



LOCAL GOVERNANCE CLUSTER MONTHLY UPDATE

MARCH- APRIL 2008

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18 MARCH, 2008 ROUNDTABLE ON "THE ROLE OF LOCAL GOVERNMENT COMMISSION"

A roundtable discussion was arranged on 18 March 2008 by UNDP, Bangladesh to discuss the draft ordinance for the proposed Local Government Commission as recommended by the Reform Committee on Strengthening Local Government (add full name)The Roundtable was



initiated by UNDP to provide suggestions to the Government of Bangladesh on the suggested functions of the Commission, its composition, as well as who the Commission will be accountable to.



The Roundtable was chaired by UNDP's Country Director, Mr. Manoj Basnyat, and the keynote paper was presented by Prof. Salahuddin M. Aminuzzaman. The programme was attended by development partners, local NGOs, political parties and academicians. Mr. T. I. Nurul Nabi, Joint Secretary from Ministry of Law, Justice and Parliamentary Affairs, was present on behalf on the Government of Bangladesh. The participants added valuable points that require

attention before the draft ordinance of the Local Government Commission is finalised and approved.

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PROMULGATION OF NEW ORDINANCES ON LOCAL GOVT BODIES

The interim government has put into final forms three ordinances, one on the proposed local government commission and two others on city corporations and municipalities, likely to be promulgated by March.

The draft ordinances aimed at strengthening local government bodies will be placed at the next meeting of the council of advisers for approval.

The proposed Local Government Commission Ordinance 2008, Local Government (City Corporation) Ordinance 2008 and the Local Government (Municipality) Ordinance 2008 were put into final forms at an inter-ministerial meeting at the secretariat on 11 March 2008.

Presiding over the meeting, the LGRD and cooperatives adviser, Anwarul Iqbal, told

reporters the ordinances were likely to be promulgated by March so that the Election Commission could start holding local government polls, which are already due, in May in keeping with the electoral roadmap.

‘Elections to many local government bodies have for long been due. There is also High Court order for holding local government polls [upazila] the deadline of which was extended by six months for several times,’ Iqbal said.

Asked whether the government wants the local body polls before or after the general elections, he said, the responsibility lies with the Election Commission and the government will just help the commission in conducting the polls. ‘After the promulgation of the ordinances, the responsibility for holding all local government elections will also lie with the Election Commission.’

He said the new laws would bar lawmakers from interfering in the activities of the local government bodies. ‘Even the authority of the ministry over the local government bodies has been curtailed. The ministry will not directly interfere in local body functions.’

The draft laws — Local Government (City Corporation) Ordinance, Government (Municipality) Ordinance, and Local Government (Union Parishad, Upazila Parishad and Zila Parishad) Ordinance, were framed by a high-powered committee on strengthening local government bodies in 2007.

‘After the cabinet in principle approves the draft laws, they will be sent to the law ministry for vetting.’ the adviser said.

The council of advisers on Monday amended the Upazila Parishad Act, revoking the authority of parliament members over the councils and empowering the Election Commission to announce schedules for holding polls to the local government bodies.

The ordinance on the city corporation suggests including chairmen of development authorities, deputy commissioners, metropolitan police commissioners and officials from utility services and the Directorate General of Health Services as councillors for the corporation.

Population density in a municipality will not be less than 2,000 per square miles three-fourth of which will be engaged in agriculture with 33 per cent of land being non-agricultural, says the draft ordinance on the municipality. The municipalities not complying with the new laws would be dissolved, the adviser said.

The draft suggested reserving 40 per cent seats for women at all levels of the local government for three consecutive terms on rotation, which will be published in gazettes by the government in consultation with the Election Commission.

The draft laws for the local government bodies have identified their sources of revenue and redefined their jurisdictions and functions.

Registration of tutorial schools, coaching centres and private hospitals with the local government bodies have been made mandatory, according to the draft ordinances.

The committee on strengthening local government bodies, formed on June 3,

2007, also recommended setting up a local government commission to monitor and evaluate the overall activities of the local government bodies. The LGRD and

cooperatives ministry is now the regulatory authority of local government institutions.

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DEFINE EXECUTIVE ROLE OF LOCAL GOVT COMMISSION

Speakers tell roundtable

Speakers at a roundtable yesterday stressed the need to clearly define the executive role of the proposed Local Government Commission in order to make it effective.

They said that if the commission is set up as per the proposed ordinance, it would act as a subordinate body. As a result, the commission would not be able to fulfil its objective to strengthen the local government.

The Local Governance Cluster of UNDP organised the roundtable on 'Role of Local Government Commission' at a city hotel, with Manoj Basnyat, country representative of UNDP, in the chair. Academicians, political leaders and representatives of the government, donor agencies and non-government organizations took part in the discussion.

The speakers said the role of the commission should be clearly defined so that it does not conflict with the roles of other government institutions and the local government ministry. They also stressed the need to make the commission accountable.

Some speakers, however, said the caretaker government should focus fully on the national election instead of forming such a commission.

The present caretaker government had taken an initiative to strengthen the local government institutions and constituted a seven-member committee to this end. The

committee recently submitted a report with a draft ordinance for the Local Government Commission.

Prof Salahuddin M Aminuzzaman of Dhaka University presented a keynote paper on 'An assessment of the proposed Local Government Commission Ordinance, 2008' at the roundtable.

He said the commission would be a subordinate body as its chairman and the two members would be appointed by a search committee comprising the chief election commissioner, chairmen of the Public Service Commission and the Anti-Corruption Commission, the comptroller and auditor general and the secretary to the Local Government Division.

He suggested that the commission should be an executive body, not a recommending one.

Renowned academic Prof Muzaffer Ahmad said the commission would have less power than the local government ministry if the draft ordinance is implemented.

JSD President Hasanul Haq Inu said the draft ordinance is vague and unacceptable.

Balakrishnan Menon of the World Bank said the proposed ordinance should make it clear how the commission would be financed.

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UPAZILA PARISHAD ACT: CABINET OKAYS AMENDMENT

The council of advisers on 10 March, 2008 finalized the proposed amendment to the Upazila Parishad Act to revoke power of parliament members over the Parishads and empower the Election Commission (EC) to announce schedules for holding polls to the Parishads.

