

Dynamics of Local Government and Governance in the Context of Bangladesh

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Abstract

Local government units emerged and evolved during the British colonial period with the main purposes of dispute resolution and maintaining law and order situation at the local level. Later the local government system developed for mitigating various social, political and economic issues. After the independence of Bangladesh, local government system has been changed several times in terms of nomenclature, electoral process and service providing procedure. The Acts and Ordinances relating to local government are constituted and amended by parliament. Reviewing literature, various documents and galvanizing the empirically rich experiences, the paper focuses different forms of local government since the British Colonial rule in this region; frameworks of local government systems; socio-economic and political milieu in decentralisation in Bangladesh; and status of political and administrative decentralisation. Absence of coalition efforts, irregular elections and no elections in the established local government tiers, ambiguity in regards to devolution of power, dominance of the bureaucrats as well as the national level politicians and increasing importance of party politics hinder effective functioning of the local government tiers. This paper also gives thought provoking insights to the researchers and policy makers in the fields of local government and governance.

Keywords: local power structure, governance, decentralization, political interventions, civil society

Introduction

In recent years, local government agenda in Bangladesh has gained massive concentrations by sociologists, anthropologists and multiple actors in searching the potentials of its diverse nature and decentralization issues. Local government is a form of government that operated at the local level. Bangladesh has a long tradition of local government, dating back to 1885 when the Local Self Government Act was passed by the British colonial administration. There are two types of local government tier in broader; urban and rural. The notion of studying local government and its decentralization in Bangladesh has very much diversified. The history of decentralization is deeply rooted with the history of political development and political regime changes in the context of Bangladesh. Decentralization is regarded as a process rather than an end state or a particular system of government (Ahmed,

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1993). The article focuses on the state of local government and decentralization in Bangladesh. The purposes of the paper are to demonstrate the different form of local government since the British Colonial rule in this region; frameworks of local government systems; socio-economic and political milieu in decentralisation in Bangladesh; and status of political and administrative decentralisation. The article would also discuss the key institutions relating to rural and urban local government. The study is an extensive review of local government and decentralization in nature, it does not deserve the methods for empirical investigations. Though we have incorporated necessary empirical experiences and evidences. The research covers up the literature review relating to local government, governance and decentralization of Bangladesh and legal and political facets including the document of macro and micro political economy and assessment reports. All the relevant documents have been reviewed critically for the study. The literature reviews have drawn from the published and unpublished sources which provided up-to-date description.

Local Government in Bangladesh: Historical Context

Political Context

Bangladesh emerged as an independent nation in 1971 following a prolonged two-decade struggle for autonomy that culminated in a nine-month war with the Pakistan occupation army. The preceding political history of Bangladesh is that it was East Pakistan, the eastern part of Pakistan until its emergence as an independent State. Before 1947 both parts of Pakistan, West and East Pakistan, was known as British colonial India. Under the hurriedly drawn up partition arrangements in 1947, a homeland for Indian Muslims had been created with two wings, known as West and East Pakistan. They were separated by more than twelve hundred miles of Indian Territory. East Pakistan populated mainly by Muslim Bengalis, quickly after 1947 East Pakistan became the subordinate part in the new country, and faced internal economic exploitation. National elections in 1970 resulted in the Eastern wing a majority of assembly delegates; and after a vicious West Pakistani military clampdown, the nationalist resistance movement eventually secured victory.

After the liberation in 1971, Bangladesh was ruled by the founding father of the country Sheikh Mujibur Rahman until his assassination by army conspirators in 1975. Upon a cataclysm in the country, General Ziaur Rahman became the military ruler of Bangladesh until his assassination in 1981, after which another military government took over power led by General H.M Ershad.

From 1991 onwards, Bangladesh entered into a period of parliamentary democracy, in which almost regular national elections were managed using a system that involved the installation of a temporary 3-month neutral caretaker government. The only exception and some irregularities, in terms of timing and arrangements, have been noticed with the recent National elections. The national election of 2007 was postponed and national emergency was declared on January 11, 2007, after major opposition parties boycotted the elections. A Caretaker Government (CTG), consisting of a chief advisor and council of ten advisors was established. The military backed Caretaker government stayed in power about two years at a stretch, and under the military backed Caretaker government finally the National election was held in December 2008. The Awami League and its allies won a two-third majority in the parliamentary elections. In the 10th and 11th National Parliamentary Elections respectively held in 2014 and 2018, The Awami League and its allies won the elections again.

