

“Review of Local Government (Union Parishad) Act-2009, Major findings and Analysis: A Field Study on Gobindopur Union Parishad ,Muksudpur, Gopalganj.”

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ABSTRACT

Bangladesh has a long and eventful tradition of local government. The structure and functions of local government have been evolved in consonance with socio-economic and political transformation of the country. Nevertheless, the Bangladesh Constitution (Articles 9, 11, 59, and 60) made provisions for establishing local government as an inseparable organ of administering state affairs to safeguard democratic values and to secure economic and social justice. Bangladesh has three tiers of rural local government namely zilla parishad , upzila parishad and union parishad .Union parishads are the lowest tier of rural local government . The Union Parishads are struggling in delivering expected public services to the common people at the grass root level mostly due to lack of appropriate administrative and financial authority as well as institutional capability. It also plays a catalytic role in local level development. There are 4,451 union parishads in Bangladesh. A union parishad consists of one chairman & twelve members .It is constituted under Local Government (Union Parishad) Act, 2009. Before this act it was constituted under Local Government (Union Parishad) ordinance 1983. After the enactment of present act ,some changes have taken place .

In order to conduct this study we, writers have selected Gobindopur union of Muksudpur upazilla under Gopalganj district. We go through Local Government (Union Parishad) Act 2009 and Local Government (Union Parishad) ordinance 1983 .We have tried to show a careful review of these two ordinances . This study also concentrates on identifying the changes, resistance to changes after the enactment of Local Government (Union Parishad) Act 2009 in this particular union. And finally I have tried to provide a prescription to face the resistance.

Key Word: Local Government, Review, Union Parishad

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I. INTRODUCTION

We have tried to give an introductory discussion about Gobindopur union . Then, we have tried to describe the methodology of data collection. Afterwards, we have reviewed Local Government (Union Parishad) Act 2009 and Local Government (Union Parishad) ordinance 1983. Furthermore, we have presented data and analyzed it. Lastly, authors have put their effort to conclude and give some recommendations to scale up its limitations and face the resistance.

Background: Gobindopur union is the 9th no union of Muksudpur upzilla under Gopalganj district. Nothing is definitely known about the origin of the union's name.

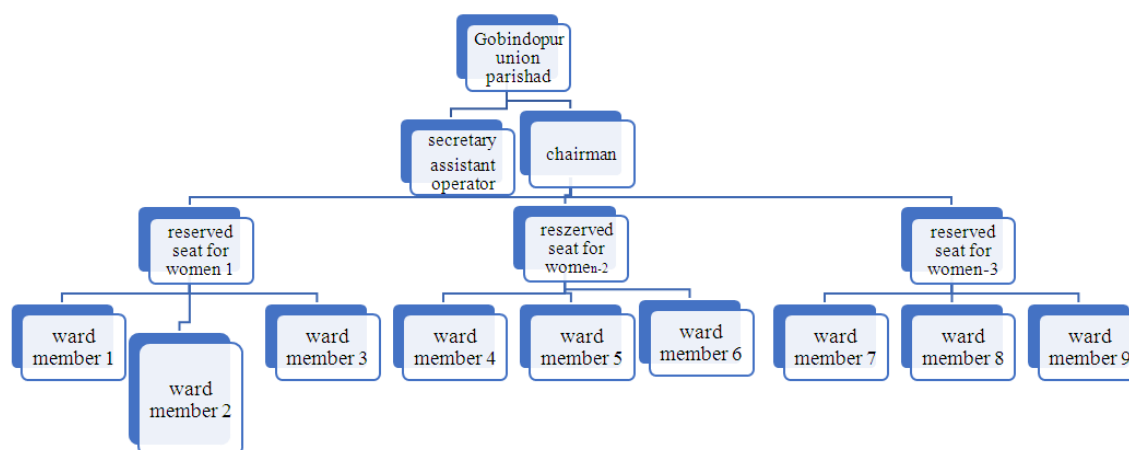
Area and location: The union occupies an area of 279.99 square kilometers area .The union is bounded on the north by the Pashargati union, on the east by Khandarpar union, on the south by Mamudpur union and on the west by Moheshpur union.

