Bangladesh: Reform Agenda for Local Governance

Tofail Ahmed

October, 2015

The work completed while the author was the Head of Politics, Democracy and Governance Cluster of the BRAC Institute of Governance and Development (BIGD), BRAC University. Later Professor Ahmed joined MJF as Director and currently attached with BIGD as Honorary Fellow.
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<th>Description</th>
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<tbody>
<tr>
<td>ADP</td>
<td>Annual Development Plan</td>
</tr>
<tr>
<td>AL</td>
<td>Awami League</td>
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<tr>
<td>BARD</td>
<td>Bangladesh Academy for Rural Development</td>
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<td>BBS</td>
<td>Bangladesh Bureau of Statistics</td>
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<tr>
<td>BDO</td>
<td>Basic Democracy Order</td>
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<tr>
<td>BNP</td>
<td>Bangladesh Nationalist Party</td>
</tr>
<tr>
<td>BRDB</td>
<td>Bangladesh Rural Development Board</td>
</tr>
<tr>
<td>BUPF</td>
<td>Bangladesh Union Parishad Forum</td>
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<tr>
<td>CBO</td>
<td>Community Based Organisation</td>
</tr>
<tr>
<td>CC</td>
<td>City Corporation</td>
</tr>
<tr>
<td>CHT</td>
<td>Chittagong Hill Tracts</td>
</tr>
<tr>
<td>CHTDB</td>
<td>Chittagong Hill Tracts Development Board</td>
</tr>
<tr>
<td>CLGF</td>
<td>Commonwealth Local Government Forum</td>
</tr>
<tr>
<td>CSO</td>
<td>Civil Society Organization</td>
</tr>
<tr>
<td>DDLG</td>
<td>Deputy Director Local Government</td>
</tr>
<tr>
<td>DP</td>
<td>Development Partner</td>
</tr>
<tr>
<td>DPC</td>
<td>District Planning Council</td>
</tr>
<tr>
<td>DPHE</td>
<td>Department of Public Health Engineering</td>
</tr>
<tr>
<td>EC</td>
<td>Executive Committee</td>
</tr>
<tr>
<td>FY</td>
<td>Fiscal Year</td>
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<tr>
<td>FYP</td>
<td>Five Year Plan</td>
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<tr>
<td>GDP</td>
<td>Gross Domestic Production</td>
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<tr>
<td>GNI</td>
<td>Gross National Income</td>
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<tr>
<td>GNP</td>
<td>Gross National Product</td>
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<tr>
<td>GoB</td>
<td>Government of Bangladesh</td>
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<tr>
<td>HDC</td>
<td>Hill District Council</td>
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<tr>
<td>ICT</td>
<td>Information and Communication Technology</td>
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<tr>
<td>IRDP</td>
<td>Integrated Rural Development Programme</td>
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<tr>
<td>JICA</td>
<td>Japan International Cooperation Agency</td>
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<tr>
<td>LED</td>
<td>Local Economic Development</td>
</tr>
<tr>
<td>LG</td>
<td>Local Governance</td>
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<tr>
<td>LGC</td>
<td>Local Government Commission</td>
</tr>
<tr>
<td>LGI</td>
<td>Local Governance Institution</td>
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</table>
LGLF  Local Government Legal Framework
LGSP  Local Governance Support Project
MAB  Municipal Association of Bangladesh
MDG  Millennium Development Goal
MDTF  Multi-Donor Trust Fund
MJF  Manusehr Jonno Foundation
MP  Member of Parliament
MTS  Model Tax Schedule
NEMAP  National Environmental Management Action Plan
NGO  Non Governmental Organization
NILG  National Institute of Local Government
PDC  Para Development Committees
PJSS  Parbatya Jano Sanghati Samity
PPRC  Power and Participation Research Centre
PRI  Panchayat Raj Institution
RC  Regional Council
RTI  Right to Information
SA  South Africa
SC  Standing Committee
SFYP  Sixth Five Year Plan
SLGD  Strengthening Democratic Local Governance
SSNP  Social Safety Net Program
ToR  Terms of Reference
UNDP  United Nation Development Program
UNICEF  United Nations International Children's Emergency Fund
UNO  Upazila Nirbahi Officer
UP  Union Parishad
UPDF  United People's Democratic Front
UPGP  Union Parishad Governance Project
UZGP  Upazila Parishad Governance Project
UZP  Upazila Parishsad
VDP  Village Defense Party
ZP  Zila Parishad
Dedicated to the memory of

M. Fayzur Razzaque and

Hedayet u Islam Chowdhury

My colleagues in the Local Government Commission as Chairman and Member
Preface From Executive Director, BIGD
Acknowledgement

It is indeed a matter of satisfaction for me that a long pending work on outlining the crucial reform agenda on local government and field administration together has been compiled and brought together for further review and discussion. It is basically considered as an ‘ice breaking’ exercise for all the concerned citizens and professionals based on which all of us can draw clear and concrete action agenda in future.

Initial impetus and encouragement came from UNDP while working in Upazila and Union Parishad Governance projects during the period 2009-2014. There were further engagements with UNDP during the preparation of a background paper for General Economic Division (GED) of the Bangladesh Planning Commission keeping the Seventh Five year Plan in view. Later Brac Institute of Governance and Development (BIGD), Brac University, specially Dr Sultan Hafeez Rahman, the Executive Director of BIGD took very keen interest in the work. Ms Mahin Sultan of BIGD, Dr. Hossain Zillur Rahman, Executive Chairman of PPRC and Ms Shaila Khan of UNDP provided very useful comments and suggestions. A report as part of UNDP assignment has already been submitted jointly with Dr. Hossain Zillur Rahman to General Economic Division (GED) as background paper for the Seventh Five Year Plan. Some of the recommendations included in that report also got a mention in the current work. However, the study drew many of the materials from much beyond and behind.

The main recommendations presented here were presented in an internal seminar of BIGD held in December (2014) and many comments and criticisms made by the participants were given due consideration. The author had the opportunity to share the reform ideas and concepts in five divisional level policy exchange workshops arranged through Upazila Governance Project (UZGP) in 2012-2013. Many structured feedback and experience sharing sessions were held with Upazila Parishad Chairs, Vice-Chairs and Upazila and district level officials during their training sessions since 2010. My association with UNDP as ‘Local Governance Adviser’ from 2009-2014 immensely helped me to interact with wide range of grass root leaders and activists in proving many of the initial ideas with field realities. Many of the reform issues outlined here were already published in various forms (newspaper articles and seminar papers) and also propagated through many of the TV Talk shows I took part in.

I regard the work as an open book where the entire ‘local governance community’ can add and contribute. It is expected that the work can be utilized as a launching pad or it can kick off a fresh discourse and renew the discussion and debate on the ‘Local governance Reform agenda’ in Bangladesh.

I am grateful to all the persons and organizations I have been associated with since 2007. Special mention need to be made about the short lived 'Local Government Commission' and two of my distinguished colleagues in the Commission M. Faizur Razzaque and Hedayet-ul-Islam Chowdhury who already left us leaving behind their fond memories. One of my former students Arif Hossain Khan who currently works in the Governance programme of MJF volunteered to assist me while doing the work. Last but not the least, BIGD has been my home since May 2014, I am immensely encouraged by a galaxy of young researchers of BIGD to refresh many of my old ideas. However, all the limitations of the work
are of mine and none of the person and organization but me alone would remain responsible for the opinions that got expression in the work.

Tofail Ahmed

October, 2015
Local Governance is a global phenomenon universally practiced as sub-national governance and service delivery mechanism, albeit with differences in organizational type and model, dimension and degree of authority, networking affectivity and capacity of the institutions. It is a system that composed of many components and elements. In our discussion of the local governance in Bangladesh, we will concentrate on two basic institutional types and components of Local governance - the Local Government system and local or field administration with a focus on local Government Institutions (LGIs). The LGIs in the sub-continent represents the oldest tradition of representative local governance of which Bangladesh is an integral part. The statutory LGIs were launched in India at least half a century before the parliament at provincial and all India level started to function. ¹ Bangladesh is an old nation with a new state. It started its journey as a sovereign and independent state from 1971. The constitution for the new and independent ‘Republic’ was adopted in 1972 in which ‘local government’ found a very distinct place as democratically organized governance system, service delivery mechanism, quasi-judicial body for local petty arbitration (UP Level only) and development entity.² Bangladesh is having three-tier general purpose LGI system and single tier LGI for the designated urban areas with substantial exceptions in three hill districts. In addition to the LG system as in practice irrespective of the plains and the hills, three hill districts have retained their customary or traditional system side by side with the statutory LGIs (UP and UZP) and a special type District councils under separate legislations (Bandarban, Khagrachari and Rangamati). There is also Regional Council on top of the three special type district councils organized under another

¹ The LGI initiated in the sub-continent with the introduction of Municipalities in three Indian cities, Kolkata (Calcutta,1726) Chennai (Madras, 1688) and Mumbai (Bombay,1726) since the first three decades of the eighteenth century and the Legislative Assembly in India got legal sanction under the State of India Act 1909 and 1919 and finally it got a representative character after the act of 1935.
² The Articles 11,59 and 60 of Bangladesh constitution provide direction on Local Government.
separate law. The institutional structures of local government seem very robust in its organizational and institutional stature but there is an all encompassing ‘pessimism’ regarding the role, function, authority and the capacity of LGIs in delivering general development activities, public services and good governance. In spite of the legal, functional and financial limitations, LGIs are contributing immensely in flourishing democratic governance, maintaining social order and cohesion, supporting economic development and delivering different infrastructural and social services. The LGIs have immense potential to play a more effective role in accelerating economic and social development, especially in sustainable poverty reduction and in achieving the national goals in different social and economic sectors such as education, health, nutrition, population, water and sanitation, agriculture, dissemination and adoption of technology towards Bangladesh’s journey in becoming a middle income country within the stipulated time. The ensuing Seventh Five Year Plan (2016-2020) is also looking forward to facilitate strategic steps towards bringing about 5426 different LGI units and tiers (Union Parishad (4553), Upazila Parishad (488), Zila Parishad (64), Pourashava (310) and City Corporations (11) along with about 62,000 elected representatives within the fold of mid and long-term national development plans.

Local Government Institutions (LGIs) in Bangladesh are organized at the corresponding level and unit of field administration as directed in the constitution (article 59 of the constitution). In terms of authority, manpower and resources the ‘administration’ which is the composite of all national government’s local or field offices enjoy a superior position in the respective levels such as Union, Upazila and Zila. The constitution and the subsequent local government acts defined the relationships between the elected and representative institutions and

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3 The traditional system at the three hill districts is popularly known as Mouza based Headman-Karbari system. The district Councils in the three hill districts are also organized under three separate laws while the rest 61 District Councils are supposed to be governed under the Local Government (Zila Parishad) Act 2000. There is a regional council too under a separate law in CHT. The Circle Chief-Headman- Karbari system, Hill District Councils and Regional Council are directly looked after by the ‘Hill Tract Affairs Ministry and the other rural and urban LGIs in the hills are under the LG Division of the Ministry of LGRD&C.

4 The three tier general purpose LGIs such as UPs, UZPs and ZPs as well as Pourashava and city corporations together compose the numbers.
the central government agencies at the local levels. It is still a grey area the Bangladeshi public administration and governance proponents have been trying hard to address while attempting to create a viable, service oriented, accountable and democratic governance structure. The integration of two separate streams, i.e. local government and local administration is the biggest challenge the Bangladeshi ‘local governance’ discourse has been facing for the last forty years.

This work is an attempt to prepare an outline of the reform agenda for the benefit of policy advocates and policy makers to specifically assist them in mapping the interventions and investments in the sector of ‘Local Government’ and ‘Field Administration’ for creating a sustainable and result oriented governance system in future. The reform in both the areas has remained as a long pending issue. Relentless advocacies were carried out for the last two decades for required changes in the field administration and structure and function of LG institutions. The changes so far brought were cosmetic in nature and hollow and confusing in content. Reform agenda should come as a comprehensive package with clear functional jurisdiction with activity mapping. The current work basically draws lessons from many of the previous studies as well as civil society advocacy initiatives in creating a new package of reform agenda for policy advocates and policy makers. The issues and ideas that initially got expression in the papers were discussed in five divisional level workshops in 2012-2013, presented and discussed in training and orientation sessions with Upazila Parishad and Union Parishad leadership as well as officials engaged at division, district and Upazila levels. The issues were also presented in different seminars, round tables, newspaper articles and the Television talk shows. In addition to a general compilation and consolidation of all the relevant materials, this report also incorporates some additional aspects that can help with the conceptualization of the main issues. The study concentrated in reviewing the existing situation and finally focused in the areas outlined below:

- Brief review of the present system of Local Government, how the system evolved and the progresses made over time,
- Identification of the need for constitutional and regulatory reforms including electoral and organizational systems to strengthen local
governments, thereby achieving better service delivery and making LGIs more responsive and accountable.

- Critical review of the tier setting of LGIs and field administration and subsequent effect in quality of basic services delivery within an environment of all encompassing functional and jurisdictional conflicts.
- A critical and objective assessment of the existing functional allocations between the national and local government as well as LGIs and LAs,
- Review of the inadequacy of the present system of local government financing in the context of assigned functions. Provided for a clear inter – governmental fiscal transfer policy for dividing resources among tiers, thereby eliminating uncertainty and scope for political manipulation(Effective Fiscal Decentralization) in national level allocation of resources,
- Suggestions to integrate national and local government Planning in the context of long, mid and short term plans and the annual budget of central and local governments,
- Strategic Suggestions were made to build up capacity of local government in terms of staffing, quality of service delivery, an accountability mechanism and institutional coordination between different levels of government institutions

The areas and issues outlined and listed above are addressed elaborately in Six Chapters. The main eight issues regarding intervention areas have been discussed elaborately in Chapter -5. Each of the issues are discussed and issue wise recommendations are furnished in the same chapter. Chapter -6 includes the concluding remarks along with summery of recommendations and a matrix for implementation with a proposed timeline. An overview of the LGIs in Bangladesh is incorporated in the Chapter-2 followed (Chapter -3) by four strategic issues like Local Economic Development (LED) and local service delivery, local governance and rural-urban interfacing of LGIs are included to contextualize the main tenants of interventions as recommended in Chapter-5. A brief review of the
four important documents such as Perspective Plan 2010-2020, Sixth Five Year Plan 2010-2015 and Vision 2021 and the Election Manifestos of the party in power with LG lens are presented in Chapter-4 to further contextualize the suggestions and recommendations for the ensuing inclusion in the 7th Five year Plan and also in the SDG documents. It may help to understand the commitment and also functions pending as adopted in those documents. The detail chapter outlines is as follows:

Chapter-1: Introduction

Chapter-2: An overview of the LG system in Bangladesh, its problems and potentials

Chapter-3: Strategic issues of local economic development, local service delivery, local governance and rural-urban interface

Chapter-4: Review of vision2021, Perspective Plan and Sixth Five Year Plan

Chapter-5: The Challenges towards strengthening local government system for effective local governance, social services and economic development

Chapter-6: Conclusion: consolidated recommendation with implementation matrix
Chapter -2
Local Government and Local Governance in Bangladesh: Issues and problems

Bangladesh inherits a well defined structure of LGIs and a robust ‘Local Administration’ (LA) which Hamza Alavi (1973) characterizes as ‘over-developed’ state structure at the corresponding local levels i.e., Division, District, Upazila and union levels. The state at local level is not represented by any single agency or composite structure. It is composed of diverse, dispersed and fragmented agencies with separate mandate, finance and functionary aligned only vertically with a line ministry or a directorate under the ministry. The LGIs that are also located at district, upazila and union levels in parallel, virtually with no functionary, very little fund but bestowed with a long list of functions with ‘unfunded mandates’. The existing LGIs and local or field administrative structure may be viewed from the following matrix, albeit the city and town level LGIs are not included here as it does not correspond the administrative unit which is dealt separately in the subsequent part of the same section.
Figure 1: LGIs, Local Administration and Administrators in each of the corresponding level

Local Government Institutions
- Divisional Council (1959)(abolished)
- District Board (1885)/District Council (1959)/ Zila Parishad (1972)
- Local Board (1885) abolished by 1919
- Chowkidari Panchayet (1870)/Union Panchayet (1882)/ Union Board (1919)/ UC (1959) UP (1972)

Administrative Level/Tiers
- Divisions (1829) - 7
- District (1773) - 64
- Sub-division (1875) - (abolished in 1982)
- Thana (1793)/ Upazila (1982) - 490
- Union (1870) - 4553
- Village - 85000

Administrators
- Divisional Commissioner
- Collector/DM/DC
- SDM/SDO
- CO (Dev)/CO (Rev)/TNO-UNO
- *
- *

Note: (1) Number in parenthesis indicate year of introduction and Number without parenthesis indicates total number of institution or units. Gram Shava is not a LG unit, it is used as ward level people’s forum.

(2) Local Board, Sub-division and SDO/ SDM do not exist anymore. That Particular tier of administration is abolished in Bangladesh. In India, Sub-division and SDO system still exist. Among 17 out of 29 States of India Division system is retained but Pakistan still continuing with the sub-division and Division system.
Sub-national, local or field administration in Bangladesh is not a single entity or organization. It represents a complex hierarchical model and lack uniform rule and command. The field level administrations that exist can broadly be classified into four categories as (1) general purpose administration regarded as apex body that represents national government, (2) regulatory departments, (3) development departments and (4) service proving agencies. In Divisions and Districts except a few, almost all ministries are present with their functionaries and the Divisional Commissioner and Deputy Commissioners are regarded as the national government’s representative and general purpose administrators at the divisions and the districts. A similar trend can be seen at the Upazila level, where 30-35 departments have their offices and the Upazila Nirbahi Officer represents the national government as general purpose official to oversee but not as administrator. In unions, 13 offices of 7 ministries are present as development and service providers but there is none in the line of general administrative hierarchy at the unions. All the government functionaries irrespective of whether they are general, special, regulatory or service providers are vertically linked with their parent department and ministries. Very little horizontal linkages and accountability mechanism exists at each level of field administration. There are few loose and adhoc coordination mechanism among government departments through committee system which are virtually non-functional ‘gossip shops’. In spite of legal provisions, LGIs are not considered as being part of an effective coordination and accountability mechanism to fill the existing planning, supervision and coordination vacuum. The laws on UP and UZP as of now provide a legal and administrative framework for institutional coordination and accountability but in reality, there is very little compliance to the law.

Local Government system can also be understood in four different streams like the field administration clustered into three groups but with major differences in content and context. Firstly, the system may be divided into two, (1) general purpose and (2) special purpose LGIs, secondly (3) territorial dimension of LGIs or location specific LGIs and thirdly in broad dimension of (4) rural and urban dimensions of LGIs. The three tier LGIs that exist in Union, Upazila and Zila may be labeled as **general purpose LGIs** and the constitution categorically directs these
three units to have elected LGIs at the corresponding administrative units. According to the constitutional mandates (article 11 &59), Divisions also require elected bodies as a defined field ‘administrative unit’. Whether it is needed or not, is altogether a different issue and question. The functions allocated to the LGI units at those levels correspond, corroborate and cut across the mandates of various departments and agencies, irrespective of general, regulatory, development and service providers that exist at each of the level and tier. The LGIs established in urban areas as pourashava and City Corporations (CCs) are special purpose LGIs with focused activities related to ‘urban services’ and no general, regulatory, development and service agencies of government physically exist along the corresponding line of the urban units where pourashava and CCs exist and function. The pourashava and CCs are not administrative units, in legal sense of the term. The respective laws of CCs and pourashava only added one clause declaring every unit of Pourashava and CCs an ‘administrative unit’ for the purposes of legitimization of the constitutional provisions. The Territorial Dimension of LGIs can be observed first as LGIs at the Hills and LGI in the plains in two of this broad dimensions. The Hill Districts of Bangladesh have different types of LGIs under separate laws as well. Again irrespective of plains and the hills there are three common spatial locations of LGIs with three sets of separate laws, i.e. Union Parishad, Upazila Parishad and Zila Parishad laws. The urban LGIs too have specific location but those overlap with Zila and Upazila and mostly remain within the greater boundary of the Upazila and Zila. The fourth stream is old categorization of LGIs into two i.e. rural and urban LGIs, under which Union, Upazila and Zila Parishads are regarded as rural and Pourashava and City corporations are characterized as urban LGIs. The rural-urban categorization is gradually getting out of date and out of fashion, as zila, upazila and unions are going through an aggressive process of urban transformation. The only difference lies in the degree of urbanization not of the kind and nature of the administratively designated rural areas. The four streams and classifications of

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5 Clause 7, Part 2, Local Government(City Corporation) Act 2009 and Clause 5 part 2,Local government (Pourashava) Act2009
LGIs that exist in Bangladesh may be observed in the following table. There may be another fifth stream under the title, **Statutory and Customary**; Customary LGI in Bangladesh only exists in CHT known as ‘Circle Chief (Raja) and headman-karbari system’ which is shown in location specific LGIs stream as well. Though the different streams are separately shown, overlap among the streams may easily be understood.

