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**POLICY BRIEF ON “ADMINISTRATIVE
REFORM AND LOCAL GOVERNMENT”
CPD TASK FORCE REPORT**



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Administrative Reform and Strengthening of the Local Government System

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ADMINISTRATIVE REFORM AND STRENGTHENING OF THE LOCAL GOVERNMENT SYSTEM

1. Introduction and Background

It is recognized by all that for the sustenance and institutionalization of democratic tradition, values and culture in the polity, an efficient, result oriented, gender sensitive, transparent, corruption free and neutral public administration and a participatory and decentralized local government system are the essential prerequisites. Even though there is disagreement among scholars and practitioners as to the meaning, nature, strategies and outcome of the administrative reform efforts, the developing countries believe that effective public administrative systems are essential for achieving the national objective of development (Khan, 1998). On the other hand there is general agreement today that a devolved self governing LG system is a crucial component of the democratic set up essential for the success of a pro-people development agenda (Khan, 2000).

The goal of public administration in Bangladesh like any other developing country is development. But there is debate among different authorities about how the government will achieve this goal—either directly by itself or with the help of others assuming the role of facilitator/controller or partner. This debate has become intense in recent days as profound changes have taken place in the international arena. The achievement of the government in the last three decades is being evaluated by different quarters using development as the most popular parameter. But it is to be noted here that governments in the post-colonial period especially in the South Asian sub-continent assumed this crucial responsibility on the foundation of the colonial administrative apparatus that they inherited from their colonial masters. The administrative structure developed during the colonial period had very limited goals and objectives to achieve. As a result, after 1947 and more so after the emergence of Bangladesh in 1971, the government has enormously expanded its organizational network for achieving the goal of development. But on account of weak political authority devoid of popular support base for a great number of years, the administration became more powerful or rather all powerful. It failed to transform its paternalistic administrative culture into one that is suitable to meet the needs of an independent democratic country (Hussain and Sarker, 1995).

Over the years, different commissions/ committees were constituted to reform/ reorganize and strengthen the role, structure and functions of local governments in Bangladesh. However, a follow up review clearly indicates that no significant attempt have been made to operationalize/ implement the major recommendations of these reform commissions/committees. Again, there has been frequent policy changes and rearrangements of the tiers of local government. At the same time, these bodies are alleged to have been exploited by both democratic and military national governments as means for political mobilization and consolidation of power as against the development of a genuine autonomous, decentralized local government institution (Khan, 2000).

Mainstreaming women through gender specific policies is an acknowledged precondition for achieving meaningful development in any developing country like Bangladesh. Yet it is only recently that this issue has been recognized as such in the context of policy reforms in both administrative and local government arenas. With respect to administrative reform, it can be said that gender issues have been totally neglected. The recommendations of various commissions/ committees do not reflect any serious concern for mainstreaming women in the administrative process. Nevertheless there has been some minor efforts towards these ends through stray government policies and affirmative actions. On the other hand, in the context of local government, women's concerns had surfaced intermittently and were highlighted in the government reform agenda as evident

in the last Local Government Reform of 1997. However there are serious lacunas in gender balancing both in terms of governance policy and reform agenda.

This policy brief analyses the past efforts for administrative and local government reform in Bangladesh. It also highlights a few concrete issues that should be given due attention for reforming public administrative and local government system. In the end, specific recommendations are formulated for reforming and making these institutions more efficient, accountable, transparent and people centered to suit the demands and needs of the hour of an emerging democratic polity. These issues have been viewed in the context of parliamentary democracy and changed national and global socio-economic environment. In line with the scope of the policy brief this report has been organized in two sections: **Administrative Reform** and **Strengthening of Local Government**.

2. Brief Review of Administrative Reforms in Bangladesh

Since the emergence of the country, a number of commissions and committees (for details, please see Annex-A) were constituted by different governments for administrative reform and reorganization to suit the needs of their respective policy declarations. The development partners also prepared several reports toward that end. A review of the major efforts is summarized below.

The first political government in Bangladesh felt it necessary to rationalize and transform the provincial administrative system it had inherited into a national system which would be able to shoulder the responsibilities of a new born sovereign nation. Accordingly, the government constituted a Committee known as the Administrative and Services Reorganization Committee. The committee reviewed the administrative system thoroughly and proposed a comprehensive structure to enable it to undertake increasing development responsibilities. The recommendations were not, however, implemented due to resistance from different quarters. The subsequent military government in 1976 constituted a commission called as the Pay and Services Commission for recommending measures for administrative reform. The recommendations of the Commission were partially implemented. The Commission recommended for the introduction of an open structure system in the secretariat administration and creation of 28 cadres in the civil service. While the cadre principle was implemented, there was, in essence, a failure to introduce open structure system in the secretarial administration. The martial law government of General Ershad appointed a Committee for examining the organizational set up of the ministries/divisions, departments, directorates and other organizations. The Committee recommended reduction of the number of ministries/divisions, and of staff at the lower levels of secretarial administration, reduction in the layers of the decision making and fixing the supervisory ratio, formalizing and regularizing recruitment processes, emphasizing the principle of merit in promotion, delegation of financial and administrative powers down the hierarchy and providing training for officials. But major recommendations of the Committee were not implemented (Khan, 1991). Later, the martial law government appointed another committee, known as Committee for Administrative Reforms/Reorganization (CARR). The Committee recommended for renaming of *Thanas* as *Upazilas* (sub-districts), upgrading the Sub-divisions into districts and installation of elected local governments at district, *Upazilla* and union levels for the transfer of development functions to these elected local bodies. This time, the government implemented most of the recommendations of the Committee. It upgraded *Thanas* into *Upazilas* and sub-divisions into districts. It introduced democratic governance though limited in scope at the *Upazila* level. In 1987, a Cabinet Sub-committee was formed to recommend policy measures for implementing recommendations of the Secretaries Special Committee on the Structural Organization of the Senior Services Pool (SSP) and the Secretarial Committee relating to the problem of unequal prospects of promotion of officers of different cadre services. The Committee recommended the abolition of the SSP and certain other measures to improve prospects of promotion of officers of various cadre services. The government accepted the recommendations of the Committee and abolished the SSP in 1989. In the same year, another committee was constituted to reexamine the administrative structure and the man power position. The Committee found that 7000 officers and employees were surplus in 37 departments and offices. On the basis of its findings, the Committee recommended the abolition of 27 departments (Khan, 1991; USAID, 1989; Ali, 1993).

During the tenure of the last government, an empirical study was conducted and two committees were constituted to look into problems of public administration and recommend measures for reforms. The Public Administration Sector Study was sponsored by the United Nations Development Program (UNDP) with a view to suggesting an open, transparent, accountable and performance oriented administrative system to support parliamentary democracy. The Four Secretaries Committee and Committee for Restructuring Ministries/Department were constituted by the government. The areas of investigation of these committees and study included secretarial administration and work procedures, ministry-department relationship, ministry-corporation relationship, project cycle, organization and structure of government, decision making, accountability, human resources development, financial management and corruption. Recommendations made by them were of multifarious nature corresponding to the nature of the problems.

The present government constituted the Public Administration Reform Commission in 1997 with the mandate to recommend policies, programs and activities to improve the level of efficiency, effectiveness, accountability and transparency in public organizations and to enable them to fulfil the government's commitment to ensure socio-economic development and reach out its benefits to the people. The Commission made three types of recommendations, interim, short term and long term for administrative reforms in areas such as, defining of mission and functions of the public offices; affirming professionalism in the civil service; performance monitoring and result oriented performance, audit of government agencies; delegation of powers to subordinate and field offices; open and free access to government documents and reports for the sake of transparency and accountability; separation of judiciary from the executive; separation of audit from accounts; simplification of outdated laws, rules, regulations and forms (GOB, 2000). The Government has implemented some of the interim recommendations of the commission. The cabinet in a recent meeting accepted in principle the other recommendations of the commission.

4. Major Issues of Administrative Reform in Bangladesh

The importance and significance of various reform efforts can not be denied as these have addressed to a large number of issues relating to public administration in Bangladesh. But it is believed that the following issues should be taken into consideration while attempting for any comprehensive reform effort in the future.

4.1 *Role of Government*

The role of government in terms of dimension and nature of involvement in various activities has direct bearing on any reform effort. With respect to size and functional involvement, the Government of Bangladesh has assumed an all pervasive character. The lack of private initiative, which is a historical phenomenon, as well as government's compulsions, especially just after the emergence of the country, provided the basis for the extended role and functions of the government. As a result, the role and functions of the government in Bangladesh has become all encompassing from the centre to the grassroots level. Its traditional functions also termed as regulatory functions (maintenance of law and order, collection of revenue and administration of justice) now constitute only a small segment, though their importance has not been reduced at all; rather increased manifold, of the voluminous functions of public administration. But by the nineties of the last century, some major and qualitative changes have taken place both in the internal and external environment of the country. The thrust for the reduced and limited role of the government is recognized nationally and internationally. In the economic sector, local private, and international and multinational initiatives are quite successful in various ventures while the government is found unsuccessful in managing and running public enterprises. On the other hand, a large number of Non-governmental Organizations (NGOs), national and international, are shouldering some service and development responsibilities and also demonstrating better performance in their own spheres (CDRB and DPC, 1995). All these realities are now considered as the reflection of the freedom of individual belief and rights-two lofty ideals of modern day democracy. Thus there are both objective and subjective reasons to review the role and functions of the government.

4.2 *Public Policy Commitments*

Public policy commitments generally reflect the hopes and aspirations of the people and the demands of the time. These commitments are made in a democratic polity by the political parties both in power and aspiring to go to power. Public policy commitments are later translated into administrative actions. In Bangladesh, it has been observed that the public policy commitments made by the government are not pursued wholeheartedly. The institutional mechanisms, both internal and external, are also weak to monitor the translation of these into concrete administrative actions. Internal mechanisms include, administrative and political will of the government and effective administrative monitoring system. On the other hand, external mechanisms are specific parliamentary standing committees and effective role of the political parties in parliament and constructive role of the press and media. Moreover, public policy commitments lack consensus especially of the opposition political parties. As a result, public policy commitments made by one government are, in many cases, scrapped or set aside by the next government that comes to power.