Population : Its population is 16,669: male 8,600 and female 8,069.

Literacy rate: 49.62% (male 51.41% and female 47.86%).

Gobindopur union is constituted by the mouza of Gobindopur, Palpara, Fularpara, Fakirhaatkholo, Durgapur, Shreenibashkati, Garakhola, pathrail, Lotifpur , Dhighirpar, Tarail , Caunia Dasherhat, Pachuria and Dhakpaar.

The administrative structure of Gobindopur union parishad is shown below



II. METHODOLOGY

Data have been collected from two kinds of sources:

1. Primary sources, and
2. Secondary sources

Different methods have been used to collect primary data. They are:

1. Survey,
2. Interview and
3. Focus Group Discussion

The survey was conducted through administering questionnaires among chairman, 1 member, 1 member of the reserved seat, and the secretary (as the administrative officer) of selected UP. Discussions were held with the local leaders based on both structures and open-ended questionnaires. Interviews and open discussions were conducted with local people.

Secondary data were collected by reviewing relevant research materials and reports of various committees and commissions on local government.

Sampling and Sample Size

Through purposive sampling method, the chairman, 1 general member, 1 member from the reserved seats, and the secretary from each selected union were chosen as respondents. One-fourth of the total respondents were women drawn from the reserved seats.

Method of Data Collection and Analysis

The questionnaire was prepared in Bengali for easy understanding. The questionnaire was pre-tested for measuring validity and applicability before its final use. The primary data was collected through Interview Schedule/ Index. Data were also collated from selected published research materials and reports of various local government commissions/ committees.

Population and Unit of Analysis

Chairman, general members, members of reserved seats, UP secretary and local people constituted the population of this study. Chairman, general members, members of reserved seats, UP secretary and local people who are knowledgeable about legal and practical constraints to effective functioning of the UP taken together formed the unit of analysis.

Limitation of the study:

I have faced some limitations to do this assignment. Because of political unrest and time limit I could not collect enough information from the primary sources. It was not an easy task to perform. Time framework made it difficult. I have taken two weeks to understand, two weeks to study and rest of time to do the assignment.

I have also faced financial constraints because department did not give us any monetary incentive to do this assignment. Chapterization is another constraint. Despite of these constraints, I have tried to do this assignment as better as I can. I have given my best brain to do this assignment.

III. LITERATURE REVIEW

Bangladesh emerged as an independent nation state on 16 December in 1971. Government of the people's Republic of Bangladesh at the commencement tried to reorder rural local governing system through the enactment of various ordinances/acts. Among these I am going to discuss about Local Government (Union Parishads) Ordinance, 1983 and Local Government (Union Parishads) Act, 2009 in brief.

Local Government (Union Parishads) Ordinance, 1983

The Chief Martial Law Administrator, Major General Hossain Mohammad Ershad is pleased to make and promulgate the Local Government (Union Parishads) Ordinance, 1983. The main attributes of this ordinance are given below:

Declaration of Union and alteration of limits thereof

Deputy Commissioner may divide the rural areas of a police station within his jurisdiction separately into a number of areas, and declare each such area to be a union and extend, curtail or otherwise alter the limits of any such union .

Composition of Union Parishads

A Union Parishad shall consist of a Chairman and twelve members including three members exclusively reserved for women.

Removal of Chairman

A Chairman shall stand removed from his office if, at a special meeting of the Union Parishad called for the purpose in the prescribed manner, a motion of no-confidence is passed against him by the votes of not less than seven elected members and the motion is approved by the Government.

Budget

Every Union Parishad shall, in the prescribed manner, prepare before the commencement of each financial year, a statement of its estimated receipts and expenditure for that year, hereinafter referred to as the budget, and send it to the [Deputy Commissioner] for approval.

Punishment

An offence under this Ordinance shall be punished with fine which may extend to one thousand Taka, and if the offence is a continuing one, with a further fine which may extend to twenty five Taka for every day after the date of the first commission during which period the offender has persisted in the offence.

