

## **Inquire for Effective Local Government in Bangladesh: Present Obstructions and Recommendations**

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### **Abstract**

Local government is the most vital institution of a country, and overall development of a nation depends on its effectiveness. Democratically elected local representatives are responsible to deliver services to the people as per legislation made by the local council, which are consistent with the national policy. Unfortunately, we reveal that our local government has gone through many changes and experiments over 41 years since independence but the local government are not yet shaped itself as an effective organizations in true sense. As a result, people's participation in the development activities, accountability of representatives to the people and transparency of administration are absent. This article aimed at pointing out the reasons to keep the local government in a state of a continuous ineffectiveness over the decades such as the weakness of laws, conflict of authority exercises by the local representatives and MP's and most of all corruption that make these bodies ineffective and unaccountable. To make the effective decentralized local government these problems are required to be resolved. Therefore, the article recommends a comprehensive reform strategy for strengthening local government system to ensure good governance.

### **1. Introduction**

Local government is the result of decentralization of power, which is an important factor of good governance. Socio-economic and political success of a country depends on the effectiveness and efficiency of local government. The institution of local government can help to establish democratic process and practices as well as ensure participatory development at grass roots. Empowerment of local govt. in terms of finance, personal management, delivery of services and its accountability are indispensable to make it effective. Local government of Bangladesh provides few services compared to the developed nations. Because the power of local government is concerned with legal authority, financial autonomy, central local relationship, personality and politics. Since independence number of attempts had been made to reform from the point of political consideration not to make them truly decentralized. Bangladesh is still under experiments and exercise limited functions as they depend on central government's grants to run their business.

### **2. History of Local Government Institutions in Bangladesh:**

Historically local government existed in the territory of Bangladesh since British colonial period, which were designed and created for their colonial trading interest. Laws /Ordinances have been made to form local bodies at village, Thana, District and Divisional level from time to time. Since inception the local government institutions have undergone frequent changes in their functions and responsibilities.

#### **2.1. History of Local Government before Independence:**

The British in India in fact gave local government a legal shape with municipal administration system for the first time in 1973. But, prior to that, an identical system of local village society did exist in India, where Gram Panchayet (local government village tier) had a significant role. In the gradual development of the system, the Bengal Act1842 and Municipal Act 1850 were introduced.

The 1885 Bengal Local Self- Government Act introduced a local government system based on three tiers, the Union Board, the Local Board and District Board, and established the Union Committee, which is the basis of today's lowest tier of local government, the Union Parishad (UP). The number of tiers has been modified several times since British rule, varying between two and four tiers of local government.

During the British rule the Bengal village Chowkidari Act was passed in 1870 with administrative, economic, and political objectives. This paved the way for setting up local government body under the law. Under this Act several villagers were organized into a Union and Chowkidari Panchayet (Organization) was set up in each Union. The Chowkidari Panchayet had five members who were appointed by the government for three years. The Panchayets were responsible for appointment of Chowkidars (Village police) for maintenance of law and order.

The Bengal Village Self-Government Act of 1919 abolished Chowkidari Panchayet and Union Committee and in their place set up Union Board and District Board. Two third of the members of Union Board were elected and one third nominated. The system of nomination was abolished in 1946. The main function of Union Board was maintenance of law and order, roads and bridges, provision of health care, charitable dispensaries and primary school, water supply and assistance to the District Board.

The local government system got a stronger foundation when 118 Municipal Boards were formed in Bengal in 1947 after inclusion of provisions relating to a newer system of social arbitrations, conservancy activities and appointment of Chowkidars (Guards) for maintaining security in villages and towns.

During Pakistan period under the Basic Democracy Order of 1959 local government bodies were set up at four tiers viz. Union Council at Union level, Thana Council at Thana level, District Council at District level and Divisional Council at Divisional level.

In 1972, the local government system got a newer magnitude in independent Bangladesh. After independence of Bangladesh in 1971, the Constitution of Bangladesh emphasizes the need for establishing local government with a representative character.