4.3 *Neutral Governance*

Currently neutral governance has become a common concern of politicians, administrators, academics and common people as every body are beneficiaries of it. Neutral governance is essential for the sustenance, growth and development of democratic polity. Modern day parliamentary democracies are based on multi party system. Under the system, a number of political parties with varying ideologies and agenda compete for assuming the state power or forming the government through the electoral process. Political parties stay in power so long as they enjoy the support and confidence of the people. The public administrative system that symbolizes permanency and continuity has to function under and at the direction of different political parties at different points of time. Under the above reality, the administration must ensure neutral governance. The concept of neutral governance with respect to a developing country like Bangladesh could be viewed from the perspective of Maintenance of Law and Order/Enforcement; Administration of and Access to Justice; and Planning and Execution of Development Programs.

4.3.1 *Maintenance of Law and Order/Enforcement*

Maintenance of law and order is essential for ensuring neutral governance. Broadly speaking, maintenance of law and order has two aspects viz., maintenance of public peace, investigation and trial of criminal cases (GOP, 1960). The above involves both executive and judicial functions. Three elements are involved in it, the police, the magistracy and the judiciary (Ali, et.al., 1983). The maintenance of public peace does not mean prevention and control of any special type of crime. This deals with general law and order situations that may even be disturbed by non-criminal activities. Though crime may be committed, the real nature of the emergency here may be political or economic or communal. On the other hand, the investigation and trial of criminal cases may be described as prevention; investigation and detection; and prosecution of crime. It is believed that first of all crime should be prevented. If not prevented then the crime is committed. Once a crime is committed it must then be investigated and detected. The successful investigation leads to prosecution. Besides these, the police perform many other functions that have direct or indirect bearing on the maintenance of law and order/enforcement. Some of these are: execution of processes of criminal courts, regulation of crowds and traffic and other duties to meet emergency situations.

To ensure neutral governance with respect to the maintenance of law and order/enforcement, the police administration should enjoy freedom from interference from any quarters. If interference are made Police administration can not function or discharge its duties and responsibilities without fear or favour. But in recent years, it has been alleged that the law enforcing agencies have been subjected to influences of various kinds to meet the political ends of the parties in power. Such practices seriously erode the confidence of the people and directly violate the principle of neutral governance, above all, they encourage the police particularly at the lower echelons, to take advantage of such biased position of the authorities to convert the opportunity for unrestrained personal gains. And this is what has happened in Bangladesh.

4.3.2 Administration of and Access to Justice-Rule of Law

Administration and access to justice is a primary requirement for establishing the rule of law in the country. Again, the rule of law must be considered as an important dimension for sustainable democracy, accountable administration and equitable development. In the area of administration of justice in Bangladesh, the judicial system is subjected to some fundamental and procedural problems. Although there is constitutional provision for the separation of judiciary from the executive, concrete steps are yet to be taken to separate the two especially at the lower level. It has been reported that now a bill proposing the separation of the judiciary and the executive is pending in the parliament for enactment. The combination of the executive/police and authority of criminal justice in the hands of the executive government was the innovation of the colonial power and it was specifically designed to meet the colonial purposes. However, non-action to separate the judiciary from administration helped accentuate bureaucratic authoritarianism and interference in the judicial process especially at the lower levels. Moreover, certain constitutional provisions require collaborative efforts of the Ministry of Law, Justice and Parliamentary Affairs and the Supreme Court in the area of personnel management of the judges. Interference of the executive branch in the personnel management of the judiciary hampers judicial independence. In Bangladesh, successive governments meddled with the affairs of the judiciary to serve their narrow political ends. This state of affairs has seriously eroded the confidence of the people in the impartiality of the judicial process.

Access to justice is another precondition for establishing rule of law in the country. Easy and timely access to judicial redress is essential for limiting or arresting the high handedness of the executive organ of the government. Repressive and sweeping laws also limit the private citizens' access to the judiciary. Moreover, the structural and institutional inefficiency of the judicial system has created manifold problems which fails to check the excesses of the executive arm and the bureaucratic authority and to safeguard the civil rights of the people at large.

4.3.3 Planning and Execution of Development Program

Another dimension of the concept of neutral governance is the neutral or impartial planning and execution of development programs. In developing countries like Bangladesh, initiatives for balanced development of the different parts of the country should come from the government. Moreover, for obvious reasons, the government has to shoulder the major responsibility with respect to economic and social sector development. But it has been observed that, in many cases, development programs are undertaken and executed to serve the narrow party interest of the political party in power at the expense of the national interest. The other phenomenon that is very much in existence in Bangladesh is that the people who are associated with the ruling party are awarded with various contracts relating to the execution of the development programs. Such practices breed corruption and the quality of the execution of the development programs also suffers. Sometimes, a nexus is developed between the political parties, government executing agencies and the implementers/contractors that results in waste and unnecessary cost escalation of development projects. But the concept of neutral governance with respect to planning and execution of the development programs suggests that national, not narrow party and or other interests, should come into prominence in the planning and execution of the development programs. The legitimate policy bias should not pervade the concept of neutral governance with respect to planning and execution of specific development plans and projects. It is natural that different political parties will have different policies and programs but this does not mean that their implementation should any way suffer from any partisan application.

4.4. Provider of Services

Government's role has changed with the passage of time. In the beginning, the basic purpose was to maintain the steady state. As such, the role was basically regulatory in nature. The concentration was on revenue collection, maintenance of law and order and administration of justice. The administrative system

that Bangladesh inherited from the British in 1947 was developed for assuming the above stated roles. Then the government for the first time was called upon to shoulder new responsibilities in addition to its earlier role in traditional/regulatory administration. In the sphere of traditional administration, the emphasis was on maintaining steady state so that the nation can strive for better life both at the individual citizen's level and also at the national level (Hussain, 1986).

With the changed scenario, a new dimension was added to the role of the government, i.e., development administration. The assumption of this new role was necessitated with the rising expectations of the people. Government at this stage, in the absence of any other alternative choice, had to intervene in different sectors (broadly, economic and service) of the national life to ensure all round national development. The situation in 1947 was such that there was virtually no private sector and entrepreneurial capacity of the private citizens was almost non-existent. Under compulsion, the government had to intervene in all sectors. This phenomenon continued through out the Pakistani period. Another point should be noted here that during this period whatever capacity developed in the private sector was confined mostly to the erstwhile West Pakistani (now Pakistani) nationals (Ahmed, 1980; Jahan, 1977)

After the emergence of Bangladesh the situation was even worse. The institutional business enterprises and industries were mostly owned by the Pakistanis and these were left behind by them. The government had no choice but to nationalize those. On the other hand, government of the time also opted for a mixed economy. Consequently, the government's roles and functions increased manifold. Besides, this period also witnessed the creation of a number of public enterprises especially in the economic sector (Sobhan and Ahmed (1980). In the service sector the government's role and functions also increased considerably. The government ultimately became the main provider of services to the people. After the change of government in 1975, Government's policies regarding its role underwent fundamental changes. Emphasis was put on the development of private initiatives in all sectors of national life. In the economic sector, thrust was given for the development of private entrepreneurial class (Ahmed, 1980). At the same time, the government went for the denationalization of different state owned enterprises. This period also saw the rise of a large number of Non Governmental Organizations (NGOs). These organizations started to take active part in development and service sectors especially at the grassroots level. In spite of all these developments, the government in Bangladesh still remains the primary providers of services in all sectors.

The all encompassing role of the government resulted in mismanagement and overburdening of the administrative system. Now the time has come to redefine and delimit the role of the government as provider of services and also to look for alternative strategies for providing these to suit the demand of time.

4.5 Civil Service

An efficient and effective role of civil service in a developing democratic polity is of vital importance. The efficiency of public servants is a *sine qua non* for managing the affairs of the state. On the other hand, the involvement of the public servants must not transcend the boundary of the democratic framework. However, bureaucratic efficiency depends on conducive political and bureaucratic environment and culture suiting the needs of the hour; existence of the democratic values in the administrative system; and existence of mechanisms to have checks on bureaucratic excesses.

4.5.1 Bureaucratic Norms

In multi-party democracy, public servants have to perform functions, such as, to inform the ministers and parliament with complete and accurate data presented objectively and in time; to advise ministers by analysis of data and appraisal of options in which they can have confidence; to implement ministerial decisions and to administer resultant decision; and to be responsible to minister and parliament for their actions (or inaction) with particular reference to the safeguarding of public funds and ensuring effective value for money (Stowes, 1992). With respect to the bureaucratic norms of the civil service in Bangladesh experience reveals that these are adhered to a very limited scale. A number of socio-economic and political factors, including historical peculiarities have impeded the growth of accountable structure of administration in Bangladesh. As a result, the 'high office arrogance', unethical behaviour, gross

inefficiency, failure to respect legislative intent and failure to show initiatives have become apparent in the civil service of Bangladesh (Hussain and Sarker, 1995).

4.5.2 Decision Making Process

Efficient decision making procedures are part of the professional and result-oriented administration. The organization and structure of the government and public service and administrative culture have bearing on the decision making system. In Bangladesh, the Rules of Business outline the basic provisions relating to the distribution of responsibilities among different units of government. Under the existing arrangement of the governmental administration, the ministry is responsible for formulating policies. The directorates/departments/statutory bodies and field offices implement policies. In fact, the existing arrangement implies a policy formulation-implementation dichotomy. Interestingly, such a dichotomy has a corresponding relationship to the structural arrangement of the system, resulting in the conflicting relationship between generalists and specialists. There is also confusion about the nature of decisions. It is difficult to draw a demarcation line between the policy decisions and the operational decisions. This confusion complicates the disposal of cases. This, along with centralized tendency in administration causes delay in decision making. Jurisdictional infringement, buck passing, distortion of priorities, employee disorientation and misallocation of resources are many of the factors responsible for such a state of affairs (Huda and Rahman, 1989). The other important aspect that may be noted here is that the discourse on decision making is confined only to the bureaucratic structure. For instance, there is no indication in the Rules of Business regarding the role of parliament members in decision making particularly at various administrative levels, without violating the separation of power policy.

4.5.3 Corruption

Corruption has been and continues to be an unfortunate integral part of administrative culture in Bangladesh. But in recent times, it has taken an all pervasive form. A recent donor sponsored study reflecting on the harmful effect of bribery, corruption, kickbacks and under the table payments for various administrative decisions and actions noted that the per capita income in corruption free Bangladesh could have nearly doubled to US\$ 700 (currently it is estimated to be US\$350) (Transparency International, Bangladesh, 2000). Government officials especially, involved in development projects, service delivery, enforcement and regulatory agencies at all levels are reported to be colluding with private bidders and contractors and service seekers and consequently amassing vast illegal incomes in the bargain.