President Iajuddin Ahmed will promulgate an ordinance in a couple of days amending the Upazila Parishad Act 1998 to this effect, sources said.

“Once the law is amended, the Upazila Parishads after being formed through elections will be able to function independently, free from interference of lawmakers,” suggested an adviser to the caretaker government to The Daily Star .

And the EC will have the authority again to fix timeframe for holding polls to Upazila Parishads, a crucial tier of the local government system, which has been victim of partisan politics.

Section 25 of the existing law empowers lawmakers to become advisers to Upazila Parishads binding it to accept their suggestions.

In the wake of a long-standing demand for repealing the authority of lawmakers over Upazila Parishads, the council of advisers

to the caretaker government on January 27 decided in principle to repeal the provision.

The EC in its electoral roadmap announced on July 15 last year said the long-overdue elections to Upazila Parishads would be held between November and December this year.

The first election to Upazila Parishads, introduced in the local government system during the rule of HM Ershad, was held in 1985. The very existence of Upazila Parishads was threatened after the second election in 1990, when Ershad stepped down in the face of a mass movement.

BNP assumed power in 1991 and dissolved the Upazila system. The Supreme Court in a judgment in 1992 directed the government to hold elections to Upazila Parishads within six months. But the BNP government did not hold the polls during its tenure.

Later, Awami League passed the Upazila Parishad Act, 1998 after assuming power in 1996. However, elections to the Parishads were not held.

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THE DRAFT ORDINANCE OF INDEPENDENT LOCAL GOVERNMENT COMMISSION IS FINALIZED

The government of Bangladesh is going to form an independent Local Government Commission. The three-member Commission would be headed by an expert who has long experience working with local governments. The Commission

would work according to the responsibilities vested to it by Local Government Ordinance (Union Parishad, Upazila Parishad and Zila Parishad), Municipality Ordinance and City Corporation Ordinance. The chairman and

the members of the Commission would be recommended to appoint for five years by the five-member selection committee under the leadership of the Chief Election Commissioner of Election Commission. The government would request the section committee to decide to recruit the chairman and members of the Commission within a certain time. The Commission would be independent in nature and only would be obligated to the Constitution and the law of the country. The head quarter of the Commission would be established at Dhaka. But it would be able to establish its branches anywhere in the country after acquiring the required permission.

To accelerate the process of formation of the Local Government Commission, the Local Government Division has finalized the draft promptly and very soon the draft would be sent to the Advisor Council for approval. Anwarul Iqbal, the Rural Development and Cooperative Advisor, confirmed that the draft of Local Government Commission has been prepared and very soon it would be sent to the Advisor Council to scrutinize the document before approval. He also informed that since a three-member Commission would perform many of the responsibilities of Local Government Division, the Ministry should define clearly the roles and responsibilities of the two institutions to avoid any future confrontation. It is asserted in the draft proposal that the circular of the Local Government Commission would be issued as soon as the Local Government Ordinance was enforced. The chairman of the Commission would be regarded as a member of the Commission. In absence of the chairman or any other members, or any lapse in the formation of the Commission would not be regarded as a reason for announcing the activities of the Commission illegal nor, any appeal could be made to the Court in this regard. The President would appoint the chairman and the members of the Commission for full term according to the recommendation of

the selection committee. The chairman and the members would be appointed for five years and would be considered as eligible only for another term. But if any member's age is equal to or more than 70 years, s/he would not be considered as eligible anymore for the chairmanship or membership of the Commission. The government would determine the status of the chairman and members, their salary, facilities and other service conditions according to the published regulations. The allowances and facilities of the members of the Commission would not be rectified by the government inconveniently.

What is in the Local Government Commission Ordinance

- The Commission would be responsible to the Constitution and the exiting legal framework of the country
- The Commission would be comprised of three members
- An senior person with long experience of working with local governments would be appointed as the Chairman
- If the chairman or any member's age equals or exceeds 70 years, s/he would not be regarded as eligible to continue her/his term
- Any existing MP or anyone holding a post at any local government institutions would not be eligible to for appointment as the chairman or member of the Commission
- In special cases the Commission can act as the court
- No legal steps can be taken against the chairman or anyone who is vested power by the Commission
- The Commission would act in accordance with the Local Governance, Municipality and City Corporation ordinances
- The chairman and members would be appointed by the President considering the recommendation of the selection committee

Conditions of eligibility of the Chairman and Members

One who is considered as an expert in the field of local governments would be appointed as the chairman of the Commission. Other two members would either be experts in the field of local governance, or in financial management. The members can also be selected because of their known contribution in social development or human resource or for being famous for their thesis or research work in the field of local governments or human resource. Any foreigner or anyone presently engaged as a Member of Parliament or member of any local government institutions, announced/identified as defaulter by any bank or financial organization, declared as bankrupt by the court, sentenced to jail for two years for immoral acts or his period of release from jail has not exceed five years would be considered as non-eligible for the membership of the Commission. After appointment as chairman or member, if anyone get engaged in any such acts that is not within her/his jurisdiction of responsibility, or directly remains involved with any profitable activity, becomes insane or physically unable to perform her/his duties then the appointee would be declared disqualified to hold his/her respective posts.

Power of the Commission

The Commission would have power to perform all the responsibilities vested to it by the Ordinance along with its regular duties. The Commission would be given partial legal power under the Civil Act 1908 (Article 5 of Regulation 1908) to act as a civil court. It can send summons and oblige an individual to appear as witness before the Commission. It can instruct any individual and organization to submit all records, documents and related information if they are relevant regarding a case dealt by the Commission. Under the Civil Act 480 and 482, the Commission is to be regarded as a civil court. All cases regarding local government institutions

and regulations are to be presented before the Commission and if the Commission considers any information or any individual to be submitted before it as evidence, it has the jurisdiction to summon so. The Commission would determine its own procedure of working and enforce certain power to pursue its duties.