Functions

The functions of the UP under this ordinance can be classified in following four broad categories:

- social functions
- police and defense functions
- administrative functions
- development functions

All those functions can further be classified in mandatory functions and optional functions. In addition, the UP performs functions as may be assigned by the government from time to time. **Local Government (union Parishad) Act, 2009**

After a much-awaited national democratic election on 29 December 2008, Sheikh Hasina, the daughter of the father of the nation, became the prime minister with a vast majority in parliamentary seats. She passed the Local Government (union Parishad) Act, 2009 which demands a wide spread commendation. The main attributes of this ordinance are given below: **Constitution of Union Parishads**

Every Union Parishad shall be a body corporate, having perpetual succession and a common seal, with power, subject to the provisions of this Ordinance and the rules, to acquire and hold property both movable and immovable, and shall by its name sue and be sued.

Composition of Union Parishads

A Union Parishad shall consist of a Chairman and twelve members including three members exclusively reserved for women.

Removal of Chairman

A Chairman shall stand removed from his office if, at a special meeting of the Union Parishad called for the purpose in the prescribed manner, a motion of no-confidence is passed against him by the votes of not less than nine elected members and the motion is approved by the Government.

Budget

Every Union Parishad shall, in the prescribed manner, prepare before 60 days of the commencement of each financial year, a statement of its estimated receipts and expenditure for that year on the basis of priority of ward meeting, hereinafter referred to as the budget, and send it to the Upzila Nirbahi Officer(UNO) for approval.

Punishment

An offence under this Ordinance shall be punished with fine which may extend to 15, 000 Taka, and if the offence is a continuing one, with a further fine which may extend to 200 Taka for every day after the date of the first commission during which period the offender has persisted in the offence.

Functions

The functions of the UP under this act can be classified in following four broad categories:

- administrative & establishment functions;
- disciplinary functions;

- public welfare related functions;
 - Formation and implementation of social & economic development plans.
- All those functions can further be classified in mandatory functions and optional functions. In addition, the UP performs functions as may be assigned by the government from time to time.

There are some innovations in the act, which demand an extensive citation. For instance, the provision of ward assembly, ward meeting in open space and improved revenue authority along with comprehensive revenue net are praiseworthy innovations. The ordinance is equally laudable for the provision of access to information. However, the act is subject to get condemnation for the provision of extensive bureaucratic intrusion which effectively destroys the value of the democratic decentralization and the spirit of the constitution.

Key findings and analysis

Changes: The Local Government (union Parishad) Act, 2009 demands a widespread commendation. Gobindopur Union is operated under this ordinance. Before the enactment of this ordinance it was operated under Local Government (union Parishad) ordinance, 1983. Present ordinance has ensured some changes. During data collection period I have noticed following changes at Gobindopur union:

❖ **Ward assembly:** According to this act, each ward should form a ward assembly. So Gobindopur union ensures ward assembly which is formed by the voters of the ward.

❖ **Ward meeting in open space:** At Gobindopur union ward meeting is held in open space as it is determined by the ordinance. The UP chairman ensures the ward meeting and ward member presides over the meeting.

❖ **Access to information:** Local Government (union Parishad) act, 2009 ensures that any citizen has the right to get information through a formal procedure. The UP secretary is obliged to provide information in due time. If he/she fails to provide information in due time, he/she is fined 50tk for delaying per day and if she/he doesn't provide information or provides wrong information, he/she is fined minimum 1000tk. For this legal mandatory, people have easy access to information at this union.

❖ **Citizen charter:** People have access to get a citizen charter published in Gobindopur union specifying the nature of its services and how people can have the services. It was totally absent when Gobindopur union was operated under Local Government (union Parishad) ordinance, 1983.

❖ **Birth–death registration committee:** There is a provision for Birth–death registration committee in the Local Government (union Parishad) act; 2009. So Gobindopur union has a permanent committee for birth and death registration.

❖ **Permanent committee:** Local Government (union Parishad) act, 2009 ensures a provision for permanent committee. Gobindopur union has 13 permanent committees.

