

**UNION PARISHAD AND LOCAL LEVEL DEVELOPMENT IN
BANGLADESH: PROBLEMS AND PROSPECTS.**

GIFT

A thesis submitted to the Dhaka University in Partial
Fulfillment of the Requirements for the Degree of "
Doctor of Philosophy" in Political Science

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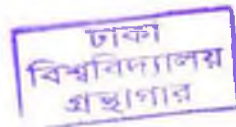
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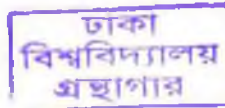
DECLARATION

I do hereby declare that the thesis entitled **UNION PARISHAD AND LOCAL LEVEL DEVELOPMENT IN BANGLADESH: PROBLEMS AND PROSPECTS.** prepared and presented by me to the Dhaka University in partial fulfillment of the requirements for the Doctor of Philosophy degree is an original work of mine which has been done during the study period. The thesis has not been presented in any other academic institutions for any degree or any other purpose.


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CERTIFICATE

This is to certify that the thesis entitled **UNION PARISHAD AND LOCAL LEVEL DEVELOPMENT IN BANGLADESH: PROBLEMS AND PROSPECTS**, in partial fulfillment of the requirement for the award of the Degree of **DOCTOR OF PHILOSOPHY** in Political Science prepared under my direct supervision by **SAROWAR HOSSAIN** has been completed during the period prescribed under PhD. Ordinance.

In preparation of the Thesis, he has widely consulted relevant library materials.

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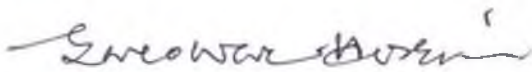
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Dhaka



(SAROWAR HOSSAIN)

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PREFACE

Bangladesh is rural in nature. It is one of the least developed countries in the world. Agriculture is the heart of Bangladesh-economy. The place of agriculture in the economy is well reflected in the proportion of contribution to the GDP of the country. No other sector separately comes anywhere close to this.

Union Paishad as local government has been identified as an institution for development throughout the world. The recent trend of decentralization adds more importance to the existing local government system. It is perhaps the most recent political realization and administrative development in all countries that the strengthening of local government is not necessary only for execution of governmental policy but also for involving people of society in the formulation of the development policies as well as in their execution Bangladesh is no exception to this.

At present, the term Union Parishad as local government is very significant for its character. It is more concerned with "social consumption" that is allocation of plots of land, regulation and provision of education, primary health and transportation and market stalls etc. Union parishad as local government is weaker than Central government, in case of resource allocation; job security and functionaries. Generally the Central government is found insensitive with the real needs of ordinary people. The Union parishad is subordinate to the Central

government. It however, enjoys a statutory status, it has the power to raise finance through taxation in the area under its jurisdiction; it has the freedom to act independently of central control. The most important aspect of the Union parishad is its scopes for development of democratic system. Democracy of local people in decision-making in specified aspects gives a major role to the local level government.

Union Parishad can help speed up the decision making process and provide prompt services to the people. It can also help bringing effective coordination and cheap administration. This is an age of democratic control, decentralization of administration, local level participation in planning and "bottom-up" development against the backdrop of increasing difficulties faced by Central governments. The importance of Union parishad can hardly be overemphasized. Union Parishad facilities are two-way communication between higher and lower levels of government. It contributes to diffusion of power, national solidarity and democracy by promoting diversification and deconcentration of political activity, by setting up yet another center of political experience and by acting as a safety valve, allowing steam off at the local level. In any case, it is not possible for the national government to perform all the multifarious functions arisen in a modern state. So, functions of Union Parishad became necessary in the modern state. The Union Parishad existence is also considered more efficient. Union Parishad is one of the important institutions that constitute

improved democracy. The institutional form of democracy can be attained through participation of local people in various activities. In, the context has been significantly changed to enable people's representation to play an effective role in the local development effort.

In fact, Union Parishad originated from the Chowkidary Panchayati law in 1870. Then the chairmen and members of the Panchayat were appointed by the district magistrate. It is worth mentioning that no women was selected either as chairman or member. The Local Government Law of 1885 permitted the selection of two-third members and the election of one-third members. But women was either nominated or elected. The system of election was very rigid and only those male tax payers who reached the age of 30 could exercise their right to vote. At that time, Sir Syed Ahmed, Sir Ameer Ali, Dadabhai Nowroji and other enlightened politicians pressed demands for local self-rule and also for the rights of the Indians but not for the women's right to vote. The right to vote was extended by the Local Government Law of 1919. It was again advanced by the Reform Law of 1935. Meanwhile, different political parties like, Muslim League, Congress, Praja Party and Swaraj Party started pressing their demands for universal adult franchise. But the women's right to vote was not mentioned in the Roland Committee of 1994, which was formed for the reformation of local

self-rule. After partition of 1947, a committee was formed in 1952. The head of this committee was S. D. Khan. On the basis of the report of this committee, the local self-government was passed by the Parliament of East Bengal in 1956 and accordingly the Union Parishad election was held in 1957. The women's right to vote was given for the first time in this elections. Till then women's participation in local self-government was absent in East Bengal. The Union Board was named as Union Council by the Law of Basic Democracy in 1959. The women exercised their right to vote in the election of Union Council in 1962. At least one-third members were supposed to be nominated, but in reality, not a single women was either nominated or elected.

After the independence of Bangladesh in 1971, the first ever Bangladesh Union Parishad election was held according to the Law of 1973. 1,57,588 candidates for membership and 18,588 candidates for chairmanship contested in election. Of whom only one women from Rangpur was elected as Union Parishad Chairman and she was later killed. The second election of Union Parishad was held in 1977. 19 women contested for chairmanship and 12 women were elected without any contest. One women was elected as chairman through open contest from Khoksa Union of Kushtia. Literally, she was the first ever-elected chairman in Bangladesh. For membership 92 women contested, of whom 7 won the election but none was elected uncontested. In the election of 1984, 4 women

were elected chairmen and later two more were also elected in the bi-election. The participation of women was much higher in the Union Parishad election in 1988. This time, 79 women for chairmanship and 863 for membership took part in the election. Among them, only one women was elected as chairman against her male counterpart. Many women were elected in the reserved seats. In the election of 1992, 115 women contested for chairmanship and 1135 women candidates contested for membership. This time, 8 women were elected as chairmen.

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Chapter 1

1.1 Introduction :

Union Parishad is the first tier of local government for the purpose of development in Bangladesh. Development at the local level depends on the functioning and activities of Union Parishad authorities Vis-a Vis the instruction of central authorities. But local level development in Bangladesh has many problems. When the question of problems at the local level development of a country is raised, it is important to know what factors make up development and which of these factors are important. Development itself is a multi dimensional concept. It represents at the same time economic, social, political and cultural progress or upliftment and these various dimensions of development are themselves interrelated. So some of these factors has, been considered in this study, special focus has been given to The Union parishad administrative system and Japaness local government system as a reference because this, will provide important lesson about local level development strategy and policy of Bangladesh. Local self government is very important for local level development. Local self-government has been regarded as a means of both political as well as economic development. In modern democracy local Self- Government can provide opportunities to local people for meaningful participation in public affairs and for management of local resources for the benefit of the people at large. Local government thus provides an institutional base for decentralization of power and resources. The constitution of Bangladesh recognizes local government institutions as an integral part of overall governance and its perspective including the much talked about Poverty Reduction Strategy Paper (PRSP). Policy documents state that there should be a four -tier system of local government at the village, union, and upazila and district levels. Strengthening local government institution as embedded in the

country's constitution and endowing them with their functions, responsibilities and authority for effective local level participatory planning and implementation is given high priority in all policy pronouncements.

The importance of local self-government in modern democratic states cannot be minimized at all. It plays an important role in the development of democratic rule. The basis of democracy is local self-government. For this reason, every country attaches special importance to this type of government. Lord Bryce has termed local self-government as 'School of democracy. (L. Bryce, 1915) The true knowledge of democracy can be gathered from here. If there is no democracy at the local tier, it cannot be expected at the national level. Local government is, in fact, the nursing

I. L. Bryce, Modern Democracy, (London 1915, Vol-7) P-150)

home of democracy. Many scholars have synonymized democratic ideas with local councils. Jawharlal Nehru has mentioned local government as the plinth of democracy.² (Sharma, 1994) Gandhi considered these institutions as units of democracy. The famous French political thinker Tocqueville has attached more importance to democratic rule in small areas. Most political thinkers have supported more Lilliputian democracy. The local self-government is not only playing a dominant role in the blooming and development of democracy, its importance is growing largely in other fields. Local government is also necessary to create competent leaders. If the leadership is not given proper importance at the local level then it cannot be expected at the national level. Nation building leaders originate from local tier and true leaders born hear.³ (Samud, 1961) It also plays a significant role in making and implementing local plans. It is not less important in creating political awareness among the people. In order to establish democracy successfully, the spontaneous participation of people from all aspects of the society is indispensable. Democratic government can never be stable if people do not participate in mass. As we know, mass consciousness is a precondition to patriotism.

2. *Shakuntala Sharma, Grassroots politics adn panchayati Raj (New Delhi, Deep and Deep Publication, 1994)) pp-2-3*

3. *Samuel Humes et al. THE Structure of Local Government Throughout the World (The Hague, Martinus Nijhaf, 1961), P-8*

No nation can be developed without it. So to achieve it, people's participation must be ensured.⁴ (M Ali, 1983). Japan's local govt system has been playing important role towards development of the economy and the nation. It is there for instructive to present some highlights of the Japanies system.

Women's involvement in it is of special significance. About half of the population of our country are women. Then the question of establishing democracy cannot arise if the other half is ignored. When we speak of people's participation, we have to think of them⁵. (Carvin, (1983) The role of women in nation building is not less important. Therefore, women should participate in local self-government. People's participation means both men and women's participation. Without women, the development of a country is almost impossible. The women of our country cannot devote themselves to nation building activities as the women of developed countries do along side the men. Lack of good education and purda system are obstacles to it. So women should be involved in state building ignoring all obstacles to it. They should be given an opportunity to show their excellence as well as men in nation-building.

4. *M. Ali et al. Decentralization and People's Participation in bangladesh (Dhaka, NIPA, 1983) Introduction.*

5. *Carvin Karunaratna, Administering Rural Development in Thie World Countries (Dhaka, Univerity Press Ltd. 1983), P-48*

Since the spontaneous participation of all is a pre-condition to the success of democratic rule. Thus one can opine that local self-government is the best way for instinctive participation of people.

Despite a long history, the UP can still be characterized as an institutional infant. Since its introduction during the colonial period, incumbent national governments have tried either to shape it to reinforce the prevailing political powers or to eliminate its role as an independent local forum. Such a course of action, over the years, has resulted in weakening the UP and thereby making it largely irrelevant to the needs and aspirations of the majority of rural Bangladeshies.

The UP along with other local government institutions is now functioning under a unitary form of government, although it flourished in a federal structure. As it is now being linked directly with central government, the vibrations of national policies and politics influence this local body directly, causing instability in its power and authority. This situation, aggravated by the absence of a well-defined constitutional base, encourages the power holders of the national government to manipulate the policies governing the local body for legitimising and broadening their narrow power base⁶. (Khan, 1988)

6. Khan, M.M., *Process of Decentralization in Bangladesh*, In: Hye, M.A., (ed), *Decentralization Local Government Institutions and Resource Mobilization*, BARD, Comilla, 1988, p. 245.

Structurally, the UP has been made highly dependent on the central government and the Upazilla Parishad. The excessive external control in its routine administrative matters such as staff control, decision-making etc. has curtailed the autonomy of the UP turning it almost an ancillary of the higher authority⁷. (L.G.O-1983) Unless the severity of the control is relaxed the UP can hardly retain its identity as a self-governing institution. As a remedial measure it is suggested that the UP's control should be through legislation not by administrative means. Legal measures should be devised regarding general guidance on the authority and power, with which the UP should perform its functions.

The greatest hindrance towards its functioning with the due freedom of a self-governing institution is its financial dependency on the central government. With the central fund come the strings of condition set by the government, which too is financially strapped. So if the UP is to play a key role in the development efforts, it must strengthen its financial effectiveness relying more on the exploitation of local resources.

It requires widening the UP revenue base through transferring some central sources such as taxes on transfer of immovable properties, fees from rural markets and ferries, taxes on local industries, land development tax etc. which because of their local nature, could better be exploited by the UP without imposing fresh burden on the tax payers.⁸ (Noor, 1988) At the same time, the existing assessment and collection system need modification.

7. *Government of the People's Republic of Bangladesh, Local Government (Union Parishads) Ordinance, 1983, Articles 61 and 64.*

8. *Noor, A., Revitalizing Rural Local Bodies in Bangladesh, Development Review, Academy for Planning and Development, Dhaka, Vol. 1, No. 2, 1988, p. 83.*

A proper training and expert guidance to the functionaries, and readjustment of the existing Model Tax Schedule with reasonable rates would improve the assessment system." Instead of appointing a collection agent on commission basis, the UP should engage a trained employee and adopt camp collection process in addition to its normal collection system. The elected functionaries should exercise legal authority to deal with defaulters and motivate the common people to pay taxes. Unless a determined effort is applied to augment the revenue through exploitation of local sources, no amount of government grant can generate a permanent self-sustaining financial base for the UP. The legal provisions should enable the UP to contract loans from the banks for its socio-economically rewarding development projects. The objective of the central grant, which requires to be provided for till UPs attain financial solvency, should not only be to assist them financially but also to induce maximization of revenue from local sources.⁹ (Khan-1984)

The achievement of financial autonomy of the UP depends much on its administrative capability, for which training of the functionaries could perform an important role in imparting new knowledge, in developing appropriate skills and bringing about attitudinal changes. Closely related with administrative efficiency is the question of regular payment of salary and honorarium to the functionaries. It is suggested that the amount of payment should be made reasonable and the specific government contribution should be made, as in the case of the Upazila Parishad, 100% of the payment in place of 50%, as at present, until the UP attains the capability of paying its functionaries out of its own income. The specific government share may gradually be reduced on periodic review of the financial strength of the UP.¹⁰

9. Khan, S.H., *Aspects of Public Finance in a Union Parishad: A Socio-Political Case Study*, Syracuse University, New York, 1984, p. 37

10. Alam, M.M., *Financial Strength of Local Government in Bangladesh*, BARD, 1976, p. 28.

(Alam, 1976) However, this does not mean that the efficient performers would be paid less. During the allocation, the amount of specific and general grants should be earmarked in such a way that the total amount of grants remains higher for the efficient UPs. The regularization of the payment system is stressed here because motivation and training, however noble and well-structured they are, could hardly develop the administrative competence necessary for doing away with misappropriation, embezzlement and financial leakage if the functionaries remain ill-paid and irregularly paid.

The functional domain of the UP at present is vast and not in consonance with its financial and administrative capability. It should be given such a number of functions which it could perform efficiently. The functions should emphasize more on development oriented activities rather than, as at present, the routine and traditional ones.¹¹ (Chowdhury, 1987) For an effective performance, the UP should prepare a longterm development plan on the basis of local needs and demands. To enhance its planning capability it should have at least one technical staff, initially deputed by the central government, as in the case of the Upazila Parishad. A better cooperation of the UP and line agencies in development activities could be achieved through formation of development committees which would be headed by the elected functionaries with the staff of the line agencies acting as secretaries. Members of the public from different socio-economic groups should be adequately represented in the committees so as to ensure local participation in the UP activities.

The factionalism in the UP poses a threat to the group cohesion and team spirit of the functionaries.

11. Chowdhury, L.H., *Local Self-Government and its Reorganization in Bangladesh*, NILG, Dhaka, 1987, p. 67.

This rivalry result in poor performance of the UP in all development activities. The main cause of factionalism is rooted in the fact that the pattern of UP leadership is predominated by large land owners who are occupying the apexes of local power structure. Much of their rivalry originates from the clash of their vested interests.¹² (Rashiduzzaman, 1968) Unless the UP is adequately represented by the poor who from the overwhelming majority, the ecology of the UP would continue to be vitiated by self-seeking interests of the rich man The prevailing local government structure in Bangladesh is not very strong and said to be as not self-government institutions. Local Government in Bangladesh works principally as subservient bodies to central authorities, which control their activities through circulars, directives an financial allocations. They have poor resource base, making them incapable of performing their mandatory and optional functions. The power and authority of UPs are minimal compared to field administrative units, and they have difficulty in utilizing the little authority they have. The elected local government representatives have inadequate understanding of their tasks and responsibilities, especially for ensuring sustainable human development. Many of them have lack adequate managerial skills, including basic skills of record keeping, collection and dissemination of information, policy and project formulation, participatory decision making, and also rudimentary leadership skills.

12. *Rashiduzzaman, M., Politics and Administration in the Local Councils, Dhaka, 1968, p. 24.*

The study carried out by the UN-Department of Development Support and Management Services (UNDDSMS) in 1996 revealed that elected local government leaders particularly the Union Parishads (UPs) do not have basic resources such as office supplies, means of communication, transport, record keeping facilities, the necessary information etc. the limited number of staff and low level of their knowledge and skills make it difficult for the UP officials to act with efficiency and efficacy. Follow up studies of similar nature have also stated the same conditions of institutional weakness of UP Local government representatives are not capable of fully executing their responsibilities. In general, they suffer from three types of inadequacies: the absence of democratic sensibilities; lack of clarity of their roles; and deficiencies in their technical proficiency. Similarly the training and orientation provided to local government representatives in respect of their duties do not sufficiently address the twin requirements of building substantive and operational skills. Gender disparities manifested in lack of gender sensitization in general and the under representation of women in, local bodies, in particular', also work against good governance at the local level. UP has also lack credibility among the member of community. Community expectation from UP is also low. Common people seem to have no confidence on the role and function of UP as an institution. UP has also its popular image, as large-scale and open corruption has characterized the institution.

There is virtually no planning system at the UP level. For UP planning is meant to be the preparation of a "wish list" of roads to be built under the food programmed. In most Unions, none of the 13 standing committees is found to be operational and effective. Even the members do not know which committee she/he

belongs to. UP standing committees have no role of planning and or designing of projects. UPs have a very weak financial and resource base. Revenue generation particularly through tax collection is far low as against the target. Because of weak financial and resource base as well as lack of positive orientation, Union Parishads hardly take any initiative on their own to design and implement development project. Planning system is not participatory and fails to address the direct needs of the poor and disadvantaged.

In addition to its institutional weakness, UPs in Bangladesh work under severe political and administrative control and treats. But on the positive side, it is to be acknowledged that UPs have significant potential to establish good governance at the local level.

Women' in Bangladesh near about 50 per cent of our total population. Therefore, socio-economic development can not be truly achieved without the active participation of women at the decision making level in society.

To ensure the participation of the women folk in development activities, all sorts of facilities and opportunities are to be provided to them. Equal rights of women in every sphere of life are to be guaranteed to upgrade the social position of women. Women are left behind economically, socially and culturally in our traditional bound Bangladesh society.

In modern concept decentralized Local Govt. has become a part of the total Govt. structure. So, for the people of the concerned locality it affords and excellent opportunity for participation in the management of public affairs and thus, it contributes towards the successful working of Govt. by the people. With this aim in view local govt. organizations are created in local areas with legal powers, local in character in the hope that people belonging to the locality knows best, can identify the

problems & needs best, for their effective solutions. An effective system of rural development through the decentralized development administration is a pre-requisite for "development with equity". Successful decentralization will increase the rural people's participation in decision making. This will take govt. administration nearer to the people and will improve the quality of life of the masses through better administration and overall development in Bangladesh.

This study has been organized as follows; The introduction is constituted chapter 1. This has been followed by a reviewing literature on the subject in chapter 2. Then detailed objectives, rational of the study has been presented in chapter 3. Chapter 4 has contain the methodology of the study. The present Union Parishad system has been highlighted in chapter 5. Chapter 6 has discussd the functions and governance issues of the Union Parishad. Gender issues in development activities and women representation hasbeen discussed in chapter 7. Chapter 8 has present some lessons of a successful local government systems like that of Japan. A Model for oriented and effective local government for Bangladesh has been discussed in chapter 9. Finally Chapter 10 has windup the study by presently concluding remarks.

Chapter 2

2.1 Literature Review

Development is perhaps, the most popular and widely used in term of this century. It has an enormous appeal at local, national and international levels and is talked about endlessly. Since World War II, it has been the main agenda of modern governments. Most governments, especially those in poorer countries, irrespective of their nature or political ideology, proclaim their commitment to development, and direct much of their efforts towards achieving this. Alongside the governmental initiatives, various private, nonprofit and voluntary organizations are active in each part of the world with promoting and sustaining development. Various scholar and researcher has given different opinion about local level development problem. Jerry vansant identifies decentralization is important to improve governance in developing nations ¹. Razia is said in 1954 political power in china was divided into four levels central provincial, country and town. Each level had the power to approve buddets. ² Development is an elusive concept, which means different things to different people. Since the early 1950s the idea of development has undergone considerable modifications. The conceptual basis for development during the 1950s and 1960s came from the dominant modernization paradigm. We can say about Japan that Japan is among the most successful example of modern economic growth. It had been transformed from a mediaeval state into a modernized, industrialized, computerized, high-tech country in an extremely short period: Japan is the most remarkable images of the world for her rapid economic growth. Japan is now seen as a great power comparable with the United States in term of economic and competitive strength.

1. Jerry van sant (1997) "Decentralization and good governance"

2. Razia s. (1984), *Local government in china, the journal of local government vol, 13 no. 1*

The economic development which made Japan's GNP the second highest in the world is sometimes considered to be a post world war II phenomenon. It is quite often described as a miracle.³ Kikou Zu said there are 50 District Courts, 448 Summary courts handling less serious crimes and 50 Family Courts in Japan. Japan is divided into 47 prefectural areas that are further sub-divided into municipalities. The prefectures and municipalities are corporate bodies, independent of central government and fully able to carry out their respective duties.⁴ Development was often equated with modernization, a process of change towards those types of economic, socio-cultural and political systems developed in Western Europe and the North America.

Economically, modernization implies industrialization, urbanization and the technological transformation of agriculture. Socially, it involves the weakening of traditional ties and the adoption of 'achievement' as a basis of advancement. Culturally, modernization implies increased secularization of society, politically; it refers to increased political awareness and participation in democratic systems. Dr. Moksudur Rahman said the importance of local self government in a democratic state cannot be ignored. These institutions are the important breeding ground for democracy they help people to understand democratic spirit and values.⁵ Therefore, development was seen to be an initiative process in which the poor countries gradually assume these qualities of industrialized nations and demonstrate the triumph of western civilization.

3. *Japan Forum Vol. 3, No 1, April 1991,*

4. *Gyousei Kikou Zu (1994) Figure and Structure of Japanese Government)*

5. *Rahman .M.D (1997) Foundation of Rural Local self-Government in Bengal. The journal of Local Government vol – 26 No, 2*

During this period the idea of development was also influenced by the early theoretical constructs advanced by the classical political economists like Adam Smith and Karl Marx. It was viewed primarily from an economic standpoint stressing GNP per capita as the main objective and indicator of development.

The idea of development parallels what Korten and Gamer (1983) have termed production-centred development which stresses interalia, (i) industry over agriculture; (ii) urban development over rural development; (iii) utilization of capital resources. The prime emphasis of this approach was maximum production for maximizing returns on investment. Rostow's doctrine had profound implications for this development thinking. Rostow postulated a series of stages through which all countries must proceed for transition from underdevelopment to development. One of the principal tricks of development, according to Rostow's thesis, was the mobilization of domestic and foreign savings in order to generate sufficient investment to accelerate economic growth and achieve the "take-off" (Rostow, 1962). Thus the earlier development endeavors (during the 1950s and 1960s) were based on the assumption that the benefits of industrial investment concerned in one or two major metropolitan cities would trickle-down and spread throughout the economies of developing nations to alleviate poverty and generate increased income and greater savings. The capital mobilized through such savings would be reinvested, thereby expanding production and employment, raising incomes, drawing larger numbers of people into productive activities, and eventually pushing the poor societies into a stage of self-sustaining economic growth (Rondinelli 1987). It is evident that during this period development was viewed mainly as a process of wealth creation. The main thrust of this thinking was the belief that the industry of import substitution variety would create employment, foster economic growth and produce goods for domestic

consumption. Evidently, in this construct development was conceived as one-dimensional, it did not recognize the basic needs of the rural poor, nor did it show any concern for the distribution of benefits that accrue from economic growth. Available data indicate that the much hoped for 'trickle-down or 'spread effects' did not oaring any significant result.

Critical scholars however perceive development as an elusive concept, the false hope of the "Trojan Horse". Nevertheless, the word "development" has become so fashionable that it is found in most policy packages of all organizations under the U.N. The western concept and ideas of development have become issues of debate among contemporary political economists. Some branded those models of development and development supports as the "contemporary form of capitalism". Another has labeled it as " Neo- mercantilism". Still another called it the " third stage of imperialism".

A Sizable number of studies examined various aspects of Union Parishad and local government process. Appraisal of all these studies is neither feasible nor desirable. The Encyclopaedia of Social Science has identified five broad categories of local governance, these are

- a. Federal decentralization system
- b. Unitary decentralized system
- c. Napolonic prefect system
- d. Communist system, and
- c. Post Colonial System

Duana locked define local Government as a public organization authorized to decide and administer a limited range of public policies

within the relatively small territory Apart from particular issues studies dealing with broader aspects of Local Level development process are important. The research work of Mustafizur Rahman, gives details of the Japanese development process.⁶ This is important in connection with understanding the problems of developing countries like Bangladesh studies that deal with strategy and governance issues of Union Parishad and Local Level Development.

Rural Development in Bangladesh by Abdullah Mohammad Mohiuddin , Local Administration and Politics in Modernizing Societies in Bangladesh by Nazmul Abedin, Local government in Developing Countries by H.F Alderfer , "Field Administration and Rural Development in Bangladesh by A. H. M Shawkat Ali, Women Leadership in Bangladesh politics by Jesmin Ara, Administrative decentralization and Upazila Administration by N. H. Ayub, Governance in Bangladesh by M.A Muhit, Governance and administration: Challenge of New Millennium by Mizanur Rahman Shelly, Governance and public Administration by Robert La Porte, Sr., Governance and Local Governance System by Sydur Rahman and Governance and economy by Yousuf Abdullah are notable contribution in this area.

6. Rahman Mostafisur, " (1997). *The Japanese strategy*"

Chapter-3

3.1 Nature and Scope of the Study

The study is designed to study the working system of Union Parishad in Bangladesh, it also focuses its role, which is involved in establishment, management and stability of democracy. The study deals with legal provision, composition, activities of Union Parishad system and the Interaction with people. An attempt is made in this study to identify the participation of local people at union level. The study has been made over for the period from 2008-2009. The study has been conducted in two union parishad namely Koiyariya Union under Kalkini Upazila, Madaripur District and Batamara Union under Muladi Upazila in Barisal District. The selection of the union was purposive as the union showed a fair participation of local people in local bodies. The respondents include local people, UP chairman/ members

3.2 Rationale of the study

For an LDC like Bangladesh locked in the vicious circle of high poverty, low literacy rate and low quality of education, low productivity and various other social ailments such as high level of corruption, high rate of children and maternal mortality etc and economic ailments such as high under unemployment, high inflation, low level of domestic resources

3.3 Objectives of Study

In view of what have been said in the foregoing, this study has been discussed the Union Parishad and Development Problem pointing out various problems and social needs and measures paying special attention to the Union Parishad administrative system in general and function in particular that help provide a skilled and disciplined

labour force beside providing the incentive structure within which sectors flourish. all

More specially, the study has been made an attempt

- to know the function of Union Parishad
- to identify the problem of Governance at Union Parishad
- to identify the Woman empowerment and Development
- Finally to suggest effective measure for Bangladesh in the light of local Level Development problems.

Chapter 4 Methodology

4.1 Research Approach

Qualitative approach and quantitative approach are the two paradigms of research followed in various research fields such as sociology, anthropology, psychology, and education. In this study I have adopted a qualitative research paradigm. Qualitative research is different from a quantitative approach in many ways. The purpose of quantitative research is to generalize about phenomena, while that of qualitative research is to provide in-depth descriptions of settings and people. Quantitative research involves collecting and analyzing numerical data from tests, questionnaires, checklists, and surveys. Main characteristics of quantitative research are hypotheses that predict the results of their search before study begins; control of contextual factors that might influence the study; collecting data from samples of participants; and using numerical, statistical approaches to analyze the collected data (Creswell, 1994; Creswell, 2002; Gay & Airasian, 2003).

