

An Analysis of Local Government Legally Assigned Functions and Its Real Performance at the Field Level in Bangladesh.

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ABSTRACT

For a long since, local government bodies have provided many services for the mass people at the local level. This paper aims to understand further the real performance of the local government bodies at the field level in our country. This research explores whether the local government bodies in BD are doing all legally assigned functions or not. This research article suggests some significant challenges of the representatives of the local government bodies towards performing their legally assigned functions, such as lack of proper law, lack of proper training, low educational qualification, lack of coordination with other government offices, government unwillingness, and so-on. The solution to these challenges might help the masses people to receive the facilities and services at the local levels.

Key Words: Legally assigned functions, Local government bodies, representatives of the local government

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I. INTRODUCTION

The local government system is an old organization in our country. This organization has provided various services for the mass people at the local level from a long ago. Since its independence in December 1971, The Bangladesh polity has been subjected to tremendous stresses ever. Its governmental outlook underwent several changes at every regime change, and the local government system also underwent similar changes (Local Government - Banglapedia, 2021). At present, there exist two forms of local government in Bangladesh. One is Rural Local Government, and the other is Urban Local Government. Again, Rural local government has three tiers; District Parishads, Upazila Parishads, and Union Parishads. On the other hand, the Urban local government has two tiers; City Corporation and Paurashavas. These local government bodies have provided different types of services for the local people in their respective areas. We have laws enacted by the Bangladesh Jatiya Sangsad to run the local government in our country. According to law, local government bodies should provide various kinds of services in their respective areas. However, in reality, these bodies perform very few activities. This research aims to examine whether the local government bodies in Bangladesh are doing all legally assigned functions or not. If they do, how much do they perform?

Objective of the Study

The general objective is to find out whether the local government bodies perform their legally assigned functions. To achieve its general objectives, it also covers the following specific objectives.

1. To find out whether the local government body performs their legally assigned functions or not.
2. To further know how much the local government bodies perform their actual functions in reality.

II. METHODOLOGY

The study shows the case studies of Mymensingh and Rangpur Division. We use both primary and secondary sources are being used to collect data. The researcher collected primary data from the local government tiers of the Mymensingh and Rangpur divisions. Moreover, to collect secondary data, we have to search on the internet, social media, newspapers, journals, previous research works, etc. We have selected the Dhanikhola union of Trishal Upazila, Trishal Upazila Parishad, Mymensingh Zilla Parishad, Trishal Paurashava, Mymensingh city corporation and Mominpur union of Rangpur Sadar Upazila, Rangpur Sadar Upazila Parishad, Rangpur Zilla Parishad, Badarganj Paurashava, Rangpur City Corporation as a sample of our study.

Respondent of the profile

To address their view, 30 members were selected from Mymensingh and Rangpur divisions randomly.

Table 1:

Respondent Category	Number of persons
Government Service Holder	7
Non-government Service Holder	7
Businessman	7
Day laborers	7
Politicians	7
Civil Society	7

Limitations

1. Due to lockdown, we could not cover all divisions to collect data for conducting this research. For this, we selected Mymensingh and Rangpur divisions as a sample area.
2. The representatives of the sample from a vast population are not considered a sample of our study.
3. In addition, some representatives denied participating in the interview section.

Conceptual Framework

Local government is an ancient organization in our country. Local government is a type of government that works at the grassroot levels. It is an important body to provide services to the people. Presently, it exists two forms of local government in Bangladesh. One is Rural Local Government and the other is Urban Local Government. Again, Rural local government has three tiers; District Parishads, Upazila Parishads, and Union Parishads. On the other hand, the Urban local government has two tiers; City Corporation, and Paurashavas. To conduct the local government bodies, there has some laws that are passed by the Parliament of Bd. These bodies are not supposed to do their work according to their wish. Their works and services are confined by the law. To study this research, we understand what the activities of local government bodies are supposed to do lawfully.

In this research it is discussed what the activities are done or not done at the field level.

1. Existing literature on the role of public representatives in the local government is limited, Although there is much literature on the politics-bureaucracy relationship at national government level.
2. There were some problems in data collection, as Union Parishad elections were due and local Politicians and bureaucrats faced some tensions over their power and functions, which meant they were cautious about providing data.