The reasons for such corruption can be summed up: *Firstly*, because of institutional weaknesses, civil servants involved in corrupt practices, in most of the cases, are not taken to task and they indulge in corruption with impunity. Moreover, even if found guilty, they have never been adequately punished nor compelled to return to the state their ill-gotten wealth. *Secondly*, for quick service delivery, citizens in general, now do not mind to pay bribes and kickbacks. *Thirdly*, there is now social acceptance of corruption. *Fourthly*, barring occasional public procurements, the representatives of the people, i.e. politicians especially those who are in power, are not very enthusiastic to take effective measures to curb corrupt practices in public dealings. Rather in many cases, it is alleged that they have become party to various dubious deals.

4.6. Administrative Accountability

Government policy decisions are implemented through bureaucratic mechanisms; as such, administrative accountability is essential for good government. In developing polity, there is a tendency on the part of the public bureaucracy to exercise power in an authoritarian manner. Bangladesh bureaucracy is also no

exception to that. Authoritarian organization culture still persists. Democratic values are still lacking in the bureaucracy. This is due to the colonial legacy that the administration inherited and lack of experience of the bureaucratic system to function under broader democratic political environment. There is a marked lack of clarity and in deed there is an imbalance between the role of bureaucracy and the role of public representatives and political leaders in the policy making and overall governance system. No systematic measures have been taken so far to streamline the institutional integration of popular interests and technical expertise at all levels of government. As a result, efficiency and accountability suffer under democratic political leadership. The arrogance of high office, unethical behaviour, failure to respect legislative intent and apathy towards work have been rampant (UNDP, 1993). However, elaborate measures should be undertaken to curtail bureaucratic excess. Its role should not go beyond the limits that may thwart democratic ideals and practices. Some of the measures could be through the effective roles of the parliament, media and the civil society.

4.6.1 Role of Parliament

Bangladesh has again gone back to the parliamentary form of government after amending the constitution (GOB, 1998). Under the present system, the executive branch is responsible to the parliament and that the peoples' representatives must have sufficient voice in the design and formulation of public policy. In Bangladesh, the parliament is primarily concerned with enacting legislation and ratifying decisions that the executive has already taken. Thus, it is clearly observed that peoples' representatives have no substantive role in policy formulation. The role of parliamentary committees is very significant in this regard. These statutory committees are expected to scrutinize various aspects of government actions. Moreover, they should function in such a manner so as to ensure transparency of vital government businesses. However, in Bangladesh, the parliamentary committees so far have failed to play the vital role in making the administration accountable. Some important committees such as, Public Accounts Committee, Committee on Estimates, Committee on Public Undertaking and other standing committees on various ministries are not performing well enough to ensure accountability of executive government. Committee meetings are not held regularly and ministers in many cases do not attend the meetings. More importantly, the decisions of the committees are not followed by actions.

The other feature of Bangladesh politics is the excessive reliance on exercising executive authority by keeping the parliament in the dark. In most cases, policy issues are not discussed in the parliament. This weakens parliament's authority to hold the executive accountable to it.

Another interesting feature of Bangladesh politics is that the opposition political parties oppose the ruling party for the sake of opposition only. Moreover, boycotting/non-participation in the sessions of the parliament has also become a regular practice of the opposition political parties. But to have healthy political environment and to hold the party in power responsible for the actions/inaction, opposition political parties should play a positive role both within and outside the parliament.

4.6.2 Role of Media

Role of media is very important in ensuring administrative accountability. Information about government actions are largely reported through the media both electronic and print. By ensuring free flow of information, the media also ensures transparency of administrative actions. Currently, the print media is enjoying considerable freedom in Bangladesh. They bring lapses and excesses of the executive to the notice of the public and thereby making them accountable. But exclusive government control over state run mass media like radio and television run contrary to the concept of free flow of information and transparency. Such exclusive control has negative bearing on ensuring administrative accountability. In Bangladesh, both radio and television are solely owned and controlled by the government. As a result, these two media are acting as the spokesmen of the government or rather the party in power. Impartial information and views, in most of the cases, are not usually broadcast. Moreover, views of the opposition political parties and groups do not receive proper and adequate attention of the state run radio and television. As we know, the role of media by facilitating the free flow of information of all government actions is very essential for ensuring executive and administrative accountability. The reforms which, according to the press reports, are on the

anvil appear to fall short of expectations of the nation in as much as the government control on the state run electronic media remains virtually overlooked.

4.6.3 Role of Civil Society

From a functional perspective, there is a general tendency to treat civil society as one of the three sections that constitute a nation - the other two being the public sector or the government and the private sector or the profit-seeking enterprises. Very broadly, civil society can be defined as those organizations that exist between the level of the family and the state and enjoy a degree of autonomy from the state and the market, and provide a counter-balance to the power of the state and the market. Civil society may also be viewed as organized activities by groups or individuals either performing certain services or trying to influence and improve the society as a whole, but are not part of government or business (Jorgensen, 1996). In Bangladesh, civil society includes indigenous community groups, mass organizations, cooperatives, religious societies, trade unions, and professional bodies.

Given the dynamics of the political process, it is indeed difficult to set a prescribed role for the civil society in Bangladesh. The role of civil society, in fact, depends on the nature of the demand and prevailing conditions of a polity. However, areas of involvement of the civil society in the context of Bangladesh are policy advocacy, mobilization of public opinion, demand creation, active participation in policy formulation process, bridging the gap between citizens and government, pressurizing the government with the help of the media, supporting the popular movement in favour of a given policy issue, lobbying with the donor groups/development partners, playing the role of mediator/ arbitrator between citizens and government, and policy analysis, etc.

Civil society, by its actions, performs as pressure group in the polity in attaining administrative accountability. In the true sense of the term, the civil society is only emerging in Bangladesh. In recent years, the civil society has made some limited but positive contributions towards ensuring executive and administrative accountability. But it has been observed that some groups of the civil society movement are politicized and divided on political lines. Though there has been a steady and random growth of the civil society organizations, there is virtually no active network of them to look after collective interests of the people. More concerted efforts are needed to organize and further develop the civil society institutions so that they can play an appropriate role in making the executive and the administration accountable to people.

5. Brief Review of Local Government Reform in Bangladesh

Local Government is acknowledged as a highly viable mechanism through which democratic processes and practices can be established and participatory development ensured (Khan, 2000). The constitution of the country provides for the creation of the local government bodies at every administrative level but presently it exists only at the Union (*Union Parishad* (UP) level only (GOB, 1998).

The local government institutions in Bangladesh owe their origin to the British rule in this part of the world. Originally intended to maintain village peace and order by local initiative, the *Chawkidari Panchayet Act* of 1870 was the first step taken in this regard. Subsequently, the Local Self- Government Act 1885, the Village Self- Government Act 1919, and the Basic Democracy Order 1959 provided the foundation of the local government bodies.

During the Bangladesh period, legal framework like Presidential Order no.22 of 1973, Local Government Union *Parishad* and *Paurashava* Act, 1973, Local Government Ordinance 1976, The Local Government (*Thana Parishad*) Ordinance 1982, the Local Government (Union *Parishad*) Ordinance 1983, 1986 institutionalized the existence of these bodies.

In recent years, three different Commissions/ Committees were constituted in 1993, 1997 and 1999 to reform/ reorganize and strengthen the role, structure and functions of local government in Bangladesh (for details, please see Annex (B)). However, it has been observed that no significant attempts have subsequently been made to operationalize and or implement the major recommendations of these reform commissions/committees.

The recommendations of the LG Committee 1993 were not implemented. Some of the more progressive recommendations of LG Commission, 1997, and that of LG Finance Committee, 1999 did not receive a place in the subsequent LG Acts providing for a four-tier system. In effect, the major reform attempts through LG Acts failed to put in place a real decentralized LG system.

In effect, LG in Bangladesh remained weak and perpetually dependent upon central government through various means of political and administrative control. Almost all of the major LG reform efforts, as a matter of fact, mostly addressed the secondary issues, i.e, number and level of tiers, relationship between tiers, composition, distribution/ share of functions among the tiers and central government etc, at the expense of the substantive/ core issues like devolution of authority for enabling LG to operate in an autonomous manner. For example, personnel management including mechanisms of effective accountability of deputed government officials and other personnel whose recruitment are finally approved by the national government functionaries; the other issues such as, resource generation, management and utilization remained out of the purview of the reform agenda.

Since the emergence of the country there has been frequent policy changes and rearrangements of the tiers of local government. At the same time, these bodies are alleged to have been exploited by both democratic and military national governments as means for political mobilization and consolidation of power, and not allowing them to operate as autonomous, decentralized local government institutions. The above has also been reflected in one of the important observations of the Honourable Chief Justice of the Supreme Court of Bangladesh.

...since independence from the British rule, these institutions fell victim to party politics or evil designs of autocratic regimes, passed through the ordeal of suppression, dissolution or management of their affairs by official bureaucrats or henchmen Government of the day '(GOB, 1992)

An overview of the growth and evolution of local government units in Bangladesh establishes the fact that these have all along been under the strict administrative control of the public bureaucracy and the close political control of the national government/ party in power. They never enjoyed the freedom to choose development projects and work without the direction and control of the bureaucracy. As a result the local bodies could neither become politically/financially viable nor could they gain any credibility in the eyes of electorate.

6. Major Issues of Local Government Reform in Bangladesh

Studies and experiences reveal that local government bodies had never been, in the past, and even so in liberated Bangladesh, "self-governing" bodies in the true sense of the term. These could simply be labeled as extensions of the national government with guided and limited local participation. Consequently, local government units have always been institutionally and financially weak, poorly managed and lacked social and political credibility. The importance and significance of earlier reform efforts with regard to local government lie in contributions towards some incremental strengthening of the system. However, there is a consensus that the following issues should be taken into consideration in any future attempt to reform and reorganize local bodies to make them truly decentralized, institutionally effective, financially viable, participatory, gender sensitive, transparent and accountable local government institutions.

6.1 Role and Functions

Traditionally, LG in Bangladesh have limited jurisdiction especially over some specific but again very limited developmental functions. The area of regulatory administration has always been kept aside from the purview of the role and functions of these bodies (Hussain and Sarker, 1994). Most of the developmental functions for which LG units are made responsible under the legal framework, such as, family welfare, education, public health, social welfare, etc., are administered by different agencies of the national government. For example the UP have no authority other than reviewing and reporting to the *Upazila Nirbahi Officer* (UNO), a national government functionary. UPs virtually have no scope to get involved in the implementation of development projects initiated by these agencies at the local level. The exact relationship between the field level units of various government departments and the LG is inadequately/vaguely defined.

