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## **Local Government System in Bangladesh: How Far is it Decentralised?**

PRANAB KUMAR PANDAY

**ABSTRACT** This paper aims to provide a better understanding of the power decentralisation process at the local level in Bangladesh. More specifically, this paper intends to explore whether or not the much needed autonomy has been built into the decentralisation process. The paper is basically based on the review of secondary materials. However, efforts have been made to consult all the available local government commission reports. The study findings suggest that, despite having Constitutional recognition of the establishment of a strong and independent local government system, the political leadership of Bangladesh has initiated different reforms to bring changes to the structure of the Local Government Institutions (LGIs) in the name of decentralisation. However, the main intentions behind most of the reforms have been to strengthen their political base in the particular area. As a result, these institutions could not be established as a focal point of development where people would have the power to monitor and control their constituencies.

**KEYWORDS:** • decentralisation • local government • local government institution • Bangladesh

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## **1 Introduction, Rationale, and Objectives**

The decentralisation of power to the local level is an essential component of democratisation, good governance, and citizen engagement. The devolution of real power to localities is considered as one of the powerful mechanisms to establish effective Local Government Institutions (hereinafter referred to as LGIs). Effective local institutions can formulate and implement policies in line with the citizen aspirations that can improve the quality of public services, and thereby promoting local development (UNDP, 2009b). Nowadays, many development organisations have identified “decentralisation” as a means of improving the quality and accessibility of local services, and of promoting local development, thus making it an important aspect of governance systems (UNDP, 2002). As a matter of fact, ‘decentralisation’ provides some space for local people to participate in local development that can ensure efficient allocation and mobilisation of local resources with an improved accountability pattern (Blair, 2000; Salazar, 2007).

A pertinent question is why the central government decentralises power to the local level. Scholars, such as Garman et al. (2001), O’Neill (2003) (2005), and Escobar-Lemmon (2003), have identified two possible reasons for the devolution of power to the local level. One possible explanation is that the country benefits economically and politically if the power is decentralised, whereas the governing party benefits from decentralisation because it increases the party power at the local level. Since the majority of the population lives at the local level, the scope of their involvement in the local government bodies is higher than in the central government. If the process continues, it promotes political stability through the exercise of democratic values. Likewise, decentralisation provides the opportunity for citizens to debate and decide upon those local issues that matter most to them, thus promoting political education. Moreover, local politics could be considered as a training ground for the local leaders who could become national leaders in the long run. Thus, the LGIs should be made effective in order to play a pivotal role in poverty reduction and in the development of the rural areas where the majority of the poor reside.

Boex et al. (2002) argue in favour of effective local government bodies for several reasons. First, the implementation of any poverty reduction strategy requires improved access to and delivery of basic local public goods and services (primary education, health, water, sanitation, road access, flood protection and drainage, etc). Second, local government is in an advantageous position with regard to financing, planning, management, and oversight of these local public goods and services (if not necessary in their actual delivery). Third, local democratic governance mechanisms can be created for local government. They may ensure positive interaction between citizens, civil society, government departments, and the private sector.

Bangladesh inherited the colonial structure of local government because our country was under the British Raj for two hundred years, and under Pakistan for around 24 years. During the British and Pakistani periods, different changes were made to the LGI structure. Even after independence, several changes were made to the structure of the local government bodies under different regimes. Since decentralisation is still more rhetoric than reality, one may raise the question of real motives of different regimes behind such initiatives. The main intent of this paper is to explore the state of decentralisation in the local government bodies. Efforts have been made to uncover whether or not the much needed autonomy has been built into the decentralisation process. Some attempts have also been made to discuss the recent development of the LGIs, the state of women's participation in the LGIs to figure out the major issues of concern for the local government bodies, and the way forward. Before we proceed through the discussion, it is important to discuss some conceptual issues on local government and decentralisation.

## **2 Conceptual Issues:**

### **2.1 The Meaning of Local Government**

'Local government' and 'local extension of the central government' used to be misunderstood as equivalent to each other. Local government was mistakenly considered as an insignificant segment of the central government. However, such perceptions have been changed with the development of the industrialised countries where the number of civil servants at the local level is larger than commonly believed. Thus, making a distinction between 'local government', 'local politics' and 'local administration' is very important in order to avoid confusion about understanding these concepts. Conceptually, the meaning of "local politics" is much broader than that of 'local government', which includes political parties, factionalism, political competition, etc. On the other hand, local administration denotes execution of government decisions not only by the LGIs, but also by national/ provincial government units located at the local level. Regarding local government, it is widely known as local self-government in most South Asian countries (Siddique, 1994; Panday, 2005). The UN (1962) definition of local self-government is considered as the most acceptable definition that defines it as an elected or locally selected political sub-division of a nation or state. It is constituted by law, and it has substantial control over local affairs. It has also the power to impose taxes, or to exact labour for prescribed purposes. In the context of the present study, the Union Parishad (hereinafter referred to as UP) has been chosen as a unit of the LGIs in Bangladesh because it is the oldest LGI established through an Act. It is run by the elected people's representatives that have control over certain local affairs. It has also the power to impose taxes. Of course, one may wonder why the Zila Parishad (ZP) and Upazila Parishad (UZP) have not been chosen despite their large size, more functional responsibilities and political importance. In this regard, my argument is that the ZP exists in law and on paper without the elected representatives. Thus, despite having the revenue-

raising power, the ZP has remained merely as a government official. On the other hand, the UZP has not been in operation for a long time. Although it has recently started functioning (since early 2009), it is too early to evaluate its utility and functionality as a local self-government institution. It is yet to be established in its desired form. There have been many changes made to its mode of operation under different regimes. Thus, the UP has been found to be an appropriate organisation to focus on.

## **2.2 Decentralisation: Definition and Meaning**

Decentralisation is a well talked about issue and an important theme of governance in many developing countries (Fukasaku & de Mello, 1999; Manor, 1999; World Bank, 1999). After suffering from the consequences of the centralised planning system, academics, planners, and reformers feel the urgency that power should be decentralised in the local areas in order to get rid of the central government domination, which could ultimately provide broader participation in democratic governance (Olowu, 2000; Smoke, 1994; Wunsch & Olowu, 1990). Since local government units are located nearer to people, they are in a better position to identify the needs of the people, and to offer them the required services within the shortest possible time (Enemu, 2000; Rondinelli et al., 1989). This is popularly referred to as "local rationality".

