

REINTRODUCING UPAZILA SYSTEM IN BANGLADESH: QUEST FOR AUTONOMY

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Abstract: Decentralization of administration and autonomous local government are, according to the liberal arguments, the essential pre requisites of democracy. The constitution of Bangladesh, in this regard, directs the establishment of autonomous local government in all tiers of administration. With a view to addressing the direction of the constitution the government of Bangladesh introduced Upazila System as an intermediate tier local government in 1982, reintroduced it in 1998 and implemented it with some major amendments in 2009. Local government experts, liberal school's scholars are almost in the same opinion that resource mobilization capacity, nature of central-local relation and mostly the financial self dependency always determine the status of autonomy of a local government unit. On the other hand local autonomy is the key factor for the successful working of democracy. As a provider of services to the local people and strengthening rural-local democracy Upazila Parishad also needs certain degrees of autonomy. This article is an attempt to explore the status of autonomy of the Upazila Parishad as a local self government institution explicating the existing Upazila Parishad (Reintroduction of the Repealed Act and Amendment) Act 2009. The nature of local governance, capacity building and UZP Chairman-MP-UNO relationship are also analyzed in the light of the Act.

Introduction

Possibly no question is as central as the peoples participation oriented local government is for the institutionalization and successful working of democracy. With regard to address this pluralistic model of democracy local government is the prime mechanism of ensuring participation as well as brings the state opportunities and services to the door step of the local people. Modern state administration is almost unthinkable without devolution of power to the local governments and the bulk of the public services are actually provided by local authorities rather by central

departments. The Upazila System (An intermediate tier local government consisting of one or two Thanas in between the gap of Union Parishad and Zila Parishad) is the part of the administrative decentralization of the government of Bangladesh. The US Agency for International Development Analysis suggests that decentralization is necessary to increase the scope of decisions and incentives available to local participants, as well as to build institutions and to encourage, structure, focus, and stabilize such participation.¹ The Liberal School of Thought of local government argues that the democratic local government is the best method of arranging for the local administration of public service,² ensuring peoples participation in policy making, strengthening political equality, implicit in civil right, exercising freedom of speech, providing valuable training grounds for national leaders, setting up further barrier to the concentration of central power, establishing social harmony and community spirit etc. As an intermediate tier local government, the Upazila System which is reintroduced in Bangladesh, can play a pivotal and effective role for the success and institutionalization of democracy and also can be a focal point of administration following the decentralization policy of the government. It is vital for local leadership building, local urbanization, local development planning and its implementation. The necessity of this intermediate tier local government is felt in between the gap of Union Parishad (UP) and Zilla Parishad. "A sizable section of the population will be unable to participate in the development process unless changes occur in the very structure and size of the two Parishads with the Upazila System in operations; some administrative judicial and development decentralization took place at the door step of local people of the Upazila. This in turn helped them to take refuge under the umbrella of the Upazila in times of real needs, and at the same time they could avoid the hazardous journey to the districts headquarter to solve the problems of various kinds. Not only did the UZP reduce the physical gap between the people and the administrative machinery but also helped them economically"³. The Upazila System firstly gives urbanized character to the rural areas in Bangladesh. Gradually it becomes the central point of administrative, economic and all kinds of development activities of the rural peoples. The importance of the Upazila Sadar to the rural poor has been as vital as the capital city to the urban richer.

