



EAST WEST UNIVERSITY

DISSERTATION ON

Local Government in Bangladesh: A Critical Analysis of The Local Government (Union Parishad) Act, 2009 & The Local Government (City Corporation) Act, 2009.

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Declaration

I Shah Hossain Uz Zaman, bearing ID: 2017-3-66-041, student of Department of Law of East West University, do solemnly declare and affirm that this research is my own work, except some quotations and summaries which have been duly acknowledged. The purpose of this research is to complete my undergraduate degree as it is a requirement for the completion of my degree.

Student's Signature

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Abstract:

Bangladesh was administered by Pakistan for 24 years and the British Raj for 190 years, respectively, leaving Bangladesh with a colonial-style municipal government. Since independence, there have actually been a number of initiatives to enhance local governments through decentralization under various regimes. Despite these attempts, it has received widespread criticism for being too centrally controlled. However, over the past few years, it has been observed that the nation has undergone some significant reform initiatives to enhance the function and capability of local government organizations. More precisely, the cooperation of the government and development partners has resulted in a variety of decentralization projects and programs. In light of this, this paper seeks to assess Bangladesh's local government system.

CHAPTER-I (Introduction)

Introduction:

Local government can be defined as a group of elected officials who have executive, legislative, and administrative powers over areas under their authority. It is described as a body that chooses or establishes certain policies within a particular region.¹ A variety of essential services for the residents and companies in certain areas are handled by the local government. There are well-known services such as social services, planning, and waste collection among them, as well as less well-known ones such as pest control, business related support, licensing, and registrar services. Local governments have the authority to make and implement decisions in areas smaller than the entire state. Every country in the world has some form of local government, though the level varies greatly. The local self-government variation is significant because it emphasizes the authority of the locality to make decisions and take action.² Local government is the most basic level of administration. Its council members are in the best position to keep track of how local communities' needs are changing, to plan and put these needs into action, and to bring local issues to the State. The proximity to the community and capability of local government to consider and respond to local perspectives and ideas are its main strengths. The Union Parishad Act, 2009 & City Corporation Act, 2009 establish a system of local government. It outlines the duties of local governments, sets down guidelines for elections, and creates a framework for their administration and financial management, including the oversight of their operations.

¹ The Editors of Encyclopaedia Britannica, "local government | Definition, Examples, & Responsibilities | Britannica." <https://www.britannica.com/topic/local-government>. Accessed 31 Oct. 2022.

² "What is local government?." <https://www.local.gov.uk/about/what-local-government>. Accessed 31 Oct. 2022.

Literature Review:

Numerous authors have written about local governance. They made an effort to learn about the state and operation of local government. They are unable to draw a conclusion in this regard. I chose to conduct research on this subject since I was unable to locate any specific article or publication that attempted to demonstrate the influence of local government.

Methodology:

This study employs a qualitative exploratory methodology, with some quantitative data added for depth. The primary information, the constitution People's Republic of Bangladesh, The Local Government (Union Parishad) Act, 2009 & Local Government (City Corporation) Act, 2009. Secondary data sources are used in the study's analysis. Secondary data was gathered through the content analysis of a number of Cases, scholarly articles, books, and other publications on the subject.

Limitations:

If there were no time limitations, this analysis of local government under The Local Government (Union Parishad) Act, 2009 & Local Government (City Corporation) Act, 2009, might be able to produce a superior outcome. Only having this short amount of time is insufficient for this analysis. When conducting this analysis, not enough materials were found to address this issue.

Objectives of the Study:

1. The objective of the study is to analyze the relevant laws.
2. To find out impacts, works, functions and services of the local government under The Local Government (City Corporation) Act, 2009; and The Local Government (Union Parishad) Act, 2009.
3. To provide a better idea for proper services and implementation of these laws.

Scopes:

This work is mostly based on the existing provisions of Local Government (City Corporation) Act, 2009; and Local Government (Union Parishad) Act, 2009. This paper also contains the functions and powers of the local government under The Local Government (City Corporation) Act, 2009; and The Local Government (Union Parishad) Act, 2009.

Research Question:

Various questions can be framed on this research topic. Anyway, this research has been limited to the following questions:

1. Whether the purpose of making The City Corporation Act, 2009; and The Union Parishad Act, 2009 have been properly carried out or not?
2. Whether the people are getting proper services mentioned in The Local Government (City Corporation) Act, 2009; and The Local Government (Union Parishad) Act, 2009?
3. Whether the authority of the Union Parishad and the City Corporation are accountable or not?

CHAPTER-II (Local Government in Bangladesh)

Introduction: The goal of the local government system is to have locally elected officials oversee local matters. Each country has a distinct type of local government that differs from those of other countries, and in general, local government operates within the confines of the powers granted to it by laws or directives from a higher level of government. In order to enhance a nation's foundation for democracy, local governance is especially crucial to a nation's political development. It helps individuals become more politically aware and empowers them to create a democratic society and governing structure. It is recognized as a very practical method for establishing democratic procedures and practices and ensuring participatory growth. It is a crucial component of the state that deals with issues specific to a group of people. Local

self-government is defined by the United Nations (UN) as a legally established political division of a country or state with significant influence over local affairs, including the authority to levy taxes or demand labor for specific purposes. Such an entity's governing body is elected or otherwise chosen locally. Bangladesh has a lengthy history of local government formation. Towards the end of the nineteenth century, the initial steps towards the establishment of local government institutions were taken. Acts, ordinances, rules, and regulations have changed over the years, and these changes have had a dramatic impact on the way local government institutions are organized, operate, and manage their finances. The imperatives of legitimizing and expanding the power base in the central/national government drove such developments. Over time, laws have been enacted to establish local bodies at the village, upazila/thana (sub-district), and district levels to share the center's duties, powers, and jurisdiction. The historical evolution of the local government is the principal theme of this study, with an emphasis on Bangladesh's expanding rural local government organizations. It examines the measures taken by various governments under various regimes that have shaped the country's current rural-local governmental structure and organization.³