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1. Creswell, J.W. (2002). *Educational Research: Planning, conducting, and Evaluating Quantitative and Qualitative Research*. Upper Saddle River, NJ: Prentice Hall.
 2. Creswell, J.W (1994). *Research Design: Qualitative and Quantitative Approaches* London: Sage Publication.

In contrast, qualitative research involves collecting and analyzing non-numerical data obtained from observation, interviews, tape recordings, and documents. Key features of qualitative research include defining the problem, but not necessarily at the beginning of the study; studying contextual factors in the participants' settings; collecting data from a small number of purposely selected participants; and using non-numerical, interpretive approaches to provide narrative descriptions of the participants and their contexts (Creswell, 1994; Creswell, 2002; Gay & Airasian, 2003). In this study I have adopted qualitative approach of research to study Union parisad and local level development: Problems and prospects.

There are many methodologies or common approaches within the genre of qualitative research such as case study, ethnography, ethology, grounded theory, phenomenology, action research, and historical research (Patton, 1990). Rossman and Rallis (2003) have categorized the approaches of qualitative research into three broad genres. These are - ethnographies, phenomenological studies, and socio-communication studies. Among different categories of qualitative approaches

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3. Gay, L.R. & Airasian, P. (2003). *Educational Research: Competencies for Analysis and Application* Upper Saddle River, NJ: Prentice Hall
 4. Pattan, M.Q. (1990) *Qualitative Research and Evaluation Methods*. London: Office for standards in Education.

I have adopted a phenomenological approach to study the topic of my research. Through phenomenological studies lived experience of a small number of people is studied ' (Rossman & Rallis, 2003). Extensive and prolonged engagement with individuals typifies this work, often through a series of in-depth, intensive, and interactive interviews. Through this approach the researcher seeks to understand the deep meaning of a persons' experiences and how he/she articulates these experiences. In this study I have conducted various interviews from various people. I have tried to understand their experiences through dialogue.

4.2 Research Site:

The sites of my study were – two Unions from two Upazillas under madaripur and Barisal District

Background: Kayaria Union is the 15th No union of kalkini upazila Under Madaripur district. Its area and population came into existences in 1918. Nothing is definitely known about the origin of the union's name. But its upazila kalkini had been named according the name of Mr. Kalkoni. Mr Kalkoni was the deputy commissioner of former Foridpur Zila.

5. Ross, J, A & Gray, P. (2006). Transformational leadership and teacher commitment to Organizational values: The mediating effects of collective teacher efficacy. *School Effectiveness and School Improvement* 17 (2), p. 179-199.

Aria and location: The union occupies an are of 279.99 sq. K.M area. The union is bounded on the noth by the Sahebrampur union on the east by Batamara Union. On the south by Shaheber Cheir and pingola kathi and on the west by Ramjanpur Union.

Population: Its populations is 16669. Male 8306 Female 8363

Literacy rate-49.62 Male – 51.41 Female-47.86.

Kayaria Union is constituted by the mouza of Alimabad, Bara char Kayaria, Chota Char Kayaria, Kayaria, Dakshin salimpur, Ramar pol, Raynamdopur.

Background of Batamara Union:

Batamara is a Union of Muladi Upazilla under Barisal Districts nathing is definitely known about the origin of the union. But about its upazilla Muladi have some information there is a hear say that in the past there lived a pious man named mulaikhan who earned wide reputation by dint of his pious works. The upazila might have originated its name as Muladi after the name of that pious man.

Aria and Location: The union occupies an area of 7471 acres including river. The Union was bounded on the north by Damudda. on the east by carkaleka on the south by nazirpur and on the west by kayaria.

Population-24563, Male – 12266, - Female-12297, Literacy rate-46.54,- Male – 49.49, Female-44.24,

Batamara Union is constitute by Alimabad, batamara, char algi char Sahebrampur, Purbo Selimpur, Purbo Taika, Ramer Char, Tum Char.

4.4 Data collection Methods:

In view of the objectives, the study is based on the following methodological approaches:

This study is exploratory in nature. It is based on both primary and secondary data. Where primary data could not be obtained, secondary data had been studied with care to develop possible explanation. Primary data were collected on the basis of field survey from two Union. The study, as stated above, is conducted in two Union namely Kaiyaria Union from Kalkini Upazila Thana under Madaripur District and Batamara union Under Muladi Than in Barisal Districts. Other considerations behind the selection of the above study area were:

1. Better awareness about union parishad activities of the local people. This makes the study more realistic the sense that detailed data could be collected and analyzed.
2. Researcher is familiar with the area and so the collection of primary data became . easier, more reliable and less expensive.

The selection of the union was purposive. Since the study is exploratory in nature, a small sample size was considered appropriate for the purpose. The sample included local people, Union Parishad (UP) chairman / members, NGO workers and Thana level officials who were selected purposively. From the area, a sample size of 30 local people who were concerned about Union Parishad was thought feasible.

Desk Analysis: Different documents like Local Government Ordinances, Local Government Commission Reports, Sectoral studies of Government; were reviewed to draw general observations and background information. In addition, content analysis

of different some comparative literature on Local Government was also carried out. Interview and discussion has been organized with selected people knowledge who are directly and indirectly involved with the UP. Such interviews and meetings helped the researcher in tapping the critical opinions and perspectives of the senior management as regards to the functional dynamics of UP. Case Studies had been used to get a first hand impression of the functioning of UP.

Upazila Nirbahi officers and Upazila Engineers to obtain their opinion regarding the extent and dynamics of participation of the local bodies in the overall development management at the local level. In both cases a structured interview schedule and information blank have been used to collect the data/ information.

Focus group discussion (F.G.D)

We have arranged some focus group discussion for understand the local level development problems we have got following information.

1. Ten people have been participated in the discussion. Mr Abujafor is a village doctor, According to his opinion there is no relation among the elected chairman and member with the local people when election come then they be come actives.
2. Md. Ataher is a teacher of a primary school. He comment that a lot of problem is going on but the chairman and member is not careful about it.
3. Md. Fazlur Rahman is a teacher of a high school. He said that chairman and member is the problem for the local people because they are creating the problem.
4. Md. Mujibur Rahman is a businessman said that according the advise of the chairman. I had to involve in the case and about two lakh taka had been lost.

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5. Md. Jalal Uddin head master of a high school said that more than hundred case is going on. Chairman influence the people do the case. Chairman and member are being benefited by the case.
6. Mr. Kalon Sarder is a farmer comment that I have seen the chairman in the election period. We didn't get any help from the chairman and member.
7. Siddiqur Rahman member of the kayaria Union parisad said that chairman live in Dhaka when he come and go I do not know. We have know any meeting.
8. Morjina a Mohila member said. There is no any relief so we have no any function.
9. Mr. Sekander is a local peon said that last thirty years there is no any development activities in our Union.
10. Mr. Faruk is a teacher of a high School said that there is no any institution from the central.

I have also arranged a focus group discussion in Batamara Union the information are following.

1. Md. Miyajodddin is a fisher man said I did not participate in voting. I am busy about my work. I know it is work of rich man.
2. Wife of Siddiqur Rahman tuli Bagum Said that we have six child, we live hand to fouth we did not get any help from the union parisad.
3. A hwaker Mr Dulal said Voter some Dulavie Chinir somay Amra Nai.
4. Badol Chandra is a business man said, charman live in Barisal. Some time he come he have no any work, So why he will come.
5. Mr. Munnabbar Said. Batta Mara Union is going on by the 21 Matubber. 21 Matubber are creating a lot of problem. The ordinary people are very anxious. Various occurrence is going one. They are working as a got father.

6. Panti Begum is Mohila Member said that what we will do. Chairman do not give me any work.
7. Member of Batamara Union Mr. Motable said that I have done 2 K.M Kata Rasta and I am trying to do more.
8. Primary School Teacher Safiya Begum comment that after election charman and member are busy for well-being them self not for the well-being of public.
9. Member of ramchair bazar committe Mr. Abul Hossain said that what will do chariman and member there is no proper instruction from the central that is the problem.
10. A farmer Alauddin Khalifa Said that there is no proper relation among the cheirman and member and general people. Sometime cheirmen comes to distribute the relief.

Chapter 5

Historical background of the union parishad system:

5.1 Introduction

There are two types of local self-government in Bangladesh. One is for the rural and the other is for the urban areas. There are municipalities and municipal corporations for the urban areas and Union Parishad, Upazila Parishad and Zilla Parishad for the rural areas. Local government were formed in the districts of hill tracts by the law of 1989. Our discussion will throw light only on Union Parishad as the basic unit of local self-government. Finding out for the local level development problem and policy implementation which was passed in 1998, is yet to be implemented. Election has been taken to the Upazila Parishad. Recently the law regarding Zila Parishad has also been passed but election has not yet been held to it.

5.2 Union Committee

The Act of 1885 provided for a Union Committee to administer, on an average, an area of twelve square miles in the villages. Union Committees, consisting of not less than five or more than nine members, were to be elected from among the residents of the Union. The Divisional Commissioner could appoint members if the full membership was not to be elected. In the original Act, there was no mention of any Union Committee Chairman. An amendment passed by the Government of Bengal in 1908, which was extended to East Bengal in 1914, provided that the Union Committees would elect their own Chairmen from among the members. The Union Committees were responsible for the local municipal functions, such as construction of short stretches of un-metalled roads, primary education, sanitation, upkeep of ponds and tanks and registration of vital statistics. The supervising Local Board could

delegate other duties. The Union Committee had the power to raise funds from villagers owning or occupying houses or property.

The provisions of the Bengal Local Self-Government Act of 1885 came into force in 16 districts (Burdwan, Dhaka, Rajshahi, Pabna and those of the Presidency Division) with effect from 01 October, 1886. By the end of the same year, the Act covered the remaining areas of the province with the exception of districts inhabited primarily by tribal people, such as the Chittagong Hill Tracts. The rural local bodies established under this Act did not prove to be effective owing to their limited funds and elaborate official control. The work of the District Board was particularly hampered by the paucity of resources. With such meager resources they were unlikely to delegate any functions and funds to the Local Boards and the Union Committees. Besides, with the practice of appointing officials as Chairmen of local bodies, these bodies could not attain a truly representative character. Rather the system gave rise to an exploiter class in the rural areas. The Bengal District Administration Committee, 1913-14 pointed out that it was a mistake to make the District Board an administrative unit of local self-government, and to leave the smaller local bodies, i.e., the Union Committee and the Local Board dependent on its mercy. In this system local self-government was imposed from above, whereas the system ought to have grown from the grassroots.

It should be noted here that the demand for rural self-government was raised initially from official circles. For the purpose of administrative convenience, they wanted to associate the local people with rural bodies. There is no evidence to show that common people demanded the creation of rural local bodies. So the success of these institutions depended primarily on official patronage. This was true at least in the formative phase. The Ripon resolution provided for the establishment of a network of

rural bodies, which would eventually be able to take over the administration of local affairs. The government machinery was required to relinquish control and make way for the local bodies. This was not forthcoming and so the local government institutions failed to serve any usual purpose.

The Act of 1885 was subjected to criticism from two opposite sides. First, officials themselves felt that the system was inadequate to meet the requirements of administration. For example, the Bengal District Administration Committee (1913-14), headed by Edward V. Levine, emphasized the need for further reorganizing local government in the rural areas. (The Levine Report, however, had certain weaknesses. The relationships among the District Magistrate, the District Board and the Union Committee were not adequately explained. Taxation powers and independent income for Union Committees were also not fully dealt with). Second, the political agitation against the partition of Bengal (1905-1 I) also targeted these local bodies.

All these led to a reappraisal of British policies in India. A Royal Commission on Decentralization was appointed in 1907. The Commission submitted its report in 1909. It recommended that in the interests of decentralization and in order to associate people with the administration, an attempt should be made to constitute and develop village Panchayets for managing local affairs. In 1909, the Morely-Minto reforms were enacted to introduce representative institutions in India. Those measures were not, however, accepted by the people. Subsequently came the Montague-Chelmsford Report in 1918. A Bill for extending local self-government was introduced in the Bengal Legislative Council several weeks before the Government of India Resolution on Local Self-Government, 1918. In due course, the Bill became Act V of the 1919

Bengal Code. During the years just preceding the Act of 1919, local bodies had undergone rapid growth. In 1904, there were only fifty-eight Union Committees in Bengal. By the end of 1917, the number had risen to 198. By the time the Bengal Village Self-Government Act of 1919 was passed, there were 385 Union Committees. Within two years of the Act, the number had increased sharply to 2,000. During the same period, experiments were also conducted on how to free local bodies from official control.

The Act of 1919 initiated the second major attempt to create a network of self-government bodies in rural Bengal. The Act replaced existing *Chaukidari Panchayets* and Union Committees by a new body called the Union Board. Union Boards were formed in every district except Sylhet and Chittagong Hill Tracts. The area of a Union Board was 10 to 12 square miles, with a population of about 6,000 to 8,000 people.

5.3 Union Board;

The Union Board was composed of not less than six but not more than nine members of whom two-thirds were elected and one-third nominated. The District Magistrate chose the nominated members. Elected members were chosen from union residents who had attained 21 years of age and had paid at least a rupee of land tax and at least another rupee as tax assessed by the new Board. After the election, the members elected a President and a Vice-President from among themselves. The President was the chief executive of the Board. He could be removed from office by a no-confidence resolution passed by two-thirds of the Board members.

The new unit had to combine the duties of the *Chaukidari Panchayets* and Union Committees. Primary functions of the Union Board were (a) supervision of

Chaukidars, (b) maintenance of sanitation and public health, (c) maintenance of roads, bridges and waterways, (d) establishment and upkeep of schools and dispensaries at its discretion and (e) supply of information as and when needed by the District Board. In addition to receiving grants from higher bodies, the Union Board authorized to levy a yearly union rate. The tax was to be imposed on owners or occupier, of buildings. At its discretion the provincial government could also select two or more members of the Union Board to constitute a Union Court for settlement of minor offences. The Circle Officers supersede and controlled the Union Boards. The Circle Officer District Magistrates Union books and acted as a link between District Board and the Thana administration. He was in charge of two three Thanas having 25 or more Unions. The Circle Officer delegated further powers by the District Magistrate proceedings and records were to be regularly inspected by Chairmen of superior Boards, Commissioners and District Magistrates. Within 20 years, Union Boards were set up throughout the whole province. It proved the popularity of the system.

5.4 Local Government in Bangladesh During the Basic Democracy Period

The Basic Democracies Order (BDO) was promulgated in 1959. In contrast to the provincial character of the earlier local government enactments, this order was a central legislation having jurisdiction over the whole of Pakistan. Under Article 155 of the 1962 Constitution, each province was divided into 40,000 electoral units with an average population of 1270 for each electoral unit in East Pakistan and 1072 in West Pakistan'. Subsequently, the number of electoral units was increased to 60,000 for each province and the average population for each electoral unit was changed to 1070 in East Pakistan and 940 in West Pakistan. The persons enlisted in the electoral roll for each electoral unit were required to elect from among themselves a person known as the elector for that unit. The electors of all electoral units in both the

provinces were known as members of the "electoral college." These members played the political role of electing the President of the country and members of the National and Provincial Assemblies.

The Basic Democracies system covered both rural and urban areas. It had four tiers in the rural areas. From bottom to top, these were the Union Council, Thana Council, District Council.

At the lowest level of the local government system were the Union Councils in the rural areas and Union or Town Committees in the urban areas. There were 7372 Union Councils and nearly 1,000 Union or Town Committees in Pakistan with a membership of 120,000 elected members (electors) who were popularly known as "Basic Democrats." The average area of a Union was about 6 to 12 square miles, while the population per Union varied between 8,000 and 12,000.

A Union Council generally consisted of 10 members; from 1960 to 1962, two-thirds of them were elected and one-third nominated by the government. Subsequently, the system of nomination was not considered indispensable for the efficient functioning of these institutions. In 1962, the system of nomination was abolished, and the Union Council became a fully elective body.

The members of the Union Council were directly elected from single member constituencies. The voting was held through ballots. The Council selected from amongst its members one Chairman and the Vice-Chairman. The Chairman and members had to take oath before entering office. The Chairmen were paid an honorarium of Rupees 600 per year. The usual term of office of the Chairman,

Vice-chairman and members was five years. The Chairman could be removed if a vote of no confidence was passed against him by a two-thirds majority of the total members. A Union Council member could quit office by tendering his resignation to the Chairman and a Vice-Chairman to the Sub-Divisional Officer (SDO) who was the controlling authority of the Union Councils. A vote of no confidence passed against a Chairman or a Vice-Chairman could not be questioned in a court of law. The Chairman/ Vice-Chairman was to make over charge immediately after such a motion of no confidence was passed. The Chairman, Vice-Chairman or a member could be removed from office by the government on the following grounds:

- a. If he absented himself from three consecutive meetings of the Union Council, without a reasonable excuse,
- b. If he was guilty of abuse of power or of misconduct in the discharge of his duties or had been responsible for any loss or misapplication of any money or property of the Union Council, or any local body/authority,
- c. If he became physically unfit to perform his functions.

The controlling authority of the Union Council was invested with the power of removing a Chairman or a Vice-Chairman or a member on the above grounds, and any other authority could not question this.

There was provision for the appointment of a Secretary in each Union Council, Most of the Union Councils had only a Secretary. However, in a few Union Councils, there was also a Principal Officer to help cope with the heavy pressure of work. The minimum qualification for appointment to the post of Secretary was high school education.

Besides the Secretary, the Union Council maintained village police known as Chaukidars and Dafadars. A Chaukidar was to be appointed directly by a 3-member selection committee including the Chairman of the Union Council. Interview was to be the only basis of such selection. The Council approved the list of candidates recommended by the selection committee at a meeting; this was then forwarded to the Thana Council.

The Thana Council was the final authority to approve the selection. The post of Dafadar was normally filled in from Chaukidars on promotion. The basis of promotion was merit-cum-seniority. In case of direct recruitment of Dafadar, the process was similar to that of Chaukidar. The newly recruited Chaukidars and Dafadars had to undergo one month's training at the police station. The Council fixed the pay of the village police. They were also provided with free equipment and uniforms from the office of the Inspector-General of Police. There was a provision to reward them for continuous and efficient discharge of duties. However, then- salary was very low.

The Union Council could punish the village police for misconduct, corruption and negligence of duty. But the decision of punishment had to receive the prior approval of the Thana Council. This resulted in the dual control of the village police. All their activities excepting those relating to the maintenance of law and order were under the control of the Chairman of the Council, whereas those connected with the maintenance of law and order were under the control of the Officer-in-Charge of the police station. The village police had to be present in the police station at least once a fortnight and report about crime and the whereabouts of convicts and criminals. The taxation powers and functions of the Union Council were specified under the BDO, 1959, but in practice both were limited.

5.6 Local Government in Bangladesh During the Sheikh Mujib Period (1972-1975)

After the emergence of Bangladesh, the President's Order Number 7 of 1972 was promulgated and all the local government bodies, except the Divisional Council, were dissolved and administrators were appointed to take over their functions. The Divisional Council was later abolished, and still later, a Divisional Development Board was created in each Division. This Order, which created a Divisional Development Board in each Division also changed the name of the local government bodies the name of the Union Council was changed to Union Panchayet, the Thana Council to Thana Development Committee and the District Council to Zila Board. The Union Panchayet was placed under the control of the Circle Officer In 1973, President's Order Number 22 was promulgated By Order, the Union Panchayet was renamed as Union Parishad Under the changed arrangement, a union was three wards. Each UP was to consist of a Chairman and a Vice elected-by at 9 members The term of the UP was five years

The beginning of 1975 witnessed major changes in the political scenario of Bangladesh. The Presidential form of government was introduced in place of the Westminster type Parliamentary system. Sheikh Mujibur declared political party "Bangladesh Krishak Sramik Awami League" (BAKSAL). All other political parties were banned. After one month (on 26 March, 1975), Mujib announced certain programmes to make the new system a success. These were as follows:

1. Compulsory multipurpose cooperatives would be constituted in each village in phases, and all the 65,000 villages would be brought under cooperatives within a 5-year plan. Each cooperative would comprise 500 to 1000 families. These cooperatives

would become the basic economic and administrative units of the country, and the UP would be abolished in order to make room for these cooperatives. All government aid in the form of fertilizer subsidy, test relief operations and Works Programmed, etc. would be canalized through these cooperatives. The ownership of the land would not be taken over from the landowners, but its produce would be divided into three parts: one to the owner, one to the local cooperative and the other to the national government.

2. There would be an Administrative Council for each district comprising representatives from the BAKSAL, youths, women, workers, farmers and government officials of different departments. A Governor who need not be a Member of the Parliament or a political worker would head the Council. He could even be a trusted government official. The process of creating the Thana Administrative Councils would, however, start one year after the District Administrative Councils started functioning.

3. Each Sub-Division would be converted into a district with a new Administrative Council. The entire development outlay of the district i.e. food, health, education, irrigation and family planning would be controlled by the Administrative Council. All the government offices and departments would be brought under the control of the District Governor, as would be the District Magistrate and the Superintendent of Police (SP). The DC would act as Secretary of the Council. The units of the Army, the Jatiya Rakkhi Bahini (JRB), the Bangladesh Rifles (BDR), etc. posted in the district would be under the command of the Governor. In other words, the entire area of development planning and implementation, law and order, day-to-day administration of the district would be vested in the Governor and the

Administrative Council. The District Administrative Council would function under the direct control of the central government. All these were envisaged as part of an administrative decentralization programmed.

4. The system of dispensation of justice would be drastically changed and its administration would be regulated in such a manner that justice became easily available to the common man. For speedy and cheaper dispensation of justice, tribunals or courts would be set up at the thana level.

5. The administrative arrangement at Dhaka would also change, and the bureaucratic system would be replaced by a "people oriented" system. The Secretariat would go, and red tape would be abolished, and more Corporations would work directly under the Ministers. However, these programmers, for whatever these were worth, nullified after the assassination of Sheikh Mujibur Rahman on 15 1975.

5.6 Local Government in Bangladesh During the Ziaur Rahman Period (1976-1982)

In 1976, the government headed by Ziaur Rahman Promulgated a Local Government Ordinance for the first time-in independent Bangladesh. Under this Ordinance, there were to be three types of local government bodies, namely the Union Parishad (UP) at the Union level, the Thana Parishad (TP) at the Thana level and the Zila Parishad (ZP) at the District level.

Union Parishad

Under the Local Government Ordinance (LGO), 1976 major changes occurred in the composition of the UP. The post of Vice-Chairman was abolished to avoid friction in the leadership of the UP. Each union was, as in the past, divided into three wards. A UP was to consist of a Chairman and nine elected members three from each ward. The Chairman was directly elected by the voters of the entire union while the nine elected members were chosen by the voters of the concerned wards on the basis of adult franchise. The Ordinance also provided for two women members nominated by the prescribed authority, the SDO, from amongst the women of the entire union. On 16 February, 1979, by an amendment of the Local Government Ordinance, 1976 a provision was made for the nomination of two peasant members by the prescribed authority from amongst the peasants of the entire union. The peasant members were to be genuine cultivators, owning at least one standard bigha (one-third of an acre) of cultivable land and residing permanently in the concerned union. But this provision was omitted in 1983. The Chairman was considered a member of the Parishad. The Chairman and members were paid an honorarium by the government. The term of the UP was five years. However, the old Parishad, even after expiry of its term, could continue to function until the first meeting of the succeeding Parishad. The

succeeding Parishad was to hold its first meeting within thirty days from the date of publication of the names of the newly elected

Chairman and members in the official gazette, and the exact date of the meeting was to be fixed by the prescribed authority.³

The Chairman and members were required to take an oath before entering office and also to submit to the prescribed authority a written declaration of both movable and immovable property belonging to him/her or any member of his/her family such as spouse, children, parents, brothers and sisters who were fully dependent on him/her.

The qualifications for election as UP Chairman and members were that a person must be a citizen of Bangladesh, at least twenty-five years old and his/her name must appear on the electoral roll of a ward in the union. A person would be considered disqualified for election as UP Chairman or member if s/he

- (a) was declared of unsound mind by a competent court,
- (b) was un-discharged or insolvent,
- (c) lost citizenship of Bangladesh or acquired citizenship of, or affirmed allegiance to, a foreign state,
- (d) was convicted for any offence and sentenced to imprisonment for a term of not less than two years and unless a period of five years (or a shorter period allowed by the government in any particular case) had elapsed since his/her release,
- (e) held any full-time profitable service of the Republic or any other local authority including the UP concerned, or was a government appointed dealer in essential commodities.

A person was not allowed to contest at a time for the posts of both Chairman and member, or for more than one post of member. If a person offered his/her candidature for more than one post, all his/her nomination papers would become invalid.

The UP Chairman was allowed to resign his/her office by a written notice addressed to the prescribed authority and a member might do the same and in the same manner addressing the Chairman. A resignation became effective and the office concerned fell vacant from the date when the addressee accepted the resignation.

The UP Chairman or member could be removed from his/her office if s/he

(a) remained absent from three consecutive meetings of the Parishad without reasonable excuse

(b) refused to perform or could not perform his functions owing to disability and

(c) was guilty of misconduct,

such as misuse of power, corruption, nepotism and willful administration or was responsible for any loss or misapplication money or property of the Parishad. The Chairman or members could not, however, be actually removal from his/her office on any ground mentioned above unless a resolution to the effect was mooted against him/her at a special meeting and w,r, passed by at least two-thirds of the Parishad members and unless resolution was approved by the prescribed authority. Also, the Chairm more member concerned had to be given a reasonable opportunity of clearing him/herself of the charges mentioned in the resolution.

The prescribed authority could remove any woman or peasant member from office on any ground charged against her/him after making necessary inquiry. A person removed from any office was not eligible for election or nomination to that Parishad

for the remaining period of its term. The office of the UP Chairman, or an elected or nominated member fell vacant if s/he

(a) became disqualified from being Chairman or member (this was not applicable for a nominated woman member),

(b) failed to take oath within the specified period unless the period was to be extended by the prescribed authority on reasonable grounds,

(c) resigned his/her office,

(d) was removed from his/her office or

(e) died.

Where the office of the UP Chairman or member became vacant not later than one hundred and eighty days before the expiry of term of the Parishad, an election or nomination, as the case might be, had to take place for filling up the vacancy within sixty days of its occurrence. The person so elected or nominated was to serve for the remaining period.

A UP might grant leave of absence to its Chairman for any period not exceeding three months in a year. While the office of the UP Chairman was vacant or s/he was on leave, the functions of his/her office were to be performed by an elected member of the Parishad.

The UP was entrusted with forty functions. The main functions included public welfare, maintenance of law and order, revenue collection, development and adjudication. But its sources of income remained almost similar to those under the Basic Democracies Order, 1959 i.e. government grants, taxes, rates, fees etc.

According to the 1976 Ordinance the term "prescribed authority" meant the Commissioner for the Zila Parishad, the DC for the Thana Parishad and the SDO for the Union Parishad

5.7 Local Government in Bangladesh During the Ershad Period (1982-1991)

On 24 March, 1982 Lieutenant General Hussein Muhammad Ershad, the then Chief of Army Staff, proclaimed Martial Law throughout the country, justice Abdus Sattar, elected President of the country, was forced to resign and Hussein Muhammed Ershad became the Chief Martial Law Administrator (CMLA). On 28 April, 1982, the new Martial Law Government constituted a ten-member committee for administrative reorganization/reform with Rear Admiral M.A. Khan, Deputy Chief Martial Law Administrator (DCMLA) and Minister-in-Charge of Communications as Chairman. Based on the Committee's recommendations, the government adopted a Resolution on 23 October, 1982 to reorganise the administration at the thana level.

Under the reorganized set-up, each thana was designated as the focal point of administration. Responsibility for all development activities at the local level was transferred to the Thana Parishad (TP). The national government retained direct responsibility for regulatory functions and major development activities of national and regional importance. The officers dealing with subjects transferred to the TP were placed at the disposal of, and made responsible to, the TPs. Relevant departments of the government were, however, made responsible for the appointment, transfer, promotion, discipline and remuneration of these officers.