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Theoretical Framework

Studying the literature on local government and decentralization four schools of thought are found namely Liberal Democratic School, Economic School, Radical Elite School and Marxist school. Among these, Liberal Democratic School is the suitable method of analyzing local government system in Bangladesh. Upazila System is introduced in Bangladesh as a local self government which is totally different from the term local government though the international scholars rarely used the term, rather they use local authority, local government, local autonomy etc. and all of these significantly mean local peoples involvement in local affairs, local decision making, local development and planning, local budget making with local income, local resource mobilization capacity and on all of which there will have less central governmental control and intervention. "Local problems are simple and manageable; this means that the local machinery and procedure of local government are simple. There is no need for inspectors to inspect inspector, no need for multiple signatures and no need for double entries."⁴ Scholars of Liberal Democratic School are of the same opinion that local autonomy is a must for ensuring democratic governance. "The final value of local government to the community is its responsiveness and the ability to provide what people demands. Local governments, it is argued, are responsive to the needs of the community. Needs are identified by decision makers with intimate knowledge of the locality and answerable to local interests. Local knowledge is thus seen as pre requisite of responsiveness and flexibility in the determination of local priorities. Elected bodies are more able than other forms of local administration to acquire and utilize this information and intelligence⁵" The concept of the local autonomy is an essential pre requisite of democracy to the advocates of liberal School. Michael Goldsmith, an ardent advocate of Liberal Democratic School, considered local autonomy as the ability of the individuals and organization to act independently irrespective of the kind of environment in which they find themselves.⁶ Another renowned scholar John Pieree identified some criteria of assessing local government such as: the nature of political economy of the local government, local institutional capacities to enhance democracy and services, local government's resource mobilization capacity and central local relationship.⁷ In their analysis local autonomy is defined consisting of the maximization of local government's policy making power , revenue raising power, implementation capacity and the

nature of central local relations. Since J S Mill, liberal theorists have advocated political participation in the local level and by implication local control of those issues affecting local community. Article 59(1) of the constitution of Bangladesh provided that local government in every administrative unite of the republic shall be entrusted to bodies, composed of the persons elected in accordance with law. Article 60 says for the purpose of giving full effect to the provisions of article 59 parliament shall, by law, confer powers on the local government bodies referred to in that article, including power to impose taxes for local purposes, to prepare their budget and to maintain funds.⁸ These constitutional provisions also indicate full autonomy of the local government institutions with elected representatives, budget preparing power and maintaining funds.

Background

The history of local government in Bangladesh is not new; it is very long and has traditionally come from the ancient Bengal. It has a long experience of adjusting itself with the both authoritarian, military authoritarian and democratic regimes from the ancient Bengal to modern independent Bangladesh. It is firstly introduced by the then Mughal rulers. "During the Mughal period, while India was in a feudal stage of development, the Mughal made the Bengal a suba (province) and created a landed aristocracy known as the Panchayet (local elite) from among the wealthy and higher stratum of society. The Panchayet enjoyed wide range of power including supervising village community activities and levying taxes. They were entirely responsible to the central government for their activities but not to the people at large."⁹ The fundamental objective of such type of local administration was mainly to collect revenues without giving much attention to the welfare of the rural people.

The British rulers in India nurtured the local government institution and modeled it in their own choice. Their intention was to maintain village peace and order by the local initiative. The Choukidari Panchayet Act 1870 was the first step in this regard. Subsequently the Local Self Government Act-1885, the Village Self Government Act-1919 and the Basic Democracy Order-1959 provided the formulation of local government bodies. Under this Act the Thana Council (TC) consisting of 8 to 15 Union Council was the founding stone of the modern Upazila System in Bangladesh. Thana Council (TC) under the Basic Democratic Order-1959 was the first intermediate tier local government in the sub-continent. The fundamental function and responsibilities of this council was co-

ordination of activities of Union Councils under its jurisdiction. It was the only task and responsibility of the Thana Council (TC). Basically it was not established as a people's welfare or participation oriented local government institution at that time. It was basically an association of the Union Councils without any revenue raising authority, rather than a local government in its own right, and therefore it was by itself of little benefit to the people.¹⁰ The local government body without revenue raising power, autonomy and democratic self governance is futile and meaningless and can be termed as air without oxygen. Due to the colonial legacy, unmitigated power conflict of the politicians, uninstitutionalized competition for power and military authoritarian rule the local government bodies were not established as a result and welfare oriented, participatory, gender sensitive, transparent and corruption free institutions in the British and the Pakistan period.

After the independence of Bangladesh the president order no 7 of 1972 was promulgated and all local government bodies were dissolved except the divisional council of the basic democracies order-1959. Later Divisional Council was also changed to Divisional Development Board and subsequently Thana Council (TC) was changed to Thana Development Committee. The presidential order no-22 of 1973 promulgated with some changes in the local government bodies but the Thana Parishad (TP) was continued... to function. This first initiative of modeling local government bodies in Bangladesh was also experienced an authoritative character. The local government ordinance 1976 for the first time established a three tier local government bodies in Bangladesh namely the Union Parishad (UP) at the Union level, Thana Parishad (TP) at the Thana level and Zilla Parishad (ZP) at the district level.