Local level infrastructure development is one of the important functions of the LG. These projects are generally implemented through food aid and grants received from the national government. Food aids are channeled thorough different agencies of the national government. In this area, for example the role of UP as a LG unit is again limited to the selection of the possible projects only. Such selected projects are finally approved by the UNO in consultation with the Upazila Engineer (UE) and the Project Implementation Officer (PIO). The above type of scenario clearly suggests that the role and functions of LG units are restricted in the area of development administration. In addition the other functions of the LG units are again subjected to bureaucratic supervision and guidance (Khan, 2000).

6.2 Center – Local Relations

In the context of the LG, central-local relations have always been an issue. In Bangladesh, statutorily, central-local relationship as provided in the statute has historically been authoritative in nature. This may be due to the colonial legacy and the absence of democratic government at the centre for a considerable period of time. The central or the national government primarily exercises its control over the LG bodies through its field level government functionaries such as the Deputy Commissioner (DC) and the UNO, heads of district and *Upazila* administration respectively. In addition, LG units are further controlled through a plethora of intricate and complicated orders and circulars from different agencies/ ministries which very often contradict the original legal framework.

Under the law, again, the national government is also empowered to carry out inquiries into the affairs of local government institutions. And after such inquiry, if the government considers that a LG unit is 'unable' to discharge its duties; or 'failed' to meet its financial obligations; or otherwise exceeds or abuses its power, then the government may declare such LG bodies to be suspended for a period as may be specified by the law. This provision allows the district administration to axe an LG unit such as the UP at any time and consequently, make them extremely vulnerable to the political and administrative whims of the government.

In addition, the central government also exercises substantial financial and administrative control over the local government institutions in different ways. The annual budgets of the LG units are scrutinized and approved by different levels of central government agencies. Again in the case of UP authority over the appointment and payment of salaries of the staff is held by central government bureaucracy. In the internal functioning of LG, the national government functionaries also exercise control over them. For example, the Local Government Ordinance requires, a UP to constitute a number of Standing Committees and for the formation of any additional committee it needs the formal approval of the DC. The above facts in the context of UP, reveal that the LG units in Bangladesh are being constantly controlled by the national government through various mechanisms for almost every aspect of their operation and functioning. Such practices, in reality, have turned the local government institutions in Bangladesh into mere extension of the national government and of their various functionaries.

6.3 Resource Mobilization: Central and Local

In Bangladesh, local government bodies have been chronically resource poor. The LG regulations empowered them to mobilize resources from local sources through assessment and levy of taxes, leasing of local *Hats* and *Bazars*, water bodies, etc. But they do not receive the total resources generated from their entitled sources. For example, in the case of UPs, of the revenue generated from the leasing of the rural market, 25 percent is retained by national government, 10 percent by the Upazila, and 15 percent is earmarked for the maintenance of the market, and the rest 50 per cent is the entitlement of the UP. Another feature of financial control is that the UNO receives funds transferred from UP mobilized resources like share of land transfer tax, market lease money for retention in the accounts maintained by him for later distribution to UPs on basis of prescribed government guidelines. This projects that the UPs virtually have no direct control even over resources generated from its jurisdictions. Such practice of regulating and controlling of the financial resources by the national government functionaries keeps the LG units ever resource poor and resource dependent on the national government (Khan, 2000).

The local government institutions are entitled to Annual Development Plan (ADP) block grants from the national government. The local government regulation hold strict instructions that the block grant must be used specifically in certain sectors determined by the central government. This pre-determined sector allocation seriously limits the scope of local level planning as well as the flexibility of local bodies to utilize the financial resources for satisfying the immediate needs of the community. This also runs contrary to the concept of functional autonomy of the LG units.

6.4 Institutional Capacity

Institutional capacity includes both human competence and logistics. Relevant studies reveal that the overwhelming majority of the chairmen and members of LG units lack

knowledge and understanding of the operational procedures and functions of these bodies (Aminuzzaman, 1998). They are also unaware of the intricate rules as regards to budgeting, planning, and resource management. Moreover, for example, Union *Parishads* are required to maintain and preserve more than 100 registers (for general office management, village courts, test relief programs, food-for-work programs, VGDP and RMP). It is a huge task considering the managerial capacity of the said LG unit. In effect, very few registers are actually maintained. This is due to the fact that very little effort has been taken over the years to impart training in the relevant fields of local institutional operations to the elected officials and salaried staff particularly the Union *Parishad* Secretaries. Moreover, relevant institutions have inadequate facilities and the training modules are also out dated. Most of the LG units have inadequate physical facilities.

6.5 Accountability and Transparency

Accountability and transparency of operations and functions of the LG units are essential for ensuring their credibility to the electorate. This can only be achieved through adequate supervision and monitoring. Legally the Monitoring & Evaluation Wing of the Local Government Department of the Ministry of Local Government Rural Development and Cooperatives (LGRD&C) is responsible for monitoring the functions of the local bodies. But it has been observed that the monitoring mechanism of the said wing is weak, inadequate and ineffective. The other mechanism is through the inspection and visits by the field level government functionaries, such as, the UNO and the ADLG. But their functions are more of controlling nature than of monitoring. The relevant LG regulations prescribe that UPs are to ensure public display of (in the UP notice board) the budget and major decisions of the UP meetings particularly with regard to development projects. But this practice is almost absent in most Union *Parishads*.

7. Conclusion and Recommendations

In this policy brief, an attempt has been made to review and analyze the efforts made for bringing about reforms in public administration and local government systems in Bangladesh since its emergence as an independent country in 1971. In the process, it has been observed that unfortunately these reform efforts fell short of expectation in bringing about desired changes in the public administration and local government systems of the country for a number of reasons. But for the sustenance and institutionalization of democratic tradition, values and culture in the polity, an efficient, result oriented, representative, participatory, gender sensitive, transparent, corruption free and neutral public administration and local government system are required. There is a consensus that broad and holistic reform efforts has to be initiated in the light of the changes that have taken place in the national and global arenas. As such, the following recommendations are put forward for reform of public administration and local government in Bangladesh.

Recommendations are presented into three categories: Pre-election, Short- term and Long- term. The Pre-election category would include recommendations that are to be implemented or actions to be initiated during the tenure of the Caretaker Government and specific election pledges that are to be made by the political parties intending to contest in the ensuing general election. On the other hand, recommendations that are grouped under Short and Long-term are to be implemented by the party (s) that would form the Government after the general election.

Role of Government

In Bangladesh, the role of government in terms of dimension and functional involvement has assumed an all pervasive character. There are both subjective and objective reasons to review the role and functions of the government.

Pre- election

Caretaker Government may not play any role in this respect. The Constitution says as follows: “The Non-Party Care-taker Government shall discharge its functions as an interim government and shall carry on the routine functions of such government with the aid and assistance of persons in the services of the Republic; and, except in the case of necessity for the discharge of such functions it shall not make any policy decision”. (For details, please see, Article 58D of the Constitution of the People’s Republic of Bangladesh).

Political parties should make pledge to:

- Determine the scope and functions of the government in the light of the new realities posed by globalization and free market economy with sufficient safety-net for the disadvantaged

Short Term

Undertake thorough study (s) to:

- Identify areas from where the government should withdraw its interventions
- Suggest mechanisms for the withdrawal of government interventions

Prepare appropriate plan and strategy for the implementation of the recommendations of the study (s) and complete the implementation of the said plan in the long term

Constitute a commission to suggest strategies to bring about commercial viability of the state owned enterprises (SOEs) especially those providing utility services as for some obvious reasons these would remain as SOEs for some more years. And after careful examination, the commission’s recommendations should be implemented in the long term

SOEs in the manufacturing sector should be privatised and/ or handed over to cooperatives

Public Policy Commitment

In a democratic polity, public policy commitments are made by the political parties both in power and aspiring to go to power. In Bangladesh, the institutional mechanisms, both internal and external, are weak to monitor the translation of the commitments into concrete administrative actions.

Pre- election

Political parties should make pledge to:

- strengthen Parliamentary Standing Committees especially, the Committee on Public Commitments, Public Accounts Committee, Committee on Public Undertakings and Public Estimates Committee

Short Term

- Implement recommendations of studies undertaken so far by the GOB and other agencies on activating, and capacity building of the Parliamentary Committees

- Elect Members of Parliament belonging to opposition parties as Chairs of at least 50 per cent of the important Parliamentary Standing Committees, including Public Accounts Committee, Committee on Public Undertakings and Public Estimates Committee

Long Term

- Institutionalize the measures taken for the strengthening and capacity building of the Parliamentary Standing Committees
- Annually publish the Parliamentary Committees' reports

Neutral Governance: Law and Order and Enforcement

To ensure neutral governance with respect to the maintenance of law and order/enforcement, the police administration should enjoy freedom from interference from any quarters. Simultaneously measures must be taken to ensure their accountability and transparency of action.

Pre- election

Caretaker Government

Provide all possible aid and assistance to the Election Commission for holding the general election of the members of Parliament by ensuring the:

- recovery of all illegal arms
- rule of law
- neutral and non-partisan public administration in all relevant areas
- peace and order in all polling stations
- use of all enforcement agencies including Defense Forces for the maintenance of strict discipline and order for the conduct of free and fair election
- facilitate the discharge of functions of the election- observers both from within the country and abroad

Political parties should make pledges to:

- establish the rule of law by ensuring non- partisan neutral administration of law
- allow the enforcement agencies to maintain complete neutrality of their action by ensuring strict merit based recruitment; transfer and promotion based on performance only
- reformulate, update and strictly enforce the Code of Conduct for the personnel of the enforcement agencies
- undertake ethical and moral boosting measures for the personnel of the enforcement agencies, including advanced training matching the contemporary demands and the needs of democratic society
- strengthen the capacity of the enforcement agencies by modernizing logistics and material support
- undertake measures for the expeditious disposal of all civil and criminal cases and investigation of all criminal offenses
- set up independent watchdog commission/committee to assess and evaluate the performances of the enforcement agencies

Short Term

- Reformulate, update and implement the Code of Conduct of government servants
- Identify and initiate phase wise implementation of ethical and moral boosting measures such as, advanced training
- Separate investigating police officials from other police officials at different *Thanas* under metropolitan areas in the short term and in all *Thanas* of the country in the long term
- Appoint the Assistant Superintendent of Police (ASP) as the Officer in Charge in *Thanas* under metropolitan areas in the short term and in all *Thanas* of the country in the long term
- Initiate the strengthening and capacity building of the enforcement agencies by providing modern logistics and material support
- Initiate awareness development programs on citizens' rights and protection under the law against arbitrary government actions including police actions

Long Term

- Appoint a permanent independent Commission/Committee to review the adherence of the enforcement personnel to the newly formulated and updated Code of Conduct
- Annual publication of the report of the review commission/committee
- Complete all other measures initiated in the short term

Neutral Governance: Administration and Access to Justice- Rule of Law

In the area of administration of justice in Bangladesh, the judicial system is subjected to some fundamental and procedural problems. Again, easy and timely access to judicial redress is essential for safeguarding the civil rights of the people.

