# Analysis of Local Government Laws (UP, UZP & Pourashava) – A Critical Study

**Introduction**

Local government is being widely recognized in the developing countries as a vital institutional form for ensuring grass- root level democracy and participatory development. Bangladesh is no exception. Bangladesh has repeatedly experimented with decentralization in the post-colonial and post-independence period. Every successive regime between 1957 and 2015 attempted to reform the local government structure. Especially efforts were there to revitalize local institutions at the thana/ upazila and village levels. But in the ultimate analysis it appears that those attempts were not only proved futile to establish an autonomous, participative and development oriented local institutions but also caused considerable damage of the all local government institutions (LGIs) since British rule in the this sub-continent.

At present Bangladesh lacks of comprehensive and consistent Vision of local government little progress has been made in building a consensus on the role of local governments deinstitutionalizing democratic processes for managing local issues and agenda, developing structure of local governance at key sub national level-and clarifying a realistic division of function and resource allocation between national and local governments. An emphasis on the democratic and social justice as a fundamental aim of the state policy is noted in the preamble of the constitution. The fundamental principles of state policy encouraged in local government institution (Article-9) at all administrative levels in which effective participation by people through their elected representatives should be ensured (Artical-11). Local government work should be cover maintenance of public order and preparation of development schemes for public services and economical development (Artical-59). Local government institution has empowered to impose faxes (Artical-60).

**Study objective**

An aspiration for a viable and autonomous local government system, the necessity for making it an effective partner in the development process and the need for expanding the scope for effective popular participation in local decision-makings form the outer parameters for institutionalization of local government within the overall framework of building a fully functional democratic system in Bangladesh. In this stage, the existing laws of local government institutions how could be people oriented, effective in qualifying the service delivery and defaced with the constitution in need to be identify. This study, a contribution to the dialogue on current different laws of local government Institution (LGIS) how to build a democratic governance system, resulted from discussions between the different stakeholder and Aparajita Project.

This broad objective has been broken down into following specific purposes:

1. to identify discriminatory laws (gender gaps) in the functioning of local government institutions;
2. to make recommendations on amendments to laws and provisions relating to local government to enable it to function in an autonomous manner;
3. to find out ways and means so as to remove lack of institutional efficiency;

**Concepts and Local Government**

Traditional local power structures utilized for supporting local administration, have been misconstrued as being equivalent to local government. At times LG has been mistakenly considered an insignificant segment of the government. So in order to avoid confusion, it is better to differentiate “local government” from “local politics,” “local administration” and “local governance.” Local politics is a wider term and covers a host of areas besides LG where as local administration means implementation of decisions by not only LGIs but also

provincial/ national government units operating at field level. In South Asia, LG is widely known as local self- government.

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, which is a sub-division of a regional or national government. In a word, local government is defined essentially in the terms of some attributes: 1) its statuary status; 2) its power to raise finance by taxation in the area under its jurisdiction; 3) participation of local community in decision making on specific subject and administration; 4) the freedom to act independently without the central control; 5) its general function, in contrast to the single purpose character of many autonomous bodies.

Devolution "implies a legal transfer of power of formally constituted state and local authorities for the discharge of specified or residual function. The model of developed local government has the following characteristics.

- Local units of government are autonomous where the central government has little or no direct control.
- The local governments have clear and legally recognized geographical boundaries within which they exercise authority and perform public functions.
- Local citizens as organizations providing services that satisfy their needs, as government units over which they have some influence perceive LGs.
- The local governments have substantial authority to maintain their own treasury, budget and accounts along with to raise its own revenue in order to secure resources to perform their functions.
- They employ, hire, fire and promote their own staff.
- Central government administrators serve purely as external advisors and inspectors and have no role within the local authority.

In Bangladesh, there have been a number of attempts at devolution of authority to local bodies in the past, but owing to various constraints, these were frustrated. One main reason for this was the instability of the national government. During the last 44 years of independence, there have been a number of major changes of government, characterized by authoritarian rules and democratic governments with teething problems. Another reason is that with the change of government, the policy of LG also kept changing. The fact is that LGIs in Bangladesh have not been given a chance to act as a continuing working institution even after independence. The national government did not formulate a definite set of policies regarding local government. Thus the concepts such as "local self-government, "or "liberal democratic theory," or "public choice approach" are hardly applicable to LGIs as yet (Siddiqui, 2005:289).

**Constitutional Provision/Legal Position**

In any democratic polity, LG is given legal recognition either by Acts of Parliament or by incorporation of relevant provisions in the constitution. The constitution of the People's Republic of Bangladesh clearly spelt out the legal basis and responsibilities of LG. Autonomous, democratic local governance is an integral part of Bangladeshi constitutional system and this spirit is incorporated in the principles of State Policy under Article 9:

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

Article 59, Chapter III of the constitution states that LG in every administrative unit of the Republic shall be entrusted to bodies composed of persons elected in accordance with the law. So it is a mandatory constitutional provision to give election in every local government tier the ruling party led government thinks it fit. Article 60 of the Constitution states-

"For the purpose of giving full effect to the provision of Article 59, parliament shall, by law, confer powers on the local government bodies referred to in that article including power to impose taxes for local purposes, to prepare their budgets and to maintain funds."

So it is evident that the legal basis of the LG is clearly defined in the constitution and the constitution through Article 59 has ensured the devolution of power to LG bodies.

Despite incorporation of provisions in the constitution relating to establishing representative LG, LGIs are yet to gain ground in this country. The very reason underlying this fugitive state of LG is perhaps, provided many unnecessary interference towards the constitution in respect of establishing LGIs. Fourth amendment to the constitution dropped the Article 59 and 60 that were restored in the Fifth Amendment later on. The tendency of the government to frequent changes not only retarded the growth and strength of local institutions at any level but also cast doubt in the mind of the ordinary people about the political motive of the government in constituting local level institutions. The LGIs so far tried in this country did not grow from the ground, out of necessity, but imposed from the top, as brainchild of the ruling power. This has jeopardized the prospect of local level tier to grow as an institution.

**Evolution of Local Government in Bangladesh**

**Ancient and Medieval Period**

Though the origin of local government system in Bangladesh can be traced back to more than 100 years, the degree of achievement is not very significant. Rural local governments are believed to have existed in ancient India. The rural self-governments, what Sir Metcalfe called "Village Republic," are mentioned in the *Riq Vedas*.

It is assumed that the village council popularly known as Panchayet in the little republic; was autonomous, participatory and financially solvent. Panchayet was either nominated by the king or elected by the people of a village, which was left undisturbed in the overall management of village administration. The composition of the Panchayets was such that the represented different classes and castes. Besides the Panchayets, the headman was existed in ancient India who comes from the most dominant family in the village. The responsibility of the headman was to collect taxes from the villagers and paid to the government its due share where as Panchayets were empowered to take decisions in social matters adjudication in disputes and maintenance of law and order.

**British Period up to 1947**

Initially LG was developed by the British to maintain law and order in the rural areas with the help of local elites backed by local police. The local elites were to be nominated in the LGIs form among those who were trusted by the colonial authority. The British rulers institutionalised this system to perpetuate their political, economic and administrative ends and colonial extortion. In 1870, the Village Chowkidari Act was passed by which Union Panchayet as a LG body was established. This system was later changed and renamed in

different regimes form the British period to the present Bangladesh as three-tier Union Committee (1885), Tow-tier Union Board (1919), four-tier Union Council (1959) and three-tier Union Board (1919), four-tier Union Council (1959) and three-tier Union Parishad (1973) (Ahmed, et. al, 2001:3).

Lord Ripon's Resolution on local self-government laid the foundation of local self-government in rural India. On the basis of Lord Ripon's Resolution, the Local Self Government Act was passed in 1885 under which three tiers of local government bodies namely District Board, Local Board and Union Committee came into operation. In 1919, the Village Self-Government Act was passed under which the three-tier was replaced by tow-tier system: the Union Board and the District Board. This system continued until India and Pakistan gained independence in 1947.

In the arena of urban local government, British policy resulted in setting up a municipal administration in the Presidencies and giving responsibilities to the municipal committees for a number of civic amenities. But until 1870s, officials or designated representatives ran urban LG bodies. Gradually Municipalities became representative bodies with the promulgation of a number of Acts between 1870 and 1947.

The British rulers did not follow the indigenous institutions of local government. Thus, the local government system that exists today developed during British rule. In 1793, the British established urban local government for the first time in the sub-continent in three Presidency Towns namely, Kolkata, Madras and Mombay. The first legislation for the creation of municipalities in Bengal was through the Act XV of 1842. Under this act, a municipality could be created it two thirds of the householders of a town so desired. However, this Act remained a dead later.