**Figure 2: Streams and Classifications of LGIs in Bangladesh**

<table>
<thead>
<tr>
<th>General Purpose LGIs</th>
<th>Special Purpose LGIs</th>
<th>Territorial LGIs</th>
<th>Traditional Rural-Urban Divide</th>
</tr>
</thead>
</table>
| 1. Zila Parishad (61) in plain and 3 in Hill Districts  
2. Upazila Parishad (490)  
3. Union Parishad (4537) | **Hills and Plains (both)**  
• City Corporation  
• Pourashava  
**Special LGIs for Hill District**  
1. Regional Council (1)  
2. Three Hill District councils (Rangamati, Bandarban, Khagrachari)  
3. Circle Chief (Raja) at three Hill Districts and Headman-Karbari at Mouza levels(customary). | 1. Zila Parishad in plain (61) and in 3 in Hill Districts  
2. Upazila Parishad (490)  
3. Union Parishad (4537) | **Rural**  
• Zila Parishad in (61)  
• Upazila Parishad (490)  
• Union Parishad (4537)  
**Urban**  
• City Corporation  
• Pourashava |

The discussion on local administration and LGIs shows parallel institutional presence with identical activity. The parallel presence perennially creates an environment of unhealthy competition and conflict between the two. The rationale for bringing discussion on ‘local or field administration’ side by side with LGI is intentionally done to highlight and comprehend complexity rather than dealing both the institutions in isolation.

**Non-State actors**

In spite of the heavy physical presence of both the central state agencies (four broad types of state agencies) and elected LGIs of different varieties; non state agencies such as civil society organisations, NGOs, private sector service providers and Development Partners (DPs) gradually made significant inroads to the
different localities. The non-state stakeholders are varied in number and dimension which include CSO, CBO, NGO, private entrepreneurs and various interest and pressure groups. The resources they utilize in terms of human, technical, financial and need based assistance are not negligible too. The historic monopoly of the public sector in governance, development and services has been in the process of decline and it is increasingly becoming poly centric. No single agency has effective control and command over any particular service. For example, the education sector is not totally managed by the education department and Ministry of Education alone. There are many state and non-state agencies that play active role in education sector. Never mention about non state sector, there are as many as five government departments contributing to various aspects of education at district, upazila and unions. The same is equally applicable about health, hygiene, population and all other related departments extended up to Upazila where GoB departments and non-state agencies compete. The Social safety Net Programme (SSNP) is one of the classic examples of duplication and proliferation, and about 23 ministries were engaged in implementing 145 (SSNP) programmes and projects of different types and nature by spending in each year nearly Tk. 25-30,000 crore for last five years (2009-2014).

**Problematic: creating synergies and complementarities**

The localities as spatial units are having a very changed contour. No single stakeholder such as state, LGI or the non-state actors can unilaterally achieve expected results. The need for defining all stakeholders’ role and function and creating a network of cooperation is necessary. It is critical that we understand the complementarities of the stakeholders, all of whom aspire to achieve increased efficiency in service delivery and citizen empowerment. The legal framework and development policy is not conducive towards the promotion of needed complementarities. All our subsequent discussions will lead to bring those issues into the fore front.

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7 There are three ministries such as primary and mass Education, Ministry of Education, M/O Science, Technology and ICT, again all those ministries have got separate directorates, departments and Boards.

8 The PPRC-UNDP study traced 30 major SSNP and 24 minor SSNP. Many other projects and programmes under ADP have not been reported.
Two institutional and organizational structures of general purpose LGIs at primary (Union) and secondary (Upazila) levels may be observed in the two figures provided underneath. The organizational structures show that even though local public representatives, local public officials and service agencies of national government at local levels are all brought under a uniform umbrella, functional integration still could not be achieved as desired and directed in the legal framework. The Local Government (Upazila Parishad) Act 1998 and subsequent amendment in 2011 placed 17 government departments under the UZP and clear provision is also made for compulsory reporting of activities by other departments not categorically transferred (popularly regarded as retained subjects). Similarly, the Local Government (Union Parishad) Act 2009 made 13 field level extension officials of 7 ministries transferable to the UPs. Compliance could not be ensured in the last six years (2009-2015). The organizational structures of UZP and UP separately may be observed below:

**Figure 3: Upazila Parishad Orgnogram**

<table>
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<tr>
<th>Upazila Parishad (UZP)</th>
<th>Local Member of Parliament (MP) (Advisory role)</th>
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<tbody>
<tr>
<td></td>
<td>Chair (1)</td>
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<td></td>
<td>Vice-chair (2) (1 Male &amp; 1 Female)</td>
</tr>
<tr>
<td></td>
<td>Members: All UP chairs and pourashava Mayors</td>
</tr>
<tr>
<td></td>
<td>Women members: 1/3 of existing UP</td>
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| Upazila Nirbahi Officer (UNO) / chief executive of UZP |

<table>
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<tr>
<th>Departments / Officials transferred</th>
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<tbody>
<tr>
<td>Upazila Nirbahi Officer (UNO)</td>
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<tr>
<td>Upazila Health and Family Planning Officer</td>
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<tr>
<td>Upazila Family Planning Officer</td>
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<td>Upazila Agriculture Officer</td>
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<td>Upazila Fisheries Officer</td>
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<td>Upazila Livestock Officer</td>
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<td>Upazila Project Implementation Officer</td>
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<td>Upazila Social Welfare Officer</td>
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<td>Upazila Education Officer</td>
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<td>Upazila Women Officer</td>
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<td>Upazila Youth Development Officer</td>
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<td>Upazila Cooperatives Officer</td>
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<tr>
<td>Upazila Engineer</td>
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<tr>
<td>Assistant Engineer</td>
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<tr>
<td>Upazila Rural Development Officer</td>
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<tr>
<td>Upazila Secondary Education Officer</td>
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<tr>
<td>Forester / Deputy Range Officer</td>
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<tr>
<th>Departments retained / linked with UZP</th>
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<tbody>
<tr>
<td>Police</td>
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<tr>
<td>Ansar – VDP</td>
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<tr>
<td>Statistics</td>
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<td>Accounts</td>
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<tr>
<td>Land</td>
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<td>Sub-registrar</td>
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<td>Election</td>
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<tr>
<th>Other departments’ present but not linked with UZP</th>
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<tbody>
<tr>
<td>Post &amp; telecommunication</td>
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<tr>
<td>Bangladesh Water Development Board</td>
</tr>
<tr>
<td>Gas supply</td>
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<tr>
<td>Electricity supply</td>
</tr>
<tr>
<td>Roads &amp; railway: railway</td>
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<tr>
<td>Public Works Department</td>
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<tr>
<td>Sports &amp; culture</td>
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Among the three units of general purpose LGIs, the Primary and Secondary level (Union and Upazila) institutions are organized as properly elected functional bodies. The apex level LGI i.e., at districts in plain land Bangladesh have not been organized as full-fledged elected LGI. Under the Local Government (Zila Parishad) Act 2000, no elections are held yet. An “Administrator” was appointed to the ZP as an interim arrangement to run the ZPs. In the Chittagong Hill Tracts as well, three ZPs Known as Hill District Councils (HDCs) have not had any election for nearly 20 years. Those three parishads are being run by nominated chairs and members. Similarly the Regional Council (RC) also runs by nominated chair and members since its formation.

The LGIs in Bangladesh are gradually turning into hollow political institutions without substantive administrative, financial and functional responsibility. The
laws provide long lists of functions without adequate provisions for fund and command over functionaries. Functions do not follow finance and vice-a-versa. The functions allocated are very general in nature without standardized specification which needs to be unbundled to commensurate with management capacity, financial strength and considerations of client or recipient of services. The overlaps that exist among the agencies and LGIs in dispensing services have to be specified and responsibilities have to be fixed on the ‘principles of subsidiarity’\(^9\). Plurality and competition can be promoted among multiple agencies but responsibility has to be located at identical points. Under the current situation, neither the government nor the LGIs, CSOs, CBOs and private sector can find a clear ground to stand on for cooperation and coordination. There is an absence of ‘rule of engagement’. This has been termed in the next chapter as ‘governance crisis’ or ‘chaotic governance’. The Field administration (General purpose, special purpose, regulatory and service agencies) with fund and mandate remain isolated from one another. On the other hand, LGIs of different nature and streams are kept at bay from the field administration. The LGIs maintain a political overtone in all their stature but are grossly undermined by the ‘administration’ (bureaucracy with different labels) at their corresponding levels. The private sectors do business as usual without a conciliatory regulatory framework. A well constructed rule of engagement can enable all actors to work harmoniously with the intension of best utilization of their available resources and expertise. The mandates of the general purpose civil administration, legally empowered LGIs and other state and non-state actors may be defined under ‘basic rules of engagement’ to make all the service units understand each other’s role and function.

Keeping the vision 2021 and rapid social transformation in view, the LGI and field administration need to be reorganized at least within the time range of 2020. The 7\(^{th}\) Five year Plan may lay the foundation for a new generation sub-national governance and service delivery mechanism. The major challenges for new generation sub-national governance may be outlined as follows:

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\(^9\) This is a concept Economists used to define the lowest level to perform a public function known as “subsidiarity principle”. The subsidiarity principle states that public goods and services should be provided by the lowest level of government that can do so efficiently (Jamie Boex, 2014:17).
• Interfacing and integration on the one hand and separation on the other; the function, mandate, organizational and institutional relations between and amongst the field administration and the LGIs,
• Interfacing and integration between and amongst the rural and urban LGI units, accommodating growing urbanization, avoiding overlaps and reduction of unnecessary LGI tiers,
• Major legal reform in LG sector is an overdue issue encompassing institutions, election, function and fund in order to bring isolated units and institutions into a uniform and standard system,
• LG Planning, finance, budget need integration and interfacings with goals and priorities at both local and national levels in order to enable local economic development, local service delivery and local governance.

In the subsequent chapters the issues have been dealt with in more details.
Chapter -3
Strategic issues of Local Economic Development, Local Service Delivery, Local Governance and Rural-urban Interface

Local Economic Development (LED), Local Service Delivery and Local Governance are inter-related and inter-dependent issues that deserve separate in depth discussion keeping in view the Seventh Five year plan and the future of Local government in Bangladesh. The Seventh Five Year Plan may consider these four issues when designing interventions and investment for accelerating pro-poor growth and efficient and inclusive service delivery. The involvement of local government institutions regarding these three strategic issues may add new values, meaning and dimension to the role and functions of LGIs. Similarly, rural-urban divide within the existing LGIs deserve a full-length discussion as the social contours of both are undergoing remarkable transformation. Though the scope is limited here, only introducing the issues to the policy makers may add some value to the discourse.

Local Economic Development (LED)
‘Local Economic Development’ is a new development paradigm being promoted by many national and international development agencies. The Commonwealth Local Government Forum (CLGF) is one the prominent LG forums promoting the concept among the commonwealth member countries. The CLGF Summit in Aberdeen, Scotland held in 2011 adopted Agenda for Commonwealth member countries with elaboration of ‘Local Economic Development’ (LED) has known as “Aberdeen Agenda”. The Aberdeen Agenda was reaffirmed in the Cardiff Conference held in 2012 and the declaration is known as “Cardiff Consensus” and was approved at the Local Government minister’s Summit held in Perth, Australia during the same year. Bangladesh is one of the signatories to the document. The LED is basically a developing country innovation. Among many, South Africa (SA) may be considered a model worth reviewing. The municipalities in the SA enjoy a

10 CLGF Web page: www.clgf.org.uk
clear mandate to prepare and implement LED. There are clear functional and financial guidelines how LED to be implemented.\textsuperscript{11} The entire pro-poor development initiatives specially the MDG related programs become exclusive domain of the Municipal plan in SA.

The development initiatives may come from national, regional, local and even individual entrepreneur levels. However, individuals and families at the local level are the ones who get affected, be it negatively or positively. It is not justified or moral to impose any development initiative without proper consent and agreement of the locality that is going to be impacted. There are specific development needs that deserve to be generated from the locality. At least, local, regional and national level cooperation and coordination can make development efforts more equitable if not equally beneficial, economically rewarding and morally justified.

The GDP-GNP-GNIs are generally calculated nationally but local actions that contribute to the process of growth are ignored. In many countries on top of the national level aggregated growth calculations, regional and local level disaggregate growth calculations are also made. In our country as well, growth in urban centers and cities and sector wise calculation are in practice. But local economy and local economic development as such have not gotten any formal consideration in any plan document rather the term is used in an informal manner. The reasons are also obvious. There exists no comprehensive or integrated development effort or local economic development plan devoted to promote local economy. In some specific areas, because of special natural endowment or local /spatial advantage, ‘local economy’ is a natural outgrowth and not a deliberate creation. But there are ample scopes and avenues for local economic regeneration which LGIs irrespective of rural and urban can take lead on.\textsuperscript{12}

In our country (Bangladesh), most of the economic development ideas and initiatives are generated centrally either through specialized agencies or through

\textsuperscript{11} En.wikipedia.org/wiki/local_economic_development ; BNPP(2000); DPLG (2000)
special donor supported projects. There are local initiatives of different nature too, but no proper mechanism is in place for concerted effort to record and promote local economic development efforts. Even the national plan documents such as Annual Development Plan (ADP), Five Year development Plan Documents and ‘Perspective Plan’ (2010-2020) do not clearly recognize local economy and local economic development plans.

The constitutional mandates for local ‘economic development planning’ (Article 59 of the constitution) and subsequent acts of parliament made for all the LGIs to make economic development plans at their respective levels (UP, UZP, ZP, municipalities and CCs) have been benignly neglected all these years. The national budgetary process does not recognize the local plans and budgets that are prepared and implemented at the local levels.\textsuperscript{13} The national planning agency as well as all development and service sector agencies of national government do not take cognizance and in most cases override the planning and service mandates of the LGIs as embodied in the acts of parliament. About seventy UZPs attempted “Annual Development Plan” under a five year vision and projection with the support from a UNDP supported project called “Upazila Governance Project” (UZGP). The main challenges those UZPs faced were to make the 'transferred departments' of the respective upazila agree to share the departmental information for creation of a sector vision. The departments at the upazilas do not have any sector vision and plan of their own, and when UZP initiated such an exercise of making sectoral data base, vision, plan and budget, necessary cooperation were not extended to the parishad.\textsuperscript{14} Still, about 70 such plan books were published which can be used as reference in future for having full-fledged UZP level development Plans. Similarly UPs as well as Pourashavas and CCs are also entitled to have local economic development plans and they are

\textsuperscript{13} Under article 59 of the constitution, LG functions include “the preparation and implementation of plans relating to public services and economic development”; All Acts of Parliament on LG including The LG (UP) Act 2009, clause 47, The LG (Upazila Parishad) Act 1998, clause 23(schedule-2) and clause 42 (Development Planning) and clause 38 on budget, The LG (Zila Parishad) Act 2000, clause 49 (Development Planning) and 45 (budget) and The LG (Pourashava) Act 2009, clause 50 clearly provide ‘planning and budgeting’ obligations to all the LGIs.

\textsuperscript{14} Seventy UZPs from ten districts (Joypurhat, comilla, Bogra, Rangpur, Sirajgong, Kishoregong, Brahmanbaria, Barguna, Khulna and Sunamgonj) printed their “Information, Plan and Budget Books” which contain base data on each sector such as Education, Health, Population, agriculture, fishery, Livestock, women, cooperative etc along with annual plan and budget. The Books are available from the financial year 2012-2014.
making and implementing their respective plans. Those need to be linked with national level goals and strategies with formal recognition. A bridge could easily be built between the national development plan and local development plans for promoting a harmonious growth with effective local participation.

**Local Service Delivery**
All state and private level basic services are essentially delivered not only at the locality level, but in most cases at the family and individual levels. Firstly access to services and the efficient, effective, economic and timely delivery of those services is a normal citizen expectation. The Constitution of the Republic and many of the acts of parliament unequivocally bestowed service obligations to the LGIs at different levels, but in reality they are striped off the responsibilities. Instead parallel agency structures with fund and functionary are mandated to deliver the services. As a result, the directorates assigned for special services such as education, health, family welfare and population, water and sanitation, infrastructure, social services, etc. deliver services as per the agency plans that are approved centrally. The LGIs were given mandates for providing the same services but largely those are ‘unfunded mandates’. The LGIs with general purpose mandates cannot provide many of the specialized services by themselves. Therefore, service agencies should work with the locally elected representatives to develop local service plan. This is not only for transparency and accountability but efficiency and economy can also be ensured through the involvement of the people. The LGIs can contribute in the management as well as with supply of additional resources in delivering services. The LGIs of the Philippines created a replicable example towards providing standard services.\(^{15}\)

The programme includes three distinct services such as Health, Education and Water; and under certain set rules and pre-set standards, specialized agencies and the LGI personnel can plan and deliver those services under a joint plan. It was found that when there were shortages of budget and of trained personnel; communities spontaneously came forward and bridged the gaps.

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The state health services at Union and Upazila levels and education at primary and secondary levels in Bangladesh need serious review in order to put the right people on the driving seat and ensuring a set standard in delivering those two basic services. In the subsequent chapters, the technical aspects of decentralization of services will be discussed along with the experiences of ‘functional assignment and expenditure assignment’ and ‘unbundling and re-bundling’ of a particular service.

**Local Governance**

Governance is a process through which public decisions are made and implemented. ‘Governance is much more than the government’. Governance is a process and system of interaction, interrelationship, networking, sharing and partnership for effective, efficient, economic and inclusive development and service delivery with transparency and accountability.\(^\text{16}\) In a particular geographic area or in any single functional area (such as health, education, housing, social services, etc.), multiple actors and stakeholders may remain active; governance indicates that all the actors, agencies and stakeholders will play their defined role in order to ensure service delivery to the people. The public sector, local government, private sector and citizen none will feel alienated and deprived in playing their respective role.