Historical Background of Local government - British Period (1766-1947):

Over the course of their 200-year rule, the British experimented with many local government structures on the Indian subcontinent. Their experiments were primarily intended to design a system that would benefit British colonial ambitions. With the establishment of the Permanent Settlement System in 1793, British colonial authorities replaced the native system with the British form of local government. Both the Panchayat and Pargana systems were abolished. Landlords took on the role of local rulers, and courts, civil laws, and criminal laws served as the foundation for local government. In an effort to bring back the venerable Panchayat system, they created the Chawkidari Act in 1870. This Act gave the District Magistrate authority to create a union-level Panchayat with five members. The Panchayet's sole responsibility was to uphold the status quo of law and order. A few drawbacks to the Panchayet system existed. Because

³ Sheikh Ashrafur Rahaman & Gazi Saiful Hasan "Local Government in Bangladesh: Constitutional Provisions and"
<http://metrouni.edu.bd/wp-content/uploads/2019/04/Local-Government-in-Bangladesh-Constitutional-Provisions-and-Reality.pdf>. Accessed 5 Jan. 2023.

Panchayet members were nominated rather than elected, public representation was not taken into account under that arrangement. They were regarded as representatives of the state. The majority of the time, they were unsuccessful in raising money and collecting taxes. The salaries of the Chaukidars were not consistently paid. The sole purpose of the Panchayet's formation was to support governance and uphold law and order. They weren't in charge of any social welfare initiatives. 1. Lord Ripon voted in favor of the Local Self-Government Act of 1885, which established a three-tiered system of local government with union committees for multiple villages and district boards for districts of 10 to 12 square miles. A Chairman would be chosen by the Union Committee from among its members. The right to create the Union Committee was granted to the Lieutenant Governor. In 1919, the Bengal Village Self-Government Act was passed, replacing the previous three-tier system with a two-tier structure made up of the Union Board and District Board. The Union Board consisted of six to nine people, two-thirds of whom were elected by the union's residents and one-third by the District Magistrate. The nomination process was abandoned in 1946. The Board of Directors elected a president and vice-president from among themselves. The President served as the Board's president and CEO.⁴

Pakistan Period (1947-1971):

The local self-government arrangement persisted after Pakistan's independence in 1947 until 1956. On October 27, 1959, President Ayub Khan issued the Basic Democracies Order, which fundamentally altered the system. This Order outlined a brand-new municipal government structure. The following four levels of local administration were established: Union Council, Thana Council, District Council, and Divisional Council. The name of the former Union Board was changed to Union Council, and significant changes were made to the organization's structure, operations, and financial administration. An average Union contained 10,000 people, and the Union Council was made up of ten to fifteen members; between 1960 and 1962, two-thirds of them were chosen by the people and one-third by the government. After the constitution was adopted in 1962, the nomination method was eliminated, and the Union Council was transformed into an entirely elected council. Voting took place using ballots. From among its

⁴ Dr. Abul Hossain & Ahsan Habib "Dynamics of Local Government and Governance in the Context of" <https://green.edu.bd/wp-content/uploads/2019/11/Dynamics-of-Local-Government-and-Governance-in-the-Context-of-Bangladesh-min.pdf>. Accessed 5 Jan. 2023.

members, the Council chose a Chairman and Vice-Chairman. Before beginning their duties, the Chairman and the members had to take an oath. A vote of no confidence in the Chairman by two-thirds of the members present and voting could result in their removal. The typical tenure of the Union Council position was five years.

Bangladesh period:

Since Bangladesh gained its independence in 1971, many governments have undertaken various attempts to enhance the rural-local government bodies. Even while the hierarchy of the organizations making up local government has changed, sadly, little has been done to fortify them. As soon as the country achieved independence, President Sheikh Mujibur Rahman issued No. 7, 1972 Presidential Order, dissolving all local government organizations and appointing administrators to carry out their duties. On the other hand, article 59 of the constitution of the People's Republic of Bangladesh states about the creation of the local governments and authorizes the parliament to make such related laws that the functions and powers local government will have. The People's Republic of Bangladesh's constitution mentions the authority of local government bodies in Article 60. Many governments of Bangladesh from time to time have been changing and updating the local government system since its formation.⁵ Local government entities have new names. Union Panchayat and Thana Development Committee have replaced the Union Council and Thana Council, respectively, while the District Council is now known as the Zila Board or District Board. In 1973, Presidential Order No. 22 established a three-tier rural local government system with a directly elected Union Parishad (UP), a Thana Parishad under the control of a Sub Divisional Officer (ex-officio Chairman), and a Zilla Parishad (ZP) under the control of a DC. However, these local bodies' roles and funding sources largely remained the same as in the BDO of 1959. For the first time in independent Bangladesh, President Ziaur Rahman began to implement significant modifications to the system of rural-local government in 1976. Under the Local Government Ordinance of 1976, he established a three-tier system of rural local government: UP represents the Union, Thana Parishad represents the Thana, and ZP represents the District. The UP's structure and roles remained

⁵ "The Constitution of the People's Republic of Bangladesh | Article 59. Local" <http://bdlaws.minlaw.gov.bd/act-367/section-24613.html>. Accessed 28 Dec. 2022.

