

Problems of Strengthening Local Government in Bangladesh: Towards a Comprehensive Solution

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Abstract

Local government is an integral part of body politics of the country. Historically, local government was always there in Bengal. Only its forms differed from age to age. The ancient and medieval governments of Bengal were heavily dependent on village institutions, which made the structure of the local government. After the independence of Bangladesh, many changes have been made to constitute and re-constitute the local government system. This study is an effort mainly to know about the local government problems in Bangladesh and provide a comprehensive solution in order to strengthening local government properly. Various problems rigorously restricted the local government system from realism such as financial control, control by central government, limited budgetary allocations, and interruption of politician. The study has been conducted depending on secondary sources of data. Moreover different scholars' views have been incorporated so that a comprehensive reform strategy can be provided properly.

Key Words: Local Government, Democratic Process, Grass Root Level, Decentralization.

Introduction

Local government is an integral part of body politics of the country, recognized or created under law for the management of local affairs of human settlement with geographic boundary. Decentralization of local government institution in Bangladesh can create political leadership, ensure popular participation and develop an accountable administration that helps to plan and implement people-oriented development activities. The institution of local government can help to establish democratic process and practice as well as ensure participatory development at grass roots. Without doubt local government has a tremendous role to play in the efficacious existence and maturation, Syndromes of democracy. Local Self Government institutions in every country are the significant breeding grounds for democracy. They help the rural people understand democratic spirit and value. By taking part in the local bodies the people can taste the fruit of democracy. During the British colonial rule in Indian sub-continent and after 1947 the long quasi-colonial rule, various kinds of changes had taken place and after the independence of Bangladesh, a number of attempts have been made to tinker with local government bodies. Changes have been made time-to-time but the initiatives did not direct linkage with strengthening local government bodies. The local government bodies had never been independent in Bangladesh. Since the emergence of Bangladesh it can be pointed out easily that units are being used by the periodical government for its own political gains (Rahman and Zaman: 2004). The issues of local self governments should be taken into consideration in any future attempt to reform and reorganize to make them truly decentralized, institutionally effective, financially viable, participatory gender sensitive, transparent and accountable in nature. It is possible if proper reform system can be undertaken with specifying all the concerned parts of the local government. Therefore, comprehensive reform strategy is needed to strengthening local government system.

In order to make a strong and sound decentralized local government, these problems are required to be solved. It is obviously clear that a comprehensive solution must be taken to remove the weakness of local bodies.

Objectives of the Study

The major objective of the study is to focus an overview of the local government system to remove the weakness within it. Specific objectives of the study are:

1. To identify existing problems of strengthening local government.
2. To provide a comprehensive solution towards Strengthening Local Government in Bangladesh.

Methods of the Study

The study has been conducted depending on secondary sources. The secondary data have been collected from the various books and recent discussion on local government and decentralization. Besides, various National and International Journals on relevant area have been followed. Information has been presented in this study on the basis of various works, which have been done on local government. Newspaper and articles were followed as a source of very information. The study also used data from different website.

The dependent variable of the study was considered as Local Government and there are a set of independent variables such as- Constitution and Acts, Decentralization, Central Government, Role of Politician, Intellectual's views and Local Government Commissions. In this study, qualitative method has been used to explain the various factors on Local Government and to find out the solution for strengthening local government.

Local Government Meanings

Local Government can be defined as the government below or as the government organized locally. The United Nations Organization (UNO) defines Local Government in the following way "The term Local Government refers to a political Subdivision of a nation or a state which is constituted by law and has substantial control over local affairs, including the power to impose taxes, on exact labor for prescribed purposes. The governing body of such an entity is elected or locally selected" (UNO: 1961). It is not a subordinate unit of the contract or a provincial government formed for more administrative purposes. Moreover, It is an integral part of the Government created for Self-Government within its competence (Tarikul: 2004). Local Self-Government means such Government, which is formed and empowered by law in a small range of certain geographic area to meet the local demand (Ahmed: 2000). It is recognized not only by the laws but by the constitution also. According to article 11 of the constitution effective participation by the people through their elected representatives in administration at all levels shall be ensured. Local govt. is a such govt., which is formed at lower levels or locally formed. By Local Self-Government we mean the administration of Local areas run by its selected representatives (Agarwal; 2009: 398).

