POST INDEPENDENCE DEVELOPMENT AND RE-STRUCTURING

Bangladesh came into existence in 1971 as an independent and sovereign state after a protracted struggle and a heavy blood-shed. In 1972, by the President’s Order No. 7, all the local councils and Municipalities descended from the period of Basic Democracies were dissolved on the ground that those bodies had lost their representative characters. And by the same order, administrators were appointed, as an interim arrangement, for the local self-governing bodies. In the same year, the new constitution of Bangladesh came into force in which the provision for establishing elected local bodies was made.\(^1\)

Since the independence of Bangladesh, there exists a three-tier system of local self-government.

\(^1\) President’s Order No. 7, 1972, Arts. 3(a) & 4. This Order was called *The Bangladesh Local Councils and Municipal Committees (Dissolution and Administration) Order, 1972.*

\(^2\) The Constitution of the People’s Republic of Bangladesh, 1972, Art. 59 (1).
instead of the four-tiered one of the Basic democracies period with an exception to a period of two years i.e., 1980-82, when a new tier at village level known as Gram Sarkar, was introduced. A number of changes have been brought in the nomenclature, composition and other aspects of the local bodies from time to time which will be elaborated at the following tier-wise discussion.

3.1 UNION LEVEL

The unit of local self-government exists at the union level is the lowest tier among the three-tier local self-governing institutions in Bangladesh. Since 1971, with the promulgation of different acts and ordinances, some changes have occurred in the structure, functions, financial administration, and even in the nomenclature of this tier. Taking into consideration, all these points, this section has been divided into the following phase-wise sub-sections.

3. 11 PHASE 1 (1971-76)

By the President's Order No. 7 of 1972, all the Union Councils of Pakistan period were dissolved and they
were renamed as Union Panchayats. By the same order, Union Agriculture Assistant, or where there is no Agricultural Assistant, the Tehsildar was made the Administrator of Union Panchayat. Later on, in 1973, President's Order No. 22 known as the Bangladesh Local Government (Union Parishad and Paurasabha) Order, 1973 was issued. By this Order, the nomenclature of Union Panchayat was changed and since then it was called Union Parishad. This Order made the provision of handing over the charge of administrator to the Chairman of Union Parishad.

**COMPOSITION**

Each union was divided into three wards and three members were to be elected from each ward. Thus, the Union Parishad consisted of nine members, one Chairman and one Vice-Chairman. All of them were to be elected on the basis of universal adult franchise. So, under this new

3. President's Order No. 7, Arts. 3 (c) & 4 (2).
4. President’s Order No. 22, Arts. 4 (a) & 5.

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arrangement, the creation of the post of Vice-Chairman was an innovation. The Chairman and Vice-Chairman were directly elected on the basis of universal adult franchise which raised the status of Union Parishad as a self-governing institution. The tenure of the Parishad was five years.  

Qualification and Disqualification

Any person was eligible to contest for the post of a member if his name was enlisted in the voter-list of the concerned ward. Persons who were twenty five years of age, whose name appeared in the electoral roll of any ward of the union concerned, was eligible to be elected as Chairman or Vice-Chairman of the Union Parishad.

Any person was disqualified for election, or being nominated as a member or Chairman or Vice-Chairman:

1) if he was declared by a competent court to be mentally unsound.

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6. Ibid., 5(2).
7. Ibid., 8(1).
8. Ibid., 8(2).
2) was an undischarged insolvent;

3) acquired the citizenship of, or affirmed or acknowledged allegiance to a foreign state;

4) convicted for a criminal offence involving moral turpitude, sentenced to imprisonment for a term of not less than two years, unless a period of five years had elapsed since his release;

5) convicted of any offence, under the Bangladesh Collaborators (special tribunals) Order, 1972(P.O. No.8 of 1972);

6) held any full time office of profit in the service of the Republic, or Public Statutory Corporation or local authority other than an office which was declared by law not to disqualify its holders;

7) was declared by notification to be disqualified for employment in Public Service;

8) was under contract for work or supply of goods to the Union Parishad concerned or had otherwise any pecuniary interest in its affairs or had been a dealer in essential commodities appointed by the government.
9) was disqualified for such election by or under any law.9

If any member, Chairman or Vice-Chairman was disqualified for the above-mentioned reasons, he was required to vacate his seat. No one could hold the office of member/Chairman or Vice-Chairman at a time.10 If a person was elected for more than one position, he could retain only one such position and had to resign from the rest within 21 days of his last election, otherwise all of his positions would fall vacant.

Resignation and Removal

Any member might resign by tendering his resignation to the Chairman of the Union Parishad and if he was a Chairman or Vice-Chairman of the Union Parishad, he might submit his resignation to such authority as appointed by the government. Every elected member, Chairman or Vice-Chairman had to take an oath before occupying his seat.

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9. President’s Order 22, Art. 9.
10. Ibid., Sec. 20 (1).
The member, Chairman or Vice-Chairman would render himself liable to removal from the office:
1) if he, without reasonable excuse, absented himself from three consecutive meetings of the Union Parishad of which he was the member, Chairman or Vice-Chairman;
2) was physically disabled to perform the scheduled duties or refused to perform his functions.
3) was guilty of misconduct or abuse of power in the discharge of duties as member, Chairman and Vice-Chairman or was responsible for any loss or misappropriation of any money or property of the Union Parishad.

The proposal of removal of a member, Chairman or Vice-Chairman of the Union Parishad was to be placed in the meeting of Union Parishad. When the resolution was passed by two-thirds of total number of members only then it would be effective.

If the seat of a member of Union Parishad fell vacant and the remaining period of tenure was not less than six months, a new member was to be elected in his place for such unexpired period. When the office of a Chairman or a Vice-Chairman fell vacant before the tenure and unexpired period was less than one-fifth of the total
period, the successor would be elected by the member, from amongst themselves.\textsuperscript{11}

The Chairman and members of Union Parishad had to take an oath of office administered by the Circle Officer or any other officer prescribed by the government.\textsuperscript{12}

Decision and Conduct of Business

Every matter was to be decided at the meeting of Union Parishad. Meetings were of two types: (a) ordinary, (b) special. Usually, meetings were held in the office of Union Parishad but with the permission of the controlling authority, (Sub-divisional Officer) it could be arranged at some other places. Ordinary meetings were to be held at least once in a month. The notification along with the agenda of the meeting was to be served at least one week before the meeting. A special meeting could be convened

\textsuperscript{11} Ibid., Secs. 12 (1) & 12(2).

\textsuperscript{12} Union Parishad and Thana Parishad (Oath of Office) Rules, 1977, BD. Gazette No. S.R.O / 7-2/77 /S-6/3R-1/77/34.
by the Chairman either on his own motion or requisition signed by not less than one-third of the total number of members. In case of special meeting, notice was to be served, at least twenty four hours before.

The presence of at least half of the total members was required for the quorum of ordinary and special meetings. The Chairman presided over the meeting of Union Parishad, in his absence, the Vice-Chairman chaired it and in the absence of both of them a member was chosen from amongst themselves. Decisions of Union Parishad were taken by a simple majority.

Union Parishad could appoint some committees, such as, Finance Committee, Works Committee, Agricultural Development Committee, Water-Supply and Epidemic Control Committee and Cottage Industry Committee etc. for better performance of works. A committee usually consisted of not more than one-third of the total number of Parishad members. No one could be member of more than two committees at the same time. Committees were constituted for one year but there was provision for reappointment.
The Parishad could also appoint some sub-committees for a certain period to fulfil a definite purpose. Union Parishad could offer membership of a committee to a non-member or outsider because of his expertise in any particular field but he did not have the right to vote. A committee or sub-committee could appoint one convenor, who presided over the meeting and in his absence any member could be chosen from amongst the members present to conduct the business.

In the Parishad, there was a post of secretary. He was the principle figure among the employees and was to be appointed by the controlling authority. A secretary could be a whole-time/part-time employee or an honorary worker. There were gradations in the secretaryship. Union Parishads having an average annual income of Taka 25,000 or more, could appoint secretary in grade I. Union Parishad whose average annual income was Taka 15,000 or more could appoint secretary in grade II and the Parishads having an average income less than Taka 15,000 could appoint secretary in grade III. Wholetime paid secretaries in grade I, grade II, grade III were allowed to draw a consolidated pay in the time-scale of Taka 125-10-225, 75-5-150 and 60-2-90 per month respectively.
The authority could appoint any official of a government department or local council as a part-time secretary of the Union Parishad in addition to his duties with the consent of the concerned head of the department and he was allowed to draw an allowance of not exceeding 50 per cent of the present pay as might be determined by the controlling authority. The authority might also appoint a member of the Union Parishad or any other qualified resident of the Union as the honorary secretary of the Union Parishad.

There was the provision of constituting Provident Fund (PF) for the employees of the Union Parishad. The Officer-in-Charge of account had to open and maintain accounts separately for each subscriber. The minimum monthly contribution towards PF was 6.25% of the salary. The Parishad was required to contribute equal amount to each Provident Fund contribution. Any PF contributor was entitled to draw from his account not exceeding the total amount of three month’s salary. It was to be reckoned in not more than 48 equal instalments.
FUNCTIONS

No definite and specific functions were formulated for Union Parishad in this phase (i.e., 71-76). This indicates that the functions of the Union Parishad were more or less the same as these were under Basic Democracies period. However, special stress was laid on the functions of Relief and Rehabilitation with a view to renovate war-ravaged situation immediately.

FINANCE

Budget

Budget or the annual financial statement was the principal aspect of financial administration of Union Parishad\(^{13}\). It had three parts viz., Current Account, Capital Account and Special Fund.

The Parishad had to place some important statement.

along with the budget. These were:

1) statement comprising the names of all regular employees, their salaries and the amount.
2) the required amount for the annual salary of the employees.
3) the statement about the amount received from the government for the performance of development work, the probable amount of incurred expenditure and the balances.
4) a detailed note on new items of expenditure proposed to be included in the budget for the first time.
5) a note regarding the variation in the estimate expenditure of current and next financial years.

