paper rather specific policies and directions should be triggered or in action for strong local government bodies. In this way, officials and local leader's cooperation with each other can turn over a new leaf in Upazila Parishad. The central government should develop the physical infrastructure, transportation facilities, communication networks, roads, resource mobilize, supervise field personnel and distribute services, to carry out development responsibilities at the local level, which lead to an interaction among local and central government.

A policy of "sharing" or 'transfer' of functions and power between the center and Upazila Parishad is extended to the local government units. The center has to divert many more of its functions to the local government to make a strong and powerful Upazila Parishad. The central government must have to allocate appropriate resources technical support to the localities in terms of financial and human capital.

The most important thing is that the leaders in central ministries, MPs who are the critical players, civil servants, opposite political parties' leaders, interest groups and local units of administration should muster strong and have to work unitedly to resolve the ongoing conflicts and controversies regarding UP.

¹⁸ Ibid.

Conclusion:

There is an elaborate system of local government in the constitution of Bangladesh. Local government, as a political institution to ensure public participation in development activities is not yet take proper shape in Bangladesh. The local government like UP as we find it today is the collective result of years of change and evaluation. The disturbing element is that the experiments with the local government bodies started since the Pakistan period because of political reason and the experiment is usually reversed with the change of government. Since Independence in 1971, successive governments have tried to use the local government system for their own political interest. It's functioning suffer from some inherent inconsistency and the changing periodically for political expediency. The experiments never serve the purpose of the ruling elites as well as the locals on a long-term basis. The successive governments in Bangladesh have simply twisted the inherited local bodies to suit their political will. The net result is that, local bodies turn it to an unstable, useless, ineffective, futile organization.

UP might contribute significantly to make the country poverty free, grow it as a middle income nation, help to accomplish millennium development goal (MDG) and these growing successes lead us to build a better Bangladesh. Decentralization of administration and power through UP is a top political priority but we see here that the executive branch, legislative and local officials are its primary opponents. Sensitive and important policy like UP needs support of the larger part of administrative and political system. Now it is the necessity of the situation to give off all conflicts and work together for wellbeing of the people as well as the country.

Mohoshin Abbas, a Columnist expressed his feelings regarding ongoing conflicts in this way, "Now the challenge for the government would be balancing the rights between MP and Chairman in the parliamentary constituency. If government failed to do so, the administrative and development system could be a total mess..... Present government has the mandate from the people to do anything for the nation; the government should be attentive on this issue. Strong local government is essential for better democracy".¹⁹

¹⁹ Strong Local Government for Better Democracy, Feature Article by Mohoshin Abbas, January, 2009.

Some analysts think that the resultant conflict between the MPs and the chairmen is now the major obstacle to strengthening the local government system. Each side fears that interferences from the other side might debar them from fulfilling their commitments. This is admittedly the sway of the argument about Upazila Parishad.

In these circumstances Md. Anwarul Kabir appealed,

“As a conscious citizen of the country, I would like to draw the attention of the honourable Prime Minister in this respect..... as the leader of the house, she would ask the Parliament to review newly adopted UP Act 2009 in light of people’s expectation and make necessary amendments with a view to making the law democratic one. Otherwise this will open a black chapter for the government”.

The sooner we understand the truth, the better we will practice democracy. The Bangladesh Upazila Chairmen’s Forum convener, Muhibur Rahman said, “There was a kind of smear campaign against upazila chairmen so that the local government system could be proved ineffectual and could ultimately be abolished”.²⁰

Without a long term vision and a consistent government policy the attempts to restructure and strengthen the local government system is bound to end in failure. Besides, it is hope that the ongoing struggle of Upazila Chairman for empowering local governments will be able to bring about significant change in the structure. Even if they will have a partial success, there will be some achievement in favour of local body emancipation.

²⁰ The New Age Bangladesh, 06-05-2009, via www.bd64.com

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