- The Local Government (Union Parishads) Ordinance, 1983;
- The Local Government (Zila Pnrishad) Act, 1988;
- The Bandarban Hill District Local Government Parishad Act, 1989;
- The Khagrachhari Hill District Local Government Parishad Act, 1989;
- The Rangamati Hill District Local Government Parishad Act, 1989;
- The Palli Parishad Act, 1989.

Union Parishad

According to LGO, 1983, each union was divided into three wards. A Union Parishad (UP) consisted of a Chairman, nine elected members three from each ward—and three nominated women members, each of whom was to represent one ward. The voters of the concerned ward on the basis of adult franchise directly elected the Chairman. The nominated women members were to be nominated by the UZP from amongst the women of the entire union. In 1988, by an amendment of the LGO, 1983 provision was made to have the women members nominated by the DCs instead of the UZP. In 1989 such power, of nomination was delegated to a person chosen by the government. On 20 December, 1983, by an amendment of the 1983 Ordinance, provision was made for the nomination of some UP members in Rangamati, Bandarban and Khagrachhm Hill Districts (they were to represent different groups of people in the locality and their number was not to exceed three).

The Chairman was also considered a member of the Parishad. Both Chairman and members were paid an honorarium by the government. The term of a UP was three years; hi 1992 by an amendment of the LGO, 1983 it was increased to five years. However, the old Parishad even after expiry of its term could continue to function until the first meeting of the succeeding Parishad. The succeeding Parishad was to hold its first meeting on a specific date within thirty days from the date of publication of the names of the newly elected Chairman and members in the official gazette. The responsibility for fixing the date was given to the government (Local Government Division) and was later transferred to the DC. The Chairman and members were required to take oath before entering office and also to submit to the government (later on to the DC) a written declaration of both movable and immovable property (In and

outside the country) belonging to him/her or any member of his/her family such as spouse, child, parent, brother and sister who was fully dependent on him/her.

To qualify for election as UP Chairman or member a person must be a citizen of Bangladesh, at least twenty-five years old and have his/her name on the electoral roll for any ward in the union. A person would be considered disqualified for election as UP Chairman or member if s/he

- (a) was declared to be of unsound mind by a competent court,
- (b) was un-discharged or insolvent,
- (c) lost citizenship of Bangladesh or acquired citizenship of or affirmed allegiance, to a foreign state,
- (d) was convicted for a criminal offence and sentenced to imprisonment for a term of not less than two years and unless a period of five years (or a shorter period allowed by the government in any particular case) had elapsed since his/her release,
- (e) held any full-time profitable service of the Republic or any other local authority including the concerned UP or was a government appointed dealer in essential commodities.

A person was not allowed to contest at a time for the posts of both Chairman and member, nor for more than one post of member. If a person offered his/her candidature for more than one post, all his nomination papers would become invalid.

The UP Chairman was allowed to resign his/her office by a written notice addressed to the DC and a member might do the same and in the same manner, addressing the Chairman. A resignation became effective and the office concerned fell vacant from the date on which the was accepted by the competent authority.

The UP Chairman or member could be removed from office; its/he (a) remained absent from three consecutive meetings of the Par Mujib without reasonable excuse, (b) refused to perform or could not perform in his/her function owing to disability and (c) was guilty of misconduct such as misuse of power, corruption, jobbery, nepotism and willful misadministration or was responsible for any loss or misapplication of money or property of the Parishad.

The Chairman or members could not, however, be actually removed from office on any ground mentioned above unless a resolution to the effect was passed by seven elected members in a special meeting and unless the resolution was approved by the government. Also, the Chairman or member concerned had to be given reasonable opportunity to defend him/herself. The government or nominating authority could remove any woman member from office on any grounds charged against her after making necessary inquiry. A person removed from any office was not eligible for election or nomination to that Parishad for the remaining period of its term. The office of the UP Chairman, elected or nominated member fell vacant if s/he (a) became disqualified from being Chairman or member (this was not applicable for nominated women members), (b) failed to take oath within the specified period unless the period was extended by the DC on reasonable grounds, (c) resigned his/her office, (d) was removed from his/her office and (e) died.

Where the office of the UP Chairman or member became vacant not later than one hundred and eight days before the expiry of term of the Parishad, an election had to take place for filling up the vacancy within sixty days of its occurrence, otherwise the Election Commission would fix a date for holding it. The person so elected was to

serve for the remaining period. A UP could grant leave of absence to its Chairman for any period not exceeding three months in a year. While the office of the UP Chairman was vacant or s/he was on leave, the functions of his/her office were to be performed by an Acting Chairman elected by the elected members from amongst themselves.

The functions of the UP almost similar to those in the LGO, 1976. The Ordinance provided thirty eight civic function;, for the UP, which included civic and public welfare, police and civil defense, revenue and general administration, development and judiciary. Along with these formal functions mentioned in the Ordinance, the UPs had to perform some other additional .functions to meet specific needs of the people and under instruction issued by different ministries/agencies from time to time. These were issuance of nationality/character certificates and ration cards, selection of dealers, relief work, issuing clearance for loans, referring cases to Upazila Health Complexes for treatment, settlement of petty disputes without referring to conciliation courts, etc.

The UPs were allowed to levy taxes, rates and fees on five items: rate on annual value of homestead and residential land adjacent thereto, or Union rate; rate for remuneration of village police (Chaukidar and Dafadar)', fees on births, marriages and feasts (rate of fees on birth was to be progressive); community tax on adult citizens of the concerned union for civil work aimed to provide or augment public welfare (unless the concerned

UP exempted any person from paying this and if the person voluntarily participated in such work or made arrangement for getting his/her work done by some-one else on his/her behalf); and fees for a specific welfare service or

maintenance of public utility service rendered by the concerned UP. Apart from these local sources of revenue, UPs were given financial grants by the government from time to time. For collection of taxes, rates and fees, each UP could appoint tax collectors on commission basis (usually at the rate of 15 per cent of the collection) instead of employing full-time tax collectors. But collection of taxes was by and large extremely poor.

5.8 Local Government in Bangladesh During the KhaledaZia Period (1991-1996)

Khaledazia abolished Upazila Parishad and he formed a commision

The terms of reference of the Commission were as follows:

- to identify the development plans at the local government structure:
- To identify the outlines for preparing, financing and implementing development plans at the local level;
- to suggest an accountable institutional framework for elected representatives at the local level;
- to review the structure, composition and functions of local government institutions including the UZP;
- to review the manpower, funds and indigenous resources .mil income of local government institutions including the UZP;"
- to review and evaluate the guidelines for development planning , the Upazila level;
- to identify the deviations of UZPs and suggest remedies;
- to identify the causes qf failure of local leadership and suggest future perspectives;
- to evaluate the necessity of UZPs and the existing relationship between people and officials at different levels;
- to suggest establishment of an effective relationship between local Members of Parliament and local government institutions, with the former as partners/advisers of the latter in development activities;

- to prescribe future programme outlines for the overall local government structure; and
- to prescribe the relationship between national and local government.

The principal functions of the Loc, Government Commission

The principal functions of the Loc, Government Commission would be

- to make laws, rules, guidelines for local government;
- to determine personnel requirements of local government, including methods of recruitment, charter of duties of staff and manpower strength;
- to assess financial requirements of local government;
- to set, necessary guidelines for training of local government personnel;
- to conduct annual monitoring; to resolve problems and conflicts among local governments;
- to investigate irregularities, malpractices, corruption and misuse of power and take appropriate punitive measures;
- and to take necessary steps to strengthen local government institutions in Bangladesh.

In 1992, the Local Government Structure Review Commission recommended major changes in the structure, composition, functions and finances of rural local government bodies in Bangladesh in order to facilitate ; local level development activities and also to ensure people's participation. Accordingly, the Jatiya Sangsad (National Parliament) passed the Local Government (Union Parishads) (Amendment) Act, 1993. The Zila Parishad has been functioning under the Local Government (Zila Parishads) Act, 1988 and the three hill districts Local Government Parishads under the Special Affairs Division of the Prime Minister's Office have been functioning

under three separate Acts of 1989 in Rangamati, Khagrachhari and Bandarban Hill districts. Their structure, composition, functions, finance etc. were Discussed earlier, along with the latest amendments to the Acts.

Union Parishad

According to the Local Government (Union Parishads) (Amendment) Act, 1993, a union was divided into nine wards. In addition, in each Union Parishad it reserved three seats exclusively for women members, who were to be elected by the elected UP Chairman and members. But not more than one woman member was to be elected from a ward. The UP Chairman was directly elected by the voters of the entire union and the nine members by the voters of the concerned wards on the basis of adult franchise. The UP Chairman was considered a member of the Parishad and both Chairman and members were paid honorariums determined by the government.

However, according to the Local Government (Union Parishads) (Amendment) Act, 1993, a person would be considered disqualified for election as UP Chairman or member if s/he

- (a) was in Urged as of unsound mind by a competent court
- (b) was an un-did M harged insolvent,
- (c) lost citizenship of Bangladesh or acquired! township of or affirmed allegiance to a foreign state,
- (d) was convicted, i criminal offence involving moral turpitude and was sentenced to imprisonment for at least two years and unless a period of five years had censed since his/her release,
- (e) held any full-time profitable Appointment of the Republic or any other local authority including the concerned UP,

(i) was a government-appointed dealer in essential commodities,

(g) was a defaulter in paying any of the taxes, rates and fees Usyicd under the Act and

(h) was dismissed from the service of the Republic or of any local authority for misconduct involving moral turpitude and unless a period of five years had elapsed since his/her dismissal,

(i) did not pay back a loan even after expiry of the scheduled time to the Sonali, Agrani, janata, Rupali, Shilpa, Krishi Banks, Bangladesh Shilpa Rin Sangstha or Rajshahi Krishi Unnayan Bank and

(j) was a Member of Parliament (MP). It may be mentioned that a person was not allowed to contest at a time for the post of both UP Chairman and member and also for more than one post of member. If a person offered his/her candidature for more than one post, all his/her nomination papers became invalid.

The sources of income of the UPs under the Local Government (Union Parishads) (Amendment) Act, 1993 were:

- Tax on the annual value of buildings and lands or a union rate to be levied in the prescribed manner,
- Tax on professions, trades and callings;
- Tax on cinemas, dramatic and theatrical shows, and other entertainments and amusements;
- Fees for licenses and permits granted by the Parishad;
- Fees (lease money) from specified haats, bazaars and ferries to be determined by the government;

Fees (Lease money) from Jalmahals (water estates) situated entirely within the Union boundaries to be determined by the government.

5.9 Local Government in Bangladesh During the Sheikh Hasina Period (1996-2001) The Local Government Commission, 1996

The government headed by Sheikh Hasina, by a notification in September 1996 constituted a high-powered "Local Government Commission." The Commission consisted of eight members headed by the Member of Parliament Advocate Rahmat Ali as its Chairman. Members of Parliament, academics and senior civil servants were included in the Commission as members. The high-powered Commission was to make recommendations with an analytical exposition for the reorganisation of local government bodies. The terms of reference of the Commission were as follows:

- a. To analyse local government bodies in the light of past experience with a view to making them more effective and representative, so that people can participate in development activities easily and spontaneously;
- b. On the basis of the above review and analysis, and given the commitment of the present government, to determine the outline of local bodies and their interactions, with the objective of having a network of local bodies covering village, union, thana and district to promote democratic and decentralised development;
- c. To determine the functions and programmes of local bodies at different levels;
- d. To determine the heads of revenue expenditures and to identify the sources of income for these;
- e. To determine the number of staff for day-to-day activities, their levels, responsibilities and salary structure;
- f. To determine the sources of finance and revenue collection i procedures for local bodies at different levels;

- g. To determine the relations between the national and the local government bodies;
- h. Other related matters.

The Commission took into consideration the past experience of the local government system in the country, the Constitutional provisions, the commitment of all political parties and the determination of the present government to strengthen the local government system. Views and data on the composition of local government, election/nomination procedure and management were collected through advertisements in the mass media, administration of a questionnaire, discussion with cross-sections of people and round table conferences. Besides, the experiences of local government in other countries were studied. The Commission held 40 meetings on different aspects of local government and came up with a set of recommendations.

Among the recommendations, the most important are on the establishment and strengthening of local government bodies at Village, Union, Thana/Upazila and Zila levels and the management of these democratic autonomous bodies. The Commission was of the belief that the hopes and aspirations of the people of all walks of life were reflected in the report. The Commission hoped that the recommendations would lead to a sustainable system of local government, since these were formulated on the basis of a national consensus and keeping in view the overall interests of the people. The Commission prepared the final report in the following format:

- Chapter 1 Evolution of Local Government in Bangladesh;
- Chapter 2 The Constitution and Local Government;
- Chapter 3 Local Government: An Evaluation;

- Chapter 4 Proposed Local Government: Gram Parishad;
- Chapter 5 Proposed Local Government: Union Parishad;
- Chapter 6 Proposed Local Government: Thana/Upazila Parishad;
- Chapter 7 Proposed Local Government: Zila Parishad;
- Chapter 8 Hill District Local Government;
- Chapter 9 Strengthening of Local Government: Financing and Financial Powers;
- Chapter 10 Strengthening of Local Government: Administrative Reorganization;
- Chapter 11 Strengthening of Local Government Human Resources;
- Chapter 12 Strengthening of Local Government: Participation and Accountability;
- Chapter 13 Strengthening of Local Government: Issues and Relationships;
- Chapter 14 Strengthening of Local Government: Local Government Commission;
- Chapter 15 Strengthening of Local Government Laws and Amendment of Laws.
- The major recommendations of the Commission were as follows: The Commission recommended a four-tier system of local government in Bangladesh—the Palli/Gram Parishad at the village level, the Union Parishad at the union level, the Thana/Upazila Parishad at the Upazila level and the Zila Parishad at the district level.

Palli/Gram Parishad: The members elected in each of the newly elected wards under a Union Parishad would be the ex-officio Chairmen of Palli/Gram Parishads. The Palli/Gram Parishad would have one general member and three women members.

Agriculture Officer, the Health and Family Planning Worker, a representative of the Cooperative Societies, a representative of the freedom fighters, representatives of all

other government departments and directorates posted at the ward level would be the non-voting members of the Palli/Gram Parishad. Representatives of all disadvantaged groups and professions (fishermen, weavers, disadvantaged men/women, landless labourers, etc.) would be members of the Palli/Gram Parishad. They would have no voting rights. The reconstituted ward of a Union Parishad would constitute the area under the Palli/Gram Parishad. The Palli/Gram Parishad would have the following functions: Conduct of socio-economic survey of households in the ward and preparation of report based on the same. The survey report would be used in preparing plans and programmers of the Union Parishad;

- Collection of vital statistics on births, deaths and marriages and maintenance of a register for these;
 - Supervision of primary schools and Madrashes, including Ebtadai Madrashes;
 - Raising of awareness about primary health care and health in general;
 - Promotion of public opinion and resistance against terrorism, theft, dacoit, violence against women and improvement of general law and order situation;
- Cooperation with different organizations regarding their programmers in the ward.

Expenses incurred for activities undertaken on behalf of the Union Parishad would be reimbursed from the Union Parishad fund in kind (stationeries, etc.) or in cash.

Union Parishad: Considering the old tradition and crucial importance of the Union Parishad (UP), the Commission made a number of recommendations regarding its composition, functions and financial power in order to strengthen it. There would be a UP Chairman, directly elected by the voters of the union. Nine members would be directly elected from the nine wards constituting the union. Three seats would be reserved for women. The male and female voters of three wards within a Union would

Chapter 6 FUNCTIONS OF UNION PARISHAD IN BANGLADESH

6.1 Introduction:

The British rulers constituted Union Parishad as local government in the rural areas of Bangladesh for maintaining law and order. In 1870, under the Village Chaukidari Act, the District Magistrate was empowered to appoint a Panchayet consisting of five persons at the Union level¹. This body was created solely to maintain law and order in the villages with the assistance of Chaukidors, and to collect a tax for paying their salaries. No there functions were assigned to it. It was entirely a nominated body, and a person nominated could not refuse to be a member. In case of refusal, a fine of Rupees 50.00 could be imposed.

In 1885, the Bengal Local Self-Government Act came into force². This Act introduced three tiers of local bodies, namely the

1. District Board at the district level,
2. the Local Board at the sub-division level
3. and the Union Committee at the union level. A union usually consisted of 10-15 villages.

The Union Committee merely acted as an agent of the District Board. It provided community services and had no independent sources of income.

1. *According to the village chaukidari Act. 1870.*
2. *According to the Bengal local self Governmetn Act. 1885*

The Union Committee was entrusted with the management and maintenance of primary schools, roads, tanks, drains, sanitation, registration of birth and deaths etc. on behalf of the District Board. The management of the local police was, however, left to the Chaukidari Panchayet.

The next important legislation was the Bengal Village Self-Government Act of 1919³. This Act amalgamated the Chaukidari Panchayets with the Union Committees to form the Union Boards. These Boarder were given the power to collect rates and cusses for financing their activities, power to collect rates and cesses for financing their activities.

6.2 The Bengal Village Self Government Act of 1919

The Bengal Village Self Government Act of 1919 entrusted the following functions to the Union Boards.

- **Low and Order Functions:** The Union Board was required to maintain a number of Chaukidars and Dafadars. The Chaukidars were given the power to arrest persons committing cognizable offences and possessing housebreaking implements or stolen property, and to keep watch and report to the police station about the arrival and movement of any suspicious character in the union. The maintenance of law and order was a statutory responsibility of the Boards.

3. According to the Bengal village self Government Act 1919

- **Public Services:** The provision of public services of various types depended on the availability of funds. It was the responsibility of the Boards to construct, maintain and repair village roads, bridges and culverts, provide and maintain schools and libraries, supply tube. Wells, improve sanitation, provide conservancy, drainage etc. However, owing to serious financial constraints, the Boards neglected most of these functions.

- **Regulatory Functions:** Functions of Union Boards under this head included registration of births and deaths, controlling construction of buildings, checking public nuisance, and transmission of information to the District Magistrate.

- **Judicial Functions:** The President of the Union Board was authorised to adjudicate disputes. On the recommendation of the Royal Commission, some judicial powers were vested in the Union Board by the Act of 1919. The Union Board could try only petty cases, both civil and criminal.

- **Other Functions:** The Union Boards also used to perform miscellaneous functions assigned by the District Board. For discharging these functions, funds were provided by the District Board.

6.3 The Basic Democracies Order

The Basic Democracies Order (EDO), 1959 modified the system of local government as defined in the Bengal Village Self-Government Act of 1919⁴. A four-tier system of rural local government consisting of the

4. According to the Basic Democracy order BDO 1959

1. Union Council,
2. The Thana Council,
3. The District Council
4. And the Divisional Council

The Union Council, besides maintaining law and order within its jurisdiction, was entrusted with 37 other functions. The Union Councils could undertake all or some of these functions according to the direction of the government, and as permitted by the funds available to them. The functions listed in the BDO, 1959 may be categorized as

(1) civic functions, as enumerated in Part-1 of the Third Schedule,

(2) police and defense functions, as enumerated in Part II of the Third Schedule;

(3) revenue and general administrative functions, such as assistance to the village revenue officials, reporting to the police and other specified minorities, assistance to officials, etc.

(4) judicial functions such as adjudication of petty disputes, administration of the Muslim Family Law Ordinance, etc. and

(5) other functions relating to national reconstruction, promotion of public games, sports and cultural activities.

6.4 The President's Order No. 7

After the liberation of Bangladesh, the President's Order No. 7 of 1972 was promulgated. This order simply changed the name from Union Council to Union Panchayet. The latter was renamed Union Parishad (UP) under President's Order No. 22 of 1973. Three years later, the Local Government Ordinance, 1976, was

promulgated with a view to defining all aspects of local government in a comprehensive manner. The Ordinance proposed three types of local government at three levels. In addition to police and defense functions, the UP was entrusted with a wide range of activities, subject to rules and directions of the government, and the limits of the funds at its disposal. The UP could thus undertake civic functions as enumerated in Part-1 of the First Schedule; police and defense functions (the government could establish a village police force in the rural areas and formulate rules to regulate appointment, training, discipline and the terms and conditions of service of such a police force; the village police was to exercise power and discharge duties as specified in Part-11 of the First Schedule); revenue and general administrative functions (such as assisting officials in general, and village revenue officials in the union in particular, in the preparation of records, revenue assessment, reporting offences to the police and cases of damage to other competent authorities, publicizing all important matters in the union, development functions covering agricultural, industrial and community development in the union according to rules and regulations prescribed by the government). In the matter of functions, the 1976 Ordinance made no fundamental departure from the EDO, 1959.

6.5 Village Courts Ordinance, 1976.

In addition to the above mentioned functions, the UP also performed judicial functions under the Village Courts Ordinance, 1976. The village courts were to consist of the UP Chairman, two UP members, and two other members representing the two parties to the dispute. The court had the power to try petty cases, both civil and criminal. It could not pass sentence of imprisonment, but it could impose fines not exceeding Taka five thousand. The idea was to provide quick and real justice to rural people through the village courts.

6.6 The planning function

In addition to the above functions, the UP is also assigned with the planning function. The planning function at the union level revolves round the Union Plan Book (UPB), which was started in the early sixties. The Planning and Evaluation Branch of the Basic Democracies and Local Government (BDLG) Department prepared it. The UPB initially included two major components of the Rural Works Programmed (RWP), namely (i) roads, bridges and culverts and (ii) drainage and embankment. Later on, irrigation was added as a vital component.

The model UPB gave detailed instructions as to how the plan book and the maps of various components had to be drawn up. The components were to be approved by the concerned agencies. For example, the drainage and irrigation component shown in maps 2 and 3 was to be approved by the Bangladesh Water Development Board (BWDB). Similarly, supervision and guidance from the Overseer of the Circle Officer's (Development) office were to be sought, in order to include roads and bridges in the UPB. Provision was made in the UPB for the conduct of local surveys by UPs with the technical assistance of the thana staff (Overseer, Supervisor, etc.) in the preparation of a union profile covering the above two components. In these respects, the then Sub-Divisional level technical staff was required to provide training and guidance to the concerned thana level staff. It was also required that before drawing up the union plan, UP members and ward committees should be consulted. The Ministry of Local Government, Rural Development and Cooperatives (MLGRD&C) issued circulars explaining the various steps to be taken by UPs for the Five Year Plan period.

The UPB, which was drawn up for the period 1976/77-1982/83, included 9 maps for drainage, irrigation and embankment, and about the same number of maps for roads, bridges and culverts. The major information in these maps were

- (a) the present situation;
- (b) projects to be undertaken during the plan period;
- (c) projects approved by the then Thana Development Committee (TDC) on a priority basis; and
- (d) projects to be completed in each financial year etc.

In addition to the RWP, UPs were required to prepare and implement other projects at the union level as and when required. But these were not regarded as part of a Five Year Plan. In such cases emphasis was given on implementing projects of an urgent nature even though these fell outside the Five Year Plan.

After the introduction of the Upazila system in 1982-83, the UP lost its importance in the formulation and implementation of the Five Year Plans, since the UZPs were to play the pivotal role in preparing and executing Five Year and Annual Development Plans covering the entire Upazila. However, in practice, most UZPs did not carry out this mandatory task though the Local Government Engineering Department (LGED) prepared Upazila Plan Book guidelines in 1990. After the abolition of the Upazila system in 1991, the UP has regained its importance because the union has been designated as the focal point of rural development. The UP is now required to prepare Five Year and Annual Development Plans, in order to ensure socio-economic uplift in the rural areas. Unfortunately, it does not have the required technical staff to carry out this responsibility. The LGED has prepared a UPB (guidelines relating only to physical infrastructure) in 1992, covering five years (1992/93-1996/97), for the UPs. The major components of the UPB include road development (roads, bridges and

culverts); drainage and embankment; irrigation; and land use development. There are eight maps for each component, in addition to the two union-based maps. The objectives and goals of the sectors are discussed below:

- **Union Road Development Plan:** The main purpose of the union road development plan is to intensify the economic activities of the union and thereby the whole region by establishing links with the villages, hoots and bazaars, river ports, etc. within the union through all-weather roads. But, it may not be possible to undertake such programmers in Haor areas and similar low-lying regions where road communication is not feasible. In such cases alternative arrangements have to be devised.

The primary goal of this plan is to ensure that the producer is able to carry his/her produce to the market at a minimum cost and sell it at a fair price. Secondly, it is to ensure that the farmers and the rural people get their necessary agricultural inputs (seeds, fertilizer, agricultural equipment, etc.) and daily necessities, e.g. food, clothes, etc. easily, at the right time and at fair prices.

- **Union Drainage and Embankment Plan:** The main purpose of the union drainage and embankment plan is to revitalize the canals so that flood and monsoon rains may not damage crops just before the harvest time. The plan thus envisages re-excavation of narrow channels in order to ensure convenient drainage. The flood control measure is to be taken hi such a manner that drainage can be ensured when necessary.

If drainage and embankments can be properly maintained, Aus and Among crops will not be damaged. In other words, this will boost agricultural production. This, in turn,

will inspire the farmers to use improved varieties of seeds, fertilizer and modern implements once they are able to appreciate the benefits of drainage and embankment. That is why special emphasis has been laid on canal re-excavation and flood control measures. However, expenditure on canal and embankment construction is not a must, since its usefulness has to be ascertained on the basis of local needs. The special emphasis means that considering the immediate benefit of flood control measures, drainage and embankment building should be an important component of the union master plan. Union Irrigation Plan: The long-term objective of the union irrigation plan is to provide low-cost irrigation facilities to every cultivable plot of land. It aims to supply water to cultivable plots through excavation of small-scale irrigation canals with water control structures and pumps. Where surface water is not available, underground water is to be tapped for necessary irrigation through tube wells or from larger projects implemented by the BWDB.

The immediate objective of the irrigation plan is to increase the yield of crops at a low cost with the help of irrigation in order to ensure a high return on investment within a short time. If the economic condition could be improved through increased crop yield, then more complex and expensive projects could be undertaken at a later stage. Indeed, if farmers could be ensured water supply round the year, they could also be induced to increase yields with high-yielding varieties of paddy and other crops. In that case, they would not have to bear the additional burden of using more fertilizer, because the risk of crop damage from drought would be minimized.

Union Land-Use Development Plan: The objective of the land-use plan is to develop the potentials of land and water resources in order to produce more food, industrial raw materials, livestock, fisheries and forestry products and thereby to improve the

quality of life. Land-use planning is also necessary for establishing industries, human settlements and a planned communication network, and for minimizing land wastage. As, in the past, there are several practical problems with the union plan.

1. First, it is heavily biased in favor of physical infrastructure development and does not concern itself with social investment.

2. Second, there is no trained manpower at the union level to draw up this plan.

3. Third, unless adequate resources are provided and implementation capability at the union level is increased, it will remain a theoretical exercise. From the above discussion, it is clear that the functional responsibility of local government in Bangladesh at the union level has undergone changes five times so far, namely in 1885, 1919, 1959, 1976, 1983. The difference was substantial between 1885 and 1919 and between 1919 and 1959. From 1959 onward, the changes were minor, and consisted of regrouping functions and shifting the emphases among the functions.

- **Functions Actually Performed:** A large number of functions have been prescribed in the laws. In practice, however, UP functions are usually confined to the following areas:

- assessing and collecting taxes;
- maintaining law and order through the village police;
- maintaining birth and death registers;
- constructing and maintaining roads, bridges, culverts, etc.;
- constructing and maintaining ponds.
- maintaining hoots and bazaars;
- excavating and re-excavating derelict ponds for pisciculture;
- issuing various kinds of certificates and licences;
- providing road lighting;

- planting trees;
- settling local petty disputes;
- promoting cottage industries;
- maintaining UP information and records;
- motivating people to adopt family planning methods;
- celebrating national days.

6.7 The ordinance of 1983

The functional dimension was broadened further under BDO in 1959 during the Pakistan period when 37 Sanctions were prescribed for the Union Council.⁵

After the emergence of Bangladesh, the promulgation of the Local Government Ordinance, 1976 made no

fundamental departure, as regards the functions of the UP from what they were under BDO. The Ordinance of 1983, however, made some modifications in the functional arrangement of the UP by way of linking it with the Upazila Parishad.