❖ **Open budget:** Local Government (union Parishad) act, 2009 has a provision for open budget. That means budget should be presented at the presence of local people. But in practice, I have noticed that budget is presented at the presence of that local people who are the followers of chairman.

❖ **E-governance:** Local Government (union Parishad) act, 2009 ensures e-governance. Gobindopur union parishad is trying to ensure e-governance and good governance through various functions.

❖ **Punishment:** An offence under this act shall be punished with fine which may extend to 15,000 Taka, and if the offence is a continuing one, with a further fine which may extend to 200 Taka for every day after the date of the first commission during which period the offender has persisted in the offence. But in practice I have noticed that chairman is kind to his party followers.

❖ **Appointment of an assistant accountant cum computer operator:** Gobindopur union parishad has an assistant accountant-cum-computer operator. The post of assistant accountant-cum-computer operator was absent when it was operated under Local Government (union Parishad) ordinance, 1983.

❖ **Removal of Chairman:** A Chairman shall stand removed from his office if, at a special meeting of the Union Parishad called for the purpose in the prescribed manner, a motion of no-confidence is passed against him by the votes of not less than nine elected members and the motion is approved by the Government.

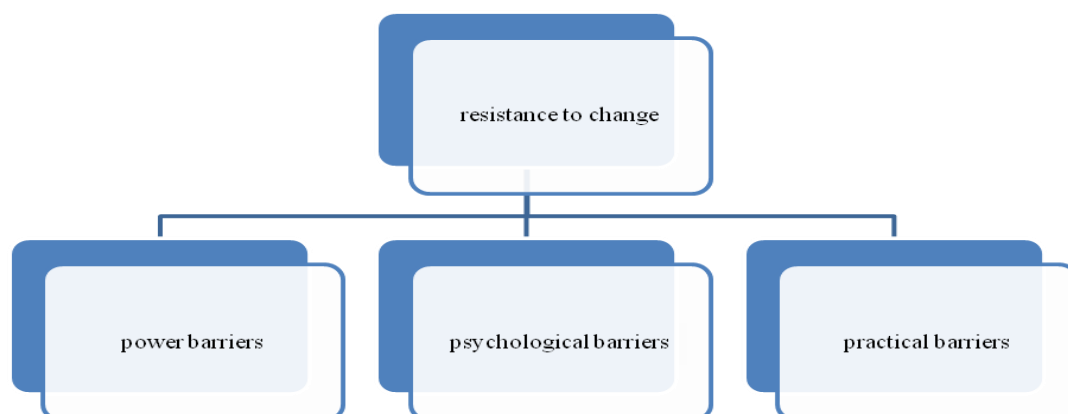
❖ **Registration of tutorial school, coaching center and private hospitals:** As per the act, it is needed to be registered from the union parishad for the operation of any tutorial school; coaching center and private hospitals at the union. I have seen in my union that union parishad helps to register tutorial school, coaching center and private hospitals considering socio-economic condition.

Besides, Gobindopur union is going through other changes such as improved revenue authority; gender friendly chairman panel; Union Information Service Center; Provision for 7 central govt. agencies.

Resistance to change and the actors of resistance:

People are reluctant to accept change. Resistance to change is the action taken by individuals and groups when they perceive that a change that is occurring as a threat to them or they don't have enough information about the change. Resistance to change can spread and become a significant barrier to success. Although initial resistance

is a natural reaction to change, ongoing resistance left unattended can become a threat. So we should find the reasons and actors of resistance. The reasons and actors of resistance at Gobindopur union after the enactment of Local Government (union Parishad) act, 2009 can be shown by following way:



Power barriers: Change can be viewed in terms of the power it has to yield to participants. As this act lessens or constrains power of chairman, so he is unlikely to accept this. Before this act, all meetings of a Union Parishad were presided over by the Chairman and, in his absence, by the acting Chairman, and in the absence of both, by a member chosen for that purpose by the members present. But now the UP chairman only ensures the ward meeting and ward member presides over the ward meeting. For this chairman doesn't accept this innovation as it doesn't bring greater power in some cases.

