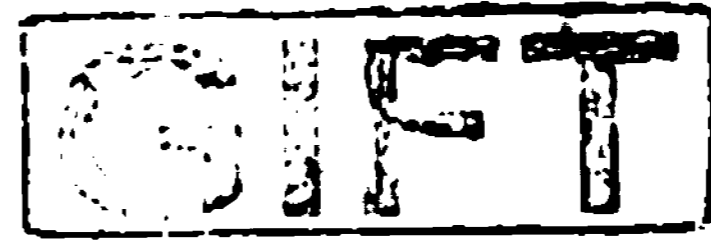


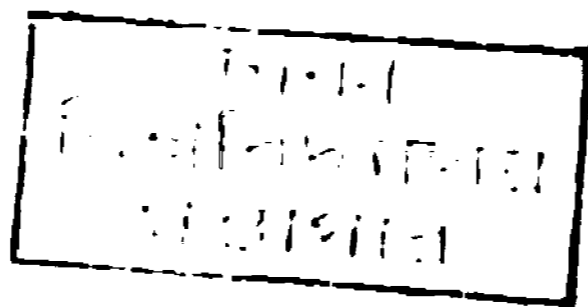
Local Government And Good Governance in Upazila in
Bangladesh



This thesis is submitted in partial fulfillment of the
requirement for the Degree of Master of Philosophy
(M. Phil.) in Public Administration in University of Dhaka

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Declaration

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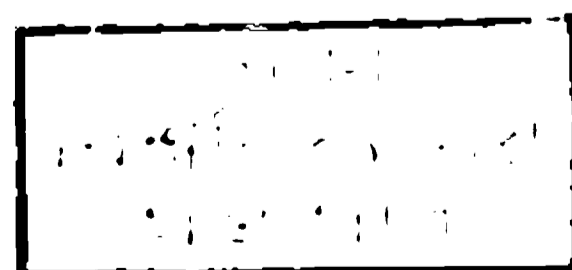
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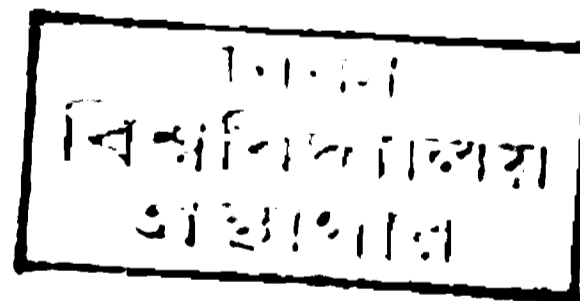


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Dedicated To My Honorable Parents
Mr. Mafizur Rahman
Assistant Controller (Retd.)
Secondary and Higher Secondary Education Board Comilla, Bangladesh
&
Mrs. Amena Begum

... 447519



Preface & Acknowledgement

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List of Abbreviations and Local Terms

Abbreviations

AUDP	Annual Upazila Development Plan
BBS	Bangladesh Bureau of Statistics
BAKSAL	Bangladesh Krishak Sramik Awami League (a political party)
BNP	Bangladesh Nationalist Party
EC	Election Commissioner
GOB	Government of Bangladesh
LGED	Local Government Engineering Department
MP	Member of Parliament
NGO	Non-Government Organization
NICAR	National Implementation Committee on Administrative Reforms
NILG	National Institute of Local Government
PKSF	Palli Karma-Sahayak Foundation (Rural Employment Generation Foundation)
RDP	Rural Development Programme
RWP	Rural Works Programme
SDO	Sub-Divisional Officer (post abolished after sub-divisions were converted into districts)
SIRDAP	Sirajgonj Development Programme
TIP	Thana Irrigation Programme
TNO	Thana Nirbahi (Executive) Officer
TTDC	Thana Training and Development Centre
TUSC	Thana Unnayan Samannya Committee
UNO	Upazila Nirbahi (Executive) Officer
UP	Union Parishad
UUSC	Upazila Unnayan Samannya Committee
UZP	Upazila Parishad
UZPA	Upazila Parishad Act
ZP	Zila Parishad

Local Terms

Awami League	Left of the centre political party
Chaukidar	Village Police
Gram	Village
Gram Pradhan	Headman of the Village
Gram Sarkar	Village government
Haat	Village Periodic Market
Jalmahal	“Water Estate” (fisheries)
Madrashah	Religious School
Mouza	Lowest Land Unit
Panchayet	Literally, a village body of five; in practice, the lowest level rural local government
Parishad	Council
Paurashava	Municipality
Thana	Literally police station (a tier of administration above Union Parishad)
Union	A rural area consisting of some villages
Upazila	Sub-district; was renamed as Upazila during the Ershad era
Upazila Nirbahi Officer	A civil servant deputed by the government to the Upazila Parishad as Chief Executive Officer; now called Upazila Nirbahi Officer
Zamindar	Landlord
Zila	District

Abstract

This study proved that effective representative local government in Upazila level is inextricably essential to ensure good governance. In fact, this study describes the impact and role of the democratic representative local government in Upazila level to ensure good governance.

In this study, I took an attempt to show the needs for the creation of a strong, transparent and accountable local government comprising peoples representatives in Upazila level in rendering public services and effective exercise of devolution in decision making would be a means to make different development and welfare oriented initiatives of the government cost-effective, accountable, transparent and efficient.

In my sincere observation, I indicated that the necessity of making the Upazila Parishad effective in its full meaning as a local government tier urgently. Upazila Parishad Chairman would be more successful as a people's representative in managing the affairs of those departments, which are located at the Upazila level to ensure good governance.

In reality, Bangladeshi local governments are not allowed to play their appropriate roles and function as bureaucratically organized various agencies perform those functions. However, local people want Upazila Parishad Chairmen at Upazila level to be allowed to perform their function and play their necessary role in decision making to provide public services to the poor and in implementing different development programmes for their development and welfare to ensure good governance.

The discussion of the study is presented in this thesis paper into consecutive six chapters. In **chapter I** local government and good governance is defined along with a short introduction of the study, the local government system of Bangladesh is discussed; the Constitutional Provisions for the local government in Bangladesh is mentioned. In this chapter, emphasis is given to the Upazila as a local government unit to ensure good governance in Bangladesh. The objectives, justification of the study, methodology of the study, hypothesis of this study are also explained in this chapter. In **chapter, II** a **review of the relevant literature** is made as an attempt to enrich the thesis paper. Elaborate explanation is given on “**Local Government and Good Governance: A Conceptual Analysis**” in **chapter III**. Local Government and good Governance is discussed here

from different aspects. **“Historical Background of the Local Government of Bangladesh”** is described sincerely where importance was given to the development of rural local government in different political regimes in **chapter IV**. In **chapter V**, a brief discussion on **“Upazila Parishad: an Inevitable Level of Local Government for Ensuring Good Governance”** is made. Importance of Upazila Parishad is discussed in this chapter from structural, compositional and functional point of view. In **chapter VI**, **findings of this research are narrated with recommendations and conclusion** to strengthen local government at Upazila to ensure good governance in Bangladesh.

Chapter one

Introduction:

Bangladesh is a developing country and its governance crisis is now acute. After the downfall of the autocratic regime in 1990, many in Bangladesh hoped that there would be all around governance reforms in the country, involving the political system, the central government, the local government bodies and the civil society. However, the fact is that despite repeated lip service by the powerful, precious a little has been done by the way of governance reforms during last one decade. As a result, Bangladesh entered the new millennium in rather a sorry state without any form of representative, effective local government, which is essential for the establishment of good governance in Bangladesh. In previous Upazila system, which was established in 1982 people's representative and government representative work together for ensuring good governance in Upazila as a local government unit. However, in 1991 that system was abolished and in 1996 government established Upazila again and for ensuring good governance and passed Upazila Parishad Act in 1998. Nevertheless, no election was conducted.

The past caretaker government passed Upazila Parishad ACT (UZPA), 2008 on 14 May 2008 and firmly committed to conduct UZP election to ensure good governance in local level¹. UZPA, 2008 empowered the Election commission (EC) with authority to hold UZP election through the discussion of national government, instead of taking approval from it. Earlier, EC decided to hold UZP election simultaneously with the Parliamentary election and which is scheduled for December 28, 2008 for over 481 UZPs as a precaution to ensure good governance in local level in Bangladesh. However, later, the date of the UZP election was rescheduled and held on 22 January 2009.

Definition of Local Government:

Local government is defined as the “totality of processes (or functions) which contribute to the development of a specific area as well as the norms necessary for mediating a harmonious integration of actions. (Jean-Pierre Jacob, et al. 1994)²” By definition, local government means an intra-sovereign government unit within the sovereign state dealing

¹ Upazila Parishad Act, 2008

² Jean-Pierre Jacob, et al., “Guide d 'approche des institutions locales (GAIL). Methodologie d 'etudes des acteurs locaux dans le monde rural”. Institut Universitaire d 'Etudes du Developpement (IUED), Geneva, 1994

mainly with local affairs, administered by local authorities and subordinate to the state government (Jahan, 1997, Tarek 1998, P 29)³.

Existence of some kind of local government is seen almost universally in all forms of state and government. As developmental functions and welfare activities of the national government are increasing day by day, our local government also is undergoing great changes to facilitate national development.

The constitutional Provisions and Local Government of Bangladesh:

In a democratic set up, local government is generally a legal entity derived from either the Constitution or an Act of Parliament. Bangladesh is also no exception. The Government of Pakistan released Bangabandhu Sheikh Mujibur Rahman in January 1972 and returned to Dhaka on January 10, 1972. The next day he, in his capacity as the President of Bangladesh issued the Provisional Constitution of Bangladesh Order 1972 providing for a parliamentary form of government in the interim period and constituting the Constituent Assembly with the members of the National Assembly and East Pakistan Provincial Assembly who were elected by the people of East Pakistan on December 1970 for giving a democratic Constitution to the country. The Constituent Assembly adopted a constitution, which came into operation on December 16, 1972.

The Constitution of Bangladesh & Local Government:

It is a unique feature of the Constitution of Bangladesh that specific provisions for local government have been incorporated. In the earlier constitutional dispensations, the administration outside the capital was left with the civil servants and the people had practically no participation in the administration. The scheme of local government bodies had little part to play in the administration of the country. In their anxiety to have a truly democratic setup involving the people including root level, the framers incorporated articles 9 & 11 as two important fundamental principles of state policy. To give effect to these fundamental principles of state policy there articles 59 & 60⁴.

Article 9 of the Constitution under the heading of “Promotion of Local Government Institutions” expressed the stance of the state about the local government institutions: The

³ Momtaz Jahan, “The Changing Structure of Local Government in Bangladesh: An Overview, Administration”, Communication and Society, Volume-1, No.-1, Rajshahi, Bangladesh, 1997.

⁴ Mahmudul Islam “Constitutional Law of Bangladesh (Dhaka: Bangladesh Institute of Law and International Affairs, 1995), p.284.

state shall encourage local government institutions composed of representatives of the areas concerned and in such institutions special representation shall be given, as far as possible, to peasants, workers and women.

Article 11 titled “Democracy and Human Rights” talked about the features of the Republic by mentioning elected representation.

The Republic shall be a democracy in which fundamental human rights, freedoms, and respect for the dignity and worth of the human person shall be guaranteed and in which effective participation by the people through their elected representatives in administration at all levels shall be ensured.

Article 59 under the heading of “Local Government provides the outline of local government system of Bangladesh to give effect to the fundamental principles of state policy mentioned in Article 11:

- 1) Local government in every administrative unit of the Republic shall be entrusted to bodies composed of persons elected in accordance with law.
- 2) Everybody such as is referred to in clause (1) shall, subject to this Constitution and any other law, perform within the appropriate administrative unit such functions as shall be prescribed by the Act of Parliament, which may include functions relating to
 - a. Administration and the work of public officers;
 - b. The maintenance of public order;
 - c. The preparation and implementation of plans relating to public services and economic development.

Finally, the Article 60 of the Constitution under the title of “Powers of local government bodies” put into words the range of power of local government bodies particularly the financial power. For giving full effect to the provisions of article 59 Parliament shall by law. Confer powers on the local government bodies referred to in that article, including the power to impose taxes for local purposes, to prepare their budget and to maintain funds.

The idea is that the central government should deal with matters that concern the nation as a whole and other matters including the administration in the district and lower levels should be controlled to a good measure by the local government bodies composed of the

representatives of the people. The change cannot be brought in overnight. Therefore, the framers of the Constitution indicated the direction of the change and reform and left it with Parliament to decide upon the time and manner of doing it. Otherwise, Parliament having been conceded the plenary power of legislation there was necessity of enumerating the functions that may be prescribed for the local bodies.

However, all these aspirations of the framers were denied by the Constitution (Fourth Amendment) Act 1975 passed on January 25, 1975. The entire chapter 3 of part 4 of the Constitution dealing with 'Local Government' was deleted and omitted the words 'and in which effective participation by the people through their elected representatives in administration at all levels shall be ensured from Article'. Later the Constitution (Twelfth Amendment) Act 1991 reinstated all these by restoring the parliamentary form of government substantially as provided in the original form of the Constitution in 1972.

Local Government System in Bangladesh:

A unitary form of government and recently of the multi-party Parliamentary type governs Bangladesh. The Prime Minister is now the chief executive of the country. S/he has a council of ministers that assist him/her duties. For the convenience of administration, the country is divided into six administrative Divisions: Dhaka, Chittagong, Khulna, Rajshahi, Barisal and Sylhet. Each Division is placed under a Divisional commissioner. Each Division is further sub-divided into Districts. After the administrative re-organization carried out in 1984, the country is now divided into 64 districts. The newly created districts are the former Sub-divisions. A Deputy Commissioner, assisted by other officials, heads the administration of each district.

Each district consists of several thanas, which number 499 in the country. During 1982-1990, 460 of the thanas were upgraded to Upazilas or Sub-districts. At present, there are 481 Upazilas in Bangladesh. Below Upazilas, there are Unions, which consist of several villages. There are about 4,498 Unions in the country and more or less 80,000 villages.

Two types of local government institutions exist in Bangladesh-

- 1) Rural local government and
- 2) Urban local government

The rural local government bodies have three vertical tiers:

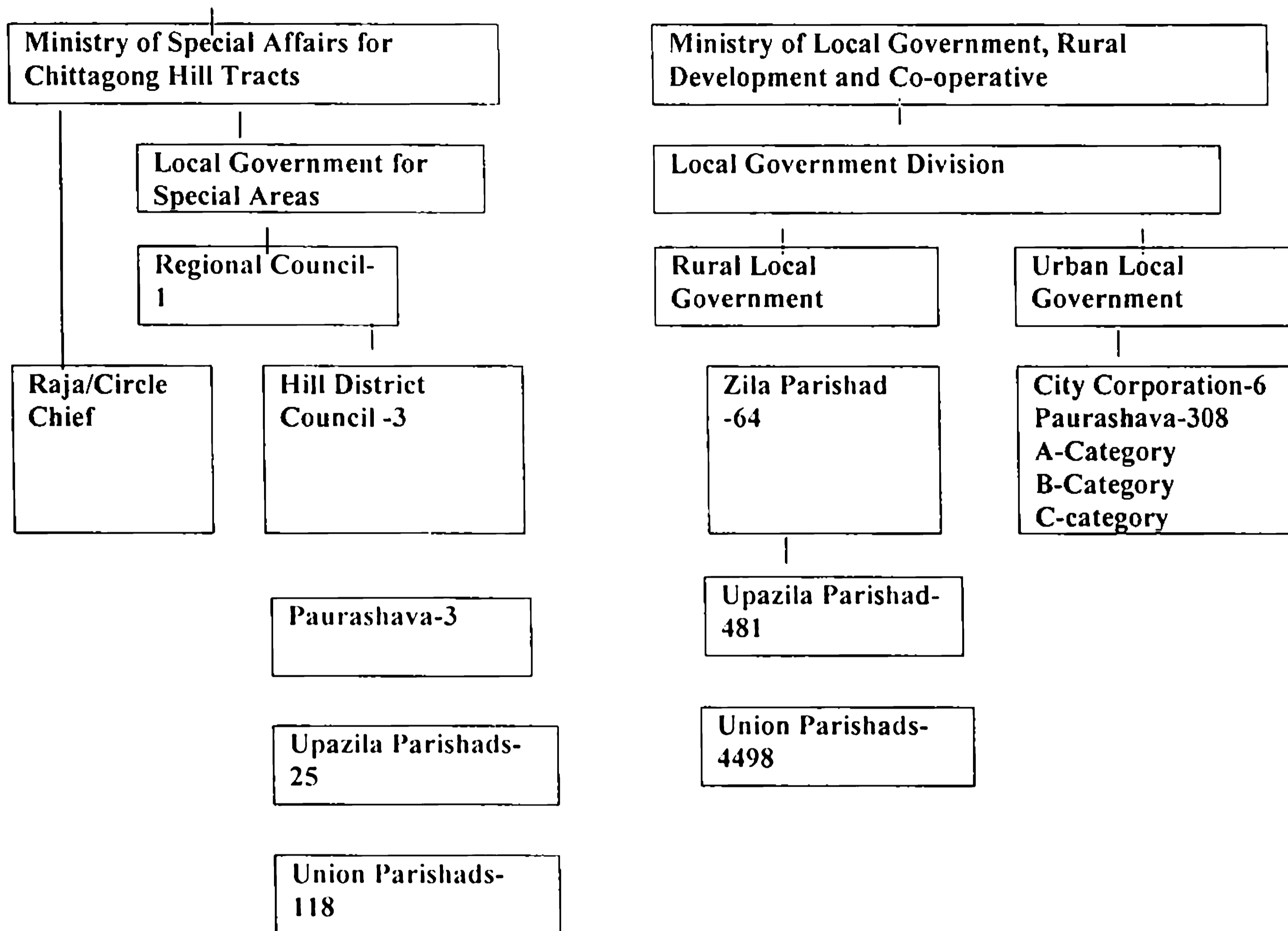
- a) Union Parishad (UP)

- b) Upazila Prishad (UZP)
- c) Zila (District) Parishad (ZP)

The urban local governments are:

- a) Paurashavas (Municipalities)
- b) City Corporations (Municipal Corporation)

Figure 1: Local Government Structure in Bangladesh



Source: Ministry of Local Government, Rural Development and Co-operative, 2009.⁵

The current local government system in Bangladesh has another category, which is known as third category. The third category of local government is local government for the special area means the local government system for three districts under Chittagong Hill Tracts.

⁵ Ministry of Local Government, Rural Development and Co-operative, 2009.

Characteristics of the Local Government in Bangladesh:

- a) Legal basis/ statutory body.
- b) Power to levy taxes etc.-collection is poor.
- c) Participation of local community-minimum participation, in reality.
- d) Independent of central control-controlled by bureaucrats.
- e) Multipurpose body in practice, no purpose body.

Definition of Good Governance:

Governance has been defined as the manner, which is exercised in the management of a country's economic resources for development. Governance issues include consideration in the form of political authority; means by which authority is exercised and the ability to assert authority in the society. The UNDP definition (UNDP, 1997)⁶ reiterates this position, using the term "good" with governance introduces a normative element. It is assumed that some ways of governing are:

More conducive to a desired end such as poverty alleviation or market led development or both and legitimacy, accountability, transparency, lack of corruption, competence and efficiency, decentralization, sustainability, equity, empowerment and participation area some criteria considered desirable for evaluating the quality of governance.

Another important aspect of governance relates to the role of the state that is whether the state should take upon itself "caring" or "steering" responsibilities or both (Foucault, 1991 and Gordon, 1991)⁷ "Steering" refers to policies and institutions that maintain the economic system and enable to function effectively. Its underlying philosophy of governance is that since the state can never have enough information to undertake detailed guidance of economic activity it should be prevented from doing so. The steering functions correspond to free Market policies, structural adjustment and aggregate Macro management. In contrast, 'caring' generally refers to actions and institutions that provide attention to specific individuals or areas; it corresponds more closely with the human agenda: poverty alleviation, environmental conservation empowerment, gender sensitivity,

⁶ UNDP, Governance for Sustainable Human Development , Management Development and Governance Division, New York,1997

⁷ Michel. Foucault, "Governmentality."; The Foucault Effect: Studies in Governmentality, Graham Burchell, Colin Gordon, and Peter Miller; Hemel Hempstead; Harvester Wheatsheaf; 87-104, 1991.

provision for health, education etc. The efficient management of steering functions is essential in a globalize world, and on the other, neither political legitimacy nor social progress is possible without giving equal attention to the caring functions. Second, the capacity of most Third World States to perform either of the two functions is limited. Third, although governance reforms should assist both caring and steering functions in practice there would be a bias in favour of one or the other. Forth therefore, the need is for an integrated approach to governance reforms. Since we are dealing with not national but local governance, our focus would naturally be more on issues related naturally be more on issues related to the caring functions.

Let us now consider in some detail the various components of “good governance” which are mentioned above. Greater legitimacy of institutions and organizations through democracy, i.e. choice of leadership based on free and fair elections at regular intervals, is necessary for them to act decisively in the favour of the common person. Closely connected with legitimacy is the principle of the rule of law. Which means that laws are enforced impartially particularly the law on human rights. If a government fails to uphold to the rule of law and there is gross abuse of human rights, it generally loses legitimacy. However, it has not been easy to achieve legitimacy in the country being for a long time in colonialism and military dictatorship. During this time, concessions at the local level were often used to legitimize authoritarianism at the national level (Siddiqui, 1994)⁸. Even when democracy was ushered in, problems remained owing to patron-client relationships, gender discrimination and other drawbacks. Although, it has no substitute democracy as we know it has several serious problems. First, it can act as brake against desirable but politically costly and risky undertakings, since leaders, chosen through elections cannot afford to be unpopular. Second, it can slow down decision making because of the abuse of its laid-down procedure by the stake groups. Third, it can turn into a handmaiden of the rich and the powerful through “money and muscle politics”. Finally, under Third World conditions, with a strong legacy of autocracy, the healthy political competition it is supposed to foster can easily degenerate into a never-ending bloodletting between two or more powerful groups.

⁸ Kamal Siddiqui, (ed.), “ Local Government in Bangladesh” , 2nd edition, NILG, Dhaka, 1994

Good Governance requires accountability by public officials, both elected leaders as well as civil servants. Their public functions must serve the community at large. These include the allocation of public funds, providing for the safety and security of the citizens, the equitable per suit of economic well-being of the society. Accountability reduces corruption and assures citizens that their government actions are guided by the needs of society. There are two types of accountability namely bureaucratic accountability to elected officials and elected officials accountability to the public. Elected functionaries at both national and local levels ensure the first kind of accountability through significant control and supervision of civil servants. Accountability of elected officials can take several forms, for example, free and fair elections at regular intervals, monitoring and performance of the elected leadership by opposition political parties, the civil society, international observers and the media, internal and external audit, testimony before Parliamentary Committees, reports by public enquiry commissions, opinion surveys, public meetings, formal grievance procedures etc. At the local level, accountability is a product of interactions among three groups with a stake in the concerned organization, namely service beneficiaries, political and bureaucratic bosses of the service providers and the actual service providers. In order to ensure effective accountability, it is important that rules for interactions among them are spelt out unambiguously since they may have different and often conflicting agendas.

Transparency would primarily imply the presence of public discourse through continuous information sharing and an open style of decision-making and implementation, particularly relating to investment decisions, contracts and important appointments. It is not sufficient that information should simply be made available. It must also be reliable and presented in useful and understandable ways in order to facilitate accountability.

It must also be widely accessible, so that individual citizens from different lifestyles can participate in political and economic debates on a well-informed basis. Such information flow helps to ensure a level playing field, and encourages the effective participation of all social groups and partnerships between sectors. Accountability and transparency make organizations and institutions more responsive to the poor. They enable the poor to exercise their voice to influence service provision. Without accountability and transparency, organizations and institutions are more likely to be corrupt and

authoritarian. At the local level, transparency and Accountability would demand open and regular communication along local government bodies, NGOs, Community based Organizations (CBOs) and the community as a whole.

Local Government and Good Governance:

In some aid dependent countries such as Bangladesh, donor conditional ties considerably influence development policy-making. Since the early nineties, good governance has been a buzzword in the donor driven development literature. Most donors now include governance as an explicit aim of their aid programmes, though the exact definition of the term and the way it has been pursued have been the areas of much debate. In Bangladesh, while the donor emphasis on good governance, depending on the history societies. Another area of contention is the donor objective of good governance. Local government and good governance are involved in extricable. If these two terms exists simultaneously then local government must be developed and it would be transparent and accountable. Only good governance is able to ensure development, accountability and transparency in every sphere of local government in Bangladesh. UZP is the second layer of local government in Bangladesh, which is playing a vital role to develop the country and to administer in the local areas. Therefore, good governance at UZP is necessary in a great extent.

Objective of the study:

1. The major objective of the study is to examine the status of good governance in local government specially at UZP in Bangladesh.
2. The second important objective of this study is to examine the condition of structural and procedural arrangements at UZP as a local government unit is in favour of good governance or not.
3. Third object of this study is to observe the status of empowerment of local government through the establishment of UZP to ensure good governance based on
 - a) Accountability;
 - b) Participation;
 - c) Predictability;
 - d) Transparency;
4. Major objective of this study is

- a) the promotion of democracy;
- b) the strengthening of transparent, accountable, efficient and effective local government;
- c) the promotion of respect for human right;
- d) the reinforcement of rule of law, including fair and accessible legal and judicial system;
- e) the promotion of independent media and dissemination of information;
- f) anti-corruption initiatives in the supervision of local leadership;
- g) efforts to reduce excessive military expenditure;
- h) popular participation of the local people in decision making and implementation;
- i) responsiveness;
- j) efficient delivery system of service and goods;
- k) enforcement of overall rule of law supplanting the rule of whims and caprices of rulers whether stipendiary or elected;
- l) client/citizen satisfaction; and
- m) accountability-both financial and political;
- n) transparency-both financial and political;
- o) an overall caring and humane ambience in promoting an equalitarian social and economic order.

5. Important objective of this study is

- a) Legitimacy and voice-all men and women should have a voice in decision-making either directly through legitimate intermediate institutions that represent their intention.
- b) Direction-leaders and the public have a broad-term perspective on good governance and human development;
- c) Performance-Institutions and process try to serve all stakeholders and institution produce results that meet needs while making the best use of resources;
- d) Accountability-decision makers in government, the private sector and civil society organizations are accountable to the public;

- e) Fairness-All men and women have opportunities to improve of maintenance their well-being and legal framework should be fair and enforced impartially particularly the laws on human rights.