Local Government Reform in Bangladesh

As a result of the long history of struggle for freedom and democracy, Bangladesh saw the importance of developing a sound democracy and increasing people's participation in the political process, decision-making, and development of the country after it emerged as an independent nation. After the independence of Bangladesh in 1971, the Awami League government, headed by Sheikh Mujibur Rahman, brought the following reforms in the local government. First: the system of basic democracies was abolished and government bodies carried over from the days prior to independence were dissolved. Second: Public officials were authorized to form committees at different tiers of government to fill the void created by the termination of some government bodies. The committees created would, for the interim, perform local functions. Third: District governorship was introduced in 1973. This provided for a three-tier system with a directly elected Union Parishad (Council), a Thana development committee under the control of the sub-divisional officer, and Zilla Parishad under the control of Deputy Commissioner (Begum, Khan and Ahmad; 1998: 66). The Awami League government led by Sheikh Mujibur Rahman did not hold elections to the higher-level councils, nor did it take any measures to devolve authority to any of them. There was a substantial lack of political and behavioral support among Awami League leaders for democratizing local government in Bangladesh.

The BNP government headed by Ziaur Rahman played a critical role in reviving the local government institutions in Bangladesh. The Local Government Ordinance 1976, promulgated by Zia, created *Gram Sabha*

(village councils) in an attempt to decentralize government down to the village level. The Local Government Ordinance 1976 made provisions for the formation of three types of rural local government, Union Parishad, Thana Parishad and Zila Parishad (Siddiqui; 2005: 66). Local Government Ordinance in 1976 also prescribed detailed provisions as regards the qualifications and removal procedures of the Union Parishad chairman/members as well as how the UP (Union Parishad) proceedings were to be conducted. But the government retained much controlling power over the UPs in that its prescribed authority, i.e. SDOs (Sub-division Officer) in the case of UPs, could veto any of UPs decisions.

The decentralization scheme implemented under Ershad's government was the most ambitious attempt in the history of Bangladesh to bring responsible government to the local level. The government adopted a resolution on 23 October, 1982 to recognize the administration at thana level (Siddique; 2005: 71). But, there were some major problems with this scheme of decentralized administration. First, the electoral system tended to represent only the wealthiest and most influential members of society. These persons made decisions that strengthened their own patronage networks and influence at the local level; the poorest strata in society had little direct voice in elected committees. Second, the sub-district councils were designed to create and implement development activities in their areas, but they were typically slow to draft five-year plans or carry through broad-based development efforts. Third, civil service members have often been slow to cooperate with elected members of local committees. Finally, the entire system of decentralized politics was viewed by opposition politicians as a patronage network designed to attract local elites to the party of the regime in power instead of furthering decentralized democracy, the system only strengthened the national party controlled from central level.

In 1991, the BNP (Bangladesh Nationalist Party) government appointed a high-powered 'Local Government Structure Review Commission'. The recommendations of the commission were required to be consistent with institutional provisions on local government as laid down in Article 59 and 60 of the constitution of the twelfth Amendment of the Constitution in 1991 (Siddique; 2005: 96). Bangladesh Nationalist Party led by Begum Khaleda Zia came to power it chose to change the Upazilla system within a few months and reinstated the previous bureaucracy-dominated Thana administration by promulgating the Local Government (Upazilla Parishad and Upazilla Administration Reorganization, Repeal Ordinance, 1991). Nothing appreciable, however, was done during the five years of BNP rule.

When the Bangladesh Awami League Government led by Sheikh Hasina came to power in 1996, it formed a high-powered Local Government Commission in 1996, to suggest viable local bodies based on the principles of local democracy (Siddique; 2005: 102). The Commission recommended a four-tier local government structure including Gram/Palli (Village) Parishad at village level, Union Parishad at UP level, Thana/Upazilla Parishad at Thana level and Zila (District) Parishad at District level.