There are two types of local government settings in Bangladesh, rural and urban. Then a decision was taken to strengthen local government institution at 3 levels in rural area, which is Zila (district) Parishad (office), Upazila Parishad, and Union Parishad (UP). At the urban level, the six largest cities have City Corporation status, while the rest are known as Pourashavas or Municipalities. These bodies are entrusted with a large number of functions and responsibilities relating to civic and community welfare as well as local development.

## **2.2. Local Government in Bangladesh after independence:**

As a result of the long history of struggle for freedom and democracy, Bangladesh saw the importance of developing a sound democracy and increasing people's participation in the political process, decision-making, and development of the country after it emerged as an independent nation. After the independence of Bangladesh in 1971, the Awami League government, headed by Sheikh Mujibur Rahman, brought the following reforms in the local government. First: the system of basic democracies was abolished and government bodies carried over from the days prior to independence were dissolved. Second: Public officials were authorized to form committees at different tiers of government to fill the void created by the termination of some government bodies. The committees created would, for the interim, perform local functions. Third: District governorship was introduced in 1973. This provided for a three-tier system with a directly elected Union Parishad (Council), a Thana development committee under the control of the sub-divisional officer, and Zilla Parishad under the control of Deputy Commissioner. The Awami League government led by Sheikh Mujibur Rahman did not hold elections to the higher-level councils, nor did it

take any measures to devolve authority to any of them. There was a substantial lack of political and behavioral support among Awami League leaders for democratizing local government in Bangladesh.

The BNP government headed by Ziaur Rahman played a critical role in reviving the local government institutions in Bangladesh. The Local Government Ordinance 1976, promulgated by Zia, created Gram Sabha (village councils) in an attempt to decentralize government down to the village level. The Local Government Ordinance 1976 made provisions for the formation of three types of rural local government, Union Parishad, Thana Parishad and Zila Parishad. But the government retained much controlling power over the UPs in that its prescribed authority, i.e. SDOs (Sub-division Officer) in the case of UPs, could veto any of UPs decisions.

The decentralization scheme implemented under Ershad's government was the most ambitious attempt in the history of Bangladesh to bring responsible government to the local level. The government adopted a resolution on 23 October, 1982 to recognize the administration at thana level. But, there were some major problems with this scheme of decentralized administration. First, the electoral system tended to represent only the wealthiest and most influential members of society. Second, the sub-district councils were designed to create and implement development activities in their areas, but they were typically slow to draft five-year plans or carry through broad-based development efforts. Third, civil service members have often been slow to cooperate with elected members of local committees. Finally, the entire system of decentralized politics was viewed by opposition politicians as a patronage network designed to attract local elites to the party of the regime in power instead of furthering decentralized democracy, the system only strengthened the national party controlled from central level.

In 1991, the BNP (Bangladesh Nationalist Party) government appointed a high-powered 'Local Government Structure Review Commission'. The recommendations of the commission were required to be consistent with institutional provisions on local government as laid down in Article 59 and 60 of the constitution of the twelfth Amendment of the Constitution in 1991.

When the Bangladesh Awami League Government led by Sheikh Hasina came to power in 1996, it formed a high-powered Local Government Commission in 1996, to suggest viable local bodies based on the principles of local democracy. The Commission recommended a four-tier local government structure including Gram/Palli (Village) Parishad at village level, Union Parishad at UP level, Thana/Upazilla Parishad at Thana level and Zila (District) Parishad at District level.

The four-party alliance government led by Begum Khaleda Zia in 2001 initiated a change in the local government structure. Gram Sarkar in place of Gram Parishad had been introduced. These bodies were created at the Ward levels. Each Gram Sarkar (GS) represented one or two villages comprising about 3,000 people at an average. The UP member elected from the Ward was the Chairman of the GS, which will have other members - both male and female - elected in a general meeting of the voters of the Ward under the supervision of a chairman of Gram Sarkar.