6. Sixth objective is to establish democratic local government as democratic local government and good governance are the two sides the same coin. Democracy would not be institutionalized and sustained without good governance including governance at the local level and good governance would not be ensured without the sustained practice of Democracy. Democratic local government at UZP level would be

- a) the representative and responsive to the community;
- b) participatory;
- c) accountable to the electorate; and
- d) effective in carrying out its functions. Democratic practices in governance and administration at the UZP level will have a positive impact in institutionalizing democracy at the national level. Democracy cannot be trickled down from the top. It has to be generated from within. Good governance at UZP level will accelerate sound economic management.

7. Seventh objective is to strengthen democratic local governance in the UZP level to

- a) bring government closer to the people;
- b) promote dialogue between representative and constituents they represent;
- c) ensure greater participation in decision-making;
- d) increase accountability;
- e) improve efficiency in service delivery; and
- f) promote diversity and innovation

8. Eighth objective is to establish and strengthen elected local government bodies in UZP level with more power and authority, skills and resources to represent and respond to the interests of people. It will represent the rural centers of social and economic growth and the pulse of political consciousness of the vast majority. Finally, to build capacity of the local government at UZP level across the country through training awareness building will constitute an important contribution to revenue collection and it is necessary to ensure good governance in Bangladesh. As a local government unit, UZP would play a vital role in fundamental development areas like

- a) health
- b) water
- c) sanitation
- d) education
- e) recreation
- f) law, order, and others, which directly affect the communities, they serve on a day-to-day basis. It will build public awareness of the challenges and opportunities offered by strong, elected local government in Bangladesh. It would enhance rural development and economic growth simultaneously, which will bring good governance in Bangladesh.

Justification of the study:

The focus point of this study is to ensure good governance in the local level specifically in the UZP level in Bangladesh. Decentralization of the government of Bangladesh in its true sense in the local level is essential for the preparation and implementation of plans relating to services and economic development. Decentralization, following Rondinelli (1984)⁹ would denote the following: delegation, deconcentration, devolution and privatization with a minimum central control. Delegation includes the transfer of functions to regional or functional development authorities, parastatal organizations or special project implementation units on the understanding that these would operate relatively free of central government regulations concerning personnel recruitment, contracting budgeting. Procurement and other matters and they would act as agents for the in performing prescribed functions with ultimate responsibility for them remaining with the central government. Deconcentration involves transfer of functions within the central government hierarchy through shifting of workload from government apparatuses at the centre to field offices, the creation of field agencies or shifting of responsibilities to local administrative units are part of the central government structure. This may lead to technical improvements in service delivery deriving from improved responsiveness and may promote equity in the distribution of services. However, autonomous local political pressure will be required to make the officials accountable to their local constituents

⁹ DA Rondinelli, et al, "Decentralization in Developing Countries, A Review of Recent Experience", Staff Working Paper No.581, Washington DC, World Bank., 1984.

(Turner and Hulme, 1997)¹⁰. Devolution means transfer of functions or decision-making authority to legally incorporated elected local government bodies, whereas privatization implies:

- (a) Shifting responsibilities for activities from the public sector to the profit sector to the profit as well as non-profit oriented private sector (the latter popularly known as non-government organizations NGOs) and
- (b) Greater interface between the private and the public sector.

Delegation is problematic in at least two ways, first, the delegated organizations have no local accountability, and second, despite the stated legal position, these tend to be turned into pliable instruments of political leaders and bureaucrats operating in the higher echelons of government. Deconcentration as far as it retains central control and direction, is also less desirable option. In addition, it can be manipulated as centralization in disguise (Turner and Hulme, 1997)¹¹. If the quality of the central bureaucracy is poor, deconcentration may also make things difficult at the local level. From the consideration of good governance, policy makers generally favour devolution and privatization; however, these are not without difficulties. Thus, increasing the decentralized powers of local government bodies without a commensurate increase in their accountability may prove to be counter-productive. Given the various relationships in the society and the wide use of money, muscle and ideological power, devolution can degenerate into a greater stranglehold of the dominant groups over the disadvantaged, unless backed by the latter is countervailing force and empowerment. As Slater (1989; 1990)¹² argues, in the absence of radical changes, decentralization can direction is also a less desirable option. In addition, it can be manipulated as centralization in disguise. If the quality of the central bureaucracy is poor, deconcentration may also make things difficult at the local level. From the consideration of good governance, policy makers generally favour devolution and privatization. However, these are not without difficulties. Thus, increasing the

¹⁰ D. Hulme and M. Edwards, *NGOs, States and Donors, Too Close for Comfort*, St. Martin's Press, Karachi, 1997.

¹¹ M. Turner, "Central-Local Relations in Asia and the Pacific, Convergence or Divergence", *Aus Aid and Macmillan Press*, London, 1997

¹² D. Slater, "Territorial Power and Peripheral State: The Issue of Decentralization, Development and Change", Vol. 20, No.3.1989.

_____ (1990): *Debating Decentralization*—A Reply to Rondinelli, *Development and Change*, Vol 21, No.1.

decentralized powers of local government bodies without a commensurate increase in their accountability may prove to be counter-productive. Given the various relationships in the society and the wide use of money, muscle and ideological power, devolution can degenerate into a greater stranglehold of the dominant groups over the disadvantaged, unless backed by the latter is countervailing force and empowerment. In the absence of radical changes, decentralization can and does lead to greater inequality and privileges for the local elite. Devolution can also lead to unhealthy competition between central and local governments, undesirable macroeconomic and fiscal effects, parochialism, function shedding (i.e. functional but not fiscal decentralization), negligence of religious/ethnic minorities, unpopularity (particularly if devolution requires central government officials to work permanently under local elected functionaries), deprofessionalisation of decision making, inefficiency etc. (Suzuki, 1996; Fesler, 1965; Mukherji, 1961; Bird, 1990; Klugman, 1994; Smith, 1993; Tendler, 1997)¹³

The involvement of the profit private sector in the production and delivery of public goods and services is justified on the following grounds:

- Infection of private sector efficiency and productivity into sectors traditionally operated by the public sector;
- Facilitation of economic growth by improved infrastructure and more rapid infrastructure provision;
- Reduction of public sector expenditures;
- Reduction of the size and influence of the public sector in the national economy; and
- Introduction of competition as a motivator for improved quality and service (Moss, 1996)¹⁴.

However, devolving certain activities to the market (through privatization) on efficiency argument can increase the level exclusion of the poor through new pricing policies in discriminatory markets. Moreover, there is the danger of distortion of the intended effects

¹³ I. Suzuki, "Improving Management of Large Cities by Decentralisation: A Metropolitan Governance Approach", A Paper Presented at the First International Conference on Decentralisation in South East Asia, Manila, January 1996.

¹⁴ J.M. Moss, "Development of Private Sector, J. Stubbs and G. Clarke (eds), Megacity Management in the Asian and Pacific Region". (Vol. 1), Asian Development Bank, Manila, 1998.

of privatization by the rent-seeking rich in control of economy. Decentralization through privatization under third world conditions may lead to the worst forms of corruption and cronyism and at the same time continuation of legitimacy and sustainability (i.e. the argument that since un-elected and funded by foreign sources, they are not sustainable and have limited legitimacy), their actual role has also been the subject of much debate, particularly in view of the fact that some NGOs are now talking up income-earning activities, traditionally reserved for the profit of private sector. For the NGOs' a distinction is also made between those who believe in relief and welfare and those who pursue struggle and empowerment. It is argued that the former are likely to work with central and local government bodies, while the latter may find themselves in conflict with both government and established political parties. However, as Mehta, M (1999)¹⁵ argues in reality such distinctions may be blurred and hence not very meaningful. It is thus, clear from the above discussion that utmost attention has to be given to ground realities, choice of instruments, system design, procedural arrangements and capacity issues while implementing decentralization programmes.

A principle close to decentralization is that of subsidiary (Mehta, D, 1998)¹⁶. It is the dictum that a community or a government of a higher order should not interfere in the internal life of a community or a government of a lower order, depriving the latter of its functions, rather should support it in case of need and help to co-ordinate its activity with the activities of the rest of society, always with a view to the common good. Subsidiary is that either decentralization is postponed or it is not allowed to operate in practice. Sustainability requires that a desirable arrangement or a system stand the test of time, and is not dependent, for example, on the presence of a charismatic personality or overabundance of money.

Participation is primarily seen in terms of empowerment of the disadvantaged since powerlessness is considered the main reason for their exclusion from development benefits. According to a UN Research Institute for Social Development Report, empowerment is the "organized efforts to increase control over resources and regulative

¹⁵ M. Mehta, "Participation and Urban Governance, in OP Mathur (Ed): India, the Challenge of Urban Governance, National Institute of Public Finance and Policy, New Delhi, 1999.

¹⁶ D. Mehta, "Urban Governance: Lessons from Best Practices in Asia", UMP-Asia, Occasional Paper No.40 UNDP/UNCHS, Urban Management Programme, Bangkok, 1998.

institutions in given social situations on the part of groups or movements for those hitherto excluded from such control” (quoted in OECD, 1991)¹⁷. In the context of Bangladesh, it would demand that the poor and women, who have not only constituted the majority but also have been generally left out of the decision-making and implementation process, actually become an active part of the same through mobilization, new regulations from above and other means. As Charlick (2000)¹⁸ points out, there is a chicken and egg problem in assessing the impact of participation and devolution in development of a strong and democratic local government system. On the other hand, devolution allowing a sharing of information, providing a channel for the views and demands of local people and operating in an accountable manner, is seen critical to the expansion of participation. On the other hand, participation is seen as imperative to the proper functioning of devolution. Participation is closely associated with the concept of equity, which means that all men and women have equal opportunities to improve or maintain their well-being. It must be pointed out here that there are various types of participation (Cohen and Uphoff, 1977; and Hall, 1988)¹⁹, and quite often, there is tokenism in the name of participation and equity, which Uphoff (1985)²⁰ calls pseudo-participation, involving ratifying decisions and goals made elsewhere. It is, therefore, important to closely evaluate the quality of participation. Blair (2000b)²¹ tries to establish a causal relationship of increased political participation (i.e. voting, campaigning, demonstrating, lobbying policy makers and the like) with greater representation (election to public office or greater access to those holding public office), empowerment (significant voice of the underprivileged in public decisions that affect their lives), benefits for all and poverty reduction, on the basis of empirical evidence from six developing countries.

¹⁷ OECD, “Participatory Development and Good Governance”, Development Cooperation Guideline Series, Paris, 1991.

¹⁸ R. Charlick, “Popular Participation and Local Government Reform: Experiences from Guinea, Mali, Niger and Tanzania”, Paper Presented at the symposium on African Governance and Civil Society, Cornell University, March 10-11, 2000.

¹⁹ JM Cohen and NT Uphoff, “Rural Development Participation Concepts and Measures for Project Design, Implementation and Evaluation”, Ithaca, New York, Cornell University, Rural Development Committee, No.2.1997.

²⁰ NT Uphoff, “Fitting Projects to People”, in Michael Cerna (ed): Putting People First: Sociological Variables in Rural Development, Oxford University Press, New York., 1985

²¹ H. Blair, “Participation and Accountability at the Periphery: Democratic Local governance in Six Countries”, World Development, Vol 28, No.1.2000.

Good governance must lead to a minimization of corruption and greater efficiency and effectiveness in the organizations delivering public goods, so that satisfaction to customers/citizens receiving such public goods may be maximized. Corruption may be defined as “abuse of public power for private gain”. It is not confined to bribery, but can assume a number of other forms such as nepotism, patronage, pillaging of organizational assets, dissortion of organizational expenditure, cronyism, etc. (Morgan, A. 1998)²². It straddles both public and private sectors. It may be “wholesale corruption” as in the case of big cuts from huge deals or “retail corruption” which takes the form of small bribes or cuts in the process of innumerable transactions for the provision of public goods (Hassan, K, 1998)²³. There is centralized corruption when it is committed mainly by a small coterie of senior politicians and bureaucrats at the centre, and decentralized corruption when it operates in many sectors, including the local level (Dubey. 1998)²⁴. There are those who distinguish between the so-called “sand in the machine” and the “oil in the machine” forms of corruption. The former is like ransom money, whereas the latter is speed money, Corruption, in all forms, is detrimental to economic performance, leading to inefficiency and unproductive rent seeking and prevention of potentially productive entrepreneurial activity. It is believed to have a disproportionately adverse impact on the poor through restricting access to public services and employment, reduction in available resources and favoring the interest of the dominant groups. From the perspective of the poor, corruption may be divided into categories, namely those that have no mitigating impact on them at all. Efficiency refers to the best benefit-cost ratio for the services being implemented. On the other hand, effectiveness is concerned with both extent of achievement of a given objective of the project/service as well as the qualitative results on critical parameters. Efficiency and Effectiveness are achieved through various sound personnel policies and management practices. The first category would include subjects such as down/right sizing the organization, merit-based recruitment, proper grooming and training of personal and institution of a workable reward and punishment system. On the

²² A. Morgan, “Corruption, Causes, Consequences and Policy Implications”, A literature Review, Working Paper No.9, Working Paper Series, Asia Foundation, 1998.

²³ K. Hassan, Governance and the economy, The Bangladesh Perspective, International Seminar on Good Governance, 4-6 August, Dhaka, 1998.

²⁴ M. Dubey, “Good Governance and Economic Development”, Paper Presented at a Seminar on Bangladesh Beyond 2000, organized by the American Chamber of Commerce in Bangladesh, Dhaka, 1998.

other hand, the second category is concerned with matters such as close supervision, monitoring and evaluation of implementation value-for-money audit, adequate internal delegation, better interface with the customers and members of the public, effective inter and intra-organizational coordination, etc. so that duplication of efforts and waste and misapplication of time and resources may be minimized and timely and quality implementation is engendered.

Substituting meritocracy for recruitment systems based on family, patronage, ethnic, racial, regional and political party lines may lead to (a) greater access of the poor and women to employment and (b) greater professional handling of social services for the poor. However, sometimes meritocracy may help maintain the status quo because the existing system does not allow the poor and the disadvantaged admission into the educational institutions, on which depend the growth of meritocracy largely. In such situation, positive discrimination in favor of the poor and women may be the only way out to correct the imbalance quickly, similarly a downsizing of the organization may lead to the poorest paid workers losing jobs, unless safety net measures are in place and employment generation in the private sector can match the lay-offs and golden handshakes in the public sector. Sometimes, personnel reforms may not sufficiently tackle the configuration of power in the organization that in turn determines the access to employment, training and promotion. This is due to the impact of an organizational culture, based mainly on patron-client and discriminatory gender relations. Good Governance is considered important for solving not only many of the community problems in a most cost-effective manner, but also for the construction of synergistic relations with relevant government organizations (Evans, P, 1996)²⁵.

Good Governance generally focuses on the state, the organizations it creates to manage society as well as the institutions it supports or challenges. The achievements of governments are inseparable from co-operation and involvement of other economic and social actors in the spheres of the civil society and market place. These spheres contain organizations such as NGOs, CBOs, and chamber of commerce and Industry, trade Unions, professional bodies and the media. To these may be added informal/Spontaneous

²⁵ Peter Evans, "Government Action, Social Capital and Development: Reviewing the Evidence on Synergy", World Development, Vol 24, No.9.1996.

efforts by groups and individuals in response to various societal requirements. All these have their own forms, means and abilities of governance in the society as a whole. In addition to these organizations, elected local government bodies, which are quite distinct categories from national/central/provincial governments, which perform major governance functions within their respective jurisdictions. Unfortunately, until recently, the role of elected local government formations was largely ignored.

Good Governance that focuses on government structures and puts politics and power at the heart of governance. Governance is the political relationship between the state and the different interest groups in the society, including the poor (Porio, E, 1997)²⁶. The elected local government bodies should have constituted the most important category among the local level organizations. However, for various reasons the ground reality is quite different. At present, there is only one tier of local government in the rural areas, called the union Parishad. The most powerful group of organizations at the local level consists of the local administration that is deconcentrated organs of the central government located at the union, the UZP, the district and the division.

UZP is massive as well as very important and significant. The Parishad is supposed to prepare a UZP Development Plan for both five years and one year and to maintain a Plan book, which would continuously be updated in each financial year. In addition, the Parishad, will assist supervise and guide UPs in their respective activities of identifying project and implementing plans. The UZP will launch various promotional activities like health and family planning, employment and socio-cultural activities, co-operative movement, educational and vocational activities and protection and management of environment etc. It will also coordinate and control activities functional and horizontally at the Upazila among the various field level office. The UZP Chairman on behalf of the UZP will maintain a linkage with higher and lower level authorities. The task of monitoring and evaluation of development activities also rests with the Parishad.

Effectiveness of UZP will minimize corruption; ensure participation of local people in governance, development and planning which is inextricably essential to strengthen local government of Bangladesh. This study will be an attempt to recommend the ways and

²⁶ E. Porio, "Urban Governance and Poverty Alleviation in South-East Asia: Trends and Prospects", Global Urban Research Initiative (GURI) and Anteneo de Manila University, 1997.

means for the effectiveness of UZP and to suggest strategies to be implemented to strengthen local government as well as to ensure good governance.

The subject matter of this study is according to the spirit of the study. Now days, it is an important issue for the government of Bangladesh to held the election of the local government bodies. It is a demand of the international agencies and donors to make the local government effective in its appropriate meaning with local people's participation to ensure accountability and transparency and to reduce corruption with this point of view to make UZP effective as early as possible through reforms to establish good governance in all sphere of government in order to accelerate the vehicle of development of the country and to reduce the pressure of national government which is unitary form in Bangladesh to make efficient and effective use of money in the local level.

This research will help the policy makers, researchers, administrators, experts, professionals, students to a great extent and it will open a new door to find out expedient to apply in future in making policies, preparing lectures, preparing research papers etc. It would be a valuable addition in the field of local government and good governance research specially for the effectiveness of UZP in Bangladesh compared to the local government system of developed countries of the world.

Methodology of the Study:

To achieve these objectives, this study has adopted purposive methodologies such as case study, survey, questionnaire, interview, and observation, content analysis to ensure validity, reliability and objectivity of the study. It was felt that the needed information could be gathered by identifying UZPs. To survey on which this paper is based was restricted only to three UZPs – Savar, Comilla Sadar, and Narayangonj Sadar. These UZPs were selected from three different districts of Bangladesh. The selection of these UZPs was also based on their location, relation to towns and cities. Thus, Savar in the central region is located close to a metropolitan centre (Dhaka), Comilla Sadar Upazila in the southern region, situated to a medium-sized town (Comilla) and Narayangonj Sadar UZP in the central region near to a small town (Narayangonj). Moreover, the selection was purposive in a sense that the new system has been operational for sometime since 1982 in these above mentioned UZPs. The data used in this paper were collected from both primary and secondary sources. Published materials on the subject in the form of

books, journals, newspapers, etc. government documents etc. were collected at different stages through questionnaire and interview method. The first stage was at the village of target group level live in under the governance of UZP. The second stage was at the UZP level where the policies of the government are being implemented for the development and welfare of the UZP. At the national level development policies and strategies were made, appraised and reviewed.

A cross-section of the village people were identified from two villages in each UZP. U.N.O, Ex. UNO (Who worked in these three UZPs with the UZP Chairmen after first UZP election in 1985) and UPs Chairmen were also interviewed in each UZP. The respondents were selected keeping in view to collect their ideas regarding

1. facilities having from rural government;
2. problems facing due to absence of capable and representative local government at UZP level;
3. corruption;
4. presence of accountability and transparency;
5. participation in decision making;
6. how to strengthen local government at UZP level in order to ensure good governance.

At the second stage, an intensive survey was carried out on each UZP selected to study how the new concept is being translated into reality. Observation is also used to collect data at the second stage and to find out the existing problems in the UZP level related to the study.

In addition, the UZP level officials were interviewed in all these three UZPs to understand their attitude towards the UZP.

Finally, 20 national level experts/specialists were interviewed from both government and non-government organizations.

Hypothesis:

Effective people's representation is necessary for ensuring good governance in local level such as UZP.

There is a correlation between representative local government at UZP level and good governance.

A representative local government at UZP level opens the door for democracy, people's participation, development of local people, which will ensure good governance.

Therefore, variables of this hypothesis are representative local government at UZP level and good governance.

When representative local government at UZP level will form in democratic way and exercise its day-to-day affairs with a vision to ensure people's participation, development of the UZP through co-ordination transparency and accountability that will ensure good governance in local areas.

Chapter Two

Literature Review

Md. Shafiqur Rahman in his book “**Planning and Development of Upazilas in Bangaldesh¹**” published by National Institute of Local Government, First Edition, April 1991, considered the Upazila as a focal point of local level administration under the decentralization programme of the government. It has been created as a local government institution with a Parishad (council) of its own-headed Chairman elected by the people. Upazila has been treated as a unit of local level planning. Government has emphasized as a framework for rural development. The Development Assistance fund for Upazila has been increased to about 10 to 12 times of that of previous Thana. An analytical review of the experience of the Upazila Parishad in performing the responsibilities of development planning and project planning and implementation has been made in the book. Now opportunities have created for comprehensive Upazila development planning. This book endeavors to trace the evolution of the Upazila as a process of decentralization of administration and development. It examined Upazila as an unit for local level planning. It considered that the prescribed mechanism for the planning and implementation of development projects. Through this book the author examined existing procedure followed by Upazila Parishads that time. In this regard he analyzed the problems in Upazila level and suggested measures for its improvement. This book is a remarkable addition in the thinking of Upazila as a local level unit

Lutful Huq Chowdhury in his book “**Local Self Government And Its Reorganization in Bangladesh²**” published by “National Institute of Local Government Dhaka”, 1987, made a critical appraisal of the system of local government operating in Bangladesh and offered well thought out recommendations regarding its re-organization. In the wake of the policy of decentralization, adopted by the Government in Bangladesh and metamorphosis of the Thanas of the past into Upazilas of the present day. He discussed elaborately development of local self-government in Bangladesh, ecology of local self

¹ Md. Shafiqur Rahman, “Planning and Development of Upazilas in Bangaldesh¹”, National Institute of Local Government, First Edition, April 1991.

² Lutful Huq Chowdhury, “Local Self Government And Its Reorganization in Bangladesh” National Institute of Local Government Dhaka, 1987.

government. Structural and functional arrangement of Union Parishad, its programme environment and relation with field Administration, people's participation, project management Law and order function at level, co-ordination and linkages between Union Parishad and field administration, Role and performance of Union Parishad and UP Finance. He recommended the need for reorganizing local self-government bodies by strengthening Union Parishad and discussed the rational for decentralizing planning functions and Union Parishad should be considered as the focal point of local self-government.

S.R. Nigam in his book **“Local Government England, France, U.S.A., USSR & India³”** published by S. CHAND & CO (Pvt.) Ltd. Ram Nagar, New Delhi-110055, 1975, described that the need for the study of local government system is well recognized today. While most countries have yet to arrive at a consensus about the aims of local government and its exact place in their society, the trends towards growth of local autonomy has been particularly marked in recent years. This is due partly to technical, administrative or economic consideration but primarily to the desire of the people to manage their own affairs. Indeed local institutions strengthen the foundation of democracy and provide a training ground for it. For India, the largest democracy in the world, development of local government is, obviously of the greatest significance. The study of foreign systems of local government is undertaken to see if one can derive profit for his own country from experiences abroad. Additional aim may be, to provide teaching material for University as well as professional studies. Dr. Nigam has made commendable effort in realizing these two aims. In this book he has undertaken the stupendous task of compressing the local government system of England, France, U.S.A., U.S.S.R, and India within a narrow campus which is good and style is lucid as well as simple. He discussed status, functions, composition, power, committees, planning & finance local Government in England, U.S.A., France, the U.S.S.R and in India in comparative perspective. He tried to provide a vivid picture as possible of the local government in England, the⁴ U.S.A., France, the U.S.S.R and India.

³ S.R. Nigam “Local Government England, France, U.S.A., USSR & India” S. CHAND & CO (Pvt.) Ltd. Ram Nagar, New Delhi-110055, 1975.

M. Anisuzzaman, Abu Zafar, in their translated book **“Upazila Parishad Manual⁴”** published by Khoshroj kitab Mahal, 1986, they explained that according to the Local Government ordinance (3rd Amendment), 1983 [ordinance no: 63,1983], Government established Upazila parishad and re-structured Upazila Administration. The composition of Upazila Parishad Election, Duties and responsibilities of Upazila Parishad, Development Planning ensuring Accountability, Punishment for corruption discussed elaborately in this Manual. It is all about Election Rules and Upazila Parishad.

Yusuf Hyder, in his book **“Development the Upazila Way⁵”** published in 1st February, 1989 discussed that the Upazila is now the most talked about topic in today’s Bangladesh. In this book, Yusuf Hyder attempted to show what miracle the Upazila can do in the way economic growth accompanied by equity within a matter of five years. The secret behind the magic lies in the will of the people to improve their lot by thrift and hard work and by playing their pioneering role in the development process. The Upazila Parishad can provide leadership; input and service support during the planning and execution stages of the plan and see its post commission performance. In this book the author considered the people of a particular Upazila are the main actors in this process without whose cooperation and participation all development plans are doomed to failure. This book, at best, may help the Upazila people and its officials to take appropriate options in the developmental efforts in their respective Upazila. Mr. Hyder shared his experience of visiting more than 40 Upazilas. These visits were very rewarding and he firmly believe that not only the senior officers, the Upazila Chairman and their officers as well should off and on compare their notes with their neighbors so that they could exchange their ideas and experiences and competitive. He observed that the Upazila levels were good. There is no doubt that the Upazilas hold for us the only hope to survive and live as an honorable and self-respecting nation. With the help of this book, the author stated that the Upazila administration was then within the easy reach and approach of the rural people. The administrators provided the counseling services to the people,

⁴ M. Anisuzzaman, Abu Zafar, “Upazila Parishad Manual⁴” Khoshroj kitab Mahal, 1986.

⁵ Yusuf Hyder, “Development the Upazila Way” 1st February, 1989

administered justice and maintained law and order in the area. The Upazila Parishad was then the pivot of the Upazila Administration and was well-equipped with all the necessary powers to do immense good to the rural people. It is expected that the Upazila Parishad's main function would be to build up the rural economy and to promote it. Development was a subject transferred to the Upazila Parishad and the Upazila development was only one possible and desirable through the active participation of the rural people and not through singular participation of Upazila Administration.