**Pakistan Period (1947-1970)**

Reforms regarding local governance were also introduced during the Pakistan period. A new system of local government, known as Basic Democracies, was introduced in 1959. A decentralization policy for rural development under the banner of the Basic Democracies system, which offered a four-tier government reflecting a mix of de-concentration and devolution (Khan, 1997:8). Actually the BD system was designed as a blend of democratic and bureaucratic values. In other words, it was between devolution and de-concentration having nothing in common with the principles and characteristics of a democratic system. Though explicitly propagated as a programme of decentralization, the system actually helped the military regime of in extending the stronghold of bureaucracy to the local level.

Like the Bengal Municipal Act, the Assam Municipal Act also provided the provincial government with authority to declare any area a Municipality and to alter the limits of any Municipality. A special provision of this Act was that the provincial government could set up a Town Committee in a notified area which would not be justified as a fully fledged Municipality, but which, at the same time, required improvements to sanitary and other arrangements. The minimum and maximum number of members under the Assam Municipal Act was ten and thirty respectively. At least four-fifths of the total number of members were to be elected and the rest appointed by the government. The Town Committee consisted of 6 members, four elected and two nominated. There was no reservation of seats for the minority community, but the government could divide seats among different sections of the community. The government could also depute public servants to these bodies as expects and advisers without voting rights.

During the Pakistan period, Town Committees and Municipal Committees were created for the small and big towns respectively through the promulgation of the Municipal Administration Ordinance (MAO), 1960. The Town Committees consisted of elected members, one of whom was elected Chairman Municipal Committee consisted of elected, appointed and official members including the official Chairman. A Vice-Chairman was elected by the members from amongst the elected members.

**Bangladesh Period (Since 1972 …….)**
Soon after the independence of Bangladesh, the president's Order 7 of 1972 was promulgated and all the LG bodies except the Divisional Council were dissolved in 1973, the President's Order 22 was promulgated under which the Union Panchayet was renamed as Union parishad. Under the President's Order 22, some reforms in the local government had been taken: 1) a three-tier local government namely Union Parishad (Council). Thana Development Committee and Zila parishad were introduced; 2) District Government was introduced; 3) the UP election was held in 1973; 4) the parliamentary system was abolished.

A more significant change in the LG system was brought about in 1976 through the Local Government Ordinance, 1976. This Ordinance provided for a Union Parishad for union, a Thana Parishad for thana and a Zila Parishad for district. However, no election was held in any tier except union parishad in 1980. As a result of the Local Government Ordinance, the Swanirvar Gram Sarker was introduced at village level. Although for the first time in Bangladesh, the important event in the history of LG system was marked through the introduction of Local Government (Upazila Parishad and Upazila Administration Reorganization) Ordinance in 1982. This Ordinance in 1983, the Local Government (Union Parishad) Ordinance in 1983, the Local Government (Zila Parishad) Act in 1988 and the three Hill Districts Acts in 1989. The Upazila Parishad Ordinance, 1982 was particularly significant as this was supposed to help the implementation of the decentralization program of the government.

After nine years of reasonably effective implementation of Upazila System, the democratic government coming into power abolished the UZP and reinstate the bureaucracy dominated Thana administration by promulgating the Local Government (Upazila Parishad and Upazila Administration Reorganization) (Repeal Ordinance, 1991).

After independence of Bangladesh, by the President's Order No. 7 of 1972, the name of Town Committee was changed to Shahar Committee and the Municipal Committee was changed to Paurashava. Official administrators were appointed to each of them. Later on, Shahar Committees were elevated to the status of Paurashavas. By President's Order No. 22 of 1973, Paurashavas were constituted with elected Chairmen, Vice-Chairmen and commissioners. The position of Vice-Chairmen was abolished under the Paurashavas Ordinance of 1977. According to the provisions of this Ordinance, a Paurashava comprised a chairmen and such number of elected commissioners and nominated women commissioners a fixed by the government. The chairman and elected commissioners were elected by direct election on the basis of abut franchise. The nominated women commissioners were nominated by the prescribed authority from amongst the women of the paurashava.

According to the paurashava (Amendment) Act, 1993, a paurashava consisted of a Chairman, commissioners (whose number was fixed by the government) and three women commissioners. The chairman and commissioners were elected directly be voters on the basis

of adult franchise. The women commissioners were elected by the chairman and commissioners form amongst the women of the concerned Paurashava.
According to the paurashava (Amendment) Act, 1997, a paurashava consisted of a Chairman and a number of commissioners (fixed by the government) in the general seats. One third of the total number of seats was reserved for women commissioners, representing one from every three wards. The Chairman and commissioners including the women commissioners were elected directly by voters on the basis of adult franchise.

In 1996, the government constituted a Local Government Commission and came up with a report on Local Government Institutions Strengthening in 1997. The Commission had recommended a four-tier LG structure at the Village, Union, Upazila and Zila levels. During this tenure some reforms in the local government had been taken: 1) union parishad election was held in 1998; 2) the Upazila parishad Act, 1998 was passed; 3) the Gram Parishad Act, 1997 was enacted but no election was held to these offices.

During 2009 the government into power has taken some initiatives to strengthen the LGIs. The initiatives ever taken by the present government is-1) the Upazila Parishad (Re-introduction of the Repealed Act and Amendment) Act, 2009 has already been passed giving power of local legislators over Upazila parishad; 2) Gram Sarker has been abolished; 3) the third Upazila election in held on January 22, 2009 and 4$^{th}$ Upazila Parishad also held on 2014.

However, successive regimes seem to have reached a consensus that a realistic and participatory local administration has to be built up on the spirit of devolution of authority. But consensus is not reached as the unit-gram/ union/ upazila should be the basic unit of devolution.

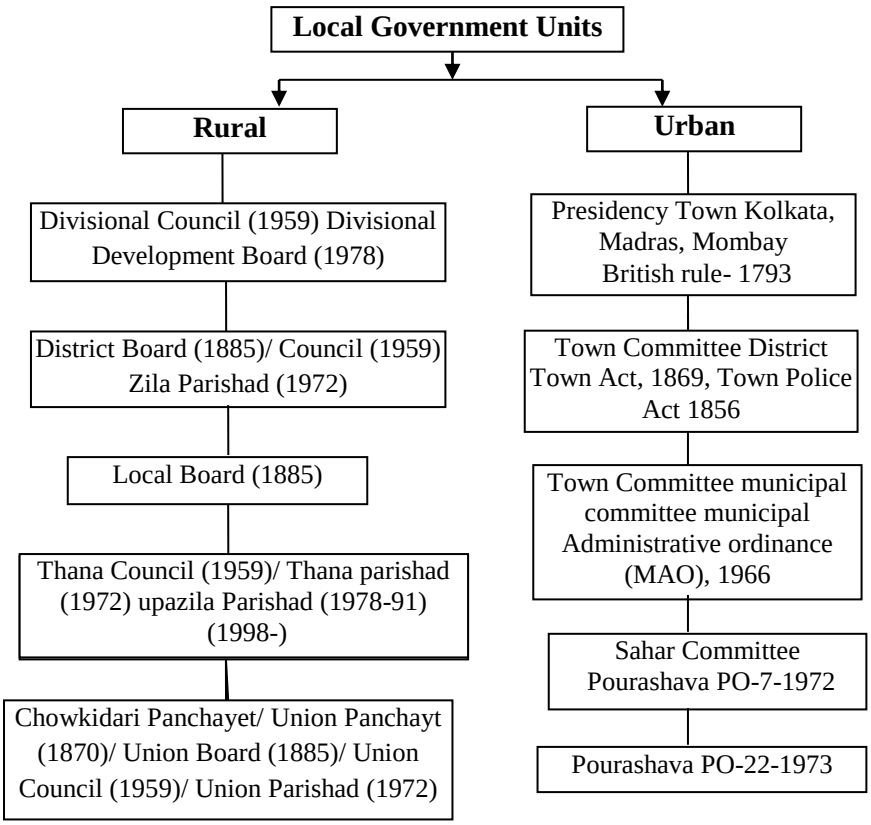



Figure- Evolution of Local Government Units and Administrative Units (1793-2015)