The principal political actors in Bangladesh society are the Awami League (AL) and the Bangladesh Nationalist BNP. They work in a wider framework defined primarily by the bureaucracy and secondarily by the actors of civil society such as Citizens groups, business associations, NGOs and the Press (Rashid & Hossain, 2007). The Awami League is the oldest political party and the party that mounted the battle for Bangladeshi independence. Its leader Sheikh Mujibur Rahman was the first head of State and his daughter, Sheikh Hasina is currently the Prime Minister of Bangladesh and head of the Awami League. Sheikh Hasina was also the Prime Minister during the regime of 1996-2001. Its ideologies were based on secularism in politics, socialism in economics, and language as Bangladeshi identity; while time has seen the economic ideals turn increasingly towards the market, the other goals remain largely in place. While the Bangladesh Nationalist Party or BNP, which was founded by General Ziaur Rahman in 1978. The BNP is not only pro-market political party, it is the combination of the Bengali language and Islam as forming the conjoint identity of Bangladesh (Rashid & Hossain, 2007). The wife of General Zia, Begum Khaleda Zia, is the head of the BNP, ruled the country as Prime Minister during the tenure of 1991-96 and 2001-2006.

Both the political parties, the AL and the BNP, rule the country (only with some exceptions particularly the army backed Caretaker government period 2006-2008) since the restoration of democracy after 1990, but interestingly there is no significant achievements in country's governance sector. Public institutions of the State are hold on to narrow political interest; government and political parties continue to favour private gain over public interest (Rashid & Hossain, 2007).

Social and Economic Context

Bangladesh contains a population size of about 164.6 million (BBS, 2018), located within a land area of 147,570 square kilometers. The majority of the population lives in rural areas (more than 76%) and population dwells in urban centers is about 23.3% (Population and Housing Census 2011) and the majority of the population are Bengali Muslims (85% of the population), there are also a significant number of Hindu, Christian and animist minorities which is estimated approximately 15% of the population. It is a riverine or 'riparian' state, located within a lowland alluvial plain that forms part of the massive river delta area formed by the confluence of the great Ganges, Brahmaputra and Meghna river systems. These rivers flow down from the Himalayas through the Indian subcontinent into the area that is now Bangladesh, merging within its borders before flowing southwards into the Bay of Bengal. The country's position within this highly fertile deltaic ecosystem has for thousands of years attracted people to an area offering high levels of agricultural productivity. Despite periods of political turmoil and frequent natural disasters, in the past decade Bangladesh's economic performance has improved in terms of economic growth and gains in poverty reduction.

Trends in Governance

The Indicators (worldwide governance indicators, such as: accountable, transparent, responsive, effective and efficient, equitable and inclusive) suggest an absolute deterioration in political stability and control of corruption over the past decade. Bangladesh's scores are worse than the average for low income countries and for the South Asia region for political stability and control of corruption. Bangladesh's absolute score in Transparency International's Corruption Perception Index rose from 1.7 in 2005 to 2.1 in 2008, with its ranking improving from 158th to 147th. However, given the overlapping ranges within which these scores stand, trends in perceptions of corruption are unclear. Bangladesh's score on the Global Integrity index went up from 64 in 2007 to 68 in 2008, both "weak" ratings. Bangladesh's position slipped six steps in the index for 2018 – going to 149 (score 26/100: score zero is highly corrupt and 100 is very clean) from 2017's 143, according to the latest rankings released by Berlin-based Transparency International (TI, 2019).

