Society & Change
Vol. XII, No.3, July- September 2018
ISSN: 1997-1052 (Print), 2227-202X (Online)

An Analysis of Local Government Laws in Bangladesh: In quest for Unraveling Existing Anomalies

Shah Md. Azimul Ehsan[*]

Abstract

Local government institutions (LGIs) in Bangladesh, even after having a tradition and practice of hundreds of years, is still not regarded and respected fully as effective, functional and credible service delivery mechanism. However, over the past decades, major efforts have been undertaken in Bangladesh to strengthen the role and the capacity of LGIs. Currently, LGIs in Bangladesh have separate systems for rural and urban areas. Each type of local government is guided by its own separate and operational framework. However, the way the legislations are enacted and executed, each tier and unit has become a water tight compartment. The interdependence and inter-organizational relationships are generally ignored. As a result local government is not growing as composite and comprehensive system. While further local government strengthening will require building the capacity of actors within the current local government system, there is also a need to analyze whether the current local government laws are constraining the performance of local governments. This study is basically a review and analysis of the current local government laws which unravels the anomalies within this legal framework. The study also has come up with some pragmatic solutions that will help to strengthen the current local government system.

Keywords: Local Government Laws, Anomalies, Decentralization, Local Government System.

Introduction

Bangladesh did not experience the taste of being a decentralized country in reality rather it has been known to be among the most centralized countries in the world. Local administrative institutions and local government institutions of this territory has been shaped and molded over the two centuries, retaining important elements and influences from the governance structure during the colonial period, the intermediate period resulting with the country's independence, as well as from the alternating eras of authoritarian and elected regimes (Siddiqui, 2005). However, over the past decades, major efforts have been undertaken in Bangladesh to strengthen the

[*] Lecturer, Department of Public Administration, Jagannath University, Dhaka.
Email:ehsan.azim@yahoo.com.

role and the capacity of local government institutions (LGIs). Expanded clarification has been done for LGIs to play a stronger role through Legal provisions. Moreover, fiscal transfers to local governments have grown in size. Union Parishads, which were traditional and largely unresponsive in nature, now have been transformed into increasingly participatory and proactive local government institutions. The Upazilla Parishad has been re-established as a local government body with its own, elected leadership. Various interventions have promoted the role of Pourashovas (municipalities) and City corporations in an increasingly urbanized country. Local governments are increasingly looking to play a meaningful role, both as platforms for deepening local democracy as well as mechanisms for the improved delivery of localized services (Bhuiyan, 2014).

Currently, LGIs in Bangladesh has separate systems for rural and urban areas. The rural system of local government essentially consists of three tiers (Zila parishad, Upazila parishad and Union Parishad) whereas there are two types of urban local governments within urban areas (City Corporations and Pourashovas). Each type of local government is guided by its own separate and operational framework. The latest laws under which each of the units is governed are as follows: the Local Government (Union Parishad) Act of 2009; the Upazilla Parishad Act of 1998 (as amended in 2009 and also in 2011); the Zila Parishad Act of 2000; the Local Government (Pouroshova) Act of 2009; and the Local Government City Corporation) Act of 2009. Besides, the main legislations, there are hundreds of subordinate legislations carrying the full force of law in each of the tier and unit. However, the way the legislations are enacted and executed, each tier and unit has become a water tight compartment. The interdependence and inter-organizational relationships are generally ignored. As a result local government is not growing as composite and comprehensive system.

While further local government strengthening will require building the capacity of actors within the current local government system, there is also a need to analyze whether (and if so, where) the current local government laws are constraining the performance of local governments. For doing so, there is a need of reviewing the existing laws of the LGIs. This study is basically a review and analysis of the current local government laws which unravels the anomalies within this legal framework. The study also has come up with some pragmatic solutions that will help to strengthen the current local government system.