**Present status of LGIs**

**Structure of Local Government in Bangladesh**

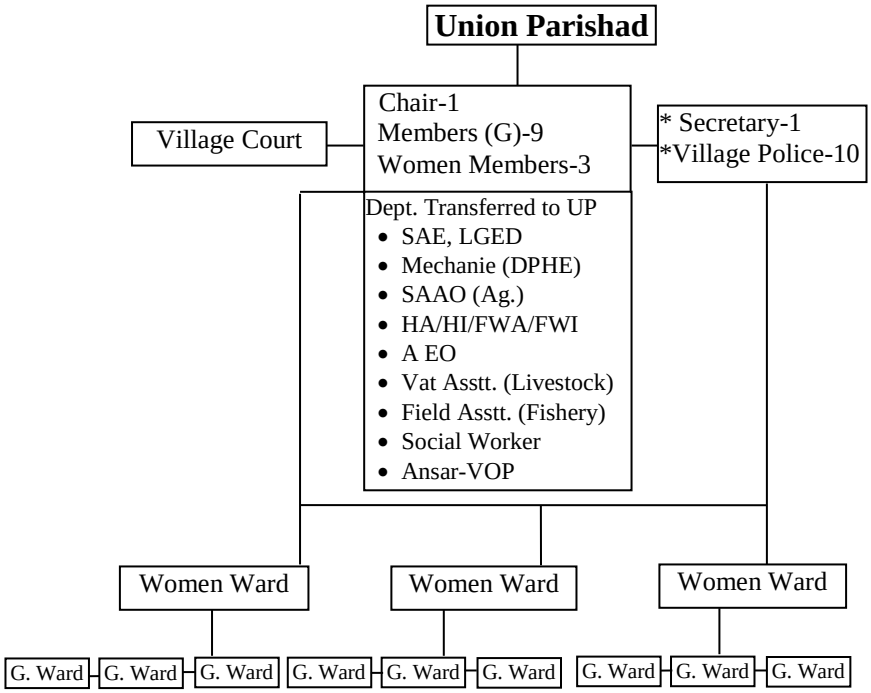
There are two distinct kinds of LGIs in Bangladesh-one for rural area and another one for urban area. The LG in rural area represents a hierarchical system comprising three tiers: Union Parishad, Upazila parishad and Zila Parishad while the urban LG consists of Paurashavas and City Corporation.

The current structure includes Union Parishads and Upazila Parishads for the rural areas, Paurashavas for smaller urban areas and City Corporations for the large metropolitan areas. As required by the Twelfth Constitutional Amendment, each of these bodies is headed by elected representatives. The Union parishads have elected representatives that give them a democratic framework, they have 13 standing committees that give them a parliamentary configuration, and they have their own sources of revenue that give them a semblance of independence and autonomy. paurashavas and City Corporations have similar structures. After 17 years of interruption Upazila Parishad election was held in 2009 and in 2014. However, with new elections at Upazila level it is too early to predict the nature of developments in the local government system at upazila level. There provision of Zila Parishads has been incorporated as local government system but yet to be elected bodies have been formed. According Local Government (Pourashava) Act, 2009 each Pourashava consists of a mayor and number of councilors (fixed by the government) with one third of total number of seats reserved for women councilors, each from every three ward.

**Union Parishad**

Before liberation war is 1971 this local government units were opening und as armed of central government. nevertheless, the system offered scope for the exercise of power but assortment of basic democracy order showed that the system through distribution and shoring of decision making powers won able attract coble people to work in local bodies like UP. During 1972 -1982 there have been some structural and procedural charges. This was a response to the democratic spirit generated by the liberation of 1971. The changes include nomenclature and introduction of new lows, rules, regulation etc. Such as: president order No-7, of 1972. President order No-22, Local government (UP) ordinance, 1976 are the major After 1982 the system gradually increased in sense of positive nature like more democratic responsibilities more service and people oriented and representation of women and other less opportunities communities Union Parishad is the representative local government fracture at lower level of both administrative and local government. The parishad is responsible for socio-economical development as well as well being at its community. As per as present provision of law Union Parishad is consists 1 Chairman, 12 Members, 3 at them women from reserve seat. Recent years to both the government and donor become very much concerned about Union Parishad and lot of project have been initiated for the capacity development of Union parishad

The UP is thus currently made up of 13 members – 1 Chairman, 9 general members – 1 from each of the 9 wards, and 3 women members elected to reserved seats each covering 3 wards. Current organogram of UP is described in below:


Union Parishad
Chair-1
Members (G)-9
Women Members-3
Village Court
* Secretary-1
*Village Police-10
Dept. Transferred to UP
SAE, LGED
Mechanie (DPHE)
SAAO (Ag.)
HA/HI/FWA/FWI
A EO
Vat Asstt. (Livestock)
Field Asstt. (Fishery)
Social Worker
Ansar-VOP
Women Ward
Women Ward
Women Ward
G. Ward
G. Ward
G. Ward
G. Ward
G. Ward
G. Ward
G. Ward
G. Ward
G. Ward

**Upazila**

Upazila (previously termed Thana) is the lowest tier of central administration in past. The Thana Council was presided over by the chief executive officer at this level, currently known as the Nirbahi Officer. The institutional development of the thana council got an important impetus from the Comilla Model of 1960s which significantly expanded rural development functions at this level. A major change was brought about in the status of the thana-level body, now renamed the Upazila Parishad, when provision was made for a directly elected chairman in 1980s. The basic structure of the previous thana council was unaltered but now it was placed under the control of a directly elected chairman. Associated with the change of 1984 was a major increase in the flow of central government funds through the instrument of the Annual Upazila Development Plan (AUDP) mirroring the Annual Development Plans (ADP) of the central bureaucracy. The provision for a directly elected chairman was suspended in the 1990s but was restored in 2008 with electoral positions increased to include two vice-chairman including one reserved for women. Current organogram of UZP is described in below.

| **Upazila Parishad (UZP)** | |
|---|---|
| Local Member of Parliament (MP) (Advisory role) | Chair (1)<br>Vice-chair (2) (1 Male & 1 Female)<br>Members All UP Chair and paurashava mayor<br>Women members: 1/3 of existing UP members/councilors of paurashava |

Upazila Nirbahi Officer (UNO)/ chief executive officer of UZP

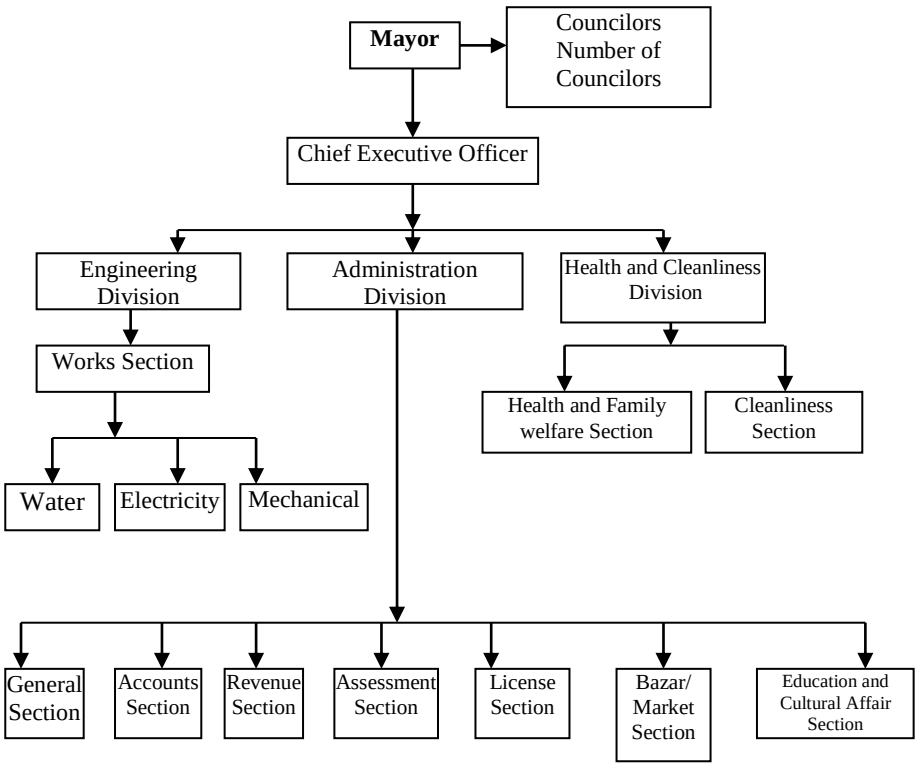
| **Departments/Officials transferre** | **Departments retained/ Linked with UZP** | **Other departments present but not linked with UZP** |
|---|---|---|
| Upazila Nirbahi Officer (UNO)<br>Upazila Health and Family Planning Officer<br>Upazila Family Planning Officer<br>Upazila Agriculture Officer<br>Upazila Fisheries Officer<br>Upazila Livestock Officer<br>Upazila Social Welfare Officer<br>Upazila Education Officer<br>Upazila Women Officer<br>Upazila Youth Development Officer<br>Upazila Cooperatives Officer<br>Upazila Engineer<br>Assistant Engineer<br>Upazila Rural Development Officer<br>Upazila Secondary Education Officer<br>Forester/ Deputy Range Officer | Police<br>Ansar – VDP<br>Statistics<br>Accounts<br>Land<br>Sub-registrar<br>Election | Post & telecommunication<br>Bangladesh Water Development Board<br>Gas supply<br>Electricity supply<br>Roads & railway: railway<br>Public Works Department<br>Sports & culture |

**Pourashava**

Local government for smaller towns is known as before liberation war 1977, Paurashava (municipalities) and currently number of paurashava. Basic Democracy order 1959 and unban Administrative ordinance 1960 together created an urban structure consisting of the Union committee, Thana committee and the Municipal committee. The Thana committee, prescribed for urban contras with population not exceeding 15000, consisted of elected members, who elected one of third member as chairman and another as vice-chairman larger urban area were divided into number of Unions, together combining into and one unit. The committee governing the municipality consisting of Union committee, chairman within the municipality, and equal number of government nominated members and a number of elected members. The chairman was nominated by after liberation war of 1971; the urban structure was reformed with the changes in the nomenclature municipal committee as paurashava. The chairman and vice chairman are to be elected directly. In 1977 paurashava ordinance provided one elected chairman and 9 commissioner and provision was also made 3 nominated women commissioner.