Strengthening Local Governance

There is a growing consensus in Bangladesh on the need to strengthen local governance institutions and practice to improve service delivery, accountability and political competition. The 2005 PRSP highlighted local governance as one of the eight medium-term strategic priorities for the country. Between 2007 and 2009, a

number of ordinances related to local governance were passed under the Caretaker Government (CTG). The CTG also established a Local Government Commission and set in motion the process for Upazila elections. The AL government held elections to Upazilas in January 2009. While the new government has stated its commitment to a strong local government system, a number of earlier reforms have been rolled back or revised. In particular, the formal rule accorded to the Members of Parliament in Upazila affairs has vexed local government advocates (BBS, Population and Housing Census 2011, 2011). A paradigm shift in the local government election system took place in Bangladesh on October 12, 2015, when a cabinet decision to hold local government institutions' election on the basis of political party logo. It has first introduced in different key positions of different tiers of both urban and rural local government bodies in 2016.

Local Government and Governance System in Bangladesh

This section provides a wide-range of information, dimensions and analyses on the Local government structure, local governance, history and changes in local government system over the years. The section also provides an overview of the current legal and policy framework, and institutions of local government and their interaction and interrelation with each other.

History and Changes in Local government system

The history of local governments in Bangladesh can be summarized under three periods: The colonial period (1757-1947), East Pakistan Period (1947-1971) and Post-liberation Period; since 1971 (Westergaard & Hossain, 1999).

The colonial period (1757-1947)

Bangladesh has a long tradition of local government, dating back to 1885 when the Local Self Government Act was passed by the British colonial administration. It provided a three-tier system of local government for rural areas: (i) a District Board in each district (ii) a Local Board in each sub-division of a district, and (iii) a Union Committee for a group of villages. It can be noted that during the British period some changes were introduced, but the basic elements of a strong Board at the District level, and a subordinate Board at the Union level (consisting of a number of villages) remained unchanged. Local government was introduced for administrative convenience and not as a result of popular demand. The close supervision of the local bodies by colonial officials has been replaced by central government control (Westergaard & Hossain, 1999).

East Pakistan period (1947-1971)

The legacy of colonialism is omnipresent in most local government reforms introduced during the Pakistan period. During the first decade of the Pakistan period the basic features of the local government system remained unchanged until the military regime of Auyb Khan who promulgated the Basic Democracies Order (BDO) in 1959. In the rural areas the Basic Democracies system consisted of four tiers - Union Council, Thana Council, District Council and Divisional Council. With this system, the District Council was the all-powerful body. It was completely under the control of the bureaucracy with the Deputy Commissioner as the Chairman. The most important feature of the four-tier system of Basic Democracies (was) the presence of officials at all levels, except the Union Council. The political purpose of the system was to legitimise the regime by building up a rural support base. This was accomplished through the government's rural development programs that were administered through the Basic Bureaucrats who could use their position for financial patronage and for personal enrichment (Westergard & Hossain, 2000).

Bangladesh period: Constitutional mandate of Local Government (1971-75)

After the independence of Bangladesh in 1971, the institution of local government was inscribed in the Constitution. According to Article 59 -There shall be representative bodies at each level of administration of the Republic, and local government institutions will be responsible for (a) administration of public welfare; (b) maintenance of law and order; (c) provision of public services and (d) planning and implementation of development activities.

The Constitution, however, neither prescribes the number of tiers nor the functions of the individual local government bodies. Especially as concerns the rural areas, local government systems have come and gone, following the changes in government at the national level. None of the systems introduced since independence have been allowed to function long enough to become consolidated. Immediate after independence in 1971, the name of the union council was changed to Union Panchayat. The name of the Thana Council was changed to Thana Development Committee while the district Council was named Zila Board (District Board). Again in 1973 union Panchayat's name reverted to Union Parishad or Union council (Westergard & Hossain, 2000).

1976- 1980

A more significant change in local government system was brought about

in 1976; the Martial Law Government introduced Local Government Ordinance of 1976. The divisional councils were abolished and a three-tier local government system, i.e., union parishad (for a union), thana parishad (for a sub-district) and zila parishad (for a district). The union parishad comprised one elected chairman and 9 elected members, two nominated women members and two peasant representative members. The thana parishad consisted of the sub-divisional officer being ex-officio, the circle officer and a union parishad chairman. The zila parishad was to consist of elected members, official members and women members, whose membership were determined by the government. The term of office was five years. However, no election was held, the government officials ran the parishad. In 1980, through an amendment of the Local Government Ordinance, the Swanirvar Gram Sarkar (self-reliant village government) was introduced, but was abolished later.