Roles and Responsibilities of the Commission

The Commission would perform all duties vested to it by Local Governance Ordinance (Union Parishad, Upazila Parishad and Zila Parishad) 2008, Local Government (Municipality) Ordinance, 2008 and Local Government (City Corporation) 2008. It would recommend the Local Government Division (LGD) to take the ultimate decision to revise and update the existing service and manpower structure of the local government institutions. The Commission would suggest the Local Government Division from time to time on the issue concerning the income of *Jalmahals* as well to apportion the income generated from the registration of marriages and divorces to the local government institutions. The Commission would monitor and supervise the financial and administrative management of the local government institutions and make recommendations to the LGD accordingly. It would take initiatives to investigate the serious financial and administrative irregularities in the local government institutions (LGIs) and would recommend to the LGD to take actions against the offenders (individual/officers/staff). The Commission would advice the LGD to develop the LGIs as financially independent and administratively competent, dynamic and social welfare oriented institutions. The Commission would provide necessary directions for the LGIs for proper utilization of their own funds as well as ensure the appropriate manner of expenditure of allocated funds from the government. It would take required

measures to make certain that the audits of the LGIs are completed within deadline. The Commission would ask the LGD to determine and update the rates of various taxes, fees, tolls etc for the LGIs. It would recommend the LGD to increase the share of the locally collected revenues to the LGIs and to identify new source of income for resource mobilization. The Commission would suggest the LGD to distribute proportionately and reasonably the centrally acquired revenues. It would also recommend to distribute proportionately from incomes obtained from other sources to the LGIs. It would review the various rules, regulations, circulars, laws, acts etc and recommend accordingly to the LGD. The Commission would prepare an annual report about its activities and submit the report to the President within the two months of the new fiscal year.

Termination and Resignation of the Chairman and members of the Commission

The Chairman or any other member of the Commission can be terminated due to any kind of immoral acts or her/his inability to perform duties properly. The selection committee in adherence to the request of the President would investigate any complaint regarding ability or behavior of the chairman and members of the Commission. The President would terminate the chairman/member if the committee finds the accused being guilty of immoral acts or unable to execute his/her duties.

Selection Committee for the Appointment of the Chairman and Members

By virtue of his office the Chief Election Commissioner would be the chairman of the selection committee. The Secretary of LGD because of his/her post would act as the secretary member of the committee. By the virtue of their positions the Chairmen

of Anti-corruption Commission, Public Service Commission and the Auditor General of Local Government Audit Directorate would become the members of the selection committee which is to determine the appointment of the chairman and members of Local Government Commission. The members of this committee would select an appointee according to the guidelines provided to them by the Ordinance. The government would request the selection committee to decide on a particular candidate within a determined period.

The Meetings of the Commission

The Commission can take decisions regarding the place, time, functions and other miscellaneous issues of its meetings according to the guidelines provided by the Ordinance and all the meetings should be conducted according to the previous decisions. The quorum of the Commission would be composed only when the Chairman and a member would be present to conduct it. All the meetings would be chaired by the chairman and in absence of him, this duty would be performed by a senior member. Any decision would be taken by the majority of votes. Any member can write to the chairman requesting for a meeting and after receiving such a request the chairman should call upon a meeting within seven days. The chairman can invite any appropriate individual in the meetings to present his/her speech, opinions, information or explanation on any particular issue and the statement of the guest speaker would be recorded in the minutes of the meetings.

The Appointment of Secretary, Staffs of the Commission

The government would appoint a secretary of appropriate status for the Commission. The Commission in consultation with the government would determine the service structure and appoint necessary manpower.

To assist the Commission the government can appoint expert officials with experience in local governance, administration and financial management permanently or in lien for specific period. The conditions of recruitments would be decided according to the regulation of the Ordinance and until the regulations are determined the conditions would be affected according to the administrative regulations of the government.

The Formation, Maintenance and Investment of the Commission Fund

There would be a specific fund for the Local Government Commission. The source of earnings for the fund would be grants from the government or from the

government recommended authority or from the income sources vested to the Commission by the government. The Commission would have an account for the savings of the fund in an ascertained bank. The Commission would be able to invest part of the savings following a well-defined procedure. The Commission can formulate a separate fund for any definite cause/reason and can conduct it in a decided manner.

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UPAZILA POLLS FROM MAY

The long overdue polls to Upazila Parishads will start being held in May, six months ahead of the timeframe stipulated in the electoral roadmap of the Election Commission (EC), according to an announcement made by the LGRD adviser on 5 March, 2008.

LGRD and Cooperatives Adviser M Anwarul Iqbal at an event in Khulna disclosed the government's plan saying, elections to 100 of the 482 upazila parishads will start being held in May as voter registration in 80 upazilas has already been completed.

Voter registration in the rest of the 20 upazilas is also scheduled to be completed in the next couple of days, and the commission is currently preparing to begin publication of draft voter lists of the upazilas, to have the final electoral rolls with photographs ready in a month, sources in the EC Secretariat said.

So elections to some Upazila Parishads can be held by the end of May through lifting or relaxing the state of emergency in the areas, the sources added.

Political leaders holding party posts however might not be allowed to contest in the Upazila Parishad elections, as the EC has a plan to break free the crucial tier of the local government system from the grip of partisan politics, the EC sources said.

If the EC's plans are made into laws, political leaders holding party posts will have to resign from the posts before filing for candidacies in upazila elections.

The EC already drafted proposals for barring political leaders holding party posts from contesting in polls to city corporations and municipalities, and it plans to draft similar proposals for the upazila elections too, the sources said.

"The qualifications and disqualifications for candidacy will be almost the same for all local governments including upazila parishads," Election Commissioner Brig Gen (retd) M Sakhawat Hussain told The Daily Star on Tuesday.

The council of advisers to the caretaker government on January 27 this year

decided in principle to revoke the hitherto authority of the members of parliament (MP) to interfere in the functioning of upazila parishads, by amending the Upazila Parishads Law 1998.

The council also decided at that meeting, to re-empower the EC with its lost authority to announce the schedules for upazila parishad elections, taking it back from the hands of the central government, but the government has yet to finalise it.

Against such a backdrop, the LGRD adviser, who on Monday had met the EC to discuss holding of the local government elections, yesterday specified the timeframe for starting to hold the elections.

Election commissioners --- Muhammed Sohul Hussain and Brig Gen (ret'd) M Sakhawat Hussain, however told journalists yesterday that the EC has yet to decide when the upazila elections will be held.