The four-party alliance government led by Begum Khaleda Zia in 2001 initiated a change in the local government structure. *Gram Sarkar* in place of Gram Parishad had been introduced. These bodies were created at the Ward levels. Each Gram Sarkar (GS) represented one or two villages comprising about 3,000 people at an average. The UP member elected from the Ward was the Chairman of the GS, which will have other members - both male and female - elected in a general meeting of the voters of the Ward under the supervision of a chairman of Gram Sarkar.

Existing Problems in Local Government

The local government bodies had never been, in independent Bangladesh, 'self-governing' bodies in the true sense of the term. They could simply be labeled as an extension of the central government with guided and limited local participation. Consequently, local governments have always been institutionally and financially weak, poorly managed and lacked social and political credibility.

Absence of Real Autonomy

A serious constraint on both rural and urban local government is its dependence on central government. One authority describes the relationship between national and local government as a 'clear patron-client relationship' (Siddiqui; 2005). Limited powers, functions and jurisdiction of local government are all delegated by central government, which retains a high degree of overall control in both rural and urban areas. This effectively limits the autonomy and efficiency of local government

Financial Control over Local Bodies

Local government bodies have been chronically resource-poor in Bangladesh. Local Government bodies are compelled to take loan or grants from central government at almost every aspect of Union Parishad (Ahmed; 2000: 382). Local self government bodies in Bangladesh are in constant shortage of funds. The sources of their income are generally taxes, rates, fees and charges levied by the local body, and rents and profits accruing from properties of the local body and sums received through its services. Contribution from individuals and institutions, government grants, profits from investments, receipts accruing from the trusts placed with the local bodies, loans raised by the local body and proceeds from such services are other sources of income. Financial aspect such as; tax, budgetary producer and allocation of money and project have been controlled by Central government through its administration. For example- The Union Parishad has no direct control even over resources generated from their jurisdictions. Such practice of regulating and controlling of the financial resources by the national government functionaries keeps the LG units for ever resource-poor and resource-dependent on the national government.

Excessive Controlling by Central Government

Local self government bodies are being strongly controlled by the higher level authorities. The local governments are subject to control in various matters, such as;

(a). The National Government exacts legislation on local bodies and formulates detailed rules related to conducting of election, business, powers and duties of chairmen, assessment of taxes, preparation of budget, making of contracts, appointment and service matters of local government employment, accounts and audit and many other important areas. The Central Government has the final authority in the determination of the size and boundaries of the local body's territory;

(b). The Central Government has the power to decide on the structure and composition of the local bodies. The Central Government substantially controls the personnel system of local bodies, particularly the appointment of the Chief Executive Officer in City Corporations and Pourashavas as well as other officials;

(c). The Central Government controls the functional jurisdiction of local bodies. Besides, designated functions (as in ordinance), the government can assign any other function to a local body. Inter-institutional disputes within local body areas are to be settled by the Central Government;

(d). In the field of finance, government supervision and control are wide and strict. In addition to financial control in general, the central government can wield power by reducing or enhancing Grant-in-aid to local bodies, even to city authorities like Dhaka;

(e). The Central Government asserts control and supervision over general administration of local bodies, including large City Corporations. The central government may order an inquiry into the affairs of a local body generally or into any particular affair either on its own initiative or on an application made by any person to the government;

(f). The Central Government has the power to dissolve a local body on charge of gross inefficiency, abuse of power, or inability to meet financial obligations.

(g). In addition, the central government also exercises substantial financial and administrative control over the local government institutions in different ways. The above facts reveal that the local government units in Bangladesh are being constantly controlled by the national government through various mechanisms for almost every aspect of their operation.

Over Controlling by the Administrative Official

According to the constitution, the government should encourage the local government institutions, not control them, but administrative officials run some local government institutions, which is a violation of the constitution. Although laws allow the local government institutions to realize holding taxes, it cannot be possible because of the order of executives.

Limited Budgetary Allocations

Inadequate budgetary allocation for the local government institutions leads to rural poverty, widening economic disparity between rural and urban areas. Stressing the need for transparency and accountability of the local government, it is said that a strong movement should be waged to force the government to give the local government institutions due authority in order to ensure democracy at the grassroots level.