III. DISCUSSION

Union Parishad

In Bangladesh near about 78% of people lives in villages where most are poor and illiterate. These people depend on Union Parishad to get different services like government aid and grants, social safety net programs, rural infrastructural development, the solution to different types of village disputes, and- so- forth. Furthermore, the government considers Union Parishad as a medium to implement central government programs like primary education development, healthcare, birth control to ensure people's participation and deliver other government services to the grassroots people. Hence, we understand that the union Parishad is the most important tier of local government through which the most significant number of people receive various services. Now the prime questions are: Which of the three tiers of the rural local government should be made the focal point to play the supplementary and complementary role in the implementation of the policies and programs of the nation government? It appears that the concept of people's participation in all development activities can be best materialized through the UP. As the UP is at the grassroots, the problems faced by the rural communities can be easily identified and Parishad members can take immediate measures to resolve them. Under the Union Parishad act of 2009, the major functions of the Unio Parishad can be categorized into the following four broad types:

- social functions
- maintenance of law-and-order functions
- administrative functions
- development functions

All those functions can be classified into mandatory functions and optional functions. The union Parishad also performs functions that the government may assign from time to time. However, they do few activities in reality.

By reading books, newspapers, journals and interviewing local representatives at the field levels, this researcher finds that very few works are done in the UP compared to the assigned tasks of government and the demand of people. The most notable activities of union Parishad are; construction of roads, bridges, culverts, and maintenance of these types of infrastructure, and a few development projects limited revenue collection; UP also selects eligible citizens for governments social safety net programs like old age allowance, disability allowance, widow allowance. Furthermore, UP operates village court, issuing rickshaw-van licenses, Birth registration certificates, death registration certificates, issuing citizenship certificates, etc.

Though the union Parishad chairman and members are willing to do many development activities for the mass people, they have to face many obstacles to do so smoothly. The obstacles for not carrying out their tasks are given below:

Government Unwillingness: The government does not want to distribute all the facilities and services, grants, and aids of the government through UP because if everything is done through UP, the government loses its authority and power in all these matters. As a result, UP provides a short range of services, grants, and aids, and other services to grassroots people. In addition, UP is not allocated sufficient financial funds, power, workforce to do all the works that are supposed to do lawfully. As a result, UP chairman, member do not carry out their tasks properly.

Lack of proper education and skill: Most of the Union Council Chairman, Members in our country are uneducated. They are not aware of the responsibilities, power, and duties vested to them by the government. Besides, they are not well versed in internal issues like Judicial Arbitration, Education, Stopping Child Marriage in Union Parishad. Therefore, The UP Chairman, Members fail to carry out their vested responsibility and powers.

Lack of cooperation: The Chairman and Members of the Union Councils are not well trained regarding their power and authority, duties and responsibilities. Moreover, they are not also trained to cooperate with other government bodies and other non-government organizations. There are limited arrangements for the training of UP chairman and members in our country. Chairman and members of 4,554 union parishads are 59,202. More than 35,000 have received introductory administrative training. The rest of the 24,000 have yet to receive their training. Therefore, it appears that many chairmen are not under introductory training. In the meantime, the term of the office of all the chairman has expired.

Upazila Parishad

Upazila Parishad is a vital tier in the local government of Bangladesh. It was formed first in 1982. This tier was canceled in 1991, and it was again started as a local government tier in 1998. According to the local government act(2009), the notable functions of the Upazila Parishad are development activities at the Upazila level, preparing Upazila development plan based on union development plans, promotion of health, family planning, and family welfare, implementation of government policies and programs within the Upazila, supervision, control, and coordination of the functions surveying in Upazila, promotion of socio-cultural activities, planning and implementation of rural public works, promotion of agricultural activities, promotion of education and vocational training, promotion of livestock fisheries and forest and so on (All Answers Ltd, 2021). However, they do few activities in reality. Only TR Kabikha is allowed by the government every year and they only worked for it. Except this, they cannot get any opportunity to perform tasks for the Upazila Parishad.

The reason for non-performing the function is given below-

- The laws of Upazila Parishad are not fruitful. According to law, there is an advisor who is a Member of Parliament (MP). Chairman and Vice-Chairman are bound to obey the direction of MP. They cannot work independently for the interference of MP. The Chairman of Trishal Upazila of Mymensingh district said, according to section 25 of the law, the elected members of Parliament will be advisors to the concerned Upazila and take the council advisor's advice. Section 42 of the act states that the council shall send a copy to the government after receiving the recommendations of the concerned members on each of its development plans. According to him, the Upazila chairman cannot work independently outside the control of the local MPs. Apart from the Chairman and 2 Vice Chairman, others members of the Upazila Parishad are not elected.
- For a long ago, there was a conflict between UNO and Chairman bodies of the Union Parishad. In Union Parishad, Only UNO administers his administrative and economic powers. Besides, An UNO gets an office, a car, and a pion.
- The government vests less administration and financial power to the Union Parishad. Upazila Parishad will be an essential tier of the local government of Bangladesh if Upazila Parishad runs by proper use of the law.