After a meeting with the LGRD adviser on Monday, Chief Election Commissioner (CEC) ATM Shamsul Huda said the EC decided in principle to hold the upazila elections, but it has yet to decide when those will be held.

The commission is now preparing to hold polls to four city corporations and seven municipalities by the end of April or in early May, for which the caretaker government assured the commission of creating a conducive environment, by lifting or relaxing the state of emergency, which has been banning all sorts of political activities since January 11 of last year.

Major political parties including Awami League, BNP, and Jamaat-e-Islami have been vehemently opposing holding of polls to local governments before holding the stalled ninth parliamentary election, saying, holding of the former beforehand

will end up hampering the preparations for holding the latter by the year end.

Besides, they have also been claiming that elections to local governments prior to the parliamentary election will end up jeopardising the neutrality and credibility of the upcoming parliamentary election, since military governments did that in the past to ensure sweeping victories of their lackeys in parliamentary elections.

The military backed caretaker government however wants to begin holding the long overdue upazila elections before the upcoming parliamentary election fearing that the next elected partisan government might evade forming the important tier of the local government system.

Policymakers of the government believe, if polls to some upazilas are held before the stalled ninth parliamentary election, the next elected government will be compelled to hold polls to the rest of the upazila parishads, the EC sources said.

The EC is also in favour of holding polls to different local governments before the parliamentary poll because, according to its claim, it has field level information that shows the people want the commission to begin holding local government elections during the regime of the caretaker government, thinking the polls held during its regime have a higher chance of being free and fair.

The commission yesterday morning at a meeting with top officials of the Directorate General of Forces Intelligence (DGFI), on the EC Secretariat premises, discussed the present situation in the country vis-à-vis holding of the polls, the sources said.

Asked about the meeting, Election Commissioner Sakhawat told The Daily Star that the EC has been receiving very positive information regarding a suitable environment in the country for holding the

elections according to the electoral roadmap.

The EC in its electoral roadmap, announced on July 15 of last year, declared that it would begin holding polls to city corporations, municipalities, and union parishads in January, 2008 and continue till December.

About holding the upazila elections after 17 years, the EC in the electoral roadmap said the polls would be held between November and December of 2008, while the stalled ninth parliamentary election would be held by the year end.

Over the last few months, a number of advisers to the caretaker government have been saying that polls to upazila parishads should be held simultaneously with the parliamentary election, to cut down election expenses.

But on last Monday, the LGRD adviser at a meeting with the EC said the upazila elections should be held before the parliamentary election.

The first election to upazila parishads was held in 1985 after its introduction in the local government system during the regime of military ruler HM Ershad. But the very existence of the upazila parishads faced a severe crisis following the second election to them in 1990, when Ershad stepped down in the face of a mass movement.

A BNP government assumed state power in 1991 and dissolved the upazila system. The Supreme Court in a judgment in 1992 directed the erstwhile government to hold elections to upazila parishads soon, but the BNP government did not comply with it during its tenure.

Assuming power through a victory in the 1996 general election, Awami League passed the Upazila Parishad Act in 1998.

The immediate past BNP-led alliance government, which came to power through a victory in the 2001 general election, moved to hold the upazila parishad elections this time around and formed a cabinet committee for the purpose. But the committee members failed to reach a consensus on holding the polls.

All those governments however also sought extensions of time on many occasions from the Supreme Court to comply with its directives for holding the upazila parishad polls.

Upazilas ready for polls

The EC, that began the field level job of preparing the national voter list with photographs in August of last year, already has completed registering voters in 80 upazilas till last month. The upazilas where voter registration has been completed are: Panchagar Sadar, Thakurgaon Sadar, Nilphamari Sadar, Dinajpur Sadar, Taraganj, Rangpur Sadar, Gongachhara, Lalmonirhat Sadar, Aditmari, Gaibandha Sadar, Joypurhat Sadar, Naogaon Sadar, Dhupchachian, Kahalu, Bogra Sadar, Natore Sadar, Tanore, Chapainawabganj Sadar, Puthia, Poba, Pabna Sadar, Kushtia Sadar, Meherpur Sadar, Chuadanga Sadar, Jhenidah Sadar, Jessore Sadar, Narail Sadar, Satkhira Sadar, Rupsha, Bagerhat Sadar, Gopalganj Sadar, Faridpur Sadar, Rajbari Sadar, Manikganj Sadar, Savar, Delduar, Tangail Sadar, Polash, Narayanganj Sadar, Munshiganj Sadar, Sariatpur Sadar, Madaripur Sadar, Gournadi, Jhalakathi Sadar, Patuakhali Sadar, Mirzaganj, Noakhali Sadar, Raipur, Chandpur Sadar, Comilla Sadar, Brahmanbaria Sadar, Ashuganj, Sarail, Kishoreganj Sadar, Habiganj Sadar, Maulvibazar Sadar, Golapganj, Sunamganj Sadar, Tahirpur, Netrakona Sadar, Bandarban Sadar, Sitakunda, Rauzan, Rangamati, Khagrachhari, Feni Sadar, Jamalpur Sadar, Mymensingh Sadar, Muktagachha, Fulbaria, and Shahjahanpur.

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LOCAL GOVT POLLS: DIRECT ELECTION FOR WOMEN IN RESERVED SEATS

Female candidates will contest directly in their reserved seats in the local government elections like that of their male counterparts and no male candidate will be able to take part in the polls from the same areas.

The decision was taken at a meeting between the Election Commission (EC) and the Ministry of Local Government, Rural Development and Cooperatives at EC Secretariat yesterday.

According to the decision, reserve seats will be chosen under a circle system so that female candidates can contest in all the seats by turn.

The meeting, chaired by Chief Election Commissioner (CEC) Dr ATM Shamsul Huda, also decided that none would be able to participate in the local government election by holding important post of any political party.

If any political leader intend to contest the local body election, he or she will have to resign from political post, the CEC told reporters after the meeting.

The CEC said the Commission decided in principle to hold upazila elections under its election roadmap as the Ministry of Local Government and Rural Development (LGRD) made the request.

He said the Commission is in principle decided to hold the upazila elections as per the roadmap.