Literature Review

A substantial literature prevails on various aspects of local government in Bangladesh. There are some studies (published within the last decade) covering a variety of related issues and provide some useful background**.**

Khan (2009) have conducted a study titled *"Functioning of the Local Government (Union Parishad): Legal and Practical constraints"*, where he

used both the qualitative as well as the quantitative tools for conducting the research. The final recommendations were to make UP (Union Parishad) more empowered both in terms of politically and financially so that it can improve its quality of public service delivery to ensure good governance at the UP levels. Farzana Nasrin conducted a study titled *'Reforms in Local Government: Experiences from Bangladesh'* published in 2013. She stated in her paper that various political regimes since independence have tried to manipulate the local government institutions to create local political power base in the name of local government reforms but practically, little has been achieved to what was expected. The recommendations from the study were to follow devolution rather than de-concentration, to empower the local government institutions of Bangladesh. Nasrin (2013) argued that there is no need or any new laws or Acts for making the local governance better, rather she has urged to make a comprehensive policy that will help to avoid the ambiguity in case of functional assignments of the LGIs(Local Government Institutions). According to a study titled *'Challenges and Trends in Decentralized Local Governance in Bangladesh'* conducted by Ahmed in 2016, the main challenges and trends that Bangladesh face in the decentralized local governance are lack of political will and support for local governance reforms, lack of capacity of local government institutions; centralized dominance, lack of continuity in policy and practices; bureaucratic domination; mal- coordination; the gap between policy rhetoric and real life application; improper resource mobilization; and less participation of the general mass at the grass root level. Similar local governance problems were identified by another study but the comprehensive solution which they came up with was not to make the local government bodies a puppet in the hands of the central government, rather the existing Acts need to be properly implemented to ensure good governance at the local government institutions (Haque, Islam & Sharmin, 2011). Regarding the question of to what extent the local government in Bangladesh has been decentralized, the study conducted by Panday (2011) titled *'Local government system in Bangladesh: How far is it decentralized?'* suggested that although there is Constitutional commitment regarding the formation of a strong and independent local government system, the political leadership of Bangladesh has taken various ornamental reforms for bringing changes to the Local Government Institutions (LGIs) structure, in the name of decentralization; although the main intentions behind most of the reforms have been to strengthen their political base in the particular area. Hence, these institutions could not be established as a focal point of development where people would have the monitoring power for controlling their constituencies.

All these studies concentrated on specific areas of local government in Bangladesh. Albeit most of the studies did touch various aspects of local government in Bangladesh, no study has yet been conducted with an attempt

to review the current local government laws of urban and rural LGIs in Bangladesh. Hencethis particular study will help to fill this void in the field of research.

Methodology

This study has been conducted on the basis of collecting data from secondary sources, using qualitative research tools. The current Local Government Acts were thoroughly reviewed using the content analysis method. Constitution of Bangladesh, several books, articles published in both national and international journals, recent Local Government Acts, policy documents published by concerned ministry and existing literature on this relevant topic were reviewed for preparing this paper.

Findings

This part of the article rigorously focuses on the anomalies of the local government laws of LGIs in Bangladesh. As the constitution is the mother law of the country, the contradictory constitutional position regarding local government will also be analyzed here.

Anomalies of Current Local Government Laws

1. Constitutional Anomalies

The encouragement for the LGIs composed of representatives of the areas concerned as a fundamental principle has been removed from Article 9 by the 15th Amendment of the Constitution. However, the spirit is still there under Article 11 in which the State shall ensure the effective participation by the people through their elected representatives in administration at all levels. The term ‘administration at all levels’ creates a little confusion since there may be two categories of administration: functional administration and territorial administration (Sharmin, 2012). Moreover, when read with the Bengali version of the term ‘local government’ in Article 59, it is more confusing since the term ‘*Sthanio Shashon’* used in the Bengali version of the Constitution is not synonymous with the term ‘local government’ used in the English version. The term in Bangla actually means ‘local administration’, which is in consonance with the term ‘administration at all levels” of Article 11, but not in any way indicative of local self-government as has been envisioned in the English version of Article 59 (Bhuian, 2014).