1981- 1990

The most significant change was initiated in the history of local government in Bangladesh through the introduction of Local Government (Upazila Parishad and upazila administration (Reorganization) Ordinance in 1982 (Siddiqui, 2008). This ordinance was followed by the Local government (union Parishad) ordinance in 1983, the Local Government (Zila Parishad) ordinance act in 1988, the three Hill Districts Acts and Palli act in 1989. With the Local government Ordinance 1982, the institutional setup of the Upazila Parishad was introduced; the Upazila Parishads were delegated with power to plan and execute their own development projects, and were provided with an elected chairman. The Upazial Nirbahi Office (UNO, administrative head at the sub-district level) would be subservient to Upazila. The tenure of Upazila Chairman would be five -years.

1991 -2000

Upazila was abolished by the BNP government soon after assuming power in 1991. During its five-year tenure, the BNP government could not provide any alternative democratic form of Local government. The Awami League led government which came to power in 1996 constituted a Local Government Commission, which in its report dated May 1997 recommended a four-tier system from the village, union, thana/upazila to the zilla levels. However, this was not implemented. In late 1998, the government (The Awami League) passed legislation reintroducing local government at the Thana/Upazilalevel (Upazila Parishads) with a directly elected Chairman, as proposed by the Local Government Commission. Election of Upazila chairmen was postponed several times due to the uncertain political situation prevailing in Bangladesh the last couple of years (Westergaard & Hossain, 1999).

2001- 2006

The BNP formed government at the center in 2001 again brought back the concept of a Gram Sarkar, but did not change the way in which the bureaucracy controlled the funds and functions of the local governments. Elections to the UPZs were not held.

2006-2008: Army backed Caretaker Government period

New ordinances were promulgated for the constitution of UPs and UPZs. The army backed Caretaker government reformed the Upazila Parishad Act 1998, and introduced a new Ordinance (Ordinance No.32, 2008). The major features of the Ordinance include:

- Direct election to be held
- As per the article 59(1) of The Bangladesh Constitution, each Upazila would be an administrative unit.
- Two Vice Chairmen (one man and one woman) would also be elected by direct voting.
- Upazila Parishad would control and supervise the government officials working in the Upazila administration, and their Annual Performance Report would also be written by the Upazila chairmen.

2008 - Onward (AL government in Power)

The Awami League government again came to power in 2008 and on 30 June 2009 amended the Upazila Ordinance passed by Caretaker government. It is passed as Act 27, 2009. The Awami League government reformed the Upazila Ordinance and introduced some new features:

- Provision of direct election
- Annual Performance Report of the government employees working at the Upazila administration would be written by their higher authority, not by the Upazila chairmen.
- The elected members of the parliament would act as advisor of Upazila parishad.

The Government repealed previous gazettes relating to Union Parishad and enacted new law namely Local Government (Union Parishad) Act- 2009. It is passed as Act 61, 2009. In this act, the government incorporated two new approaches- Ward Shava (WS) and Open Budget Meeting (OBM) to ensure public engagement and social accountability. The government of Bangladesh has also introduced political party-based local government elections in different key positions of different tiers of

both urban and rural local government bodies in 2016 in pursuant of the cabinet's decision to hold local government institutions election on the partisan basis on October 12, 2015. Accordingly, changes were brought in different local and urban government laws. Particularly elections to the post of chairman of the Union Parishad, Upazila Parishad, Zila Parishad, Pourashava and City Corporation are held on the basis of party symbol.

Urban Local Government

There exist two categories of urban local government in Bangladesh: Pourashava (Municipalities) and City Corporations. At present, there are 327 Pourashavas and 12 City Corporations. The Pourashavas provide municipal services to towns and City corporations provide municipal services to the large cities of the country. The legal framework for Municipalities is mainly covered by the Pourashava Ordinance, 1977. The main features of the Ordinance include the following:

- Definition, organizational structure of the municipal government
- Constitutions and composition
- Process of election and organizational design
- Conduct of business
- Scheme for management
- Functions
- Financial control and supervision
- Relationships with other local government bodies

City Corporations were governed by their own rules till 2009. With the amalgamation of all previous laws, declarations, gazettes and acts, the government enacted new law titled Local Government (City Corporation) Act- 2009 as act no. 60 of 2009.