District Parishads

The Jatiya Sangsad passed the zilla parishad act, 2000 (Siddiqui, 2005). The Zila Parishad (amendment) Bill, 2016 has been passed by the parliament to pave the way for running the district councils with elected representatives through updating the existing District Council Act. On August 29, 2016, the cabinet approved the draft of the law with a provision to suspend any elected Zila Parishad chairman or member on charge of criminal offences filed with any court ("Zila Parishad (Amendment) Bill 2016 Passed in Parliament," 2016).

The ZPs perform fewer functions than district councils. According to the zilla parishad act, 2000 the number of compulsory functions of ZPs are 12. On the other hand, district council use to perform 27 compulsory functions. The district councils were given 70 optional functions while ZPs have been given 68.

The notable functions of the ZP were enumerated in the act of 2000. Review of all development activities within the districts, establishment and maintenance of the public library culverts, and bridges not owned by the paurashava, plantation and conservation of roadside trees, , construction and maintenance of development of roads, promotion and maintenance of gardens, playgrounds, scrutiny of development and education of UZP and Paurashavas projects, and open fields for public use, management and development of ferry ghats not maintained by the government, construction and maintenance of dak-bungalows and rest houses cooperation with other organizations engaged in similar activities, cooperation with Upazila and paurashava, execution of development plans and programs entrusted by the government and so on.

The ZP has a long list of functions but in practice it performs only few of them. Presently the functions which the ZP actually performs are construction, maintenance and renovation of dak bungalows, tree plantation, construction of public toilets, maintenance pf ZP auditorium, maintenance of ferry ghats, organization of national festivals (Siddiqui, 2005).

There are various reasons why District Parishad is not effective performing their functions such as; Due to undefined position, activities, administrative and financial powers of District Parishad Administrators and Deputy Commissioners, there are gaps between District Parishad Administrators and Deputy Commissioners in different Districts which are hindering the activities of District Parishads. To know the district parishad works Rangpur district council administrator said that some works including revenue collection and growth initiatives, development works under ADB are mainly visible. Apart from this anyone can use this passion to do various service for the society. However, he said the major problem of the district council is manpower. The council has not been formed yet as no election has been held. T63he council has the responsibility to supervise all the development activities of the district. But there is a complication in this work as the position of the district council is not clear. Getting everyone helps is not always easy.

City Corporation:

The Local Government (City Corporation) Act 2009 is the primary legislation that gives full effect to the constitutional articulation on local government and details the functions, composition, and terms of city corporations. According to the Act, a city corporation government is made up of a mayor and a prescribed number of councilors in general seats, with one-third of the general seats reserved for women (Section 5). The mayor, the councilor for each general ward, and the female councilors are directly elected by the people (BRAC Institute of Governance and Development (BIGD), 2017).

Now, 12 City corporations are functioning in Bangladesh. According to the act of CC (2009), The functions of CC can be grouped broadly into six categories.

- Public welfare (recreation, public facilities for education, and so on)
- Public health (sewerage and sanitation, water supply, and so on)
- Public works (construction and maintenance of roads, culverts, and drainage systems, and so on)
- Regulation (encroachment on public land, enforcing building by laws, and so on)
- Public safety (street lighting, fire protection, and so on)
- Development activities (development of commercial markets and town planning and so on) (Panday, 2017).

City corporations are plagued with various problems. The Local Government (City Corporation) Act 2009 is the primary legislation that gives full effect to the constitutional articulation on local government and details the functions, composition, and terms of city corporations. The functions which the BD government assigns for city corporation are not functioning properly in practice. Most of the city corporations provide very inadequate services compared to the needs of the citizens. One of the reasons for inadequate service delivery is the lack of coordination between the city corporation and other government departments. In addition, every city corporation has a severe shortage of manpower. Above all, the city corporations have not been established effectively due to the lack of accountability of the mayors and councilors of the city corporations to the people.

