



# Strengthening local government: Need operational coordination

SADRUL HASAN MAZUMDER

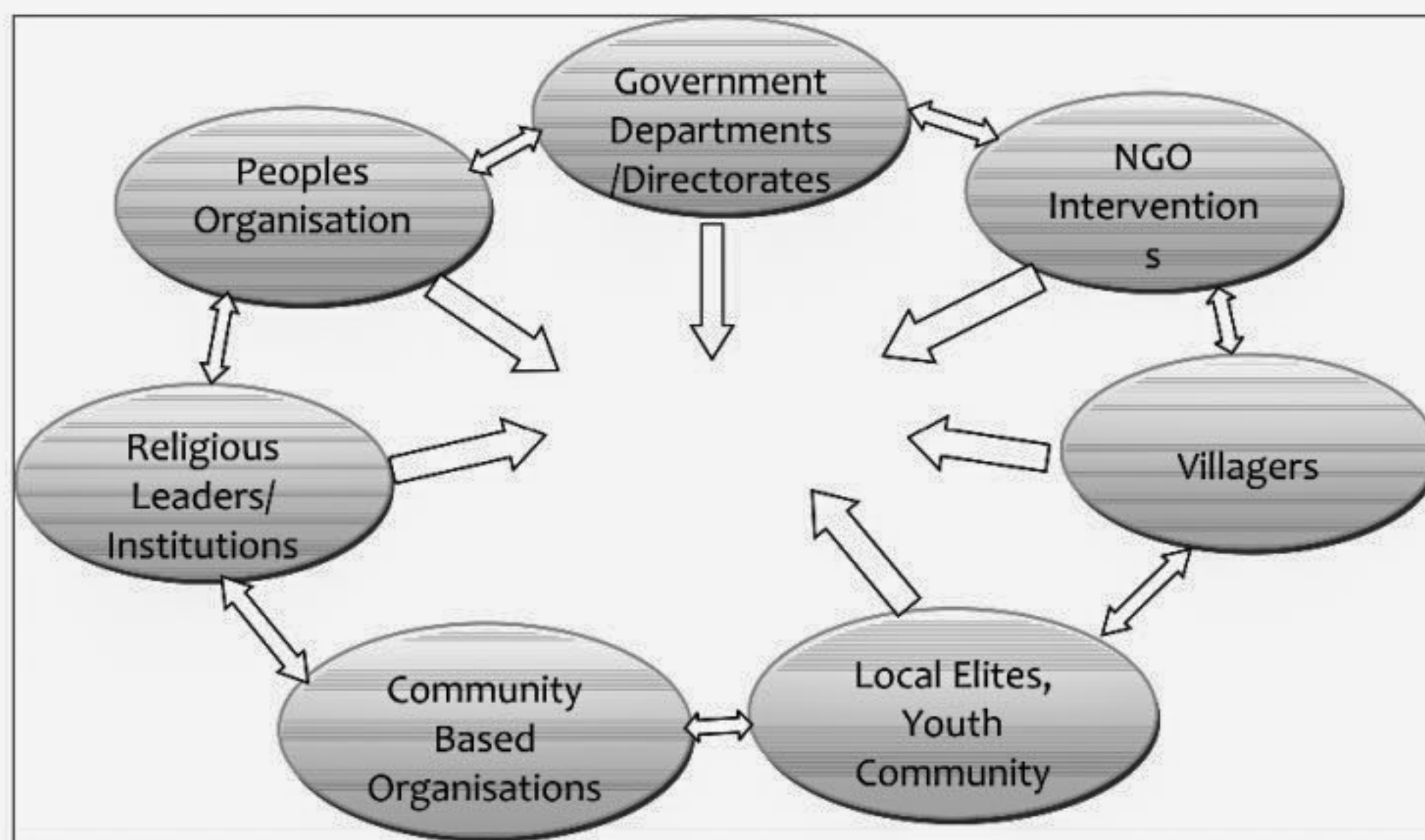
A strong local government system as well as empowerment of local bodies is a must for ensuring good governance. In this regard the local government system should be strengthened up to the lower tier and the administration should be decentralised thoroughly. Creating an effective and efficient leadership at the grass roots level helps in the process of ensuring a sound decentralised effective administration where importance of fair election is immense considering the demographic aspect and ensuring ultimate development where informed participation of the citizens is vital. Ensuring the much talked quality of the Local Elected Representative is of utmost importance in delivering the responsibilities as stipulated in the Local Government (Union Parishad) Act 2009. Elections to the lowest and the most important tier of the administration - The Union Parishad had been concluded in a relatively peaceful and neutral manner where a significant percentage of representatives were elected for the first time who were actually activists of different political parties having least experiences of managing public fund or resources.

