Functioning of the Union Parishad- An Analysis from Democratic Perspective

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Abstract: Democracy has become the legitimate demand of all local communities. Available literature suggests that, today more than 70 countries in various parts of the world are in the process of implementing political and administrative reforms aimed at decentralizing and strengthening local governance. In Bangladesh, Union Parishad (UP) is perceived as one of the basic institutions of the central government that is dedicated to strengthen democracy by engaging rural community into the decision making and development process. A local government entity like Union Parishad is considered to be the significant breeding ground for democracy. Over the years, Union Parishad is struggling to make this public institution more democratic through different pro-people initiatives. It is apparent that, colonial mindset of the locally elected representatives; absence of capable elected representatives; practice of party driven elections and absence of unanimous elections without political interference; highest scope of the intervention and control of state government; absence of a strong political will for the effectiveness of the democratization within Union Parishad; fragile economic condition; absence of visionary leadership; gender inequality in mainstreaming political parties; patron-client relationship result in impediment towards persuasive democratic drive of Union Parishad. The paper is concluded with couple of important recommendations to make Union Parishad more vibrant and democratic for the sake of comprehensive development in rural Bangladesh.

Keywords: Democracy, Local Government, Union Parishad, Patron-Client Relations, Colonial Mindset and Political Parties

Introduction

Democratization is a popular theme of the modern world. It is widely accepted as a symbol of good governance as well as an indicator of the promotion of human development leading to sustainable development. Indeed, a democracy works when all people including the most marginalized ones participate in the process of governance, have capability to ask questions and seek accountability. For the developing countries, it is an indispensable pre-condition for sustainable development. According to Bryce, "the best school for democracy and the best guarantee for its success in the practice of Local Self Government". It is generally recognized that the local institutions constitute the school for democracy (Bryce, 1950). Success of democracy largely depends on the successful working of Local Government (LG). National democracy will be successful only when the local self-government functions effectively. It can be said that without a sound democratic system at the basic levels, democratic form of Government cannot have firm roots at the apex; local self-government helps people understand democratic spirit and values, the art of managing things for themselves and ultimately the democratic way of life. Bangladesh is a newly independent unitary state; it achieved her independence in

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1971 through a nine month long liberation struggle .therefore a strong local government is needed to engage people with the governance of this state.

Local Government is considered as a viable institution for socio-economic development at the sub-national and grassroots levels (Ball, 1977) .It is an integral part of the central government of a country, recognized or created under law for the management of local affairs of human settlement with geographic boundaries. In fact Local Government is legally established institutional arrangement for consolidating local democracy, promoting pro-people and participatory developmental process at the grassroots. Capable local institution is deemed as one of the fundamental pre-requisites for sustainable development of the country, which can share and promote people's urge, aspiration and wisdom (Tofail, 1999). Bangladesh is continuously struggling to build the country as democratic and developed nation since its inception as an independent state. Several political ups and downs, introduction of one party system, military rules, and irresponsible competition of political parties to capture power have placed the journey of democracy of the country at stake. The political problems that Bangladesh is suffering is not rooted in the constitution, rather it is totally political. Even, this political culture has jeopardized the journey towards democratization of the local government structure of Bangladesh. The paper attempts to examine the current practices of democracy within the purview of Union Parishad and what sort of problems Union Parishad is facing while upholding democratic approach in its functioning. The paper also strives to know conquer Union Parishad could uphold the spirit of democracy in every course of action for the welfare of the local community.

Democracy: Conceptual Clarifications

Democratization is the transition to a more democratic political regime. It may be the transition from an authoritarian regime to a full democracy, a transition from an authoritarian political system to a semi-democracy or transition from a semi-authoritarian political system to a democratic political system. The outcome may be consolidated (as it was for example in the United Kingdom) or democratization may face frequent reversals (as it has faced for example in Argentina). Different patterns of democratization are often used to explain other political phenomena, such as whether a country goes to a war or whether its economy grows. Democratization itself is influenced by various factors, including economic development, history, and civil society. There is considerable debate about the factors which affect or ultimately limit democratization. A great many things, including economics, culture, and history, have been cited as impacting on the process. Democracy is all about being able to make informed choices. For example, if there are three political parties in an election, one can make a choice from the individual candidates, and/or from the programmes and positions of the parties they represent. In order to make genuinely informed choices, one needs to be able to:

- Engage meaningfully in open dialogue and debate;
- Access to relevant and objective information so that your views are informed;
- O Perceive that your participation in the debate and subsequent decision-making has value feeling safe;

o Make a free decision without suffering or fearing harm to citizen or their family (Faizullah, 1987)

Amartya Sen, a Nobel Prize-winning economist from India, provides this view of how these elements combine: 'We must not identify democracy with majority rule. Democracy has complex demands, which certainly include voting and respect for election results but it also requires the protection of liberties and freedoms, respect for legal entitlements and the guaranteeing of free and uncensored distribution of news and fair comment. Even elections can be deeply defective if they occur without the different sides getting an adequate opportunity to present their respective cases or without the electorate enjoying the freedom to obtain news and to consider the views of competing protagonists(Sen, 1999).