The collector (Deputy Commissioner) did communicate the estimated income from local rate payable to the Union Parishad by first February of the year. After receiving that, the Union Parishad had to estimate the total income derived from rates, tolls and taxes. Then the estimate of expenditure was to be drawn up. If the expenditure exceeded the proposed income, the Union Parishad had to adjust it by imposing new taxes, rates, or reducing the expenditure. The procedure of passing the budget was similar to that of the Basic Democracies period.
i.e., it was to be considered and passed at a special meeting of the Parishad and submitted to the controlling authority.

Taxes, Rates, Tolls and Fees

The Union Parishad could levy taxes, rates, tolls, and fees on the following items:

1. Land and building taxes over their annual value.
2. Taxes on hearths,
3. Taxes on imported goods for consumption, use or sale in a local area.
4. Taxes on exported goods from a local area.
5. Taxes on profession, trade or calling.
6. Taxes on marriage and feasts.
7. Taxes on cinema, drama, theatre and other entertainment.
8. Taxes on animal.
9. Taxes on vehicles (other than motor vehicles) including cars, bicycle and boats.
10. Drainage rate.
11. Lighting rate.
12. Rate for the remuneration of police.
13. Rate for the execution of any work relating to public
utility.

15. Rate for the supply of water.
16. Fees for the erection or re-erection of the building.
17. Fees for the use of benefits derived from any works of public utility maintained by the Union Parishad.
18. Fees at the fair, agricultural, industrial exhibitions, tournaments and other public gathering.
19. Fees for market.
20. Fees for licenses, sanctions and permits granted by Union Parishad.
21. Fees for specific service rendered by a Union Parishad.
22. Fees for slaughtering animals.
23. A special community tax on the adult males.

The Union Parishad had to authorize persons to collect the taxes, rates, tolls and fees which were to be realized within a specified period. In exceptional cases, the authority could postpone the task of realization for six months on the ground of natural calamities or genuine financial hardship. The Parishad had the power to realize the arrear taxes too. It would display the list of the arrear and after fifteen days of such display, it would
proceed to recover the arrears, even by public auctioning the movable property of the concerned person. Apart from taxes, rates, tolls and fees, Union Parishad had other sources of income such as government grants, grants from the Zila Board, and if necessary it could take loans from the government and Zila Board.

Investment and Accounts

All the money collected was to be credited to the Union Fund and kept in a government treasury or in a bank transacting the business of a government treasury or in such other manner as might be specified by the government from time to time. Apart from normal transactions through cheques, the Chairman could also keep in his personal custody an amount of Tk. 200/- as imprest money. The Parishad could invest any surplus money or balances of the provident fund of the employees in the form of national savings certificate or fixed deposits with scheduled banks approved by the government.

All the accounts of the Parishad were to be maintained in proper registers and all corrections of entries were to be signed by the Chairman and clearly shown to be so. Similarly, a proper cash book was to be
maintained for various transactions for which the Chairman was requested to issue written orders and see that the expenditure did not exceed the budgeted amount.

Audit

The accounts of the Union Parishad were to be audited by the Circle Officer or any other person authorized by the government. The audit-authority had to submit a report on such audit to the controlling authority by 31st December. The copies of the report were sent to the Union Parishad and Zila Parishad concerned. During audit, the Chairman had to produce the cash-balance and accounts of the Parishad which was to be verified by the audit officer.

CENTRAL CONTROL

Government had a considerable control over all spheres of administration of the Union Parishad directly or indirectly. The election of the Union Parishad was conducted by the Sub-divisional Officer with the assistance of the Circle Officer. Approval of the controlling authority was essential in case of removal of
the Chairman, Vice-Chairman and members of the Parishad. Generally, the meetings of the Parishad were to be held in the office of the Parishad. But to hold the meeting at any other place, the prior consent of the controlling authority was required. All the decisions of the Parishad were to be communicated to the controlling authority within three days of taking the decision.

The controlling authority could exercise considerable influence regarding the appointments, powers and functions etc. of the secretary of the Union Parishad. The secretary had to perform his scheduled duties subject to the general supervision and control of the Chairman and the controlling authority. The authority might also appoint a part-time secretary.

In financial matters, the extent of central control was extreme. Budget passed at the special meeting of the Parishad had to be submitted to the controlling authority by the 1st June. If the Parishad failed to prepare it, the controlling authority could prepare the estimates and certify it; and such certified statement was deemed to be the sanctioned budget.

The commissioner was the financial authority of sanctioning the items of the taxes, rates and tolls. He was empowered to hear the cases of appeal and authorized to take decision.

The names of the Bank where money of the Parishad would be kept were determined by the government. The audit of the Parishad was performed by the Circle Officer or any other person appointed by the government.

After the post-independence re-organization of Union Parishads it was expected that the system of direct election of the Chairman would strengthen their base and inspired them to provide satisfactory and better service to the people, but the aspiration was not fulfilled. Most of the chairmen were not to achieve the supposed level of popularity by performing efficient and competent services. They were not serious about their job. A few among them regularly used to attend the Parishad meetings. In some cases, the level of unpopularity of the elected representatives reached to such an extreme that they were brutally killed. As a matter of fact, after the emergence of Bangladesh, their unusual death became a regular
phenomenon. Table 4 shows the number of Union *Parishad* functionaries killed since the beginning of 1974, till the end of 1976.

**TABLE - 4**

<table>
<thead>
<tr>
<th>Division</th>
<th>District Chairman</th>
<th>Vice-Chairman</th>
<th>Member</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dacca</td>
<td>Dacca</td>
<td>5</td>
<td>2</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>Faridpur</td>
<td>8</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Tangail</td>
<td>2</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Mymensing</td>
<td>7</td>
<td>1</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>22</td>
<td>6</td>
<td>11</td>
</tr>
<tr>
<td>Chittagong</td>
<td>Chittagong</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Chittagong H.T.</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Sylhet</td>
<td>0</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Noakhali</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Comilla</td>
<td>2</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>5</td>
<td>3</td>
<td>7</td>
</tr>
<tr>
<td>Khulna</td>
<td>Khulna</td>
<td>0</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Kushtia</td>
<td>6</td>
<td>2</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>Barisal</td>
<td>4</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Patuakhali</td>
<td>1</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Jessore</td>
<td>4</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>15</td>
<td>6</td>
<td>18</td>
</tr>
<tr>
<td>Rajshahi</td>
<td>Rajshahi</td>
<td>2</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Pabna</td>
<td>4</td>
<td>1</td>
<td>9</td>
</tr>
<tr>
<td></td>
<td>Bogra</td>
<td>3</td>
<td>1</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>Rangpur</td>
<td>8</td>
<td>1</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>Dinajpur</td>
<td>2</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>19</td>
<td>4</td>
<td>28</td>
</tr>
<tr>
<td><strong>GRAND TOTAL</strong></td>
<td></td>
<td><strong>61</strong></td>
<td><strong>19</strong></td>
<td><strong>74</strong></td>
</tr>
</tbody>
</table>

Thus, in a span of three years\(^{15}\) violent death of Union Parishad representatives reached to 154. This particular group which were becoming frequent targets of the assassins can not only be regarded as a phenomenon of political rivalry. It is generally believed that this was the outcome of rampant corruption, misdeeds, dishonesty, nepotism and favouritism.

The members of the different committees constituted for various development works were not sincere enough in discharging their duties. They, in most of the cases, failed to shoulder the task of examining and scrutinizing crucial problems.

Personnel administration also suffered from serious shortcomings. Pay of the staff was not attractive. Training facilities were inadequate. The efficiency and disciplinary rules were not properly enforced. Concerned persons belonging to the ruling party remained unpunished for any misconduct, dishonesty or breach of discipline.

\[^{15}\] The first general election of the Union Parishad in Bangladesh was held in 1973. The tenure of the Parishad was of five years. But after the promulgation of Local Government Ordinance, 1976, government again declared the date of second election(January 1977). Thus the Parishad was not in power till completion of its full term.
Sound finance is an important pre-requisite for efficient and smooth functioning of local bodies. But this system regrettably lacked that. There were a number of sources of income of the Parishad but the amount realized from these sources was very negligible. The following table shows the poor realizations of taxes, rates, and fees in three important Union Parishads (Chorwra, Kalirbazar and Bijoypur) during five years.

**TABLE - 5**

<table>
<thead>
<tr>
<th>Years</th>
<th>Total amount of taxes, rates and fees levied</th>
<th>Total amount of taxes, rates and fees collected</th>
<th>Percentage of Collection (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1970-71</td>
<td>57,510.00</td>
<td>18,428.95</td>
<td>32.04</td>
</tr>
<tr>
<td>1971-72</td>
<td>55,443.00</td>
<td>16,739.42</td>
<td>30.19</td>
</tr>
<tr>
<td>1972-73</td>
<td>63,021.00</td>
<td>15,127.68</td>
<td>24.00</td>
</tr>
<tr>
<td>1973-74</td>
<td>62,117.00</td>
<td>19,824.68</td>
<td>31.91</td>
</tr>
<tr>
<td>1974-75</td>
<td>67,677.00</td>
<td>21,097.66</td>
<td>31.17</td>
</tr>
</tbody>
</table>

The same picture prevailed throughout the country. This was mainly due to the fact that people affected by the liberation-war were not in a position to

pay taxes. And in many cases, those who are capable were not even willing to pay. The tax-collector failed to collect the amount or did not perform his work properly. He was not a salaried staff. His appointment was on commission basis. That is why, he was not serious about his duties. He had to do this task of collection only in addition to other professional works. Chairmen of the Union Parishads were also not willing to adopt drastic measure for the collection of arrear because of the fear of public criticism or losing popularity. They did not use their power of issuing warrant to distress inspite of heavy outstanding arrears. Table 6 would prove the above facts.