In Bangladesh ‘local governance’ is in a ‘chaotic situation’. There is involvement of the government and public sector agencies at the field administration units, LGIs of different streams, booming private sector and the resilient citizen’s organizations. However, there is no rule for effective engagement or a strong collaboration framework between and amongst them. Conflict, confusion and contradiction in defining role, jurisdiction, functional assignment and expenditure assignment largely contribute to the ‘chaos’ in the general governance. Scarce resources are not utilized in a judicious manner, capacity deficits are not complemented and bridged by recognizing each other’s strengths and weaknesses and the central interferences at the local affairs make the situation more chaotic.\(^\text{17}\) There are legal vacuum, policy confusions, absence of role

differentiation and demarcation and all of which contribute to conflicts and worsening of the situation caused by democratic deficit and lack of local and horizontal accountability. There are health care structures at Upazila and Union levels but quality health care in those units are not in place. ‘Mass absenteeism’ of professional staff in health service providing outposts has become a tolerable norm. Private sector health services outnumbered the public sector with virtually no quality assurance, but very high service fees are charged by the private providers. Education sector is gradually becoming more of a profit mongering business than a service towards human resources development for the nation. The booming private sector in education is becoming very expensive for the people with average ability not to mention poor segment of the population. The educational institutions also compete with different opposing ideologies ignoring quality of education. In a compact locality of a union, education institutions with different set of curriculum with teachers of varied and contradictory orientation and qualifications exist. There are government primary schools, government supported Madrashas, Private Madrashas (Qwmi), NGO led elementary schools, English medium Kindergartens and many more. It is very difficult to assess quality of each education system considering the output they are delivering. Public, private, secular, religious, English medium, Bangla medium and even Arabic and Urdu medium schools are run parallel in a single locality of a union. The local governance in education is a very important issue to bring about uniform quality in education. As regards the poverty and social safety net or social protection is concerned, the same governance questions on the utilization of huge public resources allocated for the purpose need to be assessed. The twenty three ministries implemented about 98 to 145 social protection programmes with a budget allocation of Tk 25-35 thousand crores annually during the last five years.\(^{18}\) There exists no coordinating point at the local level for the selection process of target population, need assessment, monitoring of the programmes and lastly impact assessment. At times, UPs and pourashavas are made scapegoats for many of the ills and mismanagement of SSNPs without understanding of real situations at the ground. The allocation decision, target

\(^{18}\) MJF data presented in the meeting of National Forum for Social Protection as well as PPRC-UNDP study (2013)
selection, disbursement and final evaluation are not based on any acceptable and concrete data base. The manipulations are made from much higher political and administrative levels which are beyond the control of UPs. The PPRC-UNDP (2011) study described the phenomenon as ‘culture of silence’ also emphasized on ‘comprehensive data base’ in future for effectively addressing the problem.

Regarding the governance issues of Bangladesh, Hossain Zillur Rahman and his team at PPRC commissioned several seminal works (Rahman and Robinson (2006); Rahman (2007) and PPRC and Fur DIE FREIHEIT (2013). All these studies clearly highlighted the political, administrative, moral and social dimensions of governance failure and we can very well situate local governance within the theoretical and empirical ambit revealed in those studies.

Local Governance in Bangladeshi context may have to consider three basic premises for understanding the real life situation for its improvement. Three premises are: Actors, Factor and Actions which together may provide a basis for discussion. The following matrix may provide a pragmatic view of Local Governance framework that is in existence, but it does not necessarily probe that it works as shown in Rahman’s studies.

**Figure 5: Local Governance Premises in Bangladesh Context**

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<tr>
<th>Actors</th>
<th>Factors</th>
<th>Actions</th>
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<tbody>
<tr>
<td>Institutions</td>
<td>• Law, rules and policies that provide mandate to each set of institutions to perform&lt;br&gt;• Finance and budgetary allocation&lt;br&gt;• Traditions and customs of community practices&lt;br&gt;• Private finance and private-public finance and</td>
<td>• Development intervention as many areas as possible&lt;br&gt;• Law enforcement&lt;br&gt;• Claiming services&lt;br&gt;• Provision for services&lt;br&gt;• Financial, human and technical resource mobilization&lt;br&gt;• Participation&lt;br&gt;• Demand mitigation and conflict resolution</td>
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All the actions necessary to carry out governance functions are in place and all the actors are also active to carry forward their actions but there is no proper linkage between the actors and the actions to garner the desired results. This needs critical review in order to improve the state of local governance in Bangladesh.

The LGIs should have definite role and function in the local governance system. The law, rules, policies and actions very often do not conform, complement and comply the constitutional and other subsequent legal provisions as outlined for governance at the local levels. Local Economic Development (LED) plans and local service delivery efforts cannot be efficiently managed in the absence of reasonably functional governance. In Bangladesh because of its historical and cultural context democratic local governance is an essential condition for bringing sustainable LED and efficient service delivery. Governance without peoples’ legitimate leadership and participation is unsustainable and LGIs in Bangladesh can provide a convenient peg for creating a participatory governance structure which can unleash the highest potentials of all the actors active in the field. The
factors that fetter the expected governance environment have to be removed with appropriate and timely intervention. A comprehensive reform is needed to create sound governance system in which all the stakeholders can have their clear and defined role.

**Rural-urban Interface**

Historically statutory LGIs in the Sub-continent started with urban centers (1687), about 200 years later the devises for LGIs for rural areas were initiated in the later part of 1800. It does not necessarily mean that there were no self-governing institutions in rural India before the British rule. The colonial imperatives at a particular historical conjuncture suited local institutions in certain areas and not in others. Subsequently, by the turn of the nineteenth century, India had local government of two distinct varieties-urban and rural. The ‘rural LGIs’, as designated through administrative arbitration were located at villages and districts and ‘urban LGIs’ were located in administratively created district headquarters, in most cases under the control of District Magistrates. The legacy of administrative arbitration of imposing a label ‘rural’ and ‘urban’ still continues. However, the political opportunism that was added made the judgment more blurred.

The rural-urban divide that the British created in LGIs in the eighteenth and in the early nineteenth century India had some relevance and merit at that time. However, in the twenty first century Bangladesh, the same logic and reality do not apply. Rural-urban divide in administrative reasoning in the past compared to the present social reality is not the same. The life, living and livelihood of designated rural areas have been undergoing rapid transformation. People who physically live in villages lead an urban life with electricity, gas, ICT and other modern facilities as well established or in the process of establishing greater regional, national and global connectivity. Physical and virtual Communication both contribute to a great extent in changing the outlook and vision. The service need, aspiration and vision of life also greatly different from what they were two hundred years back. Under the current socio-economic environment, the urge and aspirations of rural people are not very different from the ‘urbanites’ but
mostly identical in nature and dimension. Some of the basic services people expect from the state as citizens such as health, education, infrastructure, law and order, justice and avenues for livelihood are the same for the rural and urban areas. If so, while designing future LG structure for Bangladesh, we have to have a serious re-thinking regarding the limitations of the existing divide in LG institutions for providing common services to all citizens irrespective of urban and rural locations.

Housing, roads, health, hygiene, sanitation, drainage, waste disposal, safe water in villages and cities are not substantially different. Education is a common public good that demands uniform opportunity and quality. Planned physical infrastructure including housing, connectivity and land use is equally important for Bangladesh irrespective of spatial differences.

In the past, we used to portray and label ‘Bangladesh as a big village’. The present reality is that Bangladesh is ‘emerging as a big single city’. Keeping the reality in view, the future of LGs in Bangladesh should be aligned with the urban reality, urban services and urban politics. The current LG system needs to conform to the changing reality of urbanization that absorb hither to designated rural areas within its fold in an aggressive way. In 20 years down the line, rural –urban divide will become a myth and the reality will be that the whole of Bangladesh would become urbanized with difference in degree only not of kind. The reform agenda of local government and local governance should consider the changes that have occurred and more drastic changes and transformations that are in the process.

The four conceptual issues elaborated with empirical evidence may help to contextualize and add new values to the reform agenda to be formulated in future.

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Chapter-4
Local Government and Local Governance in the ‘Vision 2021’ and Past Plan Documents

This chapter is based on the four major policy documents that are already in the process of implementation and that would also provide road map for future reform plan. An attempt is made to scan the documents to outline the ways and means highlighted in those documents on local government, field administration, local service delivery, local economic development and local democracy. The four documents reviewed are:

- Vision 2021
- The Election Manifesto of Bangladesh Awami League (AL) before Ninth Parliamentary Election (2008)
- Perspective Plan 2010-2020
- Sixth five year Plan 2011-2015

The documents consistently and in a candid way envisioned an important role for local government aimed at democratic, transparent, accountable, effective and efficient institution for establishing good governance, delivering public services and a framework for providing participatory development environment. The “Vision 2021” expresses clear indication and commitment for establishing self-reliant LG institution at Union, Upazila and Districts. Similarly, the election manifesto of AL in 2008 came up with more clear and specific programme agenda for strengthening local government. Among those, the followings were very prominent:

- Strengthening of UP, UZP and ZPs with decentralization of power,
- ZPs will be transformed into centers for implementation of health, education and other development programmes,
- Unions will be developed as planned rural townships with powers of maintenance of law and order and be the hub of development, Upazila Head Quarters will be developed as planned industrial growth centre and township’
Spheres of Pourashava (municipalities) and City Corporations will be enhanced, and the quality and standard of civic amenities will be improved.

The Perspective plan and the Sixth Five Year Plan documents reiterated the main spirit of “Vision 2021” and the AL election manifesto promises. In the Perspective Plan 2010-2020 at least in eight places, issue of LG got mention. The document elaborated the indication of “Vision 2021” and election manifesto further by reiterating that “devolution of function and fiscal authority in accordance with constitutional provision for elected bodies at each level of administration (PP 16-17)” will help to make the vision 2021 and election manifesto effective. The Perspective Plan specifically mentioned few sector activities and services such as agriculture and rural development (p-3), health and population (p-21), rural non-farm activities (p32), Poverty reduction and social protection (pp-92-93) to have strong linkage with LG bodies at different tiers. The document emphasized the involvement of the people, partnership with non-state actors and reforming planning and budgetary processes (pp-9-10) and also incorporated issues like creating avenues for LGI’s coordination role, functional assignment and fiscal decentralization, capacity development, development planning, budgetary implication, administrative reform and governance improvement at least in 26 different places of the document. In spite of all these mentions, local Government did not get concrete and separate treatment as it deserve in the Sixth Five year and Perspective plan documents. These mentions are found as cosmetic without content and concrete action agenda. A separate section on ‘Urban Governance’ is seen without concrete programme and activities on Pourashava and CCs. It seems, there is a lack of conceptual clarity while urban governance, local governance, local administration, local Government and Local government institutions are frequently or interchangeably used in different sections of the plan document. In future, specifically in 7th FYP document, a separate chapter may need to be devoted on Local government which may address the issues of local level plan, budget, LED, local level services delivery and finally local governance in a comprehensive manner.
Both the documents - Perspective Plan and SFYP created vision statements but concrete plan activities are embedded in different sector plans and in most cases honest visions are blurred in sector based project narratives. The Plan documents are loud while explaining macro level conceptual issues but seem silent and unclear regarding micro and meso level implementation strategy. Reorganization of local governance may be considered as an entry point in ensuring a sound implementation environment of the national planning strategies at the local service points.

Steps so far implemented

During the last six years (2010-2015), the way the role and functions of LG in general were envisioned in the documents has not been implemented. Many of the positive actions were implemented fully or partially even beyond the plans; some of the steps so far implemented are as follows:

- Acts and rules for Union Parishads, Upazila Parishads, Municipalities and City Corporation are promulgated,
- Elections were held under newly promulgated laws at UP, Upazila, pourashava and city corporations (CCs). Only elections are pending at Zila Parishads (ZP) of Bangladesh. The election of one-third women member as reserve seats of UZP remained pending for the last 6 years since 2009, but it was held recently in July, 2015,
- As a process of revival of ZPs, “Administrators” were appointed at the ZPs by giving effect of the clause 82 of the Local Government (Zila Parishad) Act 2000,
- Though the size is still very small, the Union, Upazila, Pourashava and CCs started receiving direct transfer of ADP grants,
- Number of programmes, coverage of beneficiaries and allocation for Social Safety Net Programmes (SSNP) increased over the years,
- The UPs and Upazila Parishads (UZPs) are making Plans and budgets with very limited capacity,

20 The LG (UP) Act 2009, LG (UZP) Act 1998 with Amendment in 2011, LG (Pourashava) Act 2009 and LG (City Corporation) Act, 2009 along with few rules under those laws were promulgated. There are three separate acts on three HDCs of the CHT as well as a separate law on RC.
The CCs and Pourashavas are also declaring their Annual Budgets but development planning at the city and town level yet to be professionally developed,

Project finance to LGIs directly by LGD and also through different agencies such as LGED, DPHE and Various NGOS increased. These Projects (LGSP, UZGP, UPGP, Sharique, SLGD, MJF, Hysawa etc.) are contributing substantially to the capacity development of the LGIs,

Implementation of RTI at LGI level is encouraging and many disclosure mechanisms are effectively used at UP and Upazila levels.

The offices of DDLGs at the districts and DLGs at the Divisions are strengthened with vehicle, staff supports and new job description.

New rules for UP, Pourashava and UZP along with manuals are issued

Gradually an imitative is under implementation with JICA support for preparing ‘Master Plan’ for secondary towns,

Another support initiative for supporting UZPs under Japanese credit is also in the process,

The elected representatives of various LGIs are organizing their own associations for advocacy and professional development,

As election are held at upazilas for two consecutive terms (2009 and 2013), a new generation of mid-level leadership is emerging at the Upazila level who are qualitatively different from existing UP leadership, especially the female vice-chairs at upazila level seem to be a big boost towards women leadership at higher level.

Quest for elected ZP is getting stronger with the appointment of “Administrators” at the ZPs

Many of the crucial issues including ‘functional assignment’ and ‘expenditure assignment’, administrative autonomy and fiscal decentralization as promised in the plan documents have not been followed up with concrete actions. The Sixth five year plan is yet to be concluded and Perspective plan is still a living document. During the transition period between Sixth and the Seventh Plan, many of the
unfinished works may still be initiated and some more important areas for interventions may also be reassessed.

The list of issues addressed in four of the documents have been reviewed and listed but the lists of unfulfilled tasks are many in numbers. However, comprehensive lists of doable action agenda have been provided in the following chapter as well as in the concluding chapter for consideration.

Chapter-5
Reform Agenda towards Streamlining Local Governance System: Outlines and recommendations

This particular chapter of the report identified eight key areas of interventions for streamlining local governance including reform and reorganization of LGIs and field administration (FA). All these issues outlined in the study are not at all new in the arena of LG and FA, rather old agenda cyclically brought to the forefront of discussion for many years. There are many LG issues on which already greater consensus have been built, if not more for the last two decades. In one single blanket term, all these may be encapsulated as ‘Local government strengthening agenda’. The other cross-cutting issues dominantly include ‘poverty alleviation’ package, such as, enhancing allocation and efficiency for safety net or social protection, inclusive development in sectors like health, hygiene, sanitation, infrastructure, education, social justice and eradication of inequalities and discrimination on gender consideration (GoB, 2004). As far as the LG is concerned, the following issues dominated the policy agenda in Bangladesh for more than a decade.\(^{21}\) Before detail analysis and recommendation of the vital eight issues mentioned earlier, a summary of long pending issues on which a broader consensus was already built listed below as part of comprehensive background information.

• Formulation of a ‘decentralization policy’ for bridging democratic deficit, bringing greater efficiency, economy and accountability in the field administrative units and LGIs with clear ‘administrative and fiscal decentralization’ in favor of LGIs (a draft was also prepared and shared by ‘Governance Coalition’ with MJF support).

• Legal, institutional and electoral reform for uniform and balanced central-local relationship as well as local-local inter-relationship,

• Gender mainstreaming remains a far cry within the LGIs in spite of the reservation of one third of the seats for women which has been in practice for over a decade.

These three broad agenda have been further specified into the following action agenda:

• Reintroduction of Zila Parishad with adequate power, clear role and specific functions following ‘subsidiarity principles’,

• Implementation of legal provisions already incorporated in the existing Upazila and Union Parishad laws promulgated in 2009 (as many of the provisions are not implemented yet),

• Dealing with non compliance issue of existing laws with stern action against the ministries and departments,

• Providing adequate manpower to LGIs and having a clear personnel policy for LGIs preferably having a separate ‘LG Service cadre’,

• Addressing the administrative and fiscal issues in the proposed ‘decentralization policy’ with a clear balance between devolution and deconcentration,

• Single person dominated LGIs have to be transformed into council or parishad led democratic system and current reservation of seats for women need to be mainstreamed from marginalized position to reservation of one third Wards in each of the LG unit (instead of one third additional number of members),

• Gradually transforming ‘rural-urban divide’ among LGIs by attempting ‘rural-urban interface’ and ultimately establishing one uniform LG
system as well as reduction of units and tiers in the arena of both field administration and LGIs,\textsuperscript{22}

- Review of the indiscriminate creation of new municipalities within the jurisdiction of UZP and UP and initiate de-municipalization in the areas where conflicts and confrontation among UP, UZP, ZP and Municipalities are acute, at the same time creation of new UP and UZP also need to be stopped. Municipal function maybe assigned to the existing UPs and UZP in the areas deemed necessary,

- Instead of contingency allocation and transfer of financial resources through multiple sources, establishing formula based transfer and considering ‘tax sharing’ formula amongst the national and local governments,

- Recognition and integration of local plans and local budgets with national budget and various national level plans (ADP, FYP and Perspective plans),

- Extension of judicial services at Upazila level by establishing proper and full-fledged “courts” at upazila to create easy ‘access to justice’ for the women and for the poor,\textsuperscript{23}

- Coordination of development assistance from Development Partners(DPs) in the areas of local governance and local development by creating a Multi-Donor Trust Fund (MDTF) through which all good performing LGIs can get support and uniform capacity development efforts could sustainably be addressed,

- Establishment of an independent, neutral and professional body known as ‘Local Government Commission’ (LGC) to assist, guide and regulate LGIs and also act as safeguards against bureaucratic and political excesses to the LGIs. The LGC may also act as ‘LG Finance Commission’ to look after the finance and budgetary issues of LGIs.

As there are numerous studies with adequate theoretical discussions on the issues mentioned above, discussions are devoted only on direct doable

\textsuperscript{22} Ahmed and Pal(2013)
\textsuperscript{23} Tofail Ahmed(2012) Britha-o- Brithantha (Bangla), Agamee Prokashani, Dhaka
agenda building by avoiding further repetition. This section of the study specifically devoted on the eight issues already outlined for building reform agenda and draws a pragmatic work plan to implement the agenda.

5.1 LG system: legal, administrative and structural challenges

Legal Framework
The existing legal framework on which the LGI system in Bangladesh stands needs a thorough review. It is complex, cumbersome, confusing, contradictory and disjointed. In a nutshell, we have to understand first, what ‘LG Legal Framework’ (LGLF) means. The LGLF incorporates all relevant provisions of the constitution of the ‘Republic’ to the latest executive order, circular, memo etc. issued by ministries, departments and LGIs affecting LG activities and its outcome. In between, there are acts of parliament directly addressing each unit and tier of LG (such as UP, UZP, ZP, Pourashavas, CCs and Cantonment Boards), ‘rules’ or subordinate laws made under each of the tier-specific law as well as other related laws of the country applicable in appropriate time and space (such as RTI, Anti-corruption, Accounts-Finance-Audit, Procurement and all civil and criminal laws of the country). To qualify the statement made about the complexity of LGLF in Bangladesh, another brief analysis is needed for entering into the debate. Some of the relevant points are provided below in bullet points.

- Constitutional provisions (11, 59 & 60) on LG got twisted while LG bills for each tier and unit were prepared and which caused bills to become Acts, for example the Upazila Parishad Act 1998 and Zila Parishad Act 2000. In the Upazila Parishad Act, conflict and contradiction were instigated from within. The seed of conflict that sowed in the acts, later came to the surface at different levels through the actions and reactions such as MP vs. UZP Chair, Chair vs. Vice-chairs, UNO vs. Chair and UP Chairs vs. UZP. In the ZP act, no effective relationship with service agencies and field administration is shown and the election system also followed a very different path.25

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25 Footnote 5 may be seen.
• In Bangladesh, we have local government laws in the form of Acts without having a common framework. All units and tiers are organized under separate laws resulted in asymmetric organizational structure, jurisdictional and functional overlap, confusing central-local and local-local relationship, confrontational relationship with local bureaucracy as the laws deliberately retained bureaucratic pre-dominance over the elected bodies and last but not the least, perpetuate single person’s dominance over the whole council or parishad. Chairs of UP, UZP and ZP and Mayors of Pourashava and CCs can easily ignore, avoid and by pass the members and councilors in the decision making process within their respective parishads and councils.

• The ‘Rules’ for each of the LG unit and tiers are prepared and passed by respective executive ministry with vetting from law ministry. Many distortions of constitutional provisions and acts of parliament are made at the levels of ‘rule’ making process. There are too many rules on too many petty issues. In some cases, power and authority given by laws were taken back through the rules.