Decentralisation is a complex concept because it deals with the transfer of authority and responsibility for public functions from the central government to subordinate or quasi-independent government organisations, or to the private sector. Decentralisation refers to the transfer of powers from central government to lower levels in a political-administrative and territorial hierarchy (Crook & Manor, 1998; Agrawal & Ribot, 1999). The term decentralisation is used to cover a wide range of the transfer of the "locus of decision making" from central governments to regional, municipal or local governments (Sayer et al., 2005).

Rondinelli (1981) offers the best general definition of decentralisation. He defines the term as the transfer of responsibility for planning, managing, and resource raising, and as an allocation from the central government to (a) field units of central government ministries or agencies, (b) subordinate units or levels of government, (c) semi-autonomous public authorities or corporations, and (d) area-wide, regional or functional authorities. On the other hand, Mowhood (1983) and Smith (1985) define decentralisation as any act by which central government formally relinquishes power to the actors and institutions at the lower levels in political, administrative and territorial hierarchy. On the other hand, Khan (2002) refers to decentralisation as an administrative change through which local government receives greater power and authority in the delivery of services.

Overall, decentralisation is related to the transfer of power and authority to the local levels of government. In the context of the present paper, Rondinelli's (1981)

definition of local government is best suited because, for the efficient delivery of services, the central government delegates specific functions to the local government bodies through different acts in Bangladesh.

### **2.3 Forms of Decentralisation**

Generally, different types of decentralisation take place in different countries. They include political, administrative, fiscal, and market decentralisation. It is thus important to draw distinctions between different typologies in order to highlight many dimensions required for successful decentralisation, and the urgency for ensuring coordination among them. Making a distinction between different types of decentralisation is very difficult because of its overlapping definition. However, the focus of the present paper is restricted to the classification of the administrative decentralisation only because administration and delivery of social services (education, health, social welfare, or housing) are transferred to sub-national governments by a set of policies in the administrative decentralisation where devolution of decision-making authority over these policies is required, although it is not an obligation. According to Rondinelli (1981), administrative decentralisation takes four different forms such as deconcentration, delegation, devolution, and deregulation that are discussed below.

#### **2.3.1 Deconcentration**

Deconcentration is shifting management workload from the centrally located officials to the offices outside the national capital or headquarters. In this case, the final authority is retained in the centre. Deconcentration (which is often considered to be the weakest form of decentralisation, and it is most frequently used in unitary states) redistributes the decision-making authority, and financial and management responsibilities among different levels of central government. It can merely shift responsibilities from central government officials in the capital city to those working in regions, provinces or districts, or it can create strong field administration or local administrative capacity under the supervision of central government ministries (Siddiqui, 2005). Deconcentration (retaining central control and direction) is a less desirable option. Also, it can be manipulated as centralisation in disguise (Turner & Hulme, 1997). As Slater (1989, 1990) argues, in the absence of radical changes, decentralisation can and does lead to greater inequality and to more privileges for the local elite.

#### **2.3.2 Delegation**

On the other hand, delegation refers to the transfer of power and responsibility for the specifically defined functions to the organisations that are outside the regular bureaucratic structures, and that are indirectly controlled by the central government. Therefore, the ultimate responsibility remains with the government authority. Delegation is a more extensive form of decentralisation through which

central governments transfer responsibility for decision-making and administration of public functions to semi-autonomous organisations not wholly controlled by the central government, but they are ultimately accountable to it. These organisations usually have a great deal of discretion in decision-making (Siddiqui, 2005). Delegation is problematic in at least two ways. First, the delegated organisations have no local accountability; and second, despite the stated legal position, they tend to turn into handmaidens of political leaders and bureaucrats operating in the higher echelons of government.

### **2.3.3 Devolution**

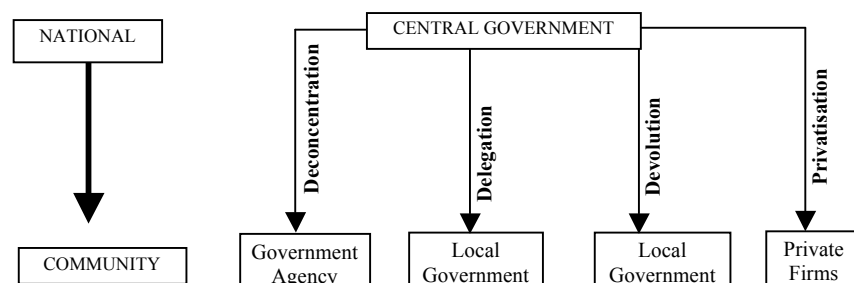
The third type of administrative decentralisation is devolution. When governments devolve functions, they transfer authority for decision-making, finance, and management to quasi-autonomous units of local government with corporate status. Devolution usually transfers responsibilities for services to municipalities that elect their own mayors and councils, raise their own revenues, and have independent authority to make investment decisions. In a system where power is devolved, local governments have clear and legally recognised geographical boundaries over which they exercise authority, and within which they perform public functions. It is this type of administrative decentralisation that underlies most political decentralisation (Wibbels, 2004). Devolution can lead to unhealthy competition between central and local government (see Bird, 1990; Klugman, 1994; Smith, 1985; Tendler, 1997).

### **2.3.4 Deregulation (Privatisation)**

Deregulation reduces legal constraints on private participation in service provision, or it allows competition among private suppliers for services that used to be provided by the government or by the regulated monopolies. In recent years, privatisation and deregulation have become more attractive alternatives to the governments in the developing countries. Local governments also privatize by contracting out service provision or administration. Hulme and Edward (1997) state that decentralisation through the non-profit private sector (i.e., NGOs and CBOs) is a recent phenomenon, and that its growth has been facilitated by the belief that it is more effective and efficient than other agencies in helping the poor. The involvement of the profit-oriented private sector in the production and in the delivery of public goods and services may have some advantages in increasing efficiency, in facilitating economic growth, in reducing expenditures, and in introducing competition (Moss, 1996), but it can also increase the level of exclusion of the poor through new pricing policies in discriminatory markets.

Based on the above theoretical discussion, an effort has been made in this paper to explore the decentralisation type introduced through different reform initiatives under different regimes in Bangladesh. The figure below shows the levels of transfer of authority from the central government to the local level.