The Constitution of the People's Republic of Bangladesh has stipulated for local government bodies with elected persons to take charge of governance "in every administrative unit of the Republic." But the matter of division of power between the national government responsible to a sovereign parliament in our unitary system and the local governments essentially dependent on the national government for all of their development planning and finances, with overlapping demands and jurisdictions of neighbourly local governments and on shared natural resources, was not worked out in the Constitution. Nor was it adequately worked out in legislations that followed. With the change of every regime, local government institutions had to suffer a bashing and a fresh experiment at restructuring to suit the partisan political ends of grassroots influence of those in power. With the introduction of the Upazilla system and its latest adoption of two Vice Chairs including a female has further the confusion of supremacy. This requires non political, neutral interference of strong coordination with the elected representatives of both the local government institutions which by means work very closely to the general

people.

To upholding the democratic spirit and practices it is essential that local government system be strengthened as mandated through the Article 59 of our Constitution which can be the first step of democratizing the democratic practices without any interference of the political parties or government from the center. Such practices will enhance the scope of participation of citizens at large in the local government activities and building public confidence in the local government system making them more accountable to ensure effective delivery of services to their constituents. But traditionally Local Governments in our country always remain in fund deficit to perform the activities that they have been assigned for. So in the first instance the government has to ensure free flow of resources to the local government and empower them to coordinate all activities at local level and making the representatives of different government departments like health, education and agriculture etc. accountable to the local elected representatives along with their concerned departments. For instance, the Block Supervisors of the Agriculture Extension Department are reportable and accountable to the Upazilla Agriculture Officer but not to the Chairman of the respective Union Parishad. Agriculture Extension Offices at Upazilla level oversee and coordinate their activities where there is no room of the local elected representatives. This should be rigorously revised allowing the Chairman of the respective Standing Committees and the UP Chairman including a representative of the farmers to attend the coordination meeting, which should be replicated in other departments as well.

The capacity of the local elected representatives' particularly the women should be enhanced so they can contribute in implementing the national development programs. With a view to free the entire decision making process from the claws of bureaucracy and the traditional practices, the exiting operational structure of the local government institutions should be vigorously reorganised so that the elected representative specially the women can more proactively involve in the development activities. Government has taken stern initiative in making and updating the Union Parishad regulation and has given birth of the Local Government (Union Parishad) Act 2009, which has created unique opportuni-



ties for the local elected representative to take pro-people initiative within their own jurisdiction. This law has also created enormous space for citizen's participation in the decisions making process of the local elected representatives. The law has created many options like introduction of participatory budgeting process, holding 'Ward Shava', publishing 'Citizen Charter' etc. To make the local government functioning effectively resulting people orientated service mechanism in place, the newly elected representatives require technical soundness and elaborate knowledge about the reforms and innovation in the laws. They need serious training and proper mentoring free from political biasness and traditional practices. We have good number of national experts on local government issues who can be consulted and included in such programs.

The provision of holding 'Ward Shava' and publishing 'Citizen Charter' in the new law have created opportunity for the community people to participate in the affairs of the local government and making them more accountable. The provision of 'Ward Shava' states that the Chairman will ensure holding of the meeting at least twice in a year which will be attended by one twentieth of total voter of the ward. The 'Ward Shava' will be open to the voter for asking about the status of implementation of the on going development & public welfare programs in one hand and gathering information about various public concerns including the status of violence against women and children, law and order situation, information about birth and deaths

etc. Through the 'Citizen Charter' the people in general and the voters in particular will be informed about the variety of services including their costs, eligibility and process for demanding the services with time limit. Citizen's responsibilities of demanding including guarantee of providing such services to the constituents are one of the major highlights of the 'Citizen Charter'.