"The primary function of the Thana Parishad (TP) was to coordinate all development activities of the Union Parishad under its jurisdiction. It also prepared a Thana development plan on the basis of union development plans. It provided assistance wherever possible to the UPs."¹¹ But there was no revenue raising power of the Thana Parishad (TP). So it could not consist of its funds and consequently it had to depend largely on government's grants. The tenure of the Thana Parishad (TP), qualification and disqualification and removal of the TP Chairman was not mentioned in the local government order 1976. The SDO (Sub Divisional Officer) exercise all executive power as an ex-officio chairman of the Parishad. From the ancient Bengal to the Local Government Ordinance 1976, no tier of the rural

local government could meet the requirements of the local government theory and that it could not fulfill the demand and expectation of the people as well as democracy and local governance due to absence of elected representative, peoples participation in local policy making, and some other basic undemocratic reasons.

The then Chief of Army Staff Lieutenant General Hussain Muhammad Ershad occupied the state power by a bloodless military coup and forced justice Abdus Sattar, the elected president of Bangladesh, to resign on 24th March 1982 and proclaimed Martial Law throughout the country. The new Martial Law Government constituted a ten member committee for administrative reorganization with Rear Admiral M A Khan, Deputy Chief Martial Law Administrator as Chairman. In 1983 the government brought a major amendment in the Local Government (Thana Parishad (TP) and Thana Administration Reorganization) Ordinance, 1982 and the upgraded Thanas were renamed as Upazilas. As an intermediate tier local government unit this is the first time the Upazila System witnesses a real representatives character surprisingly by an autocratic ruler General H M Ershad. Though Gen. Ershad's ultimate goal was to create a coterie of advocates of his own in the country.

Local government (Upazila Parishad and Upazila Administration Reorganization) Ordinance, 1982 provided that "Upazila Parishad consists of (a) an elected chairman; (b) representative members (all chairmen of the UPs under the jurisdiction of the concerned Upazila); (c) three women members nominated by the government from amongst the residents of the Upazila; (d) official members (the holders of offices in the Upazila as specified by the government were to be the ex-officio members without voting rights; (e) Chairman of the Upazila Central Cooperative Association (UCCA) and one nominated male member eligible for election as Chairman of UZP. All ex-officio representative members and the five nominated members were allowed to vote in the UZP meeting. The UZP Chairman was to be directly elected by the voters of the entire Upazila."¹² The government's such policy of decentralizing the administration made the Upazila a focal point of development and day by day the Upazila was getting the urbanized shape. Under the new system some sort of functions, which were previously performed at the district level, began to be carried out at the Upazila level. In this new arrangement at the Upazila level, functions were divided into two categories such as retained and transferred. The retained

functions are “ maintenance of law and order, civil and criminal justice, administration and management of central revenues like income tax customs and excise, land development tax etc., maintenance of essential supplies, large scale industries, irrigation schemes involving more than one district mining and mineral development, distribution of electric power, technical education and all other type of education above primary level, modern district hospitals and hospitals attached to medical colleges, inter-district and inter Upazila means of communication, flood control and development of water resources and compilation of national statistics.”¹³

“The functions which were entrusted to the Upazila Parishad (under transferred) included planning, promotion and execution of the development programmes within the Upazila; agriculture, including extension service; input supply services and irrigation ; primary education; health and family welfare, including Upazila health complexes, maternal and child health (MCH) and all population control services; rural water supply and sanitation programmes; rural works programmes, food for work programme; disaster relief including vulnerable group feeding etc.; cultural and social development; cooperative and cooperative based rural development programmes; fisheries and livestock development; fostering industrial and agricultural growth; creation of employment etc.”¹⁴ The UZP Chairmen, while performing and coordinating these new functions and responsibilities, were gathering new experiences as well as facing new challenges which lead to the development of their leadership capability. The comparison between the functions and responsibilities of Upazila Parishad (UZP) and former Thana Parishad (TP) shows that there was a tremendous increase in the scope and extent of functions and responsibilities assigned to the UZP.