Psychological barriers: Change can be viewed as a threat to any one of a number of comfortable states. Chairman and members are likely to resist the provision of citizen charter because they think it challenges their security as citizen charter empowers people by specifying the nature of UP's services and how people can have the services .

Practical barriers: Resistance is promoted if resources are perceived to be insufficient to support the change. The changes of this act demand a new set of skills. Although govt. has appointed an assistant accountant-cum-operator but he needs to be reskilled and the chairman and members should have minimum educational qualification to face this change. But our chairman is too illiterate to give a signature. The changes of this ordinance threaten to these deskilled persons, so they resist changes.

Besides, there are many shortcomings which are likely to resist the changes. The reasons for resistance are given below:

- ❖ In the absence of institutionalized relationship between the UP and its residents, there is lack of cooperation between them that in turn, affects service delivery both qualitatively and quantitatively. This is because most of the residents do not have clear knowledge about the UP activities and its role in local development.
- ❖ Lack of coordination between the UP and field level government agencies, and between the UP and other non-government agencies in terms of respective programs is a major threat.
- ❖ Lack of knowledge among people about ICT service;
- ❖ People's unwillingness to receive service using internet ;
- ❖ Lack of cooperative behavior from the UP members to the service recipient;
- ❖ Political affiliation of UP members ;
- ❖ Lack of training facilities for the ICT operator ,
- ❖ Citizen Charter is not clear to the service recipient ;
- ❖ There exists serious capacity gap within the UP in rendering its responsibilities in terms of manpower, training, and supply of logistics.
- ❖ Political appointment of secretary;
- ❖ Financial insolvency is a major threat to the effective performance.
- ❖ Political preference and influence in distributing VGD and VGF cards .
- ❖ There are many cases where the UP gets obstructed by the locally influential people in implementing its programs. The UP does not have legal power as well as administrative support to challenge such illegal influences.
- ❖ Persistent tendency of the bureaucracy to control the UP is another major constraint. Such control is manifested through frequent promulgation of the executive orders curtailing the authority of the UP.

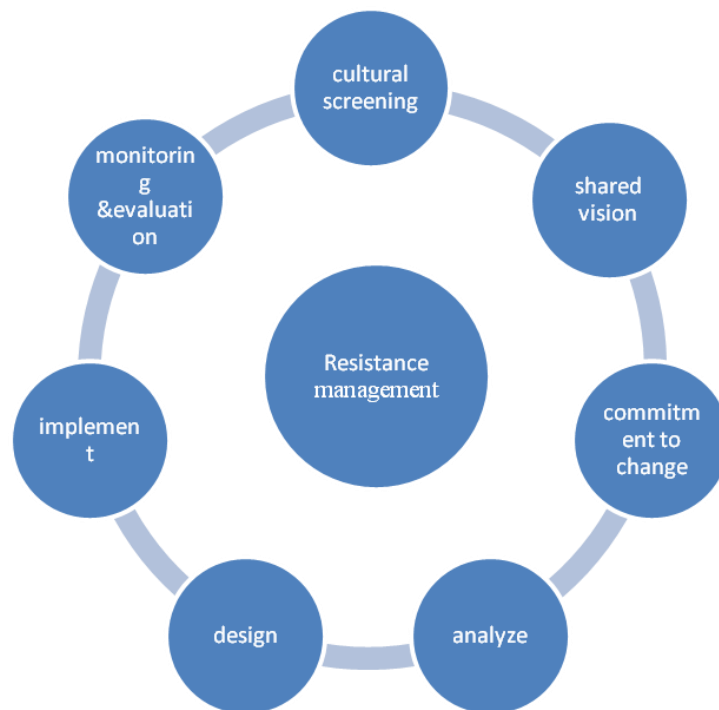
- ❖ Party and political pressure on the UP is endemic. There is no clear demarcation between jurisdiction of the members of the parliament and the local government representatives.
- ❖ Politics of vote is a major constraint to the effective functioning of the UP. The UP representatives give preference to attract voters through patronization rather than delivery of better public services.