Sadik Hasan in his book **“Women in Bangladesh Local Government. A study of Gram Sarkar⁶”** published by A H Development Publishing House, Dhaka, 2007, discussed elaborately about local government, local government reforms in Bangladesh, constitutional provisions and local government of Bangladesh, status of women in Bangladesh, women and the constitution of Bangladesh, CEDAW and Bangladesh, women in political parties, women in parliament and women as parliamentarians, women in local government institutions. He mentioned that the selection process of the women members as a faulty one and women were inducted in the Gram Sarkar system without proper knowledge about Gram Sarkar and its functions. The selection was politically motivated and the ruling party activists dominate all these Gram Sarkars. In most cases women members were denied their rights to get specific responsibility as a Gram Sarkar Act 2003. They got only less important and economically less fruitful responsibilities compared to their male counterparts. They were not even invited in the meetings. Besides, meetings are called at night, which is very inconvenient and unsafe for the women members so that they failed to attend. Union Parishads are not helping the women members to carry out their duties or in case of discrimination. Women members who want to work are facing negative attitudes of the community and being neglected in the activities of Gram Sarkar by their male counterparts. This book is a notable contribution by Sadik Hasan about women participation in local government.

⁶ Sadik Hasan “Women in Bangladesh Local Government. A study of Gram Sarkar” A H Development Publishing House, Dhaka, 2007.

Abdun Noor, in his book “**Social Justice and Human Development**”⁷, published by Adorn Publication, December, 2007, explained elaborately, “Governance of Rural Development” in three chapters. He defined the basic concepts such as local government, good governance, rural development and development. He described the role of local government in the rural development of Bangladesh and administrative inadequacies of the Union Parishad. He told that a network of local government can provide the necessary institutional framework to help the rural people to identify their problems and potentialities, prepare plans and proposals for development and mobilize resources in implementing them. The union body is hardly involved in the formulation and implementation of development projects in response to the people’s needs or to help them in solving their problems. This is because of the lack of co-ordination between the Union Parishad and the different nation building departments working within its jurisdiction. He suggested that in order to operational effectiveness of the Union Parishads, there should be subject wise co-ordination committees to unite the efforts of the Union Parishads and the nation building departments working for the common goal that is rural development. He exclaimed that good governance is now an acceptable goal for public servants in developing countries who have been asked, besides striving for professional excellence, to be more transparent and fair in all of their transactions and respond to the demands of the citizens. Good governance must lead to greater efficiency and effectiveness in delivering public goods and services and reducing corruption.

Kamal Siddiqui in his book “**Local Government in South Asia: a Comparative Study on Bangladesh**”⁸, published by UPL, Dhaka, 1992, discussed elaborately the function of the local government in India, Pakistan, Bangladesh, Nepal, Srilanka. He showed the organograms of Local Government in South Asian Countries, He stated the historical development and present situation of local government and relationship between central and local government in south Asian Countries. Bangladesh has integrated local administration. Local government in Bangladesh is not democratic independent and not so strong compared to the local government of Nepal and India. Local Government in

⁷ Abdun Noor, “Social Justice and Human Development”, Adorn Publication, December, 2007.

⁸ Kamal Siddiqui, “Local Government in South Asia: a Comparative Study on Bangladesh”, UPL, Dhaka, 1992

Nepal is more democratic than that of Bangladesh and India. In Nepal, Zila Panchayet prepare the Development plan but development plan in Bangladesh is prepared by the central government and is implemented by the local level bodies. In India, there was an act in 1980 that after every five years there should be election elect local government representatives. There should not be delay more than six months. In Bangladesh, there is law to do the election after every five years but not in practice.

Tofail Ahmed in his book **“Reform Agenda for Field Administration and Local Government”**⁹, published by Community Development Library, Dhaka, 2000, described briefly about the structure of local government in Bangladesh ,administrative reorganization at the district level, devolution and deconcentration at the Upazila level and reorganization of administration at the Union level and its management. He prescribed for restructuring of the ‘Judicial System’ at the Upazila level. He recommended for maintaining law and order at the Union level.

Kamal Siddiqui in his book **“Local Government in Bangladesh”**¹⁰, published by UPL, Dhaka, 2005, Revised Third Edition, discussed local government in Bangladesh, evolution of local government in Bangladesh, structure and composition of local government bodies, functions of local government bodies, finance, personnel system, relations between national and local government, leading issues and major challenges of the local government in Bangladesh.

Kamal Siddiqui in his book **“Towards Good Governance in Bangladesh: Fifty Unpleasant Essays”**¹¹ published by UPL,2006, Second Impression, explained about the government and politics in Bangladesh, general issues on good governance from above, combating corruption in government, downsizing of government, monitoring and

⁹Tofail Ahmed “Reform Agenda for Field Administration and Local Government”, Community Development Library, Dhaka, 2000.

¹⁰ Kamal Siddiqui , “Local Government in Bangladesh”, UPL, Dhaka, 2005, Revised Third Edition.

¹¹ Kamal Siddiqui “Towards Good Governance in Bangladesh: Fifty Unpleasant Essays” UPL,2006, Second Impression

evaluation of development activities, improving police administration and reforms in legal administration.

C.P. Barthwal ed., in his book “ **Good Governance in India**¹²” published by Deep and Deep Publications Limited, 2003 explained the concept of good governance, issues concerning good governance, from good governance to political good, good governance and form of government, governance: action , innovation and ethics , good governance and third world development, public participation in good governance, good governance and decentralization in India , ensuring good governance in India, empowering Panchayet Raj institutions towards good governance, key issues in good Municipal Governance.

Hasnat Abdul Hye (ed.) in his book “**Governance: South Asian Perspective**¹³” published by University Press Limited, Dhaka, 2000 described elaborately about good governance as a social contract for the new millennium, governance and local government in Bangladesh, definition, elements, variables of good governance, changing role of the nation state, issues at democratization, good governance and democratization, conflicting values in different political regimes, state and development strategy, consensus building, prospects of governance.

Rehman Sobhan in his book “ **Bangladesh: Problems of Governance**¹⁴” published by **University Press Limited,1993** explained the political context of governance, the struggle for self- governance, the contradictions within the post-liberation regime, democracy and the character of the post-liberation state , democratic autocracy, the strengthening of the executive, public policy and the nature of the state, systematic constraints,, perspective for a policy review and external dependence and the governance of Bangladesh.

¹² C.P. Barthwal ed., “ Good Governance in India” Deep and Deep Publications Limited, 2003

¹³ Hye Hasnat Abdul ed. “Governance: South Asian Perspective” University Press Limited, Dhaka, 2000

¹⁴ Sobhan Rehman “ Bangladesh: Problems of Governance” University Press Limited,1993

Md. Awal Hossain Mollah, in his article “**Good Governance in Bangladesh: Problems and Measures**¹⁵” published in **Pakistan Journal of Social Sciences 2 (4): 409-418, 2004**, described the definition and elements of good governance, major problems of poor governance, several aspects of good governance to strengthen national and local government to make it transparent, accountable, efficient and effective. He recommended important measures to ensure good governance in Bangladesh.

Bishawjit Mallick, in his book “**Local Government : Local People’s Institution , A Compilation on Local Government Issue**¹⁶” published by **A H Development Publishing House, 2004** explained the definition of local government, issues of local government, scope of local self- government, local autonomy, local government in Bangladesh, delegating power structure, shortcomings of local government in planning and local government reformation in Bangladesh.

G. Montagu Harris, in his famous book “**Local Government in many lands: A Comparative Study**¹⁷” published by London P. S. King & Son, Ltd.1925 discussed about the local government structure and composition, function, relationship between central and local government in UK, France , USA, Australia, Italy, Germany, South Africa and many other countries of the world in comparative perspective. He told that the local authorities should have power to undertake any functions for the good of the community and the local autonomy would be greater in exercise of the power.

Tofail Ahmed; in his article “**Local Government Perspective**¹⁸” in Mohiuddin Ahmad, (ed.) “**Bangladesh Towards 21st Century**” published by Community Development Library, 1999 explained that local government in Bangladesh has a long history of hundreds of years. It is still considered weak, underdeveloped, emaciated and feeble as

¹⁵ Md. Awal Hossain Mollah, “Good Governance in Bangladesh: Problems and Measures” *Pakistan Journal of Social Sciences* 2 (4): 409-418, 2004

¹⁶ Bishawjit Mallick, “Local government : Local People’s Institution , A Compilation on Local Government Issue” A H Development Publishing House, 2004

¹⁷ G. Montagu Harris, “Local Government in many lands: A Comparative Study” London P. S. King & Son, Ltd. 1925

¹⁸ Tofail Ahmed; “Local Government Perspective¹⁸” in Mohiuddin Ahmad, ed. “ Bangladesh Towards 21st Century” Community Development Library, 1999

social and political organization as well as ineffective in dispensing goods and services to citizens. Many reorganization and reform attempts have been initiated for last four decades to strengthen the local government system, but a clear trend is yet to evolve. This article is an attempt to analyze some of the issues responsible for the underdevelopment of the local government system followed by a few recommendations for consideration future.

Tofail Ahmed; in his article “**Reform Agenda for Field Administration**¹⁹” in Mohiuddin Ahmad, ed. “Bangladesh in the New Millennium” published by Community Development Library, 2000, described that in the long process of administrative reform in Bangladesh, decentralization and devolution are two of the means which have been discussed and analyzed very elaborately without having pragmatic agenda for implementation. All the governments expressed their commitment to reorganizing the governmental system but the real task still remains unexplored. He recommended for creating a strong, transparent and accountable local government structure comprising People’s representatives at different tiers below the national government and devolving responsibilities of development and welfare initiative to those local government bodies.

Musleh Uddin Ahmed in his thesis entitled “**Urban Local Government Administration in Bangladesh: Study of Municipalities and Municipal Corporation**²⁰” discussed about urban local government in Bangladesh, evolution and development of Municipalities and Municipal Corporation, structure and composition of Municipalities and Municipal Corporation, functions, finance, personnel system and leading issues and major challenges of the urban local government in Bangladesh.

PK Pandey in his article titled “**Decentralized Local Government in Bangladesh: myth or reality?**²¹” published in South African Journal of Accountability and Auditing

¹⁹ Tofail Ahmed; “Reform Agenda for Field Administration ¹⁹” in Mohiuddin Ahmad, (ed.) “ Bangladesh in the New Millennium” Community Development Library, 2000.

²⁰ Musleh Uddin Ahmed , “Urban Local Government Administration in Bangladesh: Study of Municipalities and Municipal Corporation” A PhD Thesis.

²¹ PK Pandey, “Decentralized Local Government in Bangladesh: myth or reality?”, South African Journal of Accountability and Auditing Research, 2005, Vol. 6 p.(11-22).

Research, 2005, Vol. 6 p.(11-22) discussed the constitutional and legal basis of local government and a brief history of the development of local government in Bangladesh. He evaluated the decentralized process within Bangladesh and identified the major issues that need to be considered regarding local government in Bangladesh.

Samiul Hasan in his article titled “**Upazila Development Planning in Bangladesh: Problems of Resource Mobilization²²**” published by Asian Survey, Vol.-32(September,1992),pp.(802-814) explained that Upazila Parishads made in 1982 were given responsibilities for development planning. He discussed that the main objective of the Upazila system, as enunciated in government documents, was devolution of authority to local bodies, supposedly in order to induce faster development at the local level with participation of the people and help to reduce the dependence of rural people on the national government and mobilize and utilize local resources.

Pranab Kumar Pandey, in his article “**Local Government in Bangladesh²³**” published in South Asian Journal, July-September 2005(Current Issue) evaluated the process of decentralization that took place under different regime in Bangladesh and analyzed to what extent decentralization had been ensured in Bangladesh. He described that every successive regime attempted to reform the local government structure but the induction of local government, however, failed to ensure access and participation to the poor and the absence of tangible rewards for participating in local affairs often resulted in apathy and frustration to the villagers.

Kazi S.M. Khasrul Alam Quddusi, in his article “**Empowering Local Government in Bangladesh²⁴**” published in The New Nation, August 6,2006, described that central government would not be able to ensure equal and equitable development of all areas in Bangladesh. Decentralization of power and authority as well as formation and promotion

²² Samiul Hasan ,“Upazila Development Planning in Bangladesh: Problems of Resource Mobilization” Asian Survey, Vol.-32(September,1992),pp.(802-814).

²³ Pranab Kumar Pandey, “Local Government in Bangladesh” published in South Asian Journal, July-September 2005(Current Issue).

²⁴ Kazi S.M.Khasrul Alam Quddusi, “Empowering Local Government in Bangladesh” The New Nation, August 6,2006

of strong local government have turned out to be the possible and potential alternatives round the globe. Still there is not yet any viable substitute for effective decentralized bodies for empowering and giving taste of governance to the people for the vast majority that have to stay away from the capital in Bangladesh. He recommended diminishing the power of the lawmakers over the local government bodies to ensure good governance and to strengthen local government in Bangladesh.

Saifuddin Ahmed, in his article entitled “**Local Government in Bangladesh: A Review of Reform Efforts from 1972 to 2006**²⁵” published in *Society & Change*, Journal of the Organization for social Development and Research-OSDER, Vol. I No.4, October-December 2007, discussed the Constitutional basis of Local Government in Bangladesh, present system of local government in Bangladesh and strengthening efforts of local government in Bangladesh by appointing different reform committees and commissions in different times. He reviewed the efforts of different regimes to strengthen local government in Bangladesh.

Nurul Islam Nazem and Nazrul Islam, in their article titled “**Upazila Approach to Development Administration in Bangladesh: An Examination of Its Efficacy**²⁶” published in *biiss* (Bangladesh Institute of International and Strategic Studies) Journal, Vol.7, No.2, 1986, examined the strategy of that time as to how it approached the long standing problems and to understand the mechanism which was being practiced at Upazila level as a scene of action within the broader context of issues that affect development, particularly the rural development. More specially, they examined the evolution of Upazila approach as an alternative to previous Thana system in the backdrop of decentralization policy of development.

²⁵ Saifuddin Ahmed, “Local Government in Bangladesh: A Review of Reform Efforts from 1972 to 2006” *Society & Change*, Journal of the Organization for social Development and Research-OSDER, Vol. I No.4, October-December 2007.

²⁶ Nurul Islam Nazem and Nazrul Islam, “Upazila Approach to Development Administration in Bangladesh: An Examination of Its Efficacy” *biiss* (Bangladesh Institute of International and Strategic Studies) Journal, Vol.7, No.2, 1986.

Chapter Three

Local Government and Good Governance: A Conceptual Analysis:

Local Government is part of overall governance. In many countries, where it is recognized in the constitution, it is as par with the other formal organs of state. Like the central government authority, local government institutions at various levels perform almost the same functions (agriculture, health, education, road development) within their jurisdictions. The scale and scope of these activities are, however, limited. But being nearer to the community, the development activities and services provided by local government institutions can have immediate impact on their lives. The central government, on the other hand, relived of myriads of small-scale activities and services can concentrate on major works. When this division of work between the national government and the local government institutions determined distinct and clear-cut principles can ensure productivity and efficiency for both. More often than not, they are also likely to be cost-effective.

Local government institutions being nearer to people can involve them in various ways:

- a) Planning and implementation of projects;
- b) Supervision of educational institutions, hospitals and other government financed units;
- c) Mobilization of support for new initiatives like campaign against dowry, child labour etc.;
- d) Enforcement of laws regarding gender discrimination, violence against women, environmental protection;
- e) Mobilization of resources in the form of taxes, fees, tolls etc. Popular participation also assumes importance because of its potentials for holding the local government institutions as the representative organization of the people can enforce accountability of the central / national government authorities. As the more aware, vigilant and active part of the community becomes through their participation in local government bodies, the greater pressure on both local government institutions and the government authorities to become transparent and responsive.

The potentials of local government institutions can be realized more effectively where there is decentralization and development of powers. Accountability, transparency, participation, empowerment, equity and all the other attributes of good governance can be in full play and become a part of the daily work of both the government and local government bodies when decentralization and devolution take place. Decentralization and devolution can ensure that the community are addressed adequately and environmental issues receive due attention because of their proximity to the decision-making authority. Transparency and accountability in decentralized units encourage people to take more interest in local affairs and to pay their dues timely. Without decentralization and devolution local government bodies remain paper organizations without any effective role. It will be no exaggeration to say that it is in a decentralized local government system that most of the attributes of good governance have a chance to survive and prosper strengthening of local government institutions can therefore, be seen as a positive trend towards good governance. Analytical discussion is expected to analyze the role of local government bodies at grass roots level from the point of view of promoting good governance using the criteria of accountability, transparency, efficiency and equity.

Definition of Local Government:

Local Government may be loosely defined as a public organization authorized to decide and administer a limited range of public policies within a relatively small territory, which is a sub-division of a regional or national government. It is an ancient institution with a new concept. It embodies the individuality of man's group activities, reflecting the spirit of liberty. It is an integral part of body politic of a country, recognized or created under law for the management of local affairs of a human settlement with geographic boundaries. The government's activity is necessarily impersonal. Against its rather abstract view, there is a perpetual rebellion. Localities which are not simply areas and sites but groups of men, living together as neighbors, feel that they differ from abstract average of humanity legislated for by the government and claim discretion to apply its uniform rules anyway more closely fitting their real needs and their own ideas of themselves. At this point, the reasoned claim for Local Government takes form. Moreover, local government is an administrative concept, not known to other levels of government, with its councilors involved in making, unmaking and remaking

administrative decisions in council and its committees with a direct bearing on civic services to the local people, and now, on nation-building activities. Constituting, what is called the cutting edge of public administration; the local authorities encounter serious challenge to their competence, human, technological and fiscal, and the pattern of their relationship with other public agencies. Then, the geography and demography of a local area along with economic factors, offer important dimensions in the conceptual articulation of local government.

Conceptually, Local Government is multi-dimensional, basically an organized social terms; it is concerned with the governance of a specific local area, constituting a political sub-division of a nation, state or other major political unit. In the performance of its functions, it acts as the agent of the state. In other words, the local government is an integrant of the political mechanism for governance in a country. Then, as body corporate with juristic person, it represents a legal concept. In some countries, the deconcentrated local extensions of the central government, and in some others, traditional local power structures utilized for supporting field administration have been misconstrued as being equivalent to local government, sometimes local government has been mistakenly considered an insignificant segment of the government.

In South Asia, local government is widely known as local self- government. This term is originated during the colonial times when most of South Asia did not enjoy any self-government, either at the central or provincial (state) levels. When the British government had decided to associate South Asians in administering local affairs, it meant a slice of self- government for the people. Therefore, attempt to define 'local government' always invites ' local self-government' to take it into consideration as some scholars use these terms interchangeably while others find distinct differences.

Oxford Advanced Learner's Dictionary (1995)¹ defines local government as the system of administration of a district, country etc. by elected representatives of the people who live there.

Duane Lockard defines local government as a public organization authorized to decide and administer a limited range of public policies within a relatively small territory that is a sub-division of a regional or national government. The Local Government is at the

¹ Oxford Advanced Learner's Dictionary, 1995.

bottom of the pyramid of governmental institutions, with the national government at the top and intermediate government (state, regions, provinces) occupying the middle rung. Normally, the local government has general jurisdiction and is not confined to the performance of one specific function (Siddique1994:4)². This definition does not take into account the financial and legal status of local government nor does it specify its representative character. All these aspects are included in the U.N. definition: "The term local self- government refers to a political sub-division of a nation or state which is constituted by law and has substantial control of local affairs, including the power to impose taxes or extract labour for prescribed purposes. The governing body of such an entity is elected or otherwise locally selected" (cited in *ibid*1994:4)³

Stewart and his colleagues argue for a much broader definition of local government focused on the needs and problems of the communities or localities concerned, arguing for a move to community or local government, rather than local administration. They argued that local government is 'about local authorities facilitating the meeting of the needs and problems of their communities in the most effective way. It is an expression of the enabling authority, not in the narrow sense of enabling other organizations to do the work of the local authority that it is its own way another inward looking approach that defines the local authority not by the communities it serves but by the services for which it is responsible but in the sense of enabling communities to define and meet their needs (Clark and Stewart 1991:62, cited in King and Stoker 1996:201)⁴. According to Hinden, Local Government usually refers to administrative bodies, boards, committees appointed or set up by the government. They are composed of a number of local inhabitants appointed or nominated by the government. They are given by the government a sum of money to be spent on the poor, the roads, the slum clearances etc. they have no independent authority to raise funds. They exercise those powers, which are delegated to them by the order of the government. They act, on the whole, as the agents of the government.

² Kamal Siddiqui, (ed.), "Local Government in Bangladesh", 2nd edition, NILG, Dhaka, 1994.

³ *ibid*1994:4

⁴ M. Clark and J.D. Stewart, "Choices for Local Government for the 1990,s and Beyond", London: Longman,1991.

Clark defined local self-government as that part of the government of a nation or state, which deals mainly with such matters as concern the inhabitants of a particular district or place, together with those matters, which Parliament has deemed it desirable should be administered by the local authorities, subordinate to the central government.

To Garber, local government is a unit of government, which will have legal powers and divisions of functions responsibilities between state and local government.

In the Memorandum on the Development and Working of Representative Institutions in the sphere of local self- government in India, the local self- government has been described as a representative organization, responsible to a body of electors, enjoying wide powers of administration and taxation, and functioning both as a school for training in responsibility. Definitely, there should be a vital link in the chain of organisms that make up the government of the country.

Siddiqui opines: in relation to local government and local self- government refers has to specific connotations. Sometimes, it emphasizes the elected nature of such bodies since in the transition from local administration (composed entirely of central government functionaries posted at the local level) to a freely elected local government; there may be a provision when a nominated or part nominated, part-elected local council may replace government functionaries. On the other hand, in a colonial situation , the prefix 'self' implies is that while the overall government is alien and imposed from outside, a small segment of it that is at the local level, is composed of natives. According to him, in a truly independent/democratic set up , there is no need to place extra weight on 'self' since election as a process of forming the government at all important levels of administration then become a routine matter. However, in the changed context the justification of the prefix 'self' perhaps lies in emphasizing the representative character of local government. According to the constitution of the People's Republic of Bangladesh, local self- government means bodies composed of persons elected in accordance with law.

Considering the definitions discussed above it appears that the key characteristics of local government/ local self-government are as follows:

1. It is a political system constituted by law;
2. Under this system, institutions are organized for specified local areas;

3. These institutions are elected bodies composed of the members elected by the people of the area or locality;
4. They have the power of administration and taxation over specified areas and have the right to manage their own affairs;
5. They are ultimately responsible and subordinate to the national government. This implies that though these institutions are given the right to manage the local affairs, they are not authorized to become the states within a state.

Theories of Local Government:

There are four major theoretical schools on local government, namely

- (a) Liberal-democratic Theory of Local Government
- (b) Economic Theory of Local Government
- (c) Radical elitist Theory of Local Government
- (d) Marxist theory of Local Government

Patterns of Local Government:

The concept of local government is relatively modern, although some of its components did exist in ancient and medieval ages in all countries mostly because of political, administrative, socio-economic or geographical reasons. The common running thread throughout its stages of development has been 'operational freedom' of varying degrees within the overall framework of the polity of a country. It forms the seed of operational freedom that modern concept of local self-government has ultimately blossomed into full-fledged form. It is essential to form local self-government politically as a local democracy and administratively as local administrative organization along with well-defined territorial jurisdiction over definite human settlements, constituting a distinctive social entity organized within the broad legal framework, enjoying a certain degree of autonomy to regulate its own affairs.

The formal structure of local government, important as it can be to the character important as it can be to the character of a system is neither the only nor even the most significant determinant of the style of local government. The quality and character of a local government are determined by a multiplicity of factors for example, national and local traditions, customary defense patterns, political pressures, party influence and discipline, bureaucratic professionalism, economic resource controls and social

organizations and beliefs. For example, a local government in a communist country where communist party may be an infinitely more important fact than structural forms it has. At the same time, an American city in 1960s is located in the South, where Negroes occupy an inferior social position, may explain for more about the legal government than its structure.

Keeping the arguments in mind, a concise discussion has been made in the succeeding sub-sections on the patterns of local government identified by Harold F. Alderfer in his book "Local Government in Developing Countries"⁵, Duane Lockard in the International Encyclopedia of the Social Science⁶, and in the report of the United Nations Working Group on the Decentralization for National and Local Development Technical Assistance Program 1962⁷.

In the words of Harold Alderfer, the Modern local governments are the creation of western and traditional cultures. Out of the western culture have emerged three basic patterns: the English, the French, and the Soviet. Each one has variants and there are partial combinations of patterns but essentially any particular system in present operation belongs to one of these classes. Among the western patterns, the English pattern has been a source of inspiration for most of the English-speaking countries and others that have come under their influence like those of South Asia, Australia, North America and Africa. The English pattern is characterized by decentralization, legislative dominance, co- option through the committee system, multi-purpose activity, and voluntary citizen participation.

The French pattern that has influenced part of western Europe, the Near-Middle, and Far East, Central and South America ,large portions of the African continent is known for centralization, chain of command, hierarchical structure, executive domination and legislative subordination.

The Soviet Pattern has served as a model for most of the East European and other socialist countries of the world. It is characterized by Communist party control under the principle of democratic centralism, single candidate elections, hierarchical chain of command, and a wide scope of governmental powers to local councils. On the other

⁵ H.F. Alderfer , "Local Government in Developing Countries", McGraw Hill, New York, 1964.

⁶ Duane Lockard, "Local Government" in Encyclopedia of social Sciences, 1981.

⁷ UN, "Decentralization for National and Local Development", Technical Assistance Programme, 1962.

hand, the traditional patterns, which are non-western, are indigenous to the places where they exist without the hallmarks of any specific culture. In other words, all governmental institutions and practices are either Western or traditional; there is no other category. The traditional patterns are simple in political structure, backed up by complex sociological mores and originally tended in the direction of democracy and freedom. The Western patterns, which have influenced the traditional patterns for historical or ideological reasons. Duane Lockard, also in the 'International Encyclopedia of Social Sciences' has identified five broad categories of local governmental systems. These are:

- a) Federal- decentralization systems;
- b) Unitary –decentralization systems;
- c) Napoleonic-prefect systems;
- d) Communist systems;
- e) Post colonial systems.

Federal-decentralized Systems:

These Federal systems, which decentralize much authority to the regional governments that compose the federation, also tend to be the nations that allow the broadest range of discretionary authority to local government. This is not true of all systems that called federal, however, but only of those with actual decentralization .in federal systems with much decentralization the degree of autonomy of local government varies considerably from country to country, but in all cases a considerable degree of local independence prevails.

This variation extends deeper than the country-by-country comparison, for there is often much variation among individual states or provincial-regional governments as to the forms and authority of local government. For example, the closeness of supervision by administrative agencies of regional governments varies widely from fairly extensive reporting and oversight to almost none, except in cases of flagrant corruption. Examples are Australia, Canada, Germany, Switzerland and the United States of America.