**Figure 1: Levels of transfer of authority from the central government to the local level**



Accountability	Central Government	Central Government	Local Populace	Shareholders
Sector	GOVERNMENT		COLLECTIVE	PRIVATE
Subsidiary type	VERTICAL		HORIZONTAL	

Adapted and modified from Doring (1997)

### 3 Constitutional and Legal Basis of LG in Bangladesh and its Existing Structure

In a democracy, the Constitution ensures legal recognition of local government through Parliament Acts incorporating relevant provisions (Khan, 1997: 11). The legal basis and responsibilities of local government in Bangladesh are incorporated in the 1972 Constitution in which Article 59 specifically states that “local government in every administrative unit of the Republic shall be entrusted to bodies composed of persons elected in accordance with law” (The Constitution of the People’s Republic of Bangladesh, 2004: 43). Article 60 stipulates that “for the purpose of giving full effect to the provision of article fifty nine, Parliament shall, by law, confer powers on the local government bodies referred to in that article, including the power to impose taxes for local purposes, to prepare their budgets, and to maintain funds” (The Constitution of the People’s Republic of Bangladesh, 2004: 43).

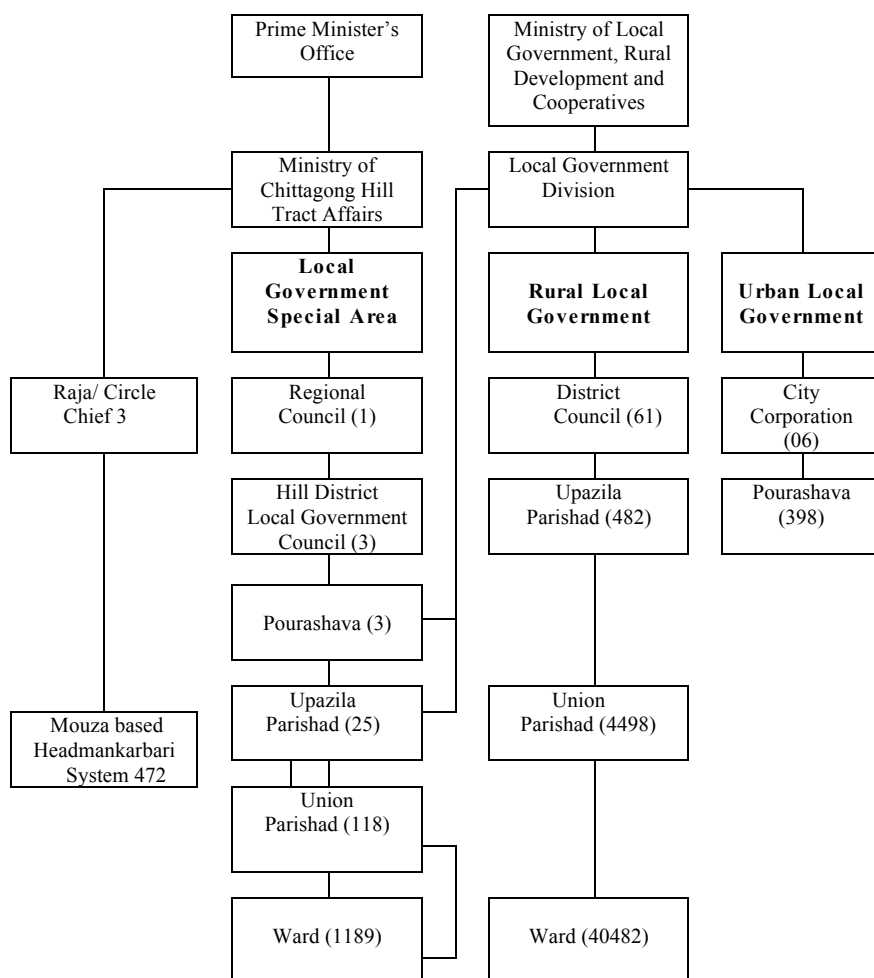
According to the constitutional provision (Article 59), the Government of Bangladesh is supposed to establish local government institutions at all levels of administration below the centre. Unfortunately, we have had continuously the LGIs only at one tier (Union Level) since Bangladesh was created. The second tier Upazila (subdistrict) started second time with an interval of 18 years as late as 2009. The Zila Parishad (hereinafter referred to as ZP) (District Council) has not revived in its democratic form since liberation. At the divisional level, the LGI has



never been an issue in Bangladesh. There were LGIs at the divisional level under the basic democracy scheme during the Pakistani period.

At present, there are two distinct kinds of local government institutions in Bangladesh: one for rural areas and the other one for urban areas. The local government in rural areas represents a hierarchical system consisting of three tiers: Union Parishad, Upazilla Parishad, and Zilla Parishad, while the urban local government consists of Pourashavas and a municipal corporation. The figure below shows the existing local government structure in Bangladesh:

**Figure 3: Existing Structure of Local Government in Bangladesh**



## 4 Decentralisation Practices in Local Government in Bangladesh

Bangladesh, Pakistan, and India share a common history of local government considering that they all had been British colonies for centuries. The Bangladesh local government has its roots in the British rule, and it passed through the neo-colonial Pakistani period before arriving at its present state. Therefore, the evolution of the local government in Bangladesh is discussed in terms of these three periods, namely, the British period (1757-1947), the Pakistani period (1947-1971), and the Bangladesh period (1971 to 2010).

### 4.1 The British Period (1757 - 1947)

The local government system in the subcontinent became subject to a number of experiments during 200 years of the British colonial rule. The primary objective was to serve the British imperial interests. Being an imperial power in India, the British were more concerned with the maximization of land revenue collection, and with the maintenance of law and order. Owing to this, they had no understanding of the indigenous self-governing institutions, nor did they have any interest in them. The local government in British Bengal had its inception in *the Bengal Village Chowkidari Act of 1870*. Under this Act, several villages formed a union, each creating the chowkidari panchayet (an organisation). These organisations comprised of five government-appointed members served for three years. They also became responsible for the appointment of chowkidars (village police) tasked with law and order maintenance. Their salaries were paid through the taxes imposed on villagers (Siddique, 1992: 17-18).

The Chowkidari Panchayat members were considered government officials rather than representatives of villagers. Their main task was to assist the administration in maintaining law and order, and in collecting taxes. To establish a more responsible government, *the Bengal Local Self-Government Act*, based on Lord Ripon's Resolution on local self-government adopted in 1882, was passed in 1885. History tells us that this has become the foundation of the local self-government in India.<sup>1</sup> Under this Act, union committees, local government boards, and district boards were established for different levels. This resolution proved to be significant because it defined general principles for the development of local institutions in the future, and it provided the rationale behind the functions of the local bodies (Siddique, 1992: 17-18).