The Bangladesh Nationalist Party (BNP) government under the leadership of Prime Minister Begum khaleda Zia abolished the Upazila System by promulgating the (Upazila Parishad and Upazila Administration Reorganization (Repeal) Ordinance, 1991 for a number of reasons. The most important reasons are:

1. Failure of Upazila Parishad to mobilize local resources at local levels;
2. Fail to achieve self reliance;
3. Fail to ensure peoples participation in planning and implementation of development programmes;

4. Huge expenditure in the unproductive sector;
5. Excessive dependency on national government's grants;
6. Deviations from laws and rules;
7. Farcical and brutalized UZP Chairman election;
8. Allegation of widespread corruption by the UZP Chairmen and their random political use by the autocratic Ershad regime.

After the abolition of Upazila System, the government constituted a Thana Unnayan Samannay Committee) (Thana Development and Coordination Committee) (TUSC) under a separate executive order comprising a chairman, all Union Parishad (UP) chairmen within the Thana as ex-officio members, three women members nominated by the government from amongst the women UP members of the Thana and the relevant Thana level officers. The Thana Nirbahi Officer (UNO) was to act as the member secretary of TUSC. The TUSC meetings were presided over by the UP chairmen according to the alphabetical order of their name. The prime functions of the TUSC were to assess the overall development activities of the Thana, coordinate local plans to the national plans, advise UPs for the planning and implementation of the development programmes, and monitor the advancement of the various development projects.

The Reintroduced Upazila System

In 1996 Bangladesh Awami League (BAL) under the leadership of Sheikh Hasina come to state power and formed a high powered Local Government Commission for local government and administrative reform consisting of eight members lead by Adv. Rahmat Ali MP. The commission suggested a four tier local government in Bangladesh such as Palli/Gram Parishad at the village level, Union Parishad at the Union level, Thana/Upazila Parishad at the Upazila level and Zila Parishad at the district level. In order to give effect to the recommendation of the commission the government passed the Upazila Parishad Act, 1998 with a provision of an elected chairman. Although the Act was passed by the parliament but it was not implemented at that time. In 2001 the Bangladesh Nationalist Party (BNP) led Four Party Alliance come to power under the leadership of Begum Khaleda Zia and the government moved for holding the Upazila election and formed a cabinet committee for the purpose. But the committee members failed to reach a consensus on holding the polls. During this time, some influential ministers and Members of the Parliament strongly opposed the Act to be implemented on the ground that it was introduced by a military dictator when there was a presidential form

of government. They argue that Upazila System is redundant under the parliamentary system of government. It's revival might curb authority of the lawmakers, split political parties and ultimately disrupt democracy, they feared. On the other hand, a number of ministers think that Upazila revival is an election commitment of the BNP and a national demand. They said revival of the system would strengthen the local government and people would be benefited through such decentralization of administration. They feel that revival of Upazila System would greatly benefit grassroots' level people, strengthen democracy, help build political leadership, contribute to sustainable and balanced development of all areas of the country and also strengthen the BNP and its network.¹⁵ The discussion, debate, comments, oppositionism, seminar, symposium were going on but lastly the Upazila System was not implemented. In 11th Jan, 2007 a military backed Care Taker Government come to state power and takes the initiative to implement Upazila System. In 15 June, 2008 the council of advisers gave the final nod to the proposal piloted by the local government, rural development and cooperatives ministry, styled the Local Government Upazila Parishad Ordinance 2008, at its weekly meeting with the chief adviser, Fakhruddin Ahmed in the chair.¹⁶ Actually the cabinet brought some major changes in the Upazila Parishad Act 1998. The Major changes are, besides the Chairman, there will have two Vice Chairmen one of them would be a woman directly elected by the people on the basis of adult franchise within the Upazila; once elected, the candidates must resign from the political parties, if they belong to any, before taking oath to the elected Parishad; Upazila Chairmen will not have to consult MPs, which was compulsory under section 25 of the UPA 1998, The UPA Act 1998 allows MPs to interfere in local government decision-making, giving them the chance to weigh in on decisions regarding lucrative infrastructure contracts; the Act also empowers the Election Commission (EC) with the authority to hold Upazila election. This major changes in the Upazila Parishad Act 1998 was welcomed by the nation but due to lack of consensus among the major political parties about the time of holding Upazila election the military backed interim government could not implement it and lastly the government, the political parties and the election commission have reached in a consensus that after the national election the new elected government will arrange the Upazila election as soon as possible.

