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Union Parishad experiment

Union Parishad, the lowest formal tier of local government system came into formal shape in the sub continent during the last part of British days (1858-1947). The existence of one kind of informal rural body however, was seen even in the era of Vedic (1500-1000 B.C), which looked after the safety, security and other social affairs including games sports etc. at rural areas. ¹ Even a continuation of such rural informal arrangement was effective in the era of Mouryia, Gupta, Sen, Paul and Mughal dynasty just ahead of the British rule. ²

However, the thinking of formal institutions at local areas in this sub continent at first came in the last century clearly after the British government took over power in its own hands from East India Company in 1858. Later Lord Mayo proposed his financial decentralization policy that reflected the image of 'local institution' for carrying out development activities at rural areas-----³

The "first formal attempt to introduce local government came in 1870 with the enactment of the Bengal village *Chowkidary* Act, under which *Chowkidary Panchayet* was set up at rural (union) level. Earlier Municipality Act was enacted in 1856 that was set up at urban areas. At the higher level, by the Act of 1871, District committees, forerunners of the District Council, were set up under the prudence of the district magistrate. It is true that these bodies, at union, district and urban centers have been precursors of the local bodies as they exist in Bangladesh today. ⁴

Later, over the decades, a number of important developments took place in the field of local government. A good number of Acts and Ordinances have been introduced since the beginning of British period to date. In this study, the discussion would revolve mainly around the union parishad. Because, the objective of the study is to find out the women leadership and its role in rural development is based on union parishad.

Union Parishad Experiment in Bangladesh

Having a long traditional history and organizational working, the system is lower unit of present local government system at rural level in Bangladesh and acting as an incidental organ of central government to implement its policy at rural areas. It has come from the principle of decentralization to meet the issue of development effort and responsibility at local level. It works on the need of local people. There are no other systems to be compared with it. It is a unique formal body considered to help the country's central administration at local level. This system is also recognised by the constitution.

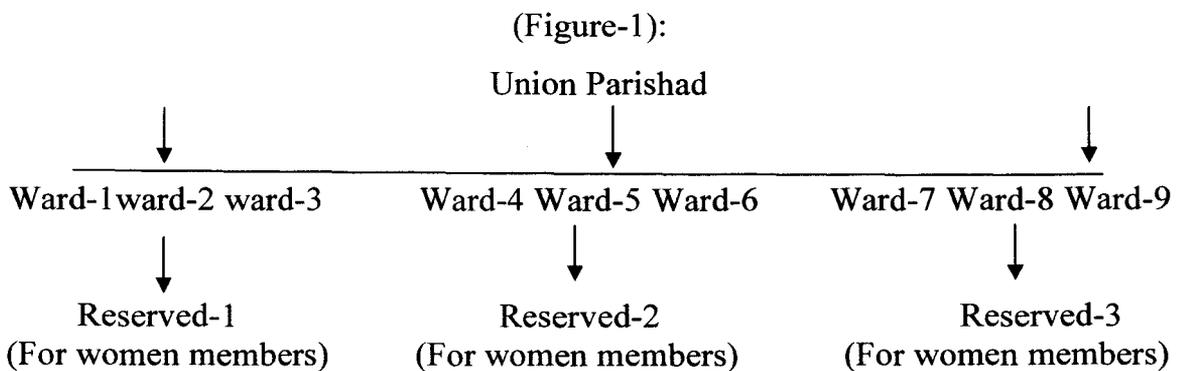
The "union parishad is an exceptional institution in the country, which has withstood the vicissitudes of time. If we take 1870 as the starting point, then it has already survived near about one and a half hundred years and despite all its shortcomings, it is indeed an institution well known and understood by rural people.⁵ Meanwhile, the system has crossed different successive stages of change, evolution and modification.⁶ But this change includes only expanding, curtailing or amending the system structurally or functionally, no change took place in its traditional democratic character on people's representation.⁷

The theme of union parishad came to light at first when the British government thought about rural development through local level institutions just after taking power from East India Company in 1858.⁸ In 1861, the then Minister of Finance in an opinion expressed that some power should be transferred to local institutions to carry out local development activities.⁹ Later Lord Mayo in December 14, 1869 produced his economic decentralization proposal in which, intention of setting up self-government for local areas was clearly reflected.¹⁰ In January, 22, 1870, the Village Chowkidari Act' was passed on the basis of Mayo's proposal.¹¹ This Act' budded up the frame for a formal institution at local level that is considered as the present union parishad after walking long way.¹²

Present structure

To make understand, we will discuss the long route of structural development of union parishad phase wise.

At least thirty acts and around twenty more ordinances and amendments have been enacted centering this system from the beginning. The acts have certainly brought major type of structural changes, while the amendments and ordinances minor but they carried significant changes and sometimes made major impact on the structure. Now we will follow the present structure of union parishad



According to structure (*figure-1*), each union is divided into nine wards. Nine members and one chairman are elected from each union. Three women member are elected from all nine wards, which are divided into three special wards, called reserved wards.

Development of Union Parishad

Now we try to present a phase wise development of union parishad starting from passing of village Chowkidari Act in 1870.

The act was passed in 1870. It was known as Village Chowkidari Act-1870. *Chowkidari Panchayat* system was introduced through the Act. The *Panchayat* was formed with 3 to 7 members. Duration of the *Panchayat* was three years since its formation. The *Panchayat* comprised about of ten or twelve square miles. Each *Panchayat* was formed with 3 to 7 members. There was no direct election

provision in electing the members. District Magistrate (DM) appointed the *Panchayat* members. The members elected one Chairman from among them. DM also appointed Chowkidars.¹³

The *Panchayat* was amended in 1885 through the Act of Bengal Local Self-government Act-111. The *Panchayat* was renamed into Union Committee. It was formed with 5 to 9 members. Duration of the Union Committee was three years. Resident villagers of the union elected members for the *Panchayat*. All people did not have voting right. The people, who were only owners of houses or properties familiar and attained age of 21, had voting power. They were also required to pay cess of eight *Annas* or union rate of six *Annas* or possess certain qualification. Moreover, most of the members got nomination. This amendment removes the provision of Chairman.¹⁴

The Act of Bengal Local Self-government Act-111 was amended in 1908. According to amendment, the Union Committee was formed with 5 to 9 members and its duration of the Union Committee was three years. People residing in the union elected some of the members. But district magistrate mainly nominated most of the members. The members elected one Chairman from among them. But it required the approval of the district magistrate.¹⁵

A broad change was introduced to the Bengal Local Self-government Act-111 through an amendment in 1919; name *Village Self-government Act-1919*. The Union Committee was renamed into Union Board. It was established as the lowest unit of village self-government. Duration of the Union Board was 2 years. The number of the members at the body was 5-9. The board was composed of 10 villages that comprised 10 to 15 square miles. The average population was 10,000. The district magistrate nominated 1/3 of the members.

The people elected 2/3.¹⁶ (*) The election was held by open declaration

* But universal adult franchise was not effected here. People who were able to pay tax Tk. 1 and are 21 years of age were eligible to vote. Women had no voting right. (The Act of 1919, sec, 7 (c))

before the presiding officer and in the presence of candidates or their authorized agents. The membership was distributed on the basis of religious calculation.¹⁷

The *Village Self-government Act* was amendment in 1935. The number of member at Union Board was 6-9 as previous and its duration was extended into 4 years from three years of its previous provision. Duration of the parishad was expanded into four years from three years. Tax rates for the voters declined into 50 *paisa* from one taka and increase the voter attendance. “The provision for one vice-chairman was introduced in the amendment while other provisions remained unchanged.”¹⁸

After partition of India, *The Village Self-government Act* was amendment in 1957 through promulgation of East Pakistan Ordinance No-8. The number of member at Union Board was 10 including 1 chairman, 1 vice-chairman and 9 members. Duration of the board was 4 years. A group of villages comprising about 10,000 people formed a board. The voters elected one Chairman, one Vice-Chairman and other nine members. Universal secret franchise was introduced at first by this amendment. The union was divided into three wards. Three members were elected from each ward. The voting right for the women was introduced at first by this amendment.¹⁹

A massive change was introduced at local government through promulgation of President Order no-18 in 1959. The Union Board was renamed into Union Council. The number of member at the council was 10-15. The body’s duration was 3 years. The people elected 2/3 members for the council. The government nominated 1/3. The total number of the members depended on the population of the council concerned generally it consisted of 10 members. The elected persons were identified as electorates. The president of the country was elected by them. They also elected provincial and national legislators. They were called ‘Basic

Democrats'. The members of the council elected one of them as its Chairman and another as Vice-Chairman at a meeting.²⁰

The President Order No-18 was amended in 1962. The Union Council renamed into Union Parishad. The number of member of Union Parishad was 10-15 and its duration was 5 years. The system of nomination was abolished and the council was made fully an elected body. The election was held on the basis of universal adult franchise. The council elected one Chairman and Vice-Chairman from among them.²¹

Another amendment was introduced at the local body in 1965. It was a short amendment. The number of member was 10-15 and its duration was as previous. It was a short amendment. The power of removing members of the council was handed over to Deputy Commissioner and Divisional Commissioner instead of Zilla Board. The provision of Vice-Chairman was abolished.