Article 60 has also empowered the parliament to promulgate laws to confer powers on the local government bodies including power to impose taxes for local purposes and to maintain funds. Thus the Constitution has left the task of making local governments functional with the ordinary laws passed by the parliament. As a result, the issues like the hierarchical nature of tiers of LGIs corresponding to administrative units, central-local relationship, functions, functionaries, financing and freedom of LGIs in general hang on the balance and entirely depend on the direction given by the incumbent governments (Bhuian, 2014).

Moreover, the Constitution of Bangladesh has not mentioned anything about the election of local governments in Part VII. Therefore, the electoral rules and regulations for different tier of local government promulgated under different LG legislations do not have any direct backing or guarantee from the Constitution. The elections of the local government therefore completely depend on the sweet will of the incumbent government. It clearly goes against the spirit of democracy.

2. ***Lack of clarity in case of functional allocations***

A long list of functions can be seen in all the current LGI legislations. However, there are a lot of similarities in those responsibilities and activities. For example, all UZPs are required to formulate a five year plan and then need to divide such plan into annual development plans. The same provision is applicable to all other LGIs including Union Parishads, Paurashava, and city corporations too. Now, if UPs and Pourashavas prepare their five year plans, it is not clear as to what extent UZP can formulate a plan with the ex-officio representatives from UPs and Pourashavas. This provision for UZP appears to be conflicting with other two units. Similarly, both the Pourashava and UZP have the mandate to maintain and improve the public health and education. Even, UPs also have similar mandates. Therefore, there are confusion and ambiguity in terms of jurisdiction, power and roles and responsibilities of different LGIs. This issue gets further complicated when different types of LGIs share the same geographical area with almost similar mandates and responsibilities such as Zila Parishads, Upazila Parishads and Pourashavas/City Corporation.

3. ***Role of ZP as a local self-government appears to be artificially imposed***

ZP has been entrusted with the responsibility of building and maintaining bridges, culverts and public streets, which are neither maintained by the UZP, nor by the Pourashava or the government. This provision is a bit illusory since it requires explanation as to why there should be such constructions which are not even maintained by the government. In other words, district as an administrative unit of the national government will definitely take care of those responsibilities which are not within the jurisdiction of Paurashava or UZP. It is completely unnecessary to establish another local government body parallel to an administrative unit only to take care of some left over responsibilities

4. ***UPs Judicial role appears to be unconstitutional:***

Apart from 38 responsibilities/activities under the second Schedule of the UP Act of 2009, UP has to play judicial role also. First of all, 54 issues have been identified as offenses under the fifth schedule of the Act. According to section 90, Chairman or any other authorized person may deal with these offences to compromise. This again adds a number of additional activities

on the list of UP responsibilities, if UPs are to address those issues/offenses. Besides, under the Village Court Act of 2006, UP plays the role of a court in trialing petty cases, both civil and criminal. The Village Court consists of the UP Chairman, two UP members and two other members representing two parties to the dispute (section 5). These have made the range and nature of responsibility of UPs far wider and complicated than before. Moreover, the Act of 2006 violates the Constitutional provisions of 'Separation of judiciary from the executives in spirit.

5. ***Issues related to Standing Committee:***

Section 6 of the UP Act of 2009 provides as many as 21 activities of the *Ward Shava*. Some of which appear to be overlapping and far too ambitious given the resource and capacity base of the *Shava*. Such roles, functions and rights of the Ward need to be synchronized with the functions of UP. Section 45 of the Act authorizes the UP to have 13 Standing Committees (section 45). In a 13 member Council, formation of 13 Standing Committees appears to be unrealistic (Aminuzzaman, 2011). Similarly, City Corporation Act has also provided for 14 Standing Committees (section 50) and Upazila Parishad Act has provided for 17 standing committees (section 29). Surprisingly, with the mandate of highest number of responsibilities/activities under the second schedule, Paurashava Act has provided for only five standing committees (section 55). Experiences reveal that too many standing committees have been the prime cause for non-functioning of such executive bodies and making those mere symbolic (Aminuzzaman, 2011).