### **3. Constitutional Basis:**

The unique feature of the Constitution of Bangladesh has made a specific provision for strengthening local government by upholding the democratic spirit and practices. This uniqueness was recognised by the Appellate Division of the Supreme Court in Kudrat-E-Elahi vs Bangladesh case. The framers of the Constitution have included, among others, the provisions for promotion of local government institutions and democracy in Part II, under the heading of "Fundamental Principles of State Policy." Article 9 says, inter alia,

“The State shall encourage local government institutions composed of representatives of the areas concerned”. The Constitution of Bangladesh, inter alia, says “The Republic shall be a democracy in which effective participation by the people through their elected representatives in administration at all levels shall be ensured.”

In order to give effect to the above fundamental principles of State Policy, a new, separate Chapter (Chapter III of the Constitution) about local government has been included, containing two Articles. Article 59 emphasized about necessity of local government and article 60 is about powers of local government bodies (Tax impose etc.). The articles are given below:

59. (1) Local government in every administrative unit of the Republic shall be entrusted to bodies, composed of persons elected in accordance with law.

60. 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.

Unfortunately, the provisions of local government in Bangladesh Constitution were removed at the stroke of a pen by the Fourth Amendment. The entire Chapter II of Part IV of the Constitution, dealing with local government, was deleted. With this, the democratic provisions in Article 11 – “effective participation by the people through their elected representatives in administration at all levels shall be ensured” – were deleted as well. Those provisions remained repealed for a period of 16 years from 1975. Although the above provisions were restored in 1991, by the Twelfth Amendment, no proper and effective steps have been taken by subsequent governments to make local government stronger, democratic and autonomous.

Historically, there has been no consensus or agreement on major issues between the government and the opposition. If the government says one thing, the opposition will say the other thing. They literally fight each other on the streets! That having been said, it is interesting that the government and opposition appeared, in previous Parliaments, to have united in passing laws to control and reduce the power of local government. The government always appears to control local government through civil servants and Members of Parliament (MPs).

#### **4. Existing Problems of Local Government in Bangladesh**

The local government bodies had never been, in independent Bangladesh. They could simply be labeled as an extension of the central government with guided and limited local participation. Consequently, local governments have always been institutionally weak, poorly managed and lacked social and political credibility.

##### **4.1. Lack of empowerment of Local Government**

There is no constitutional guarantee for local government to work independently. Limited powers, functions and jurisdiction of local government are all delegated by central government, which retains a high degree of overall control in both rural and urban areas. This effectively limits the autonomy and efficiency of local government. As a result local government composition changes with the changes of central government. Even government abolished a well established local government (Upazila Parishad) only for political motive.

##### **4.2. Excessive Controlling by Central Government**

The local government bodies have virtually no power to plan and execute development actions or to formulate their budgets independently. They are subject to control in various matter by central government, such as:

(a) The National Government exacts legislation on local bodies and formulates detailed rules related to conducting of election, business, powers and duties of chairmen, assessment of taxes, preparation of budget, making of contracts, appointment and service matters of local government employment, accounts and audit and many other important areas. The Central Government has the final authority in the determination of the size and boundaries of the local body's territory;

(b) The Central Government has the power to decide on the structure and composition of the local bodies. The Central Government substantially controls the personnel system of local bodies, particularly the appointment of the Chief Executive Officer in City Corporations and Pourashavas as well as other officials;

(c) The Central Government controls the functional jurisdiction of local bodies. Besides, designated functions (as in ordinance), the government can assign any other function to a local body. Inter-institutional disputes within local body areas are to be settled by the Central Government;

(d) In the field of finance, government supervision and control are wide and strict. In addition to financial control in general, the central government can wield power by reducing or enhancing Grant-in-aid to local bodies, even to city authorities like Dhaka;

(e) The Central Government asserts control and supervision over general administration of local bodies, including large City Corporations. The central government may order an inquiry into the affairs of a local body generally or into any particular affair either on its own initiative or on an application made by any person to the government;

(f) The Central Government has the power to dissolve a local body on charge of gross inefficiency, abuse of power, or inability to meet financial obligations.