Unitary-decentralized Systems:

Great Britain and the Scandinavian countries are examples of nations with unitary (that is non-federal) governments which have a considerable degree of decentralization of autonomous power to localities. Although in all cases, there is supervision by the central

government, local governments in these nations do have fairly wide responsibilities and make independent decisions about them.

Napoleonic –Prefect Systems:

In this system, the central government places agents in sub-regions of the nation to oversee, and if necessary to countermand, suspend or replace local government. The system is a direct survivor of the ancient institutions by which France attempted to create a centralized nation out of a scattered system of feudal fiefs, small cities, and ecclesiastical domains.

The office of intendant, conceived by Richelieu in the early seventeenth century, was a means of extending the king's authority into the hinterland, where the thirty intendants were known as the "thirty tyrants". Animosity toward the office resulted in its dissolution in the French Revolution, but Napoleon restored it as the office of prefect, and it still flourishes in France today. In varying forms the office is commonly found in Southern Europe and in Latin America, just as British forms are found in English-speaking nations. An essentially prefectural system is also used in Japan, where, significantly a large measure of the authority of the supervising administrator lies in his discretionary authority to grant subsidies to local government.

Communist Systems:

In communist system, the local government generally represents deconcentration of authority rather than decentralization. That is, a local government unit is, in reality, an agency of the central government and it functions as an integral element of the hierarchical administrative system of the state.

The scopes of local independence are narrow and extend only to minor matters, whereas control devices are extensive and rigorously applied. Local officials are well aware that their decisions must conform to an over-all design of higher authorities, and they know, too that to divert budget funds to other purposes without permission may mean dismissal or even imprisonment. These systems are unique in that local governments are given a role in economic activities infinitely more extensive than in capitalist nations. Finally, the discipline of the communist party means of controlling policy in detail. As a supplement to and a check on the administrative system, the communist party with its rigid discipline controls the key positions in government.

Post-colonial Systems:

The creation of new nations from former colonies involves varying degrees of change in local government. In some cases the imposition of a strong single-party political system subverts old patterns almost entirely; in others, where adjustment more than revolutionary change has been the theme, local government patterns have not altered drastically. The legacy of colonialism is omnipresent, however, much the new leaders strive for complete breaks with the colonial past.

The pre-existing systems of local government closely supervised by colonial officials and native subordinate administrators, have often remained as the general pattern of local-central government relationships. The terminology and basic structures of the colonial local government system frequently persist for reasons of habituation and convenience, if no other. Some leaders of post-colonial nations do not have a simple alternative of returning to a pre-colonial local government system, both because the colonial powers undermined or abolished the old ways and because the old systems were incapable of dealing with the conditions of westernized and modernized life.

Local Government in these nations is beset by staggering social and economic problems. In the first place, many of the cities of Asia and Africa are not cities in the European sense; they lack the technology, organization, resources and slowly developed institutions of western city and are often massive accumulations of squatters. In addition, as new regimes the central governments tend to be politically unstable. Extraordinary poverty, severe difficulties associated with economic growth, and chronic overcrowding in the cities all produce a range of problems not faced in more modernized nations.

The United Nations Working Group on the Decentralization for National and Local Development Technical Program 1962 also categorized four basic patterns of field administration and local government from the consideration of functions. These are:

- a. Comprehensive Local Government System;
- b. Partnership System;
- c. Dual System;
- d. Integrated Administrative System.

Comprehensive Local Government System:

Here, most government services at the local level are administered through multipurpose local authorities and specialized agencies set up statutorily or otherwise.

Partnership System:

Through this system, field units of central agencies provide some direct services while local authorities provide the rest.

Dual System:

Technical services are administered by central agencies directly, while local authorities have autonomy to perform local services and foster local development with the little interaction between the two.

Integrated Administrative System:

Central agencies directly administer all technical services, coordinated through a field coordinator or district coordinator of the central government, and the local organization, if any, has little control over government activities or staff in the area.

Functions of the Local Government:

With the adoption of the principles of Socialist economy and the welfare state it can no longer be accepted that the ideal system of the local government is one in which the authorities perform the elementary necessities of civilization. Many people feel today that the local authorities ought not to confine their activities merely to those things which are nobody else's business or to those which involve some measures of compulsion or statutory monopoly, nor yet only those which require subsidizing from the rates; but that, in addition, they should properly undertake all those other things which local bodies can do better than the private individual or voluntary group or trading corporation. Paradoxically, local government in the twentieth century seems to expand the number of functions it performs at the same time that it faces increasing central government supervision and a narrowing of its independence. As the problems of large and complicated cities and metropolitan areas grow, at least to the extent that financial means to cope with the problems exist, the city has greatly extended its role.

Finer⁸ describes, functions of local government thus: "These local authorities supervise, direct and control our lives, awake and asleep, at work and at play; they provide for all

⁸ H. Finer, "English Local Government" London, 1950, p.2.

citizens a common minimum of health, education, welfare services, roads, peace and security of environment. The scope and detail of their work are not easily describable, both are immense. Local authorities manage an enormous amount of capital, they are intricately organized, they promise social improvement, and they are nourished by civic energies.

There is, however, no general code of legislation from which a complete statement can be obtained of the powers and functions of any type of local government unit. It has been fairly recognized that there are two types of functions, which are entrusted to local authorities-compulsory and optional. The former, the authority must perform because on these depend the welfare, progress and prosperity of the citizens. The latter functions the authority should perform if it considers these necessary. In addition to these functions, the local authorities perform some agency functions, which are not municipal functions. The authorities perform these functions on behalf of the national or state government.

Urbanization has a marked effect upon the role of local government. The rapid gravitation of people to the cities calls for change in the structure and functions of local government. Urban values have gained increasing importance. Therefore, there are many services which local authorities should be empowered to undertake and should indeed be encouraged to provide and those services vary from place to place. It is therefore sometimes difficult to say whether local governments in a particular nation are now more or less significant agencies of government than they were in a simple age.

Importance of Local Government:

The form and structure of local government throughout the world today, is the product of a history that covers many centuries. In them are found the hard facts of community life, the hopes and aspirations of people, the rubble of wars and invasions, the ideologies of philosophers, and the ambitions of the leaders. Form and structure are part of the civilizations through which local government lived, whether they are frail remnants of those long since dead or full-brown framework of living cultures. While there are many variations, there are no accidents; each and every beam or column has a meaning of its own. A democratic set-up requires active participation of the people in managing its affairs at all levels-higher and lower. 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.

Local government clearly contributes to the efficiency of a large state can effectively decide what is to be done in all spheres of public policy, nor can it implement these policies and programs efficiently in all areas. There is a serious danger of overloading, particularly in modern welfare states where governmental intervention is still expanding, even among conservative administrations. J.S. Mill, as a good liberal, argued that there was not much that central government could do well or should attempt to do.⁹

Its closeness to consumers (both socially and geographically) enables a local authority to be more humane and flexible than statutory authorities or other agencies of central government. This is particularly useful in providing personal services. A locally elected council can also make a much more positive contribution than a decentralized administration to the policy process, in consultation with central government departments.

One of the most important claims made for local government as it serves as a training ground for imparting primary political training for future national leaders. It is the best school where the common people can learn the primary lesson in the art of government and the councilors can gain experience in the art of responsible leadership. They hold small office, take minor decisions, handle small public funds and perform minor works for the local people. In other words, they can develop the habits of mind and ways of public behavior, which are required for the successful working of the national government. Local government has considerable potential for economical management, as well as for effective provision of services. More important is the claim that the closer the spending authority is to the taxpayer, the greater the scope for citizens to observe how their taxes are being used and to ensure value for money spent. A citizen knows when the street outside his door is in bad condition and will want to have it fixed. Local government is the best method ensuring that this will be done.

Local government provides opportunities for citizens and elected members, alike, to measure consumer satisfaction through the ballot box. Because the scale is small and there is a shorter physical distance between representatives and electors than at the

⁹ J.S. Mills, "Representative Government", Everyman Edition. London: Dent(1931),1861.

national level, effective two-way communications can develop, to discuss and criticize local policies and programs, Citizens can have the satisfaction of direct confrontation with their local members and officials, so their watchdog function is more effective.

Local government can play a vital role in safeguarding the local views. A compendious local authority, as distinct from a local office of a central government agency, can tailor its services to meet local needs. The local office of a central government may have the same potential as local government for learning about local needs and problems, but it will remain functionally specific. A local government whereas can decide priorities across a range of services to meet specific local needs.

The strongest argument for local government as a democratic institution is on the grounds of participation. Participation may take many forms; it can be at varying levels of intensity, and persist over long or short periods of time. In local government, most citizens will be involved, not as candidates or party or group activists, but through the ballot box. Local elections provide regular opportunities for expressing consumer satisfaction or dissatisfaction. They also ensure that issues will be aired, and that citizens will learn or relearn, democratic processes, so reinforcing their commitment to the system.

Efficient local government is a means to economic development. With the acceptance of the concept of the welfare state, the administration now has to be development oriented. For the proper development of the country it needs planning. The provision of information is one of the key functions of the local self-government during the preparations of plan. The local government can play an auxiliary and supporting role during the overall formulation and implementation of national plans by assisting with detail information to avoid deficiencies.

Local Government is seen by some as a barrier or defense against an all-powerful central government and the abuse of power. Certainly in the nineteenth century, it was held that the existence of a strong local government system helped to disperse political power and diminish the danger of an over-centralized state. Today we tend to see local government more a means to influence central government, which may seek to influence government policy in such matters as transport subsidies, conservation, rural postal services or electrification. Furthermore, the diffusion of decision-making power is justified on the

grounds that numerous errant policies among a variety of local authorities cause less harm than one policy failure by the central government.

The more freedom to experiment a local authority has greater the opportunity for a general improvement in services. National agencies may hesitate to risk innovations, which would apply throughout the country. An individual council may be more willing to take a risk innovation, which would apply throughout the country. An individual council may be more willing to take a risk, as the scale is smaller and conditions in a single area may be favorable. If the experiment succeeds, it may be extended gradually to other areas. Smellier points out that those new services were generally initiated by more progressive towns and then applied to the rest of the country.

EMERGENCE OF THE IDEA OF GOOD GOVERNANCE:

In the past few decades, a large number of political leaders, academicians and public functionaries in the Third World countries have been discussing the ways of governing their societies efficiently and effectively. They have advocated different forms of political and administrative systems and methods of governance to reconcile the interest of the citizens with that of the role of State. The debate, that has begun, entails many innovative ideas of changing the old patterns of administrative culture and replacing them with modernist culture and ethos of development-centered administration. The debate has brought to the fore the basic ingredients of 'goodness' in government. Further, the concept of 'goodness' has come to mean what Bentham said long ago- 'the greatest good of greatest number'. Admittedly, this concept of 'goodness' is one that political philosophers in many of the Third World countries have discussed and debated in their writings. Viewed in this backdrop the concept of 'good-governance' is not something which the 'people' and the governments in the Third World countries did not know.¹⁰

However, the term 'good governance', as currently used in the Third World countries, is not only of recent origin, but is also of the western variety. It is, therefore, no wonder that varying conceptions of good-governance exist in these countries. Despite its popularity and wide currency, the concept entails ambiguity, and a bewildering variety of meanings and conceptualizations. Simply put, it means any thing to anybody depending on one's

¹⁰ http://www.adb.org/Governance/gov_elements

perception of what is good and for whom? Understandably, it is equated with a wide range of ideas not always consistent with one another. For some it may mean less government and for some others it may mean more government.

This conceptual confusion notwithstanding, the majority of 'informed' people in the Third World countries think that 'good governance' means that 'administration' is effective, credible, legitimate, citizen-friendly and people-sharing. Further, it is free from administrative vices and dysfunctional ties. This public view of good-governance derives its relevance in the context of misgovernance which includes non-feasance, over-feasance and malfeasance. In many Third World countries, the democratic form of government has proved to be ineffective for checking the swindling of public funds for private gains by elected leaders as well as by the bureaucrats and other public servants. Misuse of power, fraud, chicanery and embezzlement of funds are systematically perpetrated by leaders of government and their minions. Misgovernment is found all around and in rampant form. Given this condition of affairs in the government, the concept of good governance has become attractive as a remedy for all the ills that the polity is plagued with.

Definition of Good Governance:

Good governance as a concept has steadily entrenched itself in the political and development discourse. It has permeated all sectors and become part of the common shared principles and virtues of different countries in the world. It has attained universality as an indicator of adherence to democracy and rule of law. There is a danger, however, that good governance has become a catchword and that few bother to consider its implications. Good governance is given a broad definition that encompasses an array of issues in the sociopolitical and economic order of a country.

Recently the terms "governance" and "good governance" are being increasingly used in development literature. Bad governance is being increasingly regarded as one of the root causes of all evil within our societies. Major donors and international financial institutions are increasingly basing their aid and loans on the condition that reforms that ensure "good governance" are undertaken.

This study tries to explain, as simply as possible, what "governance" and "good governance" means.

GOVERNANCE:

The concept of "governance" is not new. It is as old as human civilization. Simply put "governance" means: **the process of decision-making and the process by which decisions are implemented (or not implemented)**. Governance can be used in several contexts such as corporate governance, international governance, national governance and local governance.

Since governance is the process of decision-making and the process by which decisions are implemented, an analysis of governance focuses on the formal and informal actors involved in decision-making and implementing the decisions made and the formal and informal structures that have been set in place to arrive at and implement the decision.

Government is one of the actors in governance. Other actors involved in governance vary depending on the level of government that is under discussion. In rural areas, for example, other actors may include influential land lords, associations of peasant farmers, cooperatives, NGOs, research institutes, religious leaders, finance institutions political parties, the military etc. The situation in urban areas is much more complex. Figure 1 provides the interconnections between actors involved in urban governance. At the national level, in addition to the above actors, media, lobbyists, international donors, multi-national corporations, etc. may play a role in decision-making or in influencing the decision-making process.

All actors other than government and the military are grouped together as part of the "civil society." In some countries in addition to the civil society, organized crime syndicates also influence decision-making, particularly in urban areas and at the national level.

Similarly formal government structures are one means by which decisions are arrived at and implemented. At the national level, informal decision-making structures, such as "kitchen cabinets" or informal advisors may exist. In urban areas, organized crime syndicates such as the "land Mafia" may influence decision-making. In some rural areas locally powerful families may make or influence decision-making. Such, informal decision-making is often the result of corrupt practices or leads to corrupt practices.

THE KEY VARIABLES OF GOVERNANCE:

The key variables which have been identified in that model are: (a) vision, (b) commitment and (c) capacity. Governance is here treated as a complex of process – it is treated as a process of formation and realization of a vision of the political authority of a country given the two constraints of capacity and commitment. This model is in reality a dynamic model as all the three variables are continuously changing over time.

Firstly, the point of departure is formation of vision. The inputs for vision can come from many diverse sources such as, political leadership, bureaucracy, private sector, donors, NGOs, pressure groups, mass organizations and members of the society. This vision gains some sort of legitimacy by accumulating a minimum level of support within society and through this process it becomes a national vision rather than an individual's isolated vision. Then a more serious vision is formed through a formal and informal process of discussions/negotiations with various classes and social groups. Through a process of interactions with many groups- more serious visions are formed when the question of ownership of vision plays a crucial part in it. Ownership of vision can be endogenous or non-endogenous in nature. If the vision is endogenous, it can be expected to have greater support among the local stakeholders and more concrete/realistic pattern. If, on the other hand, the ownership of the vision lies within non-endogenous sources, its support is likely to be weak among the local stakeholders and have less level of commitments, toward it.

Secondly, the necessity of concretization of vision arises. The government has to set up long term goals, short term goals, programmes and projects to implement the vision.

Thirdly, the primary commitments need to be translated into a concrete one and these need to be owned endogenously for higher level of commitments towards it. Higher levels of commitments require the government to take some hard decisions and show sincerity for implementing it. This successful completion of this step on the part of the government depends on some mobilization works, i.e. to create a supportive state machine, to create a sound institution basis, to mobilize support from the civil society, to mobilize adequate resources and mobilize private sector supports.

Fourthly, the question arises over the capacity of the government to implement the vision. This capacity depends of five factors, i.e., (a) support from the civil society, (b) support from the private sector, (c) supportive institutions, (d) support from the state machine, and finally (e) adequate resource base.

The three variables, vision, commitment and capacity- highlight the importance of civil society in the context of governance. Without the aid of civil society in the steps of gathering inputs for vision, mobilizing support for hard decisions and implementing the vision- good governance is not an easy task. This model of Akash (1998) clearly indicates that one of the crucial components of good governance is civil society – strengthening of governance depends, among other, civil society as a variable.¹¹

GOOD GOVERNANCE:

The terms governance and **good governance** are increasingly being used in development literature. Good governance defines an ideal which is difficult to achieve in its totality. However, to ensure sustainable human development, actions must be taken to work towards this ideal. Major donors and international financial institutions, like the IMF or World Bank, is increasingly basing their aid and loans on the condition those reforms ensuring good governance are undertaken.

A basic practical example of good governance would be where a member of a committee, with a vested interest in a topic being discussed at committee, would absent themselves from the discussion and not attempt to exert influence.

Exercising power and decision-making for a group of people is called governance. It happens everywhere – from urban centres to rural villages – and the well-being of a community depends on the choices made by people granted this authority. Because of the diversity of organizational structures around the world, people such as land lords, heads of associations, cooperatives, NGOs, religious leaders, political parties and of course, government are all actors granted the power to govern. “Good governance” is a relatively new term that is often used to describe the desired objective of a nation-state’s political development. The principles of good governance, however, are not new. Good governance is, in short, anti-corruption whereas authority and its institutions are

¹¹ M.M. Akash. “Governance and Development”, Chapter 2, in R. Sobhan, ed. “Crisis in Governance: A review of Bangladesh’s Development 1997”, University Press Limited, Dhaka, 1998.

accountable, effective and efficient, participatory, transparent, responsive, consensus-oriented, and equitable. These are the major characteristics of good governance as outlined by the United Nations. The World Leaders at the 2005 World Summit¹² concluded that good governance is integral to economic growth, the eradication of poverty and hunger, and sustainable development. The views of all oppressed groups, including women, youth and the poor, must be heard and considered by governing bodies because they will be the ones most negatively affected if good governance is not achieved.

For good governance to exist in both theory and practice, citizens must be empowered to participate in meaningful ways in decision-making processes. They have a right to information and to access. Although widespread accessibility remains a barrier for many countries, one of those ways is through Information and Communication Technology (ICT) applications such as the Internet. E-governance has emerged as a viable means to address development issues and challenges because citizens find empowerment through access to information. For more on this subject, please see our page on Understanding ICT for Development.

The United Nations Committee for Development Planning in its report issued in 1992 entitled “Poverty Alleviation and Sustainable Development: Goals in Conflict?”¹³

Identified the following as being part of the attributes of good governance:

1. Territorial and ethno-cultural representation, mechanisms for conflict resolution and for peaceful regime change and institutional renewal;
2. Checks on executive power, effective and informed legislatures, clear lines of accountability from political leaders down through the bureaucracy;
3. An open political system of law which encourages an active and vigilant civil society whose interests are represented within accountable government structures and which ensures that public offices are based on law and consent;
4. An impartial system of law, criminal justice and public order which upholds fundamental civil and political rights, protects personal security and provides a

¹² issues.tigweb.org/governance

¹³ tanzania.fes-international.de/doc/good-governance.pdf

context of consistent, transparent rules for transactions that are necessary to modern economic and social development;

5. A professionally competent, capable and honest public service which operates within an accountable, rule governed framework and in which the principles of merit and the public interest are paramount;
6. The capacity to undertake sound fiscal planning, expenditure and economic management and system of financial accountability and evaluation of public sector activities;
7. Attention not only to central government institutions and processes but also to the attributes and capacities of sub-national and local government authorities and to the issues of political devolution and administrative decentralization.

It encompasses a broad agenda that includes effective government policies and administration, respect for the rule of law, protection of human rights and an effective civil society. However, it is imperative to point out that it is not confined only to political and social issues but also includes proper management of the economy as well as transparency and fair competition in business. In this broad definition of good governance sustainable development, especially in relation the utilization of natural resources and environmental management, is also part of it.

Good governance, to be effective and sustainable, must be anchored in a vigorous working democracy which respects the rule of law, a free press, energetic civil society organizations and effective and independent public bodies such as the Commission for Human Rights and Good Governance, Prevention of Corruption Bureau and the Fair Trade Commission. The Commission is important in ensuring the promotion and protection of human rights, but also in ensuring both transparency and accountability on the part of the government. Good governance requires transparency and efficiency also in different government agencies.

At the political level democratic practices, including transparency in policy making and administration, are important aspects of good governance. This is signified by a pluralistic political system that allows the existence of diversity in political and ideological opinions. No wonder that good governance is said to be more easily achieved and guaranteed in a multi-party system than in a mono-party system. It also means the

holding of regular elections applying the principle of universal franchise. In order to qualify as democratic, elections must be free and fair.

Good governance deals with the nature and limits of state power. The doctrine of the separation of powers is therefore relevant in the establishment of whether or not a country has a political system that is responsive to good governance. The doctrine of the separation of powers is based on the acceptance that there are three main categories of government functions: legislative, executive, and judicial. Corresponding to these are the three main organs of government in a state – the Legislature, the Executive and the Judiciary. The doctrine insists that these three powers and functions of government in a free democracy must be kept separate and exercised by separate organs of the state. Today the doctrine should be taken to mean checks and balances based on a constitutional scheme. What is important today is not the separation of powers, but checks and balances. It is one of the functions of the Parliament to check the Executive. This is done by various means, including the authorization of the budget, the scrutiny of government expenditure and the questioning of the government in parliament to account for its actions. It is the duty of the Judiciary to protect the constitution by seeing to it that the laws of the country are not contrary to the constitution. The Judiciary stands between the citizens and the state as a balance against executive excesses or abuse of power, the transgression of constitutional or legal limitations by the Executive as well as the Legislature. This is why the Judiciary, as the custodian of the constitution, is empowered to declare an

Act of Parliament as unconstitutional and therefore null and void. It also has the power of finding government action to be an infringement of the constitution. This has been brought about by the incorporation of fundamental freedoms and rights of the individual popularly known as the Bill of Rights in the constitution. This has resulted in the Constitution being supreme to the extent that powers of the judiciary extends to examining the validity of even an amendment to the constitution as it has been repeatedly held that no constitutional amendment can be sustained which violates the basic structure of the Constitution. The structure of the constitution includes separation of powers.

Another equally important part of good governance is the promotion and protection of human rights. For this to be effective the rights and freedoms must be enshrined in the

Constitution. This covers political and civil rights and they range from the right to life to freedom of expression. The courts of law should be independent to be able to enforce the rights of the individual vis-à-vis the state. The establishment of the Human Rights Commission is commendable and long overdue. However, there is a need to seize the opportunity, despite the inherent problems resulting from the Constitution and the Act, to advance further the protection and promotion of human rights in Tanzania.

Currently the issue of good governance is widely regarded as one of the key ingredients for poverty reduction and sustainable development. It can be achieved in an enabling economic environment responsive to the basic needs of the people. It requires sound economic management and the sustainable use of resources as well as the promotion of economic and social rights.

Just as there are differences in the use of the term governance, there are various ways in which good governance is defined. The phrase 'Good governance' is epitomized by the World Bank in its recent literature as,

“Predictable, open, and enlightened policy making, a bureaucracy imbued with a professional ethos acting in furtherance of public good, the rule of law, transparent processes, and a strong civil society participating in public affairs. Poor governance, on the other hand, is characterized by arbitrary policy making, unaccountable bureaucracies, unenforced or unjust legal systems, the abuse of executive power, a civil society unengaged in public life, and widespread corruption. Good governance fosters strong state capable of sustained economic and social development and institutional growth. Poor governance undermines all efforts to improve policy making and to create durable institutions. (World Bank, 1997)¹⁴.

Habitat II Preparatory Discussions Identified Good Governance as a Commonly Shared Goal. It Stated:

Good governance requires accountability by public officials; both elected political leaders and civil servants. Their public functions must serve the community at large.

Second, good governance requires transparency in public procedures, processes, investment decisions, contracts and appointment. It is not sufficient that information

¹⁴ World Bank, 1997; “World Development Report 1997”

simply be available, it must also be reliable and presented in useful and understandable ways to facilitate accountability.¹⁵

Third, good governance requires wide participation in making public choices, such as policies and regulations (and even in the operation of markets).

Major public choices demand wide participation and debate involving not just governmental agencies but also diverse, representative and accountable non-governmental organizations. A main objective of good governance as it relates to participation is to encourage a political leadership that reflects and promotes ideals of good citizenship, such as informed participation and fairness.

Fourth, good governance is built on the **rule of law**. Modern societies, especially those in cities, are extremely complex. Those that remain organized and prosperous do so because rules and expectations closely correlate to how political procedures and markets function.

Fifth, public and private institutions, such as Government agencies and markets, must have some measure of predictability. The rule of law helps to protect against erratic and uneven enforcement and the whims of public officials. But the process of making and changing public expectations must also be predictable.