Political parties should make pledges to:

- Separate Judiciary from the Executive Branch of the Government
- Expedite law reforms including land administration laws
- Ensure expeditious disposal of all civil and criminal cases by different courts

Short Term

- Take appropriate measures/steps ensuring complete separation of the Judiciary from the Executive branch of the Government;
- Make necessary resource allocation for the purpose
- Establish more courts to try civil and criminal cases in the metropolitan areas in the short term and through out the country in the long term

Long Term

- Place the judiciary under the Supreme Court instead of the Ministry of Law, Justice and Parliamentary affairs. For facilitating the Supreme Court to discharge its newly assigned functions a Supreme Court Secretariat be established
- Take appropriate steps to ensure elimination of mal-practices in the process of accessing and securing justice
- Ensure completion of law reforms

Civil Services

An efficient and effective role of civil service in a developing democratic polity is of vital importance. But a number of socio-economic and political factors, including historical peculiarities have impeded the growth of accountable public administrative system in Bangladesh.

Pre- election

Political parties should make pledges to:

- Allow the civil service to remain completely neutral by ensuring strict merit based recruitment; transfer and promotion based on performance only
- Reformulate and update the existing Code of Conduct for the Civil Servants
- undertake ethical and moral boosting measures such as, advanced training
- ensure that the decisions are made expeditiously in all matters concerning the governance. The frustrating delay that has vitiated the national life should not only be done away with but all those responsible for such state of affairs should be punished

Short Term

- Reformulate and update the existing Code of Conduct for the Civil Servants
- Identify different moral boosting measures such as, advanced training and initiate phase wise implementation of those in the short term and institutionalize those in the long term
- Formulate and introduce simplified decision making process at different levels of administration
- Fix specific and detailed criteria regarding eligibility and qualification through appropriate legislation for appointment to constitutional posts such as the judges, Chief Election Commissioner and Members, Comptroller and Auditor General and Chairman and Members of the Public Service Commission. At present, these are subject to wide discretion of the appointing authority

Long Term

- Establish independent Review Committee to evaluate the adherence of the Civil Servants to the newly formulated Code of Conduct
- Timely prepare and publish ministry wise Annual Review Reports so that the civil society can react to them as and when necessary
- In respect of certain offices, the Government may consider the introduction of the fixed tenure system including the office of Inspector General of Police (IGP)

Corruption

Corruption has been and continues to be a vicious, yet an integral part of administrative culture in Bangladesh. It has been observed that the institutions that are responsible to take steps to curb corrupt practices are not taking any effective measure. There is also wide allegation that in many cases, have become themselves parties to various corrupt deals.

Pre- election

Political parties should make pledges to:

- Create a constitutional body to fight all types of corruption
- Introduce Salary Scales based on Cost of Living Index
- Convert real wages of all forms into money wages
- Separate Audit from Accounts
- Strengthen and build capacity of the Office of the Comptroller and Auditor General

Short Term

- The Bureau of Anti-corruption be turned into Bangladesh Anti-corruption Commission (BACC), an independent legal entity. The Commission shall have a Chairman with the rank and status of a Minister/State Minister. Besides, the Chairman, the Commission shall consists of 2 full time Members, and 3 part time Members from amongst the secretaries to the government and members of the civil society. The executive authority of the Commission shall vest with a full time official to be designated as the Director General to be drawn from the judiciary/civil service/ civil society. All officers and staff of the Commission should be drawn on the basis of deputation from various BCS cadres with no provision for direct recruitment. The deputed officials should be imparted with adequate training in civil and criminal law. Appropriate Rules of Procedure should be framed for the smooth operation of the BACC
- Initiate the process of introducing the Cost of Living Index based compensation package
- Initiate the process of converting real wages into money wages
- Ensure transparency in all procurements including defense procurements. All high priced defense procurements should be placed before the cabinet for approval
- Initiate the process of separation of the Audit from Accounts
- Initiate measures for institutionalizing the strengthening and capacity building of the Office of the Comptroller and Auditor General including modern logistics, training and the introduction of the modern accounting and auditing procedures

Long Term

- Annual publication of the report of the Bangladesh Anti-corruption Commission and submission to the parliament
- Complete various measures initiated during the short term

Media and Civil Society

Civil society, by its actions, performs as pressure group in the polity in attaining administrative accountability. In the true sense of the term, the civil society is only emerging in Bangladesh. In recent years, the civil society has made some limited but positive contributions towards ensuring executive and administrative accountability. But it has been observed that some groups of the civil society movement are politicized and divided on political lines. Though there has been a steady and random growth of the civil society organizations, there is virtually no active network of them to look after collective interests of the people.

Pre- election

Political parties should make pledges to:

- Grant complete autonomy to Bangladesh Beter and Bangladesh Television on the basis of the last Broadcasting Commission Report
- Introduce a Government Advertisement Policy Code
- Repeal laws and regulations hindering the free flow of information
- Support and create conducive environment for the growth and development of a vibrant civil society

Short Term

- Establish a commission to be known as the Bangladesh Broadcasting Commission. The envisaged Commission should be de-linked from the Ministry of Information. In the short term, it should be organized as an autonomous body and in the long term as a constitutional legal entity having no relationship with any Ministry of the Government.
- Grant more licenses for the establishment of more radio and television stations and channels in the private sector ensuring national security and preservation of national culture
- Constitute a committee consisting of the Information Secretary, Director General, Department of Films and Publications (DFP) and eminent personalities from the press and media and civil society to determine the principles of award of advertisement and distribution of newsprint quota
- Repeal the Official Secrets Act of 1923
- Except where national security is involved inquiry reports of all types be it of a department or under the Commission of Inquiry Act whether on any individual or on the omission or commission of a certain institution should be made public
- Identify measures for the growth and development of the Civil Society organizations in the country

Long Term

- Implement measures initiated in the short term
- In order to examine the NGO operations in the country and make them more effective in their tasks of poverty alleviation and other activities undertaken for social development the present format and the regulatory instruments should be reviewed and properly reformulated in order to make their activities transparent and accountable not only to the donors but also to the people of

this country. It should be examined whether the funds received by them are treated as Public Fund or otherwise. Lacunas in it should be removed by law. The law should also seek to ensure that there is no socio-cultural conflict that may arise out of their activities

- Implement identified measures for the growth and development of the civil society organizations in the country

Local Government

In Bangladesh, a politically empowered and financially viable local government system is yet to emerge. Historical experiences suggest that political parties in power, time and again, have failed to live up to their commitments in establishing truly decentralized LG system in the country. This has happened due to the fact that the country experienced long spells of military rule. As a result, politicians at the national level lack confidence and feel insecure in sharing powers and authorities with LG units. Again, because of this the local government elections have not been allowed to be held on the basis of participation of political parties.

The colonial legacy and the long absence of political leadership at the state power even after the creation of Pakistan in 1947 and emergence of Bangladesh in 1971, in turn, strengthened the already powerful bureaucracy. The lack of confidence and sense of insecurity of the national level politicians combined with bureaucratic unwillingness to extend supremacy of the peoples' representatives down to the local level perpetuated the practice of having weak and centrally controlled LG system. The country has had two consecutive elected governments since 1990 and is preparing for electing the next one. At this crossroad of institutionalization of democratic governance, demands should be put forward to political parties to make firm commitment reflected in election manifestos for the enactment of appropriate legal measures for the establishment of a devolved LG system with adequate functions, powers and authority and the provision of resource sharing between the national government and LG units in the country.

Pre- election

Political parties should:

- declare their political commitment to initiate concrete legal measures for ensuring the establishment of decentralized local government system in the country and express this in explicit terms in their respective election manifestos. The committed LG system should be based on the principle of devolution of power, authority and functions; resource sharing; and with appropriate mechanism for effective representation and participation of women and other disadvantaged groups
- Reach consensus on the number of tiers of local government and make legal provisions of elections to all LG units (tiers) simultaneously
- Reach consensus on having elections to LG units on party basis
- Ensure establishment and continuity of local government units once decided upon

Short Term

Commission an independent Task Force with recognized experts in the field of local government drawn from academics and practitioners. In this respect, empower the Task Force to formulate and initiate legal reforms. A framework of a decentralized LG system is suggested below:

LG Framework

Local Government Tiers

In consideration of practical advantages in the context of the circumstances prevailing in the country it is best to have a two tier system of LG, at the Upazila and Union levels. At present, there is enactment for a 4-tier system with only the Union Parishad being functional. Until, it is legally reformed to a 2- tier system, it is recommended that that the Upazila Parishad be activated in the light of the suggested framework. From the past experience of the operations of the Upazila system it can be expected to become viable and people focussed with appropriate modifications in the light of the proposed devolved LG units with adequate powers, authority and finances to independently plan and implement policies. On the other hand, Union Parishad is the oldest LG institution in the country and over the years this tier has earned a wide acceptability to the rural community.

Powers and Functions

The whole range of functions of government should be divided into three categories namely, Reserved, Transferred and Residual. The national government would retain the functions under the Reserved list. While functions under the Transferred list would fall under the jurisdiction of LG. On the other hand, functions under the Residual List may be placed under the local government. This division of functions has to be materialized by transferring powers from the national to the local government through specific and clear-cut provisions in the reformed LG Act. In this context, the relevant schedule of the First Upazila Ordinance may be looked into.

Finance

The tiers of LG decided upon must have access to their own finances in the reformed system. Historically, the Union *Parishads* and the short lived *Upazila Parishads* have had taxation authority over certain specified fields and right to revenue income from leasing market places, water bodies, and *Ghats* etc., which should continue with necessary adjustments in all tiers of the new system. The revenue collected from these legally sanctioned sources has to remain in the accounts of the respective LG units and used for purposes decided by them within the legal framework. An effective mechanism of accountability of the expenditures from such funds has to be ensured by regular auditing and reporting. Apart from this right of Local Resource Mobilization, each of the new LG units should have stipulated share of the central government revenue earmarked in the national budget to be distributed on the basis of a pro rata population strength and other relevant criteria. This share of revenue should be determined by a high level committee including representatives from relevant quarters and experts on local government revenue matters to be constituted immediately after new government's assumption of power.