In 29th December 2008, the much expected national election was held and Bangladesh Awami League (BAL) led grand alliance got a great victory with two third majority. The new government under the Prime Ministership of Sheikh Hasina takes another step to implement the Upazila System. In 22nd January 2009, the much talked UZP election were held in 475 Upazilas¹⁷. Within few months of the election held, Prime Minister Sheikh Hasina and her cabinet again bring some major changes in the Upazila Parishad Act 1998 (Reintroduction of the Repealed and Amendment Act 2009) which was previously amended by the interim government through promulgation of the Upazila Parishad Oedinance 2008. The government again re-establishes section 25 of the Act. The Act says, the Member of the Parliament (MP) of the concerned Upazila shall be the adviser of the Parishad and the Parishad shall accept the advice of the adviser. Section 25(4) of the Act also says the Parishad shall send the proceedings of its each meeting to the government and the concerned Member of the Parliament (MP) within 14 days after the meeting will be held. Section 33 of the Act says, the Upazila Nirbahi Officer (UNO) of the concerned Upazila shall be the secretary of the Parishad and will provide secretarial assistance to the Parishad. Section 42(3) of the Act says that the Parishad, after receiving the recommendation of the Member of Parliament (MP) in its each development planning, shall send a copy to the government before its implementation.

After such amendment of the Act an adverse reaction is seen among the civil society, UZP Chairmen and Vice Chairmen, the mass people, and the local government experts. Most of the influential dailies publish editorials and comments criticizing the Act. Experts, academics, civil society members and representatives of local government bodies accused the members of parliament (MP) of trying to exert absolute authority over the Upazila Chairmen to make the local government system ineffective. In a round table discussion at the National Press Club organized by the Shushashoner Jonno Nagoric (Citizen for Good Governance) moderated by former adviser of care taker government ASM Shahjahan, the discussant observed that the Upazila Parishad (Reintroduction of the Repealed Act and Amendment) Act 2009 was passed in violation of the spirit of the constitution¹⁸ SUJON (Shushashoner Jonno Nagorik) secretary Badiul Alam Majumder delivered the keynote speech on the occasion.

'A High Court (HC) verdict says that the parliament is not free to legislate on the local government ignoring article 59 and 60 of the constitution. So the Upazila Parishad Act 2009 was passed going against the constitutional provision,' a keynote paper said.¹⁹ On that discussion local government expert Dr. Tofail Ahmed said, "the local government body's representatives should go for the legal remedy." An Upazila Chairman Ziaul Haque Sarker said, 'With the law this ninth parliament passed, we have no scope to work in coordination with the MPs. The law provides no power with us. This will bring about a disastrous situation in the country if the Act is not revoked to empower the Upazila Chairman.' Prof. Asif Nazrul of Dhaka University said 'MPs' advice will eventually turn into their dictatorship leaving the Upazila System in a mess that will for sure hinder the country's development,' he said, adding, 'There are many unruly MPs who would continue commanding the Upazila Chairmen taking advantage of the law.'²⁰ Within few days after the amendment of the Act the Upazila Chairmen and vice chairmen form an association named the Upazila Chairman and Vice Chairman Oikko Parishad demanding effective local government in the Upazila level. Their demands include formation of a strong local government commission by enacting a law and a provision of separate budgets for Upazila Parishads, balanced distribution of funds for different tiers of local government under specific guidelines, establishment of Upazila Parishad as an autonomous body by amending laws, immediate reformation of Zila Parishads, formulation of a "mother law" for all tiers of local government, and withdrawal of the circulars issued by different ministries in contravention of the constitution and Upazila Parishad Act 2009.²¹