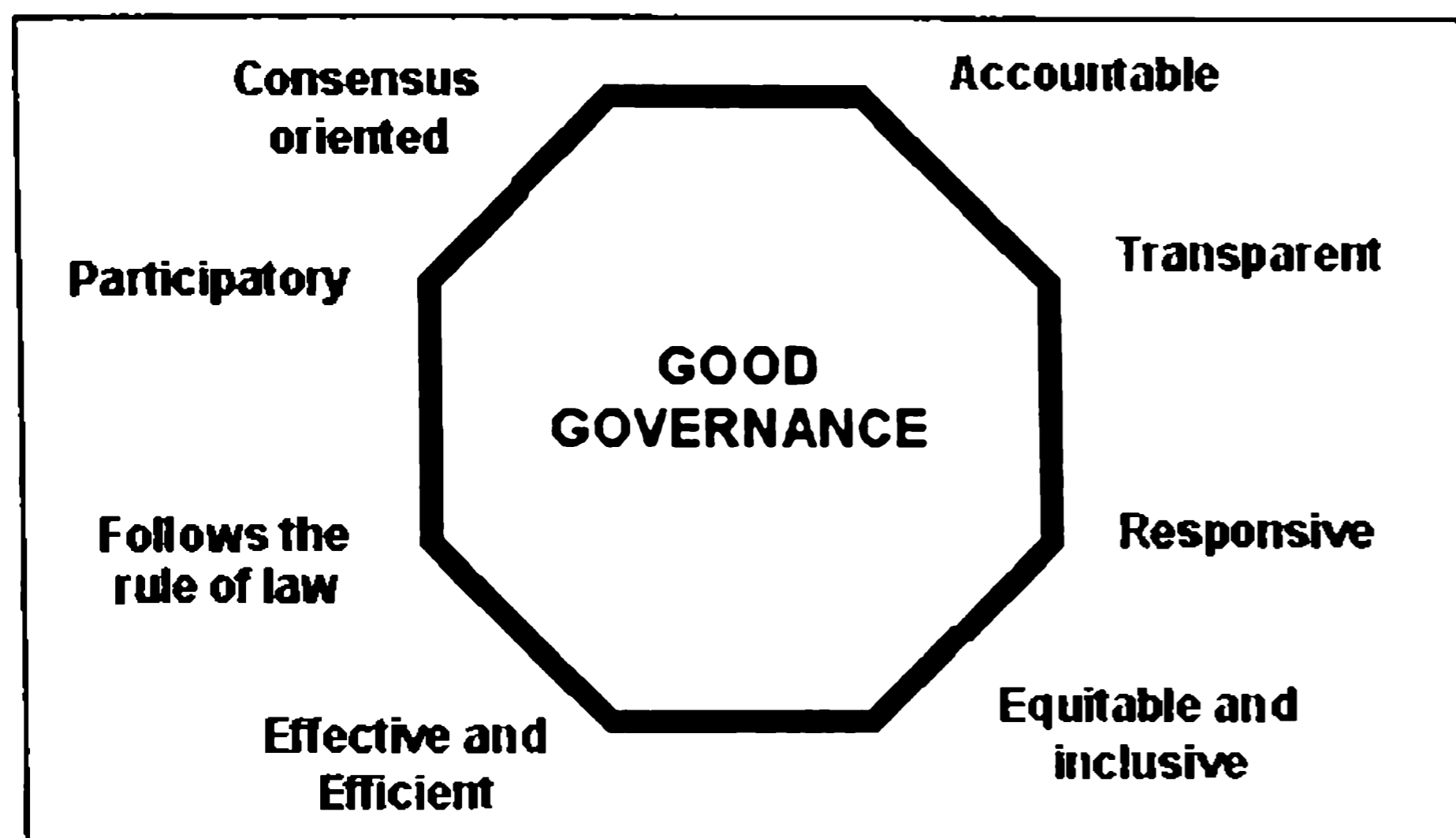
According to the UNCHS, these five elements outline a workable and fair mode of governance. They imply the need for fiscal responsibility and sound management of national and local resources. They require building and utilizing the capacity for analysis and formulation of sound social and economic policies. They describe governance as a partnership between the public and private sectors- Government and private citizens, management and labour.

Characteristics of good governance:

Good governance has 8 major characteristics. It is participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follows the rule of law. It assures that corruption is minimized, the views of minorities are taken into account and that the voices of the most vulnerable in society are heard in decision-making. It is also responsive to the present and future needs of society.

¹⁵ www.un.org/cyberschoolbus/habitat/background/bg5.asp

Figure 3: Characteristics of Good Governance



Participation

Participation by both men and women is a key cornerstone of good governance. Participation could be either direct or through legitimate intermediate institutions or representatives. It is important to point out that representative democracy does not necessarily mean that the concerns of the most vulnerable in society would be taken into consideration in decision making. Participation needs to be informed and organized. This means freedom of association and expression on the one hand and an organized civil society on the other hand.

Rule of law

Good governance requires fair legal frameworks that are enforced impartially. It also requires full protection of human rights, particularly those of minorities. Impartial enforcement of laws requires an independent judiciary and an impartial and incorruptible police force.

Transparency

Transparency means that decisions taken and their enforcement are done in a manner that follows rules and regulations. It also means that information is freely available and directly accessible to those who will be affected by such decisions and their enforcement. It also means that enough information is provided and that it is provided in easily understandable forms and media.

Responsiveness

Good governance requires that institutions and processes try to serve all stakeholders within a reasonable timeframe.

Consensus oriented

There are several actors and as many view points in a given society. Good governance requires mediation of the different interests in society to reach a broad consensus in society on what is in the best interest of the whole community and how this can be achieved. It also requires a broad and long-term perspective on what is needed for sustainable human development and how to achieve the goals of such development. This can only result from an understanding of the historical, cultural and social contexts of a given society or community.

Equity and inclusiveness

A society's well being depends on ensuring that all its members feel that they have a stake in it and do not feel excluded from the mainstream of society. This requires all groups, but particularly the most vulnerable, have opportunities to improve or maintain their well being.

Effectiveness and efficiency

Good governance means that processes and institutions produce results that meet the needs of society while making the best use of resources at their disposal. The concept of efficiency in the context of good governance also covers the sustainable use of natural resources and the protection of the environment.

Accountability

Accountability is a key requirement of good governance. Not only governmental institutions but also the private sector and civil society organizations must be accountable to the public and to their institutional stakeholders. Who is accountable to whom varies depending on whether decisions or actions taken are internal or external to an organization or institution. In general an organization or an institution is accountable to those who will be affected by its decisions or actions. Accountability cannot be enforced without transparency and the rule of law.

From the above discussion it should be clear that good governance is an ideal which is difficult to achieve in its totality. Very few countries and societies have come close to

achieving good governance in its totality. However, to ensure sustainable human development, actions must be taken to work towards this ideal with the aim of making it a reality.

Elements of Governance

ADB further clarifies its concept of governance by identifying four elements. These are:

1. Accountability
2. Participation
3. Predictability
4. Transparency

The underlying concepts are discussed at length in ADB's publication on Sound Development Management. Here is a quick introduction to these elements.

1. Accountability:

Public officials must be answerable for government behavior, and responsive to the entity from which their authority is derived.

Promoting accountability in governments build the capacity to undertake economic reforms, implement them successfully, and provide citizens with an acceptable level of public services. Criteria are established to measure the performance of public officials, and oversight mechanisms set up to make sure the standards are met.

Accountability is imperative to make public officials answerable for government behavior and responsive to the entity from which they derive their authority. This may be achieved differently in different countries or political structures, depending on the history, cultural milieu, and value systems involved. The mechanisms employed may vary from audit covenants, at one level, to broadly elected legislatures or more narrowly conceived consultative committees, at another.

Accountability also means establishing criteria to measure the performance of public officials, as well as oversight mechanisms to ensure that the standards are met. The litmus test is whether private actors in the economy have procedurally simple and swift recourse for redress of unfair actions or incompetence of the executive authority. Lack of accountability tends in time to reduce the state's credibility as an economic partner. It undermines the capacity of governments to sustain the long-term business confidence

essential for growth-enhancing private sector investment. Looked at from this angle, accountability can help reduce sovereign risk.

The accountability of public sector institutions is facilitated by evaluation of their economic and financial performance. Economic accountability relates to the effectiveness of policy formulation and implementation, and efficiency in resource use. Financial accountability covers accounting systems for expenditure control, and internal and external audits.

2. Participation:

Participation refers to the involvement of citizens in the development process. Beneficiaries and groups affected by the project need to participate so that the government can make informed choices with respect to their needs, and social groups can protect their rights.

Participation in governments by

- Encouraging the participation of project beneficiaries and affected groups
- Improving the interface between the public and private sectors
- Empowering local government by letting them take ownership of the project
- Using NGOs as vehicles for mobilizing and reaching project beneficiaries

The principle of participation derives from an acceptance that people are at the heart of development. They are not only the ultimate beneficiaries of development, but are also the agents of development. In the latter capacity, they act through groups or associations (e.g., trade unions, chambers of commerce, non-government organizations [NGOs], political parties) and as individuals (e.g., through letters to newspaper editors, participating in radio and television talk shows, voting). Since development is both for and by people, they need to have access to the institutions that promote it (e.g., representative bureaucracies).

Participation is often related to accountability, but not necessarily so. In representative democracies, where citizens participate in government through the electoral process, public officials are, indeed, accountable ultimately to the electorate. This may not be the case, however, in other political systems (although accountability is still important). For all economies, though, the benefits of participatory approaches can be considerable.

These include improved performance and sustainability of policies, programs, and projects, as well as enhanced capacity and skills of stakeholders.

At the grass roots level, participation implies that government structures are flexible enough to offer beneficiaries, and others affected, the opportunity to improve the design and implementation of public programs and projects. This increases “ownership” and enhances results. At a different level, the effectiveness of policies and institutions impinging on the economy as a whole may require the broad support and cooperation of major economic actors concerned. To the extent that the interface between public agencies and the private sector is conducive to the latter’s participation in the economy, national economic performance (comprising the combined contributions of the public and private sectors) will be enhanced.

Participation in economic life by agents other than the state would cover not only the role of the private sector, but also the activities (growing in recent times) of NGOs. These elements of civil society offer an alternative means of channeling the energies of private citizens. They can be helpful in identifying people’s interests, mobilizing public opinion in support of these interests, and organizing action accordingly. Being close to their constituents, NGOs can provide governments with a useful ally in enhancing participation at the community level and fostering a “bottom-up” approach to economic and social development.

3. Predictability:

A country's legal environment must be conducive to development. A government must be able to regulate itself via laws, regulations and policies, which encompass well-defined rights and duties, mechanisms for their enforcement, and impartial settlement of disputes. Predictability is about the fair and consistent application of these laws and implementation of government policies.

Predictability refers to (i) the existence of laws, regulations, and policies to regulate society; and (ii) their fair and consistent application. The importance of predictability cannot be overstated since, without it, the orderly existence of citizens and institutions would be impossible. The rule of law encompasses both well-defined rights and duties, as well as mechanisms for enforcing them, and settling disputes in an impartial manner. It

requires the state and its subsidiary agencies to be as much bound by, and answerable to, the legal system as are private individuals and enterprises.

The importance of rule-based systems for economic life is obvious. They are an essential component of the environment within which economic actors plan and take investment decisions. To the extent, therefore, that legal frameworks help ensure that (i) business risks can be assessed rationally, (ii) transaction costs are lowered, and (iii) governmental arbitrariness is minimized, they should prove conducive to risk taking, growth, and development. In the opposite scenario, the capricious application of rules generates uncertainty and inhibits the growth of private sector initiatives. Regulatory uncertainty also tends to raise the cost of capital by increasing the risk of investment.

Besides legal and regulatory frameworks, consistency of public policy is also important. Government policies affect the investment climate directly, and economic actors require reasonable assurance about the future behavior of key variables such as prices, the exchange rate, and employment levels. However, consistency does not mean rigidity. Governments do need to respond flexibly to changing circumstances and to make midcourse corrections, as necessary. Also, when governments change, the successor administration will, understandably, want public policy to reflect its priorities, rather than those of its predecessor. Barring such situations, though, consistency in the broad directions of government policy is valuable (with modifications being limited, as far as possible, to fine-tuning).

Predictability can be enhanced through appropriate institutional arrangements. For example, it has been argued that an autonomous central bank could lead to more predictable monetary and exchange rate policies. Many governments face the challenge of regulating money supply, while pursuing expansionary fiscal policies to encourage investment. In such situations, if monetary policy is too accommodating, inflationary pressures can put investor confidence at risk, thus defeating the very objective of the fiscal policy. In some countries, managing the fiscal deficit may be made more difficult by compulsions to bail out a politically manipulated banking sector. Granting greater autonomy to the central bank is one way that governments can signal investors that macroeconomic policy will be prudent and sound. Insulating economic ministries from political pressures can have similar benefits, but may be more difficult to achieve.

4. Transparency:

Transparency refers to the availability of information to the general public and clarity about government rules, regulations, and decisions. Thus, it both complements and reinforces predictability. The difficulty with ensuring transparency is that only the generator of information may know about it, and may limit access to it. Hence, it may be useful to strengthen the citizens' right to information with a degree of legal enforceability. For similar reasons, broadly restrictive laws that permit public officials to deny information to citizens (e.g., an Official Secrets Act) need to provide for independent review of claims that such denial is justified in the greater public interest.

Access to accurate and timely information about the economy and government policies can be vital for economic decision making by the private sector. On grounds of efficiency alone, such data should be freely and readily available to economic agents. While this is true across all areas of the economy, it is especially relevant in the case of those sectors that are intrinsically information intensive, such as the financial sector in general and capital markets in particular.

Transparency in government decision making and public policy implementation reduces uncertainty and can help inhibit corruption among public officials. To this end, rules and procedures that are simple, straightforward, and easy to apply are preferable to those that provide discretionary powers to government officials or that are susceptible to different interpretations. However well-intentioned the latter type of rule might be in theory, its purpose can be vitiated in practice through error or otherwise.⁹

In practice, though, it may sometimes be necessary to place limits on the principle of transparency. In doing so, it may be helpful to distinguish information as a commodity from information as a process. For example, intellectual property rights may need to be protected in order to encourage innovation and invention; but decision making on the establishment of intellectual property and rights thereto (i.e., to whom they are granted and why) should be transparent.

Principles Good Governance:

1. Participation: resource management arrangements should include adequate participation of all stakeholders. Long term programs for stakeholder education and awareness should be undertaken to facilitate informed participation.

- 2. Transparency:** decisions regarding resource management should follow a defined and established process. All elements of the process should be clearly understood by all participants.
- 3. Reliability (Certainty):** the process (of reaching strategic management decisions) should have clear objectives, be consistent, and be conducted within agreed time-frames.
- 4. Accountability:** decision makers within government need to be able to provide clear and detailed reasons for their decisions to all stakeholders. Appeal provisions to an independent authority should exist. Private operators must be accountable for commitments made during the activity approval process. Impact assessments should incorporate impartiality, for example through use of independent panels to oversee the process.
- 5. Enforceability:** while governance arrangements should be designed to minimize the costs and need for enforcement, such enforcement must be achievable in practice, adequately resourced, and undertaken when necessary.
- 6. Integrity;** decisions need to be based on the best available science, and all relevant factors need to be taken into account by decision-makers. Where impacts are uncertain, outcomes should rely on sound risk assessment and management, erring on the side of caution. Where necessary information is lacking, extension of scientific knowledge should be undertaken.
- 7. Cost-effectiveness;** approval processes and on-going management arrangements should meet stated objectives while imposing the least cost to participants. Economic incentives should be used to minimize the need for enforcement.
- 8. Flexibility;** management, including activity approval processes, should be able to accommodate proposals varying in type, scope of impact, and complexity. Flexibility is desirable in terms of the form of assessment and management processes, issues to be addressed, process time-frames, and degree of public participation.
- 9. Practicality:** activity approval processes and ongoing management arrangements should recognize community concerns, commercial realities, best practice technology, and scientific knowledge and uncertainties.

Local Government and Good Governance:

Good Governance is in the heart of democratization process. Governance arrangements in the public services are closely scrutinized and sometimes criticized. Significant governance failings attract immense attention and one significant failing can taint a whole sector. Local authorities are big business employing over 2 million people and accounting for 25% of public spending. They are vitally important to all tax payers and citizens. Local authorities have a key role in leading their communities as well as ensuring the delivery of high quality services to them. Good governance structures enable an authority to pursue its vision effectively as well as underpinning that vision with mechanisms for control and management of risk. Effective local government relies on public confidence in elected councilors and appointed officers. Good governance strengthens credibility and confidence in our public services. The function of governance is to ensure that authorities, other local government organizations or connected partnerships fulfill their purpose and achieve their intended outcomes for citizens and service users and operate in an effective, efficient, economic and ethical manner. This concept should guide all governance activity. Good governance leads to good management, good performance, good stewardship of public money, good public engagement and, ultimately, good outcomes for citizens and service users. All authorities should aim to meet the standards of the best and governance arrangements should not only be sound but be seen to be sound. Since 2001 local government has been subject to continued reform intended to improve local accountability and engagement. These are challenging as well as exciting times for local authorities as the change agenda continues. The community local government White Paper, the Lyons Inquiry into local government, the introduction of new electoral systems in Scotland in 2007, the Beecham review of public services in Wales and the restructuring of local government in Northern Ireland will result in a period of significant upheaval for councils across the UK. This year, in England, the drives for higher performance, increased efficiency and the emphasis on the role of political and managerial leadership have remained key but at the same time the Government's agenda for local government and the Lyons Inquiry have contributed to a debate on the very purpose of modern local government. Issues being considered, all of which have significant implications for local authority governance, include:

- the strategic role of local government or ‘place shaping’
- the functions of local authorities and how local government can help rebuild a sense of community within the wider context of Government policy relating to society and citizens
- new structures for funding and accountability
- double devolution – exploring the scope for further devolution and decentralization of powers and responsibilities by transferring the power from central to local government and from local government to citizens and communities and the robust accountability structures required. Accountability from both bottom up(citizens and the community) and top down (central government)
- balancing national standards with enabling local needs to be prioritized. Increasingly, local authorities work with and through a range of organizations and partnerships in order to deliver services and enhance local prosperity. Partnerships are regarded as an essential part of the pattern of public service provision. Working in partnership can bring many benefits that public bodies could not achieve by other means. Local authorities have a key role in the Government’s agenda for partnership working, such as through creating shared services (a public-public partnership) or through the creation of public/private partnerships (PPPs). Local authorities are expected to take a lead in developing Local Strategic Partnerships (LSPs) – umbrella partnerships comprising all sectors of society (public, private, community, voluntary) with the objective of working together to improve the quality of life in a particular locality. However, partnership working brings governance challenges. A one-size-fits-all approach to governance is inappropriate. Governance arrangements must be proportionate to the risks involved. In future it is likely that authorities will be less concerned with direct service delivery and more with commissioning and regulation, influencing behaviour and supporting their communities. Community leadership may become the most important feature of local governance.

Good governance in Local Government means:

- (i) Focusing on the purpose of the authority and on outcomes for the community including citizens and service users and creating and implementing a vision for the local area;

- (ii) Members and officers working together to achieve a common purpose with clearly defined functions and roles;
- (iii) Promoting the values of the authority and demonstrating the values of good governance through behaviour;
- (iv) Taking informed and transparent decisions, which are subject to effective scrutiny and managing risk;
- (v) Developing the capacity and capability of members to be effective and ensuring that officers– including the statutory officers -also have the capability and capacity to deliver effectively;
- (vi) Engaging with local people and other stakeholders to ensure robust local public accountability;
 - developing and maintaining an up-to date local code of governance including arrangements for ensuring its ongoing application and effectiveness
 - preparing a governance statement in order to report publicly on the extent to which they comply with their own code on an annual basis including how they have monitored the effectiveness of their governance arrangements in the year, and on any planned changes for the coming period.

When local government practices good governance, its communities are more connected and engaged, better services are provided, community confidence in council is improved, resources are better used and better outcomes achieved. Councilors elected to local government come from within the community and have many different interests, priorities, skills, experience and expectations. Good governance is all about ensuring that each local government is able to manage its many complex responsibilities effectively, and in the best interests of its community in ways that are transparent, accountable and just.

Governance is the process of decision making and the process by which decisions are implemented – or not. This gets to the heart of how local government operates as decision-making bodies and their relationship with the administration that advises council and implements its decisions. It also includes the ways that local government engages with its communities in this process.

Good Governance is a feature of local government where roles are understood, relationships are respectful, leadership is encouraged, communities are engaged, consensus is sought, transparency valued and the values of integrity are modeled at all levels.

Good governance depends on transparency, accountability and equality in ways that are responsive to the needs of people. It is composed of the mechanisms, processes and institutions through which citizens and groups can articulate their interests, exercise their legal rights, meet their obligations and mediate their differences. Good governance underpins the Australian democratic system of which local government forms the first level. The essential features of good governance are:

Democratic Foundation - Local government's legitimacy comes from representing the interests of its local communities.

Law Abiding - Local government is constituted under an Act of Parliament that places certain obligations of local government and councilors

Accountable - The authority of a council as provided for in the Local Government Act comes from the community through its elected representatives sitting as council.

Corporate Governance - Good corporate governance requires prudent financial management, transparency including adequate auditing and reporting arrangements, and a high standard of budget management to ensure financial sustainability, value for money and the proper management of risks.

Representation - Good governance involves the concept of citizenship with its attendant rights and responsibilities and the concept of a representative body governing on behalf of its electors and in their best interests.

Mandate - A mandate can be drawn from policies presented to the community in the election process, by the development of Community Plans and the engagement of and consultation with citizens.

Policy Development - A local government's Council Plan must make clear the council's strategic objectives and strategies for achieving those objectives. Each local government must determine its own performance indicators consistent with its community's priorities.

Engagement and Participation - Local government must seek community

understanding and involvement in governance through effective communication with its communities.

Chairman and Members articulate the collective aspirations of the community, and provide a source of inspiration for council staff and the community. The role of the Chairman as chair of council and community leader is crucial to effective relationships with the administration and to good governance.

Culture of respect - Councilors and officers have different but complementary roles. Good Governance requires that the differences are understood, valued and respected.

Decision Making - Good Governance requires well chaired and well conducted council meetings where all councilors are able to contribute.

Effective Management - A local government's functional responsibilities are carried out through locally agreed organizational arrangements consistent with the Local Government Act. The chief executive officer is responsible to council for the effectiveness of those arrangements in achieving council's goals in accordance with council's priorities and approved budget.

Efficiency and Assets - Good governance requires that programs and services are conducted efficiently and effectively and that the community's assets are maintained and improved.

To support the development, adoption and implementation of high quality governance processes, protocols, conduct and relationships across the local government sector. Councils are enthusiastic proponents of good governance and keen to optimize the way in which good governance principles are integrated into their processes. Good governance in local government requires a council to fulfill its role effectively, with its governing being characterized by the following elements of good governance:

1. Participatory
2. Consensus oriented
3. Accountable
4. Transparent
5. Responsive
6. Effective and efficient
7. Equitable and inclusive

8. Law abiding.

Good governance is critical to the relationship between each council and its community and to the relationships within each council. A definition of "governance" should be developed including an illustration of what "good governance" looks like in Local Government Councils.

To strengthen the local government it is necessary to take government's services to people's doorsteps and bring transparency and accountability in all sectors" is a much desired step and every sensible person should look forward to seeing the government keeping the pledge. No Central administration can function well without a strong local government. In western democracies, this base administration is the most powerful organization that effectively and smoothly governs the country.

Chapter Four

Historical Background of the Local Government of Bangladesh:

It is usually assumed that local government was the basic form of in the sub-continent till 6th century B.C. At that time, the village people were generally left to themselves. Only when they paid their taxes, the village populations were exposed to the authority of the central government agents. The authority of the central government seldom extended to the remote villages of the sub-continent. Thus, it is said that village self-government in the sub-continent is as old as the oldest Hindu religious writings, dating from approximately 1200 B.C., forms of village self-government are mentioned. The institution of village self-government bodies often called Village Panchayet existed during ancient times and Mughal period in India. Most Scholars tend to agree on the fact that these Village Panchayets were locally constituted bodies which looked after different aspects of village life such as enforcement of law and order, resolving legal and social disputes and maintenance of tanks, arrangements of village education. The villagers led a corporate life and the Village Panchayets played an effective role in managing village community affairs exercising a high degree of social control based on the age old traditions, customs and religious sanctions. The Panchayets were self financed and used to generate their own resources to fulfill their functions. Thus, tradition and local customs contributed to the formation of laws and village bodies consisting of the elderly and respected villagers looked after their implementation.

Historical Development of Local Government in Bangladesh:

Historically, local government was always there in Bengal. Only its forms differed from age to age. The ancient and medieval governments of Bengal were heavily dependent on village institutions, which made the structure of the local government. The village society was left to itself for its own governance. The king remained contented with its share in produce in the form of tax. There were state-sponsored institutions, such as village headman and village councils of many denominations. These were instituted for double purpose: to collect tax and to keep the people together for keeping the kingdom happy and prosperous. There is not enough record to discuss in details about the actual nature of local governance under the state-sponsored institutions like Gramin, Gramika, Gramapala, etc. It is quite possible that above the village level, there existed no local self-

government but a local extension of the central authority, perhaps tempered by some degree of local consultation system through a social council system.

Medieval Period:

Historians reckon the beginning of medieval period with the establishment of Turko-Afgan rule in Bengal from the 13th century. It is believed by many, but disputed by others, that administration of villages in medieval times was left to the Panchayets'. Each village had its own council or Panchayet. The Panchayat was an elected body with executive and judicial functions. But often the headman controlled the Panchayat (Siddiqui2005:29¹). It appointed or elected its own headman who served as a link between the village and the central government. The headman collected revenue from the cultivators and forwarded the same to the treasury. He was answerable for delays in revenue collection. A Patwari or village accountant working under the supervision of the headman used to keep records of crops and revenue. The Panchayets were generally entrusted with the task of looking after education, irrigation, religious practices and moral conduct of the villagers. Holding fairs and festivals and maintenance of law and order were also their functions. During the Mughal rule of India, the Panchayat system disappeared altogether.

It is not clear whether the administrative units during the medieval period were the same as those in the ancient period, but it seems that revenue collection became more organized during the Mughal period and local administration was more geared up to that end. Thus, during the Mughal rule, Sarker/Chakla and Pargana emerged as the focal point of revenue and general administration. Secondly, during the medieval period, there is no evidence of local consultation through council system; it was quite simply a tap-down administration consisting of the extension of central authority into the local areas. These two characteristics are likely to have undermined the authority whatever self-government was prevailing at the village level. During the medieval period, particularly under the Mughals, the town gained importance in Bengal. The Mughals were essentially an urban people, and their most remarkable contribution in local government in respect of local

¹ Kamal Siddiqui, (ed.), “ *Local Government in Bangladesh*” ,Third Revised edition, UPL, Dhaka, 2005,p.29.

government was in the urban areas. The office of Kotwali was developed as the cornerstone of the municipal organization during this period. Appointed under a Sanad of the Emperor, the Kotwal was a person of high status; law and order was his first responsibility, and he used to maintain a body of horses, city guards and a group of spies. Almost every sphere of city life was under his responsibility.

Above the village level, the administrative set-up during the medieval period was as follows:

Figure-2: The Administrative Set-up during the Medieval period

Sultanate Period		Mughal Period	
Unit	Ruler	Unit	Ruler
Iklim	Uzir	Suba	Subahdar/Nazim
Arsha	Shar-e- Laskar	Sarkar/Chakla	Faujdar
	”		
Shaha	”	Pargana	Shikdar
Kashba		Thana	Thanadar

Source: Anisuzzaman(1982)²

It is not clear whether the administrative units during the medieval period were the same as those in the ancient period, but it seems that local revenue collection became more organized during the medieval period and local administration was more geared to that end.