After independence of Bangladesh in 1971, the local government was brought under change. A President Order named Bangladesh Local Council and Municipal Committee (Dissolution and Amendment) order-1972 was promulgated in January 1, 1972. The Union Parishad renamed into Union *Panchayat*. The number of member of *Panchayat* was 10-13. It was an interim system just ordered to work until the new constitution is formed. *Panchayat* was formed with at least two representatives from each ward in consultation with concerned Member of Parliament (lawmakers) or local political leaders. Sub Divisional officer appointed the *Panchayat* members.²²

The union *Panchayat* was amended after the constitution was made in December 1972. As per the constitutional Order-1973 (Bangladesh Local Government (Union Parishad and Pouroshava), the Union *Panchayat* was renamed into Union Parishad. The number of member at union parishad was 11 including 1 chairman, 1 vice-chairman and 9 members. The duration of the body was 5 years. The union was divided into three wards. People by direct voting elected members

for each ward. The voters of the entire union directly elected the Chairman and a Vice-Chairman.²³

Later military took over the power in 1975 and a new Ordinance was promulgated in 1976; named *Local Government Ordinance 1976 (ordinance No-XC of 1976)*. As per the ordinance, the union parishad was formed with 14 members including 1 Chairman, 9 members, and 2 women nominated members and 2 farmer's representatives. The duration of the body was 5 years. Each union was divided into three wards. Each ward elected three members. A union parishad consist of one Chairman who was directly elected by voters of the entire union, nine members were directly elected by voters of the ward concerned and two women members (*it was first initiative in the history of local government*) were nominated by the Sub-divisional officer.²⁴ It also made provision for nomination of two farmers by the sub-divisional officer. The post of Vice-Chairman was abolished.²⁵

The Local Government Ordinance of 1976 was amended in 1983. Another new military government took over the power in 1982 and the government promulgated Local Government (Union Parishad) Ordinance-1983. The number of member at the union parishad was 13 including 1 Chairman, 9 elected members and 3 nominated women members. The duration of the body was 3 years. The provision for election of the Chairman and members in the parishad was same as before. The numbers of the women members increased into three from two. 'Upazila Parishad' nominated them. (*)

After this amendment upazila parishad was made the controlling authority of union parishad instead of sub-divisional officer. Another little amendment was brought in 1984. It was a second amendment of the act of 1983. This has brought no major change in the structure of the parishad. Only the duration of the parishad was extended into five years from 3 years.²⁶

* Thana parishad was renamed into 'Upazila Parishad' with extra changes.

Later more amendments, acts and ordinances had been enacted at different times including 1987, 1988, 1990, 1992, 1993, 1997, 1998, 2001, 2003, 2004, 2008 and 2009. All of them did not carry equal significance. Some of them included little amendment, while several others carried no fundamental structural changes.

In 1993, a significant proposal was made about union parishad through its eighteenth amendment. This amendment proposed to increase the remaining wards and direct election for women members. According to the amendment “the remaining three wards would be divided into nine wards from where nine general members would be elected. Three reserved wards would be constituted comprising nine wards for three women members. All three women would also be elected through direct vote of the people of ward concerned. One woman would be elected from each reserved seat. The then government brought a bill in the parliament, but it could not be passed as the then opposition party opposed. Later the then cabinet passed it through limited amendment giving some power to the parishad including holding tax at the areas concerned”.²⁷

In 1997, another significant change was brought under nineteenth amendment. This change made the structure more meaningful with adding the women members in the body through direct election. According to new law, all the three women members would be elected by direct vote of the people of concerned reserved ward. Three general wards would constitute each reserved seat. The union would sit with one Chairman, nine members and three women members.²⁸ It was the first step in the history of union parishad to make the institution more democratic. It also brought some changes in the activities and its personnel management. Several additional duties were also added to its 24 types of traditional activities.²⁹ This amendment made provision for one secretary, one assistant secretary, one tax collector cum-typist, one orderly, nine *Mahalladar* and three *Dafadar* for the body.³⁰

Critical Analysis of the development of the system under various regimes

British regime

After revolt of 1857 the economic and law and order situation started deteriorating at an alarming rate in India. The British Crown took power from the East India Company. Soon the British realised the importance and necessity of local institutions in the administration of the country. Accordingly the government passed the Bengal Chowkidari Act of 1870. Under the act *Chowkidari Panchayat* system was set up at local level.

In the *Panchayat* people elected no member. District Magistrate nominated the members in favour of Divisional Commissioner. The authority could have forced any citizen to be member. Authority also forced to pay fine if any one denied to be a member. ³¹ Divisional Commissioner had the power to remove any of the members if he was willing to do so. ³²

This act undoubtedly had established the base of local 'self' government in the sub-continent. But the style of forming the structure of *Panchayet* could not carry out the real fashion of self-government. It could even avail no little norm of democracy. It was only a helping spare of the central government at local level instead of self-performing organisation. ³³ After sometime the *Panchayet* was subject to change due to its multifarious disability to meet the desire of the local people and perform various duties. ³⁴

The then Governor General Lord Ripon expressed his great willingness to establish self-government at local level. His aim was to accumulate local people with the government process and creation of local level 'leadership from among the people.' Ripon made his proposal on aiming to increase the people's attendance at the local body. This proposal was supported by the then British Prime Minister Glad Stone. Then, Ripon declared his proposal on May 18, 1882. ³⁵

To give to the famous resolution of Lord Ripon, Bengal Council passed the Local self-government Act of 1885. It was an important landmark in the history of local government in rural Bengal.

Ripon's resolution was a historical mark on the way of much expected growth of self-government in the sub-continent. Though it had several sharp limitations, then this resolution greatly helped in developing local self- government. Basically, Ripon was the founder of the rural self-government in this sub-continent.³⁶ Ripon was the first man of British regime who thought about people's representative in public affairs, particularly at rural areas. He was willing to transfer power to people's representatives (local formal leaders) who were elected by local people. This thinking later broadly helped in the development of leadership at local level.

The fundamental theme of Ripon's resolution included:

- a) Local bodies were to elect non-government members and chairman; (*)
- a) The state control over the local government bodies was to be indirect rather than direct;
- c) Local bodies were to be endowed with certain local sources of revenue and grants from provincial governments in order to carry out these functions;
- d) Local bodies personnel and deputed personnel were to operate under the administrative control of the local bodies;
- e) Provincial government was to pass necessary acts according to local conditions prevailing in their respective provinces.³⁷

It is clear that Ripon's resolution significantly developed the prospect of one kind of leadership at local level, which was empowered to handle local affairs. Even central or provincial government was not empowered to control this local authority. However, according to different data available here mentioned that the process of local government including union parishad formed under the act of 1885.

(*) But when the act was passed the provision of the chairman curtailed from the resolution. Later in 1908 the post of Chairman included through an amendment.