6. ***Problems related to maintaining public order:***

There are inconsistencies between Constitutional provisions and ground realities within which LGIs exist and function. For example, Article 59 of the Constitution has allowed the LGIs to exercise jurisdiction over the maintenance of public order, but no provision in the existing laws empowers the LGIs as such; rather policing has always been kept outside the purview of LGIs. In case of UPs, government may form Village Police as and when needed and the Village Police will perform its duties and exercise its power as per the instructions of the government (section 48). Apparently, there is no role of the concerned UP in the formation or in controlling the Village Police. Similarly, in case of Paurashava, government may time to time form Municipal Police (Pauro Police) for any particular Paurashava. Government shall appoint a suitable officer in deputation to the Paurashava to manage the Pauro Police. In this case also, Pourashava has very little role to play in the formation or in exercising control over the Pauro Police. Besides, for maintaining public order in any unit of LG, assistance of the main law enforcing agencies in that unit is essential. If the UPs, UZPs or Municipalities does not have any control over the mainstream law enforcing agencies, it would never be possible for them to properly comply with their Constitutional mandate. However, in section 113 of the Paurashava Act,

mainstream police officers have been asked to assist the Paurashava, on the basis of written request, in performing their lawful duties. Similarly, all the police officers have been asked to co-operate the Mayor or Chief Executive Officer of the City Corporation in case of any offence committed under the City Corporation Act (section 96). But this has nothing to do with the maintenance of public order in general.

7. LGIs and line agencies having overlapping functional assignments

Though a long list of functions is provided for each LGI, the functionaries and funds are laying with the respective line agencies of the national government at all the corresponding levels, i.e. union, upazila and districts. As Ahmed (2012) observes, the responsibilities of health, family planning, education, agriculture, fisheries, livestock, physical infrastructure – all equally appeared in the list of functions of LGIs, but the functionaries and finances are absolutely controlled by the line departments. The challenging question that therefore emerges is – whether functionaries and funds will also flow towards the LGIs with the list of functions. The presence of two parallel organizations with the same or overlapping assignments create more problems than solving them. As a result, two separate agencies at one particular unit are neither desirable, nor practicable.

8. Misallocation of revenue assignment

All the LGIs in addition to the national government's budgetary allocation mobilize their own resources too. Each of the LGIs has been authorized to levy taxes, rates, tolls and fees on certain items fixed by the laws. In case the UZP and the Pourashava share the same geographical area, these sources of income may overlap. Again, it appears that the sources of income for both urban and rural tiers of LGIs, such as Pourashava and UPs, are almost the same in many cases, except that they vary in terms of number and jurisdictions

9. Control of the National Government ver LGIs

The current local government laws have been enacted in such a way which gives immense power to national government to interfere in day to day affairs of LGIs. The Chief media of government control are as follows:

i. *Removal of Chairman/Member*

The government may remove the Chairman/Mayor of any LGI or any of its members from his/her office on certain grounds including misconduct, corruption, will full maladministration or misuse of powers (section 13 of City Corporation Act, section 32 of Pourashava Act, section 10 of ZP Act, section 13 of UZP Act and section 34 of UP Act) (Bhuiyan, 2014). Moreover, Chairmen (except of ZP) and Mayors may also be suspended by the government through a written order on certain grounds.This power is most likely to be abused by the government if it fails to ensure that the Mayor or Chairman does not adhere to its instructions or policies. Mere

beginning of a criminal proceeding does not necessarily mean that the accused person is guilty, though government has been empowered to suspend the Chairman/Mayor on that ground. Again, government may anytime cause to file a case before the criminal court against any Chairman or Mayor to facilitate his/her suspension for an unknown period of time.

ii. *Institutional Control*

LGIs are staffed by two types of officials: those directly employed for those bodies and those from deputation from government officials. As the officials on deputation Chief Executive Officer or Secretary belong to administration cadre of the government, they are recruited and controlled by the government. On the other hand, in some cases government shall recruit directly for the LGIs and in other cases, LGIs shall have the authority to recruit its staff as per the rules made by the government. The government officials on deputation often do not want to adhere to the instructions of the elected representatives. This often results in unhealthy administration in the LGIs and dissatisfaction among the elected representatives.