Basic electoral unit for paurashavas is the ward for which there is provision for on elected member called councilors. In 2008, all chairman of Paurashava came to be termed as mayor and ward commissioners are as councilors. The ward commissioners have also been changed in structure of Paurashavas as incorporated in the paurashava Act of 2009. This has allowed for the formation of ward committees each compromising 10 members of which 40 percent are to be women. The committee would be chaired by the councilor of the word. There has been created a potential greater participation of citizen in municipal resent which yet to organised.

Organisational Structure of Paurashava



**Functional Approach of Local Government Institution in Bangladesh**

In functional assignment of Local Government Institution suffers some major problems, like i) overlap activity of Upazila, UP and multiplicity ii) management of fund iii) general rather than specific functions and iv) provisional function and specific function in reality significantly at variance. These are complex and difficult issues and cannot be addressed effectively without bringing legal and constitutional changes. Following table describes what functions are formally prescribed in law for LGIs and what functions they exercise in practice:

| **Sl. no.** | **LG units** | **Basic sources** | **Functions in the law** | **Functions actually performed** |
|---|---|---|---|---|
| 1 | Union Parishad/ UP | The LG (UP) Act. 2009 | Clause 47 listed four basic functions and the Same clause elaborated basic functions in schedule-2 with 39 more functions.<br>Schedule 4 listed 13 functions of resource mobilization<br>Schedule 5 listed 54 functions of crime preventions<br>Total listed functions= 110 | In real situation UPs perform four basic functions<br>1. traditional community driven functions<br>2. the functions for which they receive resources<br>3. the functions different project implements in the UPs<br>4. traditional dispute resolution of formal and informal nature |
| 2 | Upazila Parishad (UZP) | The LG(UZP) Act 1998 & the LG (UZP) Act (amendment) in 2011 | Clause 23 and 24 provide a guidance so that government can allocate new function from time to time<br>Schedule 2 –listed 18<br>Schedule 4 listed 9<br>Schedule 5 listed 4<br>Total 31 | In fact the UZPs are confined in implementing few schemes with ADP grant. |
| 4 | Paurashava | LG(Paurashava) Act 2009 | Under clause 50 and 5 sub-clauses include 16 basic functions<br>Under 2nd schedule 68<br>Under 3rd schedule-29<br>Under 4th schedule 61<br>Under 5th schedule 14<br>Total 172 | Municipal functions are to some extent specific in respect of waste disposal, street lighting and repair and construction of roads and drainages, but other activates listed in schedules are not carried out. |

Analysis, Present Practice and Recommendations of some important sections of laws of LGIs (UP, UZP & PS) and some major issues of local government in Bangladesh

| Major sectors of laws issues | Analysis | Present practice | Recommendation |
|---|---|---|---|
| **1. Structure and Composition of LGIs**<br>**Section-10 Act of UP, 2009** | The government possesses many discretionary powers with regards to the structure and composition of | Each union shall be divided in 9 wards. One member will be directly elected from each ward by the eligible voters of the concerned ward. A | Local government institutions have been created to provide basic service to its community and the services should come from nearest point to the community. In this respect it is necessary to increase more LGIs |

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|---|---|---|---|
| **Section-6 Act of UZP, 1998**<br><br>**Section 6-7 Act of PS, 2009** | Union Parishad, Upazila Parishad and Paurashava they are democratically elected bodies. The Union Parishad in consists of elected chairman, members elected women members (reserve seats) Upazila Parishad is consists of elected chairman, Vice chairman, members (representation of UP and PS) and elected woman members the pourashavas are comparison elected mayor, councilors and elected women councilors (reserve seats) | chairman to the UP shall be directly elected through adult franchise. Three women to the reserved seats representing three wards shall be directly elected by eligible voters of the three wards concerned.<br>The chairman (1) and vice chairman (2) of Upazila Parishad are directly elected from the whole Upazila whereas members are chairman of UPs and the elected members of UPs and councilors of PS in the Upazila Parishad. | which would be very closer to the people therefore more UPs, UZP and paurashava in need to be formed. A general formula may be adopted to create distinct constituencies and wards for LGI units considering the total size of population and voter. |
| **2. Responsibilities and Function Section-47 Act of UP, 2009**<br><br>**Section-23 Act of UZP, 1998**<br><br>**Section 50 Act of PS, 2009** | The following principles might act as effective guidelines for determining responsibilities: 1.to keep functional jurisdiction within limits of public welfare and locality; 2.to render service on the principle of equality; and 3.to prioritize needs and wants of citizens of backward sections of the locality for the sake of balanced development. The representative and functionaries of UP, UZP, PS are more or less in same nature to formulate an integrated development plan; to identify development projects and inclusion of them; to ensure public health services to the local citizens in the union health | The rural and urban LGIs are entrusted with a large number of functions and responsibilities relating to civic and community welfare as well as local development. But the area of regulatory administration has always been kept aside from the purviews of the role and functions of these bodies. Most of the development functions for which LG units are may be responsible under the legal framework, such as: education, public health, family welfare, sanitation, social welfare etc. are administered by different agencies of the national government. Virtually union parishad have no scope to get involved in the implementation of development projects initiated by these agencies at local level.<br>Local level infrastructure development is one of the important functions of local government. These projects are generally | Functions relating to administration and supervision of the government officials; is need be categorically explained, the role elected representative should be explained by issuing a gazette. Maintenance of law and order; functions relating to public welfare; and formulation of local economic and social development plan and their implementation are need to be specified<br><br>A coordination system is likely to be organized at local level, therefore, a coordination body/ committee should be formed.<br>There is need to be, determine the civic functions and development functions for UPs and UZPs. Functions and responsibilities is likely to be determine for both the LGIs.<br>For the urban local bodies it is need to form community level organization to help the local councilors in selecting the development schemes and priorities the schemes. |

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|---|---|---|---|
| | center; for **UP** and **PS** to supply drinking water and to improve sanitation management; to update the registration of birth, death and marriage based on information received from the ward level; and to assist people in times of natural disaster and conduct rescue programs locally and participate in government relief programs. Upazila will have to prepare following activities:<br>• Preparation of five year plan<br>• Supervision and coordination of different government employees (transferred)<br>• Construction and repair inter union roads<br>• undertake small scale water resource projects<br>• activity on public health<br>flourishing education, fisheries, livestock, social welfare etc. | implemented through food aid and grants received from the national government. Food aid is channeled through different agencies of national government. In this area, the role of UP as a LG unit is again limited to the selection of possible projects only which are finally approved by the UNO in consultation with the upazila engineer and the project implementation officers. Thus it is evident that the role and functions of the LG units are restricted in the area of development administration.<br>Paurashava has been formed to provide civic facilities to its urban communities but rapid urban growth problems like housing, communication, safe water supply, waste management etc. are naturally increasing day by day ,<br><br>Again different paurashava have different problem, this is the knowledge gap of policy maker. The roles, responsibilities of elected representative and other functionaries have not clearly mentioned. Functions and services are also not been properly determined which causes insufficient services to the citizen.<br>The committees of the Upazila Pariashad are not functioning properly, this is due to roles and responsibility of vice chairmen and members of the Upazila Parishad are not effectively maintained. | |
| **3. Ward shava/ ward committee Section- 4-5 Act of UP, 2009 Section 14 Act of PS, 2009** | Ward shava shall be constituted in each ward consisting of all the voters entered in the electoral roll. The elected member | Currently ward shavas of UP and ward committees of PS are not effectively functioning in the UP and Ps. A few UP and PS have given attention in | The process of ward shava is the decentralized system at the local level which ensured peoples participation. The system should be encouraged by providing benefit such as allotted more fund for |