• The next levels of harms and injuries are inflicted through the issuance of executive orders, circulars and memos from different ministries and departments. Many of those circulars supersede constitution, laws made by parliament and ‘rules’ prepared by the executive ministries but ultimately executive orders prevail over everything. For example, the way the ‘removal ‘of elected chairs, Mayors, members and councilors are initiated and executed may be cited as a glaring instance of such kind of executive excesses and contradiction of the existing laws. The involvement of MPs and role of DC and UNO in SSNP delivery and overall management of services at local level also violate the constitutional and legal provisions of LGIs

The LG in Bangladesh does not look like function under a general and composite governance system. Rather it seems a bunch of separate organizations that function independently within a contiguous territory with exactly the same and similar mandate. The UP, UZP, ZP, pourashava and CCs are organized under separate acts of parliament. There are seven separate
laws and few hundred ‘rules’ that decide the fate and destiny of LGIs. Within the territorial jurisdiction of a district, at least one Zila Parishd, one CC, few pourashavas, UZPs and UPs function, those overlap functions and territorial jurisdictions with one another. Similarly within Upazila boundary, UZP, Pourashava and UPs also have to function with the same type of overlaps. As all laws are separate and independent, the institutions do not seek any common string to bind them in a defined relationship. The organizational structure is also different and asymmetric. The role and authority of appointed executives (currently the ‘Administrator’ of ZP and the Upazila Nirbahi Officer - UNO) and the elected (Chair and vice-chairs of UZP) executives are at loggerheads. The local Members of Parliament (MP) tend to interfere in almost all administrative and LGI matters with formal authority as well as having informal political influence. As a result, neither the DC and UNO nor the UZP and UP Chairs and pourashava Mayors can exercise their legally mandated authority within their respective domains as defined in their respective laws. All of this results in a ‘chaotic’ situation. None of the existing laws are capable to redress or ease the situation.

**Electoral system** is also substantially different across the units. Local Government (Zila Parishad) Act 2000 made provision for ‘electoral college’ system instead of direct election through adult franchise. The UZPs are organized through direct election that elects one chair and two vice-chairs from an identical constituency of equal size and number of electorates. The constituency of MP, UZP Chair and two Vice-chairs (UZP) are almost the same in many areas that too create political tension among them. The UP Chairs and municipal Mayors become UZP members by virtue of their positions in their respective institutions (UP & Pourashava), though they are not categorically elected for the UZP but through a different law (UZP Law) they are designated as members of UZP. The experience shows that they do not feel and own any responsibility of the UZP. Pourashava Mayors seldom attend the UZP meetings. On the contrary, the UP members and Pourashava and CC

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26 Laws are listed in footnote2, 3 and 5 and also see the UP and Upazila matrixes. Compendium of LG Laws and on UP and Related Laws may be seen (Sharique: 2007 &2014).
Councilors are elected from distinct constituencies called “Ward”. The same electoral Ward for general and reserve seats for all LGIs are also different in size and population. On the other hand, though the population and voters differ from UP to UP, the number of Wards are constant and the same- (9+3+1=13) thirteen for all. The UP population ranges from 9000-400,000.\textsuperscript{27} The same is also true in case of Upazila and Zila\textsuperscript{28}. The elections for reserved seats for women at Upazila had not been possible, during the last six years (2009-2015) due to the misunderstanding of the relevant clauses of the UZP Act 1998 (as adopted and amended in 2009 and 2011 respectively). The UZPs remain incomplete as far as women representation is concerned up to July 2015\textsuperscript{29}.

The ZPs, CCs, pourashavas, and UPs are legally entitled to have a designated ‘Secretary’, the Upazila does not officially have any position of secretary under the prevailing law (after the amendment of UZP Act in 2011). The first three institutions have a provision for a ‘Chief Executive Officer’ in addition to the secretary. The UZP and UP do not have such positions, even no single official/staff is there to look after accounts, audit and budget.

The Members of UP and UZP and the Councilors of cities and municipalities remain alienated and indifferent as the Chairs and Mayors are the only power wielders in the system. Women members and councilors elected through reservation system feel more frustrated. One of manifestations of all encompassing frustration is the non-functioning of ‘Standing Committees’ in all the LGIs irrespective of streams and types.\textsuperscript{30} The complicacy narrated above is just even less than the ‘tips on the iceberg’, the situation and consequences are more deep and grave.

\textsuperscript{27} \textit{Subaddaya} Union Keranigonj Upazila of Dhaka has about 400,000 populations according to the latest Census.

\textsuperscript{28} In 17 Districts of Dhaka Division lowest and highest population varies between 7, 49,928 (Munshiganj) to 1, 25, 17,361 (Dhaka). Again, in 17 randomly selected Upazilas of those 17 Districts, Upazila population similarly vary between 99,705 (Tungipara) to 4, 27,913 (Shibchar).

\textsuperscript{29} Election for fulfilling reserved seats did not take place after 6 years of restoration of the UZP system (February, 2015)

The crisis so far described substantially rooted in the disjointed and ambiguous legal framework under which the LGIs are organized in this country. Actually we in Bangladesh do not have a LGLF, what we have is plethora of separate laws having no or least relationship with one another. As a result, each institution developed a distinct work culture of its own without any concern about the next higher or lower level of institution. The relationship between local administration and LGIs also left undefined, contradictory and conflicting.

There are countries that are having composite LGLF and one single legal instrument covers all the LGIs irrespective of units and tiers. It provides all laws within a single cover as well as creates a defined relationship between and amongst the LGIs. This also defines relationship of LGIs with national, state and local level government offices within their respective jurisdiction and vicinity. In India, the Philippines, Sri Lanka and Indonesia in Asia and South Africa and Uganda in Africa, LGIs are governed under integrated and uniform legal framework called ‘Framework Law’. During Pakistan time, we also had LGLF called “Basic Democracy Order (BDO) 1959”, under the single legal instrument Divisional Councils, District Councils, Union Councils, Town Committees and Municipalities were being organized and governed.

This is an appropriate time to initiate a comprehensive legal reform for a simplified, uniform, efficient and modern local government system to bridge deficit of democracy and establish good governance at local levels. The recommendations the present study may suggest regarding legal reform are as follows:

1. **Local Government Framework Law (LGFL)**: The existing LGFL in different neighboring countries may be studied carefully and a LGFL for Bangladesh may be drafted. The single legal instrument-LGFL will cover all units and tiers, in respect of their formation, function, jurisdiction, taxation, finance, budget account, electoral process, and central-local and local-local relationship. People can get all laws required for all LGIs under single cover and overlaps

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among LGIs could be avoided through the new law which may be promulgated as LGFL.

2. The Law drafting process should be guided by a forward looking ‘decentralization Policy’ which will definitely incorporate the vision of the government and citizens of the country.

3. The LGC (Local Government Commission) may be formed to accelerate the process. The proposed LGC and the ‘Law Commission’ both or in the absence of LGC, the existing ‘Law Commission’ may initiate the process.

Reform in the Field Administration
The field administration that is in place from Divisions to Unions in Bangladesh needs thorough review with firm reform commitment. The historic role and function of Division, District and Upazila (former Thana) and current utility and usefulness of many of those structures as far as general, regulatory, developmental and special purpose departments are concerned require careful review and analysis. There are changes in the society in its ‘basic and super-structural’ aspects. Societal changes are clearly visible at the district, upazila and union levels but our old administrative structure, custom and culture fail to reorient their role and function with the change of time. There are four different streams of governmental setup at each level and unit of field administration. The general purpose administration of Divisional Commissioners , Deputy Commissioners and UNOs; the regulatory departments like Land, Police, Drug Control and Narcotics, Forest and Environment, , Election Commission , Anti-corruption, Registration, Statistics, etc.; the development ,promotional and special purpose service and technical departments like Agriculture, Fisheries, Livestock, Health , Education, Engineering(R&H, T&T,DPHE,B WDB, PWD,BPDB,LGED etc.), all have to work at four of the field administrative units such as Division, District, Upazila and Union. There is a lack of uniform command and territorial and functional coordination among the government departments never mention the issues of LGIs and private sector. No comprehensive vision and plan and no system for horizontal accountability at any level of field administrative unit exist. The private sector and common citizen in general
occupy greater social and economic spaces. Service sector is increasingly dominated by the private providers but the state is not trying to cope with the changed circumstances and still sitting on an isolated ivory tower of inaction and indifference.

The DC in the district still poses to be the prime actor with hands in everything within the district with imperial legacy of ‘crown’s representative’. The ToR of the Deputy Commissioner as issued in 2011 listed 62 broad areas with 502 specific functions to be discharged by the DC.\(^{32}\) It symbolizes the imperial legacy of the British that all government functions are concentrated to the office of the DC at the districts. As an instance, DC’s involvement in education sector as incorporated in the ToR may be analyzed to understand the redundancy on the one hand and over stepping in other’s domain on the other. Among the 62 items of DC’s duties and functions, number 32 include responsibilities and functions at the three levels of education of the district. The number of activities include 15 in Primary and mass education, 19 in secondary education and 17 in higher education (altogether 51). Regarding Local Government under item no 38, DC is empowered to perform 26 functions in three LGIs such as UP, UZP and Pourashava. The CCs and ZPs are not included in the ToR of Deputy Commissioner. There are two other officers posted in Divisional Commissioner’s office and DC’s office designated as Director, Local Government (DLG) and Deputy Director, Local Government (DDLG) repectively. These two officers in normal cases are Joint and Deputy Secretaries of the government and both of them are also given long list of duties and functions on LGs. Like Education and LG, the same overlap and over-stepping examples are common in all other sectoral activities within the district incorporate some sort of superfluous supervisory role without clear responsibility. One of the former DCs, currently Additional Secretary of the government summarized the DC’s real function into six, they are:

1. **Political agent of the government**- Overseeing the political activities of the districts, including political parties in position and opposition and general

\(^{32}\) The list of DC’s duties and responsibilities is available in the website of the Cabinet Division, GOB.
crisis management related to law and order. Playing crucial role during all elections and complying with the directions of leaders of the ruling party.

2. **Protocol**- Accompany and administer tour programmes of visiting ministers, MPs, party bosses, high officials and dignitaries in the district,

3. **Administrator of Lands within the district**- Overall land administration including land revenue, land records, custodian of government lands in the district, land acquisition etc.

4. **Oversee development coordination**- Presides over about hundred and thirty committee meetings including ‘District Development Coordination Committee’.

5. **Disaster relief** and disaster management

6. **Residual Magistracy and law and order**- Conducting mobile courts and presiding Law and Order Committee meetings.

In the upazila too, the UNO’s written ToR include 32 duties and functions but real functions are observed three fold more while reviewed field situation. The expansion and contraction of UNO’s jurisdiction, duties and functions depends on the place of posting, the demand of Deputy Commissioner of the district, the demand of the local MP, UZP chair and last, but not the least circulars issued by different ministries from time to time. The UNOs in their own words are ‘passing through a very difficult time’ as they have to satisfy five different “bosses” of five different levels and types- the Divisional Commissioner, Deputy Commissioner, Upazila Parishad Chair, sectoral ministries and directorates and the formal and informal orders of local MP(s).

The apex level of field administration is anchored at the Divisions established in 1829. The Division in British time was basically created for the supervision of the districts. Because of the difficult physical communication and supervision of districts from the center and provinces was not easy in those days; therefore the Division was created as central and provincial government outpost for the supervision of field administration. With the change of situation, even during British time, the Royal Commission on Administrative Decentralization in 1940 suggested abolition of Divisions and bringing districts directly under the Governor of the Provinces. The reasons were as follows:
• Divisions do not directly provide any service and it causes unnecessary delay in decision making and implementation of decision at the field levels,

• The districts gradually proved to be effective as field administrative outposts and divisions were found superfluous in respect to real administrative need,

• It was considered wasteful and time consuming.

In independent Bangladesh as well, the MAC Committee in 1974 and M.A. Khan Committee in 1981 suggested the abolition of two less important tiers of administration- the Divisions and the Sub-divisions (Mahakuma) and strengthening of districts and (thana) upazila. The Sub-divisions were abolished and Thanas were upgraded to Upazilas (sub-districts) subsequently but the recommendations on divisions were not implemented. During the Partition of India in 1947, East Bengal (present Bangladesh) inherited four divisions and 17 districts. The number of divisions remained constant until the eighties but it suddenly started increasing with populist demand strongly supported by vested interest of politicians and the bureaucracy. It has been considered by bureaucracy as a niche for higher level position and posting, and politicians used it as an additional prestige for their towns. In the last two decades, the Divisions increased from four to seven and few more are in the pipeline. The number of districts also increased from 17 to 64 as all the former Sub-divisions are upgraded into districts. The point the study intends to bring to the discussion table is, do we need Division at all as a unit of field administration under the current administrative situations? The physical infrastructure and communication from centre to the remote villages in Bangladesh developed to a revolutionary proportion compared to the first half of the twentieth century (Up to 1960s). Moreover, the development and spread of information technology conquered time and space in communications of all sorts. The national government in current Bangladesh can function effectively with more dynamism by attaching more importance on the districts. The resources and manpower can be rationally redistributed in the districts and upazilas; the division simply as ‘post office’ may not be
required for supervision and reporting purposes to the national government. Abolition of Division will save time and resources as well as help to have a government of right size and structure. It will also bring equality and equity among the districts and cities. The offices at the divisions of other ministries and directorates may wind up their divisional offices and distribute the additional manpower at districts and Upazila as well as at the center. It will surely enhance efficiency and reduce unproductive administrative expenses of service providers. In India 17 out of 29 states and special areas do not have divisions as administrative tier or unit. ³³

The field administration as per as required man power is concerned, is also found lopsided and stereotyped. There were many changes in the functional aspects of district and upazila level administration. The traditional departmental settings and manpower posted at districts and upazila need critical review. There are two different types of field offices at divisions, districts, upazila and unions in respect to their original initiation. One of the types is the traditional departments initiated during British time and which has continued without review of its contemporary utility and usefulness. The second type was created out of external pressure or project out-growth during last thirty five years since the 1980s. There are 30-35 offices and outposts of different ministries and directorates at the Upazila level which was around ten before 1972. The total staff strength stands around 1500 including Union level staff of the respective departments like education, agriculture, heath, family planning, etc. ³⁴ The government incurs about minimum of Tk.40 crore( before the national pay scale in 2015) as revenue expenditure in each upazila from national exchequer to maintain those offices. ³⁵ From many of those old and new departments, people do not expect any meaningful services. Many of them have outlived their utility. For example, there are two engineering setups at upazila (the DPHE and LGED) under the same ministry. The DPHE is the

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³⁴ The figure varies in different Upazilas. The figure mentioned is counted in the Burichong Upazila of Comilla.

³⁵ The estimate were made in almost 70 Upazilas under UZGP project and incorporated data in the “Information, Plan and Budget Book” of 70 UZPs of 9 different districts.
continuation of the old legacy and the LGED is created out of Rural Works Programme (RWP) experiment of BARD, Comilla. The Cooperative Department and BRDB also share the same history. The former was created in 1904 with the introduction of cooperatives in the sub-continent and later BRDB came into being out of ‘Two-tier experimental cooperative’ project -IRDP of BARD, Comilla, in the 1960s. The IRDP became BRDB in the mid eighties. In reality, in all the upazilas of Bangladesh, the two departments for cooperatives have very little to perform and no services to provide. Similarly, newly created departments like Youth Development, Women Affairs, Sports and Culture created bifurcating the traditional functions that were performed by the old and traditional department of Social welfare. These four separate departments do not have enough work to justify their existence. The department of Ansar and VDP and recently created Community Police are two of the superfluous outfits employed with public money but the legally established ‘Village police’ system and ‘Municipal police’ system are kept unattended. The relevance of many of the other departments at upazila and districts the way they function are also not beyond question. An objective review with determined reform agenda may find ways and means to reorganize the field administration for effective governance and efficient service delivery. Many of the existing offices and departments could easily be amalgamated with rationalization of staff and finances. More staff can be engaged for direct service delivery by reducing non-productive expenses. In the Divisions and Districts, almost all the ministries, directorates and attached departments are present with their separate organization.\(^{36}\) In an upazila, though more or less 1500 employees are in the GoB payroll, Upazila parishads are having only one class three and two class four employees (one CA, one peon and one driver). In a union, there are almost 20 staff from various departments and 145 year old Union Parishad has only one all purpose staff called ‘secretary’. The issues of uneven distribution of human and financial resources need to be addressed realistically for sustainable governance, LED and efficient service delivery. In

\(^{36}\) For District and Divisional level reorganization thinking of administration and local government, Mohit (2001) may be seen.
view of the above discussion, the following recommendation is made for consideration of the government.

The reform and strengthening of local government, promotion of LED and efficient and effective delivery of services created an urgent rationale for review and reform in field administration and interfacing and integration of field administration and local government institutions within the period of the 7th Five Year Plan (2020). These may include reduction of field administrative tiers, abolition and amalgamation of ministries, Divisions and directorates and redistribution of work and employees at different levels.

**Structural Issues of LGIs: Election and organization**

The LGIs in Bangladesh need major reform and reorganization in its electoral constituencies, election system, organizational structure and accountability mechanism. The duties, functions, role and responsibilities also need thorough review for required changes. The functional aspects will be treated in the next sub-section and while the current sub-section mainly deals with electoral system and organizational reform.

Election system and organization of LGIs at different tiers and units follow different law and rule for holding elections in their respective tiers and units. All LGIs, irrespective of whether they are rural and urban, special and general purpose, the constituencies and territories they cover are not arranged under uniform electoral system. The varied and multiple electoral practices have profound effect on the sound health of the organization being formed through such elections. Some of the adverse impacts are:

- Elections become expensive for the electorates, candidates and the government;
- over the years, quality candidates are losing interests and after election a large majority of elected leaders remain inactive or engage themselves in other extra-legal activities as they are not getting enough space within the bodies for which they are being elected;
• Conflicts among elected leaders of different LGIs become acute and all encompassing which perpetuates a distorted culture of insanity and mindless fight often resorted to violence.
• Conflict between the candidates of national level elections (MP) and local bodies(UZP& ZP) create a new tension which makes the LGs rivals of the national politicians which is not at all expected.

The first point many of the LG Experts and political Pundits in this country have been trying to make for last two decades, is the transformation of governmental structures into a common democratic form from national to the various sub-national levels and localities. The type and form of government established in our national sphere is essentially ‘parliamentary’ (Popularly called Westminster type), but the local governments at different levels are ‘Presidential’ in nature and form. All LG units are single handedly run by the Chairs and Mayors; Members in UPs, Vice-chairs and members in UZPs and Councilors in pourashavas and CCs cannot play distinct legislative and executive roles as expected in an elected council. There is no separation of legislative and executive functions within the parishad and council structure of the existing LG units. Even the chief executives of the UPs enjoy the judicial power as well, though the judiciary is separated from executives on a national level. The UP chair combines three very vital areas of authority and power in a single hand, such as ‘Chief executive’ of the UP(almost replica of all powerful executive President), ‘Speaker of the council’ as s/he presides over all council meetings and act as Chief Judicial Officer as chair of the ‘village court’. Similar situation exist in the municipalities and CCs too. The relationship evolved between the Chairs/mayors and Members/ Councilors are of superior-subordinate or patron-client relationship and not as people’s representatives of equal footings with well defined role and function.