UP work closely with the Upazila Administration and it is also an integral part of the Upazila Parishad. However neither the UP Act, nor the UZP Act nowhere in any section refers or outlines the nature of relationship and institutional interface between UP and UZP. No such provision is there in Paurashava Act also, where Pourashavas often share same territorial jurisdiction with UZPs. However, all the LGI Acts provide that such inter-institutional relationship shall be fixed and maintained by the government through 'standing orders' issued time to time. Bhuiyan (2014) rightly pointed out that this temporary way of dealing with the inter-institutional relationship often results in inter-institutional disputes. In that case, government plays the role of the adjudicator, and thus once again extends its control over the LGIs.

iii. *Financial Control*

Siddiqui (2005) observes that in the field of finance, government supervision and control is as stringent and comprehensive as it is with regard to day to day administration. The government in the first instance regulates the income of these institutions. The government further regulates the scale and the limit of the taxes that the LGIs may be allowed to impose. However, the main area where government control is very significant is the grants-in-aid. It is somewhat difficult to specify the scope and scale of these grants in detail (Siddiqui, 2005). As Ahmed (2012) observes, there is no clear budgetary formula for allocation of resources for LGIs. The LGIs receive development and revenue grants from central exchequer, which is nominal, compared to the public expenditure incurred at the same level through separate government agencies. Ahmed (2012) argued that sometimes lobbying, personal connection, and a network of irregular means play a vital role in getting an enhanced amount of grant and different project support. Thus, government exercises a considerable degree of control over

these institutions by increasing or decreasing their quantum or by making their release subject to the fulfilment of certain conditions. Siddiqui (2005) observes that these are very important and effective weapons since a delay in the release of or a cut in, certain grants-in-aid would cause hardships to these institutions.

iv. *Local MPs Playing Advisory Roles to LGIs:*

A new phenomenon in the system of local government in Bangladesh is the advisory role of the MPs on certain LGIs. MPs of any particular district shall be the Advisor to that ZP and they shall be able to give advice to the ZP in performing their duties. Similarly, UZP Act also provides that MPs of that particular locality shall be the Advisor to that UP and his advice shall be mandatory for the UP. The Shawkat Ali Commission also observed that MPs should not have any role at all in running a local government body. This sort of political control ultimately curtails the autonomy of the LGIs and often makes them subordinate to the party in power. Shawkat Ali Commission also discussed the problem of excessive issuance of circulars, notification, standing orders, directions etc. by the government in order to regulate the activities of the LGIs. The Commission condemned this culture and has suggested that governmentshould not issue any such instructions until and unless they are requested for by the LGIs.

v. *Review/Cancellation of Resolution/Decision and Activities of LGIs:*

According to section 44(4), the UPs are to furnish to the UNO and the DC a copy of the proceedings of their meetings and resolutions passed therein. Similarly, other LGIs shall have to send the proceedings of their meetings to the Government within fourteen days for review (section 57 of the City Corporation Act, section 69 of the Paurashava Act, section 27 of the UZP Act and section 32 of the ZP Act). In case of UP (section 75) and City Corporation (section 107), the government on its own initiative or on the application of the any Chairman/Mayor or Councilor/Member, may cancel or suspend the resolution passed or decision made, if in its opinion, such resolution of decision was not made in accordance with the law, or is in conflict with any other existing law, or threatens the life, health, public order or communal harmony or against the policy decision of the government. On the other hand, in case of ZP, UZP and Paurashava, sections 58, 51 and 86 of the respective Acts lay down the provisions for direct control over the activities of those LGIs. According to those sections, if in the opinion of the government anything done or intended to be done by or on behalf of those LGIs is not in conformity with the law and in any way goes against the public interest, then government can pass any orders to quash the proceedings, to suspend the execution of any resolutions passed or any order made, prohibit the doing of anything proposed to be done or require those LGIs to take specific action. Thus it appears that, in case of ZP, UZP and Paurashava, government can not only cancel the resolution or

the decision, it may prohibit the doing of any act or instruct them to take specific action. Thus, government actually has the full control over the decision-making of the LGIs. Because of such control, LGIs will never be able to grow as autonomous self-government body. This control must be reduced to the most possible extent.