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|---|---|---|---|
| | of the ward shall act as the word shava chairman, while the elected female member shall act as an adviser. At least two meetings of the ward shava shall be held per year.<br>The ward committee shall be form with 10 members and ward councilors will be the chair of the WC. Out of 10 members 40% will be selected among the women | functioning the ward shava and ward committee which are providing outstanding role in the service delivery and implementation of development schemes in the community level | implementation of schemes, for the beast practice at ward level. |
| **4. Finance, Planning & Budget**<br><br>**Section-57 (budget), 53-56 (treasury) 65-70(tax) Gha of 47 (planning) of Act of UP, 2009**<br><br>**Section-38 (budget) 35-37 (treasury), 44-49 (tax), 42 (planning) Act of UZP, 1998**<br><br>**Section-92 (budget) 89-91 (treasury), 98-105 (tax), 33, 62-63 of 2nd schedule (planning) Act of PS, 2009** | The preparation UP budget begins from the ward and finalization of the UPs yearly budget in an open meeting that is commonly referred to as an open budget. UP shall prepare a budget 60 days in advance of the commencement of the financial year. Then the budget shall be approved by the local people in an open meeting<br>Every UZP shall prepare before the commencement of each financial year, a statement of its, estimated receipts and expenditure for that year, and shall hang a copy of it in the notice board of the parishad for the cognizance, comments and suggestions of the citizens for 15(fifteen) days. Considering the comment and suggestion of the citizen, Parishad shall approve the budget before commencing the financial year and a | The local government bodies in Bangladesh are in constant shortage of funds. Rural LG units are largely dependent on national government's allocation. Urban LG units rise between 55-75% of the revenue from their own source while a significant proportion comes from government's grants. Thus inadequate resources constitute an important bottleneck thwarting the prospect of democratic decentralization in Bangladesh.<br>The LGIs are entitled to Annual Development Plan (ADP) grants from the national government. The local government regulation holds strict instructions that the block grant must be used specialty in certain sectors determined by the central government. This pre-determined sector allocation seriously limits the scope of local level planning as well as flexibility of local bodies to utilize the financial resources for satisfying the immediate need of the community. This also runs contrary to the concept of functional autonomy of the LGIs. | The annual budget is to be prepared by local government body and presented to the council in a special meeting convened for the purpose. Government can help or support them only for better preparation and local government must have rights to make and sanction its own budget. The preparation of budget is need to be prepared in participatory method therefore, before initiative of preparation budget community level consultation is necessary. In this regard scheme of plan is required to incorporate in preparing budget.<br>The allocation from national budget for LGIs under development and Non-development heads have to be formula based not to be done under thumb rule. In Annual as well as under multi-year budgetary framework, allocation has to be made on the basis of an acceptable general formula. The allocation need to be enhanced up to 10% minimum from both (Development and Non-Development) instead of current allocation of less than 2%. By the end of 7th five year plan in should reach to 30% of the total budget.<br><br>The national allocation should not be termed as 'Block Grant'; the term may be replaced by the term 'Inter-governmental Transfer'.<br><br>There may be a local government finance policy under which the allocation formula could be formulated and revise. |

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| | copy of the approved budget shall be sent to the District Administration and Government.<br>The process preparation of budge initiated 30 days before of the financial year.<br>Paurashava prepared and approved by Paurashava and then a copy shall sent to the Divisional Commissioner.<br>The main sources of income of the LGIs are taxes, non tax revenues voluntary contribution government grants and law from others.<br><br>As per law of each LGIs it is necessary to create a fund for the receive and expenses. It is also mentioned.<br><br>In the law LGIs may levy in the prescribed manner, all or any taxes mentioned in the schedule.<br><br>According the law LGIs may of required by the government shall prepare and implement the development plan for such periods as may be specified | Introduction of fund for the LGIs is an important issue for maintaining the accounts. Naturally each LGIs are maintaining their accounts through create fund. But due to lack of awareness and knowledge gap fund are not properly maintaining by the LGIs, especially UPs. There are lots of bank transactions, reconciliation in fund maintenance. Many UPs chair are reluctant in this regards.<br><br>There are two ways of collecting taxes. One is by local government bodies by themselves and another is government on behalf of local bodies. Tax is levied by the LGIs which does not rendered services by them e.g. holding tax, amusement tax, etc. Rates, fees are charged in the specific services. Same item listed in the schedule for levy tax for the UP & UZP which created conflict in the locally.<br><br>The Upazila Parishad is still reluctant in levy taxes as income source. | |
| **5. Authority and Power**<br><br>**Section-46 Act of UP, 2009**<br><br>**Section-26 Act of UZP, 1998**<br><br>**Section 62 Act of PS, 2009** | complete administrative and financial authority necessary to accelerate local development, such as power of taxation for local purposes, power of budget making and fund management, etc.; complete authority | In the UP law 10 departments have been transferred to the UPs but these are not yet have been activated.<br>In the law of UZP 17 departments have been transferred to the UZP but these have not been offensively practices in any Upazila. All the transferred departments are aerially | appointing UP officials by the government and placing them under the supervisory control of the UP; for UZP all employees of transferred department should be lies with UZP, a circular form all departments should be circulated in this regard. |

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| | in local development planning and implementation; and authority to supervise officials of the central government working at the UP, UZP, PS level, coordinate their activities and evaluate their performance.<br>at UZP level employees of transferred departments not yet clear about roles, duties and responsibilities, they have a mind set of their functional authority is lies with their respective line departments | accountable to their own department. The departmental heads are only affined the meeting but not activities participated in Upazila Parishad activities. | |
| **6. Autonomy**<br><br>**Section-9 Act of UP, 2009**<br><br>**Section-55 Act of UZP, 1998**<br><br>**Section 4 Act of PS, 2009** | Complete authority in decision making on local issues; functional freedom proper administrative and financial authority to manage activities independently within the defined territory; and establishment of rights of local people on national it is imperative to replace the current domineering and submissive relationship between the central and the local government with cooperative | The local government institution have no functional autonomy there are many circular, notifications, guidelines for implementation of the responsibilities LGIs are always look forward to government decision. | A functional autonomy should be provided for all the LGIs, in this regard a monitoring process should be incorporated in the laws of LGIs. |
| **7. Women Empowerment**<br><br>**Section-10c Act of UP, 2009**<br><br>**Section-6d Act of UZP, 1998**<br><br>**Section 7 Act of PS, 2009** | To increase public awareness about advancement of women and children; and to accelerate social resistance to violence against women. | It is difficult to exercise the law without having the autonomy and basic power to the LGIs. In the community level are less concern about the women and child abusing but could not effectively preached due to look of the autonomy and legal basis. | The LGIs should have more autonomy for the implementation of their decision in development of women and children. |
| **Women's incorporation in** | The UP is thus currently made UP | The revised Local Government (Union | The quota system for women is indeed an important impetus to |

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| **the local governments** | of 13 members, 1 Chairman, 12 member **(3 of them women from reserve sent.** 9 members are elected from 9 word.<br><br>In case of Upazila Parishad currently there are 3 Chairman, 2 Vice Chairman (1 male and **1 female)**, members (Chairmen of Ups, mayors of paurashavas). **Female members 1/3 of reserved seat of UP and Ps** in jurisdiction of the Upazila.<br><br>Paurashava: 1 mayor, number of councilors (as per government declaration) **number of councilors from the reserve seat,** (the number of ward will determine by the government). | Parishad) Act 2009, Local Government (Upazilla Parishad) Act 2009, Local Government (Pourashava) Act 2009 and Local Government (City Corporation) Act 2009, still have structural problems of women's incorporation in the local governments, particularly the UP in which the constituencies of the reserved seats and the general seats overlap have been affecting women's participation in the councils. Though the existing law/rule did not restrict women from contesting for the seats of general members as well as the chairman, the number of elected women members from the general seat cannot be taken in to consideration. Therefore, the ratio of male-female members virtually remains almost 3:1. Moreover the relevant laws/rules provide that decision-making in the Union Parishad will stem from what the majority supports. Therefore, it leaves no doubt that in terms of numerical strength women members are three times weaker than the other (male) members that clearly shows that the women members can do a little to influence the decision taken in the Union Parishad. As a consequence, the number of female candidates for reserved seats declined from 44,969 in 1997 to 39,419 in 2003, which is about a quarter (12.3%) less within six years. Around half of women members (47%), who were elected in 1997 but did not compete in the 2003 elections (Karmaker, 2006). | women's empowerment in rural Bangladesh. No doubt, as a step of women empowerment, the elected reserve seats for women helps to promote participation and women access to the decision-making process numerically, though not practically much ensured. In increasing the number of women in decision making positions does not in itself translate in to greater empowerment for women. Measures to increase the quantity of women representatives need to be accompanied by measures to improve the quality of participation. Alongside quota system (reserve seats) women need to encourage in participating from general seats. |