Human Resources (Personnel and Staff)

For carrying out the functions transferred to LG units the national government officials from the relevant line ministries should be deputed to LG units. It must also be understood that without effective controlling authority over the deputed national government officials a LG unit becomes toothless and can not function with authority. As such, these deputed officials must be made responsible and accountable to LG units. One effective means of achieving it is by making the mandatory provision of the Annual Confidential Reports (ACRs) of such officials to be initiated and signed by the Chairpersons of concerned LG units so long they are on deputation. And this ACR will be the basis for onward career development of the deputed staff. In addition, LG units should have the authority to hire and fire necessary staff / officials of its own.

Rationale

From the very inception of the local government system in this country, the LG unit at the Union level existed for most of the time and under every regime. The population and size of both the *Upazila* and Union are also considered to be adequate to become viable as LG units. More importantly, *Upazilas* though remained in operation only for a brief period of time, has raised people's expectation and aspirations as a viable LG system.

More importantly again, considering resource constraints and limited staff employment capacity of LG, the proposed deputation system of central government officials to LG units would serve both the objectives of cost effectiveness and ensuring professional competency in service delivery. This fact has also been acknowledged by the major commission/committee on LG reform and also reflected in the subsequent LG Acts. However, this provision of deputation must be associated with the appropriate mechanism of control by the LG units as mentioned in the preceding section.

The following specific suggestions are made for the proposed LG system:

- By laws, official orders, circulars and instructions to be issued from time to time to operationalise the LG system must strictly be consistent with the spirit of the changed LG legal framework
- The Members of Parliament (MPs) shall not be involved in any manner with the affairs of the LG units because this violates the Principle of Separation of Power
- Specified number of seats for women have to be reserved at every tier of the proposed LG system. The chairman and members including women members should be directly elected to all LG units
- Elections to LG units should be contested on political party lines
- The elected members of each of the local government units shall be given distinct portfolios on the basis of functions given to them
- The public accountability through the mechanisms of transparency of LG functions and financial management i.e., budgeting and development planning and implementation thereof shall be activated and regularly monitored
- The committee system which is essential for ensuring effective participation in the affairs of the LG by both male and female members shall be activated
- Women's political empowerment through participation that has been initiated by the amendment of the LG Ordinance 1997 and by the subsequent statutory orders specifying their roles in the LG has to be operationalised and institutionalized
- Reorganization and building capacities of the national training institutes like NILG, BARD and RDA should be initiated in the light of the proposed LG system
- The LG units should be provided with legal authority to supervise and monitor the activities of NGOs/CBOs and other development actors operating within their territorial jurisdictions

Long Term

- Take measures for enactment of laws and if necessary amend the constitutional provision of having local governments at all tiers of administration in the light of proposed LG reform. The amendment shall also incorporate the revenue sharing arrangement between the national and local governments
- Take measures for election of all LG units through the Election Commission

- Constitute an independent Local Government Commission comparable to the University grants Commission (UGC) with appropriate powers and authority to look after the affairs of the LG including allocation of financial resources and monitoring and supervision.
- Institutionalize measures for the strengthening and capacity building of LG units at all tiers by providing modern logistics, material support and appropriate intensive training on various aspects of local government and administration

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Annex-A

List of Major Committees and Commission for Administrative Reform

Name of the Committee/Commission	Focus Areas	Major Recommendations	Observation
Civil Administration Restoration Committee, 1971	Organizational set up for the Government after the emergence of Bangladesh	<p>Establishment of 20 Ministries, 3 other secretariat organizations and 7 constitutional bodies</p> <p>Detailed specification of functions of civil servants at the Division, District, Sub-division levels</p> <p>Providing appropriate status and respect to the officers and staff of civil administration as lawful organs of the Government</p>	<p>Secretariat administration was reorganized with 20 ministries</p> <p>Constitutional bodies like Supreme Court, the High Court, the Public Service Commission, the Election Commission and the Office of the Comptroller and Auditor General were established</p>
Administrative and Services Structure Reorganization Committee, 1972	Civil Service Structure	<p>Unified civil service structure with a continuous grading system from top to the bottom</p> <p>Division of all posts into two broad categories: Functional and Area Group Posts</p> <p>Top 3 grades, i.e., I, II and III to be designated as Senior Policy and Management Posts</p>	The report of the Committee was not published
National Pay	Pay Issues	10 scales of pay in	New national pay scale

Commission, 1972		line with the recommendation of the ASRC	with 10 grades was introduced
Pay and Services Commission, 1977	Civil Service Structure and Pay Issues	52 scales of pay and equal initial scales of pay and equitable opportunities for advancement to the top for all Introduction of Superior Policy Pool at the top of the civil service Establishment of Civil Service Ministry by abolishing Establishment Ministry	The New National Grades and Scales of Pay was introduces with 21 scales of pay 28 services under 14 main cadres were created within the civil service A Senior Services Pool was constituted
Martial Law Committee for Examining Organizational Set up of Ministries/Divisions/Directorates and other organizations, 1982	Reorganization and Rationalization of Manpower in Public Sector Organizations	Reduction in the number of ministries/divisions/directorates and subordinate offices Reduction of layers for decision making Delegation of administrative and financial powers down the hierarchy	Number of ministries were reduced from 36 to 19 Number of other offices were reduced from 243 to 181 Number of constitutional bodies were reduced from 12 to 9 Number of officials and employees mostly working at the lower levels was reduced from 9,440 to 3,222
Committee for Administrative Reform and Reorganization, 1982	Reorganization of Field Level Administration	Upgradation of Thanas with Thana Parishads as the focal point of local administration	The new system of administration and local government was introduced in 460 Thanas (Thanas were later renamed as Upazilas)
National Pay Commission, 1984	Pay Issues	New National Pay Scale with 20 grades	The New National Scales of Pay was introduces with

			20 scales of pay
Secretaries Committee on Administrative Development, 1985	Promotion Aspects	Maintenance of status quo for 10 cadre services as promotion prospect had been satisfactory	
Special Committee to Review the Structure of Senior Services Pool, 1985	Structure of Senior Services Pool (SSP)	Continuation of SSP as a cadre Entry into the SSP only through examination to be conducted by the Public Service Commission Tenure of Secretaries be limited to 8 years	Recommendations were referred to the Cabinet Sub-committee for examination
Cabinet Sub-committee, 1987	Review of SSP and Promotion Aspects Rules of Business	Creation of 50% of posts of Deputy Secretaries within the pay scales of Taka 4200-5200 for making SSP more attractive Tenure of Secretaries should not be limited	Recommendations were referred to the Council Committee for examination The recommendations of the Council Committee were not approved by the President
Committee to Re-examine the necessity of keeping certain Government Offices in the light of changed circumstances, 1989	Necessity or otherwise of keeping certain Government Offices		
National Pay Commission, 1989	Pay Issues	Revised National Scales of Pay	20 revised Nation Scales of Pay was introduced
Administrative Reorganization Committee, 1993	Administrative structure and staffing patterns	Reduction of the number of ministries from 35 to 22 and the number of administrative organization from 257 to 224	The report of the Committee was not made public

		Provisional structure for the Office of Ombudsman Creation of a Secretariat for the Supreme Court	
National Pay Commission, 1996	Pay Issues	Revised National Scales of Pay	20 revised Nation Scales of Pay was introduced
Administrative Reorganization Committee, 1996	Structure and reorganization of manpower across Ministries/Departments/Directorates, etc.		
Public Administration Reform Commission, 1997	Administrative structure for improving the quality and standard of service, achieve transparency and efficiency	Determination of Missions and functions of the public offices Formation of a professional policy making group "Senior Management Pool" Lateral entry into the civil service Reduction of the number of ministries from 36 to 25 and the abolition of 6 organizations Establishment of the Supreme Court Secretarial Establishment of the Office of the Ombudsman The local	Some of the interim recommendations have been implemented The recommendations of the Commission have been accepted by the government in a recently held cabinet meeting

		<p>councils/Parishads at the district, Upazila and Union should have overall authority of coordination of development activities</p> <p>Establishment of an Independent Commission Against Corruption</p> <p>Establishment of a Criminal Justice Commission</p> <p>Magnetization of public service benefits</p> <p>Establishment of a Public Administration Reform monitoring Commission</p>	
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Appendix B

Review of Selected Recommendation of the Reform Commission/ Committees with regard to Local Government

Name	Focus	Major Recommendations (with particular focus to UP)	Observations
Local Government Structure Review Commission 1993	<p>Study the local government and recommend a suitable, effective, responsible and accountable local government structure for the country</p> <p>Review and Recommend LG system and structure</p>	<p>Identified 12 development functions,</p> <p>12 functions related to maintenance of security and order.</p> <p>UP were given authority to supervise and review the activities of the GOB officials working the UP level.</p> <p>Formation of a Statutory Body called Local Government Commission.</p> <p>9 specific heads have been earmarked for UP taxation</p> <p>UP to get matching grant if they can mobilize internal resource for development project</p> <p>UP should be allowed to get credit from Banks for is projects</p> <p>NGOs working in the areas should contribute 10% of their project cost to the UP as fees</p> <p>MPs should act as</p>	<p>Got implemented by <i>Awami League</i> Government in 1996</p> <p>Nothing happened</p> <p>Nothing happened</p> <p>Not constituted</p> <p>No action taken</p> <p>Not implemented</p> <p>Not implemented</p> <p>Not implemented</p> <p>Implemented</p>