However, according to different data available here mentioned that the process of local government including union parishad formed under the act of 1885 was basically experimental. The then District Magistrate of Hawara E.K Westman was given the charge to form 'union committee' at union level. He formed about 180 such committees in Bardhaman, Presidency Division in India and Munshiganj in Dhaka area. ³⁸

The aim of such experiment was to observe eagerness of people on the issue and justify the stage of their consciousness in choosing the right person to elect their leaders. The cause behind this experiment was that the people in the sub-continent had no prior knowledge or experience on the issue. ³⁹ At least 385 union committees were formed in the sub-continent till 1919. ⁴⁰

Meanwhile, initiatives also had been taken to make the committees more functional forming several Commission and in ordering to recommend on the issue. Of them Hobhouse Commission in 1907-09 and Levinge Commission in 1913-14 are mentionable. These commissions produced several proposals. Later on the basis of the proposals Sir Surindranath Prashana Shinha brought a bill before the West Bengal Legislative Council in April 24, 1918. This bill was targeted to extend more autonomy of the union parishad. This bill planned to build up more local body with fruitful autonomy. ⁴¹ In the process the Bill became Act V of 1919, Bengal Code. The Act of 1919 initiated second major attempt to create a network of self-government bodies in rural Bengal. Existing Chowkidari Panchayat and Union Committees were abolished by the Act and replaced by a new body called the Union Board.

But real picture was far from the attempts. The 'union Boards' were not autonomous at all. The processes of electing leadership for the bodies were not democratic. The people had no actual right to elect leaders. The District Magistrate selected 1/3 of the 'leaders' (members) out of 6-9. The people elected the 2/3. ⁴²

Moreover, universal adult franchise was not introduced. As a result many persons including women could not be voters. A person (only male) who was 21 years with ability of carrying at least 1 Taka tax was given the voting right. He was also eligible to contest the election. Members elected one president and a vice-president from among them selected.⁴³ The people could not elect representatives' at the local body as per their choice. There was no secret ballot. The election was open. The voters had to cast their vote in the presence of presiding officer. "The presence of influential candidates particularly that of Zamindar did not allow tenant voters to exercise the right to vote freely".

Thus a prospect of emerging leadership from local level was smashed due to fault of the system. Those influential persons who occupied the posts of the body were not interested in development activities or making them as future leaders. They were basically willing to keep alive their social dominance inherited from the Zamindari system.

However, despite some severe lacking, people's participation in the system was increasing and they were being interested day by day. The cause behind it was that the local government was given to deal with some transferred affairs at local level.⁴⁴ A total of 4701 union boards were formed within 1931-32 and Sir Surendranath Banarjee was made central minister for local government. A record shows that the number of the union parishad was increasing gradually:

Year	union board	year	union board
1927-28	3005	1930-31	4522
1928-29	4089	1931-32	4701
1929-30	4308	-----	-----

However, no more acts were enacted in the British regime. Several amendments came into effect till 1935, but those did not make any broad change in the structure of the body.⁴⁵ A committee had been formed to supervise the activities of the body in 1944. This committee recommended some changes but

those were not effected as the British regime ended and the sub-continent was divided into two separate independent states-----India and Pakistan in 1947.

In fact, initiatives under the British rule regarding the local-self government were experimental. The British government had turned its mode after the revolution of 1857 and took over power from East India Company and increased attention on bringing Indian citizen into the administration. ⁴⁶ In a letter, the Governor General of India was ordered to make relation with the people for increasing their participation in rural development activities and local administration. ⁴⁷ Though the participation was very limited but it was a good sign of development of local government in the sub continent.

Pakistan Regime

The government of Pakistan retained the local government system introduced by the British for some time. After the partition of India in 1947, the new state of Pakistan faced economic, political and administrative problems of immense magnitude. So, the immediate concerned of the government was to take steps for solving the problems. In this regard, several steps were taken including Village Agricultural and Industrial Development Programme (V-Aid) in 1952. The government expected to improve the socio-economic conditions of rural areas and to strengthen the foundation of rural administration.

In this regime, to make the local government more effective the government formed a committee on 1953 headed by S.D.Khan. It was the first step. The major task of the committee was to suggest the government on more effective organization of local self-government institutions especially the union parishad introduced by British government. ⁴⁸ The committee submitted a report in 1956. An Act was passed on the basis of report in 1957. This Act (Act No-21) broadly amended the act of 1919 on local self-government.

This act added several significant aspects of development of self-government including people's direct participation in electing leaders for the local

body and participation of woman in voting. "This might have initiated a formal starting of development of leadership. But this could not be continued. Before any election could take place anywhere on the land, the administration of the country was take over by the first Martial Law regime in late 1958. The military Junta introduced a new variety of local government known as Basic Democracy by promulgating Basic Democracy Ordinance (BDO) in 1959. This system established a four-tier local self-government structure. The prevailing union board was renamed as union council. ⁴⁹

This new arrangement had repeated nomination system for the local bodies. Two third, out of 10-15 members were elected and 1/3 were nominated by sub-divisional officer.⁵⁰ In 1962, the system of nomination was abolished and the union council became a fully elected body. ⁵¹

This was a serious intervention for local government and smooth development of leadership at local level. This indirect process of electing chairman undoubtedly was an obstacle in the way of developing leadership at local level. On the other hand, "formation process of the council was indirect in nature. The members firstly were not the members of the council. They became members of the council after compliance with electoral and political activities as electorate. This tendency dragged the members towards political activities. They were interested much in political activities. The members spent most of time with higher level politics rather than to lead development work at local level. Even they ignored the opinion of general people. ⁵² Besides, chairman would not pay heed to local problems, as he was not elected by local people and responsible to them. ⁵³ The power of suspending the elected members of the local bodies was handed over to Divisional Commissioner through Deputy Commissioner (DC). These persons in collaboration with each other could cancel the whole local body. ⁵⁴ Thus the system of local government was broadly weakened by political and bureaucratic control.

This situation could not be in favour of developing of democratic institution at all. It only tried to make a 'support group' for central government at local level. The regime wanted to use the local institution as a political instrument.⁵⁵ This did not help to extend the idea of leadership at local level

Bangladesh Regime

The then government immediately after the independence in 1971 could not forms any new system at local level. The government however, attempted to meet the prevailing situation as an interim way and decided to run the union council, working at rural level. It was renamed *Panchayet*. This system was allowed to work till the local self-government was formed under a new constitution.⁵⁶ This body was formed with nominated people. It was basically an interim measure adopted for the local government. There was no election system. The then local lawmakers who apparently belonged to the ruling party selected the people eligible as member for the body. These persons sent the names to the then sub-divisional officer (SDO) to appoint them. The SDO also appointed a chairman on the consultation with the members.⁵⁷

Later the constitution was made in 1972. The new constitution strongly considered the decentralization of power of local government and its management. The constitution framed and introduced local self-government with elected representatives at local level.⁵⁸ All members including one Chairman and vice-chairman were elected by direct vote of the people. The constitution indeed began its journey with a strong system of local government through Articles 9, 11, 59. It provided for Local Government institutions composed of representatives of the areas concerned (Article-9) including disadvantaged groups such as peasants, workers and women-in order to exercise that power more directly.

These institutions according to Article 11 would facilitate "effective participation by the people" and ensure democratic governance at grass root levels. With such a system of grassroots democracy, people would be able to at least

influence, if not directly participate in decisions that affect them. Article 59 of the constitution especially mandates that local government in every administrative unit of the Republic shall be entrusted with bodies, composed of persons elected in accordance with law.

However, this process could not be sustained as the then government launched an autocratic regime in 1975. This new regime introduced country wide (including local level) cooperative system as a base of economic unit abolishing all prevailing administrative units like union parishad.⁵⁹ There remained no existence of power of decentralization at any tier after the introduction of the autocratic rule.

All decentralized tiers were handed over to the President. Later the political scenario of Bangladesh was changed and the system of government also assumed new look. But no significant steps were made on local government till 1976 as one kind of disorder prevailed over central power issue.