largely unchanged from those described in Presidential Order No. 22. The Local Government (Thana Council and Thana Administration Reorganization) Ordinance 1982 replaced the Thana Parishad with the Upazila Parishad (UZP) and gave the UZP significant power. The 1983 Local Government (UPs) Ordinance divided the Union into three wards. An UP had a chairman, nine elected members (three from each ward), and three nominated female members, each of whom was assigned to represent a different ward. The UZP was tasked with selecting the nominated female members from among all of the Union's female members. The government passed the Local Government (UP) Act, 2009, which requires the UP to have a chairman and nine members from nine wards, including three women members in reserved seats. On the other hand, the government passed the Local Government (UZP) Act of 2009, which requires the UZP to be organized with an elected Chairman and two Vice-Chairmen (one is reserved for women). The UZP (Amendment) Act, 2011, was passed by Parliament on December 1st.⁶

CHAPTER- III (Functions of local government in Bangladesh)

The functions of the Union Parishad and the City Corporation under Local Government (Union Parishad) Act, 2009 and The Local Government (City Corporation) Act, 2009:

The functions of the Union Parishad:

According to section 47, 48 of the Local Government (Union Parishad) Act, 2009 the functions of the Union Parishad are:

- To maintain law and order and assist the administration in this regard.
- Taking various measures to curb crime, disorder and smuggling.
- Agriculture, Plantation, Fisheries and Animal Husbandry Health, Cottage Industries, Irrigation Communication.
- Expansion of family planning programs.
- Ensuring the development and utilization of local resources.

⁶ "Local Government - Banglapedia." 18 June. 2021, https://en.banglapedia.org/index.php/Local_Government. Accessed 4 Dec. 2022.

- Preservation of public property, roads, bridges, culverts, dams, canals, telephones, electricity etc.
- To examine other organizations' development activities at the Union level and, if necessary, make recommendations to the Upazila Nirbahi Officer.
- Encouraging people to use sanitary latrines.
- Birth and death registration, as well as registration of the blind, beggars, and destitute.
- All types of inventory management.
- Solving various problems, village court, Shalis, development, implementation of projects,

There are also some functions of Union Parishad like implementation of government plans and projects, provision of various services, issuance of various certificates including civil certificates, inheritance certificates, death certificates, safe water supply, conducting educational programs, maintaining law and order, roads -Construction of Ghats, Pool-Culverts etc.⁷

Functions of the City Corporation: The Local Government (City Corporation) Act, 2009, which governs the City Corporation in Bangladesh, lays out the organization's duties in unambiguous terms. The Act of 2009's Section 41(1) outlines the obligations and liabilities of the City Corporation. According to the corporation fund's capacity, the city corporation's duties and responsibilities are outlined in Schedule 3 in accordance with section 41(1)(B) of the Local Government (City Corporation Act, 2009). To fulfill any obligations or carry out any orders from the government published a gazette notification is required by section 41(1)(C) of the aforementioned act. In accordance with the law, as stated in sections 41(2) and 41(3), the mayor would preside over the standing committees and the councilors would carry out initiatives in the public interest while continuing to be jointly accountable to the corporation. Section 41(2) also states that the mayor would serve as the chair of the standing committees. In addition, Section 42 of the aforementioned Act states that, despite other provisions in the Act or other Acts, the

⁷ "ইউনিয়ন-পরিষদের-কার্যাবলী."

<http://palashiup.lalmonirhat.gov.bd/site/page/aebbfba5-18fd-11e7-9461-286ed488c766/%E0%A6%87%E0%A6%89%E0%A6%A8%E0%A6%BF%E0%A7%9F%E0%A6%A8-%E0%A6%AA%E0%A6%B0%E0%A6%BF%E0%A6%B7%E0%A6%A6%E0%A7%87%E0%A6%B0-%E0%A6%95%E0%A6%BE%E0%A6%B0%E0%A7%8D%E0%A6%AF%E0%A6%BE%E0%A6%AC%E0%A6%B2%E0%A7%80>. Accessed 4 Dec. 2022.

government may, if it is deemed necessary, do one of the following: (A) take control of any department or activity that the city corporation directs; or (B) issue an order transferring any institution or activities that the government directs to the management or control of the city corporation.

Under the Local Government (City Corporation) Act of 2009, the central government of Bangladesh has given city corporations a wide range of powers. Six general categories can be used to classify these functions:

- ◆ Medical care (water supply, sewerage and sanitation, and so on).
- ◆ The general well-being of the public (public facilities for education, recreation, and so on).
- ◆ Control (enforcing building by laws, encroachment on public land, and so on).
- ◆ Public safety (fire protection, street lighting, and so on).
- ◆ The general public works (construction and maintenance of roads, culverts, and drainage systems, and so on).
- ◆ Developmental activities (town planning and development of commercial markets and so on).⁸

A local government needs to share common principles, ethics, and purposes in order to function effectively and efficiently. It's important that everyone holding a position within the local government behaves in accordance with this pillar, even though this should be decided by those who appoint the local government. Diversity and inclusion are crucial and one of the greatest methods to ensure that other viewpoints and views are heard, but there must be a common goal that everyone strives to achieve.

The characteristics of a good local government are as follows:

- 1) Effective utilization of resources, time, and effort.
- 2) Making decisions that are rational and fair.

⁸ "Functions of the City Corporation/Roles and Responsibilities of the"
https://ebrary.net/58058/economics/functions_city_corporationroles_responsibilities_city_corporation. Accessed 4 Dec. 2022.