<table>
<thead>
<tr>
<th>Years</th>
<th>Number of warrants of distress issued by Union Parishad (Average No.)</th>
<th>Number of cases in which Union Parishad succeeded in arrears (Average No.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1970-71</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>1971-72</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>1972-73</td>
<td>22</td>
<td>22</td>
</tr>
<tr>
<td>1973-74</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>1974-75</td>
<td>3</td>
<td>3</td>
</tr>
</tbody>
</table>

The dependency of Union Parishad on the government grants increased to a considerable extent due to unsound financial condition of the post-liberation period. The war-ravaged economy of the whole country was passing through a severe economic crisis. However, in 1972, the government introduced a compensatory grant for providing the salary of the staff\textsuperscript{17} and purchase of essential articles of the Union Parishads. The amount considerably increased in preceding years. During 1974-75 the amount of government grant in the 'Increased Development Activities' sector was Tk. 3,764,000 and Tk 7,000,000 was in the sector of 'Compulsory Grant for Special Purpose'. But those were limited and inadequate for implementing large number of projects.\textsuperscript{18}

The instances of misuse or misappropriation of funds by the Chairman or members were largely found. To check this tendency, a new provision of submitting a

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\textsuperscript{17} Qadir et al., 'Government Grants to Local Bodies - a Case Study of Three Union Parishads', \textit{The Journal of Local Government}, Vol. 11, No. 1, p.39.

\textsuperscript{18} M.M.Alam, \textit{op. cit.}, p. 22.
declaration of movable and immovable assets of the concerned members and Chairman of the Union Parishad before assumption of office was made. It is also noteworthy that the banks were not liberal to extend loan-facilities for development works for the Parishads. The audit was improper and superficial. The Circle Officer, being the audit authority was not a specialist or an expert, and he did not have enough time to examine the financial matters thoroughly.

It is now apparent that the Union Parishads suffered because of three factors. First, the members including the Chairman were not efficient, second, enough funds were not available for developmental programmes and third even the meagre funds were not properly utilized.

3.12 PHASE II (1976-83)

The promulgation of the Local Government Ordinance, 1976, after the fall of the government of

Sheikh Mujibur Rahman was a very significant development in the history of local self-government in Bangladesh. Under this Ordinance, the number of tiers remained unchanged but some changes were cropped up in different aspects of local self-governing bodies. In the organization of Union Parishad, the following alterations and additions were made.

1. The post of Vice-President was abolished.
2. Provisions of nomination of two women and two peasant members were incorporated. They were nominated by the prescribed authority from amongst the peasants and women of the Union.\(^20\)
3. The disqualifying clause 9 (e) of the President's Order 22 was deleted.\(^21\)

\(^{20}\) The Local Government Ordinance, 1976, Part II, Chapter 1, Art. 5(3).

\(^{21}\) Clause 9(e) was as follows:

A person convicted of any offence under the Bangladesh Collaborations (Special Tribunals) Order, 1972 (President's Order No. 8 of 1972), would be disqualified for the election of member, Chairman and Vice-Chairman of the Union Parishad.

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A new feature of this period was the enhancement of remuneration to the Chairman, Tk. 300 per month, and introduction of remuneration of members of the Union Parishad, Tk. 100 per month.22 Previously a Chairman was getting Tk. 100 and members did not get any remuneration.

It also brought some important changes in respect of functions of the Union Parishad. Under the Basic Democracies Order, 1959, the number of functions was 37 while the new Ordinance increased them to 40 by adding three more.23

The framework of police and defence functions, though very important, was not altered under the new Ordinance of 1976 except some minor changes and continued

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23. The functions were:

1. Promotion of Family Planning.
2. Provision for management of environment.
like the Pakistan period. The only changes effect were as follows:

1. The salary of Chowkidars and Dafadars was increased from Tk. 70 to 120 and from Tk. 80 to 130 respectively.24
2. The entire expenditure of salary under the old system was met out of the fund of Union Parishad. The new Ordinance of 1976 made the government to share half of the burden.25

In financial administration, minor addition regarding the audit of Union Parishad fund was noticed under the Local Government Ordinance, 1976.26 Further, the Ordinance dropped one item on which the Parishad could levy taxes, rates, toll and fees.27

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26. The Audit Authority, after completion of Audit should mention in its report, the names of the persons who are directly or indirectly responsible for embezzlement, loss, waste, misapplication or irregularities.

27. The dropped item was as follows:

Taxes on lands not subject to local rate.
After liberation, the Local Government Ordinance, 1976 was the first attempt to cover comprehensively various aspects of rural local bodies in the country. It tried to overcome limitations and flaws remained in earlier President's Order No. 7 & 22. The Ordinance made a major break-through in the organization of local self-government.

Bangladesh is basically an agricultural country and 90% of its population is dependent on this sector. It was for the first time that the government felt the necessity of representation of agriculturists at this grass-root level unit of local self-government and accordingly, the 1976 Ordinance incorporated the provision of the nomination of two peasant members in the Union Parishad.

The other important development was the recognition of the place of women in development programmes at rural level by making the provisions for nomination of women in the Parishad. It is, of course, true that in pre-independence India, women were represented in limited form in local self-government.
organization but the Basic Democracies Order, 1958 completely ignored this important social segment. It provided for an all male-dominated institution. After the emergence of Bangladesh, no remarkable change was found in this respect. In 1973, one woman was elected as the Chairman of Union Parishad, but she was killed before the completion of her term. The inclusion of women members through nomination in the Union Parishad under the Local Government Ordinance, 1976 may, therefore, be regarded as a right step as women who comprised half of the total population, were hardly found representing in the Parishad.²⁹

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²⁸ Female representation in this sub-continent, probably was not found upto the year 1929. After 1930, one seat in each panchayat in Bombay was reserved. See Hugh Tinker, Foundation of Local Self-Government in India, Pakistan and Burma, p.198.

²⁹ Due to social backwardness woman could not come to local bodies through election. Thus, it is found that in the election of 1973, only one woman was elected as Chairperson and in the election of 1977, four women were elected as the Chair-persons of the Union Parishads, cf. Bilquis Ara Alam & Begum Roushan Ara, 'Violence and the Union Parishad Leadership -a Few Statistics', Local Government Quarterly, Vol. 8, pp. 38-51; Ministry of Local Government, Rural Development and Co-operatives, List of the Chairmen of Union Parishads, 1977 (B.G. Press,1978).
But in other fields, no remarkable change is found under the Ordinance of 1976. The area of operation of local self-government was slightly expanded and three more functions were added to its already long list of thirty-seven functions. Unfortunately, the Union *Parishad* was not vitalized by incorporating these welfare activities coupled with additional resources at its disposal. Whatever marginal increase of financial support government gave, instead of its utilization for development it was diverted to the payment of salaries of the functionaries. Before the promulgation of 1976 Ordinance, a Union *Parishad* spent Tk. 12,240 per annum for the honorarium and salary of its functionaries, whereas after the promulgation of the Act, the amount was increased to Tk. 46,800 due to enhancement of salaries.

The Ordinance of 1976 did not provide for any additional source of revenue. They remained static at 28 sources as provided under the *Basic Democracies Order, 1958*. Further, the revenues through taxation and rates were not realized in full because of abject poverty in rural areas and sometimes due to failure of tax-collecting mechanism to realize the outstanding dues.
Thus, it may be said out that the Ordinance of 1976 did not bring any vital change in this grass-root level organization barring some minor additions.

3.13 PHASE III (1982 – 88)

After coming to power, Ershad government seriously contemplated a thorough revision or reform of the existing local self-governing institutions. Some wide-ranging reforms in those institutions were envisaged and certain ordinances were promulgated for that end. Among a number of vital alterations, the most significant one was conversion of thana into upazila which has become the focal point of local administration. This will be discussed in detail in the next section. It is also to be pointed out that the sub-division as an administrative unit too was done away with under the new scheme. The geographical boundaries of districts were demarcated and all the sub-divisions were converted into districts and the total number of districts rose from 22 to 64.30

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The Ordinance, related to Union Parishad was known as the Local Government (Union Parishads) Ordinance, 1983, which has brought the following changes in it:

1. The number of female members under the new Ordinance was, for example, increased from two to three.\textsuperscript{31} The important part of it was that they were to be nominated by their respective Upazila Parishads from unions under their jurisdiction instead of being nominated by the Sub-divisional Officer whose office was abolished. In 1988, through another amendment this power of nomination was transferred from Upazila Parishad to Deputy Commissioner.\textsuperscript{32} Later on, an amendment on 30th May, 1989 made a departure. It provided nomination of women candidates to the Union Parishad directly by the government as per recommendation of the members of Parliament.\textsuperscript{33}

\textsuperscript{31} The Local Government (Union Parishads) Ordinance, 1983, Art. 5.


\textsuperscript{33} Local Government (Union Parishads) (Amendment) Bill, 1989.
2. The earlier Ordinance (1976) provided for two peasant members in the Union Parishad. The new Ordinance (1983) was silent on representation of peasants. This was yet another lacuna in the Ordinance.

On 20th December, 1983 the Local Government (Union Parishads) Ordinance, 1983 was amended, and in this amendment, a provision of nominated members for all the Union Parishads of the districts of Khagrachari, Bandarban and Rangamati was made. They would represent different sections of the local area and their number would not be more than three.34

4. There was another departure from the old Ordinance (1976) regarding the removal of Chairman and members of the Union Parishad. The old Ordinance provided for vote by two-third majority, whereas under the new one, vote by seven members was mandatory.35

5. A significant change is found in the tenure of the Union Parishad. The new Ordinance reduced its

34. Kamal Siddique, op. cit., pp. 48-49.
tenure from five to three years. But the President and Chief Martial Law Administrator declared in a conference of the Chairmen of Union Parishads, on 25th October, 1984 to again change the tenure from three to five years. But this has not yet been implemented and remained a pious hope.36

6. In respect of functions of the Union Parishad it is found that the Ordinance of 1983 omitted the following two functions of great importance and thereby reduced the number of functions from 40 to 38.
   a) Registration of birth, death and the maintenance of such vital statistics as may be prescribed.
   b) Promotion of Family Planning.

7. Union Parishad in 1983 was required to report all its decisions to respective Upazila or Thana Parishads37 as well as to the concerned Deputy Commissioner within fourteen days after the minutes of the meeting were


37. This is important that although Thana Parishads were abolished in phases and therefore some of them continued to function during the transitory period, hence, the provision.
approved.\textsuperscript{38} Earlier, under the \textit{Local Government Ordinance, 1976}, the report was to be submitted to the Sub-divisional Officer.