Then appeared the military rule. This regime attempted to reform the local government system and promulgated the Local Government Ordinance-1976 (LGO-1976). Under the LGO-1976, a union was divided into three wards. Each union consisted of an elected chairman, nine elected members and two women members nominated by the Sub-Divisional officer. This ordinance introduced women leadership at the union level for the first time. This was a good sign to encourage woman as leader at the local level. But the woman leader was not elected and had no basic duty.

Meanwhile, another military regime took over the state power. This government passed the Local Government (Union Parishad) Ordinance-1983 for the union parishad with a little change. The new ordinance increased the number of female members from two to three. It brought another change in the process of removal of the chairman. According to amendment, chairman would be removed if at least 7 (seven) members withdraw their support for him instead of 2/3 of its previous provision.⁶⁰

In 1983, massive programme of devolution of powers and decentralization of administration had been initiated in the country. The primary aim of this programme was to bolster rural local bodies, to create one effective local government to take the administration nearer to the people and to facilitate their effective participation in administration and development.⁶¹

With a view to reducing the hierarchical steps of administration, the sub-divisional tier had been abolished and another new institution at Thana level named 'Upazila Parishad' had been introduced. This body was formed with an elected chairman. This unit became the focal point of administration and development at the local level. The chairmen of union parishad were made the representative members of the upazila parishad. This parishad was designed as a supreme body having power to approve budget, development plan and other activities for the upazila. Under this system, the union chairman had got elevated role at different local level affair. They also got the opportunity to deal with higher level including national level leaders on various local issues. They were not only the voting members in the parishad, but also a vote of no confidence against the chairman of the upazila parishad could only be mooted and passed by them.⁶²

After the enactment of the Local Government (Thana Parishad and Thana administration Reorganization) Ordinance, Union Parishad went under supervision of upazila Parishad. This also introduced a democratic process at local level. It freed the local leaders from bureaucratic control. A mutual cooperation was developed between upazila chairmen and union chairmen on various local issues. It may be termed as interaction 'between lower leader and higher leader', which encouraged lower leader much. But after the dissolution of Upazila Parishad in 1992, the government officials clearly got the upper hand over the local level elected functionaries.⁶³

However, after cancellation of the upazila parishad, the then government attempted to strengthen the union parishad and tried to enact new law for the union Parishad in, 1993. Though the act of 1993 was not effected but some significant

steps were taken to make the local government meaningful especially the union parishad. The proposed structure of union parishad was in favour of building up leadership at local level.

Later, significant changes were made on union parishad through the Local Government Ordinance passed in parliament in 1997. Some radical changes were introduced through this amendment. The then government formed a Commission aimed to reform the local self-government. On the basis of the Commission's report, the government passed the bill.⁶⁴ This Act elaborated the structure and function of union parishad. "It brought government employees and schoolteachers of the areas concerned as well as health and family planning assistant, headmaster of high school, leader of *Ansar* and VDP and other employees under the union as member of the parishad. Moreover, president of cooperative society, one freedom fighter, one NGO worker, one representative of under developed class and local honorable persons were adopted as members nominated by the chairman and elected members of the body. It provided one deputy secretary, one tax collector, one accountant, and one MLSS for the body.⁶⁵ But however, many of the provisions, the act provided are yet to be effective.

Latest development

The government has further made the provisions of local Member of Parliament as advisors to the upazila parishad /Thana Development Coordination Committee, which is the authority of sanction for the union parishad through Local Government Amendment Bill in 2009. It meets once in a month. It approves of the annual upazila plan and supervises and monitors the projects included in it.⁶⁶

On October, 6, 2009 parliament passed Local Government (union parishad) Bill with some new provisions including one for constitution of assembly at ward level to ensure people's participation in the activities of union parishad. Another provision of the bill empowered the union parishads to increase its revenue

through giving registration to tutorial schools, coaching centers and private hospitals, clinic and paramedical centers under its jurisdiction.

A total of six amendments were proposed in bill but five of them were accepted in the House.

With passage of the bill, country's about 45000 union parishads, the lowest tier of the local government system, got a law to perform by as they were run for last six months without laws. The past caretaker government repealed the then union parishad ordinance and promulgated a new one. But the ordinance ceased to have effect since February 25, as it was not ratified in parliament within the specified time. On expiry of the ordinance, the AL-led government placed the bill in parliament on September 14 seeking to enact a law on formation, functions and elections of the union parishads.

Provisions of the bill said none of those organisations would be allowed to run activities unless they get registration from union parishad by giving a certain amount of fees. Each of them will have to renew their registration by paying an amount of fees after every five years, said the provisions of the bill.

The bill says the union parishads would have arrangement to ensure people's access to any information preserved at the parishad or on its activities. Each of the union parishads will have to publish a citizen charter specifying the nature of its services and how people can get the services, it says.

As an administrative unit of the republic, the union parishads will perform functions relating to administration and the work of public officers, the maintenance of public order and the preparation and implementation of plans relating to public services and economic development.⁶⁷

According to bill, a Union Parishad would be able to constitute a joint committee with other UP or municipality for serving any common issue as per Clause 87 of the Bill. This committee would be able to delegate any power in formulating rules and functioning on common interest. Besides, the Bill has finalised 39 functions for the UP in its second schedule. These functions include

devising five years plan and plans for different tenure developing, preserving and protecting rural infrastructure, implementing education, primary and mass education, and health and family planning issues, taking initiatives on agriculture, fisheries and livestock and other economic activities.

Provisions of taking initiatives to control outbreak of diseases and disaster management, fix and collect taxes, toll and fees, resolve family disputes, take necessary measures on women and children issues, provide supports to sports, social development and culture, take measures in developing and protecting environment, ensure birth and death registration, maintain government places like open spaces, fields and play grounds are major features of the Bill. It also has given responsibilities to local government representatives in controlling switches of bulbs in roads and government places in the UP areas, plantation and protection of trees, checking burglary and damage to plants, maintenance of graveyards, smashans, public meeting places and other government assets, controlling unauthorised access to roads, streets and meeting places.⁶⁸

Ward Assembly

With passage of the bill, a new system of holding ward meeting in open space at the union parishads will be introduced. Each of the wards of a union parishad will have a ward assembly, which will be constituted by the voters of that ward, according to the provisions of the bill.

The ward assembly will meet at least twice a year to discuss and review the problems in the area and implementation of the government's various schemes. The assembly will also scrutinise authenticity of the beneficiaries from the government welfare programmes including old age allowance, subsidies, etc.

The assembly will also work to prevent child marriage, dowry and acid violence and try to resolve all other social problems. The ward assembly will take decision on majority's opinion.

Country's local government experts have long been demanding for introduction of the system to empower grassroots level people and to ensure their participation in the governance. Responding to the demand, the now defunct union parishad ordinance which was promulgated by the past caretaker government had the provision of ward assembly.

Aspirants to contest in union poll will not require submitting a set of their personal information including educational qualification in affidavit along with the applications seeking candidacy in the union parishad elections.

Defaulters of different utility services bills can contest in the union parishad polls as the provision imposing bar on them was dropped from the bill. According to an amendment to the bill, people willing to contest the union parishad election can reschedule their loans prior to submission of applications seeking candidacy.

The government appointed administrator to any union parishad couldn't stay for indefinite period in office until the election is held as an amendment to the bill specified the timeframe to this end.

“A government appointed administrator to a union parishad cannot stay in office more than 120 days. The timeframe might be extended for another 60 days in case of act of God,” the amended provision of the bill said. ⁶⁹

The functions and the process of functioning

The main function of union parishad is to utilize the funds that are available to implement its projects that lead to the greater development of its community. The funds come from various sources through the government.

The union parishad have been assigned 4 broader areas of compulsory nature and 37 specified (with a separate schedule) functions 54 more judicial and 21 village police functions.

To evaluate the entire system we should know the function of the body and how it discharges those. The defined activities of union parishad in the article No. 30, 31,

32 and 33 of Local Government (Union Parishad) Ordinance, 1983 are mentioned below- ⁷⁰

- a) Civic functions;
- b) Police and Defense functions;
- c) Revenue and administrative functions;
- d) Development functions.

