

**Revisiting the Reforms of
Rural Local Government Institutions in Bangladesh:
From Past to Present**
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Abstract

Rural Local government institutions (RLGIs) in the territory now comprising Bangladesh have undergone many experiments since British period. Although some experiments intended to decentralize or devolve authority to the local government, they failed to sustain due to the lack of political commitment. Therefore, a principle- agent relationship still prevails between national and local government bodies. Besides, sporadic nature of experiments by different party in powers did not allow the RLGIs to evolve in a harmonious way. With the change of governments, policy on local government also kept changing. Thus, local government bodies have not been given a chance to act as a continuing working organization. In the absence of any definite set of policies, concepts such as ‘local self-government’ and ‘devolution of authority’ are hardly applicable to our local bodies yet. Hence RLGIs in Bangladesh, even after having a tradition and practice of hundreds of years, still is not regarded and respected fully as effective, functional and credible service delivery mechanism. This paper using qualitative research tools, collecting data from secondary sources unravels all these facts.

Key Words : Rural Local Government Institutions, colonial legacy, Union Parishad, Upazilla Parishad, Local Government, Bangladesh.

1.0 Introduction

The land comprising present day territory of Bangladesh is an ancient area with a long recorded history of several thousand years. In its recent past it was ruled under Pakistan (1947-1971), British Empire (1765-1947), the Mughals and other Muslim Sultanates, and also Hindu rulers. It has glorious past of local government administration system. It is said that village self-government in the sub-continent is as old as village themselves (Siddiqui, 2005). However, the Statutory local government in the sub-continent is British innovation. Ahmed (2012) observes that following the ‘Sepoy mutiny’ of 1857, there was not only a disruption in the law and order situation, but the revenue collection had also gone down which threw the government into a situation close to bankruptcy. On the other hand, the newly

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emerged western educated elites in the urban areas started to demand the right of participation in the administration at the central level. Against this background, the government tried to broaden its base in the rural areas. Accordingly, the Government passed the Village Chaukidari Act of 1870, in an attempt to revive the traditional Panchayet system. Thus, the first legislation on the local government may be traced back during the period of British colonial administration. The seminal legal instrument that created firm legal basis for local government came with the famous 'Resolutions' passed by Lord Ripon in 1882. Subsequently, the Bengal Local Self-Government Act 1885 was passed through which Union Committees (UCs) were established. Construction of unsealed roads, primary education, and sanitation, upkeep of tanks and ponds and registration of vital statistics etc. were the key responsibilities of UCs. Later the legal system of local government gradually developed with the enactment of laws in 1909, 1919 and 1935 (Bhuiyan, 2014).

In the post independent era, new laws replaced old laws in Pakistan and Bangladesh. Though the Basic Democracy Order 1959 provided the foundation of the local government bodies in Pakistan, it is the Constitution of the People's Republic of Bangladesh which provides the main source and legal sanctions to the establishment of the local government bodies in the independent Bangladesh. Currently in Bangladesh, we have five units of local government institutions (LGIs) in rural and urban areas with five different sets of legal instruments. The individual units are: Union Parishad, Upazila Parishad and Zila Parishad in rural areas and Pourashava (municipality) and City Corporation in urban areas. Besides, there are traditional LGIs in CHT under the coverage of 'Hill Tracts Manual 1900'. A new system of district council also established in three of the hill districts namely Hill District Councils, which is distinct and different from the 61 plain land districts.

The latest laws under which each of the units is governed are as follows: Local Government (Union Parishad) Act of 2009, Upazila Parishad Act of 1998 (as amended in 2009 and also in 2011), Zila Parishad Act of 2000, Local Government (Pourashava) Act of 2009, Local Government (City Corporation) Act of 2009. Beside 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 watertight compartment. The interdependence and inter-organizational relationships are generally ignored. As a result, local government is not growing as composite and comprehensive system. This paper focuses on how the legislative development of the Rural Local Government Institutions (RLGIs) in the present Bangladesh has evolved over the years. Using historical approach, this study will highlight the reform initiatives which were made in RLGIs during the British era, Pakistan era and post independent era, with the objective of unraveling whether these reform attempts have been able to turn those RLGIs into local self-government or whether such reforms were manipulated with political intentions, for creating local support base.