On political parties' protest against holding local elections before national elections, the CEC said the Commission repeatedly

said that they would follow their election roadmap where the holding of all the local-body elections has been mentioned.

The CEC said the Ministry of LGRD is considering the EC's proposal for combining the three laws of district, upazila and union parishad elections into one law.

He said the Commission will leave the UP elections as per the roadmap considering that holding election to around 5000 UPs would not be possible within the timeframe.

Adviser for LGRD M Anwarul Iqbal told reporters that the upazila elections could be held in a staggered way, as the full voter list is yet to be completed.

He discussed the relevant laws for local-body elections with the Commission as there are some reforms up and coming in the laws and rules.

Asked whether the elections would be held before or simultaneously with the parliamentary polls, he said it would decide through discussion.

"It can be held before or along with the national elections. We are determined to hold elections of the four city corporations and seven municipalities," he said.

The city corporations are-Rajshahi, Khulna, Barisal and Sylhet while the municipalities are Shariatpur, Seetakunda, Cox's Bazar, Gopalganj, Sreepur, Fulbaria and Manikganj.

Two Election Commissioners-M Sohul

Hussain and Brig Gen (Retd) Muhammad Shakhawat Hossain, among others, were

present during the meeting.

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THE ADVISORY COUNCIL APPROVES THREE LOCAL GOVERNMENT ORDINANCES IN PRINCIPLE

The caretaker government on 23 March, 2008 decided to form a top-level committee headed by the Chief Adviser to prepare a package of measures for providing income support to people for purchasing food items, which became dear. A regular weekly meeting of the council of advisers with Chief Adviser Dr Fakhruddin Ahmed in the chair took the decision following a thorough stocktaking of the current food situation and prices of essentials as well as government interventions in place and possible further steps in this regard. The proposed committee will sit on 25 March to discuss further details and take decision about possible options to give people support for purchasing essentials. In view of the situation, it was decided in the meeting to continue import of food-grains and OMS operation with an increased amount of rice. Introduction of Food for Work Programme, increasing the stock of food-grains, advance procurement of food and constant supply of food were discussed in the meeting.

Reactivating the state-run Trading Corporation of Bangladesh (TCB) was also discussed, as experts have suggested this in the wake of price hike on the open market under private trading system.

The meeting stressed inter-ministerial coordination, observing that Food, Agriculture and Commerce ministries “will have to work closely”.

Besides, the council of advisers approved in principle the Local Government Commission Ordinance 2008, the proposed Local Government (Municipality) Ordinance 2008 and the proposed Local Government (City Corporation) Ordinance 2008 placed by the Local Government Division.

In the Local Government Commission Ordinance, it is mentioned that a person with expertise in the local governance would be appointed as the chairman of the Commission. There would be two other members who have long experience in administration and legal world. By virtue of his office the chairman of Public Service Commission will chair the selection committee for the Commission. By the virtue of their positions the Chairmen of Anti-corruption Commission, Public Service Commission and the Auditor General of Local Government Audit Directorate would become the members of the selection committee which is to determine the appointment of the chairman and members of Local Government Commission. The Local Government would determine the block grants to various tiers of local government system according to the recommendations of the Commission. New City Corporation, Zila, Upazila or Municipality would be formed according to the regulations set by the Commission. Initiative has been taken so that no new institution can be formed from political consideration. The Local Government Division would identify new sources of income for the local government bodies as per to the suggestion of the Commission.

According to the uniform City Corporation and Municipality Ordinances, the term of each body is determined five years. The elections must take place within 180 days of the expiring term. If the election procedure of any institutions hampers temporarily due to the new Ordinance then the government would appoint an administrator for the interim. The political leaders and teachers of non-government school, collage or madrassa would be considered eligible as candidates to participate in the elections but then they would not be allowed to hold their

previous political or teaching posts. The reform committee recommended to announce officials already holding political posts at the local level or professional organizations as non eligible to participate in the elections. However in the final draft of the ordinances it is mentioned that same person will not be allowed to hold more than one political post in the local government system.

The council meeting asked for placing those Ordinances before the council again “as soon as possible after vetting by the Law Ministry for final approval”.

The meeting also approved amendment to the Bar Council Temporary Rules (Ordinance 2007).

Chief Adviser’s Press Secretary Syed Fahim Munaim briefed newsmen about the outcome of the advisory council meeting.

Members of the Advisory Council attended the meeting at the CA’s office. Cabinet Secretary and Secretaries concerned were also present.

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LOCAL POLLS BEFORE NATIONAL ELECTION GOVT, PARTIES STILL WIDE APART ON ISSUE

There is still no visible move to bridge the rising differences between the government and political parties over holding local government elections before parliamentary polls that has triggered a fresh spell of uncertainty about the immediate political scene.

Political analysts believe the situation could have been different had the caretaker government opened its dialogue with the political parties soon after taking the decision on January 10.

But the government is still waiting for the completion of EC’s talks with the parties before opening its dialogue.

Most political parties including the Awami League and BNP have been vehemently opposing the government decision to hold local government elections first.

The Election Commission (EC) is meanwhile preparing to hold polls to a few local government bodies next month in line with the caretaker government’s plan.

Two former advisers to the caretaker government have observed that the situation might destabilise if the EC announces the schedules for holding the elections to four city corporations and seven municipalities.

Talking to The Daily Star yesterday, they urged the caretaker government to open its announced dialogue with political parties without delay to bridge the differences between them.

"The government should not take the unilateral decision to hold polls to local government bodies. It should consult with the political parties to reach a consensus so that the latter cannot blame it," former adviser Maj Gen (retd) Moinul Hossain Chowdhury said.

"There might be some uneasiness if the political parties continue opposing holding local government elections before parliamentary polls. So, issues should not arise that might obstruct holding of the parliamentary elections in a free and fair manner," Moinul said.

Echoing the view, former adviser M Hafizuddin Khan said had the caretaker government opened the dialogue in January, things could have been better now.

"It might lead to an alarming situation if the political parties continue opposing the local government polls and the government moves for holding them despite the objections," he said.