(g) In addition, the central government also exercises substantial financial and administrative control over the local government institutions in different ways. The above facts reveal that the local government units in Bangladesh are being constantly controlled by the national government through various mechanisms for almost every aspect of their operation.

#### **4.3. Controlling by the Administrative Official for the lack of check and balance:**

There is also lack of check and balance system in the local government of Bangladesh. Here the chief executive is overall in each local government units. As the power of the members of local government's council is limited, they cannot make chief executive accountable. According to the constitution, the government should encourage the local government institutions instead of controlling them, but administrative officials run some local government institutions, which is a violation of the constitution. Although laws allow the institutions to realize holding taxes, it cannot be possible because of the order of executives.

#### **4.4. Problem arising from the conflict between Local Government bodies with MPs:**

There are three tiers of rural local governments at present: Union Parishad, Upazila Parishad and Zila Parishad. Among them only Union Parishad is effective with limited activities. Though Upazila Parishad election was held in 2009, it is struggling to be effective. There are two possible explanations for this. First, political parties are unwilling to decentralize power at grass, root level as they feel fear of losing local power base. As a result, the Upazila Parishad act has been changed to accommodate members of parliament to exercise power at elected Upazila Parishad which has created a dead lock between elected Upazila chairman and members of parliament. Secondly, bureaucratic resistance is another obstacle to be an effective Upazila Parishad as bureaucrats will lose powers in many areas, which they are holding currently. For example, UNO (Upazila Nirbahi Officer) is to work under Upazila Parishad as secretary, which is a prestige issue

for them. Similarly, there is provision of elected body at Zila Parishad according to Zila Parishad Act, 2000. In reality, there is no elected body at Zila Parishad and it is run by central government staff, which cannot be called a local government.

As of the history of local government system of Bangladesh, grassroots were never empowered in terms of financial control, administrative activities and project preparation and implementation process; though these are more informed about local needs than other institutions. And these bodies have the potentials to be the best service providers in terms of development that includes health to education, infrastructure management to resource mobilization and technology use to social motivation. But these bodies always run under the supervision of central government representative, controlled by the bureaucracy. Presently those local government bodies are going to be handled by the MPs in many ways. It seems that, in center, government has the absolute majority in parliament and the parliament is in a process to establish the MPs as powerful supervisors over the local government bodies under their respective constituencies. By doing this, in fact, the government and the parliament are going to establish 300 autocrats around the country.

Conflict between the Upazilla (sub-district) Council Chairmen (UCC) and the Members of Parliament (MP) is a much talked about issue in Bangladesh now. It was expected that government and the lawmakers would ensure the rights of local governments as per the direction of Constitution. But it has been observed that neither the government nor the lawmakers empowered local government representative in a proper manner.

#### **4.5. Interruption of Politician**

As per the available information parliament is in a move to give MPs almost absolute supervisory authority to UP, UC and municipality activities, which could lead the MPs to be the ultimate administrator of Local Bodies. Through the frequent amendment of Acts, the superiority of MPs is being increased over the Chairman & vice Chairman of Local bodies which would drive it into dysfunction/mood and ineffective nature. Besides, UZP and UP, the Paurashova are also under consideration to be controlled by MP and they would be the advisor of this body. The drafts of Paurashova Act-2009 are being prepared which allow the MPs as supervisor of Paurashova. According to this Act all the Chairmen, Vice-Chairmen and members are supposed to follow and implement the advice of the MP. Besides, the Chairman of UZP could not communicate to the government except the permission of MP. If they communicate to the government, that must be informed to MP within 14 days.

#### **4.6. Lack of financial autonomy:**

Local governments need adequate finance for its effective service delivery and operation. In Bangladesh, local sources of revenue are taxes, rates, tolls, fees, investment, loans, owned property that are considered as inadequate. Local Government bodies are compelled to take central government at almost every aspect of Union Parishad. Local self-government in Bangladesh is in constant shortage of funds. As a result, local governments are dependent on central government's grants like other developing countries, which are for specific purposes (block grants) and cannot be used for concerned local governments needs. Almost 60 percent of local revenue comes from central government grants. Local governments own sources of revenue are 35 percent, which is collected from local tax, fees, rates and tolls.