Every voter in UP, UZP, Pourshava and Cities exercise three votes for three different positions such as Chair/ Mayor, general Member / Councilor and women member/women councilor. Every citizen of this country enlisted as voter exercises only one vote to choose national government (Vote for MP), but the same person on an average cast six votes in choosing local government
representatives within a district. As far as the whole election system of the country is concerned, there are almost 21 (twenty one) different elections held at various levels. Amongst those 21, 13(thirteen) direct and 8(eight) indirect elections are legally in practice or supposed to be in practice as per law of the land. (Two separate Figures (6&7) may be seen on election).
Figure 6: Voting System in National and Local Elections in Bangladesh

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<tr>
<th>Levels</th>
<th>Direct election</th>
<th>Indirect election</th>
<th>Comments</th>
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<td>National Level</td>
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<tr>
<td></td>
<td>Members of Parliament (300)</td>
<td>• Members of Parliament (Reserved seat for women 50)</td>
<td>Only 350 MPs are entitled to vote in other elections at national level</td>
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<td></td>
<td></td>
<td>• Prime Minister</td>
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<td>• Speaker of the Parliament</td>
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<td>• Deputy Speaker</td>
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<tr>
<td>Local Level</td>
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<tr>
<td>Zila Parishad</td>
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<td>• Chair, ZP</td>
<td>An electoral College is created with all other elected LGIs representatives below the district.</td>
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<td></td>
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<td>• General members (15)</td>
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<td>• Reserved women members 5</td>
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<tr>
<td>Upazila Parishad</td>
<td>• Chair, UZP</td>
<td>• Women’s reserve seats are indirectly elected</td>
<td>Each voter in Upazila Parishad would cast three votes in UZP election.</td>
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<td></td>
<td>• Vice chair(General)</td>
<td>• UP Chairs and Pourashava Mayors are ex-officio members</td>
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<td></td>
<td>• Vice chair (women)</td>
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<tr>
<td>Union Parishad</td>
<td>• Chair, UP</td>
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<td>Each voters in UP entitled to cast 3 votes</td>
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<td></td>
<td>• General Members</td>
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<td></td>
<td>• Women Members</td>
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<td>Pourashova</td>
<td>• Mayor</td>
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<td>Each voters is entitled to cast 3 votes</td>
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<td>• Councilor (General)</td>
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<td>• Councilor (Women)</td>
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<td>City Corporation</td>
<td>• Mayor</td>
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<td>Each voters is entitled to cast 3 votes</td>
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<td>• Councilor (General)</td>
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<td>• Councilor (Women)</td>
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</tbody>
</table>

Not: The three district council in CHT follow a different system to elect a Chair and the member for the council. Number of members and their constituencies are defined in three different laws. Similarly another special law makes provision for Regional Council Chair and members elections. So far no elections were held.
Rural Local Government
(Union Parishad, Upazila Parishad and Zila Parishad)

Chairman
Elected by all voters of the respective area

Member (General Seat)
Elected by the voters of respective ward of the institution concerned

Female Member (Reserved Seat)
Each reserved seat consists of three general Wards. A female member is elected by voters of those three wards.

Urban Local Government
(Pourashava and the CCs)

Mayor
Elected by all voters of the respective area

Member (General Seat)
Elected by the voters of respective ward of the institution concerned

Female Member (Reserved Seat)
Each reserved seat consists of three general Wards. A female member is elected by voters of those three wards.
Among the members and councilors, there are two different categories – general and reserve. The women elected for representing the reserve women’s seats are more vulnerable as they are not treated practically as equal to the representatives of general seats. As the Chairs and Mayors are directly elected, they do not feel that they are answerable to the fellow members and councilors in the Parishad and the council. The three votes that the voters exercise do not carry equal weight and value while applied in the decision making process of the parishad or the council. The model that evolved in our LGI system is an “all powerful executive model” rather than a collective body of council and therefore the balance between the executive and legislative function is ignored.

The above situation is causing a new crisis of ‘localized autocracy’, dis-empowering ward representatives through marginalization and at the same time making organizations inactive. The greater society in Bangladesh is developing with an urge for inclusivity and participation but the electoral and organizational structure LGIs nourish division, discrimination and close-fistedness that keep the elected members/councilors at bay and thereby perpetuate an all encompassing alienation. A sick renter’s mentality of seeking patronage from the Chair and Mayor has been contributing towards the creation of a ‘culture of clientelist’ leadership in the localities.

The citizen and the voter’s evaluation is that, out of the three votes they exercise in the current LGI system, only one vote is very significant and the two other votes cast for general and reserve seats (Members and Councilors), carry very little practical value. Gradually an “Exit Syndrome” or withdrawal mentality in contesting for membership by credible candidates silently overtook the whole local elections. 37 The fight for the positions of Chairs/Mayors has become so important that the whole election process revolve round the Chair and Mayor. In general, the parishad and council system of collective leadership and holding executives responsible to the legislative body in the case of LGIs is not functioning. People with integrity and quality among the citizenry are losing interest in contesting for member’s/councilor’s position. 38 The Chief Executives (Mayors and Chairs) in collaboration with the permanent employees run the show. This is the general situation inside the LGI system.

38 Ahmed (2013) and PPRC Survey confirmed the continuous deterioration of the quality of members and councilors.
bodies. There might be exceptions in some places but the general situation is all encompassing alienation. The participation of members and councilors irrespective of male and female are symbolic with very little substance. Outside the own bodies(LGIs), while question of interaction and interrelationship arise with permanent officials of government, the elected CEOs of LGIs have to play the same clientelist and subordinate’s role as very little practical alternative is left for them. As a result, a general unrest has overtaken the whole arena of localities. To make the system balanced, inclusive and stable electoral reform may be considered.

**Reform Agenda in electoral system**

The following reforms in the LG election may be considered:

1. **Voter based constituency for all LGIs**- A general formula may be adopted to create distinct constituencies and wards for LGI units considering the total size of population and voter. All UPs, Pourashaovas, UZPs, CCs and ZPs would have their own wards and constituencies.

2. The number of Wards and constituencies will vary between and amongst the units and tiers. The bigger and populous the district, Upazila, Union pourashava and CC, the more wards they will have compared to the smaller ones. The number of Wards should not be uniform and the same irrespective of size, voter and population as of now.

3. The population and voter based wards and constituency may follow a simple formula as underlined below:

**Union Parishad**- 1500 population and 400-500 voters with 10% adjustment for matching contiguity, territorial integrity and convenience of drawing reasonable boundary may form one Ward. Considering the present size of population and voter in the Union on average, the number of wards may range from 12 to 40.

**Upazila Parishad**- 8-10 thousand population and 2.5-3 thousand voters with 10% adjustment for matching contiguity, territorial integrity and convenience of drawing reasonable boundary may compose a ward for UZP. The average number of Wards may range from 30-45 in an UZP.

**Zila Parishad**- 20,000 population and 5000 voters with 10% adjustment for matching contiguity, compactness, territorial integrity and convenience of drawing reasonable
boundary may form one ZP Ward. The average number of Ward may range from 35 to 50.

**Pourashava and City Corporations**- There are provisions for increasing the number of wards on the basis of voter and population in the current Pourashava and CC laws, it has to be readjusted with voter and population ratio, the ratio may be 1:3.

4. Voters of the each unit of LGI will exercise only one vote instead of three and they will cast the vote for ward member or councilor only. Chairman/ Mayor will be indirectly elected from the pool of ward members and councilors by the ward members and councilors themselves (See figure-9 &10).

5. Special reserve seats (one third) for women will still be kept intact but with changed system of rotational electoral method as followed in many of the Indian states including our neighboring West Bengal and Tripura. One third of the wards will be kept reserved for women in which the male candidates will not contest but the same wards will remain open for all in next two subsequent elections. Please see the following Figure for clear understanding with hypothetical number of seats.

**Figure 8: Rotational Election in one third reserved seats for women wards (hypothetical Union)**

<table>
<thead>
<tr>
<th>1st election after introduction of new system</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
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<th>14</th>
<th>15</th>
<th>16</th>
<th>17</th>
<th>18</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st election after introduction of new system</td>
<td>*</td>
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</tr>
<tr>
<td>2nd election</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
<td>7</td>
<td>8</td>
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<td>14</td>
<td>15</td>
<td>16</td>
<td>17</td>
<td>18</td>
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<tr>
<td>3rd election</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
<td>7</td>
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<td>14</td>
<td>15</td>
<td>16</td>
<td>17</td>
<td>18</td>
</tr>
</tbody>
</table>

*Note: 1. reserved for women identified with symbol *, It is a hypothetical LG institution with 18 Wards.
2. Election Commission would declare the list of reserved wards for three consecutive elections since the enactment of the new law.*
**Figure 9: Proposed uniform local government election model**

<table>
<thead>
<tr>
<th>LGIs</th>
<th>Direct Election</th>
<th>Indirect Election</th>
<th>Comment</th>
</tr>
</thead>
</table>
| Zilla Parishad | Ward member (one vote for each voter) | 1. Chair  
2. Speaker  
3. EC member  
4. Deputy Leader  
5. SC Chair and members  
6. Leader of the opposition group | • All Ward members will compose the Zilla Parishad  
• After ZP election the elected members will elect Leader of the House (Chair), Speaker and Leader of the opposition group. The Chair will appoint EC. The council will form SCs. |

<table>
<thead>
<tr>
<th>UZP</th>
<th>Ward members (one vote for each voter)</th>
<th>-Do-</th>
<th>-Do-</th>
</tr>
</thead>
<tbody>
<tr>
<td>UP</td>
<td>-Do-</td>
<td>-Do-</td>
<td>-Do-</td>
</tr>
</tbody>
</table>

Pourashava  

| Pourashava | Ward councilor                                                                 | 1. Mayor  
2. Speaker  
3. EC member  
4. Deputy Leader  
5. Leader of the opposition  
6. SC Chair and members | -Do- |

| CC        | -Do-                              | 1. Mayor  
2. Speaker  
3. EC member  
4. Deputy Leader  
5. Leader of the opposition group  
6. SC Chair and members | - Do- |

**Note:** 1. *Election in UP, UZP, ZP, Pourashava and CC can be held on a single day. Each voter will caste three votes in all four institutions except the CC. CC voter will be entitled to exercise two votes - ZP and CC.*
6. The election in UP, UZP, pourashava and ZP could be held on the same day. Every voter will cast three votes for three different units. Only CC electorates will cast two votes (one each for CC and ZP), as there are no UZPs in CC areas. It will pave the way for local-local cooperation, integration and interface and reduce the electoral expenses and the tension the nation currently experiences. All LGIs of the country can have a common tenure and start their respective tenures on the same month of the year.

7. Election could be contested with party nominations; scope for independent non partisan candidates would still remain open. A decision has already been taken by the government on party based election since 2016.

Organizational Reforms at LGIs
1. Mayors and chairs could be indirectly elected by the Ward members and councilors.
2. There should be separation of role and functions within the parishad/council. The council/parishad are primarily legislative bodies with limited legislative functions as specified in the law.
3. The Chairs and Mayors will not function like single person executive as under the current system. Mayors and Chairs will be the head of an Executive Council (EC) of their respective LGIs. It would be the prerogative of the Mayor/Chair to choose at least five other members of his/her executive council as the Prime Minister chooses the members of his/her cabinet for the national government. The system proposed here is known as ‘Mayor in Council’ system similar to the one that exists in Kolkata and many other successful cities as well as in the VP, PS and ZP in West Bengal, Tripura and Kerala.
4. The council in each case (UP, UZP, ZP, Pourashava and CC) will also elect one of the members/councilors as ‘Speaker’ to conduct the sessions of the Council/Parishad. The Chair/Mayor will not preside over the council meetings. The mayors/Chairs will preside only over the EC Meetings. This system is practiced in Kolkata City Corporation and Burangays of the Philippines.
5. There may be positions for ‘leader of the house’, ‘deputy leader of the house’ and ‘leader of the opposition’. The Mayor/Chairs will be the ‘leader of the house’, S/he will also designate one of the members of the EC as ‘Deputy Leader’ of the house.

6. The leader of the opposition will be declared in the same session in which leader of the house and Speaker is elected.

7. The general members of the council will chair the Standing Committees (SCs) of the house. The speaker will arrange the formation of SCs in a special meeting of the Parishad/Council just after formation of council.

8. The rank and status of the key persons within each tier and unit will be as follows: (1) Leader of the house and the Chair of the Executive Council (designated as Mayor/Chair), (2) Speaker, (3) Deputy leader of the house and leader of the opposition and (4) Chairs of SCs.

9. The EC members will have specific portfolios such as Finance, Education, Health, Agriculture; etc. The standing committees (SCs) will be formed against the corresponding portfolios of the EC members.

10. The general sessions of the parishads/councils will normally be held at the end of every quarter and each session may conduct its business for a maximum period of three days in a single sitting. There may also be special sessions such as plan and budget sessions and other as specified in the proposed law or convened by the speaker of the Council in consultation with the leader of the house and leader of the opposition.

11. The general members and councilors and Chairs of SCs will not get fixed salaries, would only be entitled to have allowances for meetings. Salaries will only be applicable for (1) Leader of the House, (2) Speaker, (3) Deputy Leader of the House, (4) Leader of the Opposition and (5) Members of EC. They will be regarded as full-timer in the Parishad/council.

12. Representation from the lower tier to the higher tiers (ex-officio positions) may be retained with some obvious changes. The representatives in higher tier from the lower tiers will have limited votes in the higher tiers. They will not have the voting right during the election of the ‘Leader of the House’, ‘Speaker, during no confidence motion against ‘leader of the house’, speaker and while annual budget is placed for approval by the house. These
four issues should remain the absolute domain of the members elected for the respective LGI. The *ex-officio* representative members can take part in all other activities such as, attending all normal sessions and even take part in the deliberations of sessions including the budget session be entitled to vote on different issues as and when needed, as well as play role in SCs as members and members of other committees from time to time.

13. The MP’s involvement in the matters of UZP, ZP and CCs may arise; the accommodation has to be made without any executive role. A well defined “Advisory” role has to be found for the MPs. The role played by the *Bhidan Sobha, Lok sobha and Rajhya Sobha* members in India in their respective ZPs and *Panchayat Somities* may be reviewed for drawing lessons. The block grants allocated in favor of the MPs have to be spent within a local development plan developed at UP, Upazila, Zila, Pourashava and CC of his/her choice. The MPs should not be allowed to implement any project in isolation ignoring the existing LG plans. The local MP can also participate during the plan formulation of the LG unit s/he belongs to.

The recommendations made above for electoral and organizational reform is expected to generate a new wave of constitutional politics at the localities and bring quality leadership in LG institutions with defined and specific role and function. The current conflict at different levels with different political leadership may also get settled. The tensions between the MP, UZP Chairs, Vice –Chairs and general members and chairs will drastically be reduced. Women get elected in the reserve seats will also get greater scope to work in a defined territory. Election expenses will also substantially be reduced and election management will also become less complex. Under the current system among the elected representatives, there exists no discipline in attending offices as no mention is made in law regarding their full-time or part-time involvement. It creates a serious governance crisis. The salary is also not justified. Through determining full –timer system that governance problem can also be resolved. The Proposed organizational structure may be seen underneath.
Figure 10: New Parliamentary Structure of Local Governed Institutions

All Pourashavas, CCs, ZPs, UZPs, and UPs will be comprised of members elected from general and reserved Wards and seats.

Each council will elect one ‘Leader of the House’ and one ‘Speaker’ or Chair.

Leader of the house will become the Chief Executive (CE) of respective LGI designated as Chair/Mayor.

In the Council/parishad 5-7 SC Chairs will be chosen from those who are not members of the EC in full council meeting presided by “Speaker” SCs will be formed.

All Staff of the Council/Parishad will work under the Chief Executive i.e. the Chair or the Mayor.

Leader of the House (Chair/Mayor) will choose a 5-7 member Executive Council (EC) and from EC members one may be appointed as the ‘Deputy Leader of the House’ and also designated as Vice-chair/Vice-mayor.

Each Council/Parishad will have a recognized Opposition. The Opposition will also elect a Leader, who will be the ‘Leader of the Opposition group’.
5.2 Functional assignment of LG and issues of interfacing

The ‘Duties and Responsibilities’ assigned to LGIs and corresponding levels of field administrative and service providing agencies (may also be termed as sub-national units of government) are caught in a never ending conflict regarding the functional jurisdiction. The constitution of the Republic in its article 59(2) and 60 provides the following clear functional directions for the LGIs:

- Administration and the works of public officers;
- The maintenance of public order;
- The preparation and implementation of plan relating to public services and economic development;
- Power to impose taxes for local purposes; and
- Power to prepare budget and maintain funds.

While a list of functions could easily be derived from the constitution, legislative framework delivered by the parliament in nine of the Acts on LGIs could not keep the functions as straight as embodied in the constitution. The constitutional sanctions and the content of the Acts of Parliament (Jatiya Sangshad) that are enacted in many cases, not consistent and rather confusing and cumbersome. The legal complications are already discussed and a ‘framework law’ is recommended in the last sub-section. The separate LG Acts on various units and tiers provided separate list of functions for each of the tier and unit. There is no list that distributes functions among the central and local government as it exists in India. There is also no classification of activities among the LGIs as ‘compulsory or obligatory, optional or residuary and concurrent. There are general purpose lists of functions in case of UP, UZP and ZP, which are almost always overlaps and repetitions of the activities assigned to all general field administration and the field level central government service providers. A separate table on functions summarized the activities from the relevant LG Acts may be seen.
Figure 11: Functions of various LG units and tires as prescribed in the relevant laws

<table>
<thead>
<tr>
<th>Sl. no.</th>
<th>LG units</th>
<th>Basic sources</th>
<th>No of functions in specific sections (de jure functions)</th>
<th>Comments (de facto functions)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Union Parishad/UP</td>
<td>The LG (UP) Act. 2009</td>
<td>Clause 47 listed four basic functions and the Same clause elaborated basic functions in schedule-2 with 39 more functions. Schedule 4 listed 13 functions of resource mobilization Schedule 5 listed 54 functions of crime preventions Total listed functions= 110</td>
<td>In real situation UPs perform four basic functions 1. traditional community driven functions 2. the functions for which they receive resources 3. the functions different project implements in the UPs 4. traditional dispute resolution of formal and informal nature</td>
</tr>
<tr>
<td>2</td>
<td>Upazila Parishad (UZP)</td>
<td>The LG(UZP) Act 1998 &amp; the LG (UZP) Act (amendment) in 2011</td>
<td>Clause 23 and 24 provide a guidance so that government can allocate new function from time to time Schedule 2 –listed 18 Schedule 4 listed 9 Schedule 5 listed 4 Total 31</td>
<td>In fact the UZPs are confined in implementing few schemes with ADP grant.</td>
</tr>
<tr>
<td>3</td>
<td>Zila Parishad (ZP)</td>
<td>The LG(ZP) Act 2000</td>
<td>Schedule 1 Obligatory 12 and Optional 7 Schedule 2(8) Schedule 3(46) Total 12+51=63</td>
<td>ZPs function are not visible except in recent time after the appointment of “Administrator”. The 61 ZPs of plain districts implement schemes with ADP grants.</td>
</tr>
<tr>
<td>4</td>
<td>Pouroashava</td>
<td>LG(Pouroashava) Act 2009</td>
<td>Under clause 50 and 5 sub-clauses include 16 basic functions Under 2nd schedule 68 Under 3rd schedule-29 Under 4th schedule 61 Under 5th schedule 14 Total 172</td>
<td>Municipal functions are to some extent specific in respect of waste disposal, street lighting and repair and construction of roads and drainages, but other activates listed in schedules are not carried out.</td>
</tr>
<tr>
<td>5</td>
<td>City corporation</td>
<td>LG (city corporation) Act 2009</td>
<td>3rd schedule listed 28 basic long detail listed of total 160 activities</td>
<td>City corporation is visible in 5/6 limited functions Such as wastage disposal,</td>
</tr>
</tbody>
</table>
The functions of Pourashava and CCs are to some extent exhaustive and specific. When the question of defining boundary or joining the central government agencies arise for common function assigned to both, separation and specificity remains missing. As far as streamlining the function is concerned, rigorous exercises are to be done in the following four areas: The areas are:

- Amendment of relevant articles of the Constitution,
- Enactment of LGFL, including electoral and organizational changes,
- Reform in the existing field administration for making it more output focused, and
- Providing LGIs at different levels with a specific list of function with clear (‘functional assignments’) legal mandate supported by fund and functionary.

**Constitutional Amendment for functions to be streamlined**
- The constitution is not clear about role and function of local government institutions(LGIs) and field administration and about how to overcome the ambiguity and overlap between the two,
• The constitution left entire law making process at the discretion of the parliament. Parliament, at times, cannot overrule the ‘executive excesses’ in real situation or adequate safeguard and solving the conflict of interest, ‘guarantee’ clauses are needed in the constitution for protecting some basic tenants of local democracy and local government.