On the political parties' opposition, former chief election commissioner (CEC) Justice Abdur Rouf said the political parties fear repetition of their past experience as military governments in the past had held local government elections first to ensure sweeping victory of their lackeys in the parliamentary elections.

"The government should give political parties assurance that there is nothing to be feared," he said.

Both the advisers stressed the need for forging an understanding between the caretaker government and political parties by opening the dialogue without delay.

The Council of Advisers at a meeting on January 10 decided to hold the dialogue with political parties. In his address to the nation on January 12, the chief adviser also pledged to initiate steps soon to open the talks.

The government however later announced that it would begin the dialogue after the EC wraps up its electoral reform talks with the parties.

But it is not clear yet when the EC will be able to wrap up its talks with the parties since the commission could not hold talks with the BNP in over three months because of leadership disputes within the party.

"I do not understand why the government is waiting for the Election Commission to wrap up its talks. Both the talks can be held simultaneously," Hafiz said.

Moinul said it is already late and the government should discuss the issue of local government elections with the political parties.

"The local government elections are non-political, yet nothing is non-political...Political leaders contest the local government elections," Moinul said.

Justice Rouf said the caretaker government knows well what the political parties would say if the dialogue is held. "So, the government can clear its stance over the issues being discussed in the political arena," he said.

During the second round of the electoral reform talks held during February 24-28, most political parties urged the EC not to hold the local government elections before the stalled ninth parliamentary polls.

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GRAM SARKAR ABOLISHED

The military-run administration has scrapped the controversial Gram Sarkar, an unelected rural administrative system re-introduced by the Bangladesh Nationalist Party-led alliance government nearly five years ago.

The council of advisers to the interim government at its weekly meeting on Sunday, with chief adviser Fakhruddin Ahmed in the chair, approved the Gram Sarkar (Annulment) Ordinance 2008 to abolish the system that came into being through a bill passed in parliament in 2003, according to an official hand-out. The government said the annulment was in line with a High Court bench's verdict that declared the 2003 Act to be illegal, and the Appellate Division of the Supreme Court upheld the verdict after the then authorities

challenged the High Court's judgement.

'The ordinance seeking annulment of the earlier legislation was prepared in line with the judgement. The council of advisers gave its final approval today [Sunday],' said the official statement.

In imitation of late President Ziaur Rahman's mass mobilisation for rural development in 1980, the BNP-led alliance government re-introduced the Gram Sarkar system. The coalition government intended to form 40,392 unelected bodies which neither serve as part of the administration nor of the local government. There have been allegations of politicisation of the members of the Gram Sarkars.

Earlier, a committee formed to strengthen the local government bodies recommended abolition of the Gram Sarkar Act. The food

and health adviser, AMM Shawkat Ali, headed the committee.

appointed vice-chancellor of the proposed university which will be set up at Mirpur Cantonment.

The meeting, attended by most of the advisers and the chief adviser's special assistants, also approved a proposal for the formation of a university by coordinating the educational and training institutions of the armed forces.

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The president will be the chancellor of the university which will be set up under the Bangladesh University of Professionals Ordinance 2008. A serving or retired official with the rank of Major General will be

“IF THE POWER REMAINS CENTRALIZED AT THE MINISTRY, THE LOCAL GOVERNMENT CAN NEVER BE STRENGTHENED”—A SPECIAL INTERVIEW WITH MR. ANWARUL IQBAL, THE LG ADVISOR OF BANGLADESH CARETAKER GOVERNMENT WITH THE PROTHOM-ALO

Prothom-Alo: During the political regimes the Local Government Ministry was looked after by either the General Secretary or Secretary of the ruling political parties. The political influence of the ruling party within this Ministry has been immense. It is even said that most of the work of this Ministry is done due to political consideration. You are a non-political personality. When you took the responsibility of this Ministry, what was the major challenge before you?

Anwarul Iqbal: I'll not go into a debate over what happened during the political regimes. Since I took the charge of the Ministry, I have sent back many of the projects that we had our doubts about. We officially inquired why these projects were required in the first place. It is seen that very few project proposals have come back with satisfactory explanations. Recently all the projects that were decided to implement have gone through an extensive assessment regarding various aspects. We have determined only those projects that we felt would truly benefit the people.

Prothom-Alo: After the present Caretaker Government came to power, you have

formed a reform committee for the reorganizing the local government system. What are you planning to do to implement the recommendations of the committee?

Anwarul Iqbal: It is known to all that the committee has already submitted their report to the Chief Advisor and we are discussing over it to a great extent at the Ministry. We are at present examining the disparities and gaps that exist between the prevalent laws and regulations and the recommendations. On 5 January, 2008 we organized a conference for the local government representatives at Dhaka. The purpose behind such a huge gathering was to include the representatives within the reformative process. We expected 12000 representatives to join the conference and finally 10000 participated in the conference. It was a day long programme where we have submitted the report. Some have conveyed their views instantly. We requested and assured all representatives that they could express their concerns and opinions regarding the report even after returning their own constituencies. And many have done so too. The committee has recommended to form a permanent Local Government Commission. We all came to

an agreement over this issue for we all felt a permanent Local Government Commission could play an important role to lessen the influence of the Local Government Ministry. If all the power remains centralized in the hands of the Local Government Ministry, the Local Government Institutions would never be able to flourish and strengthen in this country. The local government provides a strong foundation for any functioning democratic society. If we are able to develop the different strata of local government into true democratic bodies then the democracy would also function appropriately at the central level.

Prothom-Alo: What other recommendations of the committee are you taking into consideration?

Anawarul Iqbal: The Shawkat Ali Committee has made many suggestions. Some of which are concerned amending the existing laws and ordinances. For example, the committee has recommended formulating a uniform ordinance for the municipalities. There are at present six municipalities and in future the numbers will obviously increase. Keeping this mind, the committee has suggested for a uniform municipality election law. We have agreed to bring this recommendation into reality. We have expressed our well intention in the 5 January conference. Moreover, we have received a positive respond from the city corporations when inquired about their opinions to amend the existing city corporation rules and regulations. We have deliberated over their suggestions and kept the realistic ones for further examination. Thus we finalized the city corporation ordinance. Similarly the committee has recommended for a uniform municipality ordinance. There is an existing ordinance for the municipalities and we have amended some of the provisions to match the present requirements. The committee has also suggested to devise a uniform ordinance for the other three strata-Union Parishad, Upazila Parishad and Zilla Parishad. Personally I am not in favor of

devising a single ordinance for the three strata. It is not clear why the committee asked for a single ordinance in this regard nor did they justify the reasons behind it.