The Union Parishad performs its activities through formation of Standing Committees with provisions of including the local expert in the committee where community leaders should play active role as watchdog. Although there are provisions of bringing the women members at least to one third of the total committees as Chair but different studies and reports reflect completely a different scenario. The situation demand capacity building of the women elected representatives and sensitivity of the male Members and Chairmen of Union Parishads. In the demand side as well there lack capacity to argue for the right things at the right time which requires mobilization and awareness building of the community people including women and other marginalized groups so they can raise pressure from their side to deliver services effectively meeting their necessity.

To make the local elected representatives accountable to their respective constituents' participatory community monitoring and evaluation are extremely important creating information about the achievement/deviation from original concerns and problems faced by the community at large, which will help the community to have

information about local development projects/programmes being implemented, so that corrective measures can be taken in time. Social Audit can be used as an important tool of measuring, understanding, reporting and ultimately improving social and ethical performance of the Local Government Institutions. Social Audit on the other hand helps to narrow down the gaps between vision and reality, between efficiency and effectiveness. It is a technique to understand, measure, verify, report on and to improve the social performance of the local government system resulting a positive impact upon governance. It values the voice of stakeholders, including marginalized/poor groups whose voices are rarely heard. Social Auditing should be taken up for the purpose of enhancing local governance, particularly for strengthening accountability and transparency in local bodies. The diagram shows how different stakeholders can remain vigilant making the Union Parishad more transparent and accountable to their needs where inter cooperation among the stakeholder is of utmost important.

- Enhancing capacity of the newly elected representative at Union Parishad and Municipalities particularly of those who has been elected for the first time.
- Introducing participatory community monitoring and evaluation of local government activities and Social Auditing at the shortest possible time.
- Ensuring strong liaison among the elected representatives of Union Parishad, Municipalities and Upazillas.
- Mobilising the community people to demand for services to the local governments.
- Community Leaders, Religious Leaders, Youth Groups and Local Elites should be more vigilant during the 'Ward Shava'.
- Media can be more proactive to highlight the good practices including successful cases.
- NGO can help marginalized, indigenous and minority groups to be united and raising voices for their rights.
- Setting up performance indicator for the local elected representative to evaluate their performances.
- Building operational coordination among development actors and Union Parishad

The writer is a development activist and Freelance Consultant.

## Media freedom helping to transform societies



Since its proclamation by the United Nations General Assembly in 1993, World Press Freedom Day has been celebrated on May 3 every year. This year, the celebration is centered on the theme "New Voices: Media Freedom Helping to Transform Societies. Although World Press Freedom Day has only been celebrated since 1993, it has much deeper roots in the United Nations: Article 19 of the 1948 Universal Declaration on Human Rights states: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers"

Throughout the world, May 3rd now serves as an occasion to inform the public of violations of the right to freedom of expression and as a reminder that many journalists brave death or jail to bring people their daily news. According to the United Nations Educational, Scientific and Cultural Organization (UNESCO), which coordinates activities each year on May 3rd, World Press Freedom Day is:

a day of action to encourage and develop initiatives in favor of the freedom of the press; a day to assess the state of press freedom worldwide; a day to remind governments to respect their commitments to press freedom; a day to alert the public and to increase awareness of the importance of freedom of the press; a day of reflection to encourage debate among media professionals on the issues of press freedom and professional ethics; a day of remembrance for journalists who have lost their lives in the exercise of their profession; and a day of support for media which fall victim to any measures which restrain, or seek to abolish, freedom of the press. Press freedom is considered to be a cornerstone of human rights and a guarantee of other freedoms. It encourages transparency and good governance and it ensures that society enjoys the rule of true justice.

Source: UNAC.ORG.



## YOUR ADVOCATE

This week Your Advocate is Barrister Tanjib-ul Alam Advocate, Supreme Court of Bangladesh. He is the head of the chamber of a renowned law firm, namely, 'Tanjib-ul Alam and Associates', which has expertise mainly in commercial law, corporate law, admiralty, employment and labor law, land law, banking law, constitutional law, telecom law, energy law, Alternative Dispute Resolution, Intellectual Property Rights and in conducting litigations before courts of different hierarchies.