Later on, *the Bengal Village Self- Government Act of 1919* was enacted to abolish the Chowkidari Panchayet and Union Committees. In place of these tiers, union boards and district boards were set up. In 1946, the nomination system was abolished. Until then, union boards were composed of two-thirds of the elected members and of one-third of the appointed members. The Union Board was entrusted with the responsibility for law and order maintenance, roads and bridges

construction, health care provision, charitable dispensaries, and for primary school maintenance. On the other hand, the District Board became responsible for water supply and assistance. Apart from the above-mentioned responsibilities of the Union Board, it was given the power to adjudicate over minor criminal cases, and it was even given the authority to levy Union taxes (Noor, 1986:81). This system continued until 14 August 1947 when the Indian subcontinent was divided into two independent states, namely India and Pakistan.

During the British period, the local government bodies were dominated either by the appointed officials or by the British ruler's representatives. Thus, the majority of India's population did not have any say in the activities of these bodies (Khan, 1997). During the latter part of the British rule, a number of laws were passed to make urban local government bodies more representative of local communities. This was done by introducing elections, and by extending the powers of the local government bodies. However, provisions were also kept for the election of the chairman and vice-chairman from among the elected commissioners.

#### **4.2 The Pakistani Period (1947 - 1971)**

The Pakistani period (1947-1971) witnessed the development of representative government under the veil of authoritarianism. The Government continued with the same local government system that existed in British India during the first 10 years of its rule, except for a few changes in the composition and structure of the local government (Ahmed, 1997: 42-52). In 1958, all the local government bodies were suspended due to the promulgation of Martial Law by General Ayub Khan. Eventually, a four-tier hierarchical system of local government was introduced in the name of basic democracy (Siddique, 1992: 17-18).<sup>2</sup>

These four tiers were (i) Divisional Council, (ii) District Council, (iii) Thana Council or Municipal Committee, and (iv) Union Council or Union Committee. On average, a union is comprised of an area with 10,000 inhabitants with the Union Council that consists of 15 members. Out of these members, two thirds were elected by the general voters, and one third of the members were appointed by the Government. However, the nomination system was abolished in 1962. Both the chairman and vice-chairman of the council were elected by the members from among themselves. The elected representatives of the Union Council were called basic democrats. The total number of such councils was 7,300. Along with the responsibility for law and order, the Union Council was given 37 functions. They include agriculture development, water supply, education, communications, and social welfare. Apart from these functions, the Council was also given the authority to establish a conciliation court. The members of the court were vested with judicial power under the Muslim Family and Marriage Ordinance of 1961. Aside from this, the authority to impose taxes on property and other sources was entrusted to the Union Council with the intention to generate its own funds in addition to the existing Chowkidari fund. The government grant was allotted to

the rural works programme, and to the Union Parishad office construction (Siddique, 1992).

#### 4.3 The Bangladesh Period (1971 - 2010)

Since the independence of Bangladesh in 1971, the structure of the local government bodies has undergone different changes. Some changes have been occasionally made in terms of the nomenclature of tiers of local government. However, little has been done to establish these bodies as self-governing institutions. Therefore, the structure of the local government system has remained more or less the same, although there have been different initiatives to effect changes in the structure of the local government bodies. Immediately after independence, the Union Council was renamed as Union Panchayat, and an administrator was appointed. The Thana Council was called Thana Development Committee, while the District Council became the Zila Board or the District Board. In 1973, the name of Union Panchayat was reverted to Union Parishad. A more significant change was brought about through *the Local Government Ordinance, 1976*. This Ordinance provided for each tier of local government. To be specific, these were the Union Parishad for the union level, the Thana Parishad for the Thana level, and the Zila Parishad for the district level. This marked the first time that an ordinance was passed to bring all the local government institutions under a single legal framework. The Union Parishad included one elected chairman, nine elected members, two appointed women members, and two peasant representatives. The Thana Parishad included the Sub-Divisional Officer (who was also the ex-officio Chairman), the Circle Officer, and the Union Parishad Chairman. The Zila (District) Parishad included elected members, official members, and the female members whose number was determined by the central government. They served a five-year term of office. However, no elections were held, and government officials oversaw the Parishad (Siddique, 1994).

In accordance with the Amendment to the Local Government Ordinance, the Swanirvar Gram Sarker (village self-government) was introduced at the village level in 1980. However, this was abolished by the Martial Law Order in July 1982 (Huque, 1988). Then, several local government acts were passed in 1982, 1983, 1988, and 1989.<sup>3</sup> The *Upazila Parishad Ordinance (1982)* was particularly significant because it was supposed to help implement the Government's decentralisation programme. In the Upazila System (as it came to be known), the (directly) elected chairman would have the principal authority in running the affairs of the Upazila system with a five-year tenure. The Upazila Nirbahi Officer (UNO) served as his/her subordinate. This system lasted for nine years, and it seemed to be effective (Siddique, 1994). One may wonder why the system was considered effective. This is because there was a balance of power between the people's representatives and government officials. The system of indirect participation of people in the decision-making process of the Upazila Parishad was present. This was made possible through their elected representatives. Moreover,

the Chairman of the Upazila Parishad used to be elected on the basis of universal adult franchise. The general public was very much pleased, knowing that the administration was decentralised and thus accessible and transparent.

However, the Bangladesh Nationalist Party (BNP) Government (1991-96), which came to power through a relatively fair election,<sup>4</sup> abolished the Upazila system in 1991. The main purpose behind such a decision was to strengthen control of the Members of Parliament over local affairs in their respective constituencies. As long as the elected Upazila Chairman was present in the Upazila, the MPs found it difficult to establish their supremacy over local administration. During its five-year tenure, the Government could not provide an alternative democratic form of local government. When another relatively free and fair election in 1996<sup>5</sup> brought the Bangladesh Awami League (AL) to power (1996-2001), the new administration constituted a Local Government Commission. In May 1997, it came up with the Report on Strengthening Local Government Institutions. The Commission recommended a four-tier local government structure including Gram (Village) Parishad, Union Parishad, Thana/Upazila Parishad, and Zila (District) Parishad. The then AL Government started to implement recommendations forwarded by the commission in 1997. Nevertheless, this system did not last long because the BNP Government (2001-2006) introduced changes in the local government structure once more after coming to power in 2001. Specifically, it introduced Gram Sarker (GS) in place of Gram Parishad at the ward levels. Each Gram Sarker represented one to two villages having on average 3,000 inhabitants. The Union Parishad member, elected from the Ward, chaired the GS that consisted of other members, both males and females, elected in a general meeting of the Ward voters under the supervision of the “prescribed/directing authority.”