3. Effective participation of the general public and local residents.
- 4) Members who are forward-thinking, creative, and efficient.
- 5) Insurance of accountability and responsibility.

These are the points because they meet the needs of the general public while providing the greatest service possible for the district they serve. Local governments will gain the public's respect, legitimacy, and favor the more they act in this manner.⁹

CHAPTER-IV

Whether the purposes of The Union Parishad Act, 2009 And The City corporation Act, 2009 are being fulfilled or Not?

Union Parishad: The main purpose of The Union Parishad Act 2009 is to give a legal structure and distribute the functions, powers, responsibilities of Union Parishad. This Act authorizes the Union Parishad to take various measures to curb crime disorder and smuggling also to preservation of public property, roads, dams, bridges, culverts, all types of inventory management. To review the development activities of other organizations at the Union level and if necessary, make recommendations to the Upazila Nirbahi Officer and to solve various problems, dealing with village court, Shalis, development implementation of projects. But the purposes of the Union Parishad Act, 2009 are not being executed properly because The resources produced under the Union Parishad's narrow scope are not directly under its control. The Union Parishad is heavily reliant on the government as a result of a lack of resources and money. The Annual Development Program Block Grant of the government provides funding for projects to the Union Parishad. Block Grants are limited, and there is fierce competition for how they are distributed among the unions.¹⁰ The Thana Development Council Committee allocates this

⁹ "What Is Good Local Governance and How To Achieve It - iBabs." 18 June. 2022, <https://www.ibabs.com/en/meeting-techniques/local-authorities-and-governments-what-is-good-local-governance/>. Accessed 13 Jan. 2023.

¹⁰ Saiful Islam "Union Parishad: An analysis of Evaluation, Structure and Functions." 26 Mar. 2021, <https://www.walshmedicalmedia.com/open-access/union-parishad-an-analysis-of-evaluation-structure-and-functions.pdf>.

money for initiatives that the union proposes, and it is administered at the Thana level. Block grants must be properly applied in the regions the government specifies. The extent of local level planning and the ability of local organizations to use financial resources are both constrained by this predetermined sector allocation. Additionally, this goes against the idea of the functional autonomy of local government entities. Political meddling in the allocation is another issue. Union Parishad's independence has been compromised by Member of Parliament meddling in its business. They frequently decide on development initiatives without contacting the elected officials in the area. The ruling party's member of parliament frequently tries to use the Union Parishad's funds for personal gain while interfering with the organization's development planning.¹¹ The Union Parishad has been given a wide variety of legal responsibilities, some of which overlap with the duties of other central government agencies. For instance, there is a significant overlap in the Union Parishad's and other departments' responsibility for local infrastructure, such as the Local Government Engineering Department and the Department of Public Health Engineering. The viability of local development programs is severely hampered by the corruption of the ministers and bureaucrats. Unfortunately, even though they are less accountable for it, the chairmen and members must take the fall for corruption. The Union Parishad Act, 2009 is written in such a way that Union Parishad is subject to strict regulation by the government.¹² Functional obligations do not come with actual staffing or financial authority. In reality, the Union Development Council Committee and the Members of Parliament have only little authority over project selection and implementation, and in comparison, to other nations, the central government's financial support and government rules are miniscule. Currently, Bangladesh's ADP allocation to the Union Parishad is less than 2%, compared to 40% for the Philippines and 35% for Thailand. There is no chance that the Union Parishad will participate in negotiations over intergovernmental resource allocation. The UNO has jurisdiction over the ADP fund, which is granted by the national government. Furthermore, Union Parishad is losing

Accessed 7 Jan. 2023.

¹¹ Mohammad Tarikul Islam, "Cooperation or interference: MP's role in local government." 10 Dec. 2018, <https://www.thedailystar.net/opinion/news/cooperation-or-interference-mps-role-local-government-1671871>.

Accessed 26 Dec. 2022.

¹² Samia Akter, Md Mahmud Hasan Mamun "A Case Study of Union Parishad | Akter | Urban Studies and Public" <http://www.scholink.org/ojs/index.php/uspa/article/view/1385>. Accessed 7 Jan. 2023.

resources due to interference from the central government. Once these facts become apparent, it is realized that the Union Parishad Act of 2009 is unable to effectively achieve its goals.¹³

City Corporation: The city corporations make up local administration in Bangladesh. The City Corporation Act of 2009's main purpose is to provide the city corporation with a legal framework and allocate its duties. This Act authorizes the city corporation to manage health care, water supply, sewerage, and sanitation and so on. Public security is also served by the city corporation such as fire protection, street lighting. Development related planning, development of new facilities for the city people is also the purpose of this Act.¹⁴ The statute also empowers city corporations to create extensive tax, asset enhancement, service pricing, and other municipal administration-related regulations. It also approves the budgets for urban local bodies and examines and debates the general policies and duties of city corporations. Most of them are dependent on grants and block allocations from the central government and are not economically self-sufficient. Resources are limited, and there is a lack of transparency and accountability to taxpayers, which makes sustainability activities seem invisible. The issue got worse as a result of poorly trained labour and lax central government oversight. The council members are still hesitant to accept tax increases or impose new levies because they want to remain popular, even if it means breaching the law. As a result, the tax base finds it difficult to meet the needs of the expanding urban population. It is clear from these facts that The City Corporation Act, 2009 cannot successfully accomplish its objectives.¹⁵

¹³ Samia Akter, Md Mahmud Hasan Mamun "A Case Study of Union Parishad | Akter | Urban Studies and Public" <http://www.scholink.org/ojs/index.php/uspa/article/view/1385>. Accessed 7 Jan. 2023.