vi. *Control over the Election*

It is very much evident from the provisions of different LGI laws that government has full control over the elections of LGIs. Election Commission (EC) has been empowered to promulgate Rules to determine the modes of election, the dates of election and also for settling the disputes after the election except for ZP (See section 35 of the City Corporation Act, section 21 of the Paurashava Act, section 20 of the UZP Act and section 20 of the UP Act). Under section 20 of the ZP Act, Government is supposed to make such rules for ZP. However, EC does not have any Constitutional backing for these activities and the government may time to time change any provision of any Acts to regulate even the Election Commission's authority of making rules. Especially, the date of election is usually fixed by the government, though Election Rules states that the date will be fixed by the EC (For example, Rule 10 of the City Corporation Rules). The general intent of the electoral provisions in LGI laws is to provide transparent and easy approach to build a stronger and more transparent local government electoral system. Free and fair as well as timely elections at the local level can be ensured only if the Election Commission is empowered to hold such elections independently without any interference from the government.

vii. *Supersession and Dissolution*

The extreme control which the government may exercise over the LGIs is to dissolve a local government body as a whole. ZP and UZP may be dissolved by the government on the following grounds: that the LGI is unable to discharge, or persistently fails in discharging its duties, or is unable to administer its affairs or met its financial obligations or generally acts in a manner contrary to public interest, or otherwise exceeds or abuses its power (mentioned in section 61 of ZP Act and section 53 of UZP Act). In case of City Corporation, there is an additional ground for such dissolution, that is, if the Corporation fails to collect seventy five percent of its imposed annual tax, rates, tolls, fees and other charges, without any reasonable ground (see section 108 of the City Corporation Act). An elected UP may be so dissolved if it fails to submit its budget for the next year within the fixed deadline, if 75% of the total members resign or if 75% of the total members are removed for their disqualification, or if it misuses its power or is unable to discharge, or persistently fails in discharging its duties (see, section 77 of the UP Act). However, Paurashava may also be dissolved on the same grounds like UP, but there is an additional ground in section 49 which states that, if the UP fails to collect 75 % of its imposed annual tax, rates, tolls, fees and other charges, without any reasonable ground, it may also be dissolved.

Recommendation

The above control mechanisms are clearly against the spirit of providing more freedom and authority to local government as part of the on-going reform process towards promoting decentralization. Many countries in the world are providing more fiscal and administrative autonomy to local governments. Even developing countries like Kenya, Tanzania, Uganda and our neighbouring Nepal and India are also reducing control of central government over local government (Aminuzzaman, 2011). So, a new framework law is an urgent necessity to reform the existing 'Principal-Agent' relationship between the national and the local government and to create a platform for truly autonomous local self-government. The following recommendations may be put forward as future agenda on Local Governance:

- The term '*Sthanio Shashon'* used in the Bengali version of the Constitution is not synonymous with the term 'local government' used in the English version. Bhuian (2014) pointed out that this anomaly must be removed to provide a strong base of the local governments in the Constitution of Bangladesh.
- It is a wrong concept to create any local government body parallel to an already existing administrative unit as per article 59 of the constitution which would result in double-administration and it would increase both complexities and cost. Therefore, it is better to amend the Constitution instead of justifying the existing LGIs at the local level by declaring it as an administrative unit.
- Election Commission (EC) has been empowered to hold elections for the LGIs under the general laws without having any Constitutional backing for these activities. The elections of the local government therefore completely depend on the sweet will of the incumbent government. In case the EC should hold the elections for LGIs, the Constitution must be amended to give it a Constitutional backing.
- Local government body at the upazila level consisting of the ex-officio representatives of the UPs and Paurashavas is completely unnecessary. However, UZP may be entrusted with the task of coordinating the activities of UPs and Paurashavas with supervisory authority. In that case, it would rather contribute to the effective functioning of the local government bodies at both the rural and urban level. Moreover, in view of rapid urban growth, this rural-urban divide might become a redundant concept in future. If UZP is allowed to coordinate the activities of UPs and Paurashavas, it would contribute to the effective transition of the rural areas to urban areas in the form of Paurashavas/municipalities.