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| **8. Citizen Charter**<br><br>**Section-49 Act of UP, 2009**<br><br>**Section-68 Act of UZP, 1998**<br><br>**Section -43 Act of PS, 2009** | Each and every LGIs constituted under this law, following the specified procedure shall publish statement on rendering different types of citizen services, conditions for rendering services and ensure rendering services within the stipulated time which shall be named as Citizen Charter.<br>The Government shall prepare guidelines related to Model Citizen Charter for the Parishad. Other issues including the following shall be included in preparing the Citizen Charter, such as:-<br>• Flawless and clear statement on each service rendered by the parishad;<br>• Cost for the services rendered by the parishad;<br>• Eligibility and procedure related to claim and receiving services;<br>• Specified time for rendering service;<br>• Responsibilities of citizens as regards issues related to services;<br>• Guarantee of rendering services;<br>• Procedure for resolution of complains as regards rendering services. | All categories of LGIs are likely to have citizen charter provisions most of the LGIs have the citizen charter activities but note in organized formed especially UPs have not take initiative on ideal citizen charter as this own format. | Accountability, transparency, participation, empowerment, equity and all other attributes of good governance can become a part of the daily work of both the government and local bodies relates to better service to its citizen. It is 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 for people's satisfaction. Strengthening of local government institutions can move positive trend towards good governance if recognition of citizen is ensured as most important factor. Now it is very important that service and activities of LGIs should be as public demand. Therefore public herring should be organize in due manner. |
| **9. Suspension and removal of** | Elected or any other member including | This issue has been very much practical for the | As a member of LGIs (elected representatives) is democratically |

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| **elected representative**<br><br>**Section 34 of UP Act of 2009**<br><br>**Section 12-13, of UZP Act of 1998**<br><br>**Section 30-32 of Ps Act of 2009** | female members shall render their selves liable to removal from their offices if- they make following offence:<br>• Without reasonable excuse, absents themselves from three consecutive meetings of the Parishad.<br>• Is involved in any activities prejudicial to the interest of the Parishad or of the state.<br>• becomes physically or mentally incapacitated form performing his/her functions; or<br>• Is guilty of misconduct or is responsible for any loss or misapplication of money or property of the Parishad.<br>When the elected representative of LGIs faced and accused in criminal offence and when the court accused the person for the illegal activities then temporary suspension could be taken by the government | particular LGIs in many eases due to misunderstanding with government. It is seen in some cases regarding the misappropriation of funds and allocation. | elected the procedure of suspension and removal is not fare justice. Any corruption, illegal activity of elected representative could be monitor through proper indicator, like 1) social audit<br>2) financial audit 3) held up allocation 4) people awareness of against the offence of that particular elected representative |
| **10. Accountability and Transparency** | Extensive people's participation in development activities. projects shall be identified on priority basis and included accordingly in the 5-year plan; each year top priority projects will be selected from this perspective plan for | All LGIs shall formulate its budget in accordance with the budget manual exhibit it in a public place to inform people and draw their comments over it; all LGIS shall properly maintain its income – expenditure accounts which will be audited at the end of a fiscal year; and emphasis shall be given on ensuring accountability and | Each local government institution shall publish respective 'Citizen Charter' describing available services, conditions of service delivery, quality and time standards of service delivery; such charters shall be updated each year; proper and effective monitoring of local government activities be ensured by formulating a |

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| | implementation; and the report on project implementation shall be exhibited in a public place at the end of each fiscal year. | transparency in UP functioning and proper role playing by the elected representatives. | new and timely local government inspection manual; and local level assembly shall be formed in each LGIs; such assemblies shall hold meeting at least three times a year; and meetings so held have to fulfill quorum that demands the presence of at least 1/20 of total voters of a ward. |
| **11. Constitutional and legal frame work** | The constitution of the People's Republic of Bangladesh adopted in 1972 and the 12th Amendment of the Constitution in 1991 provided the legal basis and powers of local government bodies. Article 59 of the constitution states:<br>(i) Local government in every administrative unit of the Republic shall be entrusted to bodies composed of persons elected in accordance with law.<br>(ii) Every local body such as in 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 Act of Parliament, which may include functions relating to (a) administration and the work of public officers; (b) the maintenance of public order and (c) the preparation and implementation | The constitution is not clear about role and function of local government institutions (LGIs) and local/ field administration and how to overcome the ambiguity and overlap between the two.<br><br>The constitution left entire law making process at the discretion of the parliament. Parliament at times cannot overrule the 'executive excesses' in real situation, for adequate safeguard and solving the conflict of interest, 'guarantee' clauses are needed in the constitution for protecting some basic tenants of local democracy and local government.<br><br>There exist 9 different basic acts and few hundred rules gazette, office order, circular etc. for LGIs in Bangladesh. Under the current system, there exists no common and general applicable method to be qualifying the rules and activities of LGIs except separate LGI laws. | A responsible body/ authority has to be created in Bangladesh aspires to create a strong enough LGI system. The proposed body will cover all units and tiers irrespective of urban and rural, regarding their formation, function, jurisdiction, taxation, finance, budget account, electoral process, and central-local and local-local relationship. People can get all laws required for any LGIs under single cover and overlaps among LGIs could be avoided.<br>The law drafting process should be guided by a forward looking 'decentralization policy' which will definitely incorporate the vision of the government and citizens of the country.<br><br>The body/ authority may be formed to accelerate the process. The proposed body or authority will be the repressible for all LGI election from Upazila to Union and Paurashava can be held under single election schedule.<br><br>Mayors of Pourashavas and chairs UP, UZP will be elected through direct elections by the citizen of the particular locality. Ward members/ councilors will also elected by the smaller unit of local citizen. Due to increase in the population the number of UP, UZP and PS could be increased. |

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| | of plans relating to public services and economic development. Article 60 states: "For the purpose of giving full effect to the provision of Article 59, Parliament shall by law, confer powers on the local government bodies referred to in that Article, including power to including power to impose taxes for local purposes, to prepare budgets and to maintain funds". | | |
| **12. Reorganization of local unit/ ward and constitutions** | There are two distinct kinds of LGIs in Bangladesh- one for rural area and another for urban area. This in LG in rural area represents the system comprising three tiers, UP, UZP, and ZP, while the urban local government consists of paurashava and city corporations. The UP is thus currently made UP of 13 members, 1 Chairman, 12 member (3 of them women from reserve sent. 9 members are elected from 9 word. In case of Upazila Parishad currently there are 3 Chairman, 2 Vice Chairman (1 male and 1 female), members (Chairmen of Ups, mayors of paurashavas). Female members 1/3 of reserved seat of UP and Ps in | The present system of local government has no same number of population or not in same nature in respect of backwardness and development. | It is need to be reorganize the boundary of Union Parishad and Paurashava to determine an equal number of population UP and PS. |

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| | jurisdiction of the Upazila.<br>Paurashava: 1 mayor, number of councilors (as per government declaration) number of councilors from the reserve seat, (the number of ward will determine by the government). | | |
| **13. Challenges of LGIs in Bangladesh** | A strong local government system can ensure good governance through transparency, accountability, effective participation and equal opportunities for all. It can also lay the foundation for a vibrant democratic system. Though Bangladesh has long history of LG, the LGIs have been struggling for functions, functionaries, finances and freedom (the four Fs).<br>However, there is a consensus that the following challenges should be taken into consideration in any future attempts to reform the LGIs and to make them truly decentralized, institutionally effective, financially viable, participatory, gender sensitive, transparent and accountable. | The LGIs had never been, in independent Bangladesh, "self-governing" bodies in the truest sense of the term. They could simply be labeled as an extension of the central government with guided and limited local participation. Consequently, local governments have always been institutionally and financially weak, poorly managed and lacked social and political credibility. The significance of earlier reform initiatives with regard to LG lies in their contribution towards some incremental strengthening of the system. | • The political leadership must commit itself to creating an effective and decentralized LG system with guaranteed powers and authority. It is not enough to pronounce a pledge in the election manifesto; the pledge must be put into a reality. The mainstream political parties must move away from their confrontational political culture towards a more responsive and representative political culture. This will pave the way for reaching a consensus on an effective LG system and may lead to stop frequent changes in the structure of LG which usually taken place in Bangladesh with the changes of government.<br>• A strong political vision, wisdom and will is essential for depoliticize the bureaucratic machinery which remains a stumbling block in the process of local governance. It is for the political leadership to realize that both establishing grass-root democracy and poverty alleviation are directly related to effective and powerful rural local government system in Bangladesh.<br>• The power and functions of LG units have to be substantially increased to give them greater chances for playing an important role in local governance and development. These power and functions have to be specific not in general terms so that there should not be any ambiguity. |

**Recommendations**

**1. Constitutional amendment**

The constitution is not clear about role and function of local government institutions (LGIs) and local/field administration and how to overcome the ambiguity and overlap between the two.

The constitution left entire law making process at the discretion of the parliament. Parliament and times cannot overrule the executive excesses in real situation, for adequate safeguard and solving the conflict of interest, `guarantee' clauses are needed in the constitution for protecting some basic tenants of local democracy and local government.

**2. Interface between LGIs and Field Administration**

Functional overlaps between and amongst the LGIs and field administration have to be assessed and removed by assigning specific function and mandate to each level and unit by following the principles of subsidiary.

Sector-wise unbundling exercise has to be completed to assign functions according to the ability, appropriateness, accountability and efficiency of service delivery.