However, after coming to power on 11 January 2007, the army backed the caretaker government (CTG) headed by Dr. Fakruddin Ahmed, and it abolished Gram Sarker on 20 April 2008.<sup>6</sup> It did so considering that the GS was created to serve the political purposes of the BNP. All these tiers are concerned with rural local governments in Bangladesh. In addition to the abolition of the Gram Sarker, the caretaker government made a noteworthy amendment to the Upazilla Parishad (UP) Act of 1998 through an ordinance. Basically, the CTG amended the controversial provision of the Act of 1998 that made it mandatory for the UPs to follow the suggestions of the local MPs as advisors.

Following the directive of the last CTG, the election to the UPs was held in January 2009 under the newly elected AL Government that came to power on 6 January 2009 after winning the election on 29 December 2008. Without ratifying the ordinance promulgated by the CTG, the Government put the UZP Bill (2009) before the Parliament where they added more autocratic features. And the UP Act 2009 was passed unanimously in the Parliament.<sup>7</sup> One of the most important features of the UP Act 2009 is the provision of making it mandatory for the UPs to follow the suggestions of local MPs. Clauses 1 and 2 of Article 25 of the Act

provide that the MPs shall be advisors of their respective UPs, and that their pieces of advice shall be treated as mandatory as indicated in the original UP Act of 1998. Moreover, a clause of the Act prohibits the UPs to communicate directly with the Government without informing the respective MPs. Clause 27 (kha) of the Act has made mandatory that the minutes of each session of the UP must be sent to their respective MPs within 14 working days. In that way, the Government has strengthened the control of the MPs over their respective UP, which is contrary to the basic principle of democracy, decentralisation, and good governance (The Local Government Act, 2009).

## **5 How Far is Power Decentralised? An Analysis**

In the above discussions, some efforts were made to discuss the decentralisation process in Bangladesh under different regimes, starting from the British period. Now, one may wonder to what extent power has been decentralised to the local government bodies. Conversely, it can be asked how far the local government bodies enjoy authorities. Measuring the extent of decentralisation is not an easy task. However, an effort has been made to analyse the extent of power decentralisation in the local government bodies in Bangladesh, particularly in the Union Parishad.

When analysing the decentralisation practices of different governments in Bangladesh, it is evident that the local government bodies have never been established as “self-governing” bodies in their true sense. These bodies can certainly be identified as an extension of the central government where the scope for participation of local people is very limited. As a result, the management of the local government bodies has been found to be poor. It suffers from institutional and financial weaknesses, and it lacks social and political credibility. Of course, different reform initiatives have strengthened the local government bodies in terms of structures, but there are still different issues that have created a hindrance in the process of making the local government bodies administratively and financially powerful.

Further, when evaluating the decentralisation process, it is quite evident that no comprehensive decentralised planning has been taken up yet. With the change in the Government, the decentralisation policy also changes. In most cases, such frequent changes are politically motivated. Their purpose is to create political loyalty, and to build a strong political base at the local level by putting party men in various positions. Another issue that deserves a special mention is that no decentralisation initiative has been based on a wide consultation with people. In most cases, decentralisation policies have come into effect on the basis of a set of recommendations put forward by the Government-appointed commission. Although such recommendations are supposed to be made after consultations with all stakeholders, such initiatives have been absent in most cases. And here and there, it has been found that there is no representation of the stakeholders in the

commission formed for the purpose of decentralisation. In general, the so-called commissions give recommendations to take into consideration the Government's motive and preferences over power sharing with the local bodies. However, the recommendations of these commissions have not been considered for implementation in most cases. Since the decentralisation policy of different governments has failed to include different stakeholders, its implementation suffers from non-cooperation of the stakeholders.

If we discuss different forms of decentralisation, it is evident that devolution is the most powerful form of decentralisation. When devolving functions, the central government transfers authority for decision-making, finance, and management to the local government units. But in the context of Bangladesh, it is seen that the central government devolves functions to the local government units by keeping control over them. As a matter of fact, the decentralisation policy of Bangladesh is mainly based on the principles of deconcentration and delegation. In both forms, power is retained by the central government to exercise control over the activities of the local government units. If we consider the LG units, it is evident that these bodies have limited decision-making power. Even if they have power, they remain accountable to local units of central government. Some important issues, which are considered hindrances to successful decentralisation practices in Bangladesh, are discussed in the sections below.

### **Lack of Authority and Power**

From the very outset, the Local Government (LG) bodies in Bangladesh have remained confined within the jurisdiction of specific development functions. These bodies have no authority to exercise power over regulatory administration (Hussain & Sarker, 1994; Panday, 2005). Even different agencies of the central government administer different development functions (welfare, education, public health, social welfare, etc) that fall within the purview of the LG. Therefore, statutes do not allow the UPs to be involved in implementing the development projects initiated by different government departments. Even the patterns of relationship among the LG and various field level offices of the central government are not properly defined.

For instance, local-level infrastructure development is one of the primary responsibilities of the LG. These projects are mainly funded with the central government's food aid and grants. Food aids are channelled through different agencies of the national government. In this process, the only task of the local government is to select possible projects. Approval of these projects is given by the Upazilla Nirbahi Officer (UNO) in consultation with the Upazilla Engineer (UE) and Project Implementation Officer (PIO). Under this circumstance, it can be said that the LG has been given authority to deal with the issues related to the development administration only. In most cases, their roles and responsibilities are supervised by the local unit officials of the central government. They are typically

called bureaucrats (Khan, 2000). In a situation where the LG remains under the constant supervision of bureaucrats, devolution of power (which is the central theme of decentralisation) is not possible.

### **Authoritative Central-Local Relations**

The colonial legacy and the absence of a long-standing democratic government have given birth to an authoritative type of the central-local relationship in Bangladesh. In most cases, the LG bodies are controlled by the field-level government officials, including Deputy Commissioner (DC), the UNO, and the heads of district and upazilla administration. Apart from government machineries, the Government also exercises its control over the LG by issuing circulars from different agencies/ministries, which is contradictory to the original legal framework. Moreover, by law, the national government reserves the right to conduct inquiries into the affairs of the LG, and to impose suspension on the functioning of the LG if it is found 'unable' to discharge its duties, or if it 'fails to meet its financial obligations. Such a provision endorses enormous power to the district administration to manhandle the LG unit. For instance, very recently, the Government was thinking of delegating power to the Deputy Commissioner to conduct an inquiry against the Chairman of the Upazilla Parishad. To convert this provision into law, the Government (in a cabinet meeting held on 19 April 2010) approved incorporation of such an amendment in the Upazilla Parishad Act (Prothom Alo, 09/05/2010). Thus, these bodies suffer from susceptibility to the political and administrative whims of the Government.