¹⁴ Dhiraj Kumar Nath, "Sustainability challenges of city corporations - bdnews24.com." 26 Jun. 2013, <https://bdnews24.com/opinion/comment/sustainability-challenges-of-city-corporations>. Accessed 18 Dec. 2022.

¹⁵ DR MOHAMMAD TARIKUL ISLAM, "Making City Corporation effective - The Financial Express." 13 Apr. 2022, <https://thefinancialexpress.com.bd/home/making-city-corporation-effective-1649869161>. Accessed 18 Dec. 2022.

CHAPTER-V

Whether the people are getting proper services mentioned in The Local Government (City Corporation) Act, 2009; and The Local Government (Union Parishad) Act, 2009?

City Corporation: The City Corporation Act, 2009 establishes 28 broad categories. Public health, birth, death, and matrimonial registration, medical facilities, water supply and sanitation, ferry facilities, local market and slaughterhouse management, town planning, building construction, road development, traffic control, public security, disaster management, graveyard and crematorium management—all of these municipal functions are generally governed in urban areas of Bangladesh. These activities will demonstrate whether or not the public is receiving proper services. The development of equipment technology for service delivery needs to be a higher priority for the city corporation. Despite the fact that individuals are generally content with the amount of labour required to manage the facilities, the staff's caliber is not. From this situation, it can be inferred that offering services is crucial for satisfying citizens' needs, but that it is also vital to place equal emphasis on their quality. Each particular municipal service provided by City Corporation may have an impact on the degree of satisfaction of residents in any location. The public's general dissatisfaction with the City Corporation's disaster management efforts, parking facilities, and public restroom service. For instance, one of the cities most susceptible to earthquakes, urban floods, drought, and many other anthropogenic risks including building collapse is Dhaka.

According to the act, one of the main duties of the City Corporation is to inform the localities to form the disaster management committee and to train the local volunteers for their emergence. Community awareness could be a better solution to reduce the risk of such hazards. However, the agency's performance in this area is not favorable, as seen by the lowest overall median score for disaster management operations. The sole service provided by City Corporation that receives high marks from the populace is registration. When needed, they can immediately access this service. The healthcare services, garbage management, and street light facilities are all well-liked by the populace. According to the citizen's remark, the municipal disaster management, public restroom, and parking facilities are of great dissatisfaction to the citizens. The responsible

authority needs to place more emphasis on offering these services. Contrarily, individuals are extremely happy with the municipal services supplied for marriage, death, and other types of registration. This indicates that the municipality might achieve the target level of societal satisfaction by offering competent services. Additionally, according to public perception, the quality of facilities should take precedence over number in service offering.¹⁶ Considering all services from the city corporation it is clear that the application of the mentioned services should be ensured.

Union Parishad: The Local Government (Union Parishad) Act of 2009 was enacted to ensure public participation in the development of plans, as well as accountability and transparency in local government operations. Each union has nine wards, each with a chairperson and twelve members, in accordance with this Act. The three additional female members, whose three seats (each made up of three general wards) are especially reserved, would be chosen directly alongside the nine general members from each ward. Election engagement by the public as previously mentioned, Residents of the respective territories directly elect the chairman, twelve members, and all other Union Parishad members; voters across the union elect the chairman, the voters of every ward elect every general member, and the voters of each unit made up of three wards elect each female member. Union Parishad representatives are elected using the universal adult franchise. This Act paved the way for direct participation by local citizens, which they could exercise through voting or representative elections after five years or upon the dissolution of the Union Parishad. Ward Shava provides a venue for active participation.

The Union Parishad Act contains a provision for Ward Shava that promotes direct citizen involvement both when making decisions and reviewing previous ones. This act requires the construction of nine ward shavas in each of a union's nine wards. The precise definition of Ward Shava membership contained in this legislation is that a Ward Shava consists of all voters in a specific ward. A Ward Shava is presided over by the ward's elected general member, with the female member serving as an advisor. The session must be held within a ward's boundaries, and each meeting must have a minimum attendance requirement of 5% of the ward's voters. The

¹⁶ "Assessing the municipal service quality of residential"
<https://www.sciencedirect.com/science/article/pii/S2226585621000194>. Accessed 28 Dec. 2022.

Ward Shava meeting must take place at least twice a year, and its primary duties include choosing development plans and evaluating the ward's development initiatives. The Chairman of Ward Shava presents the yearly report to the members and updates them on the progress of the development projects. As additional significant activities of the Ward Shava, the Union Parishad Act, 2009 lists management of project proposals at the Ward level, local assistance in putting development projects into action, and assistance with information collection for the adoption of Union Parishad development planning.¹⁷ The Union Parishad Act, 2009 outlines the process for approving the budget, and it emphasizes how important it is to have open budget meetings.¹⁸ The yearly budget's first draft, which should address Ward Shavas's top priorities, must be created at least 60 days before the start of the fiscal year. There are a number of screening and discussion stages that this budget draft must go through, including meetings with the pertinent standing committees and the Parishad. The public budget meeting or session, at which the draft budget must be discussed, assessed, and changed, is one of the primary methods for screening and evaluating it. A public notice must be issued to the local populace via microphone, circular, memo, etc., so that they are aware of the meeting, attend it, and offer insightful opinions on the proposed budget. After being evaluated by the standing committees and the open budget meeting, the draft budget can only be presented to the Parishad meeting for UP level approval.¹⁹ The budget is then given to the concerned Upazila Nirbahi Officer (UNO) for final approval. The open budget meeting also includes a provision for the presentation of an annual financial statement and an overall summary of the year's income and expenses. People's participation in Permanent Committees

The 45th clause of the Union Parishad Act, 2009 states that a Union Parishad must establish 13 mandatory standing committees and any additional standing committees required for the proper performance of its (the Parishad's) duties.²⁰ Every standing committee has anywhere from five to seven members. Each permanent committee will be

¹⁷ "A Case Study of Union Parishad | Akter | Urban Studies and Public"

<http://www.scholink.org/ojs/index.php/uspa/article/view/1385>. Accessed 4 Jan. 2023.