The functions, as provided under the Ordinance can be divided into five categories:

(a) civic, (b) police and defense, (c) revenue and general administration, (d) development and (e) transferred (functions which may be transferred by the government and the Upazila Parishad).

6.8 Civic Functions

The ordinance enumerate 38 civic functions. Any other measures likely promote the welfare, health, safety, comfort of the inhabitants.⁶ The mandatory functions assigned to it are.

5. Ahmed, A., *Administration of Local Self-Government for Rural Areas in Bangladesh*, NILG, Dhaka, 1979, p. 58.

6. *Government of the People's Republic of Bangladesh, Local Government (Union Parishad) Ordinance, 1983, Article 30.*

- (a) maintenance of law and order and assistance of administration in the maintenance of law and order;
- (b) adoption of measures for preventing smuggling;
- (c) adoption and implementation of development schemes;
- (d) promotion of family planning;
- (e) development of local resources;
- (f) implementation of projects assigned by the Upazila Parishad;
- (g) protection and maintenance of public property;
- (h) review of development activities of all agencies at union level and make recommendations to the-upazila Parishad;
- (i) motivation for the use of sanitary latrine;
- (j) registration of births, deaths and destitute;
- (k) conducting of census of all kinds.

As regards the optional functions, the UP considering its financial strength and administrative capability may undertake any activities prescribed in the Ordinance.

6.9 Police and Defense Functions

As per provision of the Ordinance the government may establish a village police force and regulate its appointment, training and discipline, and terms and conditions or service for the maintenance of law and order in the Union.⁷ At present, the village police force placed under the supervision of a UP consists of a number of Chowkidars and a Dafadar.

7. The East Pakistan Union Council (Village Police Force) Rules, 1964, Rule 4.

It is maintained to keep watch and ward in the union and to assist the regular police force in all matters connected with prevention and detection of crime. The number of duties of village police force, as enumerated in the Ordinance is 21, all related with law and order in the union.⁸

6.10 Revenue and General Administrative Functions

It is the duty of the chairman of every UP to assist village revenue officials in the proper performance of their duties with regard to collection of rent or land revenue and the general administration. A UP is required to publicize in the union all matters, the publicity of which is considered necessary by the government or other competent authority. It, by law is bound to assist officials (government) in the execution of their official duties and to furnish such information as may be required by them for official purpose.⁹

8. *The Ordinance, op. cit, Article 31.*

9. *Ibid., Article 32.*

6.11 Judicial Functions : Village Court

Though at the beginning of the British Rule the union level local bodies were not entrusted with judicial power, they were for the first time vested with it later in 1919. This power since then has been exercised by these bodies. The rationale for establishing a village court is to ensure quick and easy dispensation of justice in petty disputes. For convenience of the rural people, the UP has been vested with judicial power of both types civil and criminal under the Village Court Ordinance, 1976.¹⁰

A village court consists of a chairman and four members: the UP chairman is usually the chairman of the court. If any party has no confidence in the impartiality of the chairman, the higher authority (DC) may appoint any other member of the Parishad on petition of any party.¹¹ Of the four members, two members are the representatives of each party in dispute and one of the two others must be a member of the UP.

The court seeks an amicable conciliation of the problem and attempts to remove the causes of discord and strife among the villagers. There cannot be an appeal against the decision if it is taken unanimously or by four-fifths of the members of the court. But appeal can be made if it is taken by two-thirds of members to higher courts (Upazila Magistrate for criminal cases and Assistant Judge for civil case). The village court has no authority to put any one into jail or fine him. But if any one is found guilty of criminal offence, he can be asked to pay compensation to the party concerned not exceeding Taka one thousand¹².

10. *Government of the People's Republic of Bangladesh, The Thana and Union Parishad Training Manual, 1979, p. 80.*

11. *Chowdhury, M. A., Functioning of the Union Conciliation Courts, ... Journal of the PARD, Vol. V, No. 1, Camilla, 1964, p. 133.*

12. *Maniruzzaman, The Functioning of Local Government in Rural Bangladesh, Dhaka, 1981, p. 67.*

6.12 Development Functions: Rural Development Programme

A UP is responsible for agricultural, industrial and community development in the union. The basic objectives of development programmers are: (a) development of rural infrastructure for transportation, irrigation and flood control; (b) creation of off-season employment opportunities for the poor and unemployed; (c) development of planning and administrative capabilities of the local people as well as to ensure their participation in planning and execution process of the development work.¹³

The formulation of development projects is the responsibility of the Ward Committee, which invites a general meeting to assess the local needs and chalk out plans for local development. The UP then sits in a special meeting to finalize the proposal which in turn is submitted to the Upazila Parishad for approval. A Project Committee takes the responsibility for execution of an approved project.

The rural areas of Bangladesh present a grim picture in terms of landlessness, unemployment, illiteracy and malnutrition. Excluding few cities and towns, the whole of Bangladesh is a rural slum with adverse effect on urban communities. As such, the development of the economy is one for transformation of the rural economy where the UP and other rural local bodies can play a significant role through mobilization and utilization of local resources (financial and human) which have hitherto remained untapped¹⁴.

13. Chowhdury, A. B., *Performance Report on Works Programme, Ministry of Local Government, Dhaka 1978*, 101.

14. Ullah, M. B., *Rural Development Policies, Progress and Practices in Bangladesh*,

The involvement of rural local bodies in rural development first started with the introduction of the Union Council under BDO following the failure of V-AID (Village Agricultural Industrial Development). The V-AID Programme proved ineffective mainly due to its isolation from the field administration and local bodies. The BDO system which emphasized local planning and infrastructure building was an improvement for rural development over the previous system but proved far below the needs of the country.¹⁵

After independence, the Swanirvar (self-help) movement, aiming at developing self-reliant villages through mobilization of local resources and direct involvement of rural people was started in 1975. It committed the same mistake which V-AID did by not linking its plans

and programmers with the UP and other local bodies. This isolated attempt generated intense rivalry between the Swanirvar committees and the local bodies. Consequently it failed to make any headway in rural development. Another rural development approach has been pursued by BRDB (Bangladesh Rural Development Board) since independence through two-tier cooperatives. Although its federated units at the upazila level are linked up with the Upazila Parishad, its basic cooperative units at village level (KSS) have no functional relationship with the UP¹⁶. This has resulted in two parallel streams of rural development programmed which are being followed

15. *Development Review, Vol. 1, No. 2, Academy for Planning and Development, Dhaka, 1988, p. 121.*

16. *Tepper, E., Changing Patterns of Administration in Rural East Pakistan, Michigan State University, 1964, p. 108.*

6.13 Additional Functions Performed by the UP

In addition to the functions prescribed in the Ordinance, a UP has to perform some additional ones to meet specific needs of the people or under instructions received from different Ministries and Agencies from time to time¹⁷

Issuance of Certificates: The UP chairman issues certificates relating to one's character and succession. Many other certificates are issued for authentication as and when required by the people for the accomplishment of civic affairs.

Issuance of Ration Cards: The ration cards are issued from the UP to enable the villagers to purchase food grains at fair prices. These are issued on categorization based on the amount of tax, an individual has to pay annually¹⁸.

Selection of Dealers: The UP in a meeting selects the rationing dealers and sends the proposal to the District Controller of Food for approval. **Relief Works:** The UP Relief Committee prepares during the post- disaster period a priority list of families affected in any disaster. All relief goods received are distributed as per priority list in cooperation with ward members. **Clearance of Loan:** The UP issues certificates to the farmers interested to receive agricultural loan. The bank consider this as an authentication; in fact, they do not provide any loan to the farmers without clearance certificate from the respective UP chairman.¹⁹

17. All, A. M. M. S., *Field Administration and Rural Development in Bangladesh*, Dhaka, 1982, p. 208. -73.

18. Mahtab, N., *Administrative Decentralization and Rural Development in Bangladesh: A* ; *Review of Upazila Administration*, *Indian Journal of Public Administration*, Vol. 31, No. 4, 1985, p. 1303.

19. Khatun, R, *Functions of Union Parishad*, In: *Siddiqui, K, (ed), Local Government in Bangladesh*, NILG, Dhaka, 1984, p. 83

Settlement of Petty Disputes: Some petty disputes are settled informally by the members of the UP in cooperation with distinguished persons of the locality in order to reduce litigation in formal courts.

Although the functional dimension of a UP as provided by the Ordinance is, wide, its actual involvement with developmental and other functions is very limited mainly due to the lack of fund and technical skills, and because of its other existing problems. It is observed in this chapter that the UP has been crammed with a vast array of functions. All conceivable aspects of rural life have been

Covered by the list of functions assigned. Given the constrained programmed environment, as pointed out earlier, it remains to be observed how the loading of numerous functions has, been assimilated in the body politic of the UP. This will be examined in the next chapter.

6.14 Duties and Responsibilities of UP Members

The local government bodies play an important role in the overall development of the country. The UP members, since the people elect them, play a very important role in delivering civic facilities to villages.

According to a circular of the Local Government Division of the LGRD&C Ministry (Memo No.Proje-3/Misc.-14/2001/801 dated 10.9.02), the main duties and responsibilities of the UP members (general and reserved seats) are given below:

.General and Reserved Seats

- i The members of both general and reserved seats will take up projects to increase the income of the poor and other disadvantaged sections of the

society, for example, cottage industries, livestock, fisheries and plantation etc.

They will try to motivate the people to participate in such work,

- ii. The members will encourage and motivate the people about illiteracy eradication and promote family planning, public health, EPI and primary health care. They may also implement the projects taken up by the UP in these fields,
- iii. The members will assist in the construction of separate public toilets for the male and female population and will encourage the people to use the toilets properly.
- iv. The UP members will inform the UP about births, deaths, divorces and marriages taking place in their respective wards,
- v. The UP members will take necessary steps to preserve public assets, such as public paths, government buildings, open spaces, parks, playgrounds, cemeteries, burning ghats, meeting places, roads, pools, bridges, culverts, embankments, canals, telephones, electricity lines, etc. and will inform the UP and the related authority about these matters.
- vi. The UP members will develop games and sports facilities, establish libraries, celebrate national festivals and also encourage the people at the ward level to take up physical exercise and organize cultural functions, and give assistance to those interested in such activities.

- vii. The UP members will make people aware about calamities, such as fires, floods, droughts, tornados, earthquakes, tidal bores and so on. The UP members in the general seats will form the ward disaster management committee with eminent local personalities, the youths and other professionals of each ward. One of the UP members from the general seats will be . the Chairman and one of the UP members from the reserved seats will be the advisor of that committee, viii. The UP members from both general and reserved seats will work for the management of the environment. They will supervise the collection and removal of waste, garbage and carcasses from roads and streets. They will establish slaughterhouses and will report to the UP, if required.
- ix. Hie UP members will supervise wells, tube-wells, tanks, ponds and other sources of water to ensure the supply of pure drinking water and they will also supervise bathrooms and washing places for preventing water-borne pollution.
- x. Members of both types of seats will help implement primary education and total literacy movement of the government.
- xi. Members of both types of seats will motivate the people to pay taxes, rates and fees to increase UP income.
- xii. Members will perform any other activity specified by the government and the UP.
- General Seats
 - i. UP members from the general seats will form the law and order controlling committee, along with respectable people and professionals from their

respective wards. They will be the chairmen and the members in reserved seats will be the advisors of this committee. The committee will maintain law and order, and will take steps to control crime, disorder and smuggling and inform the UP. Besides these, the committee will inform the UP about offensive and dangerous businesses.

- ii. UP members in the general seats will help the authorities concerned in conducting different kinds of census.

Reserved Seats

- i. The members of reserved UP seats will play an active role in preventing abuse of women and children; controlling dowry, acid throwing and early marriage; and encouraging people to register marriages. They will be the chairmen of the committee in related to these aspects and will also take necessary steps for the welfare of women and children.
- ii. UP members from reserved seats will make up one-third of the total number of members in each of the standing committees. The UP members from reserved seats will be the chairmen of the standing committees according to the ratio 1:3. However, only the UP Chairman will be Chairman of the standing committee on finance and establishment.
- iii. UP members from reserved seats will be chairmen of one-third of the total project implementation committees.

6.15 Obstacles in Discharging Union Parishad Functions

As UPs work at the grassroots, they constitute the most important tier of the rural local government system. However, it is usually found that the UPs face serious problems in performing their assigned tasks. Of these, the following deserve special mention:

- **Inadequate-finance:** It is the most serious problem faced by UPs. The UP implements some major development projects with the annual government grants. The government also permits UPs to levy taxes and fees on a limited number of resources. Owing to various factors, UPs do not, or are unable to, fully exercise their taxation powers. On the other hand, due to delays in the release of grant funds by the government, UPs cannot perform their functions properly.
- **Non-Cooperation of Members:** For smooth functioning, this factor sometimes becomes a serious barrier. Every UP has project committees for undertaking various development projects. But most of the times, UP members remain absent from the scene. Their signatures are required on project progress reports. They are generally reluctant to put their signatures unless there is some ; illegitimate inducement.
- **Lock of Training of UP Functionaries:** The functions of the UP cover every aspect of rural social and economic life. However, the success of the Parishad in discharging these functions depends largely on the capability and efficiency of UP functionaries such as Chairmen, members and secretaries. In order to

make them effective, training in relevant skills is a must. Unfortunately, training available to them at present is rather inadequate.

- **Lack of Technical Staff:** The UP constructs and maintains roads, bridges, and culverts etc. as a part of its functions. But due to lack of technical staff, it cannot perform this function properly.
- **Lack of Coordination:** Lack of coordination between elected representatives and government functionaries also hampers the UP's normal functioning.
- **Additional Functions Performed by the Union Parishad:** The UP performs various formal functions as prescribed in different Acts and Ordinances. It also performs some additional functions to meet the specific needs of the people, and under the instructions received from different Ministries and Agencies from time to time. These additional functions are not included in the Local Government Ordinance, 1976,

1983 and 1993. The UP generally performs the following additional functions:

Issuance of Certificates: The Chairman of the UP issues some important certificates as and when required by the people for certain civic functions. The main certificates are Character Certificate (it pertains to a person's character, conduct, involvement in any anti-state activity),

Succession Certificate (This is issued to the legal heirs of a deceased) and Certificate for Livestock Sale (this is issued to the owner wishing to sell his cow, goat or buffalo in a market or haat within the UP). **Conducting Relief Work:** During natural calamities, the UP functionaries conduct relief operations with the help of the government, NGOs and other private organizations/individuals.

Clearance of Loan: The government offers agricultural loans to farmers through banks. The UP issues certificates to farmers interested in such loans and the banks consider this as an authentication of their eligibility. In fact, they will not provide a loan to a farmer until and unless this clearance certificate is obtained from the relevant UP Chairman.

Referral Work in Connection with Treatment at the Upazila Health Complex: When a dog or any other rabid animal bites a person within the Union, a certificate is required for its treatment at the Upazila Health Complex. The UP is required to issue this certificate and refer the matter to the Upazila Health Complex for treatment.

- Settlement of Petty Disputes without Referring to Village/Conciliation Court: UP members settle some petty disputes, with cooperation from distinguished local citizens in order to reduce litigation in formal courts.

6.16 Committee System in Union Parishads

According to the Local Government Union Parishads (Amendment) Acts, 1993 and 2001 each UP will constitute 13 standing committees, one for each of these areas:

- (a) finance and establishment;
- (b) education and mass education;
- (c) health, family planning and epidemic control;
- (d) audit and accounts;
- (e) agriculture and other development works;
- (f) social welfare and community centers;
- (g) cottage industries and cooperatives;
- (h) law and order;

- (i) welfare of women and children, sports and culture;
- (j) fisheries and livestock;
- (k) conservation of the environment and tree plantation;
- (l) union public works; (m) rural water supply and sanitation.

A standing committee will elect one of its members as its Chairman, and another member as its Vice-Chairman. One-fourth of the total number of Vice-Chairmen of the standing committees will, subject to the availability of candidates, be elected from among the women members elected from the reserved seats. Furthermore, a UP may co-opt a person of either sex who is not a member of the Parishad but who may, in the opinion of the Parishad, possess special qualifications for serving on any of the standing committees; however, such a member does not enjoy any voting rights in standing committee meetings, but is deemed to be a member thereof for all other purposes.

Besides, the UP may, with the previous approval of the Deputy Commissioner (DC), constitute additional standing committees for such purposes as may be prescribed by regulations.

The Local Government Division of the LGRD&C Ministry in 1989 issued a circular for the formation of a committee in each UP of the country to resist oppression of women. The functions of this committee are as follows:

- to entertain complaints regarding oppression of women and take necessary measures on a priority basis to combat such oppression. Where

the committee is unable to solve the problem, the 1 -MTV matter is referred in writing to the Upazila Women's Affairs Officer.

- to take all necessary steps to combat the oppression of women.
- to publicise problems faced by women on the UP bulletin board, so
- that the oppressed women can easily know where to knock for help.
- to hold meetings at least once a month and submit a report to the Upazila Women's Affairs Officer every month on its activities.

Samaj Unnayan Committee

A Samaj Unnayan Committee is also to be formed in every ward. The member from the reserved seat will be its Chairman and the members representing the wards from the general seats will be the members.

Gram Sarkar

Prime Minister Begum Khaleda Zia's government felt the importance of involving people at the grassroots level in the development activities of the country. Accordingly, the Gram Sarkar Act 2003 was passed in February, 2003 order to constitute a Gram Sarkar at every ward of a Union as a supporting institution to the UP. The functions of the Gram Sarkar was follows:

- Prepare plans on a priority basis for the development of village roads, culverts etc., review the progress of ongoing projects and financial matters,
- Create combined defense against cruelty to women, terrorism, theft, dacoit, etc. and ensure law and order and report to the UP on this

- Supervise the programmed taken up by the government for the eradication of illiteracy and maintain information on teaching syllabi of primary schools, madrasahs and maktabas and send reports to the UP;
- Motivate parents to send children of school-going age to the primary schools and send reports to the UP on parents failing to do so; Assist and cooperate with the concerned authorities for the implementation of programmers on nutrition and vaccination and send reports to the UP on the activities of those implementing the programmers at the field level;
- Cooperate with the concerned authorities to implement the programmers for the supply of safe drinking water and sanitary latrines;
- Collect and maintain primary data on births, deaths, marriages and divorces and send reports on the same to the UP;
- Maintain information on the supply of fertilizers, high yielding seeds and insecticides for developing agriculture and report to the UP and the concerned authorities if there is any crisis;
- Assist the law-enforcing agency in the conciliation of disputes to maintain law and order hi the villages;
- Promote public sports and culture;
- Encourage the village people to establish cooperative societies, small industries and poultry farms and engage in pisciculture and cattle rearing for economic development of the village;
- Encourage the village people to plant trees and improve the environment;
- Take up any welfare activity for overall development of the village people including women and children;

- Supervise Vulnerable Group Feeding (VGF) and Vulnerable Group Development (VGD) programmers; and
- Perform any other work specified by the government.

Immediately after the formation of Gram Sarkar in 2003, the National Institute of Local Government (NILG) organized daylong orientation training courses for Gram Sarkar functionaries at the union level in the same year. In addition, NILG also organized one daylong training course on "Dowry and Early Marriage Prohibition and Birth and Death Registration" for UP and Gram Sarkar functionaries at each model union in a district in cooperation with the concerned UNOs from March-April, 2005. The NILG conducted a research study in 2004 on "Functioning of Gram Sarkar" in two unions of Dhaka and Comilla districts. The study team members interviewed upazila level officials, selected UP Chairmen, members and Gram Sarkar functionaries. Besides, the NILG faculty members also interviewed concerned officials of the Local Government

Chapter 7

Women representation at Union Parishad level development

7.1 Introduction:

Women constitute about 49 percent of population. Various indicators reveal that the status of women is much lower than that of men. The development objectives such as accelerated economic growth, poverty alleviation, family well-being and employment creation cannot be achieved without the contribution and participation of women. It is therefore essential that women should participate in and be integrated into development process of the country.

Women in Bangladesh are not a homogeneous group though they share certain basic characteristics. Women are differentially situated according to their class, community, social and family, landholding pattern, education, skills, income, race, regional grouping, etc. The common characteristics women share relate to their subordinate position vis-a-vis men and their lack of meaningful participation in contemporary social and national development. Another near-universal feature of women's situation in Bangladesh is the combination of roles that they have to carry out which include income earning or cost-saving activities besides familial, household management and caring/nurturing functions.

There are a number of inherent difficulties in addressing women's concerns effectively through developmental interventions. Part of the problem lies in not reaching women effectively, in different situations settings, especially those who belong to asset-less, asset-poor and socially vulnerable households and in enabling them to have a voice in designing and shaping the interventions.

Women participation in the local government" is an important issue in current development discourses. Socio-economic development cannot be truly achieved without the active participation of women at the decision making level in society.

What participation means; Momtaz Soysal define participation as all forms of action by which citizen's "take part" in the operation of administration. The taking part refers to any level from macro to micro region or it may be of any type e.g. advisory or in decision-making or in implementation etc., people can participate through public or private bodies or organizations¹ (Momtaz-1966).

R.C Baetz states that participation in development means how community members can be assured the opportunity of contributing to the creation of the community's goal and services².(R.C. Baetz)

Political participation is a means of gaining access to the power-structure where decisions with regard to the allocation of resources amongst people and other issues of community's concern are made.

Political participation may, therefore, be considered as one of the most powerful indicators of the status of women both in the social and economic spheres of life.³ (Salahuddin-1995)

7.2 Constitutional Provisions: -

The constitution of Bangladesh has granted equal rights to men and women both in matters relating to the state and public life. But there is the traditionalization social system and institutions place the women in unequal and disadvantaged positions.

1. Momtaz Soysal, *Public Relations in Administration: II (International Congress of Administrative Sciences)*, 1966, P-46.

2. R.C. Baetz, *Development and Participation (Columbia University Press)*, 1975

3. Salahuddin, Khaleida,- *Women's Political Participation: Bangladesh. Women in politic.*¹; and bureaucracy women for women, 1995, P-1 & 2.

Women's rights to equality and affirmative action in respect to equality are guaranteed in the Constitution. According to the Constitution of Bangladesh, all citizens are equal before the law and are entitled to equal protection of the law (Article 27); the State shall not discriminate against any citizen on the grounds of religion, race, caste, sex or place of birth [Article 28 (1)]; women have equal rights with men in all spheres of

The State and public life [Article 28 (2)]; nothing shall prevent the State from making special provision in favour of women or for the advancement of any backward section of the population [Article 28 (4)].

The Constitution further advances and incorporates the principle of special representation of women in local self-governing bodies (Article 9). Three women members are elected to the Union parishads and Municipal Councils. Provision has also been made to reserve thirty seats for women in the parliament (Article 65).

7.3 Women in Development Plans:

Women have been considered as a distinct target group in the development plans of the country.

The **First plan** (1973-1978) emphasised a welfare-oriented approach and focused on rehabilitation of war-affected women and children. The **Two Year Plan** (1978-1980) was characterised by a shift from welfare to development efforts.

The **Second Plan** (1980-1985) emphasised creating a congenial atmosphere for women's increased participation in development through expanding opportunities for skill development, credit and entrepreneurship development programmes.

The **Third Plan** (1985-1990) had specific objectives to reduce disparity between the development of men and women.

The **Fourth Plan** (1990-1995) placed women within the context of a macro frame work with multi-sectoral thrust and focused more on the development of poor and disadvantaged women. However, women's development issues were not made an integral part of the process of formulating, implementing and evaluating development programmes across all sectors. Some sectoral projects incorporated an understanding of differences between women and men in situations and opportunities as a means of seeking a fair distribution of project benefits and a reduction of gender disparities, while some projects included specific targets or objectives for women's development.

The emphasis of the **Fifth Five Year Plan** (1997-2002) is on the reduction of gender disparity through integration of women in the main-stream of development. The thrust of the plan is on protection of women's rights and empowerment of women. The main objectives of this plan are:

- Increase women's participation in decision making both at the national and local levels / Increase women's representations at all levels in the public service including all tiers of local government;
- Promote gender equality and improve the status of women;
- Promote greater participation of women in the formal and informal sectors of employment; and

- Promote economic self-reliance of women through expansion of vocational skill training, especially in non-traditional areas, managerial training and credit facilities.

7.4 Situation of Women:

Women is much lower than that of men. Women are represent a half of the country's human resources and thus a half of its potential . Traditional socio-cultural practices limit their opportunities in education, skill development, employment and participation in the overall development process. Their literacy rate is only. 48 per cent, much lower than that of men (which is 55.6 per cent) life expectancy is 58.1 years for men and 57.6 years for women. Excessive mortality among women due to discrimination has resulted in a sex ratio in the population whereby there are 105 men for every 100 women. Nutritional status of women and girls is marked by sharp differences with that of men and boys. Health care for women is often restricted to their reproductive health. General health of women at all ages is often neglected. Women are married at a much lower age than men: mean age at marriage of women is 20.0 while that of men is 27.6, Early marriage, repeated pregnancy, and long child bearing spans have serious implications for women's low nutritional status and high maternal mortality rate (4.2 percent 1000 live births) in 1997. Violence against women is alarmingly on the increase. The Bangladesh Bureau of Statistics, in a special report in 1999, ' revealed that death due to unnatural causes (suicide, murder, burn, snake bite, poisoning, accident and drowning) is almost three times higher for women than pregnancy related causes.

Despite the Constitutional mandate that women cannot be discriminated introspect of any employment or office of the State (Article 29), women's visibility in

the public service has been negligible. Their participation in institutional development and decision making is also minimal. Wage differentials between men and women are very high in case of wage employment. The incidence of divorce, desertion and widowhood has been growing; 15 per cent of all rural households are female-headed and 25 per cent of all landless households are headed by women showing strong links between gender disadvantage and poverty. Female headed households earn 40 per cent less income than male-headed households.

As per Labour Force Survey 1995-96, of the total 56 million labour forces, 34.7 million are male and 21.3 million are female. However, women are generally pushed into the unskilled labour force, primarily because of the obstacles women and girls face in acquiring marketable skills. The climate is still adverse for accelerated entry into the formal labour force by women with vocational and management skills.⁴

7.5 The UN Convention:

By ensuring women's representation in the UPs, the Government of Bangladesh acted in line with the UN Convention of 1982, on the Elimination of Discrimination Against Women ratified by the world

⁴ *The Fifth Five Years Plan (1997-2002)*, Planning Commission, Ministry of Planning, GOB, Dhaka-1998, page-164, 165.

community, which defines discrimination against women as any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, cultural, civil or any other field.

The Convention provided the basis for realising equality between men and women through ensuring women's equal access to, and equal opportunities in, political and public life. This includes the right to vote and to stand for election as well as equality on education and employment. All States agreed to take all appropriate measures, including legislation and temporary special measures, so that women can participate in human rights activities and enjoy fundamental freedom⁵.

7.6 The National Policy for Women's Development and the National Action Plan (NAP)

The National Policy for Women's Development and the National Action Plan (NAP) for Women's Advancement.

5. Elected Women Member of Union Parishad: A socio economic study- World Food Programme, December-1999, P-1, 2.

The Fourth world Conference on Women was held in Beijing in end-1995 will analyse the progress made in implementing the Nairobi Forward Looking Strategies (NFLS) for the Advancement of Women to the year 2000. NFLS was drawn up in Nairobi in 1985, The Government of Bangladesh in 1997 also decided to adopt the "National Action Plan for Advancement of women (NAP)

- to implement the decisions made of the Beijing Conference whose salient features are as follows:
- to achieve the equal status of women as participants, decision makers and beneficiaries in the political, economic, social and cultural spheres of life ;
- to promote and ensure the human rights of women at all stages of the life-cycle;
- to create or reorient political, economic and social progress and institutions
- to enable women to participate fully and actively in decision-making in the family, community, national and international levels;
- and to empower women and men to work together as equal partners.

It has also been realised and recognised by the government that the objective of improving the status of women in Bangladesh is likely to be achieved if women get their rightful representations in National Parliament and the local government institutions. It would ensure their participation in the formal decision making process at the national and local levels. It is noted that women constitute half of the voters among all adult members.