8. The Ordinance of 1976 has allowed Union Parishad and Zila Parishad to levy taxes, rates, tolls and fees over twenty eight items. The government specifically divided various items between the Union Parishad and Zila Parishad for this purpose. The division of items was shown by a single list for both the institutions. The new Ordinance (1983), however, announced separate lists and restricted the taxable items for Union Parishad to five (See Appendix 3).

9. The earlier Ordinance provided that the audit authority was to submit audit report to the prescribed authority (Sub-divisional Officer). But under the later one, the report was to be submitted to Upazila Parishad.\textsuperscript{39}

\textendnote{38}{The Local Government (Union Parishads) Ordinance, 1983, Art. 37(5).}
\textendnote{39}{Ibid., Art. 49.}
10. Similarly, the budget approving authority was the Sub-divisional Officer, while this power was transferred to Upazila Parishad under the new Ordinance.\textsuperscript{40}

These changes were necessitated mainly because of thoroughly changed administrative organization of conversion of the erstwhile thanas into upazilas and the sub-divisions into districts.

In financial matter, the condition of Union Parishad is too miserable. The Local Government Ordinance, 1983 curtailed the revenue sources and only five items remained under the jurisdiction of the Union Parishad, out of which only two items, i.e., Chowkidari rate and tax on household and land were strong sources of revenue, while collection from other sources were not regular. Moreover, a huge amount of taxes remained unrealized every year.

No satisfactory step has yet been taken for internal resource mobilization. Half of the total outstanding revenues of the Parishad remained unrealized

\textsuperscript{40} Ibid., Art. 47.
every year. In this connection, it may be mentioned that annual target of different categories of revenue-collection—taxes, rates, tolls etc. of the total Union Parishads of the country were Tk. 2,500 million out of which only Tk. 1,250 million were realized. Recently, the Ministry of Local Government, Rural Development and Cooperative (Local Government Division) issued a circular Proje-e-4/U.P-1/90/68(70) dated, 14.1.90 for taking necessary step to realize outstanding arrears of the Union Parishad. In this circular, the Deputy Commissioners have been asked to review regularly the targets and actual realization of the taxes in the monthly meeting. They have also been instructed to send a quarterly report to the Ministry concerned in this regard.

As the local self-governing institutions did not have a self-sufficient and stable revenue-generation process, the dependency on the central government grant

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41. The Ittefaq (a Bengali Daily), 1st May, 1982.
has increased to a great extent. This is not again a healthy sign for successful operation of local self-government. More financial dependence on central government weakens local self-government and curtails its initiative. 'The more the financial grants released, the less will be the possibility of discretion'.

Nevertheless, a complete departure from government grant is neither possible nor desirable because of the fact that an independent and self-sufficient local revenue base is a time-consuming process and an overnight reaching at this stage is almost an impossible task. Many developed western countries also depend largely on central government grant. Even local government in the United States receives a substantial amount from the centre which

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will be evident from the following table:

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<tr>
<th></th>
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<tbody>
<tr>
<td>Counties</td>
<td>37</td>
<td>44</td>
<td>37</td>
<td>37</td>
</tr>
<tr>
<td>Township</td>
<td>22</td>
<td>29</td>
<td>28</td>
<td>28</td>
</tr>
</tbody>
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Note: In the United States, counties would be most analogous to upazilas in Bangladesh, while townships would be closest to unions.

Table - 8 also shows that the local government in United Kingdom also generates 70 percent of its fund from the sources of rates and fees leaving the rest 30 percent to government grants.

**TABLE - 8**

<table>
<thead>
<tr>
<th>YEAR</th>
<th>INTERNALLY GENERATED FUNDS (%)</th>
<th>GRANTS (%)</th>
</tr>
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<tbody>
<tr>
<td>75-76</td>
<td>75.9</td>
<td>24.1</td>
</tr>
<tr>
<td>76-77</td>
<td>77.1</td>
<td>22.9</td>
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<td>77-78</td>
<td>77.0</td>
<td>23.0</td>
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<tr>
<td>78-79</td>
<td>78.1</td>
<td>21.9</td>
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<tr>
<td>81-82</td>
<td>79.0</td>
<td>21.0</td>
</tr>
<tr>
<td>82-83</td>
<td>77.5</td>
<td>22.5</td>
</tr>
<tr>
<td>83-84</td>
<td>75.8</td>
<td>24.2</td>
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</tbody>
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An inquiry committee or the vigilance team may be constituted to ascertain the cause of short-fall in realization of local revenues and pinpoint the defaulters, payer or the collectors, and also to suggest remedial
measures. This would also facilitate to determine the quantum of financial aid in future on the basis of the report of the committee. In a sense, it can boost up the financing of Union Parishad.

It is also desirable that a regular competent staff for tax collection under the Chairman or a member be provided to Union Parishad. The elective nature of the Parishad prevents its members from the onerous task of tax collection. They are unwilling to take the risk at the cost of their popularity. Interviews with some Union Parishad Chairmen shows that in spite of their best intentions to collect taxes, they turn their back in many cases due to personal relations or political reasons. An outside agency deputed by the government may not face such a problem. But again, the success depends largely on the attitude and co-operation of the people.

Another dimension of the matter is annual value-assessment of the property through which the estimated income from the taxable items in a fixed period can be calculated. A sound revenue-structure fully depends on the value-assessment policy. If the assessment is improper and weak, regular collection can hardly ensure sound and lump
sum amount for development work. Assessors often can not fairly and accurately assess in the absence of reliable records of ownership. The concerned persons may not be willing to disclose their actual assets in order to avoid heavy burden of tax. Tax evasion is a universal phenomenon and it can be overcome only through public awareness and articulation. This should also be followed by penalizing the defaulters.\textsuperscript{43} Assessment in regular interval is not done. In this respect, government can adopt possible measures by rewarding successful assessors and negative steps to penalize the negligent ones.

Another significant change effected by the Ordinance of 1983 mentioned earlier was the reduction of taxable items into 5. This lower rural unit was already short of resources and whatever it had, was further cut down. Moreover, under this new Ordinance, two important sources of revenue i.e., tax on profession and lease of \textit{hat}\textsuperscript{44} bazars were transferred to Upazila Parishad. These


\textsuperscript{44} The market which is usually held once or twice in a week is called 'hat'.
two sources constituted backbone of the Union Parishad and contributed 80% to its kitty.\(^\text{45}\) To avoid this financial insecurity of the Union Parishad a recommendation was made in a workshop on 'Problems of Union Parishads' held in 1986 to return hat-bazar to the Union Parishad.

However, the main thing to be considered here is not the number but vitality of the sources of revenue. Union Parishad ought to possess enough resources through which substantial amount could be raised for development work. The Taxation Inquiry Committee\(^\text{46}\) observed low rate of taxation as well as drawbacks of existing revenue mechanism and suggested increased taxes in rural sectors on affluent farmers who had the ability to pay. World Development Report, 1988\(^\text{45}\) also suggested enhancement of taxation for additional revenue generation process. But


the government is not in favour of this policy at the moment.47

Legal measures adopted by the central government for the collection of revenue as suggested by a number of the participants at the above-said workshop and some of the government officials, whom the researcher has interviewed, are not enough to eradicate the financial uncertainty. The desired thing here is the change of attitude. The success of local self-governing institutions depends largely upon spontaneity of citizen. People have to realize that taxation may appear to be a burden but its benefits, in the long-run, are enjoyed by all and a sense of sharing should be developed.

The general tendency of the people is to avoid paying local taxes because the benefits in return are not forthcoming. The local bodies have also to take it upon themselves to provide facilities which are legitimately to be provided. In the absence of such an approach the vicious circle shall continue. The elected representative have to more vigilant for this purpose.

3.2 THANA/UPAZILA LEVEL

The local self-government unit at this level is the intermediary tier among the three tiers of the local self-governing institutions of Bangladesh. Since independence, a number of changes have occurred in different aspects including nomenclature of this tier. All these developments will be recorded in the following phase-wise discussion.

3.21 PHASE 1 (1971-76)

In 1972, with the promulgation of the President's Order 7, the Thana Council was abolished along with other local bodies and a new 'Thana Development Committee' was created at thana level under the circular of the Ministry of Local Government, dated 28th April, 1972. Circle Officer was the administrator of the Committee. He was responsible to the Sub-divisional Officer in discharging his duties. Later on, President’s

Order No. 22 provided democratic provisions for Union Parishads and Paurasabhas (Municipalities). But it was silent about local self-government at thana level. Hence, during this period no remarkable development was found at this level.

3.22 PHASE II (1976-82)

The Local Government Ordinance, 1976 renamed the erstwhile 'Thana Development Committee' as Thana Parishad which, however, continued to include, elected as well as official members like the Pakistan period. The Chairman of Union Parishad also continued to be an ex-officio representative member of Thana Parishad as it was in the past. Further, certain government officials working in the thana area were made ex-officio official members of the Parishad. The Sub-divisional Officer and the Circle-Officer, as usual, held the office of Chairman and Vice-Chairman of the Parishad respectively.49

Thana Parishad, in the past, was required to co-ordinate all development-efforts within the thana. The only departure from the old system was that the functions of Thana Parishad were slightly extended. This was due to a substantive change in trend during the late seventies when the government laid greater emphasis on rural development, agriculture and co-operatives.

Thana Parishad did not have the power to impose or collect any tax. The government provided funds for establishment expenditure and development of the Parishad. Like other institutions of rural local self-government, Thana Parishad was not free from government control. All decisions taken by the Parishad, were to be reported to the prescribed authority within 14 days, from the date on which the minutes of the meeting were signed.\(^{50}\)

Its popular representation was not effective and official members were given more weightage, because of which the elected members virtually turned into unconcerned spectators or disinterested partners.