2.0 Methodology

Since the ancient era, the development of local government for the areas of present-day Bangladesh has been primarily based on the rural sectors. The study of the rural local government sector is thus a continuous process. Such an issue is so best addressed by the historical approach which this study adopts. It is mainly based on the secondary sources including books, government gazettes, journals, articles, reports and newspapers; which again have been cross-checked very minutely. Data analysis is conducted in manual process aggregating data with relevance to the content.

3.0 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.

Abdul Waheed and Saminah (2012) discusses about the present local government institutions at both rural and urban level. The current structure of Local Government in Bangladesh went through a long period of evolution. In addition, changes were brought in these institutions after the independence of Bangladesh. The central government has heavy control over these institutions. These institutions have weakness in their management, and that is why they are not being able to render their services in a satisfactory way.

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).

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.

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?’ opined that albeit there is constitutional recognition regarding the formation of a strong and independent local government system, cosmetic reforms has been taken by the political leadership of Bangladesh for bringing bring changes to the structure of the Local Government Institutions (LGIs) in the name of decentralization. The study also found that 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 upon the historical evolution of the LGIs in Bangladesh, they could not make any comprehensive discussion of those legislative developments since British era till date. The legislative developments of RLGIs have evolved in different socio-economic and political contexts which need to be taken into consideration to understand why such reforms were made. Without using a holistic approach, such structural reforms and there impacts on local governance cannot be understood. This particular study will help to fill this void in the field of research.

4.0 Findings

This part of the article rigorously focuses on how the legislative development of the RLGIs has taken place in different regimes-British Colonial period, Pakistan Period and after liberation.

4.1 Legislative Development regarding LGIs (Rural) during British Period

Some of landmark legislative developments of RLGIs which took place during the British colonial period are the Village Chaukidari Act of 1870, Bengal Local Self

Government Act of 1885 and The Bengal Village Self-Government Act of 1919. These have been discussed here.

I. The Village Chaukidari Act of 1870:

Though originally this Act intended to maintain village peace and order by local initiative, is considered to be the first legislation in the evolution of the rural local government during the British Rule (Jabes, 2005). It authorized the District Magistrate to appoint a Panchayet consisting of five members at the village level (Section 3). In addition to the task of appointing 'Chaukidar' for the maintenance of law and order, the Panchayet could also assess and collect taxes from the villagers to pay the salaries of the 'Chaukidars' (Sections 42-47). The Famine Commission of 1880 noted the lack of local bodies in true sense and urged the extension of local self-government as a means to facilitate relief for the distressed (Siddiqui, 2005). Accordingly, Lord Ripon adopted the famous resolution on local self-government in 1882, which has been regarded as the Magna Carta of local self-government in the Indian sub-continent (Gupta, 2004). In order to give effect to the resolution, the Bengal Council passed the Bengal Local Self Government Act of 1885 (Siddiqui, 2005).

II. The Bengal Local Self Government Act of 1885

According to Khan (2008) a three-tier system came into operation under this Act namely- District Board for District, Local Board for Sub-division, and Union Committee for several villages spreading over an area of 10-12 square miles. Siddiqui (2005) has described the three tier system in details. At the District level, the District Board was to consist of not less than nine members, which was to be determined according to the size and the population of the District. Half of the members of the District Board were to be elected by the Local Board for five years and the remaining half were salaried government servants including District Magistrate as the Chairman. District Boards were entrusted with extensive powers and responsibilities with regard to schools, roads and communication, vaccination, hospitals, famine relief, census, holding of fairs and exhibitions, construction and maintenance of railways, tramways and waterways, repair and construction of public buildings, etc. The main sources of income of the Board were cess, fees, fines and grants from the government.

Local Board was to consist of not less than six members, of whom two-thirds were to be elected and the rest one-third were to be nominated by the government. It could elect its own Chairman from among its members, but appointment would require the approval of the Lieutenant Governor. This Board had no specific function except to receive reports from the Union Committee. It had no independent existence or income, rather it used to act as an agent of the District Board and could exercise only those powers delegated to it by the District Board.