Local Planning

The function of the modern democratic state is increasing day by day and simultaneously the importance of micro planning and implementation is being popularized. Local micro planning means the local authorities who are affected by the local problems prepare the local plans which are small, simple and manageable. Only for these reasons the concept of autonomy of local government is so popular in democracy. The fundamental objectives of article 59 and 60 of the constitution of Bangladesh are obviously for ensuring that autonomy. Studies of the Upazila Parishad Act 2009 reveal that both theoretically and practically little autonomy in planning the Upazila Parishad can enjoy. Section 42 (1) of the Act empowers the Parishad for independent local micro planning but sub section 3 of

the same section, empowering the MPs to intervene in the local planning, restricts the independent planning of the Parishad. It says the Parishad, in its each development planning and implementation, must accept the advice of the MP's before sending a copy to the government. This section is an ultra vires to the spirit of the Act as well as the constitution and will work as a prime hurdle on the way of ensuring autonomy of the Parishad. Beside that, under the existing arrangement of the Act the concerned ministry, departments are responsible for formulating policies. Section 63(2) of the Act says, the government, if necessary, can formulate principles in order to fulfill the objective of the Act regarding the powers and functions of the UZP Chairmen and Vice Chairmen; principles regarding the implementation of activities of the Parishad; preservation, conduction, investment and control of the Parishad's fund; and the matters regarding the building of construction, development planning and implementation etc. "In fact, the existing arrangement implies a policy formulation-implementation dichotomy. Interestingly, such a dichotomy has a corresponding relationship to the structural arrangement of the system, resulting in the conflicting relationship between generalists and specialists. There is also confusion about the nature of decisions. It is difficult to draw a demarcation line between the policy decisions and the operational decisions. This confusion complicates the disposal of cases. This, along with centralized tendency in administration, causes delay in decision making. Jurisdictional infringement, buck passing, distortion of priorities, employee disorientation and misallocation of resources are many of the factors responsible for such a state of affairs".²³

Political Economy of UZP

The nature of Political economy plays a vital role in determining the status of autonomy of a local self government. In this regard financial self dependency is a prime factor of measuring status of autonomy of the existing Upazila Parishad as a local self government institution in Bangladesh. Economic self dependency and depending on governmental grants are always significant and crucial. Section 35 of the existing Upazila Parishad Act provides nine sources for the formulation of the Parishad's funds. The lists of the funds are long but the opportunities and capacities are limited to the formulation of that fund. The only prime source is the government's grants. This grant will make a one sided dependency relationship between the government and the Upazila Parishad which restricts the local bodies to be autonomous in operation. Why the other sources of the

fund collection without government grants as mentioned in the section 35 of the Act cannot be executed and why opportunities and capacities are limited are the significant questions in this regard. The other sources like tax, fees, rates and tolls, imposed by the Parishad; profit from the assets conducted by the Parishad; grants by other individuals and institutions all are impracticable in the existing socio-economic political and religious aspects of Bangladesh. The local bodies are historically resource poor. The Upazila Parishad is not an exception in this regard. So the Upazila Parishad is not yet been able to invest its funds and assets in any profitable sector. Besides, individual grant is an imaginary source. Due to the socio-political and religious factor the rich men and institutions are rarely interested to make any financial grants to the local government institutions rather, through individual attempt, they are interested more to donate in the schools, colleges, madrasahs, masjids and helping the poor for religious, social and political purposes. The only potential source of fund can be the taxes, rates, fees, tolls imposed by the Parishad. But "the central government enjoys most of the items of taxation which brings substantial revenues. Though there are a number of items on which local bodies may levy taxes; in practice they can earn revenues from only a few. So the tax base of the local governments is both narrow and shallow."²⁴ Simultaneously, weak and inefficient management, lack of skilled manpower are the common features of local government bodies in Bangladesh. Besides, some Chairmen may think that strengthening tax collection may reduce their popularity as the rural peoples are not habituated enough to tax giving. In these circumstances, local autonomy is a far cry. So the tax collection of the Upazila Parishad can only be successful if the whole national taxation policy is reformed and some items and power of taxation are delegated to it.