7.7 Women in politics (National and local level)

Women's participation in politics is one of the recent research interests in the study of political participation. There is growing research in this area and the finding that women are less active than men in any sort of political activities in one of the substantiated facts in the social sciences. Historically/ the women of Bangladesh have a tradition of very limited participation in politics of the land, hence all types of political activities are largely a male preserve. Although women of Bangladesh are largely entitled to participate in the political rights with men, only a few women have availed themselves of such opportunities consequently, Bangladesh has conformed to world wide pattern of limited political participation by women, particularly in the more active and public political role. Although Bangladesh is one of the few countries where the govt. is headed by a women and the leader of the opposition parties in the parliament is also a women, the success of these women to attain the top most position in the country's political hierarchy is an exception to the lower representation of women at all level of political offices in Bangladesh. The higher level of politics continues to remain almost the

male domain and participation of women in this domain continues to remain confined to an unusual lower level. (SSR, VOL-XIV December, 1997)⁶.

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6. *Social Science Review: A Journal of Social Science, University of Dliaka, Vol. 14, December- 1997.*

The few women, however, who do become political office holders in Bangladesh comprise an interesting group of study. From the perspective of women's overall condition in a society like that of Bangladesh which is constrained by a whole host of socio-economic, traditional and cultural value systems, these women constitute an exceptional group. Women in general here live in a strongly established patriarchal social structure with deep rooted traditional norms and values. The constitutional and legal provisions is gender equality have not sufficiently modified the traditional values customs, and gender role expectations. Hence, politics is still perceived as a "male domain" rough and tough full time occupation and thereby incompatible with women's expected roles and behaviour.

In the last two decades women's organization have proliferated and people have been made more aware of gender inequality through research and public debate Manila Parishad, Ain Shalish Kendra, women for women, Nari Paksha, Ubinig, Nijeria Kori, Saptagram- all these women's

groups and organizations have been trying to establish close links between women researchers and activists in order to enhance the women's voice and agenda. But the limitation of the process is that the non-govt. women's groups are still largely urban based advocacy groups with view rural links. Bangladesh is a unique case in terms of women's leadership in politics-both prime minister and the leader of the opposition are women. But has the women's lot significantly changed in the country with women's increased role in politics? Perhaps we have to wait for a positive answer in this respect (Lokproshashan Samoeeky, vol- 13.p:155)⁷.

7. *Lokproshashon Samoeeky: Bangladesh Public Administration Training Centre. Vol-13, June-1999.*

Indeed women's have come a long way in having their due shares in the decision making process. There are 30 seats reserved (now abolished) as the female quota in the national parliament. Three female members in each union perished. The second lowest tier of local govt. were directly elected in the last union perished elections held in December, 1997 defying the fatwa of the fundamentalists. These fundamentalists try to misinterpret Islam to their petty and mean advantage and hardly anyone dares contradict them especially in the rural areas. But the fundamentalists have failed to browbeat women into silence this time. The enthusiasm shown by the female voters in the recently held union perished elections has encouraged the govt. to allot reserved seats in the corporations/municipalities for women and there will be direct elections for these seats. These two events will surely induce the women's groups to come for women elected bodies. However, the women's quota in the national parliament is criticized by feminists as it differs the nurturing of a political constituency for women.

Women's involvement in the political process at the local level is needed to make them familiar with the problems of the local community in general and women's needs and issues in particular. The activities of the local level women politicians, their constant contact and interaction with the women of the local community go a long way in raising the political consciousness of women around them. But unfortunately, as in the case of national level politics, women's role in the political process at the local level is also not significant.

With a view to associating women with all the tiers of local government institutions namely Union Parishad the Upa-zila Parishad and Pourashava (Municipality) the system of reservation of seats for women was introduced earlier.

Union Parishad is the second tier of local government institution. It has been given an increasingly important role in civic development and judicial functions.

Under the Local Government Ordinance, 1976, a Union Parishad was divided into three wards. Each Union Parishad consisted of a Chairman, nine members, taking three from each Ward. For the first time in the history of local government institution of Bangladesh, this Ordinance two women were nominated as members under the Parishad by the sub-divisional officer from amongst the women of the entire Union. Later on this number was increased to three in the Local Government (Union Parishad) Ordinance 1983 and each of them represented one ward and they were nominated by the Upa-zila Parishad. The Union Parishad Bill, 1993 passed in this regard in the recent past has brought some changes in the composition of Union Parishad. Under the new Act, Union Parishad shall be divided into nine wards and nine members one from each ward will be elected by the voters of concerned wards. Instead of nomination, three women members will be elected indirectly by the Chairman and members of the concerned Union Parishad. In other tiers of the local self-government namely Upa-Zila Parishad (abolished 1991-99 July), there were three nominated women member's

In Pourashava, which is a unit of the urban local government institution's. Pourashava also the number of nominated women member's were three. The government decision to broaden the base of women's participation has increased substantially the involvement of women in local politics.

Although the system of nomination has associated a sizable number of women with the local self governing institution's, it could not guarantee an independent political status for women representative, which is necessary to play an effective role

in the decision-making process under the former system. The nominated women members of the Union Parishad were nominated by the Upa Zila Parishad. The nominated women member's of the Upa-Zila Parishad and Pourashava were nominated by the Government.

After liberation the constitutions of Bangladesh (1972) provide for local government units at each of these tiers of administration. It also endorsed special representation of women in local government. In the recent past , there was a two tier local government in the rural areas; union parishad (UP) and zilla parishad . In the last 50 years 6(six) Local government elections were held in Bangladesh (1973,1977,1983-1984,1988,1992 and 1997). It may be mentioned that it was for the first time in the history of the land that statutory representation of women was provided in the local government at the lower tier ,the union parishad.

In 1973 election only one women from Rangpur was elected as the chairmen of Union Parishad among 4352 unions and was killed long before the completion of her term-In 1977 election four women were elected as chairmen of Union Parishad .

In 1984 four women were elected among 4401 Union Parishad (one from Dhaka Division, 2 from Khulna Division and one from Rajshahi Division). Two more Women were elected in by election as chairmen. It is found that between 1973 and 1984, only eleven women out of over 4000 could be elected as chairperson's. In 1988, candidate for chairman was 79,for members candidates was 863. Only one female chairman was elected. In 1992, 115 women contested for chairmanship and 1135 members contested for member only 20 members were elected.⁸

8. Qadir, Sayeda Rowshan; *Women in Politics and Local Bodies in Bangladesh; Women for Women, February- 1995 ,page -33,34*

In pursuance of the strategies outlined in the plan for building strong local government institutions as an integral part of democratic governance. The Government set up the local Government Commission in September 1996. The Commission submitted its report in may 1997 and recommended the formation of four tier elected local government bodies at village, Union, Upa-zila and District levels. The Government has already approved the recommendations.

Gram Parishad: The local government(Gram Parished),Actof 1997,(Act XXI of 1997), provides for constitution of a local government,called Gram Parished. The Gram Parished will have nine male members and three women members. The elected members of the Union Parished from each ward will be the ex-officio Chairman of the Gram Parished .The Gram Parished will perform some specific duties relating to development and welfare of the ward and such duties as may be assigned by the government from time to time.

Union Parished: The next higher tier of the local government is Union Parished which is composed of nine wards. The Union Parished Act 1983 was amended (Act XX of 1997) in the light of the Local Government Commission's recommendations. Elections were held under the amended Law. The Union Parished has three seats reserved for three women representatives directly elected by the voters. This is a significant step towards empowerment of women. This has also enhanced the involvement of women in governance and development process at the grass root level. The Government has also assigned specific responsibilities to women members of Union Parished.

Upazila Parishad: The Upazila Parishad Act, 1988 (Act XXIV of 1988) provides for a directly elected Chairman for the Upazila Parishad. Chairmen of Union Parishads and Pourashavas (if any) within the Upazila are ex-officio members of the Upazila Parishad. A wide range of activities relating to local development and welfare of the people have been brought under the purview of the Upazila Parishad.

Zilla Parishad: The Local Government Commission recommended formation of an elected local government at the district level which has been incorporated in the Zilla Parishad Act, 2000 passed by the Parliament⁹.

According to the commission report the direct election of women to one-third reserved seats in local bodies. It is to be noted that 12,828 female members were directly elected in Union Council election held in 1997, moreover, 20 Chairmen out of 4,198 and 110 members of Upazila Parishad (Local Government) were elected directly. The initiative closely corresponded with the Beijing platform for Action where Political empowerment of women was one of the major conditions. More and more rural women will be able to participate in self-governance activities, especially for poverty alleviation and rural development as well as for promoting women's equality and empowerment.

⁹ *Local Government Institutions: Mid-Term Review of the Fifth Five Year Plan, (1997-2002), Planning Commission, Ministry of Planning, Government of the People's Republic of Bangladesh, Chapter V, P-68..*

In the Upazilla Parishad 8 female candidates contested but one woman elected. But in 1986 two women were elected as chairmen. In Pourashava elections, only one woman was elected as commissioner and none as Chairperson. In Upazila election in 1985, 9 women were candidates for Upazila Chairman but none could win. There are to be 1380 nominated women members for the 460 Upazila Parishads. In the 79 Pourashavas, there are to be 237 nominated women members. In Dhaka and Chittagong Municipal Corporations, there are 10 and 3 nominated women Commissioners. Thus the total number of nominated women members in urban and rural local bodies in Bangladesh is 14839. Election to Zila Parishad has not been held since the creation of Bangladesh¹⁰.

On the other hand the government amended the Pourashava Ordinance of 1997 in 1998 and four City Corporation Statutes in 1999. Which provide for direct election of women members to their reserved seats in the Pourashava and City Corporations. Elections have already been held for the Pourashavas under the revised ordinance. Election of the Chittagong City Corporation has already been held; elections of the other City Corporations are planned¹¹.

10. Qadir, Sayeda Rowshan; *Women in Politics and Local Bodies in Bangladesh; Women for Women, February- 1995*

11. *Memorandum for Bangladesh Development Forum-2000-2001, Government of the People's Republic of Bangladesh, Ministry of Finance, Economic Relations Division and Ministry of Planning, Planning Commission, April 13-14, 2000, Municipal Reform, P-45,46.*

In the present context of Bangladesh, we can assume that traditional values and norms are changing. In case of women's participation in politics or any activities out side home, there is a strong opposition from both family member's (husband, father or mother in law) relatives, the community members

Women's participation in local government and politics is very contemporary but burning issue which needs more social research and try to examine all these issues by making an in depth -investigation at the micro-level. Needless to say that women are facing numerous social, cultural and religions problems in our society.

(community leaders, religious men, neighbour) and also stand to lose their esteem and prestige in the society. They believe that women participation in political activities is a violation of religious values. They think that women should maintain the *pardah* and they should never mix with the outsider except blood relation. In this stage very marginal percent of women's were continuing their political activities from the beginning in Bangladesh. Women involvement in politics and participation in local government have brought about some changes in the existing value systems. At present, women are increasingly sharing their right with males both in rural and urban society of Bangladesh.

In actual practice, women in Bangladesh still have a very long way to go before they can achieve political rights equal to those of men. In the National Assembly containing 300 seats, women contesting openly in the elections have won a miniscule 1%. Although better than not having any representation, reserved seats for women are an affront to the concept of equality.

Desired development of the country is not possible, if half the citizens are excluded from the mainstream of politics. Indeed, in general, women have been kept out of the decision-making process and, therefore, prevented from effective political participation. Any consideration of their potentials and contributions often come almost as an afterthought. In the socialisation process in the family, women are not encouraged to gather knowledge of politics.

In the 30s two or three women played a heroic role in underground politics to free the country from foreign rule. During the colonial times, a few prominent women took an active role in achieving voting and other rights for women.

A survey of women active political leaders was carried out in 1974.¹² The survey showed that entry of women into politics had two definite patterns. The older group took part in the 1954 general elections almost by chance. They sought the nomination of different parties not because of strong affiliation for that party, but because the dominant criterion was to have a party ticket to win, coupled with family connections and persuasion by friends. Social work was their only interest outside the family. The younger group came into active politics in student life-in school, college or University. They emerged from student politics as

12. Khurshid Jalal, "Women in Politics" in *Women for Women Bangladesh, 1975*, The University Press Limited, Dhaka 1975.

distinct political personalities and got affiliated with their respective parent parties. The younger group displayed a firmer faith in party politics than the older group. Women political leaders, old or young, all belonged to the middle or upper middle classes. They came from a privileged social background. For women leaders family encouragement and support were initially essential—they were granddaughters, daughters, daughters-in-law or wives of a political figure in many cases. Women politicians are relatively new in politics.

They generally hold office in a sub-committee of a party or its women's branch rather than in the national body or the executive committee of the party. Some women leaders believe that women's participation would have been more apparent if they contested elections directly rather than receiving the protection of reserved seats.

In Jatiya Sangsad (National Parliament) there are 300 seats, of which 30 are reserved for women. In the 1991 elections, only 8 female candidates won in the general seats i.e. 2.7% of general seats. In 1988 women candidates won 1.3% and in 1986 they won 1.7% seats. In the 1991 elections, women candidates contested for about 40 seats, which is double the number in 1986. In the 1996 elections, 36 women candidates contested in 48 constituencies and 6 won in 11 constituencies while in the 2001 elections, 39 female candidates contested in 49 constituencies and 6 won in 13 constituencies. The figures above show that the number of female contestants in the Jatiya Sangsad has increased over time.

At the local level, women's participation is also limited. Until recently, there was provision for nominated women members in local government bodies. In 1992, the number of nominated women members for the 4,455 UPs was 13,365; in the 107

Paurashavas, there were 321 women commissioners, and in the 4 City Corporations 31 women commissioners. Thus, the total number of nominated women members/commissioners in urban and rural local government bodies in Bangladesh was 13,717 at that time. The nomination system was replaced by the reservation system in 1993. Since then the existing three wards in all local government bodies, both urban and rural, were reorganised into nine wards. Provisions were made for reservation of seats exclusively for women-one for each three wards in all urban and rural local government bodies, who were to be indirectly elected by UP/Paurashava Chairmen and members/commissioners. Since 1997 direct election for women in the reserved seats, both in urban and rural local government bodies, was introduced. Thus, in these seats, all voters, male and female, would elect one from among the contesting female candidates.

In the local government elections of 1959 and 1969, no female candidate was elected. In the 1973 elections, held in 4,352 unions only one female candidate won in the UP elections. In 1982, in 4,440 UPs, only four female candidates won in the elections. In 1988, the total number of candidates for Chairmen in 4401 UPs was 18,566 and the number of members was 1,14,699. Among these the number of female candidates for Chairmen was 79 and the number of female candidates for members was 863. Only one woman was elected as UP Chairman. In the 1992 UP elections, the number of candidates for Chairmanship was 17,444 and for membership 1,69,683. Among them, 15 women contested for Chairmanship and 1,135 contested for membership. Only 4 women candidates won the elections. In 1997, elections were held in 4,298 UPs. A total number of 23 women won as UP Chairpersons and 12,894 women were elected as members in the reserved seats. In 2003, elections were held in 4,228 UPs. A total of 232 female candidates contested for the post of UP Chairperson, 617 for members

in the general seats and 39,423 for members in the reserved seats. Among them, 22 got elected as UP Chairpersons, 85 as members in the general seats and 12,684 as members in the reserved seats.

in the Dhaka, Rajshahi and Khulna City Corporation elections, held in 2002, only one female candidate contested for the post of Mayor in Dhaka City Corporation but she was not elected. In Dhaka City Corporation, the number of female contestants for the post of commissioners in the 90 general wards was 6, and only 3 got elected, while in the 30 reserved seats, the number of female contestants was 103. In Rajshahi City Corporation the number of female contestants in the general wards was only 2 and in Khulna City Corporation also, only 2 females contested for the post of commissioners in the general wards. None of them were elected. In Rajshahi City Corporation in the 10 reserved seats, 103 females contested, while in Khulna City Corporation in the 10 reserved seats 61 women contested.

In the Sylhet and Barisal City Corporation elections held in 2003, no female contested for the post of Mayor. In the Sylhet City Corporation no woman contested for the post of commissioner in the general ward, while only 2 females contested for the post of commissioner in the Barisal City Corporation, and none of them were elected. 69 females contested in the 10 reserved seats of the Sylhet City Corporation and 50 contested in the 10 reserved seats of the Barisal City Corporation.

In the 2004 Paurashava elections held in 150 Paurashavas, 3 women were elected as Paurashava Chairpersons and 372 as commissioners in the reserved seats. No female was elected as commissioner in any general ward of the Paurashavas. In 1984, a study was conducted on 6 female elected Chairpersons of UPs.¹³ It was seen that their husbands all previously occupied the seats

Bilquis Ara Alam, "Women in Local Government: Profiles of Six Chairmen of Union Parishads." *The Journal of Local Government*, National Institute of Local Government Vol.16, No.1. Jan-June, 1987. they contested. As regards their experience in the field, only one candidate was a nominated UP member for 7 years. However, they had seen their husbands work as UP Chairmen. They also came from families where their relatives and kin were UP Chairmen or members.

in the 1992 elections, the number of female voters increased tremendously, and the candidates made a special effort to win the women voters. A study was carried out in 1987¹³ on nominated women members of UPs. The study covered 66 UPs and opinions were sought from 66 Chairmen, 191 women members and 129 local people. The findings of the study revealed that nominated women members came from the rural elite. In nominating women members, the Chairmen mainly considered family connections or social status. Relationship with the Chairmen determined the eligibility of the female members. Education, experience of corporate activity in a cooperative society or in any income earning occupation or involvement in village welfare activities was hardly taken into consideration.

Even the comparatively young housewives among the women members were found to be better educated than the ordinary rural women. Although a majority of them regularly attended Parishad meetings, only a handful of them participated in their deliberations and decisions, and they seemed to accept the decisions of the men just as they did at home.

13. Rowshan Quadir and Mahmuda Islam. *Women Representatives at the Union Level; as Change Agents of Development, Women for Women: Research and Study Group. Dhaka, 1987.*

Only 37% of the women members were given membership in special committees of UPs which dealt with food-for-work, vulnerable group feeding, roads, culverts, bridges, family planning and social welfare, destitute relief, etc. A large majority (63%) had no membership in any committee. Even those women, who were on special committees, played a limited role. They did not involve themselves significantly in the actual work of the committees, not did the Chairmen or male colleagues encourage them to do so. The women members, being quite new and inexperienced in this field, should be given special training. Women members blamed socio-economic constraints and complexities for their failure to properly discharge their responsibilities. In a study conducted in India (Maharashtra) 143 women members of Panchayat Samities and ZPs were interviewed. The findings showed that for the representation of women from the Maratha caste, from large land-owning families (20 acres+) and women with some education was out of proportion to their members in relation to the entire rural population.

The women tended to be drawn from families where the husband or the father was involved in political activity at the grassroots or the Zila level. Caste background, economic status and education were interrelated variables, but in some cases education seemed to have compensated for the lack of caste or economic status.

As regards the relationship between social background and degree of participation of the women representatives in the local government bodies, it was found that a woman's participation was significantly related to education—her own, as well as that of her husband and father. In conclusion the study recommended special training for women representatives in the local bodies. When women are taken as co-opted

members, they lack the political education that female candidates can attain through involvement in the election process. The author asks, "How can women who enter the structure of Panchayet Raj because of their protected ascriptive status really contribute towards the development of rural society, especially the weaker sections"¹⁴

The studies above thus show that the socio-cultural and political situation restricts women's participation in local level politics. In order to involve women in local bodies, certain steps have to be taken at various levels.

Since 1997 direct election of female representatives¹⁵ in all local government bodies, both urban and rural, was introduced. Direct election of women is likely to establish a link between women and the community. Through elections women members are duly recognised as leaders at the grassroots level by the government and the local community. They should, of course, be given proper training on issues, which hinder integration of women with the mainstream of socio-economic life.

Elected directly by the voters, and equipped with an insight into women's issues and with experience of the operations of women-oriented development programmes, the women representatives will be in a better position to actively participate in the decision-making process.

14. Hazel D. Lima, *Women in Local Government. A Study of Maharashtra*, Concept Publishing. New Delhi, 1983.

15. In a recent amendment of the existing local government laws, nomination of women members has been replaced by reserving seats for women to be elected by the elected functionaries of the relevant local government body.

Political awareness, consciousness and motivation should be inculcated among women at all levels-national and local. Mass media should be used to motivate women and there is a need for a wide publicity of the

national policy on equal political participation of women, in the late 19th century, some writings of women helped women to perceive their roles clearly. In schools and colleges, both the sexes should be taught about their political and other rights. Side by side, simple methods of teaching should be developed for poor, disadvantaged and illiterate women. This will improve the leadership quality of women in the local bodies.

Attitudes towards participation of women in politics should be positively directed, so that women in greater numbers get opportunities to participate in political activities. In fact, this should form a part of childhood and adult socialisation. In order to involve women in political activities, they need to be organised at the local level and they should be assisted economically and otherwise by political parties, women's organisations and trade unions.

As a long-term measure, specific strategies for intervention should be adopted in the fields of female education and health, which are crucial to human capital development. In order to make women conscious of their rights, they should be involved in local social, economic and political activities.

Training about gender issues and political participation should be imparted in all training institutions. Specific training programmes should be designed to acquaint women with the problems relating to the management of local government and also to

make them conscious about their own problems, so that they can adequately participate in the local government development activities.

Women who are already in the local bodies/political parties should strengthen their position and try to achieve positive results on women's issues. Participation of women in higher decision-making bodies would also help them deal with women's issues more successfully.

Since very little is known about women's participation in local politics, studies should be undertaken on women's voting behavior, and their access to public offices and political parties. The government should make special efforts to enlighten the female electorate on political issues as well as the public at large on the indispensable role of women in the political process and on the need to promote their greater political participation and leadership.

Linkages among the grassroots organizations should be established, so that grassroots women's organizations can get wider support. Strengthening grassroots women's organizations would be an effective strategy to promote women's political participation.

7.8 Election of 1997:

The participation of women was increasing day by day. In the election of 1997, 20 out of 120 women were elected as chairmen. 110 out of 456 women were elected as members. It is worth to mention that in the Union Parishad election of 1977, 9 women were elected as members and 2 more women got nomination of membership. The government considered the fact that women's cooperation is also

necessary for nation building. In 1980, 3 women got nomination in 3 wards, which was previously two. Selected women members worked in concert with the elected members. In order to spread the light of education and to make popular the family planning program in the rural areas, women members were given special responsibilities. The 3 reserved seats for women were made open to direct election by the law enacted in 1993. Thus in the election of 1997, women candidates took part in direct election with their male counterparts. The total number of candidates was 44,134 for reserved seats. Among them 592 women were elected uncontested.

The participation of women in the election in 1997 can be discussed division wise. In Rajshahi, 25 women contested for chairmanship and 4 of them were elected. 294 for membership and 65 of them won the election. The number of candidates for the reserved seats was 13,043. A total of 3,125 were elected as the law permitted 3 in each union. In Khulna, 2 out of 13 were elected as chairmen but none was elected as member. In the reserved seats, 1,614 out of 5,880 women were elected. In Barisal 5 out of 13 were elected as chairmen. As members, 13 out of 44 won the election. In the reserved seats, 972 out of 3,129 were elected. In Dhaka division, 6 out of 35 women were elected as chairmen. As members, 13 out of 93 won the election. In the reserved seats, 3,535 out of 12,072 were elected. In Chittagong and Sylhet, 3 out of 16 were elected as Chairmen. As members, 9 out of 21 won the election. In the reserved seats, 3,477 out of 9,845 women were elected in the election of 1997.¹⁶

16. *Sambad* May 16, 1998

7.9 Prime Minister's Congratulations:

After the Union Parishad election, the Prime Minister congratulated all the elected women, In the reserved seats, a total of 12,723 out of 43,969 women were elected. The Prime Minister congratulated all of them who took part in the election. She mentioned in her letter that women's empowerment and the establishment of women's right in every stratum of the society was the prime object of the government. She also mentioned that in order to ensure women's empowerment, proper representation to different local and national bodies would be made sure and economic self-reliance would be achieved through education, health-care and job opportunities. She called all of them who were elected and also defeated ones to participate in nation building activities. She requested them to spread the light of education and health-care at the doorsteps of ordinary people. Because it is one of the main objectives of the government. She thanked all of them for contesting the election, which is a step forward to men's empowerment at the grassroots level. The Union Parishad election is a mile stone in women's empowerment.¹⁷ After the Union Parishad election, women

17. *The Daily star* May 17, 1998

members were congratulated by other government organizations. The speakers of a seminar under the title "Women's political empowerment is a pre-condition to women's emancipation demanded the creation of the post of a vice-chairman and 100 seats for women at the Jatiya Sangsad. The speakers congratulated all elected members. The women candidates got inspiration from different organizations even before elections. The entire women folk expressed their firm desire that they would demand their due rights through members of Union Parishad.¹⁸

18. *Rekha Chaudhury, "Union council Election: Women's participation and Fatwa" Sambad Nov. 22, 1992.*

7.10 Conclusion:

In the conclusion, we would like to say that "Women's empowerment' has been one of the much talked-about issues in the recent years. The women's rights organization along with the human rights organizations, different non-government organization, the international organizations and above all the progressive and intellectual members of the society have been quite vociferous regarding this issue during the period. In fact, direct election in the seats reserved for women in the local government body in 1997 for the first time shows that the movement towards women's empowerment has gained enough strength to recon with. There is no denying the fact that woman's empowerment is a must in order to bridge the huge gender gap that ignores half of the population. Equally capable and potential, otherwise the dream to build a nation will not be fulfill.

CHAPTE 8

ANALYSIS OF MAJOR PROBLEMS IN THE UP

Although union Parishad has been working as a local government institutions at union level in the country for more than a century, no effective result have yet been come out.

1. The main structural problems were:

In the initial phase (1973-75), the development of local self government institutions in this country was hampered primarily due to the inherent conflict of the western type of local government institutions with the ideals of socialism. In addition, with the change in government in 1975, even the initial ideas came to an end.

in its second phase (1976-82), efforts were made to revive and further expand the historical role of the local government (under Ordinance of 1976) renaming the local government institutions as Union Parishad, Thana Parishad and District Parishads respectively and subsequently (in 1981), efforts were made to strengthen the system by setting up an village based organization known as Gram Sarker. However, this organization of Gram Sarker did not get required time for consolidation and further evolution because of the change in government again in 1982.

In its third phase (1982-90), the focus of attention shifted from the villages to the thanas which were upgraded as Upazilas to be headed by directly elected peoples representatives. Simultaneously, the old subdivisions were upgraded to districts (whose number increased from 21 to 64).¹

1. *Local Level Participatory Plan: Participatory Perspective Plan for Bangladesh, 1995-2010, Planning Commission, Ministry of Planning, July-1995; P-7,8.*

The most Important characteristic of the Upazila system was the retention of the regulatory administrative functions by the central government while the "residual" development functions were transferred to the Upazila Parishad Previous practice was to the hand over some development function to the local government institution and to retain the "residual" functions in the hands of the central government. Further the Upazila were given substantial fund for development including the responsibility for preparation of a five year plan and an annual development plan, the system came to operation in 1983. It was abolished in 1991 when the new government came to power mainly on the following grounds:

previously the Thana was only an administrative unit. It had no legal backing for becoming a unit for local government institutions as was the case in. the Upazila system;

- (ii) lack of fairness in the election of the Upazila Chairmen;
- (iii) absence of institutional accountability particularly in the use of development funds;
- (iv) weakening of the Union Parishad through deprivation of its taxing powers;
- (v) misuse of the Upazila Parishad for political purposes;
- (vi) significant corruption in the use of Upazila funds;
- (vii) inability to prepare a five year development plans for the area.
- (viii) inability to raise matching funds for development; and (ix) top heavy administration relative to its development functions.

The legacy of local government in general and the UP in particular in Bangladesh flourished within federal structure of government during the British and the Pakistan periods. It was then a state subject. The original provisions of the constitution

(Articles 59 and 60) of independent Bangladesh, a unitary state gave a framework in respect of structure and authority of local government. But the provisions were omitted in 1977 and instead, in article 9 a single sentence was added which states:²

"The state shall, encourage local government bodies composed of representatives from relevant areas and in these bodies, there shall be as far as possible special representation of peasants, workers and women".

This obviously is a mere statement of state policy and provides no specific indication of a local government. This has created a scope for successive governments to twist the structural and functional arrangement of these bodies to suit political expediency.