Union Committee, on the other hand, consisted of not less than five or more than nine members, who were to be elected from among the residents of the Union. Originally there was no provision for the Chairman of the Committee, but an amendment to the Act in 1914 provided for a chairman to be elected by the Committee from among its members. These Committees were responsible for the local municipal functions, such as construction of short stretches of un-metalled roads, primary education, and sanitation, upkeep of ponds and tanks and registration of vital statistics. The supervising Local Board could delegate other duties to the Committee. It also had the power to raise funds from villagers owning or occupying houses or property.

Thus the Act of 1885 for the first time established local self-government system in the territory now comprising Bangladesh. However, the Act of 1885 was not free from colonial attitude of the alien administration and therefore, the bodies created under this Act failed to serve any useful purpose. Levinge Report emphasized the need for further reorganization of the local government system. However, a Royal Commission on decentralization was appointed in 1907 and it submitted its report in 1909 with an argument in favour of village Panchayet (Siddique, 2005). Accordingly, Morely-Minto reforms were introduced. However, these measures did never become effective and well accepted by the people. In 1918, Montague-Chelmsford Report suggested for extending local self-government and accordingly, a Bill for further reforms was introduced in the Bengal Legislative Assembly. The Bill resulted in the Act V of 1919 which initiated the second major attempt to create a network of self-government bodies in rural Bengal (Siddiqui, 2005).

III. The Bengal Village Self-Government Act of 1919

This Act replaced existing Chaukidari Panchayets and Union Committees by a new body called Union Board (Section 6). Union Boards were formed in every district of Bengal except Sylhet and Chittagong Hill Tracts (Siddiqui, 2005). The Union Board was composed of not less than six but not more than nine members of whom two-thirds were elected and one-third nominated by the District Magistrate (Section 6). Members were to elect a President and a Vice-President from among themselves (Sections 8-9). Primary functions of the Union Board were (a) supervision of Chaukidars, (b) maintenance of sanitation and public health, (c) maintenance of roads, bridges and waterways, (d) establishment and upkeep of schools and dispensaries at its discretion and (e) supply of information as and when needed by the District Board (Sections 26-36). In addition to receiving grants from higher bodies, the Union Boards was authorized to levy a yearly union rate (Siddiqui, 2005). The tax was to be imposed on owners or occupiers of buildings (Section 37). At its discretion, the Provincial Government also could select two or more members of the Union Board to constitute a Union Bench to try minor criminal

offences and also, in a similar way, a Union Court for settlement of certain civil suits the suit value of which do not exceed two hundred rupees (Sections 65 and 74). Thus, Union Board, apart from their administrative functions, had important judicial functions also.

The Levinge Report had recommended the abolition of the Local Board (Siddique, 2005), but the Act of 1919 did not even correct the defects of the Local Board. Subject to the control of the District Board, Section 50 of the Act empowered the Local Board to superintend the administration of the Union Board. Membership of the Local Boards was based on open elections and members chose their own Chairman.

The District Board also remained as it is except that instead of nominating half of the members, the provision was made for electing two-thirds of the total members of the District Board. From 1885 to 1920, the District Magistrate acted as the Chairman of the Board, which was the most vital position in the local government (Siddiqui, 2005). Since 1921, though the Board was given the privilege of electing its own Chairman from among its members, such election was subject to the approval of the provincial government (section ...). Not only that, the government had the authority to remove the Chairman on certain grounds (Siddiqui, 2005). Therefore, the Board was not at all a democratic body (CRS, 2011). The Board was not even free to adopt any policies. Thus, the system of local self-government was badly weakened by bureaucratic and political interferences during the British colonial period.