\(^{50}\) Ibid., Art. 41 (5), the Deputy Commissioner was the prescribed or controlling authority in case of Thana Parishad.
An interesting development, took place on 24th May, 1978 when the Ministry of Local Government and Rural Development by a circular, created a parallel body viz., 'Thana Development Committee'. This committee consisted of all the Chairmen of the Union Parishads under the thana, who were the ex-officio representatives of Thana Parishad, while three to eight members were to be co-opted, but their number could not exceed the total number of the Chairmen of Union Parishads. They had to elect one Chairman, one secretary and one treasurer from amongst themselves (i.e., from amongst the Chairmen of the Union Parishads). The functions of the Thana Parishad and the Thana Development Committee were demarcated.

The main purpose of creating this new body was to ensure greater participation and involvement of local level leaders in development process. The objectives could be laudable, but in practice, the Thana Development Committee, hardly enjoyed any independent power of its own because all of its plans and schemes were to be approved

by the *Thana Parishad*. This duplication of authority not only complicated but virtually hindered proper functioning of both the institutions. No proper home-work was done after introducing the new institution. Hence, the older one could suitably be amended and upgraded. However, the experiment miserably failed and ultimately Thana Development Committee was dissolved in November, 1982.

### 3.23 PHASE III (1982-88)

A thorough attempt of reform had been made after the government of General Ershad came into power in March, 1982. The motive behind the attempt was to remove the existing inadequacies of administration. For which decision was taken to reorganize the whole system and thereby taking the administration nearer to the people for the assurance of better services to them. With that aim a high-powered committee, viz., Committee of Administrative Reform/Reorganization, headed by the then Deputy Chief Martial Law Administrator and Navy Chief, Rear Admiral M. A. Khan, was constituted. The Committee visited a number of *thanases* of different districts of Bangladesh, and after discussing administrative problems with government officials serving at different levels, functionaries of
local bodies and local elites, submitted the draft report on May 22, 1982. It identified some major inadequacies in the existing system among which weak local self-government body was the most important one. The Committee noted the lack of popular participation in administration and was of the opinion that the meaningful and effective decentralization was the best solution. To ensure people's participation, the Committee strongly urged the national government to adopt and implement the following basic principles:

a) Elected local governments at various levels i.e., Zila, Thana (at present upazila) and Union should be endowed with effective authority.

b) They should be concurrently supported by a decentralized planning and budgetary system to enable them to plan and implement projects of local importance.

c) The national government should adhere to a policy of non-intervention in matters which are within the purview of local government.

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52. CARR Report, p. viii.
d) A number of dedicated and trained officials should be placed who can live among and work with local people and local representatives.\textsuperscript{53} As a major approach to vitalize the newly reorganized system, the Committee suggested that \textit{thana} should be made the basic unit of administration.\textsuperscript{54} After receiving the report of the Committee in June 1982, the government promptly started implementation of its recommendations. In August, 1982, National Implementation Committee for Administrative Reorganization/Reform (NICAR) was formed with that purpose headed by Rear Admiral Mahbub Ali Khan. The Committee decided phase-wise upgradation of \textit{thanas}.\textsuperscript{55}

On 23rd October, 1982, a resolution was passed by the Cabinet Division, by which, \textit{thana} was made the focal point of administrative activities at local level.


\textsuperscript{54} CARR Report, p. ii.

Practically this was to be the principal instrument through which the process of decentralization had been set-in motion. In the light of that resolution, the development functions has been divided into two categories, retained and transferred. Retained functions were concerned with the regulatory functions and major development activities of national and regional coverage (See Appendix-4).

The remaining subjects, i.e., the transferred subjects, included all development activities at local level and this was exclusively shifted to the Thana Parishad along with the services of the officials dealing with those subjects. These deputed officials were made fully accountable to the respective Thana Parishad. However, government and respective departments would regulate their appointments, transfers, discipline and remuneration.56

56. Cabinet Division’s Resolution No.DA-12 (26)/82, 449, dated, Dhaka, the 23rd October, 1982.
The officials concerned with retained subjects were also held responsible to the *Thana Parishad*. The first phase of upgradation started from November 7, 1982, covering 45 *Thanas*. The rest were gradually upgraded in 10 phases. (Appendix-5). In December, 1982 an ordinance was promulgated describing details of composition, powers and functions and all other aspects of Upgraded *Thana Parishad*.

The post of *Thana Nirbahi Officer* (TNO) was created, who was made the chief executive officer in the new set up of *thana* administration. It was also mentioned in the Ordinance that the TNO would discharge functions of the Chairman of the *Thana Parishad* until Chairman of the *Parishad* was elected.

57. They are answerable to the *Parishad* for their activities. The *Parishad* has also been empowered to arrange inspection of their office and report to the government.

In July, 1983 the Ordinance was amended. The Local Government (Thana Parishad and Thana Administration Reorganization, Second Amendment) Ordinance, 1983 inserted the term 'Upazila' replacing the word "Upgraded Thana". But it did not bring any change in the organization and functions of Upazila Parishad.

From the introduction of the upazila system upto the election of the Chairman of Upazila Parishad in May, 1985, Upazila Nirbahi Officer (UNO) was in charge of the Chairman of the Parishad and since then it has been running as a complete body consisting members of all categories.59

59. In 1990, another election of the Chairman of Upazila Parishad was held after the expiry of five year’s term.
The following discussion will deal with different aspects of the *Upazila Parishad*.

**ORGANIZATION**

*Upazila Parishad* consists of the following categories of members.

**Representative members**

All the Chairmen of *Union Parishads* would be the *ex-officio* 'representative members' of *Upazila Parishad*. They enjoy the right of voting for taking any decision in the meetings of the *Parishad*.

**Nominated members**

i) The provision of nomination of three women has been made in order to ascertain the representation of women in the *Upazila Parishad*.

ii) The Chairman of the *Upazila Central Co-operative Association* will also come in the category of nominated membership.

iii) One more person from the *upazila* area will also be nominated by the government.

The nominated members hold voting right in the meeting of the *Parishad*.
Official members

The holders of such offices as specified by the government will be the *ex-officio* official members. They do not possess voting right in the meeting of the *Parishad*.

CHAIRMAN

Chairman is the chief executive of *Upazila Parishad*. Government officials working at the *upazila* level are directly or indirectly accountable to him in discharging their duties. All executive powers of the *Parishad* are exercised through him.

Qualification for the Election of Chairman

A person should have the following qualifications to become elected for the post of Chairman of the *Upazila Parishad*.

a) He is a citizen of Bangladesh.
b) He has attained the age of twenty five years.
c) His name appears on the electoral roll of the *upazila*.
Declaration of Properties

Chairman of Upazila Parishad has to submit to the government, a list of movable or immovable properties, within or outside Bangladesh which he or any member of his family possesses.60

Resignation of the Chairman

A Chairman may submit his resignation in his own hand-writing addressed to the government.

Removal of Chairman

A Chairman may be rendered liable to removal from the office on the following grounds:

a) refusal or failure to perform his duties,
b) involvement in any activity pre-judicial to the interest of the Parishad or of the state,
c) physically or mentally unable to perform his functions, and
d) is guilty of misconduct or is responsible for any loss or misappropriation of money or property of the Parishad.

60. Members of the family means the spouse, children, parents, brother, sister who stay with the Chairman of the upazila and are dependent on him.
Functions of Upazila Chairman

The Chairman of the Upazila Parishad is responsible for conducting day to day administration. Supervision and control over the staff rests with him. The Annual Confidential Report of Upazila Nirbahi Officer will be initiated by him.

The Chairman has been entrusted with a lot of responsibilities with regard to development activities. He has to initiate formulation of policies in development matters, identify projects and schemes and ensure timely implementation, monitoring and evaluation of the schemes, co-ordination of development schemes etc.

Relief Works during natural calamities, famine and epidemics, promotion and organization of employment-generating activities including food production, agriculture as well as socio-cultural activities are his important duties. He is also responsible for proper administration of primary education and implementation of family planning programme.
TERM

The term of the Upazila Parishad will be a period of 5 years commencing from the day of its first meeting, presided by the newly elected Chairman.

CONDUCT OF BUSINESS OF UPAZILA PARISHAD

The business of the Upazila Parishad shall be disposed of at its meetings or at the meetings of its committees or by the Chairman or the Upazila Nirbahi Officer or any other officer or employee of the Parishad. All meetings are generally presided over by the Chairman and in his absence by any member chosen from among themselves.

Quorum

Quorum of the Parishad will be constituted by at least one half of the total number of representative members.

Committees and Sub-Committees

Upazila Parishad may appoint committees and sub-committees consisting of such number of members and co-opted members as it deems fit to assist in the performance of its functions.
Meetings

All business of the Upazila Parishad are to be disposed of either in ordinary or special meetings. Ordinary meetings will held at least once in a month to be called by the Chairman or in his absence by the Upazila Nirbahi Officer. Special meetings of the Parishad may be called by the Chairman at his own discretion or on the requisition signed by not less than one third of the total representative members. The meetings may also be called by Upazila Nirbahi Officer in the absence of the Chairman of the Parishad.61

FUNCTIONS

The area and scope of Upazila Parishad have extended widely as the government consciously made it focal point of rural development. The functions of the Upazila Parishad may be categorized in the following heads.

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Functions Relating to Development Plan and Implementation of Government Policies and Programmes

*Upazila Parishad* is solely responsible for all development activities at *upazila* level, formulation and implementation of development plans and programmes, their monitoring and evaluation etc. It has to prepare development plans on the basis of Union Development Plan and implement the policies and programmes of government.

Welfare Activities

*Upazila Parishad* launches various development activities like promotion of health schemes, family planning and family welfare, management of environment, promotion of socio-cultural activities, promotion and encouragement of employment generating activities, promotion of co-operative movement in the *upazila*, planning and execution of all rural public works programmes, promotion of agricultural activities for maximizing production, promotion of education and
vocational activities, promotion of livestock, fisheries and forest. 62

Supervisory and Co-ordinating Functions

The Parishad has to supervise, control and co-ordinate functions of officers serving in the upazila except the Munsifs, Magistrates and officers engaged in regulatory functions.