Hill District Local Government Parishad

Chittagong Hill Tracts Regulation (CHTR), 1900 had administered the CHT, and it had been treated as an excluded area. The CHTR came into force on January, 1900. The system of general and revenue administration of CHT is different from that prevalent in the plain district in many respects. There was no Local government system in the hill district before the promulgation of Basic democracy Order (BDO), 1959. With the promulgation of the BDO in 1959, urban and rural local governments were introduced in the hill areas (Siddiqui, 2008). There are three hill districts in Bangladesh. The hill districts have been functioning as per the laws below:

- The Local Government (Union Parishad) Ordinance, 1983;
- The Local Government (Zilaparishad) Act 1989;

- The Bandarban Hill District Local government Parishad Act, 1989;
- The Khagrachhari Hill District Local government Parishad Act, 1989;
- The Rangamati Hill District Local government Parishad Act, 1989;
- The Palli (village) Parishad Act, 1989

Present Status of Local Government

At present, Bangladesh has a unitary form of government, and the central government directly deals with the local governments. The levels of local government link closely with the administrative tiers. For administrative purposes, the country is divided into 8 divisions, 64 districts, 492 Upazilas (sub-district) and 4,554 unions.

Urban Local government Institutions (LGI) includes- 12 City Corporations and 327 Pourasabhas (municipality), and the rural LGIs include - 4554 Union Parishads and 481 Upazila Parishads. About 75000 elected functionaries (Mayors, Chairmen, Ward Commissioners, Vice Chairmen and Members) lead and manage these institutions. About one-third of the functionaries are women, who are directly elected, as a result of the Local Government Act 1998 (amended in 2009), which reserves 30% of seats for women.

Decentralization in Bangladesh

Historical overview of decentralization is ostensibly a simple term carrying a correspondently simplistic meaning: The transfer of authority from a higher level of government to lower levels (Conyers, 1986). Decentralization is regarded as a process rather than an end state or a particular system of government. In general, decentralization has provided opportunities for large number of people including women to participate in local government bodies. However, outcomes in terms of service delivery have varied considerably. Immediate after independence in 1971, Bangladesh started its own experimentation and decentralization and popular participation. Although there are numerous policy documents, there has been limited past commitment to establish effective local government. The notable legislative efforts (Hossain, 2010) in the post-1971 towards decentralization include –

Local Governance Ordinance (LGO), 1976 and its amendment in 1980: The LGO 1976 establishes an elected union Parishad (union council, the lowest tier of local government), and an administrative Thana Parishad (at the sub-district level), and Zila Parishad (district council). And its amendment in 1980 introduced Swanirvar Gram Sarkar (self-reliant village government).

Pourashava Ordinance (Municipality Ordinance), 1977: The legal framework of Municipalities is mainly covered by the Pourashava Ordinance, 1977. The major features of the Ordinance include (a) Definition and organizational structure of the municipal government; (b) Constitutions and composition; (c) Process of election and organizational design; (d) Conduct of business and scheme for management, and; (e) functions.

City Corporations Acts and Ordinances at various time: The six City Corporations in Bangladesh that were governed by their own rules. Each City Corporation had its own Ordinance/Act, which may be enumerated as follows: The Dhaka City Corporation Ordinance 1983, The Chittagong Municipal Corporation Ordinance 1982, The Khulna Municipal Corporation Ordinance 1984, The Rajshahi City Corporation Act 1987, Sylhet City Corporation Act 2001, Barisal City Corporation Act 2001. At present, there are twelve city corporations in Bangladesh are governed by Local Government (City Corporation) Act 2009.