4.2 Legislative Development of RLGIs during Pakistan Period

The Government of Pakistan retained the system of District and Union Boards as well as the Acts and Statutes which governed them even after the partition in 1947 and they continued until 1959, when the Basic Democracies Order (BDO) was promulgated, the system that covered both rural and urban areas (Siddiqui, 2005). In rural areas, it introduced a four tier local government set up: Union Council, Thana Council, District Council and Divisional Council (Khan, 2008). Siddiqui (2005) has nicely sketched the different tiers of both urban and rural LGIs under the BDO.

Until 1962, there was provision for one-third nominated members in the Union Council, but later on, it became a fully elective body and the Council elected from amongst its members one Chairman and the Vice-Chairman. However, Sub-Divisional Officer (SDO) was the controlling authority of the Council and the government could remove any member including the Chairman and the Vice-Chairman on certain grounds, such as, abuse of power or misconduct. Among other functions, the Union Council used to maintain village police known as Chaukidars and Dafadars and could punish them if they were guilty of misconduct, corruption or negligence of duty. However, the appointment of the village police was subject to the approval of the Thana Council.

Thana Council was the second tier in the hierarchy of the local government institutions. The SDO was the ex-officio chairman of the Council and the Circle Officer (Development) was its Vice-Chairman. Thus Thana Council was actually under the direct control of the government, though at least half of the members were elected representative. The only function of the Thana Council was to coordinate the activities of the Union Councils under its jurisdiction. Thus, Thana Council, without having any revenue raising authority, was mainly a controlling mechanism to regulate the activities of the Union Council.

District Council, unlike Thana Council, had authority to levy tax but in practice, that was highly inadequate for their performance. Besides, Deputy Commissioner being the Chairman of the Council has all the executive powers of the Council, though apart from official members, half of the members were to be elected by the Chairmen of the Union Councils and also of the Town Committees (tiers of the urban LGIs). Unlike Thana Council, the District Council could elect its Vice-Chairman with the votes of both official and representative members, but any representative member including the Vice-Chairman was removable from the office exactly on the same grounds as were applicable to elected Union Council. Therefore, just like Thana Council, the District Council was also very undemocratic and authoritarian organization.

Divisional Council was the highest among the rural local bodies, headed by the Divisional Commissioner as its Chairman. It was composed of both official and non-official members. Members of the District Councils within a particular Division used to elect the non-official members of the Council. The Official members, the total number of which was not to be less than the number of the non-official members, included the Chairmen of the District Councils, that is, all the Deputy Commissioners in that Division and many other important government officials. Just like Thana Council, the Divisional Council also had the only function of coordinating the activities of District Councils. Therefore, its role was mainly advisory. It had no power to levy any tax. However, it used to distribute the government funds to District Councils and other LGIs as grants.

4.3 Legislative Development of RLGIs after the Emergence of Bangladesh

Gaining independence in 1971, Bangladesh have seen series of governments-elected, military government, quasi-military governments who have taken initiatives to strengthen RLGIs through enactments of new Acts, Laws and amendments of the older ones. How those legislative developments of RLGIs have taken place during different regimes has been discussed here.

i. Reform initiatives taken by Bangabandhu's government (1972-1975)

Immediately after the emergence of Bangladesh, dramatic changes were brought in the structure of the local government in accordance with the changes made in the

governance system to match the ideological shift of the ruling regime (Khan, 2008). The Presidential Order No. 7 of 1972 dissolved all existing LGIs except the Divisional Council and administrators were appointed to take over their functions (Siddiqui, 2005). The Union Council and the District Council were renamed as the Union Panchayet (later Union Parishad) and the District Board (later ZilaParishad) respectively (Khan, 2008). The Divisional Council was also replaced by the Divisional Development Board and the Thana Council by the Thana Development Committee (Siddiqui, 2005). The Union Panchayet was placed under the control of the Circle Officer, while the Thana Development Committee and the Zila Board were placed under the control of the SDO and the DC respectively (Sharmin et. al., 2012). The Presidential Order No. 22 specified that each union composed of several villages would be divided in three wards; three UP members would be elected from each ward (Khan, 2008). Besides, provisions were made for the Chairman and Vice Chairman to be directly elected by all eligible voters living within a UP (Khan, 2008). Under the Order, Thana Parishad and the ZilaParishad continued to function with the same mandate as they had under the BDO, 1959, with the SDO and the DC respectively as ex-officio Chairmen (Siddiqui, 2005). Soon after that, the Constitution of the People's Republic of Bangladesh was promulgated in the same year and it contained specific provision as to the basic structure and functions of the LGIs in Articles 9,11,59,60. The beginning of 1975 witnessed major changes in the political scenario including the replacement of the parliamentary system with the Presidential system of government. At the same time, Articles 59 and 60 of the Constitution were also repealed. Certain programmes were announced on the part of the government to make the new system a success which had some bearing on the local government institutions (Siddiqui, 2005). But those programmes stood nullified due to the unfortunate assassination of the then President and the Father of the Nation Bangabandhu Sheikh Mujibur Rahman on 15 August, 1975.