- The formation and structure of the ZP simply implies that it is a useless body and merely increasing the tier in the local government structure without any compelling reason. It is not even functional at this moment. District will always remain an important administrative unit of the government and therefore, it is completely unnecessary to create a local government body parallel to that.
- LGIs should have standard and uniform functions without any ambiguity in terms of jurisdiction. Therefore, a standard list of uniform functions should be there for LGIs, which shall be performed by UPs at the union level and by Paurashava/City Corporation in the urban areas.
- The Village Court Act of 2006 violates the Constitutional provisions of 'Separation of judiciary from the executives in spirit. Since the court consists of all the non-judicial members, it is inappropriate to call it a court. Therefore, the Act may be revised to term it otherwise, e.g. replacing the term court with 'arbitration board' or 'tribunal' (Bhuiyan, 2014). Moreover, the absence of judiciary at the Upazilla level has also created an imbalance among the police and executive branch at that level. Therefore, regular court may replace the village court at the Upazilla level.
- In order to solve the issues related to the misallocation of revenue assignment among LGIs, Aminuzzaman (2011) suggests that the various sources of revenue should be divided between the two levels of government on a more rational basis, in line with the expenditure responsibilities of each level.
- In case of removal of Chairman/Mayor or any Member/Councilor, the requirement for the resolution by the two-third majority of the local government body should be reinstated in all the LGI laws. Besides, the undemocratic provision for the suspension of the Chairman/Mayor must be removed.
- The control of the national government in the form of cancelling resolution or decision of any LGIs must be reduced to the most possible extent. Otherwise, LGIs will never be able to grow as autonomous self-government body.
- None of the LGI laws in any section outlines the nature of relationship and institutional interface between different LGIs. Rather, inter-institutional relationship shall be fixed and maintained by the government through 'standing orders' issued time to time. This temporary way of dealing with the inter-institutional relationship often results in inter-institutional disputes. In that case, government plays the role of the adjudicator, and thus once again extends its control over the LGIs. Single framework legislation for all the LGIs may be able to remove this lacuna and may contribute towards making LGIs at different tier mutually complementary.

- LGIs should follow standard and uniform finance, accounts, and audit and procurement rules. If Financial Rules are adopted under single framework legislation, it would greatly contribute towards bringing discipline in the field of finance.
- Undemocratic provisions to dissolve the LGIs by the government should be removed. Even if such control is necessary, a framework law of all the LGIs may streamline the grounds and create an equal standing of the LGIs at both the rural and urban level.
- MPs should not have any role at all in running a local government body. This sort of political control ultimately curtails the autonomy of the LGIs and often makes them subordinate to the party in power.

Concluding Remarks

Local governments should be regarded as ‘governments’ of small areas and not merely an agent or client of central government. It should be allowed required freedom and autonomy within its own domain, otherwise its full capacity will not be harnessed and dedicated leadership will not emerge and develop from the soil. Instead of day to day administrative control from bureaucratic and political hierarchy, participatory planning system and strict and standard financial discipline and social audit can ensure real autonomy on the one hand and accountability on the other. . In South Africa, under the post-colonial era, governments were created in three spheres – national, regional and local. None is under any one sphere. Each sphere of government works with its own mandate independently. Same experience may be shared from the Swiss federalism, where three different governments at three different levels function in a harmonious way with virtually no control from above. Control and accountability are ensured through a common system

LGIs in Bangladesh, even after having a tradition and practice of hundreds of years, is still not regarded and respected fully as effective, functional and credible service delivery mechanism. Although there have been various attempts made since liberation in 1971 to turn Bangladesh into an effective decentralized state, the reality is that all the LGIs are mere puppets in the hands of the central government, maintain a principal agent relationship. This seriously hinders the achievement of good governance at the LGIs despite of separate local government laws for the Local government bodies. In the absence of any definite set of concrete policies, concepts such as ‘local self-government’ and ‘devolution of authority’ are hardly applicable to our local bodies yet (Siddiqui, 2005).