Local Governance

Successful local governance is the essential part of good governance. Though there is some advancement both in terms of delegation and devolution of power, it can be with far degree of certainty that governance in the Upazila Parishad is generally weak. The Parishad lacks appropriate knowledge and information to carry out its functions. "The national political scenarios as well as the national economic initiatives have generally tended to direct thinking away from local government contributing to a generally weak local government system."²⁵ Micro management is easier and better than that of macro. Financially one sided dependency relationship

between the government and the Upazila Parishad invites macro management and intervention from the government on local governance and autonomy. Such tendency of macro management and intervention will not allow the growth and development of the Upazila Parishad as a local self government institution. Neutral governance is also crucial in this regard which significantly means equal treatment from the administration to all irrespective of political party and ideology in its operation and services. In Bangladesh "the public administrative system that symbolizes permanency and continuity has to function under and at the direction of different political parties at different points of time. Under the above reality, the administration must ensure neutral governance".²⁶

Capacity to Enhance Democracy and Services

It is universally recognized that the basic services are best performed at the local level because of the better use of local knowledge and information. "In relation to community it serves, a local authority is both a regulator and service provider. On the one hand it regulates certain aspects of behavior and development within the community; on the other hand it procures and uses resources, powers and information in order to provide a variety of services for the members of that community."²⁷ There is a basic and general argument in favor of local government is that it strengthens local democracy by providing quick services to the people, building up local leadership, speeding up decision making process, preventing bureaucratic red-tapism by using local knowledge and information against the backdrop of increasing difficulties faced by the central governments. So it is a significant and difficult question that; is Upazila Parishad capable? In a word, high degree of financial dependency, governmental control and MP's intervention will work as a prime impediment to capacity building of the Parishad. At the same time, the nature of transparency and accountability will finally determine the success of the Upazila Parishad as a provider of enhancing democracy and services.

Resource mobilization

Section 41 of the Act empowered the Parishad for the management, supervision and preservation of the assets, but the valuable assets are controlled by the central government. Such practice of regulating and controlling of the financial resources by the national government functionaries keeps the LG units ever resource poor and resource dependent on the national government.²⁸ It is generally said that

local governments are not capable. Ignoring the Upazila Parishad the Executive Committee of the National Economic Council (ECNEC) on 9 March, 2010 approved a project granting tk.15 core to each parliamentarian for financing development projects in his/her constituency.²⁹ Experts pointed out that the involvement of parliamentarians in development activities like construction of roads, bridges, embankments, schools, colleges and hospitals would force them to deviate from their main task of law making.³⁰ Transparency International of Bangladesh's (TIB) executive director, Iftekhar Uz-Zaman told that the relationship between lawmakers and UP would become stormy when implementation of the new projects begins.³¹ Former adviser of the caretaker government, Akbar Ali Khan told that involvement of lawmakers in development activities was 'illogical'. He observed that there would be 'massive wastage of public resources' if the lawmakers are given the responsibility of selecting and implementing the projects.³² In this arrangements, selection and implementation of the development projects are given in the hands of law makers rather than the Upazila Chairmen which certainly limits the resource mobilization capacity of the Upazila Parishad. "The local government regulation holds strict instructions that the block grant must be used specifically in certain sectors determined by the central government. This pre-determined sector allocation seriously limits the scope of local level planning as well as the flexibility of local bodies to utilize the financial resources for satisfying the immediate needs of the community. This also runs contrary to the concept of functional autonomy of the LG units."³³

Central Local Relation:

From the beginning of the local government system in the sub continent central local relationship is always authoritative in nature. Bangladesh is not an exception in this regard. This is because of colonial legacy, military authoritarian rule, unmitigated power conflict and uninstitutionalized competition for power of the politicians. Regarding central local relation Alan Grant, a renowned American scholar, draws attention to "the form of local government finance; how far local authorities are dependent on central governments grants for their resources; whether the grants are general revenue that can be used at the authorities' discretion or specific grants limited to use on certain functions; what independent tax sources local authorities have and whether there are any central restrictions on their tax raising powers"³⁴ Analyzing the Upazila Parishad Act, it is almost found that there is a long listed sources and power of tax

collection which is ineffective and on paper. Tax collection opportunities are limited to Upazila Parishad because of enjoying most tax sources by the central government. Apart from this, the Act provides opportunities to central government not only to allocate funds for various development activities but also dictates to the procedure of its spending. At the same time, "the central or the national government primarily exercises its control over the LG bodies through its field level government functionaries such as the Deputy Commissioner (DC) and the UNO, heads of district and Upazila administration respectively. In addition, LG units are further controlled through a plethora of intricate and complicated orders and circulars from different agencies/ ministries which very often contradict the original legal framework."³⁵ The existing Upazila Parishad Act (Section 63) certainly provides such opportunities of control and intervention which makes the central-local relation authoritative in nature.