Miscellaneous

Upazila Parishad imparts training to the Chairman, members and secretaries of Union Parishad. Further, the Upazila Parishad has to assist Zila Parishad in development activities. Government may also specify from time to time additional functions to the Parishad. 63

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62. The Local Government (Upazila Parishad and Upazila Administration Re-organization) Ordinance, 1982, the Second Schedule, Arts. 4, 5, 9, 10, 12, 14, 15, 16, & 17.

63. Ibid., Arts. 3, & 6.
FINANCE

The present financial management of Upazila Parishad is different from the previous one. A number of new practices have been adopted under the newly decentralized upazila system which were not existing under the Thana Parishad. The measures are, to some extent, complicated but elaborate.

The existence of new account offices (Upazila Accounts Office and Upazila Parishad Accounts Office) at upazila level is one such instance. Earlier, no organized financial set up was provided within the thana. But now the two above-mentioned offices maintain the finance and accounts of upazila. The Upazila Accounts Officer, mainly deals with maintaining the accounts of retained subjects while the other officers concerned with various government grants, revenue, income, pay and allowances of the officer and staff etc.

Finance of Upazila Parishad is mainly derived from two sources, government grants and own income.
Government Grants

Government grants constitute the major source of the fund of *Upazila Parishad*. The *Parishad* has been provided with large amount of government grant out of its budget since its inception. The erstwhile *Thana Parishad* was more or less deprived of it. *Thana* grants were too inadequate to meet the basic requirements. There are four categories of government grants for *Upazila Parishad*.

1) Grants from the revenue budget of the central government for payment of salary, allowance and contingency expenditures of the officers and staff deputed to the *Parishad*.

2) Grants made out of Annual Development budget of the government for financing development activities of the *Upazila Parishad*. This is known as Development Assistance Fund.

3) Grants made by the central government agencies for execution of divisible components of centrally administered projects.
4) Periodical funds on functional contingencies provided by the concerned Ministry of the Government "in respect of specialized services" rendered by the Upazila Parishad e.g., health, family planning.

All the funds directly come to Upazila Parishad, and are maintained into four separate Personal Ledger (PL) Accounts, i.e., PL Account (Revenue), PL Account (Development Assistance Grant), PL Account (Divisible Component), PL Account (Functional Contingency).\(^64\) The treasury possesses full control over the disbursement. Payment is made in a definite process only when funds are available under the concerned PL Account. The advantage of this mechanism is that government may remain aware of its financial position. This aspect did not exist in past when Thana Parishad could submit necessary bills for pay and allowances which the treasury normally would not refuse.\(^65\)

\(^64\) Memorandum CD/DA-II (33A)/85-185(10000) dated 21st May, 1985, issued by Cabinet Division.

Own Income

*Upazila Parishad* is empowered to levy taxes, rates, tolls and fees on the following eight items with prior approval of the government\textsuperscript{66}, which the *Thana Parishad* did not enjoy. These are:

1. Lease money on *Jalmahals*\textsuperscript{67} situated entirely within the boundaries.
2. Taxes on profession, trades and callings.
3. Taxes on dramatic and theatrical shows and other entertainment and amusement.
4. Street Lighting Tax.
5. Fees for fairs, agricultural and industrial shows and exhibitions and tournaments.
6. Fees for licences and permits granted by the Parishad.
7. Tolls on services and facilities maintained by the Parishad.

\textsuperscript{66} The *Local Government (Upazila Parishad and Upazila Administration Reorganization) Ordinance, 1982* (Ordinance. No. LIX of 1982), Third Schedule and Section 45.

\textsuperscript{67} Water bodies used as Fisheries is known as *Jalmahals.*
8. Lease money from specified hats, bazars and ferries to be determined by the government.

It is important to mention here that all the eight items do not yield substantial revenue to Upazila Parishad. It has been observed that lease-money of hats and bazars is more or less an effective source of income.\textsuperscript{68} Besides, funds coming from jalmahal is not upto the mark.\textsuperscript{69} Upazila Parishad is empowered to collect lease-money only from such jalmahals which are exceeding two acres but less than 20 acres. But their numbers are limited. Certain upazilas are fortunate to have this source. Income from taxes on dramatical show and fees from fair does not yield sufficient and regular revenue as the Upazila Parishad itself sometimes may discourage them to avoid the possibility of anti-social activities.

\textsuperscript{68} But this too is not satisfactory. This fact was revealed in an informal discussion with some ex-officio representative members of some Upazila Parishads of Rangpur and Dinajpur districts.

\textsuperscript{69} Fisheries Officer of Daudkandi upazila holds this view.
Management of street lighting falls purely under the function of Union Parishad and hence Upazila Parishad will not be able to collect from this source directly. Sale proceeds of tender documents and rent from residential properties vested in the Parishad yields some income.

However, the internal resource mobilization picture is far from satisfactory. This problem and the way to overcome this will be discussed at the end of the next chapter.

Budget

Upazila Parishad is required to prepare and submit an annual budget showing its estimated income and expenditure for coming financial year. That budget shall be considered and sanctioned at a special meeting of the Upazila Parishad by the thirtieth June preceding the financial year to which budget relates. The Parishad

forwards a copy of the budget directly to the government and another copy to Deputy Commissioner of the district concerned.

If the budget is not prepared and sanctioned by the Upazila Parishad by the scheduled date, the government or such authority as may be specified by the government, may prepare and sanction it. And that will be deemed to be the budget of the Parishad for that year.71

The main noticeable feature in budgetary mechanism is that Upazila Parishad is directly competent enough to sanction the budget and does not require approval from any higher authority. This is a considerable departure from past practice when budget was a consolidated amount of salaries.

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CENTRAL CONTROL

The competence of *Upazila Parishad* in approving the budget and its autonomy from the dominance of the erstwhile mechanism of 'Prescribed Authority' or 'Controlling Authority' makes it abundantly clear that the *Parishad* is stronger and more or less the final authority in determining its own affairs than ever before.

However, a careful analysis of the *Local Government (Upazila Parishad and Upazila Administration Reorganization) Ordinance* shows that the central government has still retained some checks over the affair of *Upazila Parishad*. The extent of central check can be gauged from its authority to quash the proceeding and suspend the execution of resolution adopted by the *Parishad*, if anything done by the *Parishad*, not in conformity with law or inconsistent with the national policy. The government also can conduct a *suo-moto* inquiry into a particular matter generally concerning the *Parishad* and on the basis of that inquiry the *Parishad* can be superseded.\(^2\)

\(^2\) The *Local Government (Upazila Parishad and Upazila Administration Reorganization) Ordinance*, Secs. 50, 51, & 52.
A noticeable and interesting feature of central control is noteworthy in respect of appointment, transfer, promotion, discipline and remuneration of the officials under transferred subjects. These officials have been placed at the disposal of Upazila Parishad but central government retains the final authority to determine those conditions of service etc. to whom they are ultimately answerable.

From the foregoing discussion, it appears that the upazila system is an attempt to bridge the gap between bureaucracy and democracy at the upazila level. It aims at promoting the essence of democracy by reducing the dominant position of bureaucracy. The Upazila Parishad has been considerably freed from the bureaucratic control, by giving weightage to its representative members over the official members. The new system has created sufficient scope for utilizing efficiency and service of the bureaucrats by deputing them under the service of the Upazila Parishad. And they are made accountable to the Parishad for the activities. The Chairman of the Upazila Parishad holds his office through popular mandate. In discharging duties, he is assisted by the Upazila Nirbahi
Officer and other upazila level officials dealing with different subjects. These officials are also accountable to the Parishad. "This answerability and accountability ensures institutional supremacy of Upazila Parishad".73

Huge grants for Upazila Parishad in comparison to the previous Thana Parishad indicate another improvement in the matter of finance. The institution now enjoys greater autonomy than any other self-governing body ever before.

The system has been widely appreciated from all quarters national and international. The World Bank Document (1984) stated that it "... provides scope for participation by upgrading staff at Upazila; it provides for improved technical capacity and service to people by making elected Chairman the chief executive and making staff of all line ministries responsible to him, it tends to ensure inter-departmental co-ordination; by posting senior officials at the Upazila, it expects improvement in administration and management, and by putting resources at their disposal, it enables local government to plan and

73. Mohammad Faizullah, op. cit., p.74.
implement projects of local importance and interest".74

The process of improvement in any institution can never be completed. The Upazila too, is not an exception. It also suffers from certain deficiencies which will be discussed at appropriate place.

3.3 DISTRICT LEVEL

During the later phase of Pakistan period (Basic Democracies period) District Council was the most important tier amongst the four-tier system of local self-government. After the liberation of Bangladesh the unit of local self-government at this level has been placed at the apex of the local self-governing bodies. The top tier of Basic Democracies period, i.e., Divisional Council, no more exists in independent Bangladesh, though division as an administrative unit is still there. Since 1971, a number of changes and developments, like the other local self-governing bodies, have emerged at this district level unit of local self-government. These will be discussed in details in the following sub-sections.

3.31 PHASE-1 (1971-76)

The immediate development of District Council in post-independence era is its abolition like other local self-governing bodies of the Basic Democracies period. Later on, this institution was revived with certain modifications in it, and was renamed as Zila Board by a circular of the concerned Ministry. But surprisingly it was not constituted as a democratic institution and there was no provision of elected members. The Deputy Commissioner was appointed as the administrator of the Board. Similarly, the Secretary was a government official who was its executive officer and worked in consultation with the Deputy Commissioner.

The District Council, during the Pakistan era, was given the charge of three major departments viz.,

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Public Health, Public Works and Education. In 1973, a significant change was introduced. 77

The government took over the department of Public Health while the other two departments were transferred to the District Engineer and Education Officer respectively. Of course, no vital change about the terms and conditions of services and financial administration of the Board was introduced. It is important to note that the Board was not abolished but was divested of all powers. It was reduced to be a 'skeleton without soul'.

In 1975, a radical political change was introduced through fourth amendment of the Constitution which introduced Presidential form of government based on a single party system. The amendment deleted the articles relating to elected local self-government system and proposed for the implementation of a new district

administrative system. The purpose of the newly-created administrative scheme, as it was claimed, was "to provide for better administration in the district". The district administration was placed under the direct control of the District Governor who was appointed by the President. Every citizen of 25 years of age, who was either a member of the Parliament or belonging to the ruling party was eligible for the post. The District Governor was accountable to the President only and his tenure of office depended at his pleasure. His power was more or less similar to that of Deputy Commissioner.