#### **4.7. No autonomy in expenditure for the effective functioning of Local Government:**

Among the local governments, City Corporation is highly dependent on central government grants followed by Zila Parishad, Municipalities and Union Parishad respectively. Central government gives development grants to local government under Food for Works Program, Test Relief Program that are implemented by different agencies of central government such

as Local Government Engineering Department (LGED), Agricultural Department. For example in the case of Union Parishad, the task of this unit of local government is to select project, which is approved by central government bureaucrats and executed by project implementation Office of Upazila Parishad. Even local governments staffs salaries are partly financed through government grants. As a result, local government cannot work independently. Most of the local government money is spent on infrastructure development (roads, bridges, buildings), which range from 65 percent to 75 percent, followed by expenditure on wage and salary about 15 percent. So, there is a relationship exist between government grants and expenditure as government grants are conditional which are spent according to central government directives.

#### **4.8. Improper Personnel Administration:**

There is also a volatile situation in the personnel administration of local government in Bangladesh. There is no separate local government service to see the personnel matter of local government. Local government's personnel are recruited, promoted and transferred by central government and local government has little authority regard to personnel management. For example, Union Parishad has one secretary and village police. The secretary is selected, recruited and transferred by Deputy Commissioner (a bureaucrat and Chief executive of a district) and other central government officials. Similarly, in City Corporation, chief executive officer, engineers are central government staffs. City Corporation can recruit class II and III staffs where selection committees included central government staffs and recruitment is based on the approval from central government. As a result, local governments could not develop a personnel administration as their own who can manage their affairs autonomously. The paradox is that central government staffs can be posted to local government but local government staffs cannot be posted to central government offices. Moreover, corruption and mismanagement are widespread phenomenon in staffs' recruitment. Recruitment is conducted in terms of personal favor, bribe, political linkage, nepotism etc.

#### **4.9. Lack of Training:**

There is also no integrate training program for local government staffs. There is only an institution named National Institute of Local Government (NILG) is responsible for training of local government personnel. But its capacity is limited in terms of fund and for lack of adequate trainers to train large number of trainee. To solve this problem, a team in each Upazila is established consisting of government officials who have received training form NILG to train local government personnel. However, effectiveness of such training programs is in question as local governments is still running with inefficient staffs.

#### **4.10. Lack of accountability and transparency:**

The transparency of local government in Bangladesh is also hampered by proper mechanism on a nationwide scale. The capacity of Monitoring and Evaluation Wing of LGED is weak to monitor all the local governments. Local governments are also under the supervision of central government staffs such as Deputy Commissioner (DC), Upazila Nirbahi Officer (UNO), and Assistant Director of Local Government (ADLG) through inspection and investigation. However, their supervision is authoritative in nature rather than ensuring accountability and transparency. The Right to Information Act was passed in Parliament in 2009 to ensure information to people. However, disclosure of information is hindered by lack of initiative and bureaucratic unwillingness.

#### **4.11. Lack of people's participation:**

There is lack of people's participation in local government activities. The participation of people is limited only on the right to vote and be voted in election and participation in different committees. The participation in different committees is not based on a fair way rather on personal or political linkage.

As a result, supporters of elected bodies (chairman and members of local governments) are appointed as members of such committee, even though people with dishonest background. Honest people have little interest to be elected as a representative or selected as committee members because of vicious circle of dishonest people and bad image of local government for limited activities and corruption.