¹⁸ Mohammad Rezaul Karim, "Understanding the Effectiveness of Union Parishad Standing" 7 Nov. 2017, <https://blogs.lse.ac.uk/southasia/2017/11/07/understanding-the-effectiveness-of-union-parishad-standing-committee-a-perspective-on-bangladesh/>. Accessed 4 Jan. 2023.

¹⁹ Abu Hossain Muhammad Ahsan & Dewan Nusrat Jahan "MANIFESTATION OF PEOPLE'S PARTICIPATION IN THE EXISTING" <https://www.banglajol.info/index.php/SSR/article/download/56521/40207>. Accessed 7 Jan. 2023.

²⁰ Mohammad Rezaul Karim, "Understanding the Effectiveness of Union Parishad Standing" 7 Nov. 2017, <https://blogs.lse.ac.uk/southasia/2017/11/07/understanding-the-effectiveness-of-union-parishad-standing-committee-a-perspective-on-bangladesh/>. Accessed 28 Dec. 2022.

presided over by a member of the Union Parishad, at least one-third of whom must be women who were elected to the Union Parishad. One of the main duties of this coordination committee is to establish, carry out, and coordinate the socioeconomic development plans of a Union.²¹

Concerning the social accountability mechanisms (SAM) in Ward Shava (Ward Meeting, hereinafter WS) and Unmukto Budget Shava (Open Budget Meeting, hereinafter OBM) processes at the local level, which will reveal whether or not people are receiving proper services and, consequently, accountability of public officials. It has also been investigated how well citizens are utilizing two other New Public Management (NPM) strategies, namely Right to Information (RTI) and Citizen's Charter (CC), in the planning and budgeting processes. As a result of the passing of the Local Government (Union Parishad) Act, 2009, Bangladesh's grassroots citizens are now participating in local level planning and budget preparation for the first time ever. It is clear that the Act, 2009 did a good job of designing the planning and budgeting processes used by WS and OBM. The Act gives individuals the chance to participate directly in identifying issues that directly affect their way of life at the Ward level. There are mechanisms for involving regular individuals and members of civil society organizations at every level of the planning process (CSO).²² The clear prospect of Parliament was that the general public and their allies might demand that UP functionaries be held accountable. This study also reveals that those Union Parishad Councilors who want to respond to the general public at the WS and OBM now have more authority thanks to the mandate of the information dissemination procedure under the rules of the Right To Information Act 2009 ("RTI") and Citizens' Charters ("CC"). Though most village inhabitants do not access these sources, the information flow at the UPs Transparency has not been achieved at the UPs through their Union Information and Service Centers (UISC), Local Government Division (LGD) website, notice board and billboard at the UP office, and so on. The second set of observations relates to the results or modifications brought about by the Local Government (Union Parishad) Act of 2009. It is clear that when people are given the opportunity to participate in the planning and budgeting process in a legitimate way, they are able to specify their top priorities and negotiate with UP

²¹ Mohammad Rezaul Karim, "Understanding the Effectiveness of Union Parishad Standing" 7 Nov. 2017, <https://blogs.lse.ac.uk/southasia/2017/11/07/understanding-the-effectiveness-of-union-parishad-standing-committee-a-perspective-on-bangladesh/>. Accessed 5 Jan. 2023.

²² "MANIFESTATION OF PEOPLE'S PARTICIPATION IN THE EXISTING" <https://www.banglajol.info/index.php/SSR/article/download/56521/40207>. Accessed 4 Jan. 2023.

officials. The OBM staff has been keeping an eye on the money use process. Transparency has improved with the release of additional data, such as a UP's income, expenses, project recipient list, project list, etc. Since many of the participants in both the WS and OBM have voiced their satisfaction with both processes, the voters' confidence in their elected UP officials has also increased. The involvement of NGOs and the personal commitment of UP elected and government officials to involve the public in the procedures have been considered as ways to improve the ability of the UP functionaries to implement these provisions. The final set of findings has highlighted the issues that must be handled to ensure greater public engagement and increased responsiveness from UP authorities. People are discouraged from accessing the WS and OBM for a variety of reasons, including inconvenient meeting times and locations, religious codes and patriarchy, a lack of education and awareness among the general public, and mistrust of UP functionaries due to the institutionalization of corruption. On the other hand, the challenges of SAM that reduce the UP functionaries' responsiveness and answerability to the needs of their voters include a lack of resources, local power structures, a lack of cooperation from government officials, a lack of capacity among UP functionaries, and interference from national politicians in local affairs. However, non-compliance with the bottom-up planning strategy, a lack of a standardized service charter for UPs or citizens' engagement in developing CCs, a lack of customer focus, a failure to realize user charges, and a shortage of experts on the use of ICT at the UP are some obstacles to the implementation of NPM techniques that are impeding effective service delivery and widespread participation in planning and budgeting at the UP level.²³ Eventually the services of the union parishad are not fulfilling its proper purpose through its services.