Assignment of function should also be followed by appropriate amount of fund and right level of functionary.

**3. Local Government Finance**

The allocation from national budget for LGIs under development and Non development heads have to be formula based not to be done under thumb rule. In Annual as well as under multi-year budgetary framework, allocation has to be made on the basis of an acceptable general formula.

The allocation need to be enhanced up to 10% minimum from both (Development and Non-Development) instead of current allocation of less than 2%. By the end of 7$^{th}$ five year plan it should reach to 30% of the total budget.

The national allocation should not be termed as 'Block Grant'; the term may be replaced by the term 'Inter-governmental Transfer'.

There may be a local government finance policy under which the allocation formula could be formulated and revised.

**4. Integration of national and local planning**

The 7$^{th}$ Five year plan should devote one full chapter on LGI level/local level plan and how the local plan should incorporate and reflect the goals, objectives and strategy of the 7$^{th}$ five year plan and vision at the LGI levels.

The National Planning Commission should extend its arms up to districts for proper guidance and monitoring of plans at local levels. Monitoring, Inspection and Evaluation wing of Local Government Division is need to be strengthen in this connection.

The data and information collected through the Bangladesh Bureau of Statistics (BBS) should be shared at the local levels for planning purposes at Union, Upazila and Districts and all government departments (Irrespective of retain and transferred departments) should be

instructed to share their departmental data with the corresponding LG units for planning purposes,

Every department having offices ant the local level should assist corresponding LGIs to have annual plan and their respective departmental developmental, promotional and services should have to be delivered in coordination with local plan.

The LGIs will not be allowed to spend resources without having annual and five year plans of their as aligned with the national planning goals and strategies.

**5. Reform in the Field Administration**

The reform and strengthening of local government, promotion of efficient and effective delivery of services create an urgent rationale and imperative for review and reform in field administration and interfacing and integration of field administration and local government institutions within the period of 7th Five Year Plan. Government may immediately form a high powered committee to frame and formulate recommendation for rationalization, harmonization and proper distribution of workload and manpower with specific functional and service mandates.

## Guiding principles of the study

Effective participation by the people through their elected representative is a fundamental right granted to them by the Constitution of Bangladesh. Applying this to local governance underscores the principles of:

- Free and fair participation of individuals through the electoral process;
- Effective democratic oversight of all levels of local government;
- Participation of individuals and groups in decision-making, formulation, implementation, and evaluation of activities of local government which impacts on them;
- Participation of the people's representatives is effective and representative of electorate;
- Participation which results from interaction, cooperation and interrelationships between and among organizations involved in development activities at the local level.

As another principle, a strengthened system of transparent and accountable local government would aim at:

- Increased capacity of the system to deliver services equitably and justly to its customers, the people of Bangladesh;
- Enhanced interactions between stakeholders at the local level;
- All administrative and structural institutions and processes to be fully accountable to the electorate and transparent to them and their elected representatives.

That equity and justice should be given especially to the most deprive groups, including women, in accordance with the Constitution's provisions for affirmative action.

## Opinion of UP Chairman regarding Local Government (Union Parishad) act, 2009 (Field of working area Aparajita and Non Aparajita area)

Table-1: Orient on different sections of Union Parishad Act, 2009

| Response | Aparajita | | Non Aparajita | |
|---|---|---|---|---|
| | No. of respondent | % | No. of respondent | % |
| Yes | 151 | 100 | 116 | 100 |
| No | 0 | 0 | 0 | 0 |
| Total | 151 | 0 | 116 | 100 |

Table-2: Opinion of chairmen regarding sections of UP Act of 2009

| Opinion | Aparajita | | Non Aparajita | |
|---|---|---|---|---|
| | No. of respondent n=151 | % | No. of respondent n=116 | % |
| Most of the sections are understandable, explainable, and people oriented | 109 | 72 | 76 | 66 |
| Difficult to Understand and not people oriented | 23 | 15 | 15 | 13 |
| Relevant for functioning the Ups and process of strengthen the local government institution | 46 | 30 | 32 | 28 |
| Local Government institution could not be strengthen | 18 | 12 | 16 | 14 |
| The sections of UP law could be amend | 25 | 17 | 22 | 19 |

One are more answer is possible

Table-3: Sections regarding local resource mobilization whether helpful

| Response | Aparajita | | Non Aparajita | |
|---|---|---|---|---|
| | No. of respondent | % | No. of respondent | % |
| Yes | 139 | 92 | 75 | 82 |
| No | 12 | 8 | 21 | 18 |
| Total | 151 | 100 | 116 | 100 |

Table-3 A: Reason for not helpful

| Reason | Aparajita | | Non Aparajita | |
|---|---|---|---|---|
| | No. of respondent n=12 | % | No. of respondent n= 21 | % |
| Sections are too much complicated | 8 | 67 | 15 | 71 |
| Union Parishad have very limited power to execute the section of the law and also lack of proper manpower to assess and collection of tax | 6 | 50 | 8 | 38 |
| Assessment and collection procedure threat for elected representative in their popularity | 4 | 33 | 5 | 23 |

One are more answer is possible

Table-5: Any problems regarding collection of ToT rate etc.

| Response | Aparajita | | Non Aparajita | |
|---|---|---|---|---|
| | No. of respondent | % | No. of respondent | % |
| Yes | 21 | 14 | 19 | 16 |
| No | 130 | 86 | 97 | 84 |
| Total | 151 | 100 | 116 | 100 |

Table-6: Problems of tax collection

| Problems | Aparajita | | Non Aparajita | |
|---|---|---|---|---|
| | No. respondent n=21 | % | No. respondent n=19 | % |
| Union parishad have no permanent tax collector and assessor | 5 | 23 | 7 | 37 |
| Increased the rate of tax item which is not affordable by the poor communists | 16 | 76 | 14 | 74 |
| Previously commission for tax collection was 20% presently it is reduce to 10% | 9 | 43 | 10 | 53 |
| Peoples are less aware about payment of UP tax | 5 | 23 | 6 | 32 |
| Chainmen have very little executive power for collect of taxes | 3 | 14 | 2 | 11 |
| It is need to prepare ideal procedure to collect all types of Up tax | 8 | 38 | 6 | 32 |
| Current procedure of assessment and collation tax, rate fees etc. are very complex | 6 | 29 | 5 | 26 |

One are more answer is possible

Table-11: Any Problems to perform social safety net programme

| Response | Aparajita | | Non Aparajita | |
|---|---|---|---|---|
| | No. of respondent | % | No. of respondent | % |
| Yes | 19 | 13 | 18 | 16 |
| No | 132 | 87 | 98 | 84 |
| Total | 151 | 100 | 116 | 100 |

Table-8: Problems of social safety net

| Problems | Aparajita | | Non Aparajita | |
|---|---|---|---|---|
| | No. of respondent n=19 | % | No. of respondent n=18 | % |
| The allowances of social safety net is very poor | 11 | 58 | 10 | 56 |
| The selection procedure of beneficiaries is | 8 | 42 | 8 | 44 |

| | | | | |
|---|---|---|---|---|
| not properly maintained | | | | |
| In case of allowances of rice and wheat have not been allotted accordingly from the store | 5 | 26 | 6 | 33 |
| The age limit for the selection of elderly people should be changed | 5 | 26 | 5 | 28 |
| The recipient of safety net are mostly vulnerable people and they have difficulties in bank transaction | 4 | 21 | 5 | 28 |
| Many recipient are disable, weak therefore they could not move to Upazila HQ to collect that allowance. | 4 | 21 | 2 | 11 |
| The power of chairmen have been reduced in programme of 40 days | 3 | 21 | 3 | 17 |

One are more answer is possible

Table-9: Any problems regarding sections of Budget in Act. of Up

| **Response** | **Aparajita** | | **Non Aparajita** | |
|---|---|---|---|---|
| | **No. of respondent** | **%** | **No. of respondent** | **%** |
| Yes | 8 | 5 | 10 | 9 |
| No | 143 | 95 | 106 | 91 |
| Total | 151 | 100 | 116 | 100 |

Table-10: Problems of sections regarding preparation of budget

| **Problems** | **Aparajita** | | **Non Aparajita** | |
|---|---|---|---|---|
| | **No. of respondent** | **%** | **No. of respondent** | **%** |
| It is difficult to mobilize people in participation of budget preparation | 5 | 63 | 7 | 70 |
| Many items have to be mentioned in the budget but UP have no fund for these budget item | 2 | 25 | 3 | 30 |
| Union Parishad have not that skilled manpower to prepare budget according to the law and budget rule | 3 | 38 | 4 | 40 |
| Many sections are very complicated | 2 | 25 | 3 | 30 |