The Civic functions of Union Parishad (Article 30)

Union parishad has been given the liability of two types of civic functions. These are a) Mandatory functions and b) Optional functions. Union parishad will also carry out additional activities if government instruct anytime. Besides, government can also devolve other responsibilities through any other prevailing law.

Mandatory Functions

Union Parishad have 10 Mandatory functions:

1. Maintenance of law & order and cooperate the administration in this regard;
2. Adoption of measures for preventing crime, disorder and smuggling;
3. Adoption of development schemes in the field of agriculture, tree plantation, fisheries & livestock, health, cottage industries, irrigation, communication etc.;
4. Promotion & expansion of family planning program;
5. Mobilize & development of local resources and ensure its proper utilization;
6. Protection and maintenance of public properties like: roads, bridges, culverts, embankments, canals, telephones, electricity etc.;
7. Review union level developmental activities of other agencies and provide necessary recommendations to the Upazilla Nirbahi Officer if required;
8. Motivating the common people to install and uses of sanitary latrine;
9. Registration of birth-death, blinds, beggars, and destitute;
10. Conduct all kind of census.

Optional Functions

Union Parishad has 38 optional functions

1. Provision and maintenance of highways and public streets;
2. Provision and maintenance of all public places, open spaces, gardens and play grounds;
3. Lighting of highways, public streets and public places;
4. Plantation & preservation of trees in general and plantation & preservation of trees on highways, public streets and public places in particular.
5. Management and Maintenance of burning & burial grounds, graveyards, common meeting places and other common properties;
6. Provision and maintenance of accommodation for tourists;
7. Prevention and regulation of encroachments on highways, public streets and public places;
8. Prevention and abatement of nuisances in highways, public streets and public places;
9. Sanitation, conservancy and the adoption of other measures of rivers, forest etc. for the cleanliness of union;
10. Regulation of collection, removal and disposal of manure and streets sweeping;
11. Regulation offensive and dangerous trade;
12. Regulation of the disposal of carcasses of dead animal;
13. Regulation of the slaughter of animal;
14. Regulation of the erection and re-erection of buildings in the union;
15. Regulation of dangerous buildings and structures.
16. Provision and maintenance of wells, water pumps, tanks, ponds and other initiatives for water supply;
17. Regulation or prohibition of the watering cattle, bathing or washing at or near wells, ponds or other sources of water reserved for drinking purpose;
18. Prohibition of the use of water wells, ponds and other sources of water supply suspected to be dangerous to public health;

19. Adoption of measures for preventing the contamination of the source of drinking water;
20. Regulation or prohibition of the stepping of hemp, jute or other plants in or near ponds or other sources of water supply;
21. Regulation or prohibition of dying or tanning of skins within residential areas;
22. Regulation or prohibition to collect stone or other material by the excavation of earth within residential areas;
23. Regulation or prohibition of the establishment of bricks Kilns, potteries and other Kilns within residential areas;
24. Voluntary registration of the sale of cattle and other animals;
25. Holding of fairs and exhibitions;
26. Celebration of public festivals;
27. Provision of relief measures in the event of any fire, flood, hail-storm, earthquake and other natural calamity;
28. Relief for the widows, orphans, poor and persons in distress;
29. Promotion of public games and sports;
30. Industrial and community development, inspired & promotion for development of cooperative movement and village industries;
31. Adoption of measures for excess food production;
32. Provision for environment management;
33. Provision for maintenance and regulation of cattle pounds;
34. Provision for primary & first-aid centers;
35. Provision of library and reading rooms;
36. Co-operation with other organizations those who are engaged in similar activities of Union Parishad.
37. Aid in the promotion of educational under the direction of the Deputy Commissioner.
38. Take any other measures to promote likely the welfare, health, safety, comfort or convenience of the inhabitants of the union or the visitors.

Police and Defense Functions of Union Parishads (Article 31)

* Government may establish a village police force including rules regulate their appointment, training and discipline and make the terms conditions of their services.

* District administration may order for arranging patrol in any village of the union through the participation of adult male inhabitants which will be maintained by Union Parishad.

Revenue & General Administrative Functions of Union Parishads (Article 32)

The responsibilities of UP chairmen are-

Assist the village revenue officials to perform their duties for revenue generation and general administration;

* To render such assistance for preparation of records and provide information to conduct survey and crops monitoring;

* To notify the police about any type of destructive occurrences and notorious character and also help the police department for investigation of any occurrences and to arrested notorious character;

* To report near to the concern authority if any incident of damage or dispossessed is occurred of government resources like as road, land, building or properties.

In a circular in 1 January, 2004, the government provides authority to the union parishad to asses land tax and realise 7% tax on newly constructed building at concerned union parishad. The circular also directed the union parishad to make list of the taxpayers of the concerned union. ⁷¹

Developmental responsibilities of Union Parishad (Article 33)

*. Each and every Union Parishad will be responsible for agriculture, industry and social development activities of their union and bear the duties assigned by the line authority;

*. Union Parishad should be performed their defined responsibilities for rural development.

Union Parishad performs some judicial activities for resolving local level conflict. Government has assigned the union parishad to perform the judiciary process with some specific issues through village court in an ordinance in 1976. The ordinance means, the union parishad as a rural authority of the government will mitigate some petty ---criminals and civil disputes related to law. A consideration was behind this that it relieves the poor and remote people from burden of justice from the court at district level. But it will not take step regarding of those dispute related to complex explain of law.

Roles and Responsibilities of Union Parishad Chairman

Chairman is the key person of all functions of Parishads. He/s will approve all decision and supervise all activities of the Parishad. The elected members of different wards will help the chairman for all works.

The major responsibilities and duties of the Chairman are-

- *. Administrative functions;
- *. Conduct meeting of Union Parishad;
- *. Appointment of village police;
- *. Formation of committee and sub-committees;
- *. Mass-communication;
- *. Maintenance of law & order and adoption of measures for preventing crime;
- *. Protection and maintenance of health, agriculture, disaster etc.;
- *. Revenue and budgetary functions;
- *. Development functions;
- *. Judicial functions.

The law also provide some other works for the chairman----providing character certificates, issuing ration card, selecting dealers, relief distribution, advising the patients to go health complex for treatment, prevention of the violence against women, controlling flood and epidemic, establishing cluster village, distributing khas land, identifying landless farmers etc.

Roles and Responsibilities of Union Parishad Members

Government has defined and dissimilated the main roles and responsibilities of the union parishad Members through a circular in 2002:

Members from general Seats

- *. To form the Ward law & Order Controlling Committee with the representation of local elite and different professionals from respective wards and play the role as chairman of the committee. The committee will inform the UP about crime, disorder, smuggling, offensive and dangerous business of respective wards.
- *. To arrange of fill up the form for registration of births, deaths, blinds, beggars, destitute, widows and orphans, poor disable by village police and preserve a copy her/himself and send another one to UP Chairman;
- *. To assist the concern authorities in conducting different census including population census;
- *. To form the Ward disaster Committee with the representation of local elite and different professionals including youths from respective wards and play the role as chairman of the committee;
- *. To assist in regulation and prohibition of the stepping of hemp, jute or other plants in or near ponds or other sources of water supply, prohibition of dying or tanning of skins within residential areas and excavation of earth stone or other material, establishment of brick kilns, potteries & other kilns within the residential areas of respective ward;
- *. Assist the UP chairman to take any other measures to co-operate with other organizations activities at the respective ward and to promote the welfare, health, safety, comfort or convenience of the inhabitants of the union or the visitors;
- *. To perform any other activities assigned by the government and Union Parishad;

Women members from reserved seats

- *. To play an active role in preventing abuse of women & children; protection of dowry, acid throwing and early marriage and ensuring marriage registration and

taking necessary steps for welfare of women and children as chairperson of relevant committees;

*. Play the advisory role in concern Ward level law & order maintenance committee and disaster management committee;

*. To perform the role as chairmen of one-third standing committees and one-third of the total project implementation committees;

*. To perform any other activities assigned by the government and Union Parishad;

General activities of all members

* Give recommendations to the union parishad to take development projects on increase the agricultural production, encourages the community to involve in different income generating project/activities in the respective ward;