Table 2: Respondent's opinions

Respondent Category	Legally Assigned Functions				Degree of satisfaction				Total
	Very Good	Good	Moderate	Not Good	Satisfied	Partly Satisfied	Not Satisfied	No reply	
Government Service holder	1	2	1	3	1	2	4	-	7
Pvt. Service holder	-	2	2	3	-	2	3	1	7
Business man	-	1	3	3	-	2	2	3	7
Day laborer	-	-	3	4	-	1	5	1	7
Politician	2	2	2	1	3	2	2	-	7
Civil society	-	2	2	3	1	3	3	-	7
Total	3	9	13	17	5	12	19	5	42

The respondents are taken from table 1. This figure illustrates except from the politicians all other respondents agree with a statement that the legally assigned functions imposed upon the local government representatives are not done properly for various reasons. Moreover, they also agree with a point that they are not satisfied receiving their services.

Paurashava

Paurashava is a tire of the Urban Local Government. The paurashava of our country is an old institution. The present form of Paurashava operation through the elected public representatives was introduced after Bangladesh had achieved independence, and the first Paurashava election was held in 1973. The town-based local government system grew into a well-organized shape through the introduction of the Paurashava Ordinance 1977, and it has further developed under the Local Government (Paurashava) Act 2009. According to article no. 59(1) of the constitution of the People's Republic of Bangladesh, each of the Paurashavas will be treated as an administrative part or unit. {Local Government (Paurashava) Act, 2009; Section 5}. According to Section no. 4 of the Paurashava Act, the Paurashava will be a statutory body, and it will have a standing continuity and a general stamping seal. And each of the Paurashavas will have the authority to own, keep under its disposal, and hand over both immovable and movable properties.

The Paurashava is engaged in doing all kinds of public service work for the citizens in the urban areas. The functions of City Corporations and Paurashavas are almost the same Compulsory Functions Construction and maintenance of roads, bridges, and culverts; Removal, collection, and disposal of refuse, Provision and maintenance of slaughterhouses; Prevention of infectious diseases and epidemics; wastes, and rubbish; Provision and maintenance of street lighting, Provision and regulation of water supply; Construction and maintenance of shopping centers; Maintenance of public streets and provision for watering them; Plantation of trees on roadsides; Regulation of unsanitary buildings, Registration of births, deaths, and marriages; Provision and maintenance of drainage; Control over erection and re-erection of buildings; Provision and maintenance of graveyards and cremation grounds, Control over traffic and public vehicles(Siddiqui, 2005).

But in reality, paurashava performs too many limited functions compared with the demand of people. This local government institution generally performs works like some infrastructural development works (construction of new roads, bridges, drainage, culverts and repair these constructions), maintenance of clear drainage system, installation of new lights on the side of the road, and repairing the old ones. In addition, paurashava performs like Some TR-Kabikha, Kabita Distribution, Birth - Death Registration Certificates, Citizenship Certificates, and limited judicial functions. Paurashava is located in district and Upazila level towns in our country. Generally, people living in cities are more aware of their rights and civic amenities compared with village people. In the hope of getting more civic facilities, many village people migrate from village to

town. The government does not provide enough power to paurashava and does not allocate enough money for various development works. Overall, there's a lack of coordination between the various government offices located in the paurashava area.

Hill Tracts Local Government Parishads

In our country, the Chittagong Hill Tracts peace accord in 1997, and the Chittagong hill tracks regional councils act in 1998 but still now, the hill tracks Parishad remain unelected. (Chakma, 2020b) The political party who comes in power selects the hill tracts Parishad chairman and five members of their own choice. Many people consider Chittagong Hill Tracts regional council a tier of local government in Bangladesh, but its status has not been clarified yet. Moreover, this council has not been officially included as a tier of local government bodies by the government of Bangladesh (Chakma, 2020b).

IV. CONCLUSION

Based on the available evidence, case studies, and phenomenon logical analysis of local government legally assigned functions and its real performance at the field level. It was paradoxically evident that the local government bodies do fewer things than they are supposed to do lawfully. One of the problems for doing the limited function of local government bodies is the lack of proper law. To readdress the problem, the government should make people-friendly law. Lack of proper training is also a significant cause for performing limited functions. To solve this problem, the government should arrange long-term training programs for the local representatives. Besides lack of coordination is another issue of not functioning their works properly. Therefore, coordination with other government offices makes local government more effective. In Bangladesh, at all local government levels, the educational qualification of public representatives who want to be elected is not determined. In order to create a competent local government body, the educational qualification of the people's representatives has to be determined.

Furthermore, a lack of handsome remuneration is also a significant problem; the government should set handsome remuneration for the local representatives. Finally, the government's unwillingness creates a barrier for not functioning their work. Therefore, the government's goodwill will be enhanced when they want to decentralize and strengthen the local government body.

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