		Advisor to the LG	
Local Government Commission 1997	Review and Recommend LG system and structure	UP Chairman will write the performance report of Union level GOB staff	Not implemented
		Independent LG Commission was proposed to look after LG Finance and control	Not constituted yet
		22 specific functions have been earmarked for the UP. These work have been clustered into 10 broad functional areas	Not yet incorporated in the LG Ordinance
		Block Supervisor, Health Assistant, Family Planning field workers, GOB officials based at Thana UP level, Anser/VDP will be non voting members of UP Representative of Cooperatives, Freedom fighter, Disadvantaged groups (fishermen, Landless, destitute women, weaver) will be non voting members	Not implemented
		Enhanced range for leasing ferry Ghats/ Jalmahal/ markets Enhanced share of land tax upto 5%.	Not yet implemented
		In addition to UP members, GOB officials working at the UP level will work as co-opted Member secretary of the following committee: Law and order, health and Family planning, Agriculture, irrigation	No action is taken yet

		and environment; Education, Social Work, Women & Children; Fisheries and live stock; others.	
		UP Five Year Plan will be the basis of <i>Upazila</i> Five Year Plan	No concrete action is undertaken
Committee for Recommendation of Financial Powers and Sources of Financing LG Institution 1999	Examine the Local Government Finance system and suggest /recommend appropriate interventions	Recommended 5 new sources like Marriage registration, Registration fee for more than one marriage, Construction of new house, Fee for commercial slaughtering , Income from UPs own constructions etc.,	Not yet implemented
		Suggested for two statutory bodies: a. Local Government Commission b. Local Government Finance Commission	No actions/initiatives taken

Administrative Reform and Strengthening of the Local Government System

Issues and Recommendations

Issues	Pre-election	Short Term	Long Term
<p><u>Role of Government</u> In Bangladesh, the role of government in terms of dimension and functional involvement has assumed an all pervasive character. There are both subjective and objective reasons to review the role and functions of the government.</p>	<p>Caretaker Government may not play any role in this respect. The Constitution states that: “The Non-Party Care-taker Government shall discharge its functions as an interim government and shall carry on the routine functions of such government with the aid and assistance of persons in the services of the Republic; and, except in the case of necessity for the discharge of such functions it shall not make any policy decision”. (For details, please see, Article 58D of the Constitution of the People’s Republic of Bangladesh)</p> <p>Political parties should make pledge to:</p> <ul style="list-style-type: none"> - Determine the scope and functions of the government in the light of the new realities posed by globalization and free market economy with sufficient safety-net for the disadvantaged 	<p>Undertake thorough study (s) to:</p> <ul style="list-style-type: none"> - Identify areas from where the government should withdraw its interventions <p>Suggest mechanisms for the withdrawal of government interventions</p> <ul style="list-style-type: none"> - Prepare appropriate plan and strategy for the implementation of the recommendations of the study (s) and complete the implementation of the said plan in the long term - Constitute a commission to suggest strategies to bring about commercial viability of the state owned enterprises (SOEs) especially those providing utility services as for some obvious reasons these would remain as SOEs for some more years. 	<ul style="list-style-type: none"> - Prepare appropriate plan and strategy for the implementation of the recommendations of the study (s) and complete the implementation of the said plan - Implementation of the recommendations of the commission constituted to suggest strategies to bring about commercial viability of the state owned enterprises (SOEs) especially those providing utility services - SOEs in the manufacturing sector should be privatized and/ handed over to cooperatives

Issues	Pre-election	Short Term	Long Term
<p><u>Public Policy Commitment</u> In a democratic polity, public policy commitments are made by the political parties both in power and aspiring to go to power. In Bangladesh, the institutional mechanisms, both internal and external, are weak to monitor the translation of the commitments into concrete administrative actions.</p>	<p>Political parties should make pledge to:</p> <ul style="list-style-type: none"> - strengthen Parliamentary Standing Committees especially, the Committee on Public Commitments, Public Accounts Committee, Committee on Public Undertakings and Public Estimates Committee 	<ul style="list-style-type: none"> - Implement recommendations of studies undertaken so far by the GOB and other agencies on activating, and capacity building of the Parliamentary Committees - Elect Members of Parliament belonging to opposition parties as Chairs of at least 50 per cent of the important Parliamentary Standing Committees, including Public Accounts Committee, Committee on Public Undertakings and Public Estimates Committee 	<ul style="list-style-type: none"> - Institutionalize the measures taken for the strengthening and capacity building of the Parliamentary Standing Committees - Annually publish the Parliamentary Committees’ reports

Issues	Pre-election	Short Term	Long Term
<p><u>Neutral Governance: Law and Order and Enforcement</u></p> <p>To ensure neutral governance with respect to the maintenance of law and order/enforcement, the police administration should enjoy freedom from interference from any quarters. Simultaneously measures must be taken to ensure their accountability and transparency of action.</p>	<p>Caretaker Government shall provide all possible aid and assistance to the Election Commission for holding the general election of the members of Parliament by ensuring the:</p> <ul style="list-style-type: none"> - recovery of all illegal arms; rule of law; neutral and non-partisan public administration in all relevant areas; peace and order in all polling stations; - use of all enforcement agencies including Defense Forces for the maintenance of strict discipline and order for the conduct of free and fair election; facilitate the discharge of functions of the election- observers both from within the country and abroad <p>Political parties should make pledges to:</p> <ul style="list-style-type: none"> - establish the rule of law by ensuring non- partisan neutral administration of law; allow the enforcement agencies to maintain complete neutrality of their action by ensuring strict merit based recruitment; transfer and promotion based on performance only; reformulate, update and strictly enforce the Code of Conduct for the personnel of the enforcement agencies; undertake ethical and moral boosting measures for the personnel of the enforcement agencies, including advanced training matching the contemporary demands and the needs of democratic society; strengthen the capacity of the enforcement agencies by modernizing logistics and material support; undertake measures for the expeditious disposal of all civil and criminal cases and investigation of all criminal offenses; set up independent watchdog commission/committee to assess and evaluate the performances of the enforcement agencies 	<ul style="list-style-type: none"> - Reformulate, update and implement the Code of Conduct of government servants - Identify and initiate phase wise implementation of ethical and moral boosting measures such as, advanced training - Separate investigating police officials from other police officials at different <i>Thanas</i> under metropolitan areas in the short term and in all <i>Thanas</i> of the country in the long term - Appoint the Assistant Superintendent of Police (ASP) as the Officer in Charge in <i>Thanas</i> under metropolitan areas in the short term and in all <i>Thanas</i> of the country in the long term - Initiate the strengthening and capacity building of the enforcement agencies by providing modern logistics and material support - Initiate awareness development programs on citizens' rights and protection under the law against arbitrary government actions including police actions 	<ul style="list-style-type: none"> - Appoint a permanent independent Commission/Committee to review the adherence of the enforcement personnel to the newly formulated and updated Code of Conduct - Annual publication of the report of the review commission/committee - Complete all other measures initiated in the short term

Issues	Pre-election	Short Term	Long Term
<p><u>Neutral Governance: Administration and Access to Justice- Rule of Law</u></p> <p>In the area of administration of justice in Bangladesh, the judicial system is subjected to some fundamental and procedural problems. Again, easy and timely access to judicial redress is essential for safeguarding the civil rights of the people.</p>	<p>Political parties should make pledges to:</p> <ul style="list-style-type: none"> - Separate Judiciary from the Executive Branch of the Government - Expedite law reforms including land administration laws - Ensure expeditious disposal of all civil and criminal cases by different courts 	<ul style="list-style-type: none"> - Take appropriate measures/steps ensuring complete separation of the Judiciary from the Executive branch of the Government; - Make necessary resource allocation for the purpose - Establish more courts to try civil and criminal cases in the metropolitan areas in the short term and through out the country in the long term 	<ul style="list-style-type: none"> - Place the judiciary under the Supreme Court instead of the Ministry of Law, Justice and Parliamentary affairs. For facilitating the Supreme Court to discharge its newly assigned functions a Supreme Court Secretariat be established - Take appropriate steps to ensure elimination of mal-practices in the process of accessing and securing justice - Ensure completion of law reforms

Issues	Pre-election	Short Term	Long Term
<p><u>Civil Services</u></p> <p>An efficient and effective role of civil service in a developing democratic polity is of vital importance. But a number of socio-economic and political factors, including historical peculiarities have impeded the growth of accountable public administrative system in Bangladesh.</p>	<p>Political parties should make pledges to:</p> <ul style="list-style-type: none"> - Allow the civil service to remain completely neutral by ensuring strict merit based recruitment; transfer and promotion based on performance only - Reformulate and update the existing Code of Conduct for the Civil Servants - undertake ethical and moral boosting measures such as, advanced training - ensure that the decisions are made expeditiously in all matters concerning the governance. The frustrating delay that has vitiated the national life should not only be done away with but all those responsible for such state of affairs should be punished 	<ul style="list-style-type: none"> - Reformulate and update the existing Code of Conduct for the Civil Servants - Identify different moral boosting measures such as, advanced training and initiate phase wise implementation of those in the short term and institutionalize those in the long term - Formulate and introduce simplified decision making process at different levels of administration - Fix specific and detailed criteria regarding eligibility and qualification through appropriate legislation for appointment to constitutional posts such as the judges, Chief Election Commissioner and Members, Comptroller and Auditor General and Chairman and Members of the Public Service Commission. At present, these are subject to wide discretion of the appointing authority 	<ul style="list-style-type: none"> - Establish independent Review Committee to evaluate the adherence of the Civil Servants to the newly formulated Code of Conduct - Timely prepare and publish ministry wise Annual Review Reports so that the civil society can react to them as and when necessary - In respect of certain offices, the Government may consider the introduction of the fixed tenure system including the office of Inspector General of Police (IGP)

Issues	Pre-election	Short Term	Long Term
<p><u>Corruption</u> Corruption has been and continues to be a vicious, yet an integral part of administrative culture in Bangladesh. It has been observed that the institutions that are responsible to take steps to curb corrupt practices are not taking any effective measure. There is also wide allegation that in many cases, have become themselves parties to various corrupt deals.</p>	<p>Political parties should make pledges to:</p> <ul style="list-style-type: none"> - Create a constitutional body to fight all types of corruption - Introduce Salary Scales based on Cost of Living Index - Convert real wages of all forms into money wages - Separate Audit from Accounts - Strengthen and build capacity of the Office of the Comptroller and Auditor General 	<ul style="list-style-type: none"> - The Bureau of Anti-corruption be turned into Bangladesh Anti-corruption Commission (BACC), an independent legal entity. The Commission shall have a Chairman with the rank and status of a Minister/State Minister. Besides, the Chairman, the Commission shall consists of 2 full time Members, and 3 part time Members from amongst the secretaries to the government and members of the civil society. The executive authority of the Commission shall vest with a full time official to be designated as the Director General to be drawn from the judiciary/civil service/ civil society. All officers and staff of the Commission should be drawn on the basis of deputation from various BCS cadres with no provision for direct recruitment. The deputed officials should be imparted with adequate training in civil and criminal law. Appropriate Rules of Procedure should be framed for the smooth operation of the BACC - Initiate the process of introducing the Cost of Living Index based compensation package - Initiate the process of converting real wages into money wages - Ensure transparency in all procurements including defense procurements. All high priced defense procurements should be placed before the cabinet for approval - Initiate the process of separation of the Audit from Accounts - Initiate measures for institutionalizing the strengthening and capacity building of the Office of the Comptroller and Auditor General including modern logistics, training and the introduction of the modern accounting and auditing procedures 	<ul style="list-style-type: none"> - Annual publication of the report of the Bangladesh Anti-corruption Commission and submission to the parliament - Complete various measures initiated during the short term