ii. Reform initiatives taken the tenure of Ziaur Rahman (1975-1981)

In 1976, the Local Government Ordinance was promulgated by the government headed by President Ziaur Rahman that introduced a three-tier local government system: Union Parishad (UP), Thana Parishad (TP), and ZilaParishad (ZP) hierarchically arranged in ascending order (Khan, 2008). Under the Ordinance, changes occurred in the composition of UP. The Ordinance conferred significant control of the central government over the UPs. For example, the government could remove the Chairman or any of its members from his/her office on certain grounds including misconduct, corruption or misuse of powers (Siddiqui, 2005). Moreover, the SDO was given the veto power against any decision of UPs (Khan, 2008). Therefore, even after being an elective body, UP lost its characteristics of an autonomous local self-government. In the matter of functions, the 1976 Ordinance

made no fundamental departure from the BDO of 1959. However, in addition to those functions, the UP also performed judicial functions under the Village Court Ordinance of 1976. The Village Court consisted of the UP Chairman, two UP members and two other members representing two parties to the dispute. The Court had the power to try petty cases, both civil and criminal.

Just like the Thana Council under the BDO, the Ordinance of 1976 also created a coordinating body in the name of Thana Parishad. TP consisted of both official and representative members under the Chairmanship and Vice-Chairmanship of SDO and CO respectively (Siddiqui, 2005). The Chairmen of the UPs were the representative members and the concerned Thana level officers were the official members. This provision was in conflict with Article 9 of the Constitution, which envisioned local governments consisting of elected members. Similar to the Thana Council under the BDO, this TP also did not have any fund raising powers. Rather, it had to depend on government grants. Therefore, TP was not a local self-government in real sense. However, apart from coordinating the activities of the UPs, TP was entrusted by the government with some development projects and its functions also included family planning, care of the environment and training of the UP functionaries

The Ordinance of 1976 provided for ZP also in each District composed of both elected and nominated official members including women. This composition was also in conflict with the spirit of Article 9 of the Constitution. The ZP was entrusted with almost 97 functional responsibilities under two categories –compulsory and optional (Siddiqui, 2005). It also had the responsibility to coordinate the activities of UP and TP and also Municipalities (urban tier of the local government). Unlike TP, ZP had the authority to impose taxes, in addition to government grants.

In an attempt to decentralize the local government down to village level, government introduced the Swanirvar Gram Sarkar(SGS) by an amendment in 1980 to the Ordinance of 1976 (Siddiqui, 2005). It consisted of one ‘Gram Prodhan’ and eleven other members including at least two women chosen through consensus of the villagers present at a meeting (Section...). The SGS was assigned the responsibility of increasing food production, eradicating illiteracy, reducing population growth and maintaining law and order in the village (Section...). However, it was soon abolished by a Martial Law Order in 1982 (Siddiqui, 2005).

iii. Reform initiatives taken during Ershad’s tenure (1982-1990)