More than a form or system of government, democracy has come to assume the status of a fashionable nomenclature. As fashion is a fast changing concept, so are the meanings and contents of democracy in reality, if not always in theory. Allan Ball has identified the following features of liberal democratic system: (Ball, 1977).

- There is more than one political party competing for political power;
- The competition for power is open, not secretive and is based on established and accepted forms of procedure;
- Entry and recruitment to positions of political power are relatively open;
- There are periodic elections based on universal franchise;
- Pressure groups are able to operate to influence government decision. Associations such as trade unions and other voluntary organizations are not subject to close governmental control;
- Civil liberties, such as freedom of speech, religion, freedom from arbitrary arrest, are recognized and protected within the political system. This assumes that there is substantial amount of independence and freedom from government control of the mass media, i.e., radio, television, newspapers;
- There is some form of separation of powers in other words a representative assembly has some form of control over the executive and the judiciary is independent of both executive and legislature.

Democracy is the single governance framework that is consistent with a comprehensive perspective on human development. Democratic governance means that:

- People's human rights and fundamental freedoms are respected, allowing them to live with dignity;
- People have a say in decisions that affect their lives;
- People can hold decision-makers accountable;
- Inclusive and fair rules, institutions and practices govern social interactions;
- Women are equal partners with men in the private and public spheres of life and decision-making;

- People are free from discrimination based in race, ethnicity, class, gender or any other attribute;
- The needs of the future generations are reflected in current policies;
- Economic and social policies are responsive to people's needs and aspirations;
- Economic and social policies aim at eradicating poverty and expanding the choices that all people have in their lives (Sharma, 1973)

Current State of Functioning of the Union Parishad: Critical Analysis

Over the past three decades the developing world has seen increasing devolution of political and economic power to local governments. Decentralization is considered an important element of participatory democracy and, along with privatization and deregulation, represents a substantial reduction in the authority of national governments over economic policy (British Government of India, 1930). It is manifest that, central government have allocated some degree of authority to local government but a comprehensive set of indicators that must also take account of institutions for decisionmaking and politics at this level is lacking. Local Government institutions are the significant unit, for the promotion of democracy. They are committed to assist the people for learning democratic values in many respects. Union Parishad, the lowest tier of the Local Government of Bangladesh provides the rural people opportunities to taste the fruit of freedom and participation. The people generally are more interested in the participation in Union Parishad bodies. They can directly participate in the local bodies in large scale. Union Parishad also works as a training complex of the national leaders. Ernest observes, "UP offers many excellent opportunities for the training of the man and women who may later lead the country in bigger affairs of the national and world politics" (Newman, 1968). Success of democracy largely depends on the successful functioning of Union Parishad. While addressing at the first National Conference of Local Government, Nehru, the late prime minister of India said, "LG is and must be the basis of true system of democracy. The democracy may not succeed until it is built on the foundation from below".

Local Government is educative both for the electors and the elected. Educative value largely depends upon the spirit of the local self-governing institutions. Political education is the major part of Local Government. If Local Government does not work democratically, the central government can never be democratic. Democracy at the Centre can work in a better way only if there is a corresponding system of democracy at the local level. No national democracy will have sound footing without grass root democracy. Discussing about the importance of Local Government in democracy, C.D.H Cole has opined that democracy is nothing unless it means, in the last resort, letting the people have their own way, not only in the mass, by means of an aggregate vote in a nation-wide scale, but also in their lesser groups and societies of which the great societies are made up. So, practice of democracy is the part and parcel of Local Government of any state. Local Government is an integral part of the central government in Bangladesh. Local Government contributes to the strengthening of democratic culture in number of ways. The stability, performance and structural continuity of Local Government are

mostly dependent upon the policy and stability of the government at the Centre. Despite the long existence of Local Government in Bangladesh, till today it is confronted with some chronic problems. As a result it could not play effective role to promote democracy. Moreover; these constraints regarding Local Government impinge upon the success of democracy in Bangladesh. The historical account of Local Government of Bangladesh shows that the successive governments felt obliged to establish some kind of the local government structure in order to mobilize support of the rural communities in their favor through providing a little bit of welfare measures. Hence, Local Government could not function properly to provide opportunities for the people irrespective of party affiliation to participate in the development activities of it.

The colonial pattern of administration in Local Government is characterized by elitist and alienated nature. Administrative officials working at different level are mainly bureaucratic in orientation and alienated from the people. Therefore, people cannot take part in different activities of Local Government properly/ actively in Bangladesh. The most serious obstacles in the way of democratic education by Local Government remain the weakness of its socio-economic base. The non-egalitarian economic structure trends to control the local bodies by pro-partied class. They often tend to suit their class interest and purposes. As a result, Local Government cannot render proper services to the people at local level. Beside, general people do not dare to work with Local Government for the presence of local elite. Factional attitude of the people is responsible for the less effectiveness of Local Government in Bangladesh. In rural Bangladesh, there are bitter experiences regarding factional politics that jeopardizes the successful working of Local Government (Moksuder, 2000).