8.2 Predominance of the Rich in Rural Leadership ,

The striking feature of the pattern of leadership at the UP is the predominance of large land owners who enjoy incomes far above the average rural income.³ Since the rich generally adopt policies to satisfy their vested interests only, this state of affairs has serious adverse implications for not only equity but also for production, local - resource mobilization and choice of development strategy.

2. Faizullah, M., *Development of Local Government in Bangladesh*, NILG, Dhaka, 1987, p.

3. Ahmed, J., Structure and Composition of Rural Local Government J Bodies, In : Siddiqui, K., (ed.), *Local Government in Bangladesh*, NILG, Dhaka, 1984, p 59. I

Under I such a condition poverty focussed rural development turns into a myth and development projects with least equity and production fl considerations are ultimately approved and implemented.⁴ It is due to the high rate of illiteracy (average literacy rate is 33%) among the poor and the traditional professional groups such as weavers, potters, fishermen, etc. that they have failed to generate among themselves the necessary consciousness to organize in a common plane, and challenge and dismantle the pro-rich power i structure. Under the existing socio-economic pattern the rich are in the control of the institution of power, authority and sources of production (e.g. land). As a result the poor become dependent on the rich for their survival. Due to age-old dependency relationship of the poor with the power structure through the maintenance of patron-client linkage, the leadership generally comes from the affluent families with Vested interests, thereby leaving the vast majority of the disadvantaged rural people out of UP activities

The election system has failed to recognize the authoritarian nature of traditional power structure and no provision has been made to protect the interest of the depressed and exploited class. Thus the UP has never been a true representative as the richer and influential class has managed to win the election.⁵

4. Schandel, V., 'Gorar Dim' Rural Development in Bangladesh, *The Journal of Social Studies*, No. 39, Dhaka University, 1988, p. 79. :

5. Sultan, T., Problems of Rural Administration in Bangladesh, BARD, Comilla, 1974, p. 42

8.3 Improper Women Representation

The system of nomination of women members in the UP was a laudable step when it was started in 1976, nomination cannot be a permanent means of representation it hampered the democratic right of the people and opens the door for more favouritism and nepotism. Nominated women members originate from a special class . the rich and elites of the area, Thus the present nomination system has been in failed to ensure proper representation of the rural women.⁶

8.4 Limited Scope for People's Participation

Although one of the crucial objectives of the UP is to ensure popular participation in local level planning and implementation of development projects, the existing rural factionalism seriously curtails the scope. This is reflected in the composition of UP committees. The implicit criteria for selection of members of the public in these committees are not their interest, experience or expertise but their allegiance to the chairman or members. This bias has gradually disillusioned and frustrated the really capable persons and common people thereby limiting their spontaneous and meaningful participation. In a case study of Mirzapur UP Ahmad observed that the dictatorial behaviour of the chairman not only denied the people's participation but also barred the members from the planning process.⁷

6. Siddiqui, Major Issues and Problems in *Local Government, In: Local Government in Bangladesh*, op. cit, p. 239.

7. Ahmad, M.U., *Local Government in Action*, Rural Development Academy, Bogra, 1988, p. 42.

UP does not have any long-term plan and often prepared projects in haste after delayed receipt of central grant. The rapidity with which projects are formulated and submitted to the Upazila Parishad does not always permit enough time to convene a general meeting. This has resulted in limited scope for people's participation in UP's development activities.

8.5 Absence of Coordination with Other Rural Institutions

The rural institutions such as KSS (Farmers Cooperative Society), MSS (Women Cooperative Society), BSS (Destitute Cooperative Society), various associations and clubs are engaged in identifying local problems and developing appropriate projects addressed to these problems without having any cooperation and coordination with the UP which is also involved with similar functions. For example, KSS in the irrigation projects sinks deep/shallow tubewells and the UP in similar projects digs irrigation channels and improves drainage system, integration of their activities could have yielded better infrastructural facilities for the farmers. But at present their scattered attempts and dissociated approach have curtailed the achievement of desired goal in rural development.

8.6 Absence of Cooperation Among the UPs

At present there are hardly any arrangements for cooperation and collaboration among the UPs. Only in government arranged conventions which are few and far between the UP functionaries get to know each others problems to some extent. Mutual cooperation is of crucial importance for a number of reasons.⁸

8. Siddiqui, K., *op. cit.*, p. 236.

Firstly, it could pave the way for identification and solution of common problems.

Secondly, it could lead to pooling and sharing of expertise, experience and costly machinery for providing certain common services, such as public works, staff training etc.

Thirdly, it could help dispute resolutions without outside intervention and engender joint venture projects.

Fourthly, it could be utilised for standardizing services.

Finally, it is only through getting together that UPs can exert an influence on decision-making at a higher level.⁹ The existing legal documents relating to the formation and structure of the UP do not have any positive indications for mutual cooperation and collaboration.

8.7 Non-readjustment in Area and Population

The efficient service delivery in any authorities requires a threshold size/density (critical minimum) of population. The greater the size, the service delivery tend to be more efficient. But the possibility of people's participation decreases with increasing size of a local body. So for an optimum size of a local community it is necessary to make a balance between efficiency and democratic values in the organization of a local government.

9. Craven, E., South East Joint Planning Team, Letter of 18 December, 1970 to A. KukinsRi; In: *Local Government as Promoter of Economic and Social Development*, IULA, The Hague, 1971, p. 12.

When the UP was established more than a century ago, the average population size was 5 to 10 thousands and area was 10 to 12 square miles. Over the years, the area remains the same but the population increased many folds. Consequently, it has reduced the scope for people's

superseding the UP. Similarly, the control of the Upazila Parishad extends to the approval of budget, tax proposals, development plans and even the UP committee formation. This excessive control on routine and policy matters of the UP has resulted in some adverse effects.

Firstly, it stifles the local initiative and defeats the ends of autonomous status of the UP.

Secondly, it is highly anti-democratic in that it amounts to bureaucrats and external bodies dictating over elected functionaries.

Thirdly, it leads to greater centralization, despite lip service to decentralization and people's participation.

8. 8 Lack of Coordination with Field Agencies

Although the UP has been made responsible for development of local areas, no effort has been made to integrate it with the mainstream of development in the country. In her planning strategy Bangladesh follows a top-down process of central planning, where the plan for development of whole nation is prepared by the Planning Commission. The implementation of the plan is the responsibility of the different ministries and their attached departments having a network of officials posted from the centre downwards to the village levels. But there is a lack of functional coordination between the UP and officials of various departments working within

their jurisdictions.¹⁰ For example, to solve the problem in irrigation and input supply, a farmer needs to approach BADC (Bangladesh Agricultural Development Corporation) dealing with the subject, with the UP having no specific role to play.

This state of affairs may partly account for the lack of boldness on the part of the UP in maximising its taxable income as taxing without providing minimum service is not welcomed by common people.

UP such as irregularity of office work, negligence of record-keeping, delay in budget preparation etc.

Again in the absence of adequate training opportunities the scope for qualitative improvement of the officials has become problematic. The virtual delinking of Rural Development Academies from the area of Local Government activity has created a vacuum in this respect.¹² As a result, the UP management now is badly in need of trained and skilled staff.

10. Noor, A., Revitalizing Rural Bodies in Bangladesh, In: *Development Review*, Academy for Planning and Development, Dhaka, Vol. 1, No. 2, 1988, p. 80.

11. Faizullah, M., Functioning of Local Government in Bangladesh, In: Hye, H.A. (ed), *Decentralization Local Government Institutions and Resource Mobilization*, BARD, 1988, p. 289.

8.9 Lack of Technical Skill

The selection and formulation of development projects are made without much attention to their technical feasibility. The UP planning exercise often ends up with preparation of a mere 'shopping list' of projects. This occurs due to the absence of any technical staff in the UP. The existing limited technical staff of the Upazila Parishad find it difficult to assist simultaneously all the UPs under a upazila particularly at the beginning of the financial year when the annual development plan is normally being prepared. Consequently, the preparation of a UP plan is mostly based on guess-work. The absence of any training facilities enabling the UP functionaries to acquire some appreciation of the main requirements of project planning has intensified the existing problems of the UP.

8.10 Absence of Cooperation Among UP Functionaries

The rural factionalism, as mentioned earlier, induces the UP creating an environment of mutual distrust and non-cooperation among the functionaries. There are also other reasons for developing such an environment. Irregular holding of general participation in the UP activities, thereby diminishing the democratic values of their organization.

In a study on 16 UPs in 4 districts it has been found that size of UP population ranges from 8 to 36 thousands.¹²

12. Chowdhury, L.H., *Local Government and its Reorganization in Bangladesh*, NILG, Dhaka, p. 4.

No attempt has been taken for maintaining the uniformity of size and population of unions through a progressive readjustment. This has resulted in a scope for widening the existing disparities and thereby negating the purpose of decentralized administration at union level.

8.11 Functional Problems Poor Management Capability

One of the basic considerations for setting up local bodies such as the UP is the question of efficient rendering of services locally. While functions of a local body reflect services required to be rendered locally, in real terms it is dependent upon a sound and efficient management which again is a function of various factors such as finance, adequacy of able manpower etc. In both respects the UP's position is frustrating.

With only the secretary in its staff-roll for office management, the UP is undoubtedly understaffed to manage all its official business.

In the absence of a separate local government service cadre the career opportunities and promotion prospects of the secretaries are blocked. Under such a situation they do not feel encouraged to work with sincerity. Moreover, the inability of the chairman to devote sufficient time for UP activities because of his preoccupations with informal arbitrations diminishes its management capability.¹³ This results in a situation leading to oft-repeated complaints against the

13. Schroder, L, and Maniruzzaman, *Local Government Structure in Bangladesh*, Syracuse University, 1982, p. 44.

meetings creates confusion and intensifies the grouping and clique. The decision-making by the chairman without prior consultation with the Parishad sometimes results in non-cooperation among the members.¹⁴ The negligence of the members may also induce confusion. As per rule, members assigned to different project committees are supposed to submit a progress report, completion report and expenditure accounts of projects to the Parishad. Very often, they are reluctant to submit these reports and accounts. This leads to suspicion and sometimes even to the charge of misappropriation. The resultant effect of all these is the loss of team spirit, a situation not conducive for efficient performance of the UP.

8. 12 Poor Remuneration Structure

The secretary, the Chowkidars and the Dafadars are ill-paid and irregularly paid. In a study conducted by Faizullah it was observed that the pay of a secretary was better during the Pakistan period and that compared to the pay of staff belonging to the field agencies the pay of UP employees was insignificant.

Since the position of the tax collection in the UP is unsatisfactory and some degree of uncertainty remains with the government allocation of salary, the payment to the employees is not regular.

Similar irregularity in the payment and dissatisfaction with the amount are observed in the case of honorarium to the elected functionaries. Sometimes it is argued that honorarium is not important, as payment would introduce a new and unpleasant technique of motivation among the elected functionaries.

14. Sultan, M.M., *Report on the Training of UP Chairmen*, RDA, Bogra, 1977, p 9.

It is equally true that unless some financial recompense is regularly available for members many of them are unable to offer their services to the UP, as in a study it has been found that the majority of the UP functionaries are the heads and the only earning members of their families.¹⁵ Without financial support it is difficult to prevent many of them from being corrupt.

The irregular and inadequate payment of salary and honorarium to the UP functionaries may be attributed as one of the causes of incompetence and corruption in the UP.¹⁶

8. 13 Improper Management of Law and Order Functions

Although union level local bodies were originally set up for maintenance of law and order, this function is now being neglected by the UP. In a study Ahmad noted that the village police were reluctant to perform their duties.¹⁷ The main reasons for their negligence were: (a) low salary, (b) irregular payment of salary, (c) lack of training, (d) lack of necessary equipment for night patrol and (e) improper supervision.

Existing legal provisions do not allow the UP to exercise its sole control over the village police. They are also to work as per direction of the police station, where they have to report twice in a month. The dual control over them creates a confused environment in which close supervision by either of the agencies becomes difficult.

The lack of proper supervision coupled with negligence of the village police¹ results in deterioration of law and order administration of the UP. ;

15. Faizullah, M., Problems of Local Government Officials, In: *Development of Local Government in Bangladesh, op. cit.*, p. 142.

16. Alam, M.M., *Financial Strength of Local Government in Bangladesh*, j BARD, Comilla, 1976, p. 27. I

17. Ahmed, A., *Administration of Local Self-Government for Rural Areas in Bangladesh*, NILG, Dhaka, 1979, p. 215. !

8. 14 Erosion of Impartiality in Village Court

The impartiality of the village court may be vitiated by the local factionalism. In a study it was found that the party alliance sometimes acted against doing justice; if the accused belonged to the party of the chairman or members and if this relationship could not be erected before selecting the chairman and members there was little chance of getting justice for the accused. Sometimes, the members of the National Assembly or even the Ministers of the locality concerned tried to influence the court to give the decision in favour of their supporters though unjustly.¹⁸ In another study Chowdhury noted that the members and chairman hesitated to take appropriate action against the influential quarter or powerful criminal persons for fear of losing voters in the next election or even losing their lives.¹⁹

8. 15 Lack of Judicial Orientation

The exercise of judicial power requires at least a brief knowledge of legal framework (e.g. penal code and civil procedure code) of the country. The members are usually not conversant with the law. This deficiency hampers appropriate decision-making in the village court. For the same reason the court officials often fail to preserve judicial records.

18. Ahmed, A., *op. cit.*, p. 174.

19. Chowdhury, M.A., *Rural Government in East Pakistan*, Dhaka, 1967, p. 137.

This creates a problem in the dispensation of justice by the higher court which on appeal by a litigating party may call records from the village court. The absence of any orientation course designed for UP functionaries to acquire the legal prerequisites has adversely ; affected the rendering of justice in the village court.

8. 16 Inadequate Executing Power

If a litigating party refuses to comply with the order of the village : court, it has no power to compel the party other than referring the matter to the higher court. This weakness has made the role of the court very limited. Solaiman in a case study found that 22% of cases in a village court remained.unsettled. The main reason was that the plaintiffs and defendants of the cases did not appear in the court inspite of repeated summons.²⁰ It shows that inadequate power and authority of the court have blocked the proper adjudication in the UP.

8.17 Financial Problems Poor Financial Base

The UP has been charged with a wide range of developmental functions with much thought on the fundamental question of financing them. While the number of taxable items was 28 according to the Ordinance of 1976, it has been reduced to 5 in the Ordinance of 1983.

20. Solaiman, M., *The Village Courts, A Case Study for Two Union Parishads, Local Government Quarterly*, Vol. 10, No. 1., NILG, Dhaka, 1981, p. 31.

It is true that some of the items such as taxes on advertisement, taxes on cinemas and entertainments etc. as mentioned in the previous schedule were not suitable for exploitation in the rural situation. But the Schedule provided a wide spectrum of options on which the UP could raise revenue in consideration of the local circumstances and its administrative capability. The latest Ordinance has reduced this scope of widening the tax base.

Most of the revenue sources mentioned in the schedule are characterized by unproductively and inelasticity which refer to little or no growth of sources even with the growth of the economy.²¹ Some of the potential sources such as taxes on transfer of immovable properties, fees from ferries and rural markets etc. have been denied to the UP and have always been enjoyed by the central government although these are suitable for local exploitation. This has resulted in a narrow financial base of the UP. It is observed that except for the tax levied on the annual value of homestead and residential land adjacent thereto and rate on village police, the other local sources fetch little revenue.

The wages and salaries corresponded to as high as 98% of the local UP income in 1986-87 with similar situations ranging from 88% to 92% in four other financial years mentioned. It is also observed that the amount remaining after meeting wages and salaries are insufficient even to meet the expenditure on commodities and services. Thus the question of undertaking development works out of own income of the UP does not arise.

21. Noor, A., *op. cit.*, p. 78.

8. 18 Improper Assessment

The amounts to be levied by the UP on the local residents are normally determined by guess-work as appeared from a study by Khan in *Kushiara* UP in 1984. Assessment is made there on approximation, sometimes by comparing 'economic well-being' of one household with another, and sometimes on the basis of socio-political relationship of the assessor with the assessed.²² The assessment is usually done either by the secretary or by the members, as appointment of a regular assessor can not be supported by the UP fund. The secretary can not put much time to do it. When members do it, they are mostly guided by local politics and factions and can not maintain their objectivity in assessment.

The rates usually followed in the assessment are those mentioned in the Model Tax Schedule of sixties and are very low compared to the changed economic situation. For example, the maximum tax rate on first marriage originally fixed at Tk. 2 remains unchanged, but the salary of Chowkidar has increased from Tk. 35 in the sixties to Tk. 200 now. The poor assessment system is responsible partly for financial weakness of the UP.

22. Khan, S.H., *Aspects of Public Finance in a Union Parishad : A Socio-political Study*, Maxwell School of Citizenship and Public Affairs, Syracuse University, 1984, p. 22.

8. 19 Unsatisfactory System of Tax Collection

The annual collection of taxes from the local sources of the UP is usually not satisfactory. In a study conducted by Alam on three UPs from 1965-66 to 1974-75 it was found that the average collection was 39% of the amount levied.²³ This poor collection was due to two factors: appointment of -tax collectors on commission basis who took little interest in collection and absence of regular supervision on collection, Owing to the temporary nature of their jobs and the uncertainty of income from tax collection, the tax collectors did not put serious effort in collecting taxes.²⁴

8. 20 Negligence of UP Functionaries

The UP functionaries are hesitant to levy taxes which are of direct nature on the people as they are afraid of losing their popularity. In fact, all the taxes assigned to the UP are direct in nature, whereas, the central government retains the indirect ones. This has resulted in a huge amount of arrear taxes in the UP. It appears from the study of Alam, as mentioned earlier, that average annual tax arrears was 61%.

Another reason for poor collection is the reluctance of the UP functionaries to adopt legal measures against the defaulters for fear of losing their votes in future election. Over the years, accumulation of tax -arrears has become a spiral problem in the financial administration of the UP.

23. Rahman, S., *et al*, Local Government Finance in Bangladesh, In: Siddiqui, K. (ed), *Local Government in Bangladesh*, p. 157.

24. Alam, M.M., *op. tit.*, p. 17.

It appears from the table that central grants decreased progressively from 43% to 35% during the period 1984-89. But this dependency was much higher than what it had been during 1976-77. Although it is argued that the UP has a legitimate share of national resources, as most of the development resources are of foreign origin and national government has the monopoly over lucrative indirect taxes, but excessive dependence on central grants results in loss of autonomy of the UP. Moreover, the central grant system suffers from some shortcomings. Firstly, the supply of grants is uncertain and sometimes allocated at the fag end of the financial year. As such it is not conducive to systematic planning of development projects in the UP. Secondly, it does not provide any inducement to the UP for maximizing its own revenue.

8. 21 Narrow Political Use of the UP

Since the beginning of the Pakistan period an unhealthy trend of using local bodies for narrow political ends of the national level power holders has been noticed. Ahmed observes:²⁵

25. Ahmed, A., op. cit, p. 232.

One of the-serious handicaps faced by the institution of the local government especially at the union level in the past was - that these were not fully used for the development of local people. These were used by the political authorities as the institutions for the achievement of their goals"

For example, the BD system was otherwise quite sound but the role of union level functionaries as the electoral college for electing President and members of National and Provincial Assemblies made it quite clear that it was to serve the purpose of Ayub Khan (President, 1958-69) and his associates. During Ziaur Rahman's period (1975-81) Gram Sarkar (Village Government) came into being. But it was not linked with the UP.

It has been common practice in the country to treat **local** government bodies especially the UP as a direct agency of the government for extending government programmes under this garb to channelize more and more funds as grants. Obviously such a situation has a great bearing on the function of the UP because the UP now concentrates on those functions for which government grants are readily available. Whatever may be the political background of an individual chairman he would invariably follow the political line of ruling regime for smooth flow of funds. He may also do so from the fear of losing the government grants or strong government action such as suspension or supersession. As a result, it is easier for the government to mobilize the UP for its political ends.

The political experimentation of the government with the UP and other local bodies has two adverse consequences. Firstly, the experiment is usually reversed with the change of government. Secondly, the experiment never serves the purpose of the

national power holders on a long-term basis. The net result is that the UP has become unstable and this, in turn, shakes people's confidence in the UP.

8. 22 Lack of Political Commitment

There is no any sincere political commitment to develop the UP as an effective institution to bring social and economic changes in the rural areas of Bangladesh. No reform was introduced Union Councils were abolished just after independence by President Order 7 in 1972 and reinstated by President Order 22 in 1973.

The lack of sincerity in the political leadership regarding the development role of the UP may also be attributed to the fact that even after 40 years of its independence no committee or commission has yet been set up in Bangladesh to study and suggest ways to reorganise the UP in the country. The functional, and financial rules and regulations of the UP have remained the same. It is the lack of political commitment on the part of central leadership for which the UP has yet to emerge as a potential self-sustaining political institution aiming at a major socio-economic change in rural Bangladesh.

CHAPTER 9

Modelling of Union Parishad and local level development in Bangladesh In the light of Japanese local level development experience.**9. I Description of Japan**

In 1995, the population of Japan was about 125 million with a population density of approximately 337 people per square kilometre.¹ Nearly 80 per cent of the entire population lives in urban areas.² The number of households was about 44 million and the average family size was 2.85 persons. Since around 1960, there has been a Shift in population to Tokyo, Osaka and Nagoya, resulting in depopulation in the regional rural areas. As a result, about over 40 per cent of Japanese live in these three major urban areas.³ In 1994, Japan's Gross Domestic Product (GDP) was US \$4,590 billion, which was about 18 per cent of the world's GDP, second only to the USA, which was roughly 26 per cent.⁴ Japan's recent economic growth rate has slowed with an average rate of 3.6 per cent from 1974-1993.⁵ The breakdown of GDP mainly consists of manufacturing (30 per cent), services (31 per cent), wholesale and retail (13 per cent), real estate (13 per cent) and construction (11 per cent), while agriculture, forestry and fisheries make up only 2 per cent of GDP.⁶

1. *Tsuneta Yano Commemoration Foundation, Nihon Kokusei Zue (Figures and Data of the State of Japan), 1996/1997, p. 67*

2. *Economic Planning Agency, White Paper on Living Conditions, 1992, p. 20*

3. *Tsuneta Yano Commemoration Foundation, Nihon Kokusei Zue (Figures and Data of the State of Japan), 1996/1997, p. 80/86*

4. *Ibid., p. 135/147*

5. *Economic Planning Agency, White Paper on Living Conditions, 1992, p. 10*

6. *Tsuneta Yano Commemoration Foundation, Nihon Kokusei Zue (Figures and Data of the State of Japan), 1996/1997, p. 114*

National governmental and political structure

The Diet is the only legislative organ, while the Cabinet functions as the executive body and Law Courts as judicial organs. These branches are separated from the Diet representing the highest organ of national power. The Diet comprises the House of Representatives and the House of Councilors. The House of Representatives has 500 seats in the Diet, with a 4-year term for each member. General election is usually held before the end of their terms. The House of Councilors has 252 seats, with a 6-year term for each member and an election every 3 years for half of the members. Representatives from both Houses are selected through election. The Cabinet is the supreme executive body on administration matters and is collectively responsible to the Diet in the exercise of its executive power. There are about 1,162,000 central government officials working for ministries and agencies.

The judicial branch consists of three tiers with the Supreme Court as the highest organ. Next there are 8 High Courts, handling trials submitted by the District Courts, Summary Courts or Family Courts. There are 50 District Courts, 448 Summary Courts handling less serious crimes and 50 Family Courts that handle family disputes.⁷

Japan is divided into 47 prefectural areas that are further sub-divided into municipalities. The prefectures and municipalities are corporate bodies, independent of central government and fully able to carry out their respective duties. Chapter eight of the Constitution guarantees local autonomy and describes the basic functions of local government.

7. Gyousei Kanri Kenkyu Centre (Administration Management and Research Centre), *Gyousei Kikou Zu* (Figure and Structure of Japanese Government), 1994

Article 92 specifically provides that local authorities be organized and operated according to the principles of local autonomy, while the Local Autonomy Law of 1947 provides the legal foundation. The Constitution guarantees the continuity of local government, which can only be abolished by constitutional amendment.

9.2 Evolution of Local Government, its Legal and Political Background

Each of the municipalities in Japan has their own unique history. For example, the term city may refer either to a municipality that has held this status since the Meiji Period (1868-1912), a town that was incorporated as a city after the war or a city that was amalgamated only recently from several towns and villages. Nevertheless, the origins of the present system of cities, towns and villages can be traced back about a century to 1888.

During the Edo Period (1603-1868) Japan was split up into divisions smaller than the prefectures of today known as *Han*, or feudal domains, which enjoyed a considerable degree of independence. As part of its vigorous programme of modernization the Meiji Government abolished the old domains in 1871 and replaced them with prefectures whose governors were appointed by the central authorities, which established a centralized form of administration. A new division, the *Ku* or ward, likewise replaced the familiar towns and villages that had looked after local affairs since the Edo Period and served as the smallest unit of administration. However, the new system proved unsatisfactory in several respects and a series of reforms was gradually implemented. As a result, Japan's first integrated system of local government took final shape with the institution of the system of cities, towns and villages in 1888 which was followed in 1890 by a system of prefectures and counties.

The state exercised tremendous control and this arrangement did not provide the means for actual local self-government. Nevertheless, many individual elements of

the system have continued down to the present day with the foundations of local self-government in Japan being set forth during this time. This old system of local government underwent a number of changes, until a new one was established after the Second World War. In terms of its overall historical development, from the latter part of the Meiji Period through the Taisho Period (1912-1926) and the opening years of the Showa Period (1926-1989), revisions were made expanding local autonomy by extending civil rights, strengthening the powers of local assemblies and diminishing the degree of state supervision. The country, however, then descended into an increasing wartime atmosphere and the system of local administration was brought firmly under the control of the central government. In 1943 a centralizing programme of reform was implemented which extended state authority through every level of administration, while at the same time Tokyo was incorporated as a metropolis, marking the birth of the Metropolis of Tokyo, as it is known today.

Postwar reforms and developments

Democratization became Japan's top priority with the end of the war. First, the system of local government was reformed to provide foundations upon which to build. In 1946 the government of metropolitan Tokyo and the organization of municipal government at the city, town and village levels were overhauled. As part of a series of measures designed to strengthen the independence and autonomy of local government, entrench the rights of citizens and ensure a fair and impartial system of administration, franchise was extended on an equal basis to all citizens who had reached the age of majority and governors, mayors and assembly members became subject to direct election by the citizenry.

The new Constitution of Japan promulgated in November 1946 treated local self-government as an indispensable element of democracy and guaranteed local self-

government as a system with a chapter devoted especially to the subject. A Local Autonomy Law that further bolstered these reforms was then enacted and took effect along with the Constitution in 1947. Thus, the foundations of the present system of local self-government took final form. Following the Local Autonomy Law's enactment in 1947, numerous amendments were made during the period leading up to 1956. First, the system was reformed to boost the autonomy and independence of local government as well as promote both democratization and decentralization. Local public entities were empowered, for example to perform functions involving restrictions on the rights of citizens on their own authority.

In 1953, a comprehensive reorganization of municipalities took place with the introduction of the Towns and Villages Merger Promotion Law. As a result, in a period of three years from 1953 to 1956 the number of municipalities was reduced from 494 to 286 and that of towns and villages from 9,852 to 3,477. In 1954, the municipal police system was abolished and changed to a prefectural police system. In April 1956, building upon the changes brought about by the ratification of the peace treaty, the system was reorganized in a manner which reflected actual conditions in Japan given the practical administrative experience gained since the Local Autonomy Law came into force. Likewise, consideration was given to questions of efficiency as well as democratization. At the same time mergers of cities, towns and villages were encouraged in order to create municipal units that were fully capable of carrying out their new duties. The period of 1955 to 1960 has been referred to as the era of rehabilitation of local public finance. In 1954, the general deterioration of local public finances became apparent, with a third of all local public entities in deficit. To deal with this situation, in 1955 the Special Measures Law on Local Public Finance

Reconstruction Promotion was enacted. In the five-year period ending in 1960, the reconstruction of public finance made commendable progress, due to the increase of tax revenues, owing to economic growth. As a result, the number of local public entities in deficit greatly decreased.⁸

From 1961 to 1964 Japan experienced regional development and fast economic growth. The concentration of industries and population in the large cities increased significantly. In order to achieve balanced national development, it became necessary to control excessive influx to large urban areas and to promote the development of other areas, in particular the local areas. For this purpose, the New Industrial Cities Construction Law was introduced in 1964 and regional development was promoted mainly through local public entities. At the same time, the importance of a wide-area administration, or coordinated local administration with an area wider in scope than existing municipalities, was emphasized. To manage this new need for wide-area administration, larger areas for municipal cooperation were formed on the basis of the area of daily life throughout the urbanized and rural areas.