The then government planned to introduce that system from 1st September 1975 but the military coup in August, 1975, overthrew the government and the scheme remained unimplemented.

3.32 PHASE-II (1976-88)

The new government felt the necessity of bringing certain reforms in the local self-governing

78. The decision was taken by the President at the Central Committee meeting of BAKSAL in May 19, 1975, Bangladesh Times, July 19, 1975.

institutions, and accordingly the *Local Self-Government Ordinance, 1976* was promulgated. This Ordinance brought certain important changes in the structure, functions and even in the nomenclature of local self-government at the district level. By this Ordinance, the *Zila* Board was renamed as *Zila Parishad*.

The *Parishad* consisted of three types of members:

1. Elected Members: The elected members of *Zila Parishad* were to be elected directly on the basis of universal adult franchise.
2. Official Members: The holders of such offices as might be specified by the government would be *ex-officio* official members of the *Zila Parishad*.
3. Women Members: The women members were to be nominated by the prescribed authority from amongst the women of the concerning district. 80

The total number of elected members were not to be less than the total number of official and women

80. *The Local Government Ordinance, 1976, Part 11, Chapters I & 7(2), (3), (4).*
members together, while the total number of women members were not to exceed one-tenth of the total number of elected and official members. A Chairman and a Vice-Chairman were also to be elected from amongst the elected members and the women members. The tenure of the Parishad was 5 years. 81

The Ordinance of 1976 ensured universal adult franchise to some extent for the election of member of Zila Parishad. One noticeable development here is that the principle of universal adult franchise was introduced to the Zila Parishad for the first time in Bangladesh. Similarly, to ensure the representation of womenfolk, the important segment of the total population, the provision for their nomination was made. This is, of course, an unique development.

Public representatives were given greater weightage under the Ordinance, in comparison to bureaucracy. But unfortunately, no election of Zila Parishad under the Ordinance of 1976 was ever held. And so

81. Ibid. 7(1) & 8(1).
Zila Parishad continued to be an institution of *ex-officio* and nominated women members.

In other words, it was a purely government institution which lacked co-operation or participation of the people. This apex rural body was controlled by the government to a great extent, thus devaluing its democratic content. The Zila Parishad during this period, in no way, possessed the character of local self-government. 82

FUNCTIONS

Zila Parishad was vested with wide ranging functions categorized as 'compulsory' and 'optional'. Further, the Parishad had also to perform certain co-ordinative functions. Section 58 of the Ordinance '76 empowered Zila Parishad to prepare and implement development plans. All these functions were similar to those of District Council under the Basic Democracies

system\textsuperscript{83} which in turn were based on the function of previous District Board of the British period mentioned in Part III, Chapter 1 of the \textit{Bengal Local Self-Government Act, 1885}, with some minor changes here and there.

But in practice, \textit{Zila Parishad} was greatly handicapped and could perform a very small part of its functions due to severe shortage of funds. Its main concern was the construction of roads and buildings.

Moreover, because of non-representative character, it could not get the required co-operation of the people. The \textit{Parishad} acted like any other government agency and the people were also apathetic towards it. This was further, accentuated due to lack of the adequate financial resources and mobilization of funds. The organization also lacked technical support in implementing various projects.

\textsuperscript{83} For the functions of \textit{Zila Parishad} under the \textit{Local Government Ordinance, 1976}, See Appendix-6.
FINANCE

The revenues of Zila Parishad came from taxes, rates, tolls and fees as specified in the Fourth Schedule of the Local Government Ordinance, 1976. The list contained as many as 28 items (13 taxes, 6 rates, 8 fees and 1 toll)\(^84\) and it was almost similar to the Basic Democracies era excepting one.\(^85\) However, the own fund of Zila Parishad came mainly from immovable property transfer tax\(^86\) and the Parishad also received government loans and grants for development projects.

_Zila Parishad_ continued to be a non-representative body as it was during the first phase of Bangladesh period (i.e., 1971-76) and to speak the truth it

\(^84\) The list under the Fourth schedule of Local Govt. Ordinance '76 includes the items which might be levied by Union Parishad and Zila Parishad. Zila Parishad with the previous sanction of the government and Union Parishad with the prior sanction of Deputy Commissioner might levy tax, rate, toll or fee or any other items mentioned in the list.

\(^85\) Tax on land was not subject of local rate.

\(^86\) It is a levy of 1% to the value of land and permanent structures sold within the area of Zila Parishad.
was not more than a central government agency. Because of its undemocratic character, it could not get required cooperation of the people.

In early 1980, during the Zia regime, the government introduced the post of District Development Coordinator (DDC), who happened to be the local member of Parliament belonging to the ruling party, and he was mainly concerned with the development activities of the district. He was supposed to co-ordinate the implementation of development schemes of the district. The District Development Co-ordinator (DDC) was given the status of a Deputy Minister, and worked under the direct control of the President.

But this scheme was hardly intended to be a democratic one as the DDC was not accountable to any one except the President. However in 1982, with the change of government, this scheme was abrogated.

The next distinguishable period in the field of administration and local self-government started in 1982, when H.M. Ershad assumed power. The administrative
decentralization scheme was indeed a bold step of the government. The committee constituted for this purpose, i.e., Committee for Administrative Reform/Reorganization (CARR), recommended for the abolition of existing subdivisions and creation of new districts in their place. The Committee proposed for a directly elected Zila Parishad Chairman. As an alternative arrangement, it also suggested that elected members of Union Parishad and Thana Parishad members may elect the Chairman of Zila Parishad.88

Later on, in 1984, National Implementation Committee for Administrative Reorganization/Reform (NICAR) in pursuance of the Committee for Administrative Reform/Reorganization (CARR) upgraded the existing subdivisions into districts. Thus, the number of districts rose from 22 to 64.89


88. Ibid., chapter 5.5, p.150.

89. Before 1947, there were 17 districts in all. Three more districts viz., Kushtia, Patuakhali, and Tangail were created during Pakistan era. After liberation, two more districts viz., Jamalpur and Bandarban were created.
Zila Parishads were already existing in old 22 districts. But the crux of the problem was the establishment of Zila Parishad in the newly created district. From early 1984 to May 1985, Local Government Department (LGD) submitted to NICAR a series of proposal for establishing Zila Parishad in the newly created districts but no concrete decision was arrived at. Later, the NICAR decided that the existing Zila Parishad should remain in under 'suspended animation' till the President of Bangladesh settled the matter, after discussing various aspects of the issue with relevant agencies. It was decided that the salaries and allowances of Zila Parishad functionaries would be continued by Local Government Department (LGD). The construction and maintenance of roads and highways which was the main function of the Zila Parishad was transferred the to the Upazila Parishad and the expenses were to be met out of its (upazila) revenue budget and Development funds. However, the maintenance of Dukbunglow continued to be the responsibility of Zila Parishad.

On 30th November, 1985 a workshop on the "Future of Zila Parishad" was held at the National Institute of Local Government, where the participants observed that Zila Parishad had become redundant because of over emphasis on Upazila Parishad. To determine the future course of Zila Parishad there were divergent views at the workshop. Some advocated emphatically the revival of Zila Parishad to its pristine position while, others advised its abolition.\(^\text{91}\) The workshop, in fact, failed to offer any viable and concrete suggestion. Ultimately, a high level meeting chaired by President Ershad was held on 4th November 1986 and the decision of reconstitution of Zila Parishad was recommended.\(^\text{92}\)

The President directed the NICAR to determine the future structure, charter of duties and responsibilities of the reorganized Zila Parishad. Accordingly, the NICAR formulated its proposals and

\(^\text{91}\) Proceeding of the Workshop on the 'Future of Zila Parishad' (Bengali), held in NILG, Dhaka, November 30, 1985.

\(^\text{92}\) The Bangladesh Observer (an English daily), November 11, 1986.
approved a draft bill, thereafter the Local Government Amendment Bill, 1987, was passed on July 12, 1987. The most unusual feature of this bill, was that the armed forces were also given representation in Zila Parishad. The ruling party thought the necessity of the representation of army so that its participation might be helpful to Zila Parishad in implementing its various development activities. The argument was that in a country like Bangladesh with a quite scarce resources, the role of army should not be restricted to the protection of frontiers but the expertise of such an organized and disciplined force should be utilized for diverse facets of national development also. The opposition parties strongly challenged the inclusion of army in the Zila Parishad. While the bill was passed, most of the opposition members of the Parliament staged walk out in protest. That, to them, would drag the army into politics. And subsequently the opposition parties started mobilizing people against the bill that ultimately turned into a mass-movement. Taking into consideration the popular upsurge against the bill, the President referred it back to the Parliament for a review on 2.8.1987. However, the third Parliament which passed the Local Government (Zila Parishad) Amendment
Bill, 1987 was dissolved in December 1987. Hence the bill alongwith other pending business lost in oblivion.

The new Parliament was elected in March, 1988, and the Local Government (Zila Parishad) Bill was placed in its first session with certain modifications. The controversial issue, i.e., inclusion of army representative in the Zila Parishad was dropped from it.

On 9th May, 1988, the Local Government (Zila Parishad) Act was passed in the Parliament. This Act includes four categories of membership viz., (1) Representative members (2) Nominated members (3) Women members and (4) Ex-officio members.

All the members of the Parliament of the district, the Chairmen of Upazila Parishads and Paurashavas (Municipalities) constitute the representative members of Zila Parishad. Nominated members and women members are to be nominated by the government from amongst the male and female residents of the district and their total number is not to exceed the number of representative members of the Parishad. Deputy Commissioner of the district and certain
other government officials working in the district are the ex-officio members of Zila Parishad. The ex-officio members do not have the voting right in the meeting of the Parishad.