Supporters of the change

- ❖ The young generation of this union accept these changes heartedly especially the provision of access to information and citizen charter .During data collection period ,I have noticed that most of the young people are voluntarily working to create public awareness about information service and citizen charter.
- ❖ Service recipients are the main supporters of these changes. As they are getting advantages of this act. For example, they can know about the income and expenditure of this U.P from the open budget.
- ❖ Educated and aware people are welcoming this act due to having some positive changes in it such as open budget session, open ward meeting, ICT program etc.
- ❖ The female member elected in reserved seat gets especial attention from it such as advisory role in ward meeting and Women members receive maternal health leave. So they welcome this act.
- ❖ People of the union welcome it as they get service from 7 central government agencies
- ❖ Watchman(chowkhdar) welcome it as they now get permanent salary
- ❖ Local elite also support it, as they now can be the member of some committees.

IV. RECOMMENDATIONS AND CONCLUSIONS

Recommendations: In order to proper implementation of this ordinance, we should find out the sources of resistance and then we should manage it. We can manage these resistances if we follow the following process:



Before making this act, the policy makers should get a shared vision of the stakeholders through cultural screening. Then they should give a strong commitment to change. After these, it needs a careful analysis. After analyzing the policy maker should design and implement it. Finally, policy makers should monitor and evaluate it. During evaluation they get some feedback, on the basis of feedback they should revise it. The Local Government (union parishad) Act, 2009 should be revised following this process.

Besides, I would like to give following recommendations to overcome resistance and make union parishad more operational and effective:

- ❖ The new act has new dimension, so it must be made operational both from the government and UP perspective.
- ❖ If UPs are given adequate fund and manpower, they would be able to better identify local needs and problems and devise development plans accordingly.

- ❖ Honorarium should be increased to a respectable level. It should be no less than tk. 15,000 per month for the chairman.
- ❖ Appropriate training for the elected representatives as well as appointed officials should be given to develop their capacity and enhance efficiency.
- ❖ It is necessary to think seriously about minimum educational qualification for the public representatives.
- ❖ Respective jurisdictions of MPs, central government and local government have to be urgently redefined in a clear and specific manner to free the UP from political interference.
- ❖ The criteria and rules of open budget and ward meeting must be followed.
- ❖ The Union Parishad has to take initiative to make people aware about this act & to encourage in participating in ward meeting, budget session etc.
- ❖ Peoples participation has to be ensured to a great extend.
- ❖ Steps must be taken to make ICT & right to information act popular.
- ❖ People have to be watchdog of parishad’s function & raise of their own demand has to be ensured.
- ❖ Up should prioritize the demands and recommendations of ward meeting
- ❖ Officials of the 7 central government agencies should be made more accountable to chairman
- ❖ A set of measurable indicators needs to be applied to measure the performance of UP.
- ❖ Above all UP should be made transparent to ensure good governance in the functioning of UP.

Conclusion: It is impossible to realize national development goals without proper and accelerated local development. Union parishad from its evolve in the British period to present Bangladesh is playing a significant role to ensure a balance development, security in the local areas, accountability, transparency, responsibility, and people’s right towards the state and to ensure good governance in local level. But it is a matter of great regret that there was no specific act and law to regulate the functions of UP before. So it was a long driven demand to formulate an act to guide the UP functions. The local government act-2009 is undoubtedly a roadmap that has abolished the previous local government ordinance-1983. The new act incorporates a huge major changes in the structure, functions and responsibilities if UP. It indicates some major resistance to the changes and introduces us to some powerful actors in this field. This paper only provides the scenario of a single Union Parishad. So, it is impossible to realize the total picture of all Union Parishads throughout the country. But we can imagine that more or less most of the Union Parishad faces these problems because perspective of everywhere the country almost same. But all of the objectives will be succeeded if the proper application of this act could be ensured. In this fact, people can play an important role being aware about his own right and by making authority bound to do things according to the rules. So steps have to be taken, the govt. has to be more practical, careful and inward in this sense. Our recommendations can also be a corrective measures to overcome the present limitations of UP and make it a faster, efficient, service oriented and effective one.

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