On 24 March, 1982, Martial Law was proclaimed by the then Chief of Army Staff Hussein Muhammed Ershad. On 28 April, 1982, a Committee for administrative reform was constituted a ten-member committee with Rear Admiral M.A. Khan as the Chairman. Based on the Committee’s recommendation, the government adopted a Resolution on 23 October, 1982 to reorganize the administration at the Thana

level (Siddiqui, 2005). Thus Thana became the central institution of the local government (Buchmann, 2013). Responsibility for all development activities at the local level was transferred to Thana level (Ahmed, 2012). To give effect to the Resolution, on December 23, 1982, the Local Government (Thana Parishad and Thana Administration Reorganisation) Ordinance was promulgated introducing major changes with respect to local government at the Thana level (Siddiqui, 2005). Later on, by an amendment, Thanas were renamed as Upazilas (Ahmed, 2012). The Upazila Parishad (UZP) was entrusted with the power to impose tax, rates, fees and tolls (Khan, 2008). Under the reorganized system, Upazilas actually replaced the old Districts as the pivot of administration. Apart from the annual grant from the government, the UZP was empowered to levy taxes, rates and fees on eight specific items, such as lease money on Jalmahals, haats and bazaars, tax on professions, trades and callings, tax on dramatic and theatrical shows, street lighting tax, fees for fairs, exhibitions, licenses and permits and tolls on services and facilities maintained (Siddiqui, 2005).

In 1983, the Local Government (Union Parishads) Ordinance was promulgated which retained the structure of the UP almost as it was under the Ordinance of 1976. However, the women members were now to be nominated by the UZP (later on, by the DC). The UP lost its authority again in this process to accommodate transfer of responsibilities and authority to the UZP (Khan, 2008). In 1988, the Local Government (Zila Parishad) Act was passed to form ZP consisting of both nominated and representative members. The Act of 1988 assigned 12 compulsory and 69 optional functions of the ZP (Siddiqui, 2005). The most important functions were planning, promotion and execution of development and welfare programmes of the District (Siddiqui, 2005). These functions, in many cases, overlapped the functions of the UZP and Paurashava/City Corporation. Apart from the government grants, ZP was also empowered to receive taxes, rates, tolls and fees on eight items.

iv. Reforms initiatives taken by 1st BNP regime (1991-1996)

After the changeover to the parliamentary system of government in 1991, the first Bangladesh Nationalist Party (BNP) government headed by Begum Khaleda Zia (1991-1996) came to power. A Local Government Structure Review Commission, headed by the then Information Minister Nazmul Huda was constituted on 24 November 1991 to review the effectiveness of the contemporary structure of the local government and recommend on possible reorganization in accordance with the 12th Amendment made to the Constitution (Khan, 2008). The Huda commission recommended abolishing of the Upazila system. Siddiqui (2005) observes that there were several reasons for abolishing the most important local government tier as of then. The most important among these were their failure to mobilize resources at the local level to achieve self-reliance and ensure people's

participation in planning and implementation of development activities, increased dependency on national government grants, glaring deviation from laws, rules and guidelines and huge expenditure in the non-productive sector. There were also allegations of widespread corruption by UZP Chairman.

The Commission also proposed a two tier system for the rural area: Union Parishad (UP) at union level and ZilaParishad (ZP) at district level, along with a recommendation for the formation of a Thana Development and Coordination Committee (TDCC) to act as a link between the Ups and ZP. Besides, considering the village as the basic constituent of the UP, the Commission recommended the formation of a Gram Shabha, consisting of ten members to be directly elected by the villagers. UP Chairman would also be the Chairman of the Shabha.

Following the suggestions of Huda Commission, UZP was abolished by promulgating the Local Government (UpazilaParishad and Upazila Administration Reorganisation) (Repeal) Ordinance, 1991 (Khan, 2008). The government also promulgated the Local Government (Union Parishad) (Amendment) Act of 1993 to accommodate the changes in the structure of the UPs as per the recommendation of the Committee. On the other hand, ZP continued to be functioning under the Act of 1988. Under a special executive order, Thana Development Coordination Committee (TDCC) was constituted at the thana level, which was actually a 'coordinating unit' among the UP, the ZP and the relevant national government agencies.

v. Reforms initiatives taken during Awami League (AL) regime (1996-2001)

The next government headed by Sheikh Hasina again constituted a high-powered 'Local Government Commission' in September, 1996, headed by Advocate Rahmat Ali, who was a member of the Parliament. The Commission took into consideration the past experience, the Constitutional provisions, the commitment of all political parties and the determination of the present government to strengthen the local government system (Siddiqui, 2005). The Commission recommended a four-tier system of local government: Gram Parishad at the village level, Union Parishad at the union level, UpazilaParishad at the upazila level and ZilaParishad at the district level. The Commission also recommended that a Finance Committee should be constituted to review the existing system and recommend financial powers to LGIs at all levels.