With the present separate set of legislation, it is difficult to keep consistency and ensure coordination between and amongst them. It also creates ambiguity in terms of clearly defining responsibilities among LGIs at different tiers that reduces the performance of LGIs as a whole. The

capacity building efforts are also wasted as legal requirements differ from one LGI to another. In order to bring harmony, discipline, consistency and efficiency, the LGI system could be brought under a combined legal framework. Hence, a uniform and single framework legislation is needed which will shape the structure, function and other basic requirements such as election, tenures, discipline, staffing, financing, jurisdiction etc. under common principle for all the LGI units currently existing in different streams. The law itself will create adequate autonomy and 'room for maneuver' for each unit within its own jurisdiction. The individual units will prepare their own rules and bye-laws to administer their individual services. It is firmly believed that if this is materialized in reality, most of the anomalies that is prevalent now in local governance will be removed. However, a strong political will is needed in this regard.

References

Ahmed, T. (2012), Decentralization and the Local State: Political Economy of Local government in Bangladesh, Dhaka; Agamee Prakashani

Aminuzzaman, S.M. (2010). "Local Government and development in Bangladesh: Lessons and Challenges for Improving Service Delivery of Union Parishad (UP), Local Government Division, Ministry of Local Government, Rural Development and Co-operatives, Government of People's Republic of Bangladesh(GOB),Dhaka

Aminuzzaman, S.M. (2011),' An Analysis of Union Parishad Act,2009" An analysis done under the LGDP-LIC project of the United nations Development Program

Bhuian, M.N. (2014). Reviewing of Local Government Laws in Bangladesh : Towards Prospect of a Local government Uniform Framework Legislation. Local Government Division, Ministry of Local Government, Rural Development and Co-operatives, Government of People's Republic of Bangladesh(GOB),Dhaka

Government of Bangladesh (GOB). 1972. The Constitution of the People's Republic of Bangladesh (Dhaka, Ministry of law & Justice)

Government of Bangladesh (2012). Union Parishad Operation Manual, Dhaka: Local Government Division, Ministry of Local Government and Rural Development).

Islam, F; Haque, M.A. & Sharmin, Z. (2011) Problems of Strengthening Local Government in Bangladesh: Towards a Comprehensive Solution. SUST Studies, Vol. 15, No.1, 2012; P:76-84

Khan, M.M. (2008), Functioning of Local Government (Union Parishad): Legal and Practical Constraints', available at http://www.dwatch-bd.org/L7P%20constraints.pdf (Last accessed on July,23 2018)

Khan, N.A. (2016), Challenges and Trends in Decentralized Local Governance in Bangladesh. ISAS Working Papers No. 222

Nasrin, F. (2013) Reforms in Local Government: Experiences from Bangladesh. Journal of Asia Pacific Studies. Volume 3 No 1, 37-56.

Panday, P. K. (2011). Local government in Bangladesh, available http://publicationadministrationbd.blogspot.com//2011/030local-government-in-bangladesh-note-5.html(Last Accessed on July 20, 2018).

Sharmin, Z., Haque, M.A. and Islam, F. (2012). "Problems of Strengthening Local Government in Bangladesh in Bangladesh: Towards a Comprehensive Solution," SUST Studies, 15(1), 76-84.

Siddique, K. (2005) Local Government in Bangladesh, Third Edition (Dhaka: University Press Limited).

The Local Government (Union Parishad) Act (2009): (Dhaka: Government of Bangladesh)

The Local Government (Upazilla Parishad) Act (2011): (Dhaka: Government of Bangladesh).

The Local Government (Zilla Parishad) Act 2000: (Dhaka: Government of Bangladesh).

The Local Government (Municipality) Act 2009: (Dhaka: Government of Bangladesh).

The Local Government (City Corporation) Act 2009: (Dhaka: Government of Bangladesh).