*. Prepare projects through encouraging and motivating people about the illiteracy eradication promote family planning, public health and primary health care services. If those projects take up by union parishad, then they suppose to implement and assist Union Parishad for management of the primary health centre;

*. Take necessary steps to preserve & maintenance of public assets like- Highways, public way, public place, open spaces, parks, play grounds, cemeteries, burning ghats, meting places, buildings, roads, pools, bridges, culverts, embankments, canals, telephones, electricity, gas etc;

*. Inspires the people for installation and usage of sanitary latrine;

*. Promotion of games and sports facilities, establish libraries and celebrating national festivals and also give assistance & encourages the people in respective ward for physical exercises and organize cultural events;

*. To make aware of the respective ward people about natural calamities;

*. For management of the respective ward environment, will take necessary measures to collect and removal of wastes, garbage and carcasses from roads and

streets, maintenance of wells, water pumps, tanks, pond, disposal of carcasses of dead animal & slaughter of animal including the regulation of dangerous buildings and construction of unplanned buildings;

*. Provision and maintenance of wells, water pumps, tanks, ponds, other water works supply sources and adoption of measures for preventing the contamination of the drinking water;

*. Bear the responsibilities for functioning of the UP Standing Committees;

*. Assist to implement the primary and adult education programs in respective ward;

*. Encourages the people of respective ward for sending their school going children in primary school;

*. Encourages and motivate the people of respective ward to pay taxes, rates & fees and assist Union Parishad for maintenance & regulation of cattle pounds.

Standing Committees of the union parishad

As per the rules, union parishad will carry all its activities under a management of different standing committees with participation of people of the areas concerned.

At least 14 such committees are in each union parishad.

Rules for Formation of Standing Committee

Under section 38 of Local Government (Union Parishad) Ordinance, 1983, the union parishad may constitute any committee with the prior approval of concern authority (Deputy Commissioner). Union parishad may constitute standing committees and additional standing committees if required. Standing committees and additional standing committees will have to perform those responsibilities which will be defined by the regulations or Parishad.

Rules of standing committees as follows:

*. Standing committee shall consist of such number of members and other co-opted members as may be determined by the union parishad;

- *. The union parishad may constitute additional standing committees with the prior approval of Deputy Commissioner if required;
- *. Each and every standing committee shall select one chairman and one vice chairman among its members excluding co-opt members;
- *. Female members elected from the reserved seats will be chairman of $\frac{1}{4}$ of the total standing committees.
- *. Union Parishad may co-opt a person as a member of the standing committee from community those who are capable to contribute by giving opinion for decision making process but they have no voting power;
- *. According to the memorandum No ProJE-3/Misc.-14/2001/801, 1/3 member of each and every standing committee will be the female member of reserved seats. One third committees' chairperson will be the female member of reserved seats of total number of the committees. Union Parishad Chairman will be the chairman of finance and establishment standing committee.

According to the ordinances, first meeting of the each year or as soon as possible Union Parishad will form standing committees on the following areas of working:

1. Finance and Establishment;
2. Education and Mass Education;
3. Health, Family Planning and Epidemic Control;
4. Audit and Accounts;
5. Agriculture and Other Development Works;
6. Social Welfare and Community Centers;
7. Cottage Industries and Cooperatives;
8. Law and Order;
9. Women and Children Welfare, Cultural and Sports;
10. Fisheries and Livestock;
11. Conservation of Environment and Tree Plantation;
12. Union Public Works;
13. Rural Water Supply and Sanitation.

Importance of Standing Committee

*. The Committee can concentrate on specific issues and can find out the root causes of problems with appropriate solution by exchange their experiences, ideas and information through group discussion;

*. Organization chief i.e. chairman of Union Parishad can get opportunity to expose their democratic norms through conveying the suggestions or opinion of the committee members in decision making and people participation become more ensured.

*. Decreased the work load of UP chairman is and can pay more attention as well as time in other important issues.

Functions of Standing Committees

According to Local Government (Union Parishad) Ordinance, 1983 Parishad will define the task of standing committee/additional standing committee/committees and also give necessary instructions about that matter at every so often. However, in very recent the local government division of ministry of MLGRD&C has been defined the Union Parishad Standing Committees activities through a circular memo no: Sthanion Sarker Bivag/Union Parishad/Circular-01/2007/438 on dated 08 April 2008. So, all the Union Parishad would follow this circular for functioning of the standing committees.

Duties and Responsibilities

Standing Committee will do the work as per the functions of Standing Committees which prescribed in above mentioned circular. Committee will reportable to the Union Parishad for their activities.

Maintain/Preserve the Resolution Book

It is must to record the decisions of standing committees in particular book/register and Union Parishad chairman will sign this record for approval. Decision Approval The proceedings of standing committees must be approved by general meeting of Union Parishad.

Meeting

Standing committees can be arranged meeting in any suitable time and place

Quorum

One third of the total members of a committee is essential to organize meeting which is not less than two.

Decision make by the vote of majority

Decisions of standing committees will accept by the vote of majority members. If necessary, Chairperson of a standing committee will give vote in second time/casting vote to finalize the decision. It is mentioned that, any member could not participate in that relevant meeting those who have self interest there.

Functions of Standing Committees

The ordinance defined activities of standing committees are as follows:

Finance and Establishment Committee

- a) Assist the Union Parishad for preparing annual budget through peoples participation and publish to the community;
- b) Assist Union Parishad and taking substantial steps to define & collection of taxes, revenue, fees etc. according to government rules;
- c) Assist the Union Parishad for preparing multi year plan through participation of government & non government development organizations' representatives and the community people;
- d) To ensure for taking annual development schemes based on community demands and multi year plan;
- e) Assist Union Parishad for preparation of finance and establishment related reports.

Education and Mass Education Committee

- a) Develop strategies in coordination with local education officer's and educational institutions for exercise their duties to implement the national education policy by the Union Parishad;

- b) Assist Union Parishad to prepare and approval of education related projects;
- c) Through Union Parishad it is needed to give suggestions to the concern department for taking necessary measures through find-out the root causes of children drop-out from school;
- d) Assist the School Management Committee for implementation of national education policy and create enabling quality education environment at the primary level;
- e) Assist the Union Parishad for inspiration of the community to increase the women literacy rate;
- f) Inspire the community for increasing the literacy rate;
- g) Assist Union Parishad to organize awareness raising campaign events with the assistance of concern department for increasing the literacy rate;
- h) Visit educational institutions to justify the quality of education and suggest for taking necessary steps;
- i) Inform Union Parishad about all kinds of educational information and to assist the concern
- j) Department for preparing the informative reports in this regard;
- k) Assist the Union Parishad to celebrate the national education day, mass education day etc. union level;
- l) Encourages the people to eliminate illiteracy for implementing the government supported initiatives;
- m) Assist and coordinate with the NGOs' activities those who are involve for elimination of illiteracy in the union parishad.

Health, Family Planning and Epidemic Control Committee

- a) Informed the community about the services and facilities of the health centers (Government/Non-Government) and monitor the services of all service delivery institutions;

- b) Take initiatives to increase UPs fund for providing primary health services of the hard core poor specially for the women;
- c) Ensure necessary services by the health & family welfare staff as per demands of the people in the union;
- d) Assist the Union Parishad to prepare health & family planning related projects;
- e) Assist the Union Parishad to prepare the annual report on health & family planning activities and submit to the concern;
- f) Assist to increase the awareness of the people on primary health care and vaccination and publicity of the government initiatives;
- g) Work in collaboration with all institutions those who works for improving the health services.

Audit and Accounts Committee

- a) To review and oversee the all documents related to regular purchase of UP, taxes, revenues, TR, Kabikha and other income sources and financial transaction;
- b) Conduct half-yearly audit on all financial related activities of Union Parishad and give necessary suggestions;
- c) Assist to prepare and present a financial report in the Union Parishad meeting on project implementation by the PIC;
- d) Assist the Union Parishad for establishing a process of effective financial management systems;
- e) Inform the Union Parishad on audit & finance related issues in quarterly basis;
- f) Suggest Union Parishad to hanging the yearly status of income and expenditure in parishad notice board to know the people and ensure its implementation by community cooperation.