One are more answer is possible

Table-11: Reason for strong opinion about budget preparative

| **Reasons** | **Aparajita** | | **Non Aparajita** | |
|---|---|---|---|---|
| | **No. of respondents n=143** | **%** | **No. of respondents n=106** | **%** |
| Elected representative are very much sincere to prepare budget | 66 | 46 | 53 | 50 |
| Sections are very simple and easy to understand | 28 | 20 | 25 | 29 |

| | | | | |
|---|---|---|---|---|
| Sometimes technical support provided by Upzila parishad | 34 | 24 | 30 | 28 |
| Comprehensive training have been received regarding budget preparation | 38 | 27 | 33 | 31 |

One are more answer is possible

Table-12: Agree with the section of removal and impeachment of elected representatives from the local Government Institution

| **Response** | **Aparajita** | | **Non Aparajita** | |
|---|---|---|---|---|
| | **No. of respondents** | **%** | **No. of respondents** | **%** |
| Yes | 105 | 70 | 76 | 66 |
| No | 46 | 30 | 40 | 34 |
| Total | 151 | 100 | 116 | 100 |

Table-12.A: Reason for support the section of removal and impeachment

| **Reason for support** | **Aparajita** | | **Non Aparajita** | |
|---|---|---|---|---|
| | **No. of respondents n=105** | **%** | **No. of respondents n=76** | **%** |
| Transparency ensured through this process | 62 | 59 | 42 | 55 |
| Narrative description have been provided in the section regarding reason for removal or impeachment | 41 | 34 | 36 | 47 |
| This type of section helped the elected representative keep honest | 27 | 26 | 15 | 20 |
| This section is very much helpful to keep the elected representative in discipline | 22 | 21 | 14 | 18 |
| It is not interference of UP activities by the elected representative | 32 | 31 | 29 | 38 |

One are more answer is possible

Reason for not agree

| **Reason for not agree** | **Aparajita** | | **Non Aparajita** | |
|---|---|---|---|---|
| | **No. of respondents n=46** | **%** | **No. of respondents n=40** | **%** |
| The section in not appropriate according the constitution of country | 28 | 61 | 24 | 60 |
| This section have political motivation | 19 | 41 | 17 | 43 |
| Before Judgment of the court the impeachment is illegal | 14 | 30 | 13 | 33 |

One are more answer is possible

Table-13: Any other remarks regarding UP act of 2009

| Remarks | Aparajita | | Non Aparajita | |
|---|---|---|---|---|
| | No. of respondents n=151 | % | No. of respondents n=116 | % |
| Third schedule under section 63, provision of employees of transferred departments have not yet circulated | 66 | 44 | 52 | 34 |
| Responsibilities of the standing committees and Union Development committee should be incorporated in act | 42 | 28 | 33 | 22 |
| Woman sensitive budget should incorporated in the law | 39 | 26 | 31 | 21 |
| System of reserve seat should be abolished from act. | 34 | 23 | 27 | 18 |
| Educational status for candidate should be fixed in the act. | 24 | 16 | 16 | 11 |
| Manpower like accountant, data operator, tax assessor and collector should recruited | 47 | 31 | 28 | 19 |
| Structure of village police and their qualification, allowances, privileges should be reformed | 19 | 17 | 21 | 14 |
| Duties and responsibilities of members both men and women should clear in UP act. | 26 | 17 | 18 | 12 |
| To implement the different sections rules should be prepared under the act of 2009 | 24 | 16 | 21 | 14 |
| Specific training regarding Union parishad act of 2009, rules of tax, budget, planning and development and other policy issues are required for the functionaries of UPs | 16 | 11 | 11 | 7 |

One are more answer is possible

**Field survey analysis**

The analytical study was conducted through a survey. A simple questionnaire have been developed for this survey and two types of field area have been selected for the purpose, one is Aparajita project area where the respondents are 151 UP chairmen and other area is outside Aparajita project area, where the respondents are 116 UP chairmen. Analysis of the survey is as follows:

1. Regarding knowledge of Union Parishad law, all respondent of project area (151) and outside project area (116) responded that they are very much aware about the Union Parishad Act of 2009.
2. Regarding the clauses or sections of the Act of 2009, operational and functional, 72% of the respondent of project area and 76% outside project area mentioned that sections are easy to understand, explanations are clear and people oriented, 30% of project area and 28% of outside project area mentioned that sections are relevant for function at for the UP and it is a process of strengthening the Union Parishad, 15% of the project are a and 13% of outside project area mentioned the sections area difficult to understand and not people oriented, 12% of project area and 14% of outside project area replied **that the clauses are not at helpful for strengthening the UPs.**
3. Sections regarding resource mobilization how helpful for the UP, 92% of project area and 82%, of outside project area replied that helpful , only 8% of project area and 18% of outside project area replied that not helpful.
   3A. Out of 12 respondent of project area 15 of outside project area explained that not helpful. Opinion of not helpful are 67% of project area and 71%, of outside project mentioned that because sections are too much complicated for implementation, 50% of project area and 38% outside project area mentioned the UPs have very limited power to execute, again 33% of project area and 23% of outside project area replied assessment and collection procedure is threat for the popularity of elected representative.
4. Regarding problems at tax collection 14% of project area and 16% of outside project area mentioned that there are problems, where as 86% of project area and 84% of outside project area mentioned that these is no problem to tax collection.
   4.A Regarding the types of problems are faced by the respondent (out 21 of project area and 19 of outside project area) 23% of project area and 37% of outside project area mentioned about lack of permanent tax assessor and collector, 76% of project area and 74% of outside project area mentioned and about rate of tax item not affordable by the majority of the community, 43% of project area and 53% of outside project area mentioned about the commission have been reduced to 20% to 10%, 23% of project area and 32% of outside project area mentioned that peoples are less aware about up tax, 14% of project area and 11% of outside project area mentioned that chairmen have limited executive power regarding tax collection, 38% of project area and 32% of outside project area mentioned that procedures of collation of taxes very complicated problems faced by los of project area and 18 of outside project area.
5. About social safety net programme 13% of project area and 15% of outside project area mentioned that they faced problem to manage social safety net programmes.

5.A Regarding the types of problems of safety net, 58% of project area and 56% of outside project area mentioned that allowances are very poor, 42% of project area and 44% of outside project mentioned selection procedure of beneficiaries is not properly maintained, 26% of project area and 33% of outside project area mentioned that the allowances of rice or what have not been allotted from the god own properly

The above analysis of field data reveals that the chairman of both Aparajita project area and outside project area are very much aware of the existing laws, and sections of the laws, again both the field area remarks of the respondent have positive attitude regarding the sections that are effective for strengthening the UPs. Regarding both type of respondent mentioned that explanation of sections of tax assessment, collection and resource mobilization the is very much in proper direction. Very less number (14% of project area, 16% outside project area) mentioned such problems like (i) lack of permanent tax collections (ii) rate of tax, fees are high (iii) peoples are not aware to provide tax to the UP. About social safety net programme responded from both study area remarks that the programme could be operate smoothly. Again very few respondents (13% of project area and 15% of outside project area) mentioned that problem like (i) poor allowances (ii) selection procedure not proper (iii) linkage of food grain from the god own

6. Regarding agree with the section on removal and impeachment of elected representatives from the local government institution 70% of project area and 66% of outside project area agreed with the section where as 30% of project area and 34% of outside project area not agreed in this section.

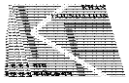
6A. Regarding the support of the section, 54% of project area 55% of outside project area mentioned that transparency entrusted in this process, 34% of project area and 47% of outside project area mentioned narrative description have been provided, 26% of project area and 20% of outside project area mentioned that this section keep away of the elected representative, 21% of project area and 18% of outside project area mentioned that this keep discipline in office management of the elected representative 31% of the project area and 38% of outside project area mentioned this is not interference of UP activities by the elected representatives.

**A PVDO WITH A DIFFERENCE**

Initiated in memory of the late Mr Abdul Momen Khan, Cabinet Secretary and then Minister for Food to the Government of Bangladesh(1977-1982), philanthropist & prolific social worker; Khan Foundation (KF) first began operations during the flood of 1988, in the area of relief & rehabilitation work. It rapidly built a reputation as one of the few PVDOs linking different levels of the society from the highest level of the government to the grass roots & working in the areas of democracy, human rights and poverty alleviation and development. KF's major focus has been on advancing the cause of development through the process of sustained democracy aimed at the most disadvantaged groups in the country. KF's programmes are based upon the founding concept of "Democracy for Development and Development for Democracy".

## VISION OF KHAN FOUNDATION

The vision of Khan Foundation for the new millennium is firm in determination yet quite flexible in approach. It would like to see a future Bangladesh where Liberal Democracy flourishes and sustains along with the growth of Economic Development, where basic human rights and dignity are honoured, where the millions of downtrodden Bangladeshis no longer suffer under the yoke of poverty, rather adapt to a lifestyle which is simple, yet not impoverished, which is peaceful, yet not extravagant and which is decent yet not too materialistic.



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