In Indian constitution under 73rd and 74th amendment in 1993, such guarantee clauses, as well as list of subjects for each sphere of government (Federal, state, Panchayat and Municipalities) including tiers and units, are inscribed. The relationship between and amongst the Union/federation, state and local governments as well as between and amongst the ZPs, PSs (Panchayat Somitees), VPs (Village Panchayats) and the DPCs (District Planning Council) are defined and delineated in the constitution. For having a formula based inter governmental transfer, state level “LG Finance Commission” is also made a constitutional obligation for all the state governments.39 We, in Bangladesh may move constitutional amendments by reviewing our experiences for having effective LGIs and field administration both.

The LGFI and reform issues at various field administrative levels were elaborately dealt with in the previous sub-section. In the current discussion, only functional assignment issues will be thoroughly analyzed with few doable recommendations for the short and medium terms.

The legal or *de jure* assignment of LG as understood in different countries can be described with terms, such as, ‘function’, ‘responsibility’, ‘duty’, ‘mandate’, etc; in our country the legal terminology we use is “duties and responsibilities” in all the basic acts for different tiers and units. The Figure-11 already provides idea on the areas of functions LGIs in Bangladesh are supposed to be engaged with.

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The missing points need urgent attention

There is no clear explanation or demarcation of the duties and functions assigned at different levels and tiers of LGIs. The same functions have simultaneously been assigned to all the LGI tiers and units as well as to the departments with executive mandates to perform at the specific functional domain. The departments are supported with fund and functionaries. The LGIs are assigned the functions (‘duties and responsibilities’) without fund and functionaries.

The problems of not having clear ‘functional assignment’ at LG levels are summarized below:

- Assignment overlap and multiplicity
- Unfunded mandates of LGIs
- Assignments are very open and general without specificity in all spheres
- Difference between the de facto and de jure assignments at different levels of LGIs

Assignment Overlap

The situation may concretely be explained from the example of ‘education’. The responsibility of primary education has been assigned and implemented by many actors. All LGI units and tiers, general administration, mandated departments and the private sector are functioning in the arena of primary and mass education. The state and non-state actors active in the sphere of education could not cooperate and supplement each other as no common framework for such cooperation exists. This is true in case of many other sectoral activities and services too. Territorially and Sector-wise multiplicity, duplication and overlap need to be reviewed for creating a framework of cooperation or rule of engagement. A model exercise on Primary education may be seen below; similar exercises are needed for all other service sectors too. (Figure-12)
Unfunded Mandate

The LGIs are enjoying ‘unfunded mandates’ for many of the services that they are assigned to deliver. The generalized mandates of the general purpose LGI’s need to be reviewed by examining their financial and management capacity. Either mandates need to be pragmatically reassigned or adequate funding arrangement for implementing the mandates be considered. Function without fund and functionary does not mean anything meaningful.

All assignments should be specific instead of open and general

The assignments given to the LGIs should not be taken back, because localization of service delivery everywhere proved efficient and effective. The real and pragmatic step that can make the specialized service providers and LGs effectively contribute, is “unbundling of service package”, sharing specific responsibilities with all other relevant stakeholders. Having clear ‘financial and functional assignment’ can make the life easier and comfortable for all. For example, all the functions required to deliver quality ‘education’ cannot be bestowed on a single agency. Multiple actor and agency involvement is necessary. *Who can do what with what cost* need to be indentified and ‘Unbundling the activities among the actors and agencies will help to create an effective collaborative network. The concept and practice of ‘Unbundling and re-bundling’ may pave the way for solving the issues of overlapping and governance problems in local service delivery. In short, the actors can effectively deliver the services provided the “factors” or conditions that inhibit smooth delivery are removed.

A model unbundling exercise may be seen in Figure-12. All the development and service sectors can do similar exercises for creating effective assignment structure and distribution of responsibilities.
Figure 12: A model Unbundling Exercise on primary education with proposed functional assignment for LGIs and other stakeholders

<table>
<thead>
<tr>
<th>No.</th>
<th>Functions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Education policy and all legal matters</td>
</tr>
<tr>
<td>2.</td>
<td>Recruitment of teachers (promotion)</td>
</tr>
<tr>
<td>3.</td>
<td>Posting, transfer and disciplinary</td>
</tr>
<tr>
<td>4.</td>
<td>Supply of inputs (materials)</td>
</tr>
<tr>
<td>5.</td>
<td>Report on school performances</td>
</tr>
<tr>
<td>6.</td>
<td>Physical infrastructure such as new building and land</td>
</tr>
<tr>
<td>7.</td>
<td>Micro infrastructure, repair and maintenance</td>
</tr>
<tr>
<td>8.</td>
<td>School uniform for students</td>
</tr>
<tr>
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<td>School meal</td>
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**Note:** √= symbol indicate the lead responsibility and finance should be assigned, S=sharing responsibility with lead organization, C=consultation and L= remain in the information loop, PC=Planning and Coordination
De jure and de facto Functions

The functions the LGIs normally discharge are of four types. It has become a deeply ingrained practice among all the LGIs. The four types are:

1. The functions listed in the relevant laws, as *de jure* functions (See Figure - 11),

2. Functions for which money is allocated or available either from special project, grant or aid,

3. Functions assigned by GoB through circular, order and memo from time to time, and lastly

4. The functions traditionally bestowed upon them by the community, functions associated with cultural and social obligation and the functions that may keep them popular in their own assessment in the constituency (*de facto* functions).  

The experience shows that the last one gets the most priority and item two and three follow suit. The listed functions under the laws (de jure) get the least attention. Even when they aspire to intervene and participate, the mandated departments do not simply allow. In the whole LGI sector *de facto* functions dominate over the *de jure*.  

5.3 LG Finance and inter-governmental transfers

The LG finance discourse in our country is dealt with in four different perspectives:

- Local resources mobilization perspective
- National government’s grant perspective
- Transfer through projects and project financing
- Municipal finance Perspectives

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41 Tofail Ahmed and Others (2015)
Local resources mobilization (LRM) perspective

There is a school of thought in Bangladesh that believes that LGs are weak because they cannot mobilize their local resources. As long as the LGs remain dependent on national government resources, they will remain weak. There is no denial of the fact that the more the LGs can mobilize their own resources, the more strength they will gain. One cannot stop here just after such statement without further analysis of legal provisions on LRM. The objective situation in this whole domain needs further analysis. The legal position of LGs as far as the local taxation, service fees and charges are concerned is highly ambiguous and full of overlaps.

The central government agencies, such as NBR, collect the taxes from all ‘lucrative’ sources such as income tax, VAT, custom and excise, corporate and business tax, land tax, etc.\(^\text{42}\) There are also huge non-tax revenues kept reserved for central government such as land transfer revenues, bills, various fees, stamps and service fees. The National Tax Policy never considered issue of local government taxation system including the distribution of tax revenue among the national exchequer and the local level spenders. The taxation authority conferred to LGIs is not properly vetted by NBR either. There exists a de-link between national taxation and revenue earning system and LRM for the LGIs. Many of the taxes and non-tax revenues locally paid are utilized centrally without any sharing concern with the locality that pays the revenue. For example, Income tax, VAT, corporate taxes, business tax, stamps, land revenues and taxes, electricity, telephone and gas bills etc are paid locally. As the localities generate the tax income for central government, they can claim a portion of the same tax for continuous improvement and sustenance of the sources at locality level. National Taxation policy never considered the issue from the local need, local economic regeneration and local service point of view. Taxation and services need a closer linkage in which LGIs and local citizenry might have a stake. It can enhance and consolidate the local tax base as well.

The sources of tax items and areas allocated to LGs are very general in nature except the ‘household level property tax’ at UP and Municipal level. Levy of taxes

on the value of land and houses by UP and pourashava is also very complex. The UP and municipalities lack the assessment capacity in one hand, and the rate suggested in the rule is also not affordable by the individual in majority cases and scope for evasion is also there on the other. The tax rate on other items as specified in the “Model Tax Schedule (MTS)” of UP and pourashava is also found to be very arbitrary. The levying responsibility is taken away from the respective LG and the central government already decided the rate for all the LGIs. The Zila Parishad and Upazila Parishad do not have such MTS yet. The issue of separate and independent MTS for all LGIs is untenable and unnecessary.

- It is expected that instead of separate tax schedule for each tier and unit a comprehensive ‘tax list’ for all LGIs should be prepared with clear indication for each of the tier and units so that they can collect the tax on specific item without the risk of double taxation on a particular item.
- The National Tax policy in a comprehensive manner should also consider the LGI taxation in the National Tax Policy and a tax sharing formula between national and local governments has to be devised. It will enhance the accountability of government at both the levels to the tax payers directly.
- The tax return format every year submitted by individual needs to be changed and it should also reflect the LGI taxes in the return.

Grant from National Government
The central or national government in every year’s budget allocates a small unspecified amount of money as ‘block grant’ for LGIs. There is no budgetary principle or policy stating how much money will be allocated each year for a specific unit or category of LGI. A certain amount is allocated on thumb rule. It is popularly called in Bangladesh as ‘grant’ or block grant. The concept and term grant is based on a wrong premise. First of all, this is neither grant nor dole. This should be termed as ‘inter-governmental transfer’ for certain specific purposes and amount of transfer should not be done on thumb rule but be based on certain principles and formula. Finance may follow function or function may also pull finance. For many years, the direct development transfer from national government did not exceed 2% of the national Annual Development Plan (ADP)
outlay for the LGIs. An analysis of the last year’s budget shows that out of governments 196,000 crore income from tax and non-tax sources, about 86,000 crore was spent for government employees and only 1260 crore was allocated to LGIs as block grant.43

The inter-governmental transfer in the form of tax and ADP share both should not be less than 15% of national total in each case. It may be increased year by year with gradual capacity development and reach up to 30% by 2021. In India besides the union government’s project grants, especially in West Bengal and Kerala 35-40% of the State revenue is shared with LGIs.

Project finance and multiple agency intervention
A large number of local development activities are financed through different projects centrally undertaken by different central government agencies. Many of those projects are decided centrally but implemented locally. The cumulative resource allocation for projects exceeds the grant money amount (allocate in the form of block grant) but remain invisible from the LGI account. Even within LG sector, the money utilized under different projects by the agencies of the LG ministry is ten times higher than the ADP allocation granted in favor of LGIs in a particular year. Isolated project activities need rationalization and integration with LG units at the local levels. Centrally design projects are inevitable for large and technical infrastructure but micro-level development initiatives should not be implemented through national level projects. Instead, capacities of LGs should be utilized for such activities.

All national level socio-economic development Projects implemented locally have to be integrated with the local plan. Participation of LGIs in local components of the national projects should be ensured during the formulation of the projects. Bangladesh Planning Commission should take responsibility to ensure the constitutional provisions honored at local level implementation of central projects by integrating those with local plan and local administrative responsibilities.

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43 Income and expenditure heads of national budget documents may be consulted
The term ‘fiscal decentralization and municipal finance’ basically represent North American federalist context. In our case, this has to be understood as ‘Local Government Financing’ instead of ‘municipal finance’ that is inclusive of all LGIs irrespective of rural and urban. LG institutions in our system include many other institutions beyond municipalities. Financing municipal services and financing LED and localized services is not the same and not only confined in municipal services as understood in the west Europe and North America. On the other hand, extra emphasis on ‘fiscal decentralization’ is appropriate under special situation where devolution reached its optimum level. In our societies, political and administrative decentralization is still in deficit, fiscal decentralization alone is not going to bridge the gap. The whole package of decentralization (political, administrative and fiscal) needs serious consideration.

The traditional ‘rural-urban divide ‘is getting thinner. Urbanization in Bangladesh is aggressively progressing and rural boundaries are shrinking fast and integrating in the urban fold with the expansion of industries and service sector. People physically living in rural areas are leading urban lives. At some points, rural –urban divide in institutional settings seems out of date. The time has come for interfacing and integrating of the divisions into a single system. More and more importance needs to be attached to the delivery of basic services with uniform standard irrespective of urban and rural locations. Financing LGIs require a uniform policy which will bring a balance between the services and the institutions that deliver those services to the rural, semi-urban, peri-urban and core urban areas. Otherwise, we are going to create a new regime of inequality in the society

There is a notion often discussed that urban centers are the growth engines and bulk of economic growth is generated at urban conglomerations. There is a fallacy in that argument. Societies follow some common pattern but the urban transformation process of all societies are not the same. Following that idea, Bangladesh presents a unique urbanization story, with its own set of

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characteristics and challenges. Our urbanization may be looked at from very
different transformational conjuncture of the society. Many of components of the
agglomeration and conglomeration theories and urban growth pyramid may not
be an appropriate model for the urban centers beyond the mega cities in
Bangladesh. Bangladesh used to be called a ‘big contiguous village’ till the
eighties, However, the present trend shows that Bangladesh is growing to be a
‘big city’. The ‘mega cities’ like Dhaka, Chittagong, Narayanganj, Gazipur, Khulna,
Sylhet, Barisal, Rangpur definitely need special attention. In view of the general
urbanization trend, instead of sharpening ‘rural-urban divide’, interfacing
between rural and urban LGIs needs urgent attention. We need a comprehensive
‘Decentralization and Local Governance policy’ to empower both the urban and
rural units of LGIs for effective and standard service delivery and improvement of
quality of life irrespective spatial and topographic placement.

Recommendations

1. Taxation list needs rationalization from national to local and overlap,
duplication and multiple taxation need to be avoided,
2. There should be national and local list of taxation as well as tax sharing
formula between the LGIs and national government,
3. Some of the tax and non-tax revenues generated at the local level need to
be shared with local authorities. For example, a certain percentage of
electricity bills, telephone revenue, income taxes, road tax, corporate tax
on industries, etc., need sharing because these tax and non-tax revenues
are either paid locally or the local people share the burden of the
environmental hazards due to those activities,
4. A comprehensive national tax policy needs to be formulated, inclusive of
LGI taxation.
5. The inter-governmental transfer in the form of tax and ADP share should
not be less than 15% of national total in each case. It may be increased year
by year with gradual capacity development and be raised to 30% by 2021

5.4 Integration and Interfacing of national and local planning
The way the concept of ‘planning’ is discussed in our society seems planning is the
only prerogative of the central planning authority. Annual Development Plan
(ADP), Five year Development Plan and Perspective Plans are only made at the national level. The total planning support and monitoring system is organized in such a manner and fashion that the ‘local level plans’ do not have any place anywhere in the national planning and budgeting system. As the constitutional directives added planning as one of vital activities of LGs, all the LG laws of the country included short and medium –term plan provision in the legal framework of the LGIs. In spite of constitutional provision (Article 59) and subsequent laws passed in the Parliament, local plans were not appropriately recognized in the national planning documents. In India, State Planning Commission supports the LG planning system through District Planning Councils (DPCs). The DPCs coordinate all LGI Plans within the district. The State level development financing of LGI are cleared at DPC levels considering specific requirement of Panchayat Raj Institutions (PRI).45

In Bangladesh, we have long experience and structure of local level plan but for last three decades the system were not supported (administratively, financially and technically) and monitored. The following measures may reenergize our old tradition of local level planning and effectively link them with national planning objectives and strategies:

- The 7th Five year plan should devote one full chapter on LGI level local plan and how the plan should incorporate and reflect the goals, objectives and strategy of the five year plan and vision at the LGI level may also be elaborated in that chapter.
- The National Planning Commission should extend its arms up to districts for proper guidance and monitoring of plans at local levels. In this case DPC model of India may be reviewed for devising our system.
- The data and information collected through the Bangladesh Bureau of Statistics (BBS) should be shared at the local levels for planning purposes and all other departments (Irrespective of retain and transferred) should be instructed to share their departmental data with the corresponding LG units for planning purposes,

• All departments with local offices should assist corresponding LGIs to prepare annual plan and their respective departmental developmental, promotional and services should be delivered in coordination with local plan.
• The LGIs should not be allowed to spend resources without annual and five year plans.
• The National Planning Commission should be empowered to issue guidelines for local level plan and Cabinet Division may issue an order to all ministries and departments to comply the Planning Commission Guidelines.

5.5: Staffing of LGIs
The LGIs are suffering from shortage of adequate staff for a long time which has been discussed in the previous Chapters. In this sub-section we shall try to recommend few measures which may be implemented as immediate or short- medium and long –term basis.

Immediate and short term measure

The staff and departments transferred to UP and UZP under the respective law should immediately be complied. If 17 departments at UZP and 13 offices at UPs are transferred as envisioned in the law and properly monitored, the staff problem will temporarily be eased. The UPs need at least two more full time staff along with the Secretary. The legal provision created for the ‘Secretary’ and Assistant Accounts officer in the upazila law should need immediate implementation.

Medium-term measures

The Village police and Ansar-VDP need to be integrated at the UP level. It may improve the crime watch and law and order situation at the unions. The ‘town police’ system needs to be introduced instead of ‘community police’ in the pourashava and CCs. The police department may depute required number of officers from the department to the municipalities and CCs to organize the town policing system initially. The other auxiliary forces could be recruited by the respective organizations.
Long-term measures

The LGIs from the UPs to the CCs desperately need professionally committed manpower for efficient discharge of their assigned duties. It is an accepted fact that the LGIs in CCs to UPs suffer from lack of adequate and efficient staff support for carrying out their technical, financial, service management and administrative responsibilities. To address the issue with renewed commitment, a long pending proposal to create a ‘Local Government Service’ may be reviewed with a long –term vision of sustained professionalism at the LGI levels. The members of LG Service will have mobility within all the LGI units such as UP, UZP, ZP Municipality and CCs. The service may consists of few subgroup or sub-cadre such as, engineering, medical, accounts and general administration. Bangladesh Public Service Commission may be assigned the responsibility for formulating the details of a new LG service cadre.46

5.6: Capacity Development issues of LGI and role of DPs
Capacity development has been the ‘centerpiece of international development’ since the post second world war era. And it has been continuing as a vital component of development aid since then. The capacity development activities proliferated into diverse areas and institutions over the time. In this particular section of the paper, our aim would be to focus’ capacity building or capacity development activities for meeting future need of the LGI and LGI stakeholders for creating an enabling environment for LED, local service delivery and local democracy to flourish.

In Bangladesh ‘training’ (technical and general) is mistakenly treated as synonym of capacity building activity. There is no doubt that training is one of the components of capacity building efforts, but the two terms should not be interchangeably used or treated as synonym for capacity building. Capacity development is a complex process, a means to reach to some end as well as a goal and outcome by itself. It takes place at different levels and with target

46 For detail see Ahmed( 2000 &2012)
population as well and it has to intervene at policy and implementation at both the levels for sustainable capacity achievement.\footnote{Oxfam study on Capacity building may be referred}

In the Local Government and local governance levels, the capacity building or capacity development in Bangladesh is a very crucial area. There is no dearth of resources for carrying out the capacity development activities, the crucial issue is that all resources are spent in the name of training. A great bulk of the resources are wasted. There is a great lack in understanding the proper definition of ‘Capacity development’ and its different dimensions. There are also deficiencies in the assessment of the capacity need and problems of LGIs at different levels. Capacity framework incorporates policy environment, legal authority and empowerment, administrative sanction, adequate finance and required manpower with right kind of efficiency. Then only training can work as supplement in different action areas. Training in its own right is not an independent input.

There is a National Training Policy and National Training Council, the former M/O Establishment currently renamed ministry / Division of ‘Public Administration’ is the anchor for the training policy and training council. The national training policy and the National Training Council(NTC) only deals with the training of government employees. The main issue they are concerned is civil service training. Capacity development and enhancement of the skill of civil servants is essential and correct from civil service development point of view. There are about 70,000 LGI representatives, associated citizenry, large number of LG staffs and the NGO-CSO and local community involved and work with LGIs; for these large group, there is no policy framework for sustained capacity development in its broader sense. The LGI trainings are done on an adhoc basis as isolated project activity. There is an Institution called National Institute of Local Government (NILG) that works in the backyard of the LGD. The NILG has been reduced to almost a bankrupt institution, without any specialization, vision, mission and professional manpower. The NGOs and different donor driven projects provide few supply driven training in the form...
of stereotype lectures and a large sum of money is shown ‘burnt’ in their respective project accounts. There are two other institutions that also had a rich background and tradition for LGI training, research and project implementation. Their capacities remain under utilized as those are situated outside Dhaka and belong to the another Division (RDC) of the same ministry. There is a vacuum in private sector; so far no credible LG training and research institute emerged in the private sector.