The Commission found the Upazila as an important administrative unit. Especially after the abolition of the Subdivision as an administrative unit, the importance of thana/upazila had increased further. Owing to the Constitutional provision and in the interest of the public service, the Commission found a strong justification in establishing an effective local government body at the Upazila level (Siddiqui, 2005). However, the report of this Rahmat Ali Commission never came into effect in true sense. However, the Parliament passed the Local Government (Village Parishad) Act in 1997, the UpazilaParishad Act in 1998 and ZilaParishad Act in 2000. The last two Acts, with major subsequent amendments, are still in force.

vi. Reforms initiatives taken during 2nd BNP regime (2001-2006)

During the second tenure of the BNP government, only Union Parishad was functioning in the rural areas. Apart from that, Village Government was established under the Village Government Act of 2003, but this Act was challenged in the Supreme Court in the case BLAST vs. Bangladesh and Others, 60 DLR (2008) 234, and the High Court Division of the Supreme Court declared the Act void. No appeal was preferred before the Appellate Division on the part of the government. Apart from this, the second BNP government (2001-2006) did not take any noticeable step for strengthening local government system (Khan, 2008).

vii. Reform Initiatives taken by Caretaker Government (CTG) (2007-2008)

In October 2006, the government, led by the Bangladesh National Party (BNP), failed to reach agreement with the opposition over the formation of the caretaker government. From November 2006 to January 2007, political violence continued in Bangladesh. On 11 January 2007, a new caretaker government headed by Fakhruddin Ahmed was formed in a state of emergency. This Caretaker government (CTG), who continued for almost two years, took some major steps to reform the existing organs of the government. The reform of the local government system was not also ignored. CTG formed a seven member committee, namely, the Committee on Strengthening Local Government, headed by Dr. A.M.M. Shawkat Ali on 3 June 2007 to accelerate and strengthen local government. The Committee submitted its report on 13 November 2007. The report attempted to draw opinions of concerned sections of the population. Its recommendations include increase of manpower, conferring of authority to write ACRs of the officials, increase of local income sources, provision for women representation in 40% of the total elected seats by rotation, issuance of citizenship certificate, abolition of the Gram Sarkar (village government), and abolition of the system of making members of the parliament advisers to the local bodies. Importantly, the Committee recommended establishing a permanent independent Commission to accelerate development of local government institutions and make them accountable to this Commission.

viii. Reform initiatives taken by taken by present Awami League (AL) Government till date

Though the recommendations were not fully accepted by the next democratic government headed by Sheikh Hasina, a new Act namely the Local Government (Union Parishad) Act was promulgated in 2009. Even UpazilaParishad Act was amended in 2009 and also in 2011 and major reforms were introduced. It will not be out of the place to mention here that, the Ordinance No. 23 of 2008 promulgated by the CTG repealed the Village Government Act of 2003 as per the instruction of the Supreme Court. This step was confirmed by the Village Government (Repeal)

Act of 2009. Under this Act of 2009, all the responsibilities of the Village Government were shifted to the Union. Currently, Rural Local government Institutions are comprised of Union parishads (UPs), UpazillaParishads (UZPs) and the Zillaparishad (ZPs). Tabular representation of these RLGs in Bangladesh have been given below, which articulates their election method, assigned duties, revenue authority and who heads those bodies; including the laws by which they are currently operated.