Prothom-Alo: So what are you thinking in this regard?

Anwarul Iqbal: We believe that since two separate ordinances are being formulated for city corporations and municipalities, similarly it would be beneficial if three separate ordinances exist for three different institutions. We feel each institution requires separate rules and regulations. Six city corporations can have a uniform ordinance but it is not even realistic to have a unified law for three different institutions— Union Parishad, Upazila Parishad and Zilla Parishad. Zilla Parishad will not be directly elected whereas the chairmen or members of Union Parishad and Upazila Parishad will be elected by direct election. That is why, I think it would be wise to have three separate sets of rules and regulations and we are gradually moving towards to devise so. Recently we have finalized the Local Government Commission ordinance discussing among ourselves. We have also decided upon the draft of City Corporation and municipality ordinances. Now we are preparing to send them to the cabinet division to have them approved by the advisory council. According to rules of business these ordinances must be sent to the Ministry of Law even after being approved by the advisory council in principle. After being finalized at the Ministry of Law, they must be sent back to the advisory council for final approval. If the advisory council approves them then with the permission of the president they would be published publicly as ordinances.

Prothom-Alo: Is your ministry taking any initiative to assess the public opinion before finalizing the ordinances? Do you have any plans to provide the drafts in the websites?

Anawarul Iqbal: I have mentioned before that we invited the local government

representatives to Dhaka to take their opinions in this regard. They are the main stakeholders and it is their interest that is at the stake. Since they will be working this sector we felt it is more important to collect their opinions. We can put the drafts at the websites anytime, what is more important is to assess the views of those who are intimately related to local governance. And the Local Government Reform Committee has submitted its report after discussing with the local government specialists.

Prothom-Alo: Previously it was the duty of the government to announce the date of local government election. Now it is the responsibility of the election commission. Many terms of the local government institutions are already expired.

Anwarul Iqbal: This issue should not be judged in such a rigid manner. The election commission conducts the local elections with the permission of the government. Since the elections are conducted by the election commission, it is more aware when the terms of any particular organization ends. It does not require informing us. However as the Local Government Ministry we notify the election commission about expiring date of the term of a specific institution. But it is not as such that they are not conscious of the subject. Since they handle all election related activities they have specific records of all expire dates of terms of all institutions. But a problem has occurred regarding the Upazila election. In 1998 Upazila Ordinance, it is mentioned that the election commission would declare the date of election. But later on the ruling government brought a change in the ordinance in 2001 and the power to declare the date of election was delegated from election commission to the Ministry. We, the advisory council, at present took the decision to hand over the power to the election commission and it is still in the process of declaring through an ordinance.

Prothom-Alo: The political governments have shown none or little interested to conduct Upazila elections. What is your plan?

Anwarul Iqbal: It does not depend on our willingness or unwillingness. The important fact is that the various strata of local government institutions, at the rural level: the Union Parishad, Upazila Parishad and the urban level: the Municipality and the City Corporation, have a close interrelations among them. It is the duty of the respective institution to oversee the welfare of the particular area. But in case of Upazila of our local government system there remains an empty space regarding its chairman. For years it does not have an elected government. Even the High Court ordered the government to conduct the Upazila elections but none of the governments took initiative to do so. Thereby we felt that since the Parishad exists with all other members except the elected chairman, if the Parishad gets an elected chairman, this level of the local government would be strengthened. I don't know when the election would take place. It will be determined by the election commission.

Prothom-Alo: There are two strong and different ideology and thoughts are prevalent at present regarding local government. According to some, the Upazila election should take place before the national election. Our long experience reveals that no political governments so far have shown any kind of interest to conduct the Upazila elections. Moreover the political governments try to manipulate the elections. On the other hand, it is said that the national election should be the only focus point for the present government. Thereby the local elections may hamper the objective of the national election. What is your government's standing in this regard?

Anwarul Iqbal: I will not try to clarify the standing of my government ,for, the election commission has already declared their roadmap. We expect them to follow

their roadmap. We inform the election commission about the expiring date of terms of different local government institutions due to long standing practice. For example the term of city corporations have expired and the tenure of the 102 municipalities would be over by 30 June. At the same time the number of Union Parishads is numerous. The election of Upazila did not take place yet. We inform the election commission about the pending elections expecting that they would take necessary steps to arrange the elections as early as possible. According to their roadmap we have seen that the election commission has the elections of city corporations and municipalities in their agenda. Therefore the elections of seven municipalities and four city corporations are to take place soon in near future. And I have learnt from news reports that they are planning to have Upazila elections in October.

Prothom-Alo: The Local Government Ministry has taken some initiatives to preserve the memory of the ‘Birshresto’ and the language martyr. Are there any more plans to undertake such programs?

Anawarul Iqbal: You are aware that we celebrate all the national occasions grandly. But the reality is that other than building the Shahid Minar (Monument for the Language Martyrs), nothing is done to uphold the values of the language martyrs. The new generation does not even know who the language martyrs are. We have almost forgotten the history of the liberation war let alone remembering the history of 1952. Thereby we thought if we are able to do something at the places/villages the martyrs were born, the next generation will be able to understand our glorious history and the sacrifices made by the martyrs. We have established ten libraries and memorial museums—seven in

the villages of seven Birshresthos and the other three in the villages of three language martyrs. We have even changed the names of the villages in memory of the martyrs. With the assistance from the Local Government Engineering Division we have improved conditions of the roads of those villages. However, we were not able to do anything of this kind in two of the five language martyrs. Martyr Barkat and Martyr Safiur were from West Bengal. Barkat was a student of Dhaka University but none of the halls were named after him. When inquired the University authority informed us that they have a small museum covering the history of liberation war and language movement and that could be named after Barkat. We gladly agreed. Similarly Safiur was an employee of Dhaka High Court and when the Supreme Court was asked, they have shown interest to provide some space to do something for Safiur.