Under the label and cover of advocacy, large amount of money is spent through various NGO projects and they also handle project supported training programmes which are mostly run by short-term consultants and their own desk staff. The associations of Local governments are very weak and disorganized to supplement the capacity and advocacy initiatives. There are association of Municipalities that are mostly dominated by Mayors. Similarly, associations of UPs are dominated by Chairpersons. The Upazila Parishad, City Corporations and Zila Parishad do not have any association or forum of their own. This is one area that is never included with the programmes of capacity building and advocacy. Few of the DP projects supported the associations of UP named BUPF, and Association of Municipalities called MAB as part of their project activity. Later with the discontinuation of projects, except MAB, other associations lost their momentum.

The LGI capacity development needs a policy framework and an independent resource pool. The policy framework should include many other elements of Capacity Development along with training. The other important elements of capacity development are as follows:

- Legal environment and inter-organizational cooperation framework with LGIs,
- Financial solvency of the LGIs and legal and social provision for resources mobilization,
- Institutional and individual capacity and skill requirement need regular assessment and updating,
• The incentive structure for LGI volunteers and representatives should be part of capacity building,
• Interfacing and interrelations with local service providers will also enhance the capacity of LGIs
• General manpower development policy through the existing formal ‘education system’ of the government will continually reproduce quality manpower for the LGI system.
• The associations of LGIs need to be assisted by CSOs who take active parts in LG issues through research and advocacy and government should also formulate policy to interact with those association regarding policy issues

The LG needs an all ‘inclusive capacity development framework’ within which donors or Development Partners (DPs) can provide resources. There is a proposal discussed earlier to create a ‘Multi-donor Trust Fund’ not only for capacity development but also for effective use of DP’s resources in a more scale-up manner. That concept may be reviewed and tried with capacity building effort.48

5.7: Local governance, development and Peace building in Chittagong Hill Tracts (CHT)

This part of the sub-section will exclusively deal with the three hill districts of Bangladesh, where the largest number of ‘indigenous’ people of Bangladesh live. The three Hill Districts Bandarban, Khagrachari and Ranghamati, from local and regional governance and development perspective, represents a unique discourse. The CHT share the local or field administrative structure as the rest of the country, with the inclusion of two other parallel structures. Therefore issues related to local governance, local politics and services in CHT are very different compared to the rest of Bangladesh and hence deserve special attention. The other main historical reason this demands special consideration is because of n

48 Ahmed(2012)P-
the background of prolong arm conflicts and post conflict peace building efforts that represent an overdue agenda.

**Situation Analysis: Political and Institutional perspectives**

- The political situation has changed substantially since the signing of Peace Accord in 1997 to 2015;
- The power, function and role of Regional Council (RC) has become insignificant as three MPs including the State Minister for CHT have become the major political players in the region;
- The RC and HDCs (Hill District Councils) are maintaining their existence with a very narrow representative base. The nominated/appointed RC and HDCs are being run only by 5/6 members including the Chairs which were supposed to be run by 23(RC) and 33/34 elected member in case of HDCs.
- The Hill District Councils (HDC) maintain reasonably good administrative stature in implementing development projects and programmes but politically seem very weak as these are not elected bodies;
- The Newly formed Upazila Parishads (UZPs), in spite of its strong political legitimacy as the only elected body in the CHT still seems very weak in its operational capacity;
- The UPs also seem very traditional in their outlook towards participatory development but actively participate in all the activities whenever they are asked; in most cases of special projects, HDCs and Departments ignore UP and UZP.
- The traditional *Circle Chief-headman-Karbari* system is not capable of taking the responsibility of development functions as they do not have formal administrative and representative structure;
- The Para Development Committees (PDCs) formed under Chittagong Hill Tract Development Facility (CHTDF) Project with multi-lateral donor initiative function well in some areas towards becoming an effective community organization, but a clear roadmap for sustainability without project support is still remain a question.
- The conflict and peace is still hanging in the balance. Besides, the national level political parties such as AL, BNP, *Jatia Party* and *Jamat-e- Islami*, there are other regional political entities such as UPDF, PCJSS, Pahari Chtara
Somity, Organization of *Bangalees* etc. They have varied and different interests in economy and politics of the region.

- The Armed Forces and Border Guards Bangladesh (BGB) retain their previous positions as the security threat is still considered to be a concern.
- Civil administration plays limited role in governance,
- The Ministry of Chittagong Hill Tract Affairs, RC, HDC, CHTDF, CHTDB, and other LGIs such as UZP, Pourashava, UP along with the customary system of *Circle Chiefs-Headman-karbary* continue to struggle for power, function and role.

**Legal and Administrative Environment**

- There exists legal anomaly and to some extent legal vacuum in the CHT in terms of local governance and decentralization. It is not the absence of law, rather too many laws created a new vacuum and non compliance;
- The HDC acts do not provide substantial provision or framework for liaison, coordination and cooperation with UZP and district administration as it was promulgated in an environment when there were no UZP and it also bypassed the District Administration or vice-versa;
- The UZP and UP laws are also silent about the existence of RC and HDC as the situation of plain areas were pre-dominantly considered during the enactment of the UZP and UP laws; specific hill tract’s situation slipped the mind and perspective of the law makers;
- There are overlaps and dualities between the various actors, agencies and departments such as CHTDB, HDC, District Administration, Divisional Commissioner of Chittagong and the RC;
- The RC, CHTDB, Deputy Commissioner’s Office, Circle Chiefs, HDCs, Upazilas, Unions and Headman-Karbari system are not functioning in a harmonious way; Each has its own modality, instead of being complementary rather overlap and role conflict is the normal order.
- Some complementarities and coordination have been found among the UZP, UP and Headman-Karbari system at the base levels. The PDCs are maintaining working relationships with those organizations as well;
- The HDCs do not consult UPs, UZPs and Pourashavas for undertaking projects and programmes at the grassroots levels.

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49 A study on the ‘harmonization of CHT laws’ is in process by UNDP
• The HDCs started inviting UZP Chairs in the HDC Coordination Meetings recently. This may create a new coordination framework in future later but legal links are still missing,

• The Deputy Commissioners do not participate in the meetings of HDCs.
• It seems there were no dialogues between the M/O CHT Affairs and the Local Government Division on the anomalies of Local Government Institutions in the CHT. It is also not clear that whether the ToR of Task Force under the leadership of Begum Sajeda Chowdhury, MP would address the issues.
• There are multi-faceted divisiveness in the CHT such as Bangalee vs. Indigenous, Civil-military, Civil administration vs. RC-HDC, HDC-UZP-UP and among different factions of regional political parties and groups.
• The NGO and CSOs are gradually getting space; some of them are still considered as appendices of different political parties.
• Donor money created a new generation of elites of opportunistic nature, who are part of NGOs, CSOs and pseudo business community that essentially engages in commission business and rent seeking.

CHTDF: Governance Interventions

The CHTDF - a UNDP led umbrella project of different donors cover seven thematic areas such as confidence building, capacity building, health, education, community empowerment, disaster management and gender mainstreaming. The ‘Governance’ was not featured in the existing project framework prominently and as a result, no substantial interventions were designed and implemented under the existing project. The areas like health, education, community empowerment, gender mainstreaming and capacity building under current project are being implemented with reasonably wider coverage keeping MDG at the centre. The impact of all service delivery on peace building and governance is an area that needs to be assured.

In future the project may devote its resources in delivering services as per plan and vision as a continuation of the existing project. Along with the service
delivery component the CHTDF, it may incorporate two separate but integrated components as Peace Building and Governance promotion efforts. Capacity building component may need to be readjusted with the governance component. Peace building and governance component may be instrumental is bringing long-term sustainability to the project.

Peace building efforts may be complemented with various interventions for improving governance. The governance component of the CHTDF may be designed in such a way that it can also address the peace building issues, both directly and indirectly.

The Governance component of CHTDF may comprise of five sub-components:

1. Capacity development of local government institutions, which may exclusively include UP, UZP, HDCs and Headman-Karbari system and the PDCs,

2. Designing a graduation path for the PDCs and linking PDCs with the formal service providers and governance structure,

3. Promotion of local democracy and good governance through PDCs and LGIs (HDCs, UZPs and UPs);

4. Policy advocacy for legal and institutional reforms which may include interventions at different levels and tiers of government and Local Government Institutions with RC, HDC, UZP and UP involvement, and

5. Promotion of civil society movement on specific the hill district related issues in conformity with the Peace Accord signed in 1997.

**Policy Advocacy**

- The RC Law, HDC law, Forest Law and Land Law along with Hill Tract Manual 1900 need major amendments and reform. The existing projects in CHT may device and design assistance to the M/O CHT Affairs with specific amendment proposals which may also necessitate collaborative efforts from LGD.
• The Parliamentary Standing Committee on Hill Tract Affairs and Standing Committee on LGRDC, should also be taken on board while initiating the reforms.

• The special committee on the implementation of 'Peace Accord' working under the leadership of Begum Sajeda Chowdhury MP, the Deputy Leader of the House may be assisted to bring the two key ministries (MOCHTA and LGRDC) on board.

• The Land Commission should be supported with required logistics so that they can deliver some of the expected services in respect to resolving land question.

• The two separate laws (RC & HDC) may be reenacted with a combined law along with provision of establishing relationships with the UZP and UP in CHT.

• Election of RC and HDC should also be brought to the forefront after reenactment of a common law.

Civil Society Promotion

• The civil society at the Hills and the plains should be mobilized to continuously lobby on the issues of legal and administrative reforms in the CHT.

• Continuous deliberations-discussion in the local and national press are expected to be organized,

• Occasional research based papers on different issues should also supplement the advocacy agendas with facts and analysis.

• Renewed efforts from the Development Partners also helpful in the total process of sensitization and advocacy.

Peace Building

The Peace building should be the cardinal point for all the institutional and development activities in the CHT. The LGI system that is unique to CHT may be utilized for the purpose. The LGI can provide a common framework for all stakeholders to contribute, with a legitimate leadership.
Exploring Local Governance Potentials from CHT in development and peace building

- The Chittagong Hill Tract is the only region in the country where the three districts (*Rangamati, Bandarban and Khagrachari*) have a three-tier rural local government as well as pourashavas. In Bangladesh, though the constitution provides directives to have LGs in every unit of the administration; LGIs were formed only at two levels of administrative units in the plains. The District Councils (Zila Parishads) were not formed in the plains for a long time. The CHT has a stronger legal provision for district level LGI known as HDC. The HDCs can make a breakthrough by showing inter organization linkages, cooperation and coordination among the HDCs, UZPs and UPs. Thus HDCs can promote comprehensive ‘district plan’ along with other lower level LGIs. The thee-tier rural local government system of West Bengal and Kerala in India may be studied to design 'District Planning' system as well as 'grant management and fiscal transfer' from intermediate level keeping district as linchpin between the centre and the local.

- The RC and CHTDB can work together. The reorganized RC Chair should Chair the CHTDB. The CHT Affairs ministry may supervise and facilitate RC-CHTDB and HDC-UZP-UP system. The LGD and CHT Affairs ministry may find ways to divide functions and mandates between them. The RC in the CHT can be reorganized with lessons from the Indian DPC.

- The peace building through LGI system can be facilitated sustainably with a credible election in RC and HDC and role differentiation among three vital political organizations (MOCHTA, RCand HDC) and field administrative machineries from the Division, District and Upazila.

- A comprehensive review of all the LG laws active in CHT is needed. This may include RC law, three HDC laws and CHTDB Regulation as well as UZP and UP laws and Hill Tract Manual 1900 and a new draft of another comprehensive framework law for CHT needs to be initiated.

- A solution is needed to prepare an acceptable ‘voter list’ for local elections and to solve the land question.
To accelerate development and peace in CHT the recommendations outlined above can be utilized by the appropriate levels of the government.

5.8: Gender mainstreaming in LGIs
The LGIs provide an effective space for women’s political and social empowerment and it has been effectively utilized for the last two decades with limited successes. The Seventh Five year plan may set new phase of women’s empowerment and gender mainstreaming in the LGIs at all levels. So far the reservation system had a mixed impact in the sphere of political participation of women. The reservation system acted as an entry point for contributing and to get involved in the mainstream politics and decision making. It has given a good exposure and made them aware of the associated complexities of leadership at Union, Upazila and the cities. One of the problems frequently told is that the women LG representatives have larger constituencies but share less power and authority compared to their male counterparts as members and councilors. The demands that came from the advocacy NGOs over time are the following:

- Special standing committee chair’s position should be created for Elected Women Representatives (EWRs),
- Special Block allocation from LG budget and special project distribution to EWRs,
- Gender sensitive budget making at national and local levels,
- Capacity development initiatives for EWRs including special forums for EWRs

Four of those suggestions are partially implemented. However, still none of these created any headway to solve the problems within and outside the LGIs. The current women’s representation system in many areas compromising quality and deserving women leaders are staying away from the system. For some it has become an embarrassment to be member from the reserve seats. Many of the male members in general seats are also deserting their positions. Members and councilors irrespective of their gender identity commonly suffer from the same embarrassment. It is observed that after three consecutive elections in UPs and Pourashavas, EWRs are not courageous enough to contest in the general seats
and they feel helpless in the reserved seats as well. We have tried to understand the issue closely mapping the power nexus in five unions from five different Divisions under Small Scale Water Resources Sector Development Project (SSWRDSP) of LGED . It was found that there is almost 18-20 informal power wielding centers within a union territory, with linkages outside the union as well. The power and authority to an individual EWR does not flow with the membership of formal organization like UP, Pourashava and UZP as members, vice-chair and chairs. The more membership or affiliation s/he can create and command with informal power centers, the more power s/he derives. Please see figure 13 to observe the power nexus in an UP. Women are generally found in only three boxes out 20. One EWR only have membership in the UP or UZP without other power relations is not equally powerful or influential as his/her counterpart or even among the peers who have more affiliations with informal power centres. The women’s mobility in our society is constrained by many factors. The disempowerment of women in the formal institution like UP, UZP and cities are more of a structural issue. The structural issue to some extent is solved with the change of current reservation system and adaptation of rotational electoral system by transforming LGI to parliamentary form of institution like in India. The recommendations made in the previous sections are applicable for mainstreaming gender relations in the LGI system. If that could be made, many of the other problems related to standing committee, decision making process and especially ‘Voice’ would be solved to a large extent.

The matrix provided below may be carefully be analyzed to understand the power nexus at a union. Even the illegal rent seeking gangs control large part of UP decisions. Without establishment of rule of law and less expensive electoral system; women will continue to suffer from violence, muscle and money driven politics. The proposed electoral system and organization structure may create new niche for women. Under this issue of ‘gender mainstreaming’ the recommendation made earlier on basis of analysis and discussion in Issue no 5.1 is referred. The organizational and electoral reform as suggested in figure-6 -11 may be consulted.
Figure 13: Power Nexus Around Union Parisha: an effort towards finding places for women

Power Nexus Around Union Parishad: an effort towards finding places for women

Dr. Tofail Ahmed
SSWRDSP, LGED, 2003
Chapter-6: Conclusion remarks, recommendations and implementation matrix

This study basically dealt with eight main reform issues with reasonable elaboration in Chapter-5. Three other prior sections (2, 3 and 4) were added to the study only to create an appropriate context for the analysis and recommendations made in chapter 5 of the Study. Many of the issues that are incorporated in the vision 2021, AL’s election manifesto, Sixth Five Year plan and Perspective Plan have not yet been addressed with concrete action (elaborated in chapter-4). Those may be immediately initiated and some more initiatives still may be implemented to provide Seventh Five Year Plan (2016-2020) a smooth launching pad. The study made an attempt to formulate investment and interventions in some of the very crucial and strategic areas for recreating and strengthening local government system with certain reform initiatives before and during the 7th FYP period. The detail of which may be found in chapter five with analysis, a summary of recommendations are added with the current chapter dividing those into two separate labels - Priority recommendations and other important recommendations for consideration at appropriate time and levels. In addition, an implementation matrix is also provided with the ‘conclusion’ section for more concrete visibility and convenience for initiating actions.
## Priority Recommendations

### Figure 14: Seven Priority Recommendations

<table>
<thead>
<tr>
<th>Theme</th>
<th>Sub-theme</th>
<th>Recommendations</th>
</tr>
</thead>
</table>
| **1. Creation of a Legal Framework of LGIs** | 1.1. Constitutional amendment      | 1.1.1. The constitution is not clear about role and function of local government institutions (LGIs) and local/ field administration and how to overcome the ambiguity and overlap between the two.  
1.1.2. The constitution left entire law making process at the discretion of the parliament. Parliament at times cannot overrule the ‘executive excesses’ in real situation, for adequate safeguard and solving the conflict of interest, ‘guarantee’ clauses are needed in the constitution for protecting some basic tenants of local democracy and local government. The 73rd and 74th amendment Indian Constitution may be used as reference. |
|                                    | 1.2. Local Government Framework Law ( LGFL) | 1.2.1. There exist 9 different basic acts and few hundred rules for LGIs in Bangladesh. Under the current system, there exists no common and general legal framework to qualify the term “LG system” as we refer except separate LGI laws. A LGFL has to be created if Bangladesh aspires to create a strong LGI system. The LGFL in different neighboring countries may be studied carefully and a LGFL for Bangladesh may be drafted. The single legal instrument (LGFL) will cover all units and tiers irrespective of urban and rural placement, regarding their formation, function, jurisdiction, taxation, finance, budget account, electoral process, and central-local and local-local relationship. People can get all laws required for any LGIs |
under single cover and overlaps among LGIs could be avoided.

1.2.2. The Law drafting process should be guided by a forward looking ‘decentralization Policy’ which will definitely incorporate the vision of the government and citizens of the country.

1.2.3. The LGC (Local Government Commission) may be formed to accelerate the process. The proposed LGC and the ‘Law Commission’ both or in the absence of LGC, the existing ‘Law Commission’ may initiate the process.

<table>
<thead>
<tr>
<th>2. Reform agenda in Local Government election</th>
<th>2.1. Voter and population based Ward/constituency for all LGIs</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.2. How to create new Wards and Constituencies at all LGIs</td>
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2.1.1. A general formula may be adopted to create distinct constituencies and wards for LGI units considering the total size of population and voter. All UPs, UZPs and ZPs would have their own wards and constituencies.

2.1.2. The number of Wards and constituencies will vary between and amongst the units and tiers. The bigger and populous the districts, Upazilas and Union will have more wards compared to the smaller ones. The number of Wards should not be uniform and same irrespective of geographic size, voter and population as of now.

2.2.1. The population and voter based wards and constituency may follow a simple formula as underlined: **Union Parishad** - 1500 population and 500 voters with 10% adjustment for matching contiguity, territorial integrity and convenience of drawing reasonable
boundary may form one WARD. Considering the present size of population and voter in the Union on average, the number of wards may range from 15 to 40.

**Upazila Parishad**- 8-10 thousand population and 2.5 thousand voters with 10% adjustment for matching contiguity, territorial integrity and convenience of drawing reasonable boundary may compose a ward for UZP. The Average number of Wards may range from 30-45.

**Zila Parishad**- 20,000 population and 5000 voters with 10% adjustment for matching contiguity, compactness, territorial integrity and convenience of drawing reasonable boundary may form one ZP Ward. The Average number of Ward may range from 35 to 50.

**Pourashava and City Corporations**- There are provisions for increasing the number of wards on the basis of voter and population in the current Pourashava and CC laws. It has to be readjusted with voter and population ratio, which may be 1:3.

2.2.2. Voters of the each unit of LGI will exercise only one vote instead of three and they will cast the vote for ward member or councilor only. Chairman/ Mayor will be indirectly elected by the ward members and councilors from and amongst themselves. (See fig 9-11).