²³ "MANIFESTATION OF PEOPLE'S PARTICIPATION IN THE EXISTING"
<https://www.banglajol.info/index.php/SSR/article/download/56521/40207>. Accessed 4 Jan. 2023.

CHAPTER-VI

Whether the authority of the Union Parishad and the City Corporation are accountable or not?

Accountability of city corporation: When a city reaches the threshold and status of a city corporation, specialized authorities are established (such as the Water and Sanitation Authority or the Local Development Authority) to take over some of the key functions of the city corporation. Despite the fact that city corporations face many of the same issues as pourashavas, there is one area where city corporations more or less distinguish themselves. This arrangement deprives the elected municipal leadership of their authority and transforms the City Corporation into a coordinator of city services rather than a supplier of city services because these authorities are typically controlled by central line ministries and their appointees. The engagement of numerous groups further diluted the systems for accountability and participation. Regarding their methods of operation and hierarchies of accountability, City Corporations and various government ministries differ significantly. City corporations are directly elected political bodies, and citizens elect them to office. Therefore, the political leadership is accountable to the people for all of its decisions.²⁴ On the other hand, public employees who work in government departments are hierarchically answerable to their line ministries. This indicates that urban services that are centrally managed are subject to a "long accountability route". At the level of the City Corporation, this divergent structure of accountability has a significant impact on interorganizational coordination. A number of causes for the coordination issues between city corporations and various government ministries were noted. First, decision-making takes a long time (and is hierarchical) in bureaucratic organizations, but it moves much more swiftly in city corporations. Field-level bureaucrats rarely reply quickly to inquiries and requests from the city corporation since all decisions must be approved by the relevant ministries, but city corporation authorities expect to receive timely responses from field-level functionaries in line ministries. This can occasionally lead to severe coordination issues. The city corporation authorities may

²⁴ Shah Md. Azimul Ehsan "(PDF) The Local Government System in Bangladesh: An Anatomy of" 5 Jul. 2022, https://www.researchgate.net/publication/349734754_The_Local_Government_System_in_Bangladesh_An_Anatomy_of_Perspectives_Practices. Accessed 4 Jan. 2023.

implement their plans in these circumstances without first receiving clearance from the appropriate government agencies out of impatience. However, in other instances, making decisions without following the correct government procedure results in clientelism and the giving of undue favors.²⁵ Considering the above discussions, it can be seen that the accountability of the city corporation is not done properly.

Accountability of Union Parishad: Activating the UP's standing committee system is one of the key objectives of the Learning and Innovation Component (LIC). It was wise to be concerned with making the committees effective. These bodies remained dormant for a very long time for a number of reasons, the most significant of which was the absence of any clear explanation of their functions and responsibilities.²⁶ This deficiency persists. The duties of the Standing Committees shall be governed by by-laws, but until the by-laws are prepared, they shall be decided by the Parishad's general meeting. These bylaws have not yet been created. As a result, the operations of several standing committees are typically carried out in an ad hoc way.²⁷ There are currently 13 standing committees in total, and six of them have some involvement in service delivery. However, there isn't a set rule governing who can join these panels. In some unions were discovered to have the departmental officials serve as the Member Secretary, whereas in other instances, it was not the case even within the same union. As a result, committee formation takes place more at random than in accordance with any explicit guidelines. Even the frequency of meetings occasionally does not follow the Act. The Standing Committee's meet three times every month in the majority of unions, twice per month in some, once every six months in others, and occasionally without any set timetable at all. However, such committees don't always have the backing of the line departments in charge of actually providing the services. The relationship between the UP's standing committees and the government's agencies is not well established. Officials have occasionally been appointed as secretaries or members, but in other instances they are completely absent from committees.²⁸ Agency officials are unlikely to agree to a situation

²⁵ "The Local Government System In Bangladesh."

<https://www.undp.org/bangladesh/publications/local-government-system-bangladesh-comparative-analysis-perspectives-and-practices>. Accessed 28 Dec. 2022.

²⁶ "Impact of 'The Local Government (Union Parishad) Act, 2009' on the"

<http://rulrepository.ru.ac.bd/handle/123456789/288>. Accessed 4 Jan. 2023.

²⁷ Ataur Rahman "Accountability in local governance - New Age." 20 Jan. 2020,

<https://www.newagebd.net/article/97093/accountability-in-local-governance>. Accessed 5 Jan. 2023.

²⁸ Chowdhury, Mst Shuvra, "Impact of 'The Local Government (Union Parishad) Act, 2009' on the"

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where their regular actions are closely scrutinized by the public representatives. The wisest course of action would probably be to make the most of the standing committees, allowing them to keep an eye on the behavior of the officials so that they become accountable and responsive, rather than using them to carry out projects. The Union Parishad standing committees must make sure that the public is involved in local planning and development processes. Because they deal with these challenges on a daily basis, residents of the unions and villages are the ones who truly understand the Union Parishad's problems. But the reality is very different from what was anticipated. Due to the standing committees' dysfunction and procedural shortcomings, the public has little influence over their decision-making. Standing committee meetings are not scheduled on a regular basis. Members' perceptions on the significance of standing committees are unclear. Additionally, there are issues with the coordination and relationships between the many UP standing committees. Members are still too preoccupied with their personal work to devote enough time to Union Parishad operations. Despite being formally established, the standing committees are inactive due to the chairmen's lack of seriousness. The Project Implementation Committees (PICs) or other project committees have the interest of all chairmen and members more than any other project committees. The majority of the work done by the standing committees has little to do with money, hence the members aren't very interested in that work. revelation of information and the charter for citizens.²⁹ A Citizen's Charter, which is required by law for UPs to exhibit, is thought to be an effective instrument for ensuring UPs' accountability to regular citizens. Additionally, it can be argued that the requirement for the public presentation of the draft budget, yearly financial statement, and audit report is crucial, particularly from the perspectives of promoting public involvement in local governance and guaranteeing the responsibility of public officials. The public can evaluate the work of elected people's representatives since the budget details the entire actions of the previous year and gives a detailed explanation of what the UP plans to accomplish in the upcoming year. Mechanisms for handling grievances from the public. There is no established standard procedure for resolving public complaints at the UP level. However, UPs are expected to maintain a citizen's complaint box at the UP premises as a condition of a number of UP level projects. The majority of UPs do not, however, adhere to this process. Locals are unable to express their displeasure with the

²⁹ "The Local Government System In Bangladesh."