You have asked whether we are planning to do anything more. The national poet laid to rest in the premise of the University of Dhaka. Many plans are made regarding preserving the memory of the poet but nothing in reality is done. We have taken this issue into consideration and with the authority of the University we met at the Institute of Fine Arts. We have formed a committee of 14 members. They are given two weeks to submit final proposals. We have taken some initiatives to preserve his memory at his village Trishal as well as at Comilla. We are also working to preserve the various graveyard/ cemetery of the freedom fighters and martyrs around the country.

Prothom-Alo: Thank you for you time.

Anawarul Iqbal: Thank you too.

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LOCAL GOVERNMENT REFORMS: DEMAND OF THE TIME

REHANA BEGUM RANU

Local government has a long history in the subcontinent. The geographical boundary has changed twice by now, but local government has remained effective through numerous changes.

It got a legal shape at the hands of the British, who introduced the municipal administration system for the first time in 1793. But, prior to that, an identical system of local village society did exist in India, where Gram Panchayat (village arbitration committee) had a significant role.

In the gradual development of the system, the Bengal Act 1842 and Municipal Act 1850 were introduced. The local government system got a stronger foundation when 118 Municipal Boards were formed in Bengal in 1947 after inclusion of provisions relating to a newer system of social arbitrations, conservancy activities and appointment of choudkars (guards) for maintaining security in villages and towns. In 1972, the local government system got a newer magnitude in independent Bangladesh.

Local government has always played a significant role in the social system of Bangladesh. Spreading into the remote rural areas, local governments act as a bridge between the people and the government through implementation of different government development projects and public welfare programmes. So, the need for bringing in reforms in the local government system must be analysed.

Though the government has been talking about reforms in the local government since long, it's not clear how they will be brought about. A commission has been recently formed to propose ways for reforms in local government, but none of those involved in the commission have any experience in local government. There is doubt that a commission comprising members who are neither elected public representatives nor experienced in working with people will be able to realise the actual problems of the local government, and make reform proposals for establishing a strong

democratic local government.

Framing laws can hardly ensure welfare and rights, for which reading the thoughts and feelings of the people is an imperative. Most people consider public representatives as local guardians who work with them, and with whom they can share all sorts of personal, social, religious and political thoughts and beliefs.

With the increase in power and volume of activities of the government, the responsibility and duty of the local government has also been increased by several times. Everybody realises the importance of local government, but corrupt practices, inefficiency, and lack of accountability raise questions about its role.

Structural defects can be attributed for this, and corruption and inefficiency of the bureaucrats could be blamed equally. Regarding the second reason, it can be said that some public representatives are abettors of the bureaucrats embezzling government funds and earning bad name.

Regarding the structural or constitutional defects in local government, it can be said that the country is being governed through a constitutional, democratic system, while local government is being run through a presidential system. In local government all the powers centre around one person. This unchallenged power of an individual is giving rise to corruption and autocracy in local government bodies, where a chairman of a union parishad (UP) or municipality, or the mayor of a city corporation, enjoys all the power. Members of a UP and the ward commissioners of municipalities or city corporations hardly have any role in the implementation of any development project or programme in the locality.

As a result, a section of dishonest bureaucrats in collaboration with some of the UP chairmen, municipality chairmen and city corporation mayors indulge in corruption and irregularities. Under the circumstances, some recommendations could be made for bringing

in reforms for the sake of public welfare and good governance, transparency, accountability and dynamism in the activities of local government.

The recommendations are as follow:

* The local government has to be made a constitutional system, where a UP chairman, municipality chairman or city corporation mayor would be elected through votes by the concerned UP members or ward commissioners. A UP or municipality chairman or a city mayor would be accountable to the concerned members and ward commissioners who would preserve the right to impeach the chairman or the mayor with two-third votes.

* The local government is elected non-politically. It should be developed through political nomination. Election for the local government with participation of politically nominated candidates would help the local committees of political organisations become stronger and more democratic. The much talked about practice of democracy from the grass-root level could be developed through holding local government election through political nomination.

* Women comprise half of the country's population. By keeping this huge workforce unused, unskilled and powerless, both socially and politically, neither durable development nor building up of a democratic society is possible. For building up a rights-based society, democracy and development, political empowerment of women has got recognition as a new challenge across the globe. Overall empowerment of women has emerged as indispensable in the greater interest of development. The goal could be achieved through ensuring participation of women in the power structure of local government.

In the existing local government system, a woman is elected directly through votes in reserved seats. A little reform could bring about balance of power and take the country's democracy far ahead. Instead of keeping seats reserved for women, in the reformed system one member and one female member would be elected through direct votes in each ward under a UP. These elected male and female members would have the responsibility of electing the

UP chairman in their respective unions. In the same way, the elected male and female commissioners would be responsible for electing the municipality chairman and city mayor in the municipal areas and city corporations.

In the elections, each political party would nominate one male and one female candidate for each ward or union and, thus, ensure women's participation in both the political and social activities.

* The responsibility and duty of all the elected public representatives should be determined, fixing higher salaries for them. Every individual of any profession in the society would demand wage or salary, but, despite working throughout the day and night, a public representative doesn't have a salary -- this mindset or outlook needs to be shaken off.

We are criticising the public representatives of the local government since long, and talking about their "inefficiency," "inability," and "corruption" when the limitations of these public representatives have always been overlooked.

The public representatives have a lot of social responsibilities, going beyond the area of their duty and responsibility they are assigned for. They conduct social arbitrations, giving solution to various types of family feuds and disputes over land to save the society from crimes and violence, free of cost. Questions could be raised regarding the necessity of such work, but if they did not do this thousands of files would have been lying stockpiled in the courts.

Alongside the development works there are some programmes, like immunisation and birth registration, which could not be implemented without the help of public representatives.

Being mostly poor and illiterate, the people hardly go to bureaucrats with their problems because they are afraid to approach them. As such, they approach the local public representatives, whom they consider as local guardians well aware of their needs and feelings. But, no step was ever made to train up or develop the public representatives to be efficient.

To materialise the dream of building a democratic Bangladesh free from poverty, building a strong local government is a must. As such, bringing about reforms in the local government is now the demand of the time.

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