Mughal contribution to the development of urban local government was remarkable as Mughals gave considerable importance to towns. Each town included a number of wards or Mohallas. A Mir Mahalla was appointed to act as a spokesman for each Mahalla. The Kotwal, or Chief Executive Officer of the town, wielded wide-ranging powers including magisterial, police, fiscal and municipal power. Two officials assisted him in performing his duties: a Kazi who was a judicial officer and a Mahatasib who was assigned to prevent illegal practices, (Siddiqui 1992:17-18³). The Mughal system with all its

² M Anisuzzaman, “Public Administration in Bangladesh” (in Bengali), Center for Social Studies, Dhaka,1982.

³ Kamal Siddiqui, (ed.), “Local Government in South Asia: a Comparative Study on Bangladesh”, UPL, Dhaka, 1992,p.17-18.

novelties lacked mechanisms for participation by the citizens. It was nothing more than a top-down hierarchical administrative system that was intended to be an extension of the central authority into the local areas.

Local Government in Bengal during the British Period (1765-1947):

The British rulers in India did not adopt the indigenous institutions of local government. The institutions nurtured by them were modeled on their own. Also local government in rural and urban areas did not evolve along the same lines. When British came to this country, they first settled in the trading centres of India. Municipal institutions on the pattern of British urban Government were thus the first to be implemented. On the other hand, the evolution of rural local government passed through several stages of trial and error. The British colonial administration established local governments through the local self-government Act of 1885 to maximize land revenue collection and maintain law and order. Naturally, the British as an imperial power had little understanding of and interest in indigenous local self-governing institutions. However, the Village Chowkidari Act, 1870 established Union Panchayets in Bengal to collect tax and to maintain Chowkidars (Village Police). Lord Ripon's Resolution on local self-government laid the foundation of local-government in rural India. This resolution on local self-government of May 18, 1882 was important for two reasons: it set out general principles for development of local institutions in the future and provided the rationale behind functions of local bodies. The Ripon Resolution was passed in 1885 as the Bengal Local Self-Government Act (iii) of 1885⁴.

Local officials during this period come from the local elite. But the process of decentralization during British rule was obscure. The British were not interested in any degree of devolution. What appears from the reality of these local bodies is a picture of oppression and exploitation. There were no positive results for rural people. These experiments only served the colonial interests of the empire. Although India was the first colony to become the experimental ground for such policies of decentralization, the

⁴ Kamal Siddiqui, (ed.), "*Local Government in Bangladesh*", UPL, Dhaka, 1992.

British degree of decentralization is also evident. One of the most obvious examples of this reluctance was the rejection of the report of the Decentralization Commission in 1907, which recommended an elected Panchayet (Tinker 1967:87⁵).

In the arena of urban local self-government, British policy resulted in setting-up a municipal administration in the Presidencies and giving responsibilities to municipal communities for a number of civic communities. But until the 1870s, officials or their designated representatives ran urban local bodies. Gradually, Municipalities became representative bodies with the promulgation of a number of acts between 1870 and 1947. These acts, among other things, introduced election as a mode of choosing one's representative and subsequently extended its coverage. But Chairmen and Vice Chairmen of the Municipalities continued to be elected indirectly by the popularly elected commissioners. One of the acts, the Bengal Municipal act of 1932, strengthened the powers of Municipalities in levying rates and taxes and in the utilization of funds. But the same act provided considerable powers, to the government and local officials to inspect, supervise and control Municipalities and negated the power of taxation of local level bodies to a large degree.

The Chowkidari Act of 1870 tried to revive the traditional Panchayet system. It authorized the District Magistrate to appoint a Panchayet at the village level consisting of five members. The Primary function of the Panchayet was to appoint the Village Watch-Men called 'Chowkidars' for maintenance of law and order. The Panchayet also assess and collect taxes from villagers to pay the salaries of Chowkidars. Lord Ripon adopted the famous resolution on local self-government in 1882. The Resolution made clear that the Governor-General in Council wanted to bring about responsible local government in the countryside. In order to give effect to the famous resolution of Lord Ripon, the Bengal Council passed the Local Self-government Act of 1885. It was a landmark in the history of local self-government in rural Bengal. It provided for a three tier system of local government for rural areas:

⁵ Hugh Tinker, "The Foundations of Local Government in India, Pakistan and Burma" Lalbani Publishing House, New Delhi, 1967

- i. a District Board in each district;
- ii. a Local Board in a sub-division of a district;
- iii. a Union Committee for a group of Villagers.

Pakistan Period:

Reforms of local governance were also made during the Pakistan Period. A new system of local government, known as the Basic Democracies System, was introduced in the late 1950's. According to Zarina Rahman Khan (a Professor in the Department of Public Administration in the University of Dhaka), "General Ayub Khan devised a decentralization policy for rural development under the banner of the basic Democracies System, which offered a four-tier government reflecting a mix of deconcentration and devolution." Rahman and Khan (1997:8)⁶ also added that the Basic Democracies System was designed as a blend of democratic and bureaucratic values. It was in other words, in between 'devolution' and 'deconcentration', which would appear to have nothing common to the 'principles' and 'characteristics' of a decentralized system. Though explicitly propagated as an effective programme of decentralization, in reality the system helped the military regime of General Ayub in exiting the hand of bureaucracy to the local level.

In 1957, the United Front Ministry brought about some significant changes in several laws relating to local bodies in the province. The amendment provided for the following:

- a) Abolition of nomination system as well as reservation of elective seats for the minority community in all local bodies.
- b) Constitution of these bodies entirely with elected members.
- c) Election of members on the basis of adult franchise every adult person of the age of 21 years and above was entitled to be a voter.
- d) Introduction of symbols in the system of voting by secret ballot.
- e) Appointment of one or more Stipendiary Magistrates as Municipal Magistrates, for the trial of certain offences committed under the Municipal Law.

6. H.R.T Rahman and M. M. Khan, "Decentralization and Access: Theoretical Framework and Bangladesh Experience", Asian Profile, Vol.25, No.6, December 1997.

Table-1: Local Government under Basic Democracy order in East Pakistan:

Tier of Basic Democracy	Number
Rural Areas	
Union Councils	4,036
Thana Councils	393
Districts Councils	17
Divisional Councils	4
Urban Areas Union Committees	
Municipal Committees	29

(Source: Siddique 1994:49)

Bangladesh Period:

As a result of its long history of struggle for freedom and Democracy, Bangladesh saw the importance of developing a sound democracy and on increasing people's participation in the political process, decision making, and development of the country after it emerged as an independent nation. Though slow in progress, reforms to strengthen local governance and expand democracy were made. Decentralization was viewed as a strategy that would respond to the call for democratic governance and encourage people's participation. It was also a response to the challenge of reducing poverty. Mujery and Singh⁸ remarked, "The Constitution...gives enough opportunity to the Lawmakers to develop viable self-governing local government institutions. However, as per as the implementation of the objective is concerned, the achievement is far from satisfactory." The following are the various decentralization strategies and developments in the local government system that has been attempted since 1971.

Under the Government of Sheikh Mujibur Rahman (1972-1975):

After the independence, the new government of Bangladesh was confronted with many problems including the problems of relief distribution. For the administration of relief goods, the Relief Committees were constituted at the Union and Thana levels comprising

⁷ Kamal Siddiqui (ed.), "Local Government in Bangladesh", 2nd Edition NILG, Dhaka, 1994,p-49.

⁸ Mustapha Mujari and Lisa Singh, "Case Study on the Impact of Decentralization: Bangladesh".(Retrieved from <http://www.fao.org/sd/pub>),1997.

the local leaders of the Awami League(Wahhab1980:9)⁹. Then, the government abolished basic democracies system and renamed Union Council as Union Panchayet and later Union Parishad. Thana Council was renamed as Thana Development Committee, District Council as Zila Board and Municipality as Pourashava. The government also converted every town, whether big or small, into Pourashava. The government took plan to constitute the Union Panchayet/ Parishad like Relief Committee, whether for strong criticism from various corners, the plan for appointment of the party members was given up; and the Tahshilder (Land Revenue Collector) of the Agriculture Assistant at the Union level was appointed its 'Administrator' keeping in view the location of Pourashava, the circle officer, the Sub-Divisional or the Additional Deputy Commissioner was appointed as its 'Administrator'. This system continued until the elections of the Union Parishad and the Pourashava in 1973. The constitution of Bangladesh, promulgated in December 1972, made the provision for elected local government and people's participation. Hence, the government as it was then constituted and headed by Sheikh Mujibur Rahman was constitutionally committed to establish local government and local administration run by the elected representatives of the people. Unfortunately, the government nor made the report of the "Administrative Service Reorganization Committee (ASRC)" in public which suggested measures for reorganizing the administrative structure of the country. It organized the Union Parishad and Pourashava only, and made no provision for the Thana Development Committee and the Zila Board, the function of this Thana Development Board Committee was performed by the Circle Officer (Development) in consultation with the Thana Relief Committee, and the Deputy Commissioner was made the administrator of the Zila Board (Chowdhury 1987:17-18¹⁰), thus the government headed by Sheikh Mujibur Rahman was not willing to establish elected local government at the Thana level and the District level. Rather the government was thinking of party oriented administration at these two levels.

⁹ M. Abdul Wahhab, "Rural Political Elite in Bangladesh: A Study of Leadership Patterns in Six Union Parishads" of Rangpur District, Unpublished M. Phil .Dissertation, Institute of Bangladesh Studies, Rajshahi University, 1980.

¹⁰ Lutful Huq Chowdhury "Local Self Government And Its Reorganization in Bangladesh" National Institute of Local Government Dhaka, 1987.

It is important to mention here that Fourth Amendment of the Constitution of Bangladesh provided one party state of Presidential rule. As per requirement of the Fourth Amendment, the provision for elected local government was established. By a presidential order, issued on June 21, 1975 the government introduced a new administrative system in which divisions and sub-divisions were to be abolished and sub-divisions were to be upgraded into district. According to the new system, a district was to be governed by an appointed District Governor as Chief Officer-in-charge of general administration of the district. The District Administrative Council was to be set up from September 1975. It was also decided that like the Administrative Council at the district level, the Administrative Council was to be set up at the Thana level in one year's time. It was also decided that the UP will be abolished and the multipurpose co-operatives will be instituted at the village levels. However, the constitution of District Administrative Council mentioned above clearly indicated the authoritarian attitude of the government and it was willing to device a network of control for it. According to its plan, the government announced the list of the District Governors. The Governors were the members of the Nationalist Political Party (BAKSAL). They were supposed to take charges of the districts after a special political training for one month. However, the plan of party oriented administrative system was not materialized as the August Coup 1975 did away with Sheikh Mujib with his whole family.

Under the Military Government of Major General Ziaur Rahman (1975-1981)

After the military coup in August 15, 1975, all pretence of democratic tradition was discarded by General Ziaur Rahman who effectively seized all power as the Chief Martial Law Administrator. Nevertheless, General Zia played a critical role in reviving the local institution of the country. By an ordinance known as the 'Local Government Ordinance 1976' General Zia introduced three tier of system of rural local government. These were:

- a) Union Parishad
- b) Thana Parishad
- c) Zila Parishad

By another ordinance titled 'The Pourashava Ordinance 1977', he organized the Pourashavas (Municipalities) in the urban areas. Both the Union Parishad and the Pourashava were elected bodies except a few nominated female members &

commissioners. The Zila Parishad was not constituted as per provision of the ordinance 1976. The Deputy Commissioner acted as its Chairman and another office Viz., the Assistant Director for Rural Development, or the Assistant Director of Local Government was made its Secretary. However, the nature of functions and the control government over the local bodies through bureaucracy remained essentially the same as under Ayub regime (Ali et al. 1983:59, cited in Wahhab 1996:59)¹¹.

In the Local Government Ordinance 1976, there was another provision for creating a new institution of local government at the village level. Eventually, General Zia created Gram Shava (Village Council) in an attempt to decentralize local government down to the village level. In 1980, two years after General Zia became President, all the Gram Shavas were transformed into gram Sarkar (village government) in each 68000 villages of Bangladesh. The Gram Sarkar was body consisting of Gram Pradhan (village executive) and eleven elected members representing different classes of residents in the village. The Gram Sarkar was a government which could undertake planning and promotional programmes.

With regard to the introduction of Gram Sarkar the opposition leaders especially the Awami League leaders expressed their doubt about the sincerity of the Government. According to them, the Government planned to create a class of village touts to perpetuate the Bangladesh Nationalist Party (BNP) rules through Gram Sarkar. In response to this criticism, the government replied that the political opportunists were opposing the Gram Sarkar, who practiced politics with basis only in town. However, whatever might be the reply of the government, the implicit political objectives appeared when the government made hurry in amending the Local Government Ordinance 1976 to pass the Local Government (Amendment) Act 1980' for establishing the Gram Sarkar. Moreover, the rules for the constitution and functions of the Gram Sarkar were framed in such a way that the government officials as well as the ruling party members were allowed to play prominent role.

The Reforms initiated by General Zia, were a little different from those of the early policies of decentralization. However, bureaucracy was given a free hand to control local

¹¹ M. Abdul Wahhab, "Decentralization in Bangladesh", Genuine Publishers, Chittagong, Bangladesh, 1996

councils once again. These bodies of local government remained as the deconcentrated form of decentralization. The only exceptions were the Union Parishads and Gram Sarkar. Gram Sarkar had many characteristics common to those of Mawhood Model of decentralization. Though for the first time in Bangladesh, the gram Sarkar provided for an equality of representation of various functional interests, but many argue that implicit objectives of the reform package for decentralization during Zia's period was to gain direct political support for the military regime in its process of civilization (Hossain, 1989)¹². The Gram Sarkar were assigned the responsibility of increasing food production, eradicating illiteracy, reducing population growth, invigorating rural cooperatives and maintaining law and order in the village. But this tier was abolished by a Martial Law order in July, 1982.

Local Government in Bangladesh during the Martial Law Government of Lieutenant General Ershad (1982 to 1990):

General Zia was assassinated in a Military Coup in 1981. The new Military regime of Lt. General Ershad, which seized power in March 1982, then abolished the Gram Sarkar. On the day of assumption of power General Ershad announced the desire to evolve a new administrative system which would be people oriented and capable of removing the gap between people and administration (General Ershad's Address to the nation through radio and television, March 24, 1982). To recommend such administrative system, a committee was appointed on April 28, 1982 known as 'the Committee for Administrative Reorganization/Reforms (CARR)'.
 After being accepted the recommendations of CARR Committee Report, General Ershad instituted a high powered national implementation committee for administrative reorganization known as "the National Implementation Committee for Administrative Reorganization/Reform (NICAR)" in August 1982. However, the process of decentralization recommended by the CARR began with the cabinet decision of October 23, 1982, entitled "Resolution on Reorganization of Thana Administration" according to which Thana was declared as the focal point of all administrative activities¹³. The

¹² G. Hossain; "General Zia's BNP: Political Mobilization and Support Base", in E.Ahmed (ed.) Society and politics in Bangladesh, Dhaka: Academic Publishers, 1989.

¹³ Government of Bangladesh, Ministry of ministry of Local Government Rural Development and Co-operatives, Manual on Thana Administration, 1992, Vol.1.

Resolution divided the governmental functions at the Thana level between the central government and the Thana Parishad, the local government at the Thana level. The central government retained itself regulatory and major development functions basically, local development in nature, were transferred to the Thana Parishad. As per decision of the NICAR, thanas were upgraded and the officials of high caliber including a chief executive officer called the 'Thana Nirbahi Officer (TNO)' were posted there.(Wahhab 1996:68¹⁴)

The Local Government (Union Parishad) ordinance 1983 provides rules for the constitution of UP. UZP, the central focal point of decentralization policy of General Ershed, was organized with the Local Government (Thana Parishad and Thana Administration Reorganization) ordinance 1982. The ordinance 1982, which had been amended several times, provided the composition, functions and other operational details of the UZP, directly elected the UZPs Chairmen for a period of five years, but before the election of the Chairmen held in 1985, the UNOs acted as the Chairmen of the UZPs for a period of five years.

In hundreds of public meetings at the beginning of this reform process, General Ershad and his architects of the UZP model pronounced that improving access and promoting participation were the primary goods of their reform. In contradiction to this pledge to the nation, the regime exploited every possible opportunity to weaken the democratic forces in the system and strengthen the bureaucrats, the old masters of the society. The political history of Bangladesh was repeated once again in the 1980s as the UZP was politicized and biased in favour of the ruling military regime, just as its antecedents the Basic Democracies System of the 1990s and the Gram Sarkar of the 1970s had done.

Caretaker Government(December,1990- March,1991):

The first caretaker government was introduced in Bangladesh under the leadership of the then Chief Justice Shahabuddin Ahmed. The functions of ZPs were suspended and the incumbent Chairman was removed. The UZPs and UPS continued to function as usual.

¹⁴ Ibid,p.68.

Under Khaleda Zia's Five –Year Rule (1991-1996):

It took Khaleda Zia only a few months after she retained power to abolish the UZP and reinstate the previous bureaucracy- dominated Thana administration by promulgating the Local Government (Upazila Parishad and Upazila Administration Reorganization). In 1992, the BNP government appointed a commission on local government known as the “Nazmul Huda Commission” which recommended a two-tier local government, though formally four tiers were mentioned. In its recommendations there were structural anomalies, some of which were removed through cabinet decision. In June, 1992 a cabinet resolution was passed to replace the UZP by Thana administration (GOB, 1992¹⁵). Khaleda Zia's decision to depoliticize the UZP was motivated by the fact that her party, the BNP, had only a handful of chairman in the UZP. BNP did not take part in the UZP elections in 1985. In the second UZP elections in 1990, BNP was placed 5th, winning control of only 24 UZP (out of 460) (Mukta Barta March 31, 1990¹⁶). However, the abolition of the UZP is seen as the victory for the bureaucrats whose plan during this crucial period was to exploit the changed political situation to benefit them. Ironically, the democratically elected government of Khaleda Zia indulged itself in an anti- democratic practice in an anti-democratic practice as regards to decentralization. As a result, the basic purpose of decentralization to bring administration nearer to the people remained unfulfilled.

Khaleda, who failed to provide any form of local government during her five-year rule, is criticized for the persistent crisis in governance. The local government institutions were getting weaker and weaker. The NGO interventions made the local government institutions ineffective and furthermore stifled participation by local individuals. The rural people apparently gained more access to and received more resources from foreign funded NGO's who seemed to have distanced themselves from local government.

¹⁵ Resolution, GOB, 1992

¹⁶ Mukta Barta (A widely Circulated Bengali National Daily Newspaper), 31st March, 1990.

Under the Government of Sheikh Hasina (1996 to 2001):

Aware of the above problems, when in 1996 the Bangladesh Awami League came to power under the leadership of Prime Minister Sheikh Hasina set up a high-powered Reform Commission. The objective was formulated as follows: "Establishing truly representative democratic local bodies entrusted with administrative and financial powers with a view to expediting decentralized development process and ensuring spontaneous people's participation in planning and management of local level development". The intention of the government is clear and straightforward. It has already shown sufficient commitment, but it still has to prove whether the intention can be transformed into reality. They constituted a Local Government Commission, their Report on 'Local Government Institutions. Strengthening' was published in May 1997. The commission recommended "a four-tier" local government structure including Gram/Palli (Village) Parishad, Union Parishad, Thana/ Upazila Parishad and Zila/ District Parishad." While local government bodies exercise some degree of local autonomy, a higher body in the administrative hierarchy, or the national government itself, closely supervises them. Westergaard (2000)¹⁷ observes that, "like the previous local government systems, the local bodies are controlled by the central government in all aspects." Mujeri and Singh¹⁸, in their study on the impact of decentralization in Bangladesh, describe it as a patron-client relationship existing between the national and local governments. According to them, the territorial jurisdiction, functions and revenue/expenditure patterns of different tiers of the local government are determined by central legislation and their activities are guided and supervised largely by departments and agencies of the central government.

Under the Government of Khaleda Zia Second Term (2001-2006):

The present government, after it came into power in 2001, again initiated a change in the local government structure. They have proposed the introduction of Gram Sarkar in place of Gram Parishad. Recently, an Act has been passed for enabling the creation of Gram Sarkars. These bodies will be created at Ward level. Each Gram Sarkar will represent 1-2

¹⁷ Westergaard, Democratization in Bangladesh: Local Government and NGOs, Department of Political Science, Yale University, 2000

¹⁸ ibid

villages comprising on average 3,000 people. The Union Parishad Member elected from the Ward will be the Chairman of the Gram Sarkar, which will have other members, both male and female, elected in a general meeting of the votes of the Ward, under the supervision of a prescribed/directing authority'. Legislation defines the functions to be assigned to it by the government from time to time. Gram Sarkar will have the right to constitute issue-based standing committees as and when required, and to determine the membership of such committees. The way Gram Sarkar have been selected in each ward, has been criticized from every corner of Bangladesh. It is obvious that this has been done to strengthen the power base of the ruling Bangladesh Nationalist Party (BNP) in the rural areas.

Care Taker Government (January, 2007- January, 2009):

In a view to strengthen local government, Fakhruddin Government constituted a "Local Government Institutions Restructuring and Strengthening Committee" under Local Government Department. The committee submitted their Report on 3rd June, 2007. The committee recommended for a three tier local government, such as

- 1) Zila Parishad
- 2) Upazila Parishad and
- 3) Union Parishad

With elected people's representative (The Daily Prothom Alo, March 23, 2008¹⁹) Government amended Upazila Parishad Act, 1998 to revoke the authority of the MPs over Upazila Parishads. Upazila Parishad ordinance, 2008 passed and necessary action were taken to declare the date of election for Upazila Parishad Chairman. Upazila Parishad Ordinance, 2008 approved in principle, "the keeping provision of two Vice-Chairmen along with the Chairman of the Parishad". This approval was given at a meeting of the council of advisers held with Chief Adviser Dr. Fakhruddin Ahmed in the chair on May 14, 2008. (BSS, May 14, 2008²⁰) of the two vice chairman posts, one is reserved for the women who will be elected by direct voting. Besides, Union Parishad Chairman, Pourashava Chairman, Pourashava Mayor and Woman members of the reserved seats will be the member of Upazila Parishad.

¹⁹ The Daily Prothom Alo, March 23, 2008

²⁰ BSS, May 14, 2008.

The objective of the ordinance is to ensure good governance, accountability and transparency of the grassroot level administration while making their activities more dynamic and realistic. The council asked the authority concerned to further scrutinize the proposal before placing it soon with necessary amendments.

Sheikh Hasina Government(6'Jan 2009 to till now):

Newly elected Sheikh Hasina-led grand alliance government is also committed to reactivate the Upazila system, as it was one of the commitments cited in election manifesto and establish good governance in local level in Bangladesh. Government passed the bill titled "Uapzila Parishad (Reintroduction of Repealed Act and Amendment) Bill, 2009 on 6th April, 2009 which was placed in Parliament on February 24, 2009. This Amendment made legislators advice mandatory for the local bodies; exactly MPs retain power over UZP.

Conclusion:

The history of local government in Bangladesh shows that local bodies have been established at deferent levels in different periods. Act/Ordinances have been enacted to form local bodies at Village, Thana, District and Divisional levels from time to time. Only in the case of Union and District, continuity has been maintained. Changes in levels of local bodies with the change of government have created confusion in the minds of people while making it difficult for local bodies concerned to play any effective role in the absence of stability. Similar to the changes in levels, on the issue of representation continuity has not also been maintained. Emphasis on elected members has alternated with the system of nomination at various times. One explanation for not developing the local government institutions, as representative bodies could be the policy of controlling these through nominated members or bodies. The colonial legacy may be a factor behind this attitude of the government.

The colonial legacy was not only the factor that led to the failure of local government reforms in Bangladesh. The absence of tangible rewards to be won by participating in local affairs often resulted in apathy and resignation to fate by the villagers. Sometimes, family feuds and social rivalry were accorded more importance than local public affairs. Since the creation of Pakistan, the initiation of major developmental projects suddenly increased the importance of local bodies. Local leaders started compete for the control of

these institutions. Factionalism became prominent and in many cases, obstructed the growth of local government Uneven political mobilization affected all these factors and villagers were not adequately prepared to respond to reforms.

The initiatives in various periods were sometimes conflicting and sometimes confusing. There is no rational basis or satisfactory explanation behind these changes. At the same time, the very broad nature of the responsibilities of the bodies has made it difficult to identify the specific activities that have been assigned to a particular level.

Chapter Five

Upazila Parishad: An Inevitable Level of Local Government for Ensuring Good Governance

Bangladesh is a developing country. Its economy is completely rural based and it has about 90% of its population living in the rural areas. It is important to ensure good governance for the development of these areas, not only for the improvement of socio-economic conditions of the rural people but for the existence of the nation. In the past development programmes based on top-down mechanism have failed to bring any significant improvement in the quality of the life of rural mass. In 1982, Ershad Government took an initiative to decentralize development activities through administrative decentralization to strengthen local government. Except the metropolitan areas, the whole country has been divided into 481 UZPs, as an inevitable level of rural local government to ensure good governance in local areas. UZPs have been made the focal point of administration and entrusted responsibility for ensuring good governance and development in rural areas with substantial autonomy and resources.

Passing of the UZP Act 2008 is a great step to forward towards the administrative process at the UZP level. There are many other government departments. Government departments namely BRDB, Cooperatives, Food department, police etc. are kept beyond the jurisdictional purview of the UZP. Hence, it is needed to make clear rules and regulation about the role of UZP in managing the affairs of those departments that are located at UZP level for the establishment of good governance at UZP level as a local government unit.

Objective of good governance in UZP as a local government unit:

The objectives of good governance at UZP may be divided into four broad categories:

- a) Administrative objective for achieving greater administrative efficiency and creating accountability;
- b) Better economic planning at UZP level;
- c) Equity –for equitable distribution of the benefits of development and ensuring social justice;
- d) Political-for ensuring greater participation of general people in administration, planning and decision-making process.

Structure and Composition of UZP:

Since 1982 significant devolutionary changes have been introduced by the government in the field of rural local government. The aim was to bolster rural local bodies, to take administration nearer to the people through local government bodies and facilitate people's participation in administration and development. As a part of the programme, "The Local Government (Upazila Parishad and Upazila Administration Reorganization) Ordinance" 1982 was passed. Under the decentralization programme of the government, the Thana Parishads were abolished and all Thanas were upgraded into UZPs (sub-districts) and fundamental changes have taken place in the respect of the UZP. According to the Local Government (Upazila Parishad and Upazila Administration Reorganization) Ordinance 1982, relating to the UZP, a UZP consists of

- a) An elected chairman,
- b) Representative members (all chairmen of the UPs under the jurisdiction of the UZP),
- c) Three women members nominated by the government from amongst the women residing in the UZP,
- d) Official members (the holders of the offices in the UZP as specified by the government will be ex-officio members in the UZP without voting right),
- e) Chairman of the UZP Central Co-operative Association and
- f) One nominate male member (eligible for election as Chairman of Upazila Parishad).