Local government ordinance, 1982: The most significant changes in post-liberation history of local government system and decentralization initiative came out with the introduction of the Local Government Ordinance of 1982 under the Martial Law government of Lieutenant General Ershad. Unlike the previous systems, the focal point of local government was the Upazila (sub-district) level with de-concentrated rural administration and devolution of power to an elected Upazila parishad (sub district Council). With introduction of Upazila Parishad, the Upazilas became the focal tier of development administration as well as an effective intermediate tier between unions and higher levels of government (Westergaard & Hossain, 1999). In 1991, the Bangladesh Nationalist Party (BNP) government abolished the Upazila parishad system. The Awami League (AL) government passed the Upazila Parishad Act, 1998, which included the provision of direct elections, but there was no election during the AL earlier regime of 1996-2001. The army backed Caretaker government adjourned the Upazila Parishad Act, 1998, and introduced a new Ordinance (Ordinance No.32, 2008). The Awami League government upon assuming the power in 2008 changed some features of the Upazila Ordinance passed by Caretaker government, on 30 June 2009 (Act 27, 2009). Unfortunately, the decentralization scenario in Bangladesh is little encouraging, as evolution of decentralization in Bangladesh is characterized by: domination by and complete dependence on central/national government; unrepresentative character; and successive regimes' marginal and superficial commitment to devolution or decentralization in practice (Ahamed & Khan, 2006).

Discussion

The state of local governance in any country should be looked into by taking the elements like role and functions, central-local relations, resource mobilization/generation, institutional capacity building, accountability and transparency of the local government bodies into consideration. Various literatures on local government indicated that there is a growing consensus on the need of strengthening local governance, institutions, practices to improve service delivery, accountability, transparency. The paper reveals that--- Absence of coalition efforts, irregular elections and no elections in the established local government tiers, ambiguity in regards to devolution of power, dominance of the bureaucrats as well as the national level politicians and increasing importance of party politics hinder effective functioning of the local government tiers.

In recent years, political interventions in all local government tiers has made a frantic environment. All urban and rural level local government institutions engulfed with political control, electoral violence and irregularities. People's participation in local bodies has not yet gained conformity in local government tiers. For example-

The newly elected Upazila Parishads (sub-district level tier of rural local government) are not functioning well. The Upazila Parishad (repealed Act re-enactment and amendment) Act 2009 has made a number of ambiguous clauses that curtailed the power of Upazila Parishad (UPZ).

Moreover, the standing committees of the local level governments are not functioning effectively. Hence, the people's participation is almost absent in the various tiers of local government that hinders raising people's voice and overall development.

From the 2016 local government elections, there has been a major shift from 'non-partisan' nature of local government elections to political party-based local government elections. The increasing importance of party politics has also been a major reason for the decreasing accountability between the local government institutions and its citizens. This major change has restricted the space of elected representatives to deliver effective governance. Stakeholders from various corner have experienced that this has restricted the opportunity and motivation for the institutions and citizens to work together to deliver more effective local governance. Party politics is more important than citizens' perception, the accountability to party members or MPs becomes stronger than the accountability to citizens. This affects the distribution of power within the locality, and also the likelihood that the decision-making spaces are being used. The legal framework for accountability to

citizens and collective decision-making spaces have been reduced.

While in the non-partisan local government elections system, competing candidates down played political identities. Candidates were seeking vote door to door for their favor and a kind of sense of accountability towards citizen were existed. Candidates were canvassing for votes, and hence, citizen perception on the performance of a candidate was important, there were scope for the enforceability of the accountability mechanism of the local government to citizens.

Local government institutions lose control over of its resources, due to the power dynamics between the institutions and the MP/UNO/UZP, the local government loses its space to provide services to its citizens and limits the value of any collective decision making (Lewis & Hossain, 2017). The increased influence of the MP/UNO/UZP on the distribution of social safety net provisions and use of land tax, citizen engagement and cultures of accountability, democratic space including free elections and state-market relations are dwindling.

Though there is gigantic rhetoric on the decentralization from the government end, there is no real devolution of power. Rather the power is centralized in the name of decentralized authority. The development initiatives mostly are taken and implemented by the political party in power of the center and bureaucrats. Although some of them were also implemented at the initiatives of the Local government (LG) institutions (Hussion, 2003), but these initiatives were again subjected to the control of the bureaucracy and political party in power.

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