<https://www.undp.org/bangladesh/publications/local-government-system-bangladesh-comparative-analysis-perspectives-and-practices>. Accessed 7 Jan. 2023.

provision of services or the behavior of UP functionaries in a way that is acceptable to them.³⁰ So here definitely where accountability is lacking.

Recommendations:

The first of five essential components of a good local government system is achieving an efficient local government organization and a suitable functional assignment.

1. Strong local administrative controls.
2. Local fiscal autonomy.
3. Successful local government budget management.
4. Localized participation.
5. Processes for accountability.³¹

The policy goals that Bangladesh wants to achieve through the local government system cannot be attained without changes to these aspects of the system, even with the "ideal" local government structure and "perfect" functional responsibility distribution. Decentralization is still another essential factor. A proper mix of centralization and decentralization is necessary for effective and efficient operation of government in the majority of nations. Not all operations can or ought to be funded and run decentralized. National governments sometimes retain significant policy and oversight obligations even when they decentralize authority. They must establish or keep up the "enabling conditions" which let local levels government take on new duties. By creating appropriate and effective national policies and laws for decentralization and by bolstering local institutional ability to take on responsibility for new duties, central ministries frequently play significant roles in promoting and sustaining decentralization. Training for both national and local authorities in the decentralized administration is frequently crucial to the success of decentralization. One of the requirements for any functioning democracy is a local

³⁰Chowdhury, Mst Shuvra, "impact of 'the local government (union parishad) act, 2009' on the" https://www.academia.edu/19648176/IMPACT_OF_THE_LOCAL_GOVERNMENT_UNION_PARISHAD_ACT_2009_ON_THE_LOCAL_GOVERNANCE_IN_BANGLADESH_A_FOCUS_ON_PEOPLE_S_PARTICIPATION_AND_ACCOUNTABILITY. Accessed 28 Dec. 2022.

³¹ "The Local Government System In Bangladesh." 23 Oct. 2017, <https://www.undp.org/bangladesh/publications/local-government-system-bangladesh-comparative-analysis-perspectives-and-practices>. Accessed 10 Jan. 2023.

government structure that is self-governing and accountable. In light of this reality, Bangladesh's constitution, like those of other nations throughout the world, clearly directs the division of powers between the national and local governments. For there to be effective local governance, citizen involvement in local government operations is crucial. The level of citizen participation in local government activities is still unsatisfactory, despite some existing tools. Bangladeshi citizens' involvement at the therapeutic level. It means that rather than using the existing procedures to guarantee true citizen engagement, they are primarily intended to persuade the public that they have the opportunity to do so.

Ideas for building a strong local government (Union Parishad and City Corporation):

- When drafting any laws pertaining to local government, legislators should follow the provisions laid down in the Constitution of Bangladesh's essential principles of state policy.
- When drafting laws to establish local government, legislators should keep in mind the clauses that are directly related to local government, such as Articles 59 and 60 of the Bangladesh Constitution.
- Bureaucrats should no longer be allowed to control any local government institutions in any way.
- To get the best effort out of local government, strong laws should be created to support its institutions.
- To build a strong local government, both administrative and financial decentralization are required.
- Institutions of local government should be allowed the freedom to act on their own.
- Every member of the local government workforce needs to be informed of their roles in accordance with the legislation. To be properly used, authority and power must be sufficiently obvious.
- More thought should go into the provisions that will improve local government's revenue. The provision of all necessary infrastructure is required for the collection of local taxes.

- Elections for the various local government positions should be scheduled on time in accordance with the applicable laws.

Conclusion:

Union Parishad is under strict authority of the government. Functional obligations do not come with actual staffing or financial authority. In reality, the Union Development Council Committee and the Members of Parliament have only little authority over project selection and implementation, and in comparison to other nations, the government's financial support and government rules are miniscule. The UNO has jurisdiction over the ADP fund, which is granted by the national government. Furthermore, Union Parishad is losing resources due to interference from the government. They never, however, allocate enough money for the local government. Additionally, the Union Parishad should get the monies directly rather than through the Upazila Parishad as it currently does in the form of block grants. All revenue earned from local resources must be directed to the Union Parishad fund, and the Union Parishad's control over those resources must be increased. The local government must give it to the government if it wants to receive money from these sources. However, as an effective local administration could have a good impact on national development, the government and political parties should cooperate to provide direct ADP allocation and other funding to the Union Parishad. The structure of the city corporation, however, has not yet taken a legal form because there is overlap between and within the areas of many administrative divisions of government. As an illustration, city corporations have been designated under The City Corporation Act, 2009. a large list of tasks to complete. On the other hand, several government agencies have been given the authority to carry out these kinds of tasks through the enactment of other laws. Additionally, because they are under government authority, city corporations have little room for autonomy. As a result, it appears that reality differs from what is stated in laws.

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