Table 1: Rural Local Government in Bangladesh

Name	Headed by	Election method	Functional Observations	Revenue Authority	Acts in Operation
Union Parishad	Elected Chairma n	Direct election	Participatory planning and implementation, and small investment and service monitoring powers, but limited staffing capacity.	Limited revenue authority and scope, but does not have sub-national borrowing authority.	The Local Government (Union Parishad) Act, 2009
Upazilaparishad	Elected Chairma n	Direct Election	Devolutionary integrated planning and thus implementation, small investment and service monitoring powers	Widespread revenue authority and scope, but does not have sub-national borrowing authority	The Local Government (UpazillaParishad) Act,2011
ZilaParishad	Elected Chairma n	Indirect election ¹	Planning, coordination and oversight	Yes but does not have the sub-national borrowing authority.	The Local Government (Zillaparishad) Act,2000

5.0 Discussion & Analysis

From the discussion made so far, it becomes obvious that the existing RLGIs has not been created overnight, rather they have followed an evolutionary process. However, the descriptive discussion of the evolution of the local government laws from colonial era till date has unravelled certain facts and issues.

Firstly, no Act or Law is once for all, rather every Act has certain limitation that undergoes subsequent modifications, amendments as per demand of the given context and local needs. It was seen that several Commissions like Morley Minto Commissions, Huda Commission, Rahmat Ali Commission, AMM Shawkat Ali Commission etc. were formed for identifying the short-comings of the then RLG Acts. Almost all the Commissions could properly identify the problems associated with the laws and made subsequent recommendations for strengthening the local government institutions. However, in most of the cases, it was seen that those recommendations were not taken into consideration and in few cases, those were partially implemented.

Secondly, the gradual development of the current RLG legislations has taken place in various regimes and political context. As it has already been said that since post-independence, Bangladesh have been ruled by different government who have made different attempts to strengthen the RLGIs and have made several reform initiatives. However, the culture of disowning the reforms made by one regime with the shift of

1. Indirect election refers to an election that is to be held through an Electoral College.

government has been a very common phenomenon. For example- during Ershad regime, Upazilla was the center of local development. BNP government coming to power after restoration of democracy in 1991 abolished UZP following Huda Commissions recommendation. Such instances of disowning reforms of one government by new government have been institutionalized in the political culture and hence, there is still no concrete and comprehensive local government policy in Bangladesh.

Thirdly, the way the current legislations of RLGs have developed, the pathway has not been a smooth one rather it appears the governments be it in colonial era, Pakistan era or in the post- independence lacked any commitment to create local self-governments in real sense. The subsequent regimes have taken ad hoc reform initiatives, piece-meal efforts rather than taking a holistic approach.

Fourthly, local governments are created with rationality that these bodies know the local needs better than the central government because of its closeness to its stakeholders. However, substantial evidences say that RLGs have been created as mere agents of the central government for delivering public service delivery. It is true that current Legal framework has facilitated more participation by the local people in the form of ‘Ward Shavas’, ‘Ward Committee’, ‘Standing Committees’, ‘Public hearing’, ‘Open Budgeting’ etc. however, central government still retains much power in those RLGs in case of budgetary allocations, dismissing the Chairman of Union Parishad or Upazila Parishad on certain grounds. All these provisions make RLGs very much fragile and feeble.

Fifthly, from the colonial period till the present time, too many rural local government tiers are seen which creates ambiguity in case of functional allocations. Moreover, rarely governments have emphasized on how these tiers would interact and deal. Having functional overlapping and lack of inter-organizational communication framework, the common scenario has been poor coordination which resulted to mal-governance.

Lastly, it can be said that the way the growth of these RLGs have taken place, it depicts the fact the despite being independent, the governments still have the colonial mind set. The present legal framework clarifies the fact of colonial legacy.

6.0 Concluding Remarks

It is a common saying in history that, ‘It is a lesson of history that people do not learn from history’. The historical ontology of the legislative development of the territory now comprising Bangladesh has also proved the worth of the statement. The issues and challenges of rural local governance is not something new rather the problem is deeply rooted. For solutions, it is imperative to go back to the roots from where it started. Unless the government in the post-independence era changes its colonial attitude and mind set and take lessons from its historical evolution; it will not come up with pragmatic and comprehensive solutions rather end up with mere cosmetic reforms that will perpetuate the colonial legacy.

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