The period from 1965 to 1974 was the era of welfare for residents. During this period, environmental problems caused by rapid economic growth became apparent nationwide. This necessitated a change in priority from economic growth and development to environmental protection and residents' welfare.

8. Local Autonomy College, Tokyo, *Nihon no Chiho Jichi (Local Administration in Japan)*, 1997, p. 70/72

The economy slowed after its unprecedented growth from 1965 to 1974 due to the oil shock of 1973 and its aftermath. After 1975, the central and local governments developed large financial deficits resulting in a huge public sector debt and the consequent deterioration in the financial structure.⁹ In the 1980's, an important issue of both central and local governments was financial reconstruction and administrative reform. The central government created the Special Advisory Council on Enforcement of Administrative Reform. The cooperation of central and local governments towards administrative and financial reform characterized this period. In 1994 the law was amended on the basis of a report from the Twenty Third Regional System Study Council, creating the following:

- A core city system, designed to boost the administrative authority of cities which have relatively large capabilities and scale as social entities and to enable them to carry out government as close to the residents as possible;
- A wide-area cooperative system, designed to cope effectively and efficiently with diversified wide-area administrative needs and to improve systems for accepting transfer of authority from the state.

At the same time, in an effort to reform the system of centralized authority existing since the Meiji era into a new one involving regional

9. Ibid., p. 72

devolution, a joint decision was reached by both Upper and Lower Houses in 1993 on promoting regional devolution whereas its guiding principles were decided by the Cabinet in 1994. Finally, the Regional Devolution Act was passed in 1995 and efforts promoting regional devolution are now recognized as the Third Wave of Reform after the historic Meiji Restoration and postwar reforms. Within a period of 5 years, the Regional Devolution Act aims to achieve its objectives through comprehensive and planned efforts. In the future, the government will draw up and gradually implement regional devolution promotion plans based on guidelines recommended by the Regional Devolution Promotion Committee.¹⁰

9.3 Local Government Categories of Japan

Local government has its basis in the Constitution of Japan, which recognizes it as essential to democracy and establishes it as part of the nation's system of governance. The Local Autonomy Law stipulates that local governments are corporations created for specified areas within national territories to manage public administration. The organization of Japanese local government is similar to the presidential system in the United States where the citizens as well as the members of assembly choose the chief executive in direct elections. The Local Autonomy Law divides local government into two major categories: ordinary local public entities and special local public entities. However, most local governments that consist of prefectures and municipalities are classified as ordinary local public entities.

10. Chiho Jichi Kenkyu Kiko, *Nihon no Chiho Jichi Seido Gaiyo* (An Outline of Local Self-Government in Japan), 1997, p. 3

The category of special public entities includes special wards, municipal cooperatives, property wards and Local Development Corporations.

Ordinary local public entities

Prefectures are large local governments which have a wider base with a more intermediary role compared to municipalities. Prefectures and municipalities are of equal standing. There are 47 prefectures, of which Tokyo is in fact a metropolis, designated as *To* in Japanese. Hokkaido is the only prefecture designated as *Do*, while Kyoto and Osaka prefectures are referred to as *Fu*. The remaining prefectures are referred to as *Ken*. Each of the 47 prefectures has its own unique character. The difference between the four designations is only historical with no major difference in their function. For example, Tokyo is home to over ten million people, while the smallest prefecture, Tottori Prefecture, has a population of only slightly more than 600,000. Hokkaido has an area exceeding 80,000

square kilometres, while Kagawa Prefecture is less than 2,000 square kilometres in size.¹¹

Municipalities are much more local in character than prefectures. All districts that belong to a municipality fall within the boundaries of a prefecture. Municipalities are designated according to three categories: cities (*Shi*), towns (*Cho*) or villages (*Son*). As of 1 April 1997, there are 3,232 municipalities, consisting of 669 cities, 1,993 towns and 570 villages.¹² Cities are municipalities with a population in excess of 50,000. Cities must have 60 per cent of the total number of residences located around its urban centre. Also, more than 60 per cent of the populace must be engaged in commercial, industrial, other urban activities, or dependent upon those who are

engaged in such activities. The major differences between cities (*Shi*) and towns (*Cho*) or villages (*Son*) are a larger number of assembly members and the compulsory appointment of a treasurer as well as the establishment of social welfare offices.¹³

There are two special categories of cities: designated city and core city. Cities with 500,000 residents or more may be designated by Cabinet order to take charge of certain duties normally handled by prefectures. These cities are officially referred to as designated cities, a total of 12 among the 669 cities nationwide. Core cities are also designated by Cabinet order. These cities have a population of over 300,000 and an area of 100 square kilometres. Towns are local entities that satisfy certain prefectural by-laws. They are usually more urban than villages, although there are no significant differences in the functions they perform. There are even greater varieties in the case of municipalities. The City of Yokohama, with a population of over three million and the Village of Aogashima in Tokyo, with about 200 inhabitants, are both equally designated as municipalities. Likewise, the town of Ashoro in Hokkaido, with a vast area of 1,400 square kilometres and the town of Takashima in Nagasaki Prefecture, of a mere 1.3 square kilometres in size are also both municipalities.¹⁴

Special local public entities

Special local public entities are set up for specific purposes and with

11. Ministry of Home Affairs, *Survey of Municipalities in Japan*, 1996, p. 53

12. Local Autonomy College, Tokyo, *Nihon no Chiho Jichi* (Local Administration in Japan), 1997, p. 328

13. *Ibid.*, p. 16

14. Ministry of Home Affairs, *Survey of Municipalities in Japan*, 1996, p. 6, 27, 29 and 50

limited responsibilities. They comprise special wards, Cooperatives of Local Public Entities, property wards and Local Development Corporations. Special wards have functions and structures that are similar to cities. The head of each ward is elected directly by the residents and has similar authority and powers as a city mayor. There are 23 special wards found only in central Tokyo. Cooperatives of Local Public Entities are formed by two or more local public entities for increasing efficiency in the execution of various duties. Property wards are created to operate and maintain specified properties or public facilities owned by certain segments of municipalities such as forests, irrigation canals or natural hot water springs. Local Development Corporations are formed by two or more ordinary local public entities and are responsible for the comprehensive execution of projects based on integrated development plans for specified areas.

9.4 Local Government Functions of Japan

Local governments play a significant role in the stability and improvement of their people's daily lives. Among many public services, local governments provide most familiar day-to-day services. Prefectures and municipalities cover a wide range of public services such as education, public works, health and hygiene, environmental protection, social welfare, social security, agriculture, forestry, commerce and industry. However, not all functions of local government are considered to serve a service role. Local governments play a regulatory function such as the maintenance of public order, public safety and welfare, including the care and control of juveniles or the prevention of pollution.

On behalf of the central government, local governments also take responsibility for a wide range of duties, often referred to as Agency Delegated functions, such as

statistical surveys, registration and river management. Although by law these are the responsibility of the central government, they are carried out as if they were the direct responsibility of local authorities. These responsibilities are listed as an appendix to the Local Autonomy Law.¹⁵ Thus, local government responsibilities cover a broad range of functions, indeed, all domestic aspects except for diplomacy, national security, the courts and the penal system. As a result, local government expenditures are correspondingly high. The combined expenditure of local authorities nearly equals that of the central government's general accounts, although the ratio of tax sources between central and local government is about 2:1. The huge financial transfers from central to local government in the form of the Local Allocation Tax, the Local Transfer Tax and the Treasury Grant reduce this to nearly 1:2.¹⁶

In fiscal year 1994, covering the period between 1 April 1994 and 31 March 1995, the total annual expenditure by all local governments was approximately 99,332.3 billion yen, which consisted of 50,144.7 billion yen from prefectures and 49,187.6 billion yen from municipalities, including Tokyo's wards.¹⁷ In contrast, expenditures by the central government for the same period of time totalled only approximately 72,540 billion yen (including transfer of funds between central government and local government) and its actual expenditure is approximately 48,159 billion yen.¹⁸

15. Council of Local Authorities for International Relations (CLAIR), *Nihon no Chiho .Acfcf* (Local Government in Japan), 1996, p. 5

16. tmL, p. 5

17. Local Autonomy College, Tokyo, *Nihon no Chiho Jichi* (Local Administration in Japan), 1997, p. 330

18. Ministry of Home Affairs, *White Paper on Local Government Finance*, 1995, p. 229-297

In fiscal year 1994, prefectures spent about 11,815 billion yen on education (24.0 per cent), followed by public works (23.5 per cent) and agriculture, forestry and fisheries (9.7 per cent). Municipalities, on the other hand, spent about 11,497 billion yen on public works (23.4 per cent) followed by social welfare (17.2 per cent) and education (13.9 per cent).¹⁹ Almost all the functions of prefectures and municipalities overlap. Prefectures normally handle broader areas or large scale projects as compared to those of the municipalities. Designated cities and to a lesser degree core cities, are different from ordinary municipalities in organization and function and handle the duties normally carried out by prefectures. This distinction by area and scale is one of the basic criteria for determining which government level should handle the service. In the case of public works, both prefectures and municipalities build and improve roads, construct public rental houses, make city planning decisions and build sewage systems and parks. However, among these projects, prefectures mainly engage in wide area or large scale projects that extend over a number of municipalities, with each municipality carrying out the project within its territory, e.g. the preparation of overall development plans for regional, mountain and river development.

In case of education, local governments also play an important role in fostering education in schools and in society at large. The education system established in the wake of post-war reforms strongly emphasizes nine years of compulsory education at the primary and lower secondary levels as well as equal opportunity of education. There has been a dramatic percentage increase in the number of students going on to further education from 42.5 per cent in 1950, to 82.1 per cent in 1970 and

19. *Ibid.*, p. 300

94.2 per cent in 1980.²⁰ Based on standards established by the central government, the education system allows every child in Japan with the same level of compulsory education. Municipalities establish and operate primary and secondary schools. The prefectures however, operate numerous senior high schools and schools for the handicapped. Although municipalities build facilities of both elementary and junior high schools, prefectures pay the teacher salaries. As mentioned earlier, prefectures mainly undertake police administration, while firefighting services and ambulant municipalities mainly provide services.

Executive and legislative branches

The most important powers vested in the assembly are those to establish or abolish ordinances, adopt the budget, authorize settlement of accounts, set the levy or collection of local taxes, authorize contracts and authorize the means of payment, cessation, or lease without payment of public properties²¹. The assembly's authorization is also required for approving the appointment of important governmental personnel such as vice governors (vice mayors), members of boards of education and Public

20. Council of Local Authorities for International Relations (CLAIR), *Nihon no Chiho Jichi* (Local Government in Japan), 1996, p. 27

21. Local Autonomy College, Tokyo, *Nihon no Chiho Jichi* (Local Administration in Japan), 1997, p. 32

Safety Commissions. The assembly also has other powers, such as the right to investigate the conduct of officials and the administration of the local government. Besides, the assembly deliberates on the draft ordinance, the draft budget and other matters in its regular sessions that are held no more than four times a year as well as in special sessions that are convened as and when required. Decisions are taken on the principle of majority of votes. A session of the assembly attended by all members is known as a plenary session. This is where the assembly makes its decisions; detailed discussion of individual bills is normally conducted by one of the several committees within the assembly composed of a small number of assembly members.

The chief executive, who plays the leading role within the executive body of the local government, represents the local government and looks after its general affairs. He submits bills to the assembly, makes and implements the budget, levies local taxes and users' fees for facilities, acquires, manages and disposes property and handles all tasks which do not fall under the jurisdiction of any other executive bodies. The chief executive also handles many other duties entrusted to him by the national government. The chief executive enjoys broad-ranging powers in order to carry out these functions, including the right to establish regulations, appoint and dismiss personnel, provide supervision and guidance and set up any necessary administrative organizations. He is also vested with general coordinating authority, which extends over other executive bodies, in order to ensure overall consistency in the operation of that particular local government.

There are also officials, such as the vice governor or vice mayor and the treasurer or chief accountant, whose duty is to assist the chief executive in carrying out the tasks for which he is responsible. Of these, the vice governor or vice mayor may act in

place of the chief executive in the performance of his duties. The treasurer or the chief accountant is in charge of local government accounts. Each of these officials is chosen with the approval of the assembly for a four-year term. The chief executive also appoints other personnel. The chief executive's office is subdivided into specialized departments and divisions to handle different functions.²² However, care has been taken to prevent excessive concentration of power in the hands of the chief executive. Certain functions of local government require a politically neutral standpoint and special care in passing unbiased judgment. In order to carry out such functions, the local government has committees and boards whose position and authority are independent of the chief executive. The various types of committees and boards consist of several members, who reach decisions through a process of discussions and consultations. Administrative committees consist of the Board of Education, the Public Safety Committee, the Election Administrative Committee, Inspection Commissioners and others.

Each prefecture and municipality has its own Board of Education and its members are appointed for a four-year term by the chief executive with approval of the assembly. The Public Safety Committee, existing only at the prefectural level, looks after the administration and management of police affairs. The governor appoints committee members, with the approval of the assembly, for a three-year term.

22. Chiho Jichi Kenkyu Kiko, *Nihon no Chiho Jichi Seido Gaiyo* (An Outline of Local Self-Government in Japan), 1997, p. 11

Each prefecture and municipality has an Election Administration Committee, whose members are chosen by the assembly from citizens who have the right to vote and serve for a four-year term. Besides, each prefecture and municipality appoint auditors, auditing financial matters as well as the management of enterprises operated by local governments. The chief executive appoints auditors, with the approval of the assembly, for a four-year term. As a rule, inspection commissioners do not work on a consultative basis, but exercise their authority independently. Prefectures and municipalities also have many other different types of committees, such as Personnel Committees, Local Labour Relation Boards and Agricultural Committees.²³

9.5 Local Government Finances of Japan

Local governments are empowered to manage their own financial affairs. Sources of revenue are guaranteed in a number of ways. As mentioned earlier, although the ratio of tax sources between central and local government is approximately 2:1²⁴, the ratio of government actual expenditures reverses to almost 1:2²⁵. Local authorities use more than one account for local finance administration. An account for general administrative services, such as education and police, is called the general account. In addition, several special accounts are used for such administrative services as housing projects, where funds are used and the rents are charged to the beneficiaries. Both of these accounts are included in the ordinary accounts of local authorities. Other public utility services such as water supply and public transportation (which is referred to as Local Public Enterprises) must keep separate accounts, known as enterprise accounts. Local governments had a total annual revenue of

23. Ibid., p. 12

24. Ministry of Home Affairs, *White Paper on Local Government Finance*, 1995, p. 266-267

25. Ibid., p. 296-297 approximately 95,994 billion yen during the fiscal

year of 1994. Of this, 33.9 per cent came from local taxes, 16.2 per cent from Local Allocation Taxes, 14.4 per cent from national treasury disbursements and 14.9 per cent from local government loans.²⁶

Local taxes

There are many types of local taxes in Japan. Local governments are able to levy and collect local taxes under the provision of Local Tax Law. The major local taxes of prefectures are enterprise tax, prefectural inhabitant tax and automobile tax, while the major local taxes of municipalities are municipal inhabitant tax, property tax and city planning tax. Local taxes account for approximately 37 per cent of the country's total tax income.²⁷ In the prefectures, these taxes make up 31.2 per cent of the total prefecture revenues, while they represent 35.6 per cent of the total municipal revenues.²⁸ The Local Allocation Tax contributes to balance local governments' revenues and guarantees a standard level of service provision by local governments. The system provides for a specified amount of national tax revenue to be set aside for disbursements linked to the spending requirements of local governments on the basis of a fixed formula, reapportioning local revenue from the more affluent governments such as the big cities to the less populous area. It is a more stable form of income than other sources of subsidy as it has the additional benefit of being treated as part of local governments' independent sources of income. Consequently no restrictions are put on its use.

26. Local Autonomy College, Tokyo, *Nihon no Chiho Jichi* (Local Administration in Japan), 1997, p. 352

27. Ministry of Home Affairs, *White Paper on Local Government Finance*, 1995, p.47

28. *Ibid.*, p. 50

The Local Allocation Tax consists of a tax transfer to local governments that are unable to cover their financial needs from local taxes alone. It is distributed in proportion to the amount of such shortfalls representing 32 per cent of the revenue from the national income tax, corporation tax and liquor tax. In addition, 24 per cent of the revenue from consumption tax and 25 per cent of that from tobacco tax has been earmarked for the Local Allocation Tax since April 1989. On occasions, the assumed fund is insufficient. The Ministry of Home Affairs would have to negotiate with the Ministry of Finance for a supplementary fund. Of the annual total, 94 per cent is set aside for ordinary Local Allocation Tax and distributed for extraordinary expenditure needs such as natural disasters. The amount of ordinary Local Allocation Tax payable is the difference between local governments' expenditure needs and their income, calculated according to statutory regulations, with expenditure needs determined item by item, based on a formula.

To calculate each local government's income, a percentage of an estimated total income each is likely to receive is set, based primarily on past annual receipts. The percentage, 80 per cent for prefectures and 75 per cent for municipalities, is used because any prediction of need cannot perfectly reflect the local governments' individual circumstances. Equally important is the fact that if a 100 per cent figure were used, it would take away all freedom of choice from local governments in how to spend the money and discourage them from building up their own sources of tax revenue. The central government provides other funding in two ways:

- Through treasury contributions to local governments for those functions carried out jointly with the central government;

- Through a grant-in-aid to support specific local government activities. These funds are specific and cannot be used for other purposes.

Recently, there has been discussion about the need to relax control - including the control on the minimum standards laid down by the central government concerning the type and manner of public facilities - when distributing grants-in-aid and to consider making grants-in-aid a more general source of revenue.

9.6 Personnel Systems in Local Government

Local government servants in Japan are classified under special public service personnel and general public service personnel by the characteristics and contents of their duties. The majority of the government servants are general public service personnel. The total number of general public service personnel in local government was 3,278,332 as of 1 April 1995. These figures can be broken down as follows: prefectural governments with 1,726,263 employees (accounting for 52.6 per cent of the total), followed by designated cities with 251,081, other cities with 725,584, towns and villages with 375,566, special wards with 80,594 and others.²⁹ Examples of special public service personnel are Governors, Mayors and the Members of Assemblies, Boards of Education and other administrative committees and temporary or part-time advisors. The Local Public Service Personnel Law, defining the status of local public service personnel, does not apply to special public service personnel.

29. Society for the Study of Local Autonomy System, *Chihou Jichi* (Local Autonomy), August 1996

Local governments are duty-bound to introduce by-laws covering all personnel matters, based on the provision of the Local Public Service Personnel Law. Some types of general public service personnel such as teachers, policemen, firemen and those who belong to local public enterprises such as subways, buses and water supply services are treated differently in terms of basic labour rights because of the special nature of their responsibilities. The main responsibilities for appointing personnel rest with Governors, Chairmen of Assemblies and other administrative committees. They are called Appointing Authorities. Prefectures, designated cities and some municipalities such as special wards have Personnel Committees; the remaining municipalities have Equity Committees. Both types of committees are independent of the employers and are instituted primarily to improve working conditions and hear employees' complaints.

Appointment of general public service personnel is based on competitive examination in all local governments that have Personnel Committees; appointments may be made on other bases whenever the Committees permit to do so, or in municipalities which have Equity Committees. Almost all local government general public service personnel are engaged on the principle of lifetime employment. Equality of opportunity is established in the Local Public Service Personnel Law and discrimination against race, sex, religion and social status is prohibited. This also applies to political opinions, except in extreme cases. The compensation of local general public service personnel consists of salaries and allowances. These are fixed by the by-laws of their respective local governments. In determining the compensations, full consideration has to be given to the cost of living and wage payments in the central government, other local governments and private enterprises. Conformity with duties and degrees of responsibilities are also taken into account.

The amount of salaries, initial salaries, promotion and increases are also determined on the basis of the pay scales. Besides salaries, supplementary compensations, some allowances (such as family allowance, housing allowance) and bonus are also paid.

Local government officials are obliged to follow lawful and official instructions, respect confidentiality and give their full commitment to their duties. They are also prohibited from doing anything which would lead to a loss of trust of local governments personnel. Certain restrictions on political activity apply in the interests of political neutrality. The Local Public Personnel Law governs the basic rights of local government employees according to their duties. The public service employees are able to maintain and improve working conditions via Personnel Committees. The Local Public Personnel Law gives staff the right to request the Personnel or Equity Committees to act on their behalf regarding salaries, working hours and related matters. Disciplinary action which the employee sees as unfair can be reported to the Personnel or Equity Committee which examines the complaint, if it finds it justified it can cancel or correct the action taken by issuing instructions to the local government.

9.7 Central-Local Links

In general, central and local governments depend on and complement each other. The philosophy underlying the Local Autonomy Law is that central interference should be kept to a minimum and should consist only of advice, recommendation and technical support. But, in reality, the central government involves itself in local governments' affairs in various ways. Central government influences local governments in many ways, such as legislation of administrative standards, the requirement for local governments to seek statutory approvals, the delegation of agency functions, the grant of subsidy or loan approval, the assignment of staff of local governments. However, the process is not wholly one-way. Just as local governments seek approval and

subsidies from various government ministries, the latter need information from local governments in order to formulate policy.

At the central government level, the Ministry of Home Affairs is responsible for the local governments. One of its main functions is to work closely with the Ministry of Finance on local governments' finance; another is to collaborate with the Ministry of Construction, Health and Welfare and other ministries and agencies on local matters. The Ministry participates in local government affairs on a financial level through Local Allocation Tax disbursements and local loans and provides leadership and advice on local government finance and administration.³⁰ In political terms, there is no major difference in the political parties' policies at the local level. It is not uncommon for the candidates for Mayor or Governor to be jointly recommended by parties which are in opposition at the national level. Often, in rural or agricultural districts, local assembly members are often independent conservatives. Many have interpreted this to mean that local government is politically separate from the central government whereas, in fact, they are quite closely connected through the election system. Party support associations exist at national and local levels necessitating the cooperation of the national Diet and locally elected assembly as well as those politicians seeking the support of organizations such as labour unions.³¹

30. Council of Local Authorities for International Relations (CLAIR), *Nihon no Chiho Jichi* (Local Government in Japan), 1996, p. 7

31. *Ibid.*, p. 8

Legal basis of local government

The legal basis of local government has its roots in the Constitution of Japan, adopted in 1946, which recognizes local government as essential to democracy and establishes it as part of the state's system of governance. Under the heading Local Autonomy Chapter 8 of the Constitution contains four Articles:

- Article 92 provides for the regulation of local government in accordance with the basic principles of local autonomy;
- Article 93 provides for local authority members and executive heads (Governors and Mayors) to be directly elected;
- Article 94 empowers local authorities to manage their own affairs and enact by-laws; and
- Article 95 forbids the enactment of special laws peculiar to a particular local authority without the approval of the majority of the electorate.

Accordingly, a number of laws were enacted concerning local government, with the core legislation enshrined in the Local Autonomy Law. Its provisions deal mainly with residents' affairs, elected councils, Governors, Mayors and their executive committees. The Local Autonomy Law also defines the position of local authorities vis-à-vis central government, as well as other local authorities and provides legal provisions for an authority's financial affairs. Through this legal basis, local government is clearly defined as part of the country's administrative framework.³²

32. *Ibid.*, p. 1

9.8 Public Participation

Concerning residents' participation, the systems allowing residents to participate directly in local authority affairs supplement the usual democratic process. As society has grown more complex and people's thinking and sense of values have become increasingly diverse, local authorities have seen the need for new ways of keeping in touch with their respective communities. It is no longer enough to rely on outmoded and ill-used systems of participation, elected members or the council process. A variety of methods are used to guarantee that popular opinion is considered fully when projects or services are planned and implemented: symposiums or informal gatherings are held in each area, questionnaire surveys are undertaken and people are encouraged to voice their opinions and ideas. Municipalities collate such information before discussing particular projects with the Mayor and where day-to-day services are concerned they set up residents committees or make suggestions boxes available so everyone has a chance to comment. Increasingly local authorities are introducing access to information legislation as a result of public interest in participating in and commenting on for example the control of medicines and food additives, on pollution and right-to-sunlight issues. By allowing access to information, local authorities are also helping to maintain relations with the public by exposing the mechanics of service provision and letting residents satisfy themselves that everything is in order.³³

Direct demands by citizens

33. *Ibid.*, p. 7

One method of involving citizens is by empowering citizens with the ability of direct demand. Under the current legal provisions a specified number of signatories can demand the approval, amendment or abolition of certain by-laws, special audits and dissolution of local assemblies. Signatures of at one fiftieth of the electorate must support direct demands by citizens for amendment, approval or abolition of by-laws. The Governor or Mayor must call a special meeting of the assembly within 20 days of their receipt, submitting the proposed by-laws along with their comments. The final decision rests with the assembly which is not bound to accept the proposal. The direct demand provisions do not apply to local taxes, fees and charges. With reference to direct demands for special audits, the signatures of a minimum one fiftieth of the electorate must accompany a demand for the Audit Committee to investigate the authority's financial. Once the committee has finished its audit, it must formally publish the results. Regarding the dissolution of the assembly, one-third of all electors must support the demand. On receipt the whole electorate is balloted and a majority vote in favour would result in the dissolution. For the dismissal of Governors, Mayors or Assembly members, one-third of all electors must support the demand and after balloting the electorate, a majority vote in favour would result in dismissal. This system applies to Vice-Governors, Deputy Mayors, Treasurers and Chief Accountants, Election Committee members and Audit and Public Safety Committee members as well. In these cases, however, the demand is referred to the assembly for a decision.³⁴

34. *Ibid.*, p. 50

Legal provisions for public participation

Other forms of public participation are also legally supported. The present Constitution allows the enactment of by-laws specific to a particular local authority, but only on condition that the majority of electors vote in favour. As taxpayers, local authority residents can ask for the Audit Committee to investigate the authority's expenditure, its acquisition, management or disposal of property and relevant officers' decisions. Depending on the results, they can ask that the appropriate corrective or preventive action is taken. If dissatisfied with the results, they have the right to take legal action. Local Authorities' legislative powers are guaranteed by Article 94 of the Constitution that grants local authorities the right to enact their own legislation. The Local Autonomy Law provides for by-laws and regulations. All by-laws are subject to a majority vote by the assembly. Likewise, any local authority business can be the subject of by-laws, except agency functions (unless specific legal delegation is given). By-laws have the same efficacy in law as a statute, but are subordinate to it, cannot contravene it and are valid within a specified area only. The head of the concerned local authority, i.e. the Mayor or Governor determines regulations on any matter that comes under their jurisdiction, including agency functions. As with by-laws, they cannot contravene any statute, remain subordinate to it and are area-specific.³⁵

35. *Ibid.*, p. 51 Further Reading

9.9 II. DIRECTIONS OF REFORM IN LOCAL LEVEL DEVELOPMENT PLAN OF BANGLADESH

The problems which have been discussed in the previous chapters. Can be overcome by proper training to the UP functionaries, many others can be solved by legal steps designed for bringing about necessary changes in structural, functional and financial arrangements. The solution of the socio-political problems depends of course on the long term change in the existing social environment. The focus of the present chapter is to suggest measures for improving the financial and operational effectiveness of the UP. The basic considerations here are to make the UP more responsive to the local needs and aspirations, to ensure people's participation in the planning and implementation of development projects and to provide resource and skill necessary for coordinated approaches to development.