All Representative members and the five nominated members are allowed to vote in the UZP meetings. The Chairman of the UZP is directly elected by the entire UZP based on adult franchise. Till the election of the Chairman of the UZP, the Upazila Nirbahi Officer (UNO, the chief executive officer of the Parishad deputed by the government) acted as the Chairman. The tenure of the Parishad is five years.

According to the UZP Act, 1998 a UZP consists of

- a) A Chairman
- b) Members
- c) Women members for the reserved seats.

The Paurashava Chairman or Acting Chairman and UPs Chairmen or Acting Chairmen (in the absence of Paurashava and UPs Chairmen) under the jurisdiction of the concerned UZP will be the ex-officio representative members of the UZP. Out of the total number of UP and Paurashava (if any) members/commissioners, there will be one third reserved seats exclusively for women members who will be elected by UP Members and Paurashava women commissioners from amongst themselves. The ex-officio representative members and women members in the reserved seats will have voting rights. The Voters of the entire UZP based on the adult franchise will elect the UZP Chairman. The Paurashava/ UP Chairmen or Acting Chairman will be considered members of the UZP.¹

According to the UZP Act, 2008 a UZP consists of

- a) A Chairman (The Chairman will be elected by direct votes).
- b) Two Vice-Chairman (Of the two Vice-Chairmen posts, one is reserved for the woman who will be elected by direct voting)
- c) Members (UP Chairmen, Paurashava Mayor and Women Members of the reserved seats will be the members of the UZP)
- d) Women Members for the reserved seats (female candidates will contest directly in their reserved seats in the local government elections like that of their male counterparts and no male candidate will be able to take part in the polls from the same areas)²

The average number of Ups per UZP is about nine. The size of the UZP may be 12-20. The UNO will act as secretary to the UZP Chairman. All UZP-level staff will be accountable to the parishad.

Upazila Unnayan Samannya Committee (Upazila Development Co-ordination Committee)

Upazila Unnayan Samannya Committee (UUSC) comprises a Chairman, ex-office members and official members. The UPs Chairmen within a UZP are the ex-office members of the UUSC. Other members of the committee include three women members

¹Kamal Siddiqui (ed.), "Local Government in Bangladesh" ,Third Revised edition, UPL, Dhaka, 2005.

² Upazila Parishad Act, 2008.

nominated by the government from amongst the women UP members of the UZP and relevant UZP– level officers. The UUSC meetings will be presided over by UP Chairmen in turn as per an alphabetical order of their names. UNO is to act as the Member-secretary of the Committee. The Local Member of the Parliament (MP) is to act as advisor to the Committee. The UUSC is entrusted with a number of functions. These are:

- ⇒ to assess over all development needs of the thana and determine priority areas/sectors for development activities,
- ⇒ resolve inter-union and inter-sectoral conflicts/problems,
- ⇒ relate local level plan with national plan,
- ⇒ give advice to UPs or request for planning and implementing development projects within the UZP,
- ⇒ Monitor the progress of various development projects within the UZP,
- ⇒ Prepare and recommend development projects for its own areas and send them to the ZP and
- ⇒ Carry out other responsibilities fixed by the government from time to time.

In other words, UUSC is act as a ‘coordinating unit’ among the UP, the ZP and relevant national government agencies.

In 1992, the government abolished UZP and established thana in lieu of UZP and constituted a Thana Unnayan Samannya Committee (Thana Development Coordination Committee) at the thana level in order to facilitate local level development activities.

In 1996, the government again established UZP in the place of thana in local level as focal point of local administration. They introduced UZP for ensuring good governance and democracy in local level but no election was conducted. TUSC was upgraded into UUSC in 1996. One Chairman and two Vice-Chairmen will lead UZPs (from now on), while one of the seats of Vice-Chairmen will be reserved for women. The Parishad’s mandate will include administrative and establishment matters, social welfare, planning, designing and implementation of local economic and social policies.

Under the Bill titled ‘Upazila Parishad (Reintroduction of the Repealed Act and Amendment)Bill 2009’ which was placed in parliament on February 24,2009 and it was passed unanimously on April 6,2009 to reinstate ‘Upazila Parishad Act 1998’ allowing the MPs broad control over the UZPs, MPs retain power over UZP and the provisions

are: local MP's advice must be followed by the UZP concerned, the Parishad has to consult the local MP before it approaches the government for any development work, the Parishad must send meeting minutes within 14 days of holding a meeting to the MP concerned, and UNO will act as the chief executive of the Parishads. The Parliament however dropped only the last one, The UNO will now act as secretary to the UZP as per the demand of the UZP representatives³.

Whether the UZPA 2008 gave full decision-making and implementation powers to UZPs while stripping members of the parliament (MP) of any role in local governance. Besides, UZPA 2008 also curtailed the MP's rights to advice the UZP Chairmen. The objective of the Act is to ensure good governance, accountability and transparency of the grassroots level administration while making their activities more dynamic and realistic.

UZP Act, 2008 also empowered the Election Commission (EC) with the authority to hold UZP elections which was earlier taken away from it and given to the National government Section 25 of the current law. EC will have the power to announce schedules for parishad polls through discussions with the national government, instead of taking approval from it⁴.

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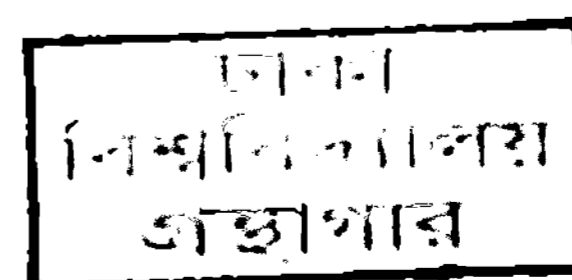
The Local Government (Upazila Parishad and Upazila Administration Reorganization) Ordinance of 1982 contained the provisions of some transferred subjects, some retained subjects, and some retained subjects. Transferred subjects to the UZP administration were health, family planning, education, rural development Co-operatives, fisheries etc.

Significance of UZP to Strengthen Local Government and to Ensure Good Governance:

UZP is the focal point of rural development. A participatory government at UZP shall be established to take decisions on development issues independently to strengthen local government and to ensure of good governance. This will eventually help to reduce the importance of Parliament to the public at large and allow MPs to concentrate on legislative functions, rather than spending time and energy as lobbyists of their constituencies.

³ The Daily Star, April 7, 2009.

⁴ Ibid.



1. UZP as a Framework of Rural Development:

The importance of rural development for a country like Bangladesh where vast majority of the people live in the rural areas, is clear. As 481 UZPs have covered completely rural areas of the country, the development of UZPs is literally means the development of the rural areas of the country and this is the goal of the present decentralization process of the government. Government has created the UZP as a framework for rural development.

There are three types of framework for rural development. These are:

- a) The Traditional Framework;
- b) The Developmental Framework;
- c) The Participatory-Developmental Framework;

The Traditional Framework:

Under this framework the government role is paramount. Each department has its own programme. The department has its field offices and staff, located at the lowest tier of the administration, which operate independently of other departments without any horizontal co-ordination. The departments may use local bodies for implementing their programmes but such local bodies do not have any role to play decision making at planning process of such programmes. Moreover, the local government organizations have been considered as the institutions belong to the jurisdiction to the Ministry of Local Government, Rural Development and Co-operatives. For this reason they are not used by all other departments of different Ministries operating in the rural areas. On the other hand, each department has set up its own rural organizations/extension services to reach the rural population by-passing the existing local bodies. The traditional framework of rural development is thus based on hierarchy, top down planning, centralized decision-making and resource allocation and limited use of local organizations. As a result, it can be argued that this approach tends to cause unrealistic planning, mis-allocation of resources and concentration of authority to government functionaries, thus maintaining age old patron-client relationship in the rural areas.

The Developmental Framework:

The developmental framework tends to stress the multi-sectoral approach with inter-departmental co-ordination and integration of their activities with the objective of optimum use of available resources. It also involves local government organizations in the planning and decision making process in a manner almost similar to traditional framework. Here also the role of traditional functionaries is paramount and planning is still top down. Resources allocations are not based on felt needs. The multi-sectoral allocations under this framework envisage some decentralization and delegation of authority to empower local units of the departments to prepare local level multi-sectoral plans. Local government institutions are used as implementers of decisions and programmes. Various multi-sectoral area development programmes are implemented in Bangladesh like Rural Development Programme-1(RDP-1); Sirajgonj Integrated Rural Development Programme (SIRDAP) etc. are examples of this developmental framework of rural development.

The Participatory-Developmental Framework:

The participatory-development framework emphasizes a multi-sectoral approach for rural development, with a decentralized administrative set up accompanied by the delegation of authorities to government departments and devolution of authorities to government departments and devolution of powers to local government institutions. Under this framework, people's representatives have decision making power over the administrative planning and developmental activities of the local bodies. They will also have the authority on financial matters of the bodies within the limits of financial power given to them by the law. They will manage the affairs of these bodies with the help of government functionaries.

In Bangladesh, the rural development framework of the sixties was 'developmental'. Though there were provisions for popular participation in that framework it was not strictly speaking a 'participatory' framework for rural development. The creation of UZP in 1982 has laid the base for a 'participatory-developmental' framework for rural development in Bangladesh through the devolution of powers to the UZPs.

There should not be any iota of confusion in establishing UZP as the focal point of rural development, with decentralization of powers and functions to address issues like food

production, management of health, family planning, service delivery, educational infrastructure, rural electrification, distribution of fertilizer, management of candidate.

UZPs can intensively supervise the sectors like poultry, fisheries and livestock, social forestry, horticulture, milk production and involve cooperative societies in the marketing of agricultural produces etc. All these initiatives of the UZP will promote poverty reduction, employment generation and empowerment of women capable of addressing any disasters, climatic changes and soil erosion.

2. UZP as a Unit of Local Level Planning:

UZPs can be work as a unit of local level planning for ensuring good governance. With the introduction of the UZP system in 1982, the UZP has been created and given a degree of autonomous power and responsibility under the decentralization programme of the Ershad Government in respect of administration and planning for ensuring good governance. The elected Public representatives run the UZP. UZP level officers of various departments have been placed under the disposal of the UZP. A significant devolution of authority has been made from national government to UZP.

The role of the Thana as an important centre of development and location of economic institutions was first recognized in 1960s. After the success of the Comilla experiment as earlier stated the Thana became the focal and central point for co-ordination of multi sectoral activities at that level. All Thana level offices were located at the TTDC. The Rural Works Programme (RWP), Thana Irrigation Programme (TIP), re-excavation of derelict tanks, credit input distribution, marketing, training demonstration, storage, etc. were developed at Thana level centering around the TTDC.¹⁶ There was a Thana Parishad which was not democratically elected by the people, was rather a bureaucratically dominated and controlled body. The Circle Officer (Development) was the key figure in administration and development activities at Thana level. The Thana plan book was developed for construction of roads, bridges culverts, drainage and irrigation channels, sluice gates, and TIP schemes with the help of technical personnel. In 1977, after six years of liberation of Bangladesh, the Thana Development Committee was constituted with the Chairman of the UPs as members and one of them was selected as Chairman of the committee. Projects were developed and approved by the committee but

planning processes were controlled in practice by the bureaucrats, particularly by the then Sub-divisional Officer (SDO).

It may also coordinate and assist the ZPs in smooth operation of their charter of duties.

Functions of the Upazila Parishad:

The UZP has become the focus of the policy of decentralization. Under the new system, the UZP is a body corporate. In a sense, the UZPs have replaced the old districts as the pivot of administration. Many functions, which were formally carried out at the district level are now being carried out at the UZP level.

Under the new dispensation, functions at the UZP level have been divided into groups namely, “retained subjects” and “transferred subjects”. Important subjects or functions retained by the central government at the UZP level and those transferred to the UZP are given below:

Table 2: Functions of the Upazila Parishad

List of Retained Subjects	List of Transferred Subjects
i. Maintenance of Law and order	Agriculture, including extension services input supply services and irrigation.
ii. Civil and Criminal Judiciary	Primary education.
iii. Administration and a management of central revenues like Income Tax, Land Development Tax, etc.	Health and family planning including UZP Health Complexes, MCH and all Population control services.
iv. Maintenance of essential supplies	Rural Water Supply and Sanitation Programme.
v. Large Scale industries	Rural Works Programme.
vi. Irrigation schemes involving more than one district	Food for Work Programme.
vii. Mining and Mineral Development	Disaster Relief including VGF, IGF, etc.
viii. Generation and Distribution of electric power	Cooperatives and cooperative based rural development functions.
ix. Technical education and all other education above primary level.	Fisheries and Livestock development

List of Retained Subjects	List of Transferred Subjects
<ul style="list-style-type: none"> x. Modernized district hospitals and hospitals attached to Medical Colleges. xi. Inter-district and inter-UZP means of communication. xii. Flood control and development of water resources, and xiii. Compilation of National Statistics. 	

Source:(Kamal Siddiqui 1992:159)⁵

It is apparent that the subjects retained by the central government at the UZP level mainly cover law, order and matters, which have national importance.

The most important function of the UZP is now planning, promotion, and execution of development programmes within the UZP. The UZPs have been assigned responsibility regarding promotion of the local economy; fostering industrial and agricultural growth; and creation of employment. Besides, educational, cultural and social developments are also UZPs functions. The Planning Commission and the Local Government Division for proper planning and implementation of UZP development programmes have issued a block allocations now being provided by the national government for financing the Annual Upazila Development Plan (AUDP) .Elaborate guidelines and functional instructions respectively. In order to ensure speedy execution of development functions, the UZP has been made the final authority for approving the AUDP (earlier, the Thana Parishad Plan had to be vetted by a District Approving Authority). However, the officers dealing with 'retained' subjects are answerable to the UZP. The UZP is also entitled to

⁵ Kamal Siddiqui, (ed.), *“Local Government in South Asia: a Comparative Study on Bangladesh”*, UPL, Dhaka, 1992

call for reports from these officers on their activities, summon them for hearing, inspect their offices and report to the government on any lapse in the discharge of duties.

According to the Upazila Parishad Act, 1998, the main functions of the UZPs are as follows⁶:

- prepare UZP five-year plan and other development plans;
- supervise and co-ordinate the various government department activities which were handed over to the UZP;
- construct and maintain inter-union connecting roads;
- follow government directives to ensure effective use of surface water;
- provide public health, nutrition-related and family planning services;
- ensure efficient sanitation, sewerage works and pure drinking water supply;
- motivate people with regard to extension education and provide assistance for the same;
- supervise and monitor secondary and Madrasa education;
- take steps for the establishment and development of cottage and small industries;
- encourage the activities of co-operative societies and NGOs and coordinate the same;
- cooperate with relevant authorities and implement programmes for the development of children and women, and promote sports and cultural activities;
- undertake programme for the development of the agriculture, livestock, fisheries and forest resources;
- review the law and order situation and activities of the police at the local level and submit reports to the concerned authorities;
- promote self-employment activities, provide assistance for poverty alleviation programmes and coordinate existing activities;
- provide necessary help to the UP and coordinate its activities;
- create public awareness and take preventive measures against cruelty to women and children;
- create public awareness and take preventive steps against terrorism, theft, robbery, smuggling etc;

⁶ Ibid,p.166-167.

- manage the environment and take up social forestry and other development activities of a similar nature;
- perform any other work specified by the government.

Committee System of UZPs:

Each UZP will constitute a number of standing committees. A standing committee would consist of the chairman or any member of the Parishad or any person. The UZP will constitute a standing committee on each of the subjects given below:

- law and order
- health and family planning;
- agriculture, irrigation and environment;
- education;
- social welfare, development of women and children;
- sports, culture and youth development;
- Communication and physical infrastructure development.

Finance of the Upazila Parishad:

The UZP is a rather new addition to the local government bodies in Bangladesh and its finances are met almost entirely from government grants. The government has provided all the manpower and undertaken to provide necessary grant-support to meet the establishment cost of its personnel and to pay the salaries of the personnel. Besides, the government also provides substantial grants to finance development activities of the UZP. However, in keeping with the traditional concept and pattern of local government in the country the relevant law provides for several specific sources of income for the UZP. These are lease Jalmahals (inland natural fisheries); haats and bazars; tax on professions, trades and callings; tax on dramatic and theatrical shows; street lighting tax; fees for fairs; exhibitions etc.; fees for licenses and permits; and tolls services and facilities maintained. Of these, money from leased haats and bazars constitute the most important source. In some UZPs, because of the natural conditions, 'Jalmahals' emerge as a good source of revenue. Tax on professions, trades and callings and fees for licenses and permits are also important income sources. In many case, given proper guidance and attention, the UZP could muster a sizeable income out of the sources identified under the law. In 1986-87 a UZP, on an average, received Tk.3.5 million as cash grant and Tk. 4.5 million as wheat.

Of the total UZP receipts, only 5% was derived from their own income, consisting of income from leased property, tolls, fees, taxes, etc.

There is an undue emphasis on the building of physical infrastructure in the UZP development expenditure pattern. The actual project tends to gravitate to the physical infrastructure even when the sector/sub-sector is agriculture or social welfare. Thus, AUDP expenditure in agriculture (which includes crop, fisheries, forestry and livestock) came down from 15.5% in 1882-83 to 7% in 1987-88. Felt need, visible demonstration effect, non-requirement of long-term planning and maintenance, and relative ease of non-engaging in corrupt practices associated with such projects are possible explanations for this.

Budgeting, Accounting and Auditing of Accounts in UZP:

A local government body is required to prepare a budget under law, before the commencement of each financial year. That body is required to sanction and forward the same to the appropriate authority such as a UZP for financial control and discipline to ensure good governance. Although a self-approving authority is also required to send copies of the budget to the Deputy Commissioner and the government. The government may prepare and clarify a budget if a local body fails to prepare or sanction the same before the commencement of the financial year. As per provision of the respective rules, the local bodies may also prepare a revised budget, usually before expiry of the financial year.

The moneys credited to a local body are too kept in the government treasury or in a bank transacting business with a treasury. The government may specify where the moneys are kept.

The Annual statement of accounts of an UZP is to be prepared after the closing of every financial year and to be forwarded to the government. A copy of the annual statement of accounts is to be placed in the office of the local body for public inspection. After considering all the objections and suggestions made by the public, the local bodies are required to bring it to the notice of the audit authority. In case of UZPs, the UZP Accounts Officer maintains accounts of receipts and expenditures of the Parishad. External auditing is done by the government.

Personnel System of the UZP:

The relevant laws have laid down the principles of personnel system in the local governments of Bangladesh. In case of the UZP, apart from the Chairman the UNO who is to act as the staff officer to the Chairman and chief executive of the Parishad. He assists the Chairman in day to day administration and in implementing the decisions of the Parishads. Besides, he is the custodian of all records of the Parishad. The UNO and other officials with transferred subjects have been deputed and are fully accountable to the UZP. Respective Departments, however, continue to be responsible for the appointment, transfer, promotion and discipline of these officials. The officials dealing with the subjects retained by the government are also answerable to the UZP.

The UZP has deputation's officials. These officials belong to their respective cadre services. Their selection, placement, pay, service conditions etc., are governed by respective service rules. The officers and employees of UZPs are treated as members of Local Council Service. The appointment, promotion, transfer, service conditions etc., of officers and employees in the UZP are guided by the Local Council Service Rules. The Local Government Division of the Ministry of Local Government, Rural Development and co-operatives is the central personnel agency for the management of Local council Service in Bangladesh. The two Ministries are also responsible for the development of uniform principles and techniques in respect of personnel management in local government.

At present the government has designed an organogram for each local government body and fixed the number of employees for each local government body and fixed the number of the employees for each body. Under the Bangladesh Local Councils Service Rules, all full-time salaried employees of UZPs are members of the Local Council Service. Persons deputed from the national government or other agencies are excluded from the Local Council Service. Under the present system there are three categories of employees, Class I, Class II, and Class III. This classification does not, however, include those who are not of the Local Council Service.

Class I is composed of senior administrative and professional posts; Class II, junior administrative and professional posts and Class III, skilled and clerical employees and those with supervisory responsibility for non-skilled workers. It may be mentioned here

that the above classification, particularly in Class I, bears no analogy with the classification of services and posts under the national government. It may be noted that Class IV employees are excluded from the Local Council Service.

Recruitment in UZP:

Under the existing system, there are five types recruitment, namely, direct recruitment, recruitment by promotion, recruitment by transfer, recruitment by temporary appointment and recruitment by deputation. Vacant positions of various units of local government are filled up by of these methods, as determined by the respective service board or appointing authority or government.

No person is eligible for recruitment, unless s/he is between 18 years and 30 years of age (The Selection Board, however, in exceptional cases, can relax the upper age limit and also specify the maximum age limit for a particular position), unless s/he is a citizen of Bangladesh, unless s/he produces a medical certificate of physical fitness as specified by the service board, and unless s/he produces a police verification of antecedents.

For the purpose of filling up vacancies, all Class I, Class II and Class III posts have been classified as 'A' , 'B', and 'C'. The list 'A' posts are filled up by promotion from amongst the members of the service in the class immediately below or holding a lower post in the same class unless otherwise directed by the respective service board with permission from the government. All posts are classified as 'B' are filled by selection on the basis of merit from amongst members of the service eligible for promotion or by direct recruitment as may be directed by the respective service board with permission from the government. All posts classified as 'C' are filled up by direct recruitment unless otherwise directed by the respective service board with intimation with the government. A vacant post may also be filled up by the transfer of a member of the service holding a similar post on comparable pay in a Local Council.

UZP may appoint temporary class IV employees on work charge basis to meet urgent requirements. Provision has also been made for part-time or temporary appointment of Class I and Class II employees with prior government approval, for a specific purpose.

The government may, time to time, specify that certain posts in the Local Council Service shall be filled up from the national government. Salary contribution toward leave salary and pension are paid from its fund. Government servants thus deputed are to accept

responsibilities and obligations attached to the post. However, he continues to be treated as a government servant during the period of deputation. At present the UNO and officials dealing with transferred subjects are on deputation at the UZP. A member of class I service may be transferred within the country, Class II within the Division and Class III within the District.

Training

Training of local government officials and employees is generally limited to the officers and conducted at the National Institute of Local Government (NILG), located at Dhaka. Elected representatives as well as appointed and nominated personnel are provided training at NILG. Some are even sent abroad for short term training. Lower level technical or general staff are rarely given any training or chance to improve their skills.

Service conditions

The salary scale and service conditions are more or less similar to other government services in the country. In addition to basic salary certain fringe benefits such as house rent allowance, medical allowance, contributory provident fund, gratuity benefits, festival bonus etc. are enjoyed by local body employees. Normal retirement age is 57. Class III and Class IV in large corporations and Municipalities also form unions to uphold their rights and privileges.

Discipline

The Bangladesh Local Council Servants Rules (1968) guide the disciplinary conduct of employees of local bodies. These rules contain grounds for penalization, which include inefficiency, misconduct, corruption and subversion. Enforcement of disciplinary action often becomes difficult due to union pressure.

National-Local Relations:

Although the local government bodies in Bangladesh enjoy a degree of operational autonomy, they are in way independent of the central government or of the overall administrative system of the country. As a result, there are a number of areas of interaction between a local body and the government, which cover legal, operational and financial matters as well as control and supervision by the government. Its territorial jurisdiction, the functions it can perform and the taxes it can impose, are all determined by central legislations. Not only are its basic features carved by central Acts but its

activities are also guided and supervised by departments of the national government. Thus, in Bangladesh there is a clear patron-client relationship between the national government and the local government.

Local government in Bangladesh owes its existence to a number of Acts passed from time to time during the British period. At present, the legislations on rural and urban local government are 6 and 5 respectively. These are:

- The Local Government (Union Parishads) Ordinance 1983;
- The Local Government (Upazila Parishad and Upazila Administration Reorganization) ordinance 1982;
- The Local Government (Zila Parishad) Act 1988;
- The Rangamati Hill District Local Government Parishad Act 1989;
- The Khagrachari Hill District Local government Parishad Act 1989;
- The Bandarban Hill District Local Government Parishad Act 1989;
- The Pourashava Ordinance 1977;
- The Dhaka city Corporation Ordinance 1983;
- The Chittagong City Corporation Ordinance 1982;
- The Khulna City Corporation Ordinance 1984;
- The Rajshahi City Corporation Ordinance 1987;
- Local Government Act, 1993 ;
- The Local Government Act 1997;
- The Local Government Act 2003;
- The Local Government Act 2008

Though these legislations, the government determines the structure, composition and tenure of the local bodies; mode of administration of oath and removal of functionaries; sources of funds and their expenditure pattern; method of levying taxes, rates, fees etc.; preparation of budgets; functions; powers, duties and roles of various local government functionaries; personnel system and benefits to be given to the employees; method of making by laws or regulations of the local bodies; and the extent of supervision and control by the government.

Apart from enacting legislations on local bodies, the national government (The Special Affairs Division in case of the three Hill District Local Government Parishads and the

Ministry of Local Government and Co-operatives for the other local bodies) also formulates detailed rules relating to conduct of elections, business, powers and duties of Chairmen, assessment of taxes, preparation of budget, making contracts, appointment and service matters of local government employees, accounts and audit and many other important areas. The local bodies, however, can make regulations. But these are subject to the approval of the national government.

Finally, the Government retains the power to give direction to local bodies. In exercise of this power, the national government issues circulars and directives on various aspects to local government bodies. Apart from the general powers of legislation, rule making, regulation, approval and giving directions, there are also specific instruments of control in the hands of the national government, and the specific means of control exercised by the national government over the local government are discussed under three broad headings i.e.