2.2.3. Special women’s reserve seats still will be kept intact but with changed system of rotational electoral method as followed in many of the Indian states including our neighboring West Bengal and Tripura. One third of the wards will be kept reserved for women in which the male candidates will not
contest but same wards will remain open for all in next two elections. Please see the fig-8 for clear understanding.

2.2.4. All LGI elections from district to Union and Pourashava can be held under single election schedule. All the LGIs can work for a common and identical duration.

<table>
<thead>
<tr>
<th>3. Organizational Reforms at LGIs (see Figure 5)</th>
<th>3.1. Composition: Separation of responsibilities, role differentiation and session provisions (Fig-5)</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.1.1. Mayors of CCs and Pourashavas and chairs UP, UZP and ZP will be elected through indirect elections. Ward members and councilors will elect Mayor/Chair from and amongst the Ward members/councilors.</td>
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<tr>
<td>3.1.2. There should be separation of role and functions within the parishad/ council. The council/ parishad are primarily a legislative body with limited legislative functions to be specified in the law.</td>
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<tr>
<td>3.1.3. The Chairs and Mayors will not function like single person executive as the system exist now. Mayors and Chairs will be the head of an Executive Council (EC) of their respective LGIs. It would be the prerogative of the Mayor/ Chair to choose at least five other members of his/her executive council as the Prime Minister chooses the members of his/her cabinet for the national government. The system proposed here is known as’ Mayor in Council’ system similar to the one in Kolkata and in other successful cities of India and many other countries .</td>
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</table>
| 3.1.4. The council in each case (UP, UZP, ZP, Pourashava and CC) will also elect one of the members/councilors as ‘Speaker’ to conduct the sessions of the Council/ Parishad. The Chair / Mayor will not preside over the
council meetings. The mayors/ Chairs will preside over only EC Meetings. The system is practiced in Kolkata City Corporation and Burangays of the Philippines.

3.1.5. There may be positions for ‘leader of the house’, ‘deputy leader of the house’ and ‘leader of the opposition’. The Mayor/ Chairs will be the ‘leader of the house’, S/he will also designate one of the members of the EC as ‘Deputy Leader’ of the house.

3.1.6. The leader of the opposition will be declared in the same session in which leader of the house and Speaker is elected.

3.1.7. The general members of the council will chair the Standing Committees (SCs) of the house. The speaker will arrange the formation of SCs in a special meeting of the Parishad / Council.

3.1.8. The rank and status of the key persons within each tier and unit will be as follows: (1) Leader of the house and the Chair of the Executive Council (designated as Mayor/ Chair), (2) Speaker, (3) Deputy leader of the house and leader of the opposition and (4) Chairs of SCs.

3.1.9. The EC members will have specific portfolios such as Finance, Education, Health, Agriculture, etc. The standing committees will be formed against the corresponding portfolios of the EC.

3.1.10. The general sessions of the parishads /councils will normally be held at least

3.1.11. At the end of every quarter
and each session may conduct its business for a maximum of three days in a single sitting. There may also be special sessions such as plan and budget sessions and others as specified in the law.

3.1.11. The general Members and councilors and Chairs of SCs will not get fixed salaries. They would be entitled to have sitting allowances for meetings only. Salaries will only be applicable for (1) Leader of the House, (2) Speaker, (3) Deputy Leader of the House, (4) Leader of the Opposition and (5) Members of EC.

3.1.12. Representation from the lower tier to the higher tiers may be retained with some obvious changes. The representatives in higher tier from the lower tiers will have limited votes in the higher tiers. They will not have the voting right (1) during the election of the ‘Leader of the House’, & ‘Speaker, (2) during no confidence motion against ‘leader of the house’, speaker and (3) while annual budget is placed for approval by the house. These three issues should remain the absolute domain of the members elected for the respective LGI. The representative members from lower tier can take part in all other activities such as, attending all normal sessions, even taking part in the deliberations of all sessions including budget session, entitle to vote on different issues as and when needed, can play role in SCs as members and members of other committees from time to time.
| 3.2. Role of MP | 3.2.1. The MP’s involvement in the matters of UZP, ZP and CCs may arise; the accommodation has to be made without any executive role. A well defined “Advisory” role has to be found for the MPs. The role played by the *Bhidan Sobha, Lok sobha and Rajjya Sobha* members in India in their respective ZPs and *Panchayat Somities* may be reviewed for drawing lessons. Special allocation for MPs from National budget should be utilized within the planned projects of any of the LGI of his/her choice. MP’s involvement during the LG plan should be legally accommodated in a transparent manner. |
| 4. Functional assignment of LG and issues of interfacing | 4.1. Interface between LGIs and Field Administration | 4.1.1. Functional overlaps between and amongst the LGIs and field administration have to be assessed and removed by assigning specific function and mandate to each level and unit by following the principles of subsidiarity. |
| | | 4.1.2. Sector-wise unbundling exercises have to be completed to assign functions according to the ability, appropriateness, accountability and efficiency of service delivery (figure-5), |
| | | 4.1.3. Assignment of function should also be followed by appropriate amount of fund and right level of functionary. |
| 5. LG Finance, intergovernmental transfers and Tax sharing | 5.1. Local Government Finance | 5.1.1. The allocation from national budget for LGIs under development and Non-development heads have to be formula based not to be done under thumb rule. In Annual as well as under multi-year budgetary framework, allocation has to be made on the basis of an acceptable general formula. |
The allocation needs to be enhanced up to 10% minimum from both (Development and Non-Development) instead of current allocation of less than 2%. By the end of 7th five year plan it should reach to 30% of the total budget.

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

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

5.2: National Taxation policy, LGI taxation and Tax sharing

5.2.1. The National Tax Policy and NBR in a comprehensive manner should consider the LGI taxation while calculating the total tax and non tax revenue of the country. Under the current system LGI Tax and revenue is not reflected in the national accounts and statistics of taxation.

5.2.2. It is expected that instead of separate tax schedule for each tier and unit a comprehensive ‘tax list’ for all LGIs should be prepared with clear indication for each of the tier and units so that they can collect the tax on specific item without the risk of double taxation on a particular item.

5.2.3. A comprehensive tax sharing formula has to be adopted in the National Tax Policy for sharing national tax revenue between national and local governments. It will enhance the direct accountability of government at both the levels to the tax payers.
5.2.4. Some of the tax and non-tax revenues as generated at the local level also justified to be shared with local authorities. For example, a certain percentage of electricity bills, telephone revenue, income taxes, road tax, corporate tax on industries, etc., need sharing, because these tax and non-tax revenues are either paid locally or the local people share the burden of the environmental hazards due to those activities,

5.2.5. Total taxes received at local levels by the LGIs have to be added in national accounts system while calculating per capita tax paid by the citizens in Bangladesh. The LGI tax paid by individuals and companies should also be reflected in the tax returns of those individual and companies.

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<thead>
<tr>
<th>6. Integration of national and local planning</th>
<th>6.1. Local Planning</th>
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</thead>
<tbody>
<tr>
<td>6.1.1. The 7th Five year plan should devote one full chapter on LGI level/local level Plan and how the local plan should incorporate and reflect the goals, objectives and strategies of the 7th five year plan and vision at the LGI levels.</td>
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<tr>
<td>6.1.2. The National Planning Commission should extend its arms up to districts for proper guidance and monitoring of plans at local levels, the Indian experience of DPC may be considered in this connection.</td>
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<tr>
<td>6.1.3. The data and information collected through the Bangladesh Bureau of Statistics (BBS) should be shared at the local levels for planning purposes at Union, Upazila and Districts and all government departments (Irrespective of retain and transferred departments) should be instructed to share</td>
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their departmental data with the corresponding LG units for planning purposes,

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

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

6.1.6. The National Planning Commission should be empowered to issue guidelines for local level plan and Cabinet Division may issue an order to all ministries and departments to comply the Planning Commission Guidelines.

6.1.7. While calculating GNP-GDP, the segregated method should be deployed to show the share and contributions of LGIs in GDP.

6.1.8. All national level socio- economic development Projects implemented locally have to be integrated with the local plan. Participation of LGIs in local components of the national projects should be ensured during the formulation of the projects at national level.

7. Reform in the Field Administration

7.1. N/A

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

7.1.2 The role, function and jurisdiction of all purpose general administration, regulatory department with specific assignment, developmental departments need detail analysis in view of the changed requirement. Many of the old departments may need to be amalgamated or integrated.
Other five important recommendations based on different sections of the study

1. Staffing of LGIs

The LGIs are suffering from the shortage of adequate staff for long, has been discussed in section-2 as well. In this sub-section we shall try to recommend few measures which may implemented as immediate or short-term, medium –term and long –term basis.

Immediate and short term measure

1.1: The staff and departments transferred to UP and UZP should immediately be complying. If 17 departments to UZP and 13 offices at UPs legally transferred are properly complied with, the staff problem will temporarily be solved and eased. The UPs need at least two more full time staff along with the Secretary. The legal provision as created for the Secretary in the upazila law can be restored. In addition, one Assistant Accounts officer as promised in the Upazila Law 2011 and a finance and Budget officer need to be posted.

Medium-term measures

1.2: The Village police and Ansar-VDP need to be integrated at the UP level. It may improve the crime watch and law and order situation at the unions. The ‘town police’ system need to be introduced instead of ‘community police’ in the pourashava and CCs. The police department may depute required officer from the department. The other forces will be recruited by the respective organizations.

1.3: In the Mean time, a committee may assess the manpower need of all the LGIs and formulate recommendations for consideration of the government.

Long-term measures

1.4: The LGIs from the UPs to the CCs desperately need professionally committed manpower for efficient discharge of their assigned duties. It is an accepted fact that the LGIs from CCs to UPs suffer from lack of adequate and efficient staff support for carrying out their technical, financial, service management and administrative responsibilities. To address the issue with renewed commitment, a long pending proposal to create a ‘Local Government Service’ may be reviewed.
afresh with a long –term vision of sustained professionalism at the LGI levels. The members of LG Service will have mobility within all the LGI units such as UP, UZP, ZP Municipality and CCs. The service may consist of few sub-group or sub-cadre such as engineering, medical, accounts and general backgrounds. Bangladesh Public Service Commission may be assigned.

2. Local Government Commission
   2.1: The Perspective plan recommended to have a full-fledged Local Government Commission (LGC). The LGC should be formed immediately to carry forward all other preparatory work recommended in the current study. In the mean time, Law commission can initiate some of the works. Later both the commissions will jointly accelerate the legal and institutional reform initiatives with profession efficiency.

3. Rural-urban interface in LGIs
   3.1: The existing multiple tiers and levels of LGIs do not seem necessary for healthy growth of accountable and efficient LGIs. Immediate abolition of rural – urban divide is not possible but a programme for interfacing in a gradual process is necessary.

4. Multi-donor Trust Fund
   4.1: Many donors are contributing hard foreign currency as well as technical inputs in many of the LG projects. Lessons learnt and many of the best practices are virtually lost after the expiry of the projects. The impacts of sporadic smaller projects also remain very limited and due to high operational cost replication or scale up of those experience suffer setback. Government in consultation with interested development partners can create a ‘multi-donor Trust fund’ through which bigger projects of more sustainable nature can be under taken and specially capacity development efforts could be addressed with more coverage, uniformity and sustainability. The experiences so far gained from ‘Bangladesh Municipal Development Fund (BMDF), HYSAWA, Climate fund, CHTDF and many other multi-donor projects can be drawn together in this regard.

5. Recommendation Extracted from other Previous Studies
5.1: Formulation of a ‘decentralization policy’ for bridging democratic deficit, bringing greater efficiency, economy and accountability in the field administrative units and LGIs with clear ‘fiscal decentralization’ in favor of LGIs,

5.2: Legal, institutional and electoral reform for uniform and balanced central-local relationship as well as local-local inter-relationship,

5.3: Gender mainstreaming remains a far cry within the LGIs in spite of one third reservations of seats for women is in practice for over a decade.

These three broad agenda have been further specified into the following action agenda:

5.4: Reintroduction of Zila Parishad with adequate power, clear role and specific functions following ‘subsidiarity principles’,

5.5: Implementation of legal provisions already incorporated in the existing Upazila and Union Parishad laws promulgated in 2009,

5.6: Dealing with non compliance of laws with stern action against the ministries and departments,

5.7: Providing adequate manpower to LGIs and having a clear personnel policy for LGIs preferably having a separate ‘LG Service cadre’ may be one of the options,

5.8: Addressing the administrative and fiscal issues in the proposed ‘decentralization policy’ with a clear balance between devolution and deconcentration,

5.9: Single person dominated LGIs have to be transformed into council or parishad led democratic system and current reservation of seats for women need to be mainstreamed from marginalized position. Instead of three additional seats, reservation of one third Wards in each election may be an option to be explored.

5.10: Gradually transforming ‘rural-urban divide’ among LGIs by attempting ‘rural-urban interface’ and ultimately establishing one uniform LG system as well as reduction of units and tiers in the arena of both field administration and LGIs,

5.11: Reviewing the indiscriminate creation of new municipalities within the jurisdiction of UZP and UP and initiate de-municipalisation in the areas where
conflicts and confrontation among UP, UZP, ZP and Municipalities are acute, at the same time creation of new UP and UZP also need to be stopped. Instead Urbanized UP and UZP should be transformed into functionally urban LG under a new interfacing scheme.

5.12: Extension of judicial services at Upazila level by establishing proper and full-fledged “courts” at upazila to create easy ‘access to justice’ for the poor and women,
Figure 15: Implementation matrix on investment and intervention

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Issue/Ahenda</th>
<th>Initiator</th>
<th>Partner</th>
<th>Professional Body(s)</th>
<th>Time Period</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Recommendations on Legal Framework- By repealing separate and isolated 9 laws for 8 LGIs, Integrated legal frameworks of LG (LGFL) for all LGIs need to be drafted for consideration of the Parliament.</td>
<td>PM Secretariat,LGD, M/O Law and Parliamentary affairs and Law Commission</td>
<td>Special Committees under the Law Commission/Parliamentary Standing Committees/Cabinet Division (reform unit)</td>
<td>UNDP/UNCDF/SDC/MJF and others can support the initiative</td>
<td>2015-2016</td>
<td>All LG election should be held under new law in 2016 onward. Detail analysis may be seen in section-4,</td>
</tr>
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| 2       | Reform in the Field Administration- There were no major reform and reorganization initiative at the field administration from Division to upazila. A committed reform intuitive is overdue to reduce overlap, rationalization of staff and departments and harmonization of functions with more focus. | Cabinet Division/PM Secretariat and Public Administration Division | A separate committee with academics and practitioners should work for six months and produce a report with greater consultation at all levels. | CSO, academics and DPs like UNDP and WB can assist | 2015-2016     | -Divisional level offices of all ministries and Division do not seem effective.  
-District and Upazila need more focus.  
-Many of old departments seem outlived their utility.  
-LGI-field administration interface need rethinking  
-Independence and professionalization of regulatory activities should not be |
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<th>3</th>
<th>Reform Agenda on Election</th>
<th>LGD, M/o Law and Election Commission/Law Commission</th>
<th>Law Commission with an extended body may work with the assistance from DPs</th>
<th>CSOs and LG associations can provide input</th>
<th>2015-2016</th>
<th>The new system will basically transform ‘Presidential system towards a parliamentary system. It will reduce cost of both, GOB and Candidates, reduce tension between MP and others as well as women will get a firm footing.</th>
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<td>4</td>
<td>Organizational Reforms at LGIs</td>
<td>LGD, M/o Law/PM secretariat, Cabinet Division, Parliamentary Standing Committees on Law and Local Government</td>
<td>MAB, BUPF, Councillor and member’s Associations, secretaries and municipal staff Associations</td>
<td>CSO/NGO/ DPs</td>
<td>2015-2016</td>
<td>Next election in all LGIs may be held under new law and it is also possible to hold UP, UZP, ZP, CC and Pourashava together on one single day</td>
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<td>5</td>
<td>Functional assignment of LG and issues of interfacing</td>
<td>Each and every ministry under supervision of Cabinet and Public Administration should initiate and LGD may</td>
<td>NGO, CSO, Field administration and all functional departments and service providers should participate</td>
<td>Support from DPs is needed. Specialized DPs can contribute in their specialized areas such as Unicef in primary</td>
<td>2016-2017</td>
<td>After policy, law election and organizational changes the unbundling exercises should begin</td>
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addressed. Unbundling of function in each service area need to done under the decentralization policy coordinate. A model exercise may be seen in the text. education, safe drinking water and sanitation, UNDP in governance and capacity development, WB in Infrastructure, etc.

| 6 | LG Finance and inter-governmental transfers  
- National tax policy should incorporate LGI taxation  
- Tax sharing formula should be devised  
- Instead of grants on ‘Thumb Rule formula based ‘inter governmental Transfer’ should be introduced | M/O finance, NBR, Internal resources Division, BBS, IMED and LGD may act as secretariat | UP, UZP, ZP, Pourashava and cc, WB, IMF, UNDP | 2016-2017 | This is crucial issue on financial solvency and quality service provision at the door step. The taxes locally paid and centrally collected and utilized should recognize the right of localities paying those taxes. To retain and sustain their tax paying capacity certain portion need to be invested there. |

| 7 | Integration of national and local planning  
- The local plans made at UP, UZP, ZP, Pourashava and CCs are not | Cabinet Division, M/O Planning, LGD will take lead and all other ministries should | Planning Commission and IMED | CSOs, NGOs and Private development and service providers | 2015-2017 | Policy will guide the Framework law, reduction of tier, LGI –field administration |
recognized at national planning system.
- Local Plan should share the objective, strategy and goals of national plan
- The local government functionaries should provide proper support and own the local economic and service development plans

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| 8 | **Staffing of LGIs**  
- Review the field level staff position of different department and their workload  
- Local Government service Cadre  
- Review the immediate basic need and address the issue | LGD/Finance and public administration  
Special cabinet committee  
Academic and practitioners should contribute | 2015  
Rationalization of staff and reduction of no of departments may be considered |

| 9 | **Capacity Development issues of LGI**  
Capacity Development beyond training  
-Multi-donor Trust Fund  
-Long-term Capacity development Framework | LGD,Finance,ERD and public Administration  
Multi-Donor Trust Fund  
Independent PIU/Organization in form of BMDF/Hysawa | 2015-2016  
Instead of isolated DP supported Project, An umbrella institution with donor support could be created. |

| 10 | Local governance,  
M/o CHTA, LGD,  
Law commission/land | NGO,CBO and | It is very difficult to |
| 11 | **Gender mainstreaming in LGIs**  
The change of existing election system to rotatory reserve ward system will ease the problem and help gender mainstreaming to a large extent. | LGD, M/O Law, M/o Women Affairs | LGC/Law Commission, Parliamentary Standing committees | NGO,CBO and DPs | 2015-2016 | Under the proposed electoral system women will get a definite constituency to represent without any overlap. |
| 12 | **Local Government Commission**  
-Local Government Commission is very helpful for the ministry (LGD) to get all the professional and specialized services.  
-It can also assist GOB in devising Transfer formula, tax sharing formula and PM Secretariat, LGD, cabinet, Standing committees of relevant ministries | PM Secretariat, LGD, cabinet, Standing committees of relevant ministries | DPs can financially support for initial activities | 2015-2016 | If the LGC is formed with appropriate TOR, they can complete all the ground work for action within a reasonable time |
| 13 | **Multi-donor Trust Fund Implementation** | M/o finance/ERD and LGD will act as secretariat or LGC if formed they can act as secretariat | All DPs should be requested to contribute | MJF, BMDF, Hysawa, Climate fund can share their experience | 2015-2016 | It may emerge as a new global model for LG support. |
| 14 | **Recommendation Extracted from Previous Studies** | An independent body like Local Government Commission (LGC)/Law Commission can examine the 5 issues enlisted | DPs such UNDP, SDC, Danida, USAID | Academics, CSOs, NGOs and DPs, | 2015 | There are 5 recommendations summarized from different studies. |
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