Problems of Decentralization

Dr. Tofael Ahmed and Professor Dr. Niaz Ahmed Khan said that decentralization scenario in Bangladesh is little encouraging. In their words, evolution of decentralization in Bangladesh is characterized by: (a) domination by and complete dependence on central/national government; (b) unrepresentative character; (c) grossly inadequate mobilization of local resources; (d) limited or lack of participation of the rural poor in the decentralized bodies; (e) successive regimes' marginal and superficial commitment to devolution or deconcentration in practice.

Problem Related to Present Upazila System

a). As of the history of local government system of Bangladesh, grassroots were never empowered in terms of financial control, administrative activities and project preparation and implementation process; though these are more informed about local needs than other institutions. And also these bodies have the potentials to be the best service providers in terms of development that includes health to education, infrastructure management to resource mobilization and technology use to social motivation. But these bodies always run under the supervision of central government representative, controlled by the bureaucracy. Presently those local government bodies are going to be handled by the MPs in many ways. It seems that, in center, government has the absolute majority in parliament and the parliament is in a process to establish the MPs as powerful supervisors over the local government bodies under their respective constituencies. By doing this, in fact, the government and the parliament are going to establish 300 autocrats around the country.

b). Conflict between the Upazilla (sub-district) Council Chairmen (UCC) and the Members of Parliament (MP) is a much talked about issue in Bangladesh now. It was expected that government and the lawmakers would ensure the rights of local governments as per the direction of Constitution. But it has been observed that neither the government nor the lawmakers empowered local government representative in a proper manner.

c). As Upazilla Council (UC) is concerned, it is the youngest in the local government family of Bangladesh; Union Council known as UP is the eldest. Other members of local government family are the City Corporation, the Municipalities and the half hearted district council. From the very beginning of City Corporation the Mayor has been enjoying the ministerial status and dignity, but municipality and UP chairmen have no clearly defined status and their dignity is not ensured to the bureaucracy. Rather they have to live under the kindness given by the central government or the bureaucrats working in the locality. These people are also the dependable tools for the national election and election runners as well. It could be said that this is a cultural phenomenon of urban development under colonial rule.

Interruption of Politician

As per the available information parliament is in a move to give MPs almost absolute supervisory authority to UP, UC and municipality activities, which could lead the MPs to be the ultimate administrator of Local Bodies. Through the frequent amendment of Acts, the superiority of MPs is being increased over the Chairman & vice Chairman of Local bodies which would drive it into dysfunction/mood and ineffective nature. Besides, UZP and UP, the Paurashova are also under consideration to be controlled by MP and they would be the advisor of this body. The drafts of Paurashova Act-2009 are being prepared which allow the MPs as supervisor of Paurashova. According to this Act all the Chairmen, Vice-Chairmen and members are supposed to follow and implement the advice of the MP. Besides, the Chairman of UZP could not communicate to the government except the permission of MP. If they communicate to the government, that must be informed to MP within 14 days.

Lack of Training

The National Institute of Local Government (NILG), the officially designated training organization for imparting training to the local government functionaries, is in shambles. It is neglected and has low status. It has little autonomy and is treated as an appendage of the Ministry of Local Government and Rural Development. Its top leadership comes from the government on deputation. If one looks at the background of Director-Generals of the NILG for the last fifteen years (1990-2005), it will be obvious that generally non-performing central government

officers blissfully ignorant about both local government and training are generally dumped on the NILG on a continuous basis. (Siddiqui, 2005:402)

Public training institutes such as the Bangladesh Academy for Rural Development (BARD), the Rural Development Academy (RDA) and the Rural Development Training Institute (RDTI) have been associated with local government training from time to time. However, they have other priorities to pursue and their responsibility for local government training was never defined. So whatever they do in this regard is ad hoc. (Ibid)

The training in the local government sector has generally meant stereotyped class-room lectures preceded by sterile speech-making and wasteful expenditure in the name of inauguration ceremonies. Beginning in 1998, the United Nations Development Program (UNDP) initiated a massive training program for the Union Parishads. It was much ado about nothing. First, with some exceptions, consultants, both local and foreign were of average quality. Second, the NILG was bypassed in organizing the training program. The NILG faculty, whose expertise was still the best in the country, was not utilized. (Ibid)

On the other hand training of local government staff is generally limited to officers. Lower level technical or general staff are rarely given any training or chance to improve their skills.