1. Institutional Control

- i. Territorial Jurisdictions
- ii. Composition of councils
- iii. Local elections
- iv. Personnel
- v. Functional Jurisdiction
- vi. Inter-Institutional Disputes

2. Financial Control

3. Administrative Control

- i. Review of Resolution
- ii. Periodic Inspections
- iii. Removal of Chairman/Member
- iv. Supersession and Dissolution
- v. Miscellaneous Media of Administrative Control

At present, local governments are subject to control in various matters, such as:

- The National Government exacts legislation on local bodies and formulates detailed rules relating to conduct of election, business, powers and duties of chairmen, assessment of taxes, preparation of budget, making of contracts,

appointment and service matters of local government employment, accounts and audit and many other important areas. Even when local governments make regulations, these are to be approved by the central government;

- The Central Government has the final authority in the determination of the size and boundaries of the local body's territory;
- The Central Government has the power to decide on the structure and composition of the local bodies;
- The Central Government substantially controls the personnel system of local bodies, particularly the appointment of the Chief Executive Officer in City Corporations and *Pourashavas* as well as other officials;
- The Central Government controls the functional jurisdiction of local bodies. Besides, designated functions (as in ordinance), the government can assign any other function to a local body;
- Inter-institutional disputes within local body areas are to be settled by the Central Government;
- In the large cities there are multiple agencies offering services to the citizens. Often there is serious lack of coordination amongst them and between the local government body and service delivering central government agencies. This recently assumed a critical situation in Dhaka, as a reaction to which the Mayor of Dhaka proposed a Metropolitan Government for Dhaka. In response, the Central Government formed a Coordination Committee in October 1996 headed by the Minister for Local Government, rather than by the Mayor. Central Government control over even the largest urban local government was thus increased rather than relaxed;
- In the field of finance, government supervision and control is wide and strict. In addition to financial control in general, the central government can wield power by reducing or enhancing Grant-in-aid to local bodies, even to city authorities like Dhaka;
- The Central Government asserts control and supervision over general administration of local bodies, including of large City Corporations. The central government may order an inquiry into the affairs of a local body generally or into

any particular affair either on its own initiative or on an application made by any person to the government; and

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

However, instances of such action in Bangladesh have been rare in recent time.

The present system of local government in Bangladesh is under heavy control of the central government. It is hoped however, that the ongoing process of empowering local governments by the present regime will be able to bring about significant change in the structure. Even if it is a partial success, this would be some gain in favour of local body autonomy.

In the existing system, local government bodies are subject to strong control from higher-level authorities, specially the central government. There used to be a dual control and supervision exercised by both UZPs and the central government in various matters in case of UPs. In the recently approved system however, control would only come from the central government, e.g. in auditing income expenditures. In case of UZPs and ZP, similar control will prevail from central government. UZPs and ZPs would also be subject to internal auditing. The present Awami League government (in power on a five-year term since June 1996) has taken steps to give importance to the empowerment of local governments, beginning at the *Gram* (Village) Parishad to the Zila (District) Parishad. To this end, a Commission was set up and a report has been prepared. The Gram Parishad Bill and the UPs Bill have already been approved. UZP and ZPs Bills are yet to be placed in the Parliament. But it already appears that the Cabinet is not enthusiastic about the recommendation to transfer or devolve some 26 Departments of the central government at the UZPs and ZPs levels. However, the debate is ongoing and a positive outcome is expected.

Upazila Parishad Election:

The first Election to UZPs was held in 1985 after its introduction in the local government system during the regime of the military ruler HM Ershad. But the very existence of UZPs faced a severe crisis following the second election in 1990 when Ershad stepped down in the face of mass movement. BNP government assumed power in 1991 and

dissolved the UZP system. The Supreme Court in a judgment in 1992 directed the government to hold the polls during the tenure.

- Assuming power through the 1996 general elections, Awami League passed the Upazila Parishad Act in 1998.
- The immediate past BNP-led alliance government, which came to power through the general election, moved for holding UZP elections this time and formed a cabinet committee for the purpose. But the committee members failed to reach a consensus on holding the polls.
- All those governments meanwhile sought extension of time on many occasions from the Supreme Court to comply with its directives for holding the polls.
- After January 11, 2007, when Dr. Fakhruddin government came into state power took the issue with due importance and amended the Upazila Parishad Act. According to the previous law, Local Government Ministry was responsible to scheduled election for UZP. New Act gives Election Commission (EC) to do so. While EC was engaged in preparation of voter list for parliament poll, the constitutional body was requested to conduct UZP poll on the same date.
- The previous Caretaker government recently said polls to the UZPs should be held simultaneously with the Parliamentary election, which is scheduled for December 28, 2008 for over 481 UZPs. But after the discussions with the Major political parties of the country such as Awami League and BNP, the Election Commission decided to hold the polls for the UZPs on January 22, 2009.
- Newly elected Sheikh Hasina-led grand alliance government is also committed to reactivate the UZP system as it was one of the commitments cited in election manifesto.
- Bangladesh on Thursday 22 Jan. 2009 witnessed a crucial local government election after a lapse of 19 years, expecting to open a landmark chapter in the country's governance system through administrative decentralization. Over 5,00,000 security personnel including some 40,000 army troops were deployed to help stage the elections to elect representative bodies to 481 UZP's or sub-districts to run the local administration and plan the economic and social development programmes. As many as 7,32,58,950 people are entitled to cast votes to choose

481 chairmen and the same number of vice-chair and women vice-chair of the Parishads from over 8,000 contenders for the most crucial local government body, the UZP, viewed by many experts as a "mini-parliament" significant to constitutional jurisdictions.

The UZPs elections came three weeks after the landmark general elections, which installed Prime Minister Sheikh Hasina's grand alliance into power with three-fourth majority in the parliament after two years of emergency rule under a no-party interim government with crucial military supports. Despite being a non-party election, major political parties have a crucial stake in the polls while they extended supports to unofficial party nominees with their leaders joining the poll campaigns though under an amended law.

In Bangladesh, the UZP has been considered the focal point of the local government for last 26 years. Recently, the Caretaker Government took major steps to strengthen its efficacy with Public representative in power with majority and popular franchise in a view to ensure good governance in the local areas in Bangladesh.

Chapter Six

Findings, Recommendations and Conclusion

Findings

In this study, I have discussed past and present form of UZP as a local government tier in performing services to the local community to ensure good governance in Bangladesh. Local government in Bangladesh is not a self contained entity in its own right as people of the local areas such as in Districts, Upazilas, Unions and Villages strongly desire it though by this time, several initiatives have been taken to activate Upazila Parishad in local level. But, no initiative can prove their vital utility to strengthen UZP. UZP would be inevitable to ensure good governance in Bangladesh.

In the fourth and sixth phase of my study, I have discussed the historical background of the local government in Bangladesh and objective of good governance in UZP, structure and composition, significance of UZP in strengthening local government to ensure good governance. To study the impact on the UZP, I have conducted survey at Narayanganj Sadar UZP, Savar UZP; Comilla Sadar UZP. I have observed that the local people (living in these Upazilas) keenly desire to be governed by the democratic people's representative like UZP Chairmen. They think that UZP Chairmen is a people's representative, accountable to the people. So, he will perform his duties and responsibilities sincerely. UZP system is good and appreciable to local people because it would be helpful to implement development plan. People consider that UZP is essential for ensuring good governance in local level. As UZP Chairmen is a people's representative, they feel free to him. Besides he is cordial and sincere to their complaints and response quickly in taking necessary steps to solve any problem. Through UZP Chairmen, they can participate in decision making process for the development and welfare of the Upazila.

After the abolition of UZP system in 1991, they suffered a lot due to lack of co-ordination, supervision and commitment. Because UZP Chairmen were previously committed to the people. Hafez Mokter had worked successfully as a UZP Chairman at Comilla Sadar Upazila. He took major steps in building roads and highways, culvert, bridge and took initiatives for educational development. As UZP Chairmen, Md. Abdul Awal and Afzal Khan, served successfully at Narayanganj Sadar Upazila. They maintained co-ordination between all the officers at Upazila level. During their tenure,

there was no conflict between UNO and Upazila Parishad Chairman. Due to the development of this particular Upazila during the tenure of Md. Abdul Awal, this UZP was awarded the name of “Adarsha Sadar Upazila.” Feroz Kabir served as an UZP Chairman at Savar UZP successfully and took necessary steps in development procedure effectively.

In this study, I have shown the importance of representative local government at UZP level for ensuring good governance in Bangladesh. To prove the justification of the study, I prepared a Questionnaire exploring whether UZP system is essential or not, UZP system is in favour of good governance as a local government unit, whether UZP system is necessary to strengthen Local government in Bangladesh, inevitability of UZP to ensure good governance in local level, I have also asked for opinion to ensure good governance at UZP level to strengthen local government in Bangladesh. It was answered by the Ex UNO, UNO, UP Chairmen, selected inhabitants of these three famous UZP mentioned above. They remarked that the overload of district court would be reduced by previous UZP. Situation of law and order was good because of the presence of Court at UZP level to serve the local community by saving time and money of the local people. UZP would be helpful for the participation of local people and development of the local areas would be accelerated through that system. It would be a focal point for ensuring good governance in local level in Bangladesh. Previous UZP Chairmen (rank was unofficially equivalent to deputy Secretary) had the power to write to the Ministry directly regarding any issue to save time and money. But when it was abolished a time consuming problem was created due to this to solve any problem. Because UNO has to write to DC about any problem, DC has to write to Ministry through proper channel to take necessary step to solve the problem which is a lengthy process, killing time and wasting money. UZP Chairmen was accountable to Ministry of Local Government and to local people to whom he was committed to serve according to the previous UZP system.

During the study, the problems that I found lying with UZP to ensure good governance and to strengthen local government in Bangladesh are stated as below:

1. Conflict between MP and UZP Chairmen:

There were conflicts between MPs and UZP Chairmen to take part in development activities of the UZP. Besides MPs never like to empower UZP Chairmen as they are

acting as advisor after the abolition of the UZP system. MPs again retain their power over UZP as Parliament unanimously passed the much talked about bill to reinstate UZP Act 1998 allowing the lawmakers broad control over the tier of the local government system on April 6, 2009. The newly acted UZP Chairmen and Vice- Chairmen have been opposing the bill, fearing interference from the lawmakers. The current law empowers the MPs to become advisers to UZPs where UZP Chairmen are bound to accept their suggestions. But in UZP Act, 2008 amendments were brought to the current laws, lawmakers would have no power over UZP and EC would have the power to announce schedules for parishad polls through discussions with the national government, instead of taking approval from it. In the wake of a long standing demand for repealing the authorities of lawmakers over local government institutions, the caretaker government took the decision in a bid to strengthen the local government system, making it free of interference from the national govt.

2. Conflict between UZP Chairmen and UNOs:

There were conflicts between UZP Chairmen and UNOs in previous UZP system because of different opinion in development procedure. Conflict over the single vehicle given by the government for both UZP Chairmen and UNOs were entitled to use that vehicle. UNOs were not willing to carry out commands of the UZP Chairmen. UNOs were made secretaries to the UZP.

3. Previous UZP Chairmen forced on Upazila Magistrates illegally.

4. Previous UZP Chairmen used abusive language to the officers serving at the Upazila. Officers were ill-treated by the UZP Chairmen in some areas. Due to this co-ordination was hampered

5. In some areas, UZP Chairmen were biased and partisan in providing service to the local people

6. In most of the areas, UZP Chairmen were not properly educated and capable to lead, direct and co-ordinate with the highly educated officers serving the nation at UZP level for ensuring good governance and to strengthen local government.

7. Lack of participation of the local people in planning, decision making for the development of the Upazila after the abolition of the UZP.

8. Absence of democratic local representative to strengthen local government as a pre-requisite to ensure good governance in Bangladesh after the abolition of the UZP system.
9. UNOs are alien. Local people never feel free to raise their demand. In this point of view, necessity of the local people was ignored through the abolition of UZP and by the unwillingness to hold UZP Election.
10. MPs as the lawmakers should be busy in policy initiation as the part of the national government. If they waste time in interfering with UZP Chairmen and exercise power over them, it will hamper the efficiency of both the national and local government. It will create a major problem in ensuring good governance by the local governors like UZP Chairmen.
11. As the activities of judicial system from UZP have been withdrawn since 1991, local people have been deprived of justice .It created a major problem in maintaining law and order in UZP. Besides, it burdened the district court in providing service and also made judgment procedure lengthy, time consuming and expensive to the local people.
12. If UZP would not be allowed to play their appropriate roles and functions in its own way, it would not be able to ensure development, accountability and transparency to strengthen local government and to ensure good governance in Bangladesh. Besides, UZP would not be capable to combat corruption in local level.
13. There is enough evidence to clearly show what has not worked at the UZP as a local government unit to ensure good governance in Bangladesh. Factors that stand out include:
 - a. process tinkering and tweaking the existing system,
 - b. uniformity and standardization of structure,
 - c. reforming structures
 - d. utilization for partisan strategic and political alliance and
 - e. Micro-management from the top.
14. Use of narrow political interest by the ruling party in implementing development programmes at the UZP level.

Recommendations:

1. Members of Parliament (MPs) should not take part in the local level development activities:

Experts said that to ensure better democracy and good governance, Members of Parliament (MPs) should not take part in the local level development activities. Local bodies should be managed by the local level leaders. A section of governance experts are saying that the status of the local government representatives at all levels should be enhanced and determined clearly by law. UZP Chairmen enjoyed the status of Deputy Secretary that should be uplifted at least to the level of Additional Secretary. Experts are giving the logic that, MPs are getting the status of a level that is lower than Deputy Minister and higher than Secretary. So, UZP Chairmen deserves the above said level of status. On the other hand, Union Parishad, the first step of local government representatives, who are directly elected by the people of a certain locality, has no status in state protocol. Because of this shortfall, no capable and respectable persons are willing to come in local body to run the show.

As of the latest law, a local body has to prepare budget, plan for development, prepare project documents, implement projects, must go through the auditing process and so on. To dispense these responsibilities, a local body needs a leader who would be able to administer a group of professionals. Bangladesh needs a strong well managed local government system, which could minimize the competition for MP's position, could ensure the good governance at grassroots level and would be able to establish a nation with better democracy. Present government has the mandate from the people to do anything for welfare of the nation; the government should be attentive on this issue. Strong local government is essential for better democracy.

2. The Way Ahead:

Local government as a political institution to ensure public participation in development activities is yet to take proper shape in Bangladesh. Since Independence in 1971, successive governments have tried to use the local government system for their own political interest. The party or regime in power wanted to make the local government representatives their power base and manipulated the system to this end. In a recent paper, a Professor of Public Administration of Dhaka University notes that: "The existing

administrative structure and elected local bodies do reach the grass-roots level and have almost all the features necessary for participatory decentralized administration. But, this structure has failed so far to perform efficiently for two reasons. Despite the strong support for local government enshrined in the Constitution, the central government has compromised these advantages by exercising control over local government and starving these agencies of resources. Most administrative decisions still remain to be taken centrally. Frequently they involve top-level officials in the secretariat, even some ministers depending on the subject. Several abortive attempts have been made at decentralization, but the system has remained highly centralized. As of such, local bodies are characterized by weak administrative capacity, a limited financial and human resource base and little public participation" (Ahmed 1997)¹.

3. Education of the UZP Chairmen:

The educational qualification of the UZP Chairmen would be clearly mentioned in the 'Nomination Proclamation' as he has to lead the highly educated officers serving in implementing development procedure at the Upazila.

4. Training of the UZP Chairmen:

There would be training for elected UZ Chairmen. Trainers need to be highly qualified and experienced and neutral. In this training, they would be monitored whether they would be capable to govern and to execute the duties and responsibilities as an UZP Chairmen. If they fail to pass the training successfully, they should not be recruit as UZP Chairmen.

5. Indications to strengthen local government at UZP with essential elements of good governance. These include:

- a. the adherence of the concept of elected representatives at the local level,
- b. facilitating the process which foster the development of local choice and decision making process,

¹ S.G. Ahmed, "Local Government System in Bangladesh: Empowerment, Participation and Development", Round Table on Local Government Reform, TSC, Parliamentary System Council, Dhaka University, October 1997

- c. enhancing the process of linking community private and economic social organizations with statutory local government as an essential element for good governance.

6. Re-instating of the Judicial System at the Upazila Level:

The judicial system should be reinstated at the UZP level. There are court building and sub-jail at the Upazila Complex to commence the activities of the judiciary. To make justice available and cost effective to the poor, the civil and criminal courts at the UZP level should be reestablished. It is an urgent demand for the expansion of the judiciary at the UZP level to make it accessible, affordable, and cost-effective for the poor people of the land and for ensuring good governance at the upazila level as a local government unit.²

7. Generation of Fund from Revenue Sources:

A significant step under UZP level was the provisions to the Upazila Parishad of revenue raising powers under section 42 of the Local Government Ordinance 1982. At present, UZP needs to be empowered to raise revenue from taxes, rates, tools and fees. The UZP would be able to generate its own income and by exercising power properly it can become increasingly self reliant and independent of national government. Sometimes delays in the disbursement of fund from the government create problems in timely implementation of the projects. Such problems can be overcome by utilizing the money borrowed from Upazila's own income.

8. Ensuring Accountability and Transparency at the Upazila level:

Spot verification and monitoring fund utilization should be strengthened in order to ensure accountability and transparency at the UZP level. E-governance system should be introduced at UZP level for efficient accountability and transparency. Local area Network (LAN) should be established to access information and to modernize the governance system at the UZP level to ensure good governance and to strengthen local government in Bangladesh. Beside this, UZP Chairmen would be accountable to MP of the constituency,

² Tofail Ahmed "Reform Agenda for Field Administration and Local Government", Community Development Library, Dhaka, 2000

Local Government Ministry of the national government, to ZP and officers of the Upazila would be accountable to UZP Chairmen.

9. Non- Partisan Politics for Upazila:

Political ideologies often come to clash with each other. For any administration to be healthy and productive, it must be politically non-partisan. It can not be denied that elected UZP Chairmen are political people and politics is their job. But it must be understood that their kind of politics is non partisan. The UZP Chairmen are public servants, they have to follow the ideals set by the Government or else they will fall under the mischief of the rule of conduct framed by the government under the constitution. It is, therefore a binding both on the Government officials as well as on elected Chairmen of the UZP to shun any political affiliations, should they have any. For the existence of UZP, it has to be internally strong enough to immunize itself from the clashes arising out of political ideologies and emerge as a bulwark against political inroads.

10. Sharing of Power:

Like any Government, local Government is also a powerful organization. In UZP the most powerful man is the Chairman. His power and the power of the Parishad should be shared by all the members of the UZP administration according to the clear cut demarcation of duties and responsibilities assigned to each and as per code of conduct approved by the Government. Otherwise power vested in the Chairman may lead to conflict.

Conclusion:

To conclude that local government and their governance system in Bangladesh was not present at Upazila level for the last two decades. So local government system at UZP in Bangladesh is weak if justifiable in ensuring good governance. An autonomous local government at UZP level would be able to advance community wishes and aspirations but strategically aligned with national economic development and social justice programmes and efforts will be required for abandonment of the current uniform structure and process. Local government at UZP level supported by the local people. National Government should facilitate the development of the local government leadership to allow them to provide efficient service at UZP level without controlling the process to strengthen local government and to ensure governance in Bangladesh. In the

wake of a long-standing demand for repealing the authorities of lawmakers over local government institutions, the caretaker government took the decision in a bid to strengthen the local government system in 2008, making it free of interference from the national government but the present government passed the 'Upazila Parishad (Reintroduction of the Repealed Act and Amendment) Bill 2009' and made MPs advise mandatory for the UZPs which will render UZPs (as the local government bodies) ineffective. The UZPs will even be unable to protect public interest. The parliament will also be less effective as lawmakers will be busy in monitoring the functions and activities of the UZPs.

The available evidence points to the importance of strengthening local government to ensure good governance at UZP in influencing development outcomes in Bangladesh. Bangladesh is seen to suffer from a lack of vision, commitment and political capacity to give clear direction to their respective development agendas. Donors have played a major role in policy agenda that has led to weaken the government's ownership over the direction of development. To overcome this situation, the prime focus for building a new local government system, as UZP should be on purpose and functions and not on structures and control from the higher level. An example of a guiding principle is the direct election of UZP Chairmen and members at UZP level. Elections of UZP will be held after every five years and will be managed by an independent election Commission. There should be the accountability in resource allocation of public funds and annual audit by independent auditors. The UZP account should be transparent in the use of public funds and audits will inform the community of how funds are spent. There should be transparency in decision-making process at UZP level to ensure good governance. The communities and the local media and community group should be allowed to evolve their own process of transparency. There should be taxing authority, types and conditions of national level assistance programmes, sources of technical assistance and training at the UZP. The local government at UZP level should derive their own process, leadership and management style, responsible and accountable to its citizens to ensure good governance and to strengthen the local government system in Bangladesh.

Local government in Bangladesh in its own right is not an isolated and self-contained entity as many people naively regard it. This study would be a great contribution in strengthening the local government at UZP level in its own right for ensuring good governance in Bangladesh. Recommendations of this study would be helpful largely in reducing the major problems to strengthen local government at UZP level to ensure good governance and development in Bangladesh.

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Appendix 1

Questionnaire:

1. What is the status of good governance at Upazila Parishad in Bangladesh?
2. What extent the role of the Upazila Parishad as a local government unit is in favour of good governance in Bangladesh?
3. Is Upazila System essential to strengthen local government and to ensure good governance in Bangladesh?
4. Mention the problems in local government level after the abolition of Upazila Parishad.
5. Please give your opinion to strengthen local government and to ensure good governance at UZP in Bangladesh.

Appendix 2

Findings at Narayanganj Sadar Upazila Parishad, Narayanganj

Questions	Participant	Answer
1. What is the status of good governance at Upazila Parishad in Bangladesh?	1.UNO 2.Ex UNO 3.UPs Chairmen 4.Inhabitants of UZP	1.Good 2.Very good 3.Very good 4.Very good
2. What extent the role of the Upazila Parishad as a local government unit is in favour of good governance in Bangladesh?	1.UNO 2.Ex UNO 3.UPs Chairmen 4.Inhabitants of UZP	1.Average 2.Average 3.Maximum 4.Maximum
3. Is Upazila System essential to strengthen local government and to ensure good governance in Bangladesh?	1.UNO 2.Ex UNO 3.UPs Chairmen 4.Inhabitants of UZP	1.Yes,conditionally 2.Yes 3.Yes 4.Yes
4. Mention the problems in local government level after the abolition of Upazila Parishad.	1.UNO 2.Ex UNO 3.UPs Chairmen 4.Inhabitants of UZP	1.No problem 2.Demand of the people is ignored 3.Problems in development procedure 4.Co-ordination problem
5. Please give your opinion to strengthen local government and to ensure good governance at UZP in Bangladesh.	1. UNO 2. Ex UNO 3. UPs Chairmen 4. Inhabitants of UZP	1. UZP Chairmen need to highly educated. 2. UZP Chairmen need to be trained. 3. Mps should not retain power over UZP. 4. UPs Chairmen should not be elected as UZP Chairmen.

Appendix 3

Findings at Savar Upazila Parishad, Dhaka

Questions	Participant	Answer
1. What is the status of good governance at Upazila Parishad in Bangladesh?	1.UNO 2. Ex UNO 3.UPs Chairmen 4.Inhabitants of UZP	1.not good 2. good 3.Very good 4.Very good
2. What extent the role of the Upazila Parishad as a local government unit is in favour of good governance in Bangladesh?	1.UNO 2.Ex UNO 3.UPs Chairmen 4.Inhabitants of UZP	1.Minimum 2.Average 3.Maximum 4.Maximum
3. Is Upazila System essential to strengthen local government and to ensure good governance in Bangladesh?	1.UNO 2.Ex UNO 3.UPs Chairmen 4.Inhabitants of UZP	1.Yes, conditionally 2.Not necessary. 3. Yes 4. Yes
4. Mention the problems in local government level after the abolition of Upazila Parishad.	1.UNO 2.Ex UNO 3.UPs Chairmen 4. Inhabitants of UZP	1.No problem 2. No problem 3.Problems in development procedure 4.Demand of the people is ignored.
5. Please give your opinion to strengthen local government and to ensure good governance at UZP in Bangladesh.	1. UNO 2. Ex UNO 3. UPs Chairmen 4.Inhabitants of UZP	1.UZP Chairmen should be trained. 2.UZP Chairmen need to be trained. 3.Accountability and transparency of UZP Chairmen should be ensured. 4.UZP is essential to ensure good governance in Bangladesh.

Appendix 4

Findings at Comilla Sadar Upazila Parishad, Comilla

Questions	Participant	Answer
1. What is the status of good governance at Upazila Parishad in Bangladesh?	1.UNO 2. Ex UNO 3.UPs Chairmen 4.Inhabitants of UZP	1. good 2. not good 3.Very good 4.Very good
2. What extent the role of the Upazila Parishad as a local government unit is in favour of good governance in Bangladesh?	1.UNO 2.Ex UNO 3.UPs Chairmen 4.Inhabitants of UZP	1.Average 2.Minimum 3.Maximum 4.Maximum
3. Is Upazila System essential to strengthen local government and to ensure good governance in Bangladesh?	1.UNO 2.Ex UNO 3.UPs Chairmen 4.Inhabitants of UZP	1. Yes,conditionally 2. Yes,conditionally 3. Yes 4. Yes
4. Mention the problems in local government level after the abolition of Upazila Parishad.	1.UNO 2.Ex UNO 3.UPs Chairmen 4. Inhabitants of UZP	1.UNOs are alien 2. Local people do not feel friendly to the UNO in some cases. 3. Demand of the people is ignored 4.Slow development
5. Please give your opinion to strengthen local government and to ensure good governance at UZP in Bangladesh.	1. UNO 2. Ex UNO 3. UPs Chairmen 4. Inhabitants of UZP	1.UZP Chairmen should be capable to lead the officers 2.UZP Chairmen must be trained. 3. UZP election should be non-partisan. 4. UZP election should be held after five years

Appendix 5

Upazila Parishad Act, 2008

The Council of advisers on 10 March 2008 finalized the proposed amendment to the Upazila Parishad Act to revoke power of parliament members over the Parishads and empower the Election Commission (EC) to announce schedules for holding polls to the Parishads.

President Iajuddin Ahmed promulgated an ordinance in a couple of days amending the Upazila Parishad Act 1998 to this effect.

The law amended that the Upazila Parishads after being formed through elections will be able to function independently, free from interference of lawmakers and EC will have the authority again to fix timeframe for holding polls to Upazila Parishads, a crucial tier of the local government system, which has been victim of partisan politics.

Section 25 of the existing law empowers lawmakers to become advisers to Upazila Parishads binding it to accept their suggestions. In the wake of along-standing demand for repealing the authority of lawmakers over Upazila Parishads, the council of advisers to the caretaker government on January 27, 2008 decided in principle to repeal the provision.

Female candidates will contest directly in their reserve seats in the Upazila Parishad elections like their male counterparts and no male candidate will be able to take part in the polls from the same areas.

The caretaker government through the approval of Gram Sarkar (Annulment) Ordinance, 2008 to abolish the system, abolished gram Sarkar.

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