Apart from them, the LG institutions remain under the tremendous financial and administrative control of the Government. For instance, at different levels, the central government agencies scrutinise and approve the annual budgets of the LG units. When it comes to the appointment and salaries of the LG staff, the power is held by the central government bureaucracy. Even the government officials interfere in the internal functioning of the LG bodies. For instance, there is a provision of constitution of different standing committees in each UP. However, the DC gives approval to these committees. These cases signify that the LG units remain under the constant control of the central government. Such control has made these bodies an extension of the central government (instead of making them self-governing units).

### **Inadequate Financial Resources**

It is taken for granted that the LG bodies in Bangladesh suffer from inadequate financial resources. By taking this into consideration, the LG regulations have given the LG bodies the power to mobilise funding from local resources through levying taxes, 'hat-bazaar' lease, etc. Although the UP generates funds from different sources, it does not receive its total share. For instance, out of the total revenue that the UP generates from leasing of rural markets, it receives only 50%.



Out of the other 50%, the national government retains 25%, the Upazilla receives 10%, and the remaining 15% is kept for the maintenance of the market (Khan, 2000; Panday, 2005). Another area of concern is that each UP receives grants from the national government under the Annual Development Programme (ADP). However, it is strictly specified in laws that the LG units must use this block grant in some sectors prescribed by the central government. Such a direction hampers the planning process of the LG because it is not able to incorporate the immediate locality's needs into the plans, but the LG needs to work on the guidelines provided by the Government. These types of control have made the LG dependent on the central government, which is contrary to the basic principles of the decentralised local government bodies.

### **Lack of Trained Personnel**

Empowerment without capacity building is nothing. In order to strengthen the LG bodies, the institutional capacity in terms of both human competence and logistics must be strengthened. In his study, Aminuzzaman (1998) indicates that the majority of the chairmen and members of the LG units do not have adequate knowledge and understanding of the operational procedures and functions of these bodies. They also lack the proper knowledge that is required to deal with the complicated rules of budgeting, planning, and managing resources. For instance, for proper functioning of the UPs, they need to maintain more than 100 registers (i.e., general office management, village courts, test relief programmes, food-for-work programmes, etc). But, as a matter of fact, in most cases, these registers are not maintained because the workload is enormous as compared to the management capacity of the LG units. Moreover, the elected officials and salaried staff of the LG units are not given enough training to make them capable of carrying a tremendous workload.

### **Lack of Transparency and Accountability**

All the elected LG representatives should be made accountable to the electorate for their actions. All actions should be taken in a transparent way because accountability and transparency are considered as two important features of good governance. Making the LG bodies accountable and transparent requires adequate supervision and monitoring. Lawfully, it is the responsibility of the Monitoring and Evaluation Wing of the Local Government Department of the Ministry of Local Government, Rural Development, and Cooperatives (LGRD&C) to oversee the activities of the local bodies. But the way monitoring is done is poor, and the mechanisms that are used seem to be inadequate and ineffective. Apart from the M&EW, the activities of these bodies are also monitored by the local level government official, including by the UNO. But in most cases, instead of monitoring their activities, they try to impose control on these bodies. Thus, the LG bodies are not found accountable and transparent in their activities.

## 6 Recent Development of Local Governance in Bangladesh

The formation of an independent and permanent Local Government Commission has been a long-standing demand of the local government specialists and of the people working in these areas since the 1990s. Of course, different commissions have been formed by different governments to oversee the state of the LGIs, and to recommend the measures for overcoming their shortcomings. After the restoration of democracy for the second time in 1991, two political governments formed two local government reform commissions.<sup>8</sup> But none of the governments ensures full implementation of commission recommendations. However, the formation of Dr Shawkat Ali Commission through the promulgation of the Local Government Commission Ordinance (2008) was a notable initiative on the part of the Caretaker Government (2007-2008). Although the commission started functioning in November 2008, it did not last long because the present AL government (after assuming power in 2009) did not ratify the ordinance during the first session of the Parliament. Non-ratification of the ordinance signifies the Government's reluctance to deal with the issue of strengthening the LGIs in the country. The existence of a permanent Local Government Commission would be helpful to the government policy makers to revamp their policy towards local government because the commission would be able to detect the existing flaws and to recommend remedial actions.

It is true that the Government has not ratified the Local Government Commission Ordinance (2008), but it does not necessarily mean that the Government has not done anything for strengthening the LGIs in the country. In order to ensure people's participation in the LG decision making process, and to ensure accountability and transparency of their activities, the present Government has enacted "the Local Government (Union Parishad) Act, 2009". There is no denying the fact that the Government was mostly motivated by some donor-driven local government best practices, including Sirajganj Local Governance Development Fund Project (SLGDFP).<sup>9</sup> The Act of 2009 can be considered as a well-thought-out Act because several important provisions have been incorporated into the new Act that can help to establish a successful local government body. Special features of the Act of 2009 include provisions for the introduction of *shava wards* (ward meetings), open *budget* meetings, declaration of *Citizen's Charter*, and a provision for *the right to information*. All these provisions are made for involving people in the decision-making process, and in ensuring accountability and transparency of the total process. Thus, a brief description of these provisions deserves a special mention here.

Clauses 4 and 5 of the UP Act of 2009 provide that a *Shava Ward* (ward meeting) shall be constituted in each ward consisting of all the voters entered in the electoral roll. The elected member of the ward shall act as the *Shava Ward* Chairman, while the elected female member shall act as an adviser. The Act provides that at least two meetings of the *Shava Ward* shall be held per year. The

main task of the *Shava Ward* is to review all the development activities in the ward. It is the responsibility of the *Shava Ward* Chairman to present the annual report before the members, and also to let them know about the implementation status of the development projects. Clause 57 of the UP Act of 2009 provides for the finalisation of the UP's yearly budget in an open meeting that is commonly referred to as an *open budget*. The Act provides that each UP shall prepare a budget 60 days in advance of the commencement of the financial year. Then the budget shall be approved by the members of the standing committees, and by the local people in an open meeting. Finally, the budget shall be sent to the UNO for approval once it is approved at the next available meeting of the UP (the Local Government (Union Parishads) Act, 2009).<sup>10</sup>

Clause 49 (1) of the Act of 2009 provides that each UP shall publish the "*Citizen's Charter*" through which all citizens shall be notified of what services they are entitled to receive from the UPs, and of the conditions associated with the service provision in the definite period of time. Clause 49 (2) states that the Government shall formulate a directory guiding the *Citizen's Charter* where the UP may reserve the right to make any kind of changes and amendments if necessary, provided that the Government is notified about that. Clause 49 (3) provides that the UPs may reserve the right to update the *Citizen's Charter*. Clause 78 of the Act provides the citizen right to information. In accordance with law, the Act provides that citizens have the right to get any information from the UPs if it causes no harm to others. And the UP is obliged to provide that formation to the person in question. The Act also keeps the provision of sanctions for the UP secretary if he/she or their subordinate staff fail to provide the information within the agreed time.