Improper Personnel System

Government does not earmark any officers exclusively for the local government bodies. It does, however, place some civil servants and technical personnel (e.g. engineers and doctors) within local government bodies on secondment for a specified period (normally 3 years). There is as yet no local government service cadre. Any local government body may appoint temporary class IV (lowest level) employees on a work charge basis to meet urgent requirements.

In the existing system, local government bodies are subject to strong control from higher-level authorities, especially from the central government. In the case of Union *Parishad*, there used to be a dual control and supervision exercised by both *Upzila Parishad* and the central government. In the recently approved system, however, control only comes from the central government, such as auditing of income expenditures. In the case of *Upazila/Thana Parishad* and *Zila Parishad*, similar controls prevail.

Comprehensive Solution for Effective Local Government System

Accountability, transparency, participation, empowerment, equity and all other attributes of good governance can become a part of the daily work of both the government and local bodies. It is no exaggeration to say that it is in a decentralized local government system that most of the attributes of good governance have a chance to survive and prosper. Strengthening of local government institutions can, therefore, be seen as a positive trend towards good governance. The following issues should be taken into consideration in any future attempt to reform the local government institutions and reorganize them to make strong, truly decentralized, institutionally effective, financially viable, participatory, gender sensitive, transparent and accountable governing bodies. These are:

Setting the tiers right

Upazila and Union Parishad provide both the proximity to citizens - government close to the people-and offer the appropriate size for scale efficiencies to be captured in the delivery of rural services. A third tier above the Upazila, at the district level, therefore needs to be reviewed critically. Too many tiers could also create functional and jurisdictional conflict.

Constitutional and Regulatory reforms

- ♣ Take measures for enactment of laws and if necessary amend the constitutional provision of having local governments at all tiers of administration. For example-According to the Constitution of Bangladesh "...in which effective participation by the people through their elected representatives in administration at all level ensured" (Article- 11). Here the terms "administration at all level" are not specified because there are two categories of administration such as functional administration and territorial administration. Though they work in which level of the country and how 'People's participation' would be ensured is a matter of Question. Therefore, the Article 11 should be specified to ensure effective peoples' participation.

- ♣ Selected sections of the Local Government Ordinances/Act related to UP/ PS / Upazila / Zila Parshads with particular emphasis to accountability, responsibility, transparency, relationship with the central bureaucracy, rule making, and management and supervision should immediately be reviewed and amended. Local Government Legal framework must make provision to ensure transparency and social auditing and accountability.
- ♣ Formulate an Integrated Local Government legislature covering all levels of Local Government to get a complementary relationship between and among the levels of local bodies.
- ♣ The Local Government Act should provide legal authority to supervise and monitor the activities of NGOs and other development factors operating within their territorial jurisdictions.
- ♣ Development of procedural, legal and financial systems/ incentives to encourage the private sector to further involve in local level development. Make provision to allow the Local Governments to generate funds from external sources through negotiations and designing fund worthy projects.

Review of Reserved, Transferred and Residual Functions

Time has come for the government to review the range of functions being carried out by the national and local government. There should be a critical and objective assessment of the existing three categories (Reserved, Transferred and Residual) functional allocations between the national and local government.

Strengthening Local Government Association/ Forum

Efforts should be made to establish leadership forum for the local government elected representatives to serve as a platform for exchange and sharing of information regarding development and other activities impacting on the community and bilateral negotiation with the central government.

Set up a Permanent Local government Finance Commission

In order to ensure objective distribution and allocation of national government funds to the Local Government bodies, there should be a permanent Local Government Finance Commission. The Commission will also look after auditing and financial monitoring system of the Local Governments.