Agriculture and Other developmental committee

- a) Assist Union Parishad through coordination and cooperation with concern department for improving agricultural activities;

- b) Informed and submit reports to Union Parishad on agricultural related activities done by the Sub-Assistant Agriculture Officer (Ex. Block Supervisor) or Agriculture staff work at union level;
- c) Coordination with the concern department for getting services according to the people's demand;
- d) Take initiative to organize need based training for the farmers and awareness raising publicity on agriculture related issues with the assistance of agriculture department;
- e) Establish Union Agriculture Counseling Centre and encourage the farmers to participate in counseling;
- f) Collect all information regarding agriculture and take measures to preserve in Union Parishad accordingly;
- g) Agriculture related information send to Union Parishad for discuss in the regular monthly meeting;
- h) Arrange a regular interacting meeting with the farmers to know their problems, take necessary steps to solve those with the assistance of concern department and assist Union Parishad for taking agriculture related projects considering the farmers demand.

Committee of Social Welfare and Community Centre

- a) Conscious the people on demerits of early marriage, polygamy, dowry, women violence, acid violence etc and aware them to protect those and coordinate with the Women Violence Protect Committee;
- b) Review the progress of record keeping on birth & death register and ensure the birth & death registration;
- c) Assist Union Parishad to prepare & preserve the list of bigger, disabled & helpless people and also give assistance & suggest Union Parishad to increase the local fund for help them;

d) Encourages the community people for assisting the various social welfare and nation building activities.

Cottage Industries and Cooperatives Committee

- a) Prepare a household socio-economic survey report and develop a project for self-employment or income generation activities by form the group/samity in consist of poor & low income capable men and women;
- b) Assist Union Parishad to prepare a planning for practical based income generating initiatives on cottage industries and co-operatives involving community people;
- c) Coordinate and communicate with the government and non government organizations to implement the work plan;
- d) Assist Union Parishad and other concern for marketing the products from income generating project;
- e) Encourages the community to form co-operative groups/samity;
- f) Know the problems through participate in the co-operative meetings and take necessary steps to solve those;
- g) Arrange training for the concern to build the cottage industries and its development with the assistance of government and non government organizations;
- h) Assist and encourages the Union Parishad for raising fund to take income generating & self-employment projects for the unemployed and destitute.

Law and Order Committee

- a) Takes some realistic steps through Gram Police for controlling the village level law & order situation;
- b) Controlling the law & order situation with the help of Ansar VDP members or form a separate volunteer group as night guards if necessary;
- c) Coordinate the activities of Ansar VDP;

- d) Identify the problems regarding union level law & order situation and sharing in UP monthly meeting with recommendations;
- e) Prepare bi-monthly report on law & order situation and submit to Union Parishad and Office-in-charge of police station;
- f) Communicate with the concern authority to organize training for Gram Police to increase their skills.

Women and Children Welfare, Culture and Sports Committee

- a) Assist to create job opportunity for the women in the Union level projects;
- b) Motivate and aware the community for stopping child labor;
- c) Assist and inspire the Union Parishad to celebrate the women & children related national days;
- d) Coordinate with the concern committee to protect the violence against women & children and have to take community awareness raising initiatives;
- e) Coordinate with the concern committee to stop the trafficking of women & children and have to take community awareness raising initiatives on it;
- f) Assist and coordinate with the concern government & non-government organizations those who are working for the welfare of women and children;
- g) Take various programs for welfare of women and children, observe the implementation of the women rights and inform Union Parishad on it.

Fisheries and Livestock Committee

- a) Assist and encourage the Union Parishad to make useable the union level unused ponds and water bodies for increasing the income of Union Parishad;
- b) Suggest the Union Parishad to re-excavate the common using reserve ponds through own management or co-operative associations and fish culture as income generating project;
- c) Motivate the Union Parishad to fish culture in the open water bodies with the assistance of concern department through co-operative associations;
- d) Motivate the community to fish culture by the re-excavation of unused ponds

and arrange training for the concern people with the assistance of fishery department;

e) Observe the activities of Fisheries and Animal Husbandry department that the people have got their assistance as per demand;

f) Motivate the community to establish commercial farm of poultry, live-stock or fish culture;

g) Assist and suggest the Union Parishad to establish cooperative based farm of fishery, poultry and live-stock as an income generating activities of Union Parishad.

Conservation of Environment and Tree Plantation Committee

a) Encouraging the community for social forestation and tree plantation;

b) Take necessary steps for protecting tree from cutting and social deforestation;

c) Providing necessary support for plantation in besides the road by local initiatives and protect trees planted by the concern department;

d) Arrange awareness raising program on importance of trees for protect the environment and benefit of tree plantation;

e) Involve the local destitute, landless and poor people as a beneficiary of the social forestation;

f) Ensure appropriate protection of tree by the formation committee with the beneficiary groups.

g) Assist to arrange national tree plantation day and arrange motivational program with the assistance of Union Parishad for tree plantation and environment protection;

h) Assist and coordinate with the union level government & non-government organizations for tree plantation and improve the environment;

i) Motivate the community to establish nursery and suggest Union Parishad to establish Union Nursery as income generation program;

j) Inform Union Parishad regarding tree plantation.

Union Public Works Committee

- a) Assist and suggest the Union Parishad to make priority based projects plan for developing the rural roads, bridges, culverts etc.;
- b) Assist the Union Parishad to review the progress of on going projects;
- c) Suggest the Union Parishad for construction and re-construction the water sanitation drain;
- d) Assist the Union Parishad to build and maintenance of planned houses within the union;
- e) Assist the Union Parishad to make plan for construct the irrigation drain for agriculture and other public works.

Rural Water Supply and Sanitation Committee

- a) Motivate the people to use the pure water and sanitary latrine;
- b) Make assurance the assistance of concern department to raise community awareness on arsenic contamination and to use arsenic free drinking water;
- c) Make assurance the assistance of concern department for arsenic test of tube well in regular manner;
- d) Assist the Union Parishad to make plan for source of water and sinking tube well according to community demand;
- e) Make coordination between the government & non-government organizations for construction and supply of sanitary latrine;
- f) Create community based mass awareness on using sanitary latrine;
- g) Assist the community for getting safe drinking water and build a low cost sanitary latrine;
- h) Assist the Union Parishad for implementing national program on Health & sanitation for all.

Each and Every Union Parishad should take necessary initiatives immediately to implement the above mentioned activities by the formation of defined 13 Standing

Committees (Circulated By: Dr.Mst. Nazmanara Khanum-Deputy Secretary, Local Govt. Division, MLGRD&C on Dated 08 April, 2008)

Strategies for Functioning of Standing Committees

- Formation and reformation of all committees by the government rules to ensure the participation of all members in Union Parishad general meeting as soon as possible or from the beginning of the year and discussed the defined activities as well as inspired all members for functioning of all committees;
- The committee formation/reformations meetings resolution with list disposes to the concern authority;
- To hang the committee list with name in UP notice/display board;
- To assure separate register/regulation of different committees and make necessary follow-up & counseling for updating and preservation;
- To make a plan for arranging meeting regularly and implementation accordingly;
- To discuss the standing committees decision in UP general meeting and make approval;
- To follow-up and present the important decisions from the approved decisions in UDCC and other important forum for implementing through the head of concerned institution.
- To build up effective communication between standing committee and local community based People's organizations or civil society.
- To sensitize for arranging lobbying and dialogue in Upazilla and District level stakeholders of the important issues of Standing Committee meeting as advocacy issue.
- To prepare report on the real successful initiatives by the standing committee and taking initiatives for publishing and broadcast through media.

By activating Standing Committee, General people can get the following facilities:

- General people could get clear concept about the activities of UP.

- Create opportunity for active participation of people in various activities of local government along with development planning.
- Public representatives get chance of accountability to the Standing Committee as well as community people about their activities.
- Public service provider is responsive to the people and UP for their activities.
- Women empowerment will be promoted and easier as there is a scope for increasing women.