Issues	Pre-election	Short Term	Long Term
<p><u>Media and Civil Society</u> Civil society, by its actions, performs as pressure group in the polity in attaining administrative accountability. In the true sense of the term, the civil society is only emerging in Bangladesh. In recent years, the civil society has made some limited but positive contributions towards ensuring executive and administrative accountability. But it has been observed that some groups of the civil society movement are politicized and divided on political lines. Though there has been a steady and random growth of the civil society organizations, there is virtually no active network of them to look after collective interests of the people.</p>	<p>Political parties should make pledges to:</p> <ul style="list-style-type: none"> - Grant complete autonomy to Bangladesh Beter and Bangladesh Television on the basis of the last Broadcasting Commission Report - Introduce a Government Advertisement Policy Code - Repeal laws and regulations hindering the free flow of information - Support and create conducive environment for the growth and development of a vibrant civil society 	<ul style="list-style-type: none"> - Establish a commission to be known as the Bangladesh Broadcasting Commission. The envisaged Commission should be de-linked from the Ministry of Information. In the short term, it should be organized as an autonomous body and in the long term as a constitutional legal entity having no relationship with any Ministry of the Government. - Grant more licenses for the establishment of more radio and television stations and channels in the private sector ensuring national security and preservation of national culture - Constitute a committee consisting of the Information Secretary, Director General, Department of Films and Publications (DFP) and eminent personalities from the press and media and civil society to determine the principles of award of advertisement and distribution of newsprint quota - Repeal the Official Secrets Act of 1923 - Except where national security is involved inquiry reports of all types be it of a department or under the Commission of Inquiry Act whether on any individual or on the omission or commission of a certain institution should be made public - Identify measures for the growth and development of the Civil Society organizations in the country 	<ul style="list-style-type: none"> - Implement measures initiated in the short term - In order to examine the NGO operations in the country and make them more effective in their tasks of poverty alleviation and other activities undertaken for social development the present format and the regulatory instruments should be reviewed and properly reformulated in order to make their activities transparent and accountable not only to the donors but also to the people of this country. It should be examined whether the funds received by them are treated as Public Fund or otherwise. Lacunas in it should be removed by law. The law should also seek to ensure that there is no socio-cultural conflict that may arise out of their activities - Implement identified measures for the growth and development of the civil society organizations in the country

Issues and Recommendations

LOCAL GOVERNMENT

Issues	Pre-election	Short Term	Long Term
<p><u>Local Government</u> In Bangladesh, a politically empowered and financially viable local government system is yet to emerge. Historical experiences suggest that political parties in power, time and again, have failed to live up to their commitments in establishing truly decentralized LG system in the country. This has happened due to the fact that the country experienced long spells of military rule. As a result, politicians at the national level lack confidence and feel insecure in sharing powers and authorities with LG units. Again, because of this the local government elections have not been allowed to be held on the basis of participation of political parties.</p> <p>The colonial legacy and the long absence of political leadership at the state power even after the creation of Pakistan in 1947 and emergence of Bangladesh in 1971, in</p>	<p>Political parties should:</p> <p>declare their political commitment to initiate concrete legal measures for ensuring the establishment of decentralized local government system in the country and express this in explicit terms in their respective election manifestos. The committed LG system should be based on the principle of devolution of power, authority and functions; resource sharing; and with appropriate mechanism for effective representation and participation of women and other disadvantaged</p>	<p>Commission an independent Task Force with recognized experts in the field of local government drawn from academics and practitioners. In this respect, empower the Task Force to formulate and initiate legal reforms. A framework of a decentralized LG system is suggested below:</p> <p><u>LG Framework</u></p> <p><i>Local Government Tiers</i></p> <p>In consideration of practical advantages in the context of the circumstances prevailing in the country it is best to have a two tier system of LG, at the Upazila and Union levels. At present, there is enactment for a 4- tier system with only the Union Parishad being functional. Until, it is legally reformed to a 2- tier system, it is recommended that that the Upazila Parishad be activated in the light of the suggested framework. From the past experience of the operations of the Upazila system it can be expected to become viable and people focussed with appropriate modifications in the light of the proposed devolved LG units with adequate powers, authority and finances to independently plan and implement policies. On the other hand, Union Parishad is the oldest LG institution in the country and over the years this tier has earned a wide acceptability to the rural community.</p> <p><i>Powers and Functions</i></p> <p>The whole range of functions of government should be divided into three categories namely, Reserved, Transferred and Residual. The national government would retain the functions under the Reserved list. While functions under the Transferred list would fall under the jurisdiction of LG. On the other hand, functions under the Residual List may be placed under the local government. This division of functions has to be materialized by transferring powers from the national to the local government through specific and clear-cut provisions in the reformed LG Act. In this context, the relevant schedule of the First Upazila Ordinance may be looked into.</p> <p><i>Finance</i></p> <p>The tiers of LG decided upon must have access to their own finances in the reformed system. Historically, the Union <i>Parishads</i> and the short lived <i>Upazila Parishads</i> have had taxation authority over certain specified fields and right to revenue income from leasing market places, water bodies, and <i>Ghats</i> etc., which should continue with necessary adjustments in all tiers of the new system. The revenue collected from these legally sanctioned sources has to remain in the accounts of the respective LG units and used for purposes decided by them within the legal framework. An effective mechanism of accountability of the expenditures from such funds has to be ensured by regular auditing and reporting. Apart from this right of Local Resource Mobilization, each of the new LG units should have stipulated share of the central government revenue earmarked in the national budget to be distributed on the basis of a pro rata population strength and other relevant criteria. This share of revenue should be determined by a high level committee including representatives from relevant quarters and experts on local government revenue matters to be constituted immediately after new government's assumption of power.</p> <p><i>Human Resources (Personnel and Staff)</i></p> <p>For carrying out the functions transferred to LG units the national government officials from the relevant line ministries should be deputed to LG units. It must also be understood that without effective controlling authority over the deputed national government officials a LG unit becomes toothless and can not function with authority. As such, these deputed officials must be made responsible and accountable to LG units. One</p>	<p>- Take measures for enactment of laws and if necessary amend the constitutional provision of having local governments at all tiers of administration in the light of proposed LG reform. The amendment shall also incorporate the tax sharing arrangement between the national and local governments</p> <p>- Take measures for election of all LG units through the Election Commission</p> <p>- Constitute an independent Local Government Commission comparable to</p>

<p>turn, strengthened the already powerful bureaucracy. The lack of confidence and sense of insecurity of the national level politicians combined with bureaucratic unwillingness to extend supremacy of the peoples' representatives down to the local level perpetuated the practice of having weak and centrally controlled LG system. The country has had two consecutive elected governments since 1990 and is preparing for electing the next one. At this crossroad of institutionalization of democratic governance, demands should be put forward to political parties to make firm commitment reflected in election manifestos for the enactment of appropriate legal measures for the establishment of a devolved LG system with adequate functions, powers and authority and the provision of resource sharing between the national government and LG units in the country.</p>	<p>groups</p> <p>Reach consensus on the number of tiers of local government and make legal provisions of elections to all LG units (tiers) simultaneously</p> <p>Reach consensus on having elections to LG units on party basis</p> <p>Ensure establishment and continuity of local government units once decided upon</p>	<p>effective means of achieving it is by making the mandatory provision of the Annual Confidential Reports (ACRs) of such officials to be initiated and signed by the Chairpersons of concerned LG units so long they are on deputation. And this ACR will be the basis for onward career development of the deputed staff. In addition, LG units should have the authority to hire and fire necessary staff / officials of its own.</p> <p>Rationale</p> <p>From the very inception of the local government system in this country, the LG unit at the Union level existed for most of the time and under every regime. The population and size of both the <i>Upazila</i> and Union are also considered to be adequate to become viable as LG units. More importantly, <i>Upazilas</i> though remained in operation only for a brief period of time, has raised people's expectation and aspirations as a viable LG system.</p> <p>More importantly again, considering resource constraints and limited staff employment capacity of LG, the proposed deputation system of central government officials to LG units would serve both the objectives of cost effectiveness and ensuring professional competency in service delivery. This fact has also been acknowledged by the major commission/committee on LG reform and also reflected in the subsequent LG Acts. However, this provision of deputation must be associated with the appropriate mechanism of control by the LG units as mentioned in the preceding section.</p> <p>The following specific suggestions are made for the proposed LG system:</p> <ul style="list-style-type: none"> - By laws, official orders, circulars and instructions to be issued from time to time to operationalise the LG system must strictly be consistent with the spirit of the changed LG legal framework - The Members of Parliament (MPs) shall not be involved in any manner with the affairs of the LG units because this violates the Principle of Separation of Power - Specified number of seats for women have to be reserved at every tier of the proposed LG system. The chairman and members including women members should be directly elected to all LG units - Elections to LG units should be contested on political party lines - The elected members of each of the local government units shall be given distinct portfolios on the basis of functions given to them - The public accountability through the mechanisms of transparency of LG functions and financial management i.e., budgeting and development planning and implementation thereof shall be activated and regularly monitored - The committee system which is essential for ensuring effective participation in the affairs of the LG by both male and female members shall be activated - Women's political empowerment through participation that has been initiated by the amendment of the LG Ordinance 1997 and by the subsequent statutory orders specifying their roles in the LG has to be operationalised and institutionalized - Reorganization and building capacities of the national training institutes like NILG, BARD and RDA should be initiated in the light of the proposed LG system - The LG units should be provided with legal authority to supervise and monitor the activities of NGOs/CBOs and other development actors operating within their territorial jurisdictions 	<p>the University grants Commission (UGC) with appropriate powers and authority to look after the affairs of the LG including allocation of financial resources and monitoring and supervision.</p> <p>- Institutionalize measures for the strengthening and capacity building of LG units at all tiers by providing modern logistics, material support and appropriate intensive training on various aspects of local government and administration</p>
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