MP-UNO-UPZ Chairman Relationship

MP-UNO-UPZ Chairman relationship is a vital concern of coordination in the effective functioning of the Upazila Parishad. Section 25 of the Act makes the MPs adviser of the Upazila Parishad. It is mandatory for the Parishad to accept the advice and recommendation of the MPs in its all development planning and activities. Section 33 of the Act makes the UNO secretary of the Parishad who will provide secretarial assistance to the Parishad. Recently the cabinet division approved another amendment to the section 33 of the Act saying that the Upazila Nirbahi Officer (UNO) shall be the Principal Executive Officer of the Parishad. In this reality the UPZ Chairmen may think that as an elected representative he is the supreme authority of the Upazila; the MP may think that without his advice and recommendation the Chairman can do nothing; on the other hand as a Principal Executive Officer the UNO will consider himself as a most powerful and highest executive officer of the Upazila. In this factuality everybody would want to exert coercive influence and authority over the Parishad and consequently conflict among the three is inevitable. So, adverse reaction is seen among the Upazila Chairmen and the civil society. 'This is a further extension to bureaucracy which will adversely affect the functions of the Upazila councils... We, therefore, reject the amendment which upgrades the position of UNOs to the Principal Executive Officer,' the Bangladesh upazila Parishad Association member secretary, Badiuzzaman, told.³⁶ Salahuddin M Aminuzzaman, a professor of

public administration in Dhaka University, said the amendment would further intensify the conflict between the UNOs and the Upazila Chairmen.³⁷ This cubic conflict and loyalty will create contradiction in Upazila Parishad

Conclusion

Making a meaningful Upazila Parishad is the demand of the time, expectation of the people, responsibility of the government and the pre-election commitment of almost all the political parties. An US Aid pre-election survey on Bangladesh says, "both rural and urban Bangladeshis overwhelmingly support electing representatives at all levels of local government: village level (96% rural, 94% urban), union *parishad* level (98% rural, 96% urban), *Upazila /thana parishad* (93% rural, 92% urban), and district *parishad* (90% rural and urban)."³⁸ In these circumstances, it is almost clear that people wants an Upazila Parishad with real representative character and its effective functioning. It can make it possible for the government to respond to the diversity of conditions that prevail in different parts of the country. Upazilas differ enormously in population, size, economic resources, climate and other characteristics – all the divers elements need to be taken into account in formulating laws for our society. Studying the existing Upazila Parishad Act (UPA) it is also evident that weak and low income generating capacity in one hand and financial dependency on the other make the governmental control and intervention over the parishad inevitable. This financial dependency creates opportunity for interference which tremendously hearts not only in the governance, resource mobilization capacity, local planning and development but also the smooth running of the Parishad. To a great extent, enhancing the income generating capacity of the Parishad is deeply related to our socio-political and economic affairs in addition to the governmental grants and cooperation and is also a process of long time. In this reality, there is no alternative for the government except financing to the Upazila Parishad. But with financing; dictation and procedures of spending that money by the government have to be stopped rather the government must ensure accountability of the parishad. Development project's implementation by the members of the parliament (MP) means ignoring and weakening the Upazila Parishad and is the complete violation of the constitution. Eminent American scholars Keneth Janda, M Berry and J Goldman considered local government as '*Laboratories of Democracy*'.³⁹ The governmental policies, programmes and solutions of the problems

can be tested in these laboratories and successful programmes can be adopted by other areas. So the laboratories cannot be affected by the viruses. But in the initial stage, studies have shown that the Upazila Parishad Act is affected. So it should be cured and the *modus operandi* of the UZP Chairman-MP-UNO must be clarified.

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