Incorporation of the above provisions in the Act of 2009 is a praiseworthy initiative on the part of the Government. On the one hand, proper implementation of these provisions would certainly open up a new avenue for ordinary people to take part in the UP activities, but on the other hand, it would ensure accountability and transparency of the indicated activities. Of course, the Act has been adopted very recently. Its provisions have not started to be implemented in all UPs. However, keeping a provision does not guarantee its full implementation. For instance, the Citizen's Charter provisions have been implemented in all government departments and urban government bodies for a few years. Nevertheless, they have not produced enough success stories in service provision. In a Citizen's Charter survey in four city corporations and in four ancient Pourashavas in Bangladesh, Jamil (2010) has recently found out that people's perception of the Citizen's Charter is very low. During the survey, it was not easy to find enough respondents having knowledge about the Citizen's Charter. Even those who had been found to have an understanding of the Citizen's Charter had no detailed understanding of it. The study findings suggest that the Citizen's Charter provisions have not improved the quality of the transferred services provided by the municipal bodies. Therefore, the Government's sincerity is

required for full implementation of the above provisions. Only then will local government be able to play a pivotal role in the overall development of the country.

## **7 Representation of Women in the Local Government Bodies**

Through different articles [9, 10, 19 (1), 19 (2), 27, 28 (1), 28 (2), 28 (4)], the Constitution of Bangladesh safeguards the women's rights in communities.<sup>11</sup> In order to convert the Constitutional guarantee into reality, the Government of Bangladesh has reserved one-third of seats for women in each UP. Even one-third of the membership in the standing committees has been reserved for women (Clause 45 of the Local Government (Union Parishad) Act, 2009). Now, the pertinent question is whether the reservation of quotas has ensured meaningful participation of women in the decision-making process of the UPs. As a matter of fact, despite the reservation, the state of women's participation in politics is not so encouraging. Although nearly 14000 women were elected as members of the UPs, they have not been able to influence the decision-making process. Patriarchate and a male-dominated social structure have created a hindrance in the process of their participation in the UP decision-making.

The Asian Development Bank study findings (2004) suggest that the majority of female members (70% of female members were interviewed) lacked adequate knowledge and skills required to discharge responsibilities of people's representatives. Even a higher percentage of the female members interviewed in this study identified the lack of confidence as one of the main hindrances that prevent them from dominating the meetings (Mukhopadhyay, 2005). Thus, they are forced to play an ornamental role. The study findings are corroborated with the findings obtained by Panday (2009) in his study in which he found that more than 70% of the elected female members were not able to exert any influence on the decision making process in the UPs. An interesting finding of the study is that a group of respondents that expressed positive views regarding exerting influences on the decision-making process lacked concrete ideas on how to do that. As a matter of fact, such responses are an indication of their inferior mental condition. When it comes to the female members of standing committees, in his study, Panday (2009) has found that committees are formed, but they do not function properly because Chairman and members do not offer women equal membership in committees (73% of respondents expressed such views). In his study, the majority of the female members expressed that:

The male chairmen and members cannot bypass us in the committees that have been particularly created for women, but they do not offer us equal membership in other committees. There is always the tendency to keep us away from everything. They want us to gossip and spend time conversing with one another. They do not have faith in us. Another important thing is that they believe if we

participate in the activities that were previously carried out by them, their supremacy in the society would be reduced (Panday, 2009: 172).

Finally, it can be said that paternalistic and discriminatory attitudes of male representatives have marginalized women's role in the local governance. These groups of people, which are the majority in most cases, hold the view that men enter political office on merit, while the Government-favoured female quota has made women's entry into the political process easier (Mukhopadhyaya, 2003). In order to overcome such a situation, the Government should ensure proper monitoring of the UP activities. Thus, any discrimination against female members would be prevented. In addition, the Government should take the necessary initiative to organise more capacity-building programmes in order to make the female members aware of their rights and responsibilities. Only then would the situation of women's participation in the local government decision-making process be improved.

## **8 Conclusion and Recommendations**

Centralisation and decentralisation are not "either-or" conditions. In most countries, an appropriate balance of centralisation and decentralisation is essential to the effective and efficient functioning of Government. Not all functions can or should be financed and managed in a decentralised manner. Even when national governments decentralise responsibilities, they often retain important policy and supervisory roles. They must create or maintain the "enabling conditions" that allow local units of administration to take on more responsibilities. Central ministries often have crucial roles in promoting and sustaining decentralisation by developing appropriate and effective national policies and regulations for decentralisation, and by strengthening the local institutional capacity to assume responsibility for new functions. The success of decentralisation frequently depends heavily on training for both national and local officials in the decentralised administration.

It is essential for any working democracy to have a local government system that is self-governed and yet accountable to a higher authority. As in other countries, the Constitution of Bangladesh calls for a clear separation of power between the national and local governments. The only problem in Bangladesh is that the political leadership does not believe in decentralising power to give the people the authority to monitor and control its constituencies. This is one of the very few areas where the Government and the opposition see eye to eye. They seem to overlook the Constitution and the very spirit of democracy. They simply want to add to their already considerable power. When commenting on the decentralisation practices in Bangladesh, Ahmed (2010) states that "in Bangladesh, local governments are allowed to have a very small political space, although they deserve a larger one through which they could contribute to political

education, governance, political stability, and to greater democratisation of the social and political systems” (The Daily Star, 23/02/2010).