### Query

A family of 6 brothers and 3 Sisters from the same parents. The Parents are deceased. All the brothers and sisters are married. The oldest brother was married but never had any kids. His wife died before him. He never remarried. The oldest sister also died before him. She had kids and they are all married. The oldest brother upon his death some 15 years back had left behind a substantial amount of properties in form of land and savings but no heir whatsoever. The youngest brother out of 6 was given the duty to look after the properties left behind by the oldest one. The residential house that the remaining brothers live in was bought in the name of their father.

Other than that the rest of the properties are in the name of the deceased brother. Now the remaining brothers have sold a land after the death of the older brother and in return they got hold of a huge amount of money. Instead of distributing the money evenly among the brothers and sisters of the deceased, the money was given only to the brothers and their family. The remaining 2 sisters were not included in the distribution. So the question is what rights the sisters have in the given situation according to the law of inheritance of Bangladesh? Is there any legal remedy they can claim to get their share of money or property? If yes, how should the distribution take place?

### Anonymous

**Response**  
Thank you for your query. It appears that your prime concern is whether sisters and their children

will be able to claim from the property of the eldest brother who died without any son or daughter.

According to Muslim sharia law, a husband is entitled to one fourth property of his wife. Therefore, upon the death of the wife of the eldest brother, he is entitled to one fourth of the properties of his deceased wife. However, you have not indicated if she left any property behind.

At the time of the demise of the eldest brother, he left behind five brothers and two sisters. Since his eldest sister died before him, her successors are not entitled to any property of their maternal uncle. However, the remaining sisters and brothers are



entitled to the deceased eldest brother. You have not indicated whether father of the family died before the death of the eldest brother. For the limited purpose of determining proportionate distribution of the property of the eldest brothers, it is assumed that the father of the family died before the eldest brother's death.

Considering the above, the property of the eldest brother will be divided into fourteen parts. Each brother shall be entitled to two portion and each sister shall be entitled to one portion.

For detailed query contact: info@tanjibalam.com



## Ex-Rab official held for robbery

The former commanding officer of Rab-7 was arrested at Moghbazar in the capital on May 03 for his alleged link with a Tk 2.07 crore robbery from a Chittagong shrine in November last year. Arrestee Lieutenant Colonel (sacked) Zulfikar Ali Majumder was the commanding officer of Rab-7 when 20 to 30 people, including the Rab men in plain-clothes, looted a shrine at Talsara village of Anwara upazila in Chittagong on November 4 last year. Later, a robbery case was filed with Anwara Police Station against dozens of people including 10 Rab men following the incident. On April 30, Zulfikar was sacked for his alleged involvement with the robbery. -The Daily Star online edition May 03 2012.

## HC questions hartal legality

The High Court on May 2 issued a rule on the government, the leader of the opposition in parliament, general secretary of the ruling Awami League and secretary general of the opposition BNP to explain within three weeks why enforcing hartal during public examinations should not be declared illegal. It also asked the political leaders to explain why they should not be directed to refrain from doing so. The HC came up with the rule following a writ petition filed by Md Younus Ali Akond, a lawyer of the Supreme Court, challenging the legality of enforcing hartal during public examinations. The HC bench comprising Justice AHM Shamsuddin Choudhury Manik and Justice Jahangir Hossain Selim also requested 15 eminent lawyers to give their opinions as amicus curiae (friend of court) during the hearing of the rule. -The Daily Star May 3 2012.

## HC summons Rajuk, BTCL bosses

The High Court (HC) on May 2 summoned the Rajuk chairman and the BTCL managing director to be present at the court on May 14 for not removing all the illegal structures on Gulshan Lake in the capital as per its earlier directive. Chairman of Rajdhani Unnayan Karttripakkha chairman and managing director of Bangladesh Telecommunication Company Ltd would have to give their reasons before the court for failing to free the lake completely from encroach-

### Dear reader,

You may send us your daily life legal problems including family, financial, land or any other issues. Legal experts will answer those. Please send your mails, queries, and opinions to: Law Desk, 64-65, Kazi Nazrul Islam Avenue, Dhaka-1215; Tel: 9144330,8124944, fax 9144332; email: dslawdesk@yaho.com.