Planning:

To determine a framework or work-plan in a view to achieve goal is called Planning. Planning is the most important element of management. To take advance decision of future activities is called planning. The pre decision of when, how, by whom, how long and what sort of work will be done is planning for achieving the goal of an organization.

Participatory Planning:

Direct or indirect participation of people's is called Participatory planning. Create peoples partnership with development activities through participatory local planning, as a result they involved for the implementation of local development. People's participation is essential to ensure quality and sustainability of activities. Local means any kind of level from grassroots excluding centre, Such as - Union, Upazilla, District, Division etc.

Importance of people's participation in Local Government System:

- Project identification and project planning
- Project Implementation, Monitoring and Evaluation
- opinion on project planning
- Judicial activities (Village Court, Arbitration Council)
- Different day observation
- Prepare list of distress people and distribution of relief
- Control of Law and order situation

- Mobilization and effective utilization of local resources
- Fixation of tax, collection and proper utilization
- Effective coordination with Government / non government service provider organizations
- Create awareness of the community people

Purposes of Project planning and implementation by Union Parishad: People's participation in local government process carried importance. Peoples participation in local government system for sustainable development is present demand. For this reason many believes, democracy and local government is compliment to each other. In this regard direct indication on behalf of local or public administration has been given in our constitution clause- 9,11,59 & 60. But the reality is still now effective and autonomous local government system is absent. For this reason peoples participation in local government system is not ensured.

The arena of the local government as well as union parishad for people's participation is:

- Planning and implementation of project according to national policy.
- To give emphasis as per peoples' demand
- To ensure people's & public representatives participation in project planning and implementation.
- To maintain the mentioned responsibilities of Local Government Ordinance (UP)-1983 in a planned way.
- To Identify , collection and proper utilization of .Local resources
- To ensure local development.
- Proper utilization of local technology
- To create employment opportunity and under take project for poverty reduction

The Process of participatory budget in Union Parishad:

According to the local government (UP) ordinance 1983 clause 47, Union Parishad will prepare a compulsory budget for the following year before starting the following financial year. Budget could be prepared considering overall development of the union Parishad. As because following areas will depends on an accurate budget-

Development of Union Parishad

Proper Financial Management.

Amount of tax fixation and collection.

Obtaining government donation.

Characteristics, qualities of development project.

Proper budget preparation depends on skilled and experienced strategies. Besides this, If the budget prepared and implemented for over development of the union Parishad, then should be ensure people's participation during planning and preparation of budget. Following steps may be considered for the process of participatory budget:

- *. Union Parishad will collect peoples development oriented demand through meeting / gathering in each ward and villages (Motivate local people to pay tax during ward meeting)
- *. Draft budget will be prepared considering development demand and probable income on priority basis.
- *. Prepare draft budget and distribute at wards/villages in a view to implementation of the plan and will collect peoples' opinion through ward members
- *. Should be mention the probable government donation, local tax, and income and expenditure area and considering people's demand budget and implementation plan will be prepared in presence of all Union Parishad members.
- *. Should be arrange open budget discussion at Union Parishad with participation of local people in a particular day.

- *. To prepare a budget reflecting peoples opinion and hang up it openly through UP notice board and billboard for disseminating among local people.
- *. Union Parishad will take initiative to distribute at the different tier of administration and publish in news paper for approval of the final budget in right time (by 31 May)
- *. Union Parishad could publish the total budgeting system and could distribute at different level including the peoples of Union Parishad on the availability of Union Parishad fund.

Grass-Roots Judicial System:

To resolve the petty disputes within specific rules as part of mainstreaming judicial system, Union Parishad is empowered to perform the judiciary activities through Village Court and Arbitration Council ordinances. Besides this legal judicial system in rural areas, there is another judicial practice called traditional salish in our rural area for a long time.

Legal Status of Village Court

The President of the People's Republic of Bangladesh declared village court ordinance on 20th August and 8 November in 1975. This ordinance No. 61 is published on 20th October, 1976 through the government announcement of special gazette No S.R.O.353-476 and effective from 1st November, 1976. The Union Parishad is empowered to perform the judiciary activities through the village court ordinance in 1976. The main purpose of the village court is to easier and peaceful solution of the judicial judgment. Arbitration Council, section 20 of 1961 is replaced by the village court ordinance (LXI, 1976), which was mainly the re-judgment opinions with necessary correction of Arbitration Council. This is the first initiative of the country is establishing a formal court and considered as efficient, comparatively formal and empowered judicial unit at the grass-root level. According to ordinance village has an authority to conduct both the criminal and civil court in case of fine not more than taka five thousands. In latest, the

Village Court Ordinance of 1976 is replaced with the Act No 19 in May, 2006. The new act/law is more or less same of the previous ordinance, but mainly changed the limitations of fine taka twenty five thousand instead of taka five thousand. Both the ordinances in 1976 and 2006 identified the structure, conduction procedures, roles and responsibilities of union parishad and others are also more or less same.

Formation of Village Court

A village court is consisted with five members including the chairman (generally the chairman of Union Parishad will be the magistrate of the court). One of the two members nominated by each disputed parties. The members will be citizen of concerned Union Parishad. If the chairman of the Union Parishad is unable to conduct the village court or the questions of impartiality in case arise, any member of Union Parishad can conduct the village court as a chair person (magistrate of the village court) by maintaining procedures. If any party fails to nominate their representatives within stipulated time then the village court can be formed automatically.

Village Court Jurisdictions

1. The Court procedure will be held within the union boundary.
2. Village Court will be formed within the union where the offence happened though the guilty person is the citizen of other union. In this case both the party can be nominated their representatives from their own union.

Power of the Village Court

1. Village Court has no power to fine or conviction without refuse the notice or dishonors the village court. But village court can fine up to taka twenty five thousands (Tk. 25000/-) for any criminal offence of the guilty person.
2. In civil case, the Village Court have a power to compromise up to limit of demurrage taka twenty five thousand(Tk. 25000/-) or can be ordered to get

position of the original land owner up to the same valuation of taka twenty five thousand (Tk. 25000/-).

Procedures of Village Court

Any party can submit their case to the Union Parishad chairman for proper judgment with fee of taka four for civil case and taka two for criminal case.

Decision of the Village Court

- Decision must be declared publicly. After declaration of verdict, a decree would be prepared in the form No-4.
- If the decisions have made in all concern or the ratio is 4:1 or in presence of four members 3:1 it will be the mandatory for the parties and there is no scope for appeal the case to higher court.
- If the decisions have made in the ratio of 3:2 in this case it will not be mandatory for the parties. Within thirty days of declaration, there is a scope for appeal to the magistrate court for criminal case and to the assistant judge court for the civil case.
- Village court would declared the decree or recovery the penalty but it not exceed six months. Establishment the order of village court Decree will be filed in the decree register by using form No-5. If the party failed to pay the penalty within the stipulated time, village court will send this decree to the Union Parishad chairman for next course of action. The Union Parishad chairman would collect the penalty and pay to the decree holder following the process of due tax collection. It is mentioned that if the village court gives a decree beside the financial penalty, chairman of the village court will send this decree to the sub judge for taking necessary action on it. The Sub judge will take necessary measures for implementation of the decree considering as its own court declaration.

Arbitration Council (AC)

In 1961 the Conciliation Courts or Arbitration Council was established as a responsibility of the Union Parishad under the Conciliation Courts. Ordinance to deal with disputes under the personal law and those related to family affairs such

as marriage, divorce and custody of children. This was to implement the Family Law Ordinance of 1961 through which the Union Parishads were to try complains and enforce its decisions.

Assigned functions based on executive order

Union Parishad also conducts other functions being assigned by the government in any time.

The union parishad has been developed in a long time. In its long route, there are a number of rules and regulations have been adopted with it. At present the body holds about 130 acts and above 100 subordinate law and rules.⁷² But the present position seems to be not stable. Because, there are many inconsistencies in the system and more new ones is still being enacted.

In our study, we did not find any of the union parishads which were formed all the committees. Three out of 12 union parishads under the study were found to form few committees but those had activities. Most of the elected leaders however, admitted the fact.

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