Zila Parishad is to have a Chairman appointed by the government for a period of three years. The government can remove him at any time without assigning any reason.93

In pursuance of this Act, 61 Chairmen were appointed for 61 Zila Parishads and appointees were deemed to be members of the Parliament. They took their oath of office on 19.8.1988,94 and held the rank of Deputy Minister. The Chairmen for the remaining hill-tract districts were not appointed as the government had yet to decide what would be the process of their election.

However, later, a separate enactment was made on the 31st May 1989 for three hill-tract districts viz., Khagrachari, Rangamati and Bandarban which are known as


94. The Dainik Bangla (a Bengali daily published from Dhaka), 19.9.88.
the Khagrachari Hill District Local Government Council (Amendment) Bill, 1989, the Rangamati Hill District Local Government Council (Amendment) Bill 1989 and the Bandarban Hill District Local Government Council (Amendment) Bill 1989, respectively. The composition of these councils are different from the Zila Parishad. Each hill district council is supposed to have 30 members headed by a Chairman. Most of the members of the councils are tribal representatives.

Election to the Hill Tract District Councils were held on 25th June, 1989.\textsuperscript{95} The most interesting point is that the provision of a fully elected local self-governing body for each of the three hill districts have been made, whereas the rest 61 districts of the country do not have such provision.

Though the Act has made the provision of a Chairman appointed by the government yet in actual practice, all the 61 Zila Parishad Chairmen were appointed from amongst the members of the Parliament. If the set up

\textsuperscript{95} The \textit{Bangladesh Times} (an English daily), 25.6.89.

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of Zila Parishad is analyzed, it has been found that since the liberation of Bangladesh till 1988 it was exclusively a government-controlled institution. Although, the Local Government Ordinance, 1976 made the provision for the elected Chairman, Vice-Chairman and members, such a composition never came into existence.

The formation of Zila Parishad under the Act of 1988 cannot be regarded as a fully democratic institution. The provision of an appointed Chairman and his removal without assigning any reason is by itself an undemocratic provision. It is worthwhile to mention that the Chairmen of some Zila Parishads were unceremoniously removed in 1990. Among its different categories of members only one category is elected i.e., the representative members (members of Parliament, and Chairmen of Upazila Parishads and Paurashavas).

To make Zila Parishad more democratic, it should have an elected Chairman and the provision of nominated members (barring nominated women-members) should be dropped. Such a view was endorsed by four Zila Parishad Chairmen and one Zila Parishad Secretary with whom the researcher discussed the problem.
FUNCTIONS

The Act mentioned a long-list of 12 compulsory and 69 optional functions under the head of education, culture, social and economic welfare, health, public works and general.96

As pointed out earlier, Zila Parishad had been entrusted with enormous tasks but in practice it could hardly shoulder that burden and discharge only a limited part of its responsibilities. Last year, the government issued a circular No. She-Pro-j-e-J.P.8/89/634(61) dated 23.7.89 which restricted the activities of Zila Parishad to some specifically limited sector (Appendix-7).

The construction of roads and buildings was earlier the main development work of Zila Parishad and maximum funds were spent on these particular sectors. Most of these works have now been allocated to three agencies.

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96. The Local Government Ordinance (Zila Parishad), 1988, First Schedule, First Part.
viz., (a) Local Government Engineering Bureau (b) Upazila Parishad (c) Roads and High Ways Department. The Local Government Engineering Bureau at district level was created in September 1984. Some Zila Parishad Chairmen objected that the Local Government Engineering Bureau at district level had greatly curtailed the jurisdiction of Zila Parishad. Their argument was that it was created to perpetuate the bureaucratic tradition undermining the role of people's representative in development works. They were of the opinion that the Local Government Engineering Bureau should also be placed under the charge of Zila Parishad.

FINANCE

The Local Government (Zila Parishad) Act, 1988 mentions a list of 8 items on which Zila Parishad can levy taxes, rates, tolls and fees\(^7\) instead of 28 items mentioned in the Local Government Ordinance, 1976 which were levied by the Zila Parishad and Union parishad

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97. *The Local Government (Zila Parishad Act) 1988*, Second Schedule, the list includes 3 taxes, 3 fees, 1 rate and 1 toll.
jointly (Appendix-8). Earlier it has been explained that a lion's share of revenue was derived from Immovable Property Transfer Tax. The government by a recent circular has increased that tax from 1% to 2% But this has yet to be implemented.98

Almost all the Zila Parishads possess various types of properties which are invariably ill-maintained or neglected. The Zila Parishad can generate considerable resources if it pays due attention to the maintenance and utilization of properties. They can construct markets, residential quarters, shops etc. It can also undertake various types of plantation, poultry farming, pisciculture and such other rural based resource-generating ventures as are promotable in each parishad area.

3.4 VILLAGE LEVEL
(GRAM SARKAR, 1980-82)

In Bangladesh, for a short period a new tier known as Swanirvar Gram Sarkar was introduced at the

village level. With the innovation of that village level unit the number of tiers of the rural local self-governing bodies enhanced from three to four. The concept of village government was found in *The Local Government Ordinance, 1976*.99 Amending the Ordinance, the body was renamed as *Swanirvar Gram Sarkar* (Self-dependent Village Government) which was known in the original ordinance as *Gram Parishad*.100

Different aspects of *Swanirvar Gram Sarkar* are discussed below.

**STRUCTURE**

The Circle Officer was required to determine the boundaries of the rural area as villages. *Swanirvar Gram Sarkar* consisted of a chief executive called *Gram Pradhan* and eleven members including at least two women.

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The Gram Pradhan must be:

a) a citizen of Bangladesh,

b) of 25 years of age,

c) a permanent resident of the village

d) not be a sitting member or Chairman of a Union Parishad and

e) be an enlisted voter of the concerned village.

The representation of all walks of life and of 'different functional interest-groups' were to be ensured in the constitution of Swanirvar Gram Sarkar.

The Gram Pradhan and the members of Swanirvar Gram Sarkar were to be selected through the consensus of the persons present in a general meeting of the villagers, who were registered as voters, convened by the Circle Officer. The tenure of the institution was initially of 3 years and later on, it was extended to 5 years.\(^{101}\) Gram Pradhan was the executive head vested with an overall

\(^{101}\) Abdul Wahab, 'Bangladesh Local Government: Endless Search for Newer Structure', an article presented at the seminar held on the occasion of the Fifth National Conference of Bangladesh Political Science Association, 13-14 July, 1987, Rajshahi University.
responsibility of rural development. He had to co-ordinate the functions of different members and institutions. To assist Gram Pradhan in discharging duties the post of Gram-Sachib (Village Secretary) was created.

The meeting of Swanirvar Gram Sarkar was to be convened after every 3 months, to review the progress of its activities. All decisions were to be taken collectively by the entire council.

FUNCTIONS

Swanirvar Gram Sarkar had been entrusted with some vital functions like increase of food production, removing illiteracy, population control and family planning and maintaining law and order and convening of salish (an informal assembly) to amicably settle local disputes. These functions of Swanirvar Gram Sarkar were divided in 12 categories and distributed among the members in the following way.\(^{103}\)


\(^{103}\) Swanirvar Gram Sarkar Manual, PP. 4-5.
Gram Pradhan - Finance, Planning and Co-ordination.
Sachib - Office management and Religion.
Member - Food and Agriculture
Member - Law and order
Member - Fisheries and Livestock
Member - Mass literacy
Member - Youth, Sports and Culture
Member - Family Planning and Women Affairs
Member - Cottage Industry
Member - Health

The Swanirvar Gram Sarkar did not have the power to levy taxes. It was expected to raise funds from individual contribution, Gram Samabaya Samiti (Village Co-operative Society) or any institution or local authority.104

It can be said that since the creation of local self-government in this sub-continent the lowest unit was stretched upto the union level. No unit was created in

104. The Bangladesh Gazette, May 24, 1980, Rule 24 (2).
this level to provide adequate facilities for mass mobilization and involvement of the people at grass-root level. Because of lack of village-based institution the fate of the rural masses remained unchanged -- they were the least developed lot. The logic behind the introduction of Swanirvar Gram Sarkar was that it would, as intended by the then government, be a promising step towards the formation of self-reliant Bangladesh. 105 Ninety four percent of the Gram Pradhans were of the view that its creation was a positive step and that could contribute a lot to rural development. 106

The introduction of this new institution created enthusiasm among the rural masses to some extent but it was also bitterly criticized at the same time. Its critics were of the opinion that it would be an exercise in futility towards rural developments like the previous 'Basic Democracies' period. Rather its introduction,


according to them, was aimed at creating a power-base for the ruling party among the rural masses.

The formation of this new institution also created an adverse reaction among the opposition parties who considered it as a well-organized scheme to crush the opposition.  

Conflict between Swanirvar Gram Sarkar and the Union Parishad further cut at the root of organizational harmony and efficiency of both these institutions. It was viewed that this body was an unjustifiable institution creating an unnecessary duplication of authority. The Union Parishad members complained that the members of Gram Sarkar ignored them and was not ready to accept the authority of the Union Parishad as they had a direct approach to the highest authority. Gradually, it started considering itself next only to the national government in its importance and power.

107. The 'Ittefaq' (a Bengali Daily published from Dhaka), 14th March, 1981.

108. Speeches of Gram Sarkar Pradhans as reported by the press, quoted from the report of the Committee for Administration Reorganization/Reform, p.61.
The union level leaders, on the other hand, also showed a non co-operative attitude towards this new village institution. This clash, consequently resulted in a number of undesired incidents, killings, looting etc. which had been reported by the mass-media.\(^{109}\)

The functionaries of Gram Sarkar had virtually a very limited and political experience. The leadership crisis in this grass-root level organization was too acute to carry on effective implementation of programmes.

The spontaneous participation of the people was not forthcoming, probably they were not mentally prepared to accept it. Any successful reform, administrative or social depends largely on the preparedness of the people to willingly accept it.

After assuming power in 1982, Ershad government abolished it. The success of the programme is difficult to judge as the system lasted for a very short span of time.

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109. Sangbad (a Bengali daily), 1st March, 1981; The Dainik Barta (a Bengali daily), 1st April 1982; The Banglar Bani (a Bengali daily), 11th April, 1982.