Intergovernmental fiscal transfer policy

There should be a clear inter-governmental fiscal transfer policy for diving resources among tiers eliminating uncertainty and scope for political manipulation.

Self- Preparation and Sanction of Annual Budget

The annual budget is to be prepared by local government body and presented to the council in a special meeting convened for the purpose (Siddiqui 2005: 277). Government can help or support them only for better preparation and local government must have rights to make and sanction its own budget.

Ensure People's Participation

“Local government in every administrative unit of the Republic shall be entrusted to bodies, Composed of persons elected in accordance with Law” (Article 59, I). These provisions are not yet implemented in Bangladesh due to political motives. And every level of administration is not entrusted with people's representatives. This is due to; people's participation must be ensured accordingly constitution.

Ensure proper training

The National Institute of Local Government (NILG) should be bifurcated into the National Institute of Urban Local Government (NIULG) and the National Institute of Rural Local Government (NIRLG) for ensuring proper training at both urban and rural levels. Both organizations should be made fully autonomous, responsible only to its Board, and not the government. The board should be composed of government representatives and professionals in the field and headed not by a Minister or Secretary but by a representative of the clientele. For example, the Mayor of Dhaka City should head the NUILG Board.

Suggestions for strong local government

According to the recommendations of Local Government Dynamic and strengthening committee 2008. The following things could be maintained for strengthening local government (Mojumder, Bodiul Alam; Protom Alo; 5th January, 2008);

- a) Three tiers of local government system instead of four in rural areas should be established, namely Union Parishad, Upazila Parishad and Zila Parishad.
- b) Population in every Union Parishad to be determined minimum 27,000 and Member's should be increased from 13 to 15
- c) The Provisions of Direct election in Union and Upazila Parishad and indirect election in Zila Parishad would be effective
- d) In order to ensure honest, worthy and capable candidate at local level, the criteria of disqualifications to be formulated rigidly.
- e) Preservation of seats of women should be increased 40 percent instead of existing system.
- f) Local MP (Member of Parliament) should not interrupt Union Parishad affairs and they must keep away from them.
- g) Separate Local Government Pay Scale should be formulated. An accountant having computer skill should be recruited at every Union Parishad.
- h) Every Five Years local taxation system should be updated.
- i) Statutory local Government commission should be established where the number of members will be there for five years who will be responsible for evaluating and solving all the problems of Local Government.
- j) The Auditing system should be started and strengthened.

Besides above solutions the following opinions would be effective for strengthening local government in Bangladesh.

- a) In order to strengthen local government, power must be decentralized to the chairman of UP and UZP. MPs' involvement to local body should be given up.
- b) The immediate past caretaker government's (CTG) the UPazila Ordinance 2008 should be implemented.
- c) The functions and resources allocation in decentralization of "finance follows functions" –this means that resource allocation depends on the functions of the decentralized administration allowed by the national government through parliament.
- d) The electoral rules and accountability measures under a decentralized scheme with an adult franchise ensure that a local person will be elected as executive head of the local body.
- e) Effective Management and monitoring of the decentralized administration is a key to strengthening local Administration.

Concluding Remark

In modern states, there is a great importance of the Local government because the burden of the provincial and central government is lessened by it. Therefore, Local bodies should be properly decentralized. In order to develop a comprehensive decentralization strategy for strengthening local government in Bangladesh, a sustainable and practical strategy must be taken properly. But, Local bodies can not and should not be separated from the wider political process in the country. In fact, it has been and should contribute to be the initial training ground for political personalities aspiring for higher national roles (Siddique, 2005). If the national rule (Law) makers control and dominate local bodies, it would lose its principal features. Local problems are different in nature as compared to those of the national government (Rahman and Nasima; 2004). There are lots of problems existing inside the local bodies. Appropriate and effective steps such as tier setting, size of constituency, women participation, local government financial commission, self budgetary allocation, conducting training, removing administrative control and so on should be embodied to make a strong and effective local self government system in Bangladesh. Therefore, in order to solve the problems fruitfully the local bodies should not be used as the tools of the central government for achieving their political purposes.

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