Now, one may argue about the rationale behind the occurrence of such changes in the structural design of the local government bodies. From the perspective of an outsider, it may seem that the Government has initiated all the changes either to cope with the demands of the modern times or to bring administration closer to people. However, when viewing this in critical terms, one may find some serious hidden causes. In Bangladesh, every administration, once in office, initiates some structural changes in the local government bodies so that such institutions may be run by their own party members. Then the same people assist them in winning the next parliamentary election. More specifically, most administrations have introduced changes in the structural design of the local government bodies to strengthen their political base in that area rather than to ensure the opportunities for common people to partake in the decision-making process.

Finally, it can be concluded that the decentralisation policy of Bangladesh is mainly based on the principles of deconcentration and delegation. In both forms, power is retained by the central government to exercise control over the activities of the local government units. If we consider the LG units, it is evident that these bodies have limited power of decision-making. Even if they enjoy power, they remain accountable to the local unit of the central government. For this reason, the LGIs have not been able to establish them as an efficient body at the local level. Regarding the efficiency of the local government system in Bangladesh, Ahmed (2010) indicates that despite having nearly all the features needed for the decentralised administration, the exiting administrative structure and the elected local bodies have not been able to perform efficiently due to excessive control of the central government over the local bodies, and because of the top-down nature of the Government’s decision-making (The Daily Star, 23/02/2010). Under such circumstances, it is important to find out some alternatives that can help overcome the trauma. Thus, the suggestions below should be considered as very helpful in ensuring decentralisation in its true form.

### **Strong Political Leadership and Vision**

At this juncture, it is important to answer whether or not several Bangladeshi Governments have learnt any lessons from the local government since the British and Pakistani periods. As a matter of fact, during these periods, the central governments used the local government bodies as their extended arm at the local level. Different governments in Bangladeshi were from the same ideology. Thus, they brought structural changes to the LGIs to serve their political purpose. As a result, such bodies were not established as self-governing units. Under such circumstances, a strong political vision is needed to make the local government bodies powerful by decentralising power from the centre. In this case, consensus-building among different political parties is a necessary condition. Given the

political culture of Bangladesh, the fact has been taken for granted that neither of the two large parties (the AL and BNP) will continue any policy of its predecessor. Thus, if all the political parties come to a consensus on the extent of the decentralisation of power to the LG bodies, the possibility of continuation of that policy will be higher even though the previous Government members are in opposition.

### **Capacity Building of Local Government Representatives**

As mentioned before, empowerment without capacity building is meaningless, and thus the Government needs to organise the capacity building programmes for the elected local government representatives so that they can prepare themselves to efficiently discharge their responsibilities.

### **Participatory Planning and Implementation**

It is essential that the overall planning process of the Government is well coordinated. The Government should consider the decentralisation policy as part of the comprehensive planning of the country instead of an isolated policy. The Government should incorporate the views of different civil society organisations into planning and implementing the local government policy. Only then would the policy be representative of the common citizens.

### **Sound Coordination Mechanism**

The experience of ensuring sound coordination between the local government bodies and the officials working at the local level is not quite satisfactory in Bangladesh. Thus, everything should be spelt out in laws regarding who would do what, when and how. If this could be done, there would be no coordination problem at the local level.

### **Inclusion of More Women in the UP Decision-Making Process**

The structure of the local government bodies should be designed in such a way as to ensure participation of more women in the decision-making process. Although there is a provision for reservation of three seats in each union parishad, thereby determining who should be directly elected by voters, more women should be included in the decision-making process because women constitute a half of our total population. Therefore, the Government should add another amendment to the existing laws.

### **A Permanent Local Government Commission**

A separate and independent local government commission should be established to oversee all the issues relating to the local government bodies.

## Notes

<sup>1</sup> Bangladesh was part of British India at that time.

<sup>2</sup> The military ruler who staged a coup d'état in 1958 used to believe that the intellect of the Pakistani people was not suitable to the representative government of the Westminster type. The regime was in favour of a guided democracy that was characterised by an authoritarian government at the top, and by a representative government at the local level. This variety of local government was known as "basic democracy." The local government system under this system became unpopular in the then East Pakistan, and it faced vehement criticism. Later on, the system was dissolved by General Yahya Khan when Ayub Khan was overthrown from power in 1969 (Siddique, 1994).

<sup>3</sup> A major change occurred in the local government system through *the introduction of the Local Government (Upazila Parishad and Upazila Administration Reorganisation) Ordinance* in 1982. This was followed by *the Local Government (Union Parishads) Ordinance* in 1983, *the Local Government (Zila Parishads) Act* in 1988, and by *the three Hill Districts Acts and Palli Act* in 1989.

<sup>4</sup> The parliamentary election of 1991 was relatively fair because it was held under the non-partisan caretaker government, and it was praised by international election observers.

<sup>5</sup> The parliamentary election of 1996 was held under the non-partisan caretaker government that was also praised by international election observers.

<sup>6</sup> There has been much debate centred on the immediate past caretaker government in Bangladesh. This government differs from the preceding ones in different aspects. First, it was created in the peculiar and violent conditions. Second, it lasted for two years instead of three months (according to the constitutional provision). Third, it initiated different reforms in almost every sector, although the Constitution does not permit it to do so. In fact, the constitutional provision suggests that the main responsibility of the caretaker government is to assist the Election Commission in holding a free, fair, and credible election within 90 working days, and eventually in handing over the power to the newly elected government. Unfortunately, the immediate past caretaker government extended its prescribed 90-day tenure to two years. Finally, they transferred power to the AL led grand alliance government on 6 January 2009. It was elected through a free, fair and credible election that took place on 29 December 2008.

<sup>7</sup> In a country where opposition members spend most of their time in criticising the government's actions, in the event of the Upazilla Parishad Act (2009), uncharacteristically, all the MPs voted in favour of the bill. One may think that without considering their strategic position, all the MPs voted in favour of the bill in order to establish a strong Upazilla Parishad. However, in reality, MPs acted in that way only to strengthen their power base at the UP.

<sup>8</sup> The *Nazmul Huda Commission* was formed during the BNP Government (1991-1996), while the *Rahmat Ali Commission* was formed during the AL Government (1996-2001).

<sup>9</sup> This UNDP funded project aimed to contribute to poverty reduction by increasing access to basic services and infrastructure for the rural population of the Sirajganj District. The project assisted Union Parishads in the Sirajganj District to support local development initiatives in an effective, sustainable and participatory manner. The project has achieved tremendous success in project area.

<sup>10</sup> For more detail about the shava ward and open budget, please go through the Local Government (Union Parishad) Act, 2009.

<sup>11</sup> In order to know more about the above articles, please go through the Constitution of Bangladesh (2004).



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