### **5. Recommendations for an effective Local Government:**

With a view to developing an effective and efficient local government truly decentralized, institutionally effective, financially viable, participatory, gender sensitive, transparent and accountable governing bodies, the following issues should be taken into consideration;

- i. Constitutional guarantee of local government need to be ensured for an autonomous local government in Bangladesh. Local governments also should be given the power to enact laws within their jurisdictions.
- ii. Introduce check and balance system to ensure accountability of chief executive as well as local council through control by each other.
- iii. National budget for local government budget need to be formulate based on hearing the needs and resources of local government through a participatory process.
- iv. Efforts should be made to establish leadership forum for the local government elected representatives to serve as a platform for exchange and sharing of information regarding development and other activities impacting on the community and bilateral negotiation with the central government.
- v. In order to ensure objective distribution and allocation of national government funds to the Local government bodies, there should be a permanent Local Government Finance Commission. The Commission will also look after auditing and financial monitoring system of the Local Governments.
- vi. The importance of Zila Parishad as a local government is needed to be revised as currently there is no elected body in this tier. The activities of Zila Parishad can be handed over to Pauroshava/Upazila and a coordination committee can be established to perform the task of district wide development activities and there is no need of keeping staff idly and wasting of public resources. For example there are 25 staffs in each Zila Parishad and in total the number is 1525. Interestingly, the task of Zila Parishad is construction of roads, bridges that are not under other local governments, which is very confusing. As there is either Pauroshava or Upazila exists in the place of Zila Parishad, these activities can be distributed among respective municipalities/Upazilas. Moreover, Zila Parishad is given funds from immovable property tax and government grants, which also can be distributed, to Upazila Parishads.
- vii. Local governments are occupied with inefficient elected bodies as well as administrative staffs. The provisions to qualify for nomination are needed to be revised to attract qualified person as elected local governments' executive. A "Local Government Service" needs to be established for a unified personnel management of local government rather than posting of central government employee through deputation and transfer. In addition to that the competency of local government staffs can be improved through inter-transfer of personnel.
- viii. Moreover, recruitment in local government should be based on competitive examination to eliminate malpractices. Besides ethics and morale of local government employee should be built through proper training and compensation package. As a result, efficient local government personnel will be developed and retained through this process. They will continue to work in local government and will gain much experience and expertise.



In addition, initiatives should be taken to strengthen capacity of local government training institute in terms of adequate trainers, training methods and funds.

- ix. The central governments should handover the functions related to people daily lives to local governments on an incremental manner so that local government can develop its institutional capacity gradually, local democracy can be practiced, and people can receive service to their door-steps. Consequently, central government will be able to concentrate on national issues such as economic growth, reducing poverty, foreign affairs etc.
- x. 'Local government in every administrative unit of the Republic shall be entrusted to bodies, composed of persons elected in accordance with Law'. These provisions are not yet implemented in Bangladesh due to political motives. And every level of administration is not entrusted with people's representatives. This is due to; people's participation must be entrusted accordingly constitution and it is important to build awareness among people regarding the activities and benefit of local government. Besides, care should be taken in the nomination of member of different committees of local governments.
- xi. To ensure local government transparency in both administrative and financial matters, a "Local Government Commission" can be established according to previous recommendation of different reform committees/commissions. As a result, local government's matters such as recruitment of staffs, monitoring, investigation of activities, revision of acts etc. will be decided independently. Moreover measure should be taken to display the financial information of local government both at each office and website so that people can know what their local governments are doing.

## 6. Conclusion:

The effective functioning of a local government is a prerequisite for ensuring services to the people. To ensure proper services to people it is necessary to decentralize power and functions to local government as local people understand well of their requirements and problems and ways to meet and resolve them. When local governments will be established based on people's needs and aspirations it will turn into effective mechanism for the well being of the local people. Appropriate and effective steps are required to strengthen the local govt. so that they can exercise power to make budgetary allocation, imposing taxes for generating income, ensuring people's participation, planning development project and their implementation free of administrative and political interference. The Upazila Parishad has lost the characteristics of local government since MP's are authorized to advice on the activities of those bodies. The current law has created an ambiguity in role between MP's and Upazilla chairman and conflicting interest between bureaucrats and elected representatives made Upazilla Parishad dysfunctional. To materialize the dream of a democratic Bangladesh free from poverty, building of strong local government is a must. So, a necessary reform in the local government according to the spirit of the constitution is needed enormously to turn Bangladesh into a developed nation with the transformation of political system.

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