9.10 Improving Financial Effectiveness

The financial condition of the UP are limited, There is a need to provide additional sources of revenue income. But the scope for raising money through direct taxes in rural areas is constrained due to the general poverty of the people. In this circumstance, the possibility of increasing income without putting additional pressure of taxes on the people should be explored. To improve the financial position of the UP, the central government and other authorities should gradually withdraw themselves from these sources and transfer them to the respective UP. Some of the potential sources, are:

- a) taxes on the transfer of immovable properties;
- b) fees from rural markets;
- c) fees from the ferries;
- d) taxes on ponds;

- e) taxes on local industries and enterprises; and
- f) the land development tax.¹

9.11 Improving Assessment of taxes.

There is considerable scope for increasing revenue from the local sources through improvement of assessment system. At present, the UPs have neither competent staff nor technical knowledge for assessing the properly values of the rate payers. They simply assess through guess-work. To improve the situation, UP functionaries should be provided with training and expert guidance by the central government in the assessment of taxes.

9.12 Improving Collection System

The present system of collecting the UP is totally unsatisfactory. Instead, a regular tax collector may be appointed. The elected functionaries should be given a clear understanding of the need for attaining financial strength of the UP through training so that they do not hesitate to exercise the legal authority to collect taxes on the ground of cheap popularity. They should also motivate the people to pay taxes and guard against all sorts of malpractice in collection and accounting.

1. Moor, A., Revitalizing rural Local Bodies in Bangladesh, *Development Review*, Academy for Planning and Development, Dhaka, Vol. 1 No. 2 1988, P. 83.

9.13 Arranging Loan for the UP

At present there is no provision for taking loans by the UP. The government may enact the legal provisions relating to general terms and conditions under which a UP can arrange loans from a bank. In Jordan, there is a bank called Cities and Villages Development Bank (CVDB) which is especially a municipal deposit and credit bank and is meant for providing loans to the local bodies at favourable terms.² A similar arrangement may enable the UP to act more freely in implementing socio-economically rewarding development projects through contracting loans from formal lending institutions.

9.14 Developing a Grant Code

The purpose of the central grants should aim at providing financial help to the UP as well as inducing it to enhance local revenue income. Therefore, some of the grants must be conditional which means that for the central grants, except those meant for the pay and honorarium of the functionaries, the UP would have to ensure its local collection to be a definite percentage of grants. This form of linking the financial contribution by the central government with local collection would be instrumental for the UP to mobilize local resources.³ But to avoid any bias against poorer unions with smaller revenue bases these efforts need to be assessed in terms of rates of improvement in revenue mobilization rather than on the absolute amount of revenue raised.

2. Davey, K.J., *Municipal Development Funds and Intermediaries*, World Development Report, WPS32, Washington, 1988, part B, p. 21.

3. Islam, N., *Development Planning in Bangladesh: A Study in Political Economy*, Hurst and Company, London, 1977, p. 213.

An independent grants commission at district level may be set up to determine the grants in accordance with the performance, size and activities of the UPs.⁴ The grants should be made known to the UP much ahead of the financial years, so that it can prepare a realistic budget.

9.15 Strengthening Financial Administration

The existing provisions of budgeting and auditing applicable for the UP require to be modified. There may be general guidance and policy directions of the central government for preparing the budget but by all means the UP should be the final authority to approve its own budget. A copy of the approved budget may, however, be sent to the government and the Upazila Parishad for information.

9.16 Assigning Functions as per Capability

The nature and number of functions should be in accordance with the facilities, particularly the staff and the finance

The UPs function should also be more and more development oriented, income generating activities such as small and cottage industries, rural banking, manpower development functions, and community health programme. These functions are at present performed either by the central agencies or by the higher local bodies. As these functions require participation of the local community, the involvement of the UP with enough authority and administrative discretion would yield better results.

04. Ahmed, A-. *Administration of Local Self-Government for Rural Areas in Bangladesh*, NILG, Dhaka, 1979, p. 226.

9.17 Enhancing Administrative Capability

Training is an effective means for enhancing administrative capability of an organization. The staff members and to a certain extent the elected functionaries should, therefore, be given adequate and needed technical training and orientation to handle varied functions of the UP, particularly the development oriented ones. General areas of training need are: agricultural innovation, management, credit distribution, cottage industries, project management, accounting, fisheries and poultry.

In order to facilitate formulation and planning of development projects, the UP should have at least one member of technical staff with engineering skill. Until such time the UP attains the necessary financial strength to pay his salary out of its own income, he may be placed on deputation by the government. It may be mentioned here that similar deputation of technical staff exists in the Upazila Parishad.⁵ Even after appointment of the technical staff in the UP, the Upazila Parishad should continue to extend technical assistance to its construction projects especially to those involving relatively complicated technical skills..

The terms and conditions on which UP staff are controlled should be improved through a unified local government service structure. The arguments in favour of such a service structure are:

- a) it is likely to attract talents because there will be more scope for promotion;
- b) it allows for transfer of a functionary when he becomes controversial at a particular station;

5. Faizullah, M.M., Decentralization and Upazila, In: *Development of Local Government in Bangladesh*, NILG, Dhaka, 1987, p. 105,

c) training can be better organised with such a homogeneous service structure and d) the rights of the functionaries stand to be better protected in this arrangement.⁶

As a good pay scale is one of the pre-requisites for determining the administrative efficiency the UP staff should be offered a reasonable pay structure. The existing gap of pay between the UP staff and the staff belonging to different field agencies working at the unions should be minimised. Similarly, there should be an arrangement for reasonable amount of honorarium to elected functionaries to encourage them for devoting much of their time in the UP activities. As the members of the National Assembly and chairman of the Upazilla Parishad are at present paid handsome amount of allowance, there should not be any disagreement on the question of paying the UP functionaries reasonably and regularly. The government should adopt a policy for the UP similar to the one it has adopted for ensuring regular salary of the Upazilla Parishad staff through quarterly grants. This may be continued till the UP attains the capability to pay its own functionaries. The cooperation among the UPs and other local bodies, is of crucial importance for enhancing their efficiency. Two forms of cooperation among them may be envisaged. Firstly, it could be formal i.e. through creation of mechanisms for joint actions under legal enactments.

6. Siddiqui, K., et.al Local Government in Bangladesh: Some Major Issues and Problems, IN: Siddiqui, K (ed), *Local Government in Bangladesh*, , NILG, Dhaka, 1984, p. 244.

Secondly, it could be informal i.e. through formation of two associations-one for the elected functionaries and the other for the permanent employees working at the same level.⁷ The second form of cooperation should obviously be more easy to achieve and hopefully, the envisaged formal associations could complete the spade-work required for formal cooperation in the latter phase. .

9.18 Integrating the UP and Field Agencies

A comprehensive development approach requires active cooperation and collaboration between the local government and the various central government agencies as both sides have specific roles to play. There should, therefore, be an organizational arrangement wherein different development departments of the government and the UP would cooperate. One possible way is for national government to place all union level officials of different departments under the direct supervision of the UP. Under the arrangement, the departmental officials would be associated with the working of local government through committees chaired by the elected members of the UP. The officials representing their departments would act as secretaries of the committees. For example, the official of the department of Family Planning would be the secretary of the "Population Control Committee". The other members of the committee would be drawn from the local community considering their interest, experience and expertise. Attempt should be given so that women and different disadvantaged groups are proportionately represented in these committees. To facilitate coordination, departmental officials of related departments may be coopted as members.

07. *Ibid*, p. 286.

It is expected that this arrangement would make the activities of the central government departments sensitive to local problems and desires. Through participation in the various union level committees, the local people would have an opportunity to influence the government policies which affect them and thus be an enthusiastic party in the implementation of these policies. In this way, the UP can play a more meaningful role in the social and economic life of the rural community.

9.19 Enhancing Efficiency in Project Planning and Management

Project planning and management can be achieved by undertaking the following steps.

— Village based annual development plans should be prepared. This would be based on thorough assessment of development needs and potential of the village and in turn would form the basis of UP development plan.

— The UP plan, prepared on the basis of village based development plan and the known financial allocations available for the purpose from sources such as the Upazila Parishad and the central government, after examination should be integrated into the Upazila plan, which should then be communicated to the National Planning Commission. This would result in a scope for bottom-up planning so that local needs and aspirations could be reflected in the broad macro level planning in the country.

— The technical support of the Upazila Parishad should continue till the UP develops its own technical manpower.⁸

8. Chowdhury, L.H., *Local Self Government And its Reorganization in Bangladesh*, NILG, Dhaka, 1987, p. 68.

- The UP should gradually develop its own manpower and financial bases to carry out these development projects.
- Easy and understandable forms and monitoring mechanism should be developed.
- Participatory project management committees, as discussed earlier, should be developed. This would result in participative planning mechanism which would bring the UP, the field bureaucracy and the programme beneficiaries closer.
- Enough discretionary power has to be given to the UP to make the centrally funded projects more responsive to the local needs and conditions.
- All centrally sponsored programmes not involving complicated technical skills should be delegated to the UP as well as the resources and other inputs should also be kept under UP's supervision.

Above all, local leadership to be taken by the elected officials of the Parishad is the most important factor for rural development. But the leadership alone can not do much. This should particularly try to achieve the increased cooperation and participation of the local people in the implementation of RWP.

9.20 Reducing Excessive External Control

The extent of control exercised by the government and the Upazila Parishad at present, as mentioned earlier, is not conducive for the UP to perform efficiently as a local body. It is equally not desirable for complete withdrawal of external control enabling it to act independently and thereby making it a state within state. There

should neither complete dominance by the central government nor complete autonomy; instead there must be a relation of working together.⁹

The authority to be given to it must be determined by the Acts passed by the legislature and not by administrative orders. Within the determined spheres, the UP would be free to act. It should not be subjected to continuous direction given by the external authority.

Under the authority, as suggested, the UP would have to function within two main limits. First, it must not act against national policy determined by the government, it must act in accordance with the general policy and guidelines set by the government. Second, it must manage its affairs efficiently. The government may reserve the right to see whether it is working efficiently. In case of serious mismanagement or deadlock, the government may be required to intervene upto the extent of suspending the UP. But in case of suspension there must be an election within stipulated period. As far as possible this suspension power should not be used. The central government may intervene only when the UP surpasses its limits. In all other cases the central government should not interfere with the affairs of the UP.

9.21 Balancing the Population-Representation Ratio

It has been found that in the UPs the size of the population and their economic activities have substantial bearing on the income and expenditure pattern.¹⁰

09. *Local Government In the 20th Century*, Proceeding of IULA Jubilee Congress, Brussels, June 17 to 25, 1963, IULA, The Hague, 1963, p. 489.

10. Noor, A., *op. cit.*, p. 84.

To avoid the wide economic differences among the union bodies and to ensure their economic viability each UP should have a comparable level of population. Moreover, the ratio between the elected representatives and people should not be too high or too low. It is suggested that there should be one elected representative on the average for every 1000 people.

It may be noted here that the suggested representation ratio is the same as it was in the union level body when the British set up the Union Board more than 70 years ago.¹¹

9.22 Ensuring Adequate Representation for Women

The women being "half of human resources, they should be made contributors and beneficiaries of services provided through the UP. The system of nomination being a neglected of democratic right of the people, election of women members to the UP enjoying real

11. Rashiduzzaman, *Politics and Administration in Local Councils*, Dhaka, 1968, p. 3.

share in power should be the policy of the government. Initially, some seats may be reserved for women for a temporary period,¹² Election should be held among the women for filling the reserved seats. This would inspire the women more about the political life. The system, however, should be temporary and given up as soon as a spontaneous response develops among the women to compete with men in the election. It is the duty of the society as a whole to extend all kinds of facilities for enabling them to be competent so that they would not have to depend on special privilege such as the reservation system for indefinite period.

9.23 Ensuring People's Participation : Village Committees

The people and community participation are the most needed ingredients for development. It has been pointed out earlier, how, at present, the people's participation in UP activities is being hampered by pro-rich power structure existing in the rural community. A countervailing force is, therefore, needed which should be generated through organizing people right at the village level.¹³

The organizations of different socio-economic groups such as farmers, landless, women, weavers, potters etc. have the potential for creating opportunities when mobilizing local resources, drawing and implementing development plans at the grass roots on the basis of felt-needs, and carrying out rural development on the principles of self-reliance become easier.

12. Ahmed, A., *op. cit.*, p. 214.

13. Hye, HA, Rural Poverty: The Continuing Challenge, In: *The Journal of Social Studies*, CSS, No. 32, Dhaka, 1986, p. 101.

NGOs can act as catalytic agents in the formation of such organizations through motivation of rural people and integrating their efforts. The government can also facilitate the transformation process through undertaking mass literacy programmed and giving recognition and support to the organizations of the socio-economic groups in the formative stage.¹⁴

Given the existing poor conscious level of disadvantaged groups, the aforementioned transformation may take some time to occur. Initially, therefore, instead of making an independent local body at village level, the local initiative may be crystallized through formation of the village committee (VC) in the form of an arm of the UP. A number of arguments can be cited in favour of this committee.

Firstly, given phenomenal population growth (present growth rate 2.4%) over the years, it is becoming increasingly difficult to ensure people's participation in activities designed and implemented from the UP headquarters.

Secondly, no implementation of even the most peripheral reforms in the country side would be possible unless there is an implementing machinery at the door steps of the villagers.

14. Government of the People's Republic of Bangladesh, *Report of the Committee for Administrative Recognition/Reform*, Dhaka, 1982, p. 145. .

Thirdly, the union has become too large an entity for the poor to mobilize and assert themselves in the election, whereas, VCs could develop intimate working relationship among them to facilitate their electoral success.¹⁵

In order to mobilize people's participation through VCs it is suggested that the existing ward-based representation system in the UP should be changed to a village-based one, which means that each village would be an electoral unit consisting of on the average 2000 people.

It may be mentioned here that ward as a territorial unit carries no value for purposes other than election, whereas, a village is a conspicuous territorial unit based on a long tradition. A UP would consist of 10 such units-.Necessary adjustment through delimitation may be made to this end. Each unit would elect two members out of which one membership would be reserved for women. The elected members would represent the unit in the UP. In addition to the two elected members, a VC would comprise a number of nominated members. All the socio-economic groups would be represented in the VC through one representative from each, nominated by the Upazila Parishad. In case of exceptionally big groups, provision should be there for representation of more than one member. One of the elected members, as chosen by the VC in its first session, would be its chairman.

15. Siddiqui, K., et. al., *op. cit.*, p. 233.

Such a committee would operate primarily on self-help basis but would implement small projects under RWP in the concerned village assigned by the UP. The committee would also render assistance, support and cooperation to the UP in implementing projects in the village, assessing the local tax and reflecting actual needs and demands of the area.¹⁶ The committee may form sub-committees comprising members from different segment of the community for implementation of its programmes and thereby creating opportunities for popular participation in development

9.24 Mobilizing Local Manpower

In a capital shortage and labour surplus country such as Bangladesh, there is a great need to mobilize its huge manpower through the institution of local government such as the UP in the creation of necessary economic infrastructure in the shape of roads, bridge, irrigation and drainage canals, excavation of ponds etc. As the rural people are traditionally imbued with the idea of voluntary participation in small-scale community development work in the villages, they can easily be induced to self-help projects. This was manifested by the voluntary participation of all the UPs of Sarsha and Jikargacha upazilas in Ulashi Canal Digging project in 1976, organised by the local administration.¹⁷

16. Chowdhury, L.H., *op. cit.*, p 74.

17. Alamgir, M.K., Development Through Self-Help - Ulashi Jadunathpur: A Review, *The Journal of Social Studies*, CSS, No. 2, Dhaka, 1978, p. 67.

The provision of special community tax in the tax schedule (Appendix) of the UP may be applied with great advantage. The UP can mobilize a sizeable amount of revenue by levying community tax on the well-off segment of the community unwilling to participate in the project work. It on the otherhand provides a scope for utilizing human resources, which are otherwise underutilized, in the production oriented or infrastructural projects.

9.25 Increasing Efficiency of Village Court

The village court should be given power and authority to execute its own judgment. The present limited power, which does not allow the village court to deal effectively with instances of non-compliance, is not conducive for efficient performance of an institution dealing with arbitration matters. There should be a provision for executing the judgement with assistance from regular police force of the police station if and when necessary. The functionaries of the UP should be trained in the provisions of law dealing with the judicial power of the village court and the aspects of record-keeping. The latter is particularly important because the case record forms a part of the judicial evidence which can be called for any time by the court of appeal. The functionaries should also be convinced about the significance of quick disposal of the cases. The law should provide adequate protection of members of the court so that they feel secured in the dispensation of justice without fear or favour.

9.26 Improving Law and Order Management

The weak law and order management of the UP may be improved by eliminating the existing grievances of the village police and making this force more responsive and dutiful through adequate training. The monthly allowance of the village police should

be reasonably increased since their service demands full-time involvement. The payment of their allowance must be regular. The village police should be well-equipped so that they can effectively perform night patrol. In place of present dual control over them simultaneously by the UP and the police station, they should be made solely answerable to the UP. The police station may keep liaison with them through the UP.

9.27 Ensuring Political Commitment

Above all, there should be political commitment to develop the UP as an effective institution to bring social and economic changes in the rural areas of Bangladesh. In the past, as has been indicated earlier, national government had an inherent distrust of the concept of devolution of authority to the UP and other local bodies. The primary reason - the fear of loss of political control over distant local communities led the government to frame strict provisions turning the UP into a mere executing arm of the government.

In order to discourage the central leadership to use the UP for political expediency, as had been done in the past, the principle of local government should be properly recognized in the constitution. Reforms of local government should not be introduced by the Ordinance but should be done only after careful considerations in the Parliament. The government should form "Local Bodies Review Committee" to periodically review the overall performance and identify the problems confronting the UP. Given the sincere political will such an identification may enable the government to adopt reformative measures which may help the UP for realization of the objectives.

The general observation of this chapter is that although there exist a number of possible measures to address the existing problems of the UP, their adoption and realization fully depend on the political will of the government. Apart from the political will the most crucial issue for the UP is the achievement of financial solvency through mobilisation of local resources. Unless a headway could be made in this regard no reform is possible with the present state of their financial dependency on the central government. The academicians and the research institutions should continuously evaluate the performance of the UPs. The politicians and the press too must keep their vigilant eyes on their operation and suggest measures for betterment of their performance. The gradual attainment of financial strength along with adoption of the suggested measures may enable the UPs to proceed towards achievement of the desired effectiveness.

9.28-III. A model of the local govt. institution

We present below three models of the institution of local government. The first one was introduced in 1973 after the independence of Bangladesh. The second one was introduced after the first one was abandoned.

A. The first model:

Father of the nation Bangabondhu Sheikh Mujibur Rahman had announced certain programmes to make the local government effective institution for development.

These were as follows:

I. Compulsory multipurpose cooperatives would be constituted in each village in phases, and all the 65,000 villages would be brought under cooperatives within a 5-year plan. Each cooperative would comprise 500 to 1000 families. These cooperatives would become the basic economic and administrative units of the country, and the UP would be abolished in order to make room for these, cooperatives. All government aid in the form of fertilizer subsidy, test relief operations and Works Programmed, etc. would be channelled through these cooperatives. The ownership of the land would not be taken over from the landowners, but its produce would be divided into three parts: one to the owner, one to the local cooperative and the other to the national government.

2. There would be an Administrative Council for each district comprising representatives from the BAKSAL, youths, women, workers, farmers and government officials of different departments. A Governor who need not be a Member of the Parliament or a political worker would head the Council. He could even be a trusted government official. The process of creating the Thana Administrative Councils

would, however, start one year after the District Administrative Councils started functioning.

3. Each Sub-Division would be converted into a district with a new Administrative Council. The entire development outlay of the district i.e. food, health, education, irrigation and family planning would be controlled by the Administrative Council. All the government offices and departments would be brought under the control of the District Governor, as would be the District Magistrate and the Superintendent of Police (SP). The DC would act as Secretary of the Council. The units of the Army, the Jatiya Rakkhi Bahini (JRB), the Bangladesh Rifles (BDR), etc. posted in the district would be under the command of the Governor. In other words, the entire area of development planning and implementation, law and order, day-to-day administration of the district would be vested in the Governor and the Administrative Council. The District Administrative Council would function under the direct control of the central government. All these were envisaged as part of an administrative decentralization programmed.

4. The system of dispensation of justice would be drastically changed and its administration would be regulated in such a manner that justice became easily available to the common man. For speedy and cheaper dispensation of justice, tribunals or courts would be set up at the thana level.

5. The administrative arrangement of Dhaka would also change, and the bureaucratic system would be replaced by a "people oriented" system. These programmed, for whatever these were worth, were nullified after the assassination of Sheikh Mujibur Rahman on 15th August 1975.

B. Second Model

Functions of union parishad & reality

The local Govt. Ordinance has 38 civic functions. Some of the functions are:

- (a) maintenance of law and order and assistance of administration in the maintenance of law and order;
- (b) adoption of measures for preventing smuggling;
- (c) adoption and implementation of development schemes;
- (d) promotion of family planning;
- (e) development of local resources;
- (f) implementation of projects assigned by the Upazila Parishad;
- (g) protection and maintenance of public property;
- (h) review of development activities of all agencies at union level and make recommendations to the-upazila Parishad;
- (i) motivation for the use of sanitary latrine;
- (j) registration of births, deaths and destitute;
- (k) conducting of census of all kinds etc.

However, these exist only in papers not in reality

C. Suggested Development model of a union

- ❖ Union will be a development unit of Bangladesh
- ❖ It will be fully autonomous.
- ❖ The entire population of a union will be the basis ^{of} development
- ❖ Every Union will have a union development Bank. All people will have account in the Bank. Union development plan will be on the basis of union development Bank.

Capital source of union development Bank

Suppose there are 30000 people in the union. In that case the source of development will as follow.

❖ Direct citizen tax monthly	10×30000	= 3,00,000
❖ Citizen compulsory insurance	10×30000	= 3,00,000
❖ Free insurance	1000×1000	= 10,00,000
❖ Other source of income		= 10,00,000
❖ Monthly total income		= 26,00,000

Man power of union development Bank

1. Manager	-----	2
2. Assistant Manager	-----	18
3. Peon	-----	4
4. Security guard	-----	2

Total = 26

Functions of Union development Bank

1. Contractor of government development works like School, Road, Market, Other's, etc.
2. Contractor of public housing
3. Distribution of agricultural loan
4. Distribution of business loan
5. Others activities

Union Parliament

- | | | |
|---------------------------|---|--|
| 1. Chairman | 1 | |
| 2. Vice Charmin | 5 | |
| 3. Elected Member | | 18 (Nine male and Nine Female Elected by the general voter) |
| 4. <u>Selected Member</u> | | 27 (Will be Elected by the union registered graduate) |
| | | Total = 51 |

Teachers and other services holders with a minimum bachelor Degree of the union will be elected as a chairman of the union Parishad. The elected chairman will continue his or her professional work and will be considered as deputed chairman to the Union Parishad.

CHAPTER 10

10.1 CONCLUSION

The foregoing discussion reveals that the traditional mode of Union Parishad and Local level governance still persists in Bangladesh. National history, socio-economic, cultural and political factors have had significant impact on shaping local level governance. Lack of participation, conflicts; of power, corruption, lack of transparency and accountability along with slow pace of decentralization process have jeopardized the governability of local level government. The definition of governance implies that public-private interaction is necessary to manage the task of governing. Unfortunately the involvement of other actorsv such as private sector in rural development activities has been very' meagre. As such, Bangladeshi Union parishad have to rely heavily on the central government since the lion share of the budget comes from them. Low return of tax from the local government compels them to depend on the central government for budgetary allocation.

Local government institutions may be useful for administrative organizations in various ways. First, whatever may be the defects of representative democracy, it is still, ideally the best form of government. But democratic government requires active participation of the people in managing its affairs at all levels -higher and lower. The local government affords excellent opportunities for the common people, particularly at the lower level, to participate in the management of public affairs and thus contributes towards the successful working of democracy.

Second, the local government can serve as a training ground for imparting primary political training. The electors are called upon to do their voting in relation to issues

that are readily comprehensive to them. The councillors can gain experience in the art of responsible leadership.

Third, efficient local government is a means to economic development. The local government can play an auxiliary and supporting role during the overall formulation and implementation of national plan by providing information and thus enriching those parts of the central planning which require detailed information about a sector or region. Moreover, it can assist the central government in the follow-up of the progress of implementation of the national plans. The concept of self-help can be generated more easily through it among the public for the economic development.

Fourth, the local government is necessary for running the efficient administration at the central level. The central government today is overburdened with the expansion of activities. "Some form of decentralization is required to make effective the broad policies of central government". The decentralization concept can fruitfully be applied through local governments spread throughout the country.

Fifth, local government is helpful for safeguarding the local views based on local culture. People of a locality may have certain views based on their culture about the local problems of administration. If the local people attend to such interests themselves they will have a quality of satisfaction which will not be forthcoming if such interests were attended to by an outside centralized agency.

Sixth, local government units, because of their limited area, provide a scope for experimentation with a new course of action without involving much risk when national governments are frightened of taking risks in administration. Failure may also result but it affects the local area only. The success can be copied by other local authorities. In brief, the potentiality of a local government has been reflected in the

following delineation. "It is not specially directed at economic development, or at social development, or at provisions of utilities or infrastructure, or at the improvement of environment but at all these aspects of development programmed.

The direct participation of women in the Union Parishad election is an important event. Since then, women even in remote villages have become enthusiastic about election, If one-third reserved seats of Upazila Parishad, Zila Parishad and other local bodies are filled up by direct election, women's participation would definitely be increased and they would be empowered politically.

In order to make the women members more active, they should be given distinct responsibilities along with their male counterparts. Women members have already appealed to the government regarding this matter. If 9 members of 9 wards perform all the responsibilities, then there would be nothing to perform for women members. A law should be made to distinct their responsibilities so that there could not be any conflict with their male counterparts in carrying out duties and they would not think that they are less important. In order to make women members more competent, a proper training should be arranged by the government. Therefore, they would be more conscious about their responsibilities. Women members should be involved in all types of development works. They should receive training in it. The mass media could play an important role in making them more conscious about their rights and duties. It is necessary to make a certain number of women members in all political parties and they should be given chance to take part in the election. They would necessarily be politically more conscious. It is also indispensable to keep an eye on them so that they perform their own duties properly. There were many complain against the women

after they got nominations in 1979. They neither attended the Parishad office nor did they do any work. Their husband or their relatives used to attend the meeting on behalf of them. These occurrences are really regretful. The government must be careful about it. The women members should also be careful about it. The government should ensure them that they would not be insulted or degraded socially or politically. A law should be made to ensure it so that they could perform their duties peacefully as their male counterparts. Otherwise, the women members would not be able to work freely. They should also be given their honorariums and travel allowances. According to a survey, the poor women took part more than the rich women in the Union Parishad election in 1997. So they should be given more honorariums than the male members. A female members campaigning area is three time bigger than that of a male member. Therefore, they should be given more facilities. If the government increases their facilities, they would certainly be more interested in performing duties and which is very essential for nation building activities.

But the true strength of the UP depends not only on the internal reform but also on its ability to maintain its autonomy and influence the decision-making process of the government. The formation of a unified local government service structure would enable it to free itself from many of the undue influences of the national government. It would then be easier for the UP to arrange necessary training, transfer, promotion and pension facilities for its staff with assistance from the unified body. In addition to this, it is suggested that adequate legal coverage should be provided so that the UP along with other local bodies could form associations among the functionaries. This would enable the local bodies to identify their common problems, and pool and share resources through mutual cooperation. But the crucial importance of such an association would be the formation of a common plane, wherefrom UPs could

challenge their existing peripheral status, strike a better deal in their relationships with the government and thereby easily influence the decision-making process of the government.

Under the existing legal provisions, the UP could hardly emerge as an effective local government institution because of numerous problems and shortcomings as discussed earlier. The present state of the UP, basically an offshoot of colonial and federal tradition has to be boldly restructured consistent to the overall governmental superstructure of a unitary state as well as to the requirement of an independent and developing country. This would require a clearly laid out policy with regard to the structure, functions, finance, management, centre-local relationship and other related critical issues.

A fundamental and overriding consideration is the sincere political commitment of the central leadership towards revitalizing the UP as a local government institution. At the same time, the constitutional and legal backing are necessary but not sufficient. In a country where constitution is frequently amended and suspended, mere legal cover will not serve the purpose. There has to be a broad consensus among the central political leaders regarding the overall political set up of the country and within that set up the role that the UP and other local bodies are required to play. Otherwise, all reform measures and lofty proposals from any corners towards development of the UP as a self-governing local body will be as ineffective as it was in the past.

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