It remains as a major impediment of proper popular participation in local level elections. Such attitude pushes the loser candidates and their supporters in a conflicting situation in post local election. As a result, they do not intend to cooperate with the winner candidates and for that the very functioning of elected council remains problematic. Politico-administrative contradictions often disrupt the very functioning of Local Government units. Administrative wing of the Union Parishad often expects that political leaders should work under their supervision due to their technical expertise. On the other hand, local representatives claim that they are able to work for the development of the people as they can understand problems and find out Union Parishad and therefore people representatives cannot serve the interest of local people.

What we have observed in Bangladesh, local and central government have had a fractious relationship in the past; highly centralized control of budgets and a short-term view of spending priorities have not made for a healthy working atmosphere. While local government has been keen to shift the balance of power for some time, the radical cuts to council funding due to the Government's austerity programme have now made change a necessity. This called for a complete transformation of how funding is distributed from Whitehall to councils including giving local areas greater control of how public money is spent. In fact, local government is not a government system. It is merely public administration system that exists at the lowest level of the state or country. Local government or local bodies act according to the legislation or directions of the higher

level of government or central government. Different countries have a different form of local government such as district, city, township and village council.

The local government system is the best administration system as it relieves the pressure from the central or sub-national government in completing the task, relating to development or welfare of the society. In rural Bangladesh, local government is a vital organization for managing local economy and development and consolidating the democracy at the sub-national and grassroots level of any country. It is an integral part of the central government of a country, recognized or created under law for the management of local affairs of a human settlement, promoting pro-people and participatory development at the field level. Capable local institution is deemed as one of the fundamental pre-requisites for sustainable development of the country, which can share and promote people's urge, aspiration and wisdom.

As we know, major sources of revenue of the Union Parishad are Property tax, Revenues and Grants are depending on all taxes, rates and fees imposed on the citizen in accordance with law; the profit and rent from the property under the control of or managed by the Union Parishad; any fund collected under the Ordinance or other temporary law; funds received from any individual, organization, or local authority; funds received from the income of trusts managed by the Union Parishad; In addition, despite the chairman of the Union Parishad is to be the ex-officio chair of the local market management committee, this post persistently lies outside of his de facto jurisdiction which greatly hampers revenue generation. Absence of effective financial management has made the Union Parishad a weaker institution. Also traditional totalitarian tendency of many Union Parishad chairmen creates problems in decision-making, project formulation and financial management.

Central grant is primarily provided to undertake development and maintenance activities in the shape of ADP block grant and special block grant. Budget preparation is done in a traditional manner. The account section in discussion with the Union Parishad Chairman and Councilors selects projects and allocates funds. The revenue estimates are prepared by totaling arrears and current demand for taxes and by increasing other revenue by a certain percentages. Union Parishad is legally required to have a balanced budget. The municipal expenditures are thus conditioned by the level of resources available. In the Union Parishad area where the receipts are very low, the expenditures are also low. These low expenditures have a crucial impact on the quality and nature of services provided by the municipality. Open budget meetings are held where the budget is shared with the citizenry. Only the local influential people are invited. Common people of Union Parishad have little idea about this practice. Union Parishad members are not aware about the audit report or objections. Copy of the audit report, annual financial statement, tax assessment or annual budget are not displayed or shared with wider population of the Union Parishad.

Even though local government bodies are well situated to incorporate a wide scope of people's participation, the reality is very different. The issue of ensuring accountability and transparency of government finances is a core problem, especially at the local level. Various factors are responsible for an undemocratic mode of government, including

centralized authority, lack of financial resources, improper policy formulation and implementation, as well as an apathy of the people and the government. Ensuring accountability and transparency of local level finance are critical elements for ensuring people's participation in local development. Accountability is a relationship between an actor and a forum, in which the actor has an obligation to explain and to justify his or her conduct, the forum can pose questions and pass judgment, and the actor may face consequences. Accountability entails government at all levels to be held responsible, by both its people and its elected bodies. Accountability also calls for a strict separation of local budgets and entrepreneurial activities at local level.

However, in order to hold government accountable, we also need transparency. Transparency refers to norms and practices for legally legitimate centers of powers to disclose information about their decisions, actions and states of affairs to the public. A transparent public financial accounting policy makes it possible to determine what the government has done and to compare planned with actual financial operations. Transparency denotes free access to governmental political and economic activities and decisions. In Bangladesh, most fiscal decisions are controlled at the national level. The share of local revenues and expenditure in the total public budget is very low. During the last few decades, the share of all Union Parishads total revenues amounted to about one to three percent of the Central Government's total revenue.

Traditional budgets are based on the organizational structure, more specifically, identification of those officers within the government who are held accountable for spending money against budgets local official and people representative of local government. This feature of budgets applies whether budgets are highly aggregated or whether there is significant devolution of budgets—the organizational structure locates the budgets. Budgets tend also to focus on one year, the coming fiscal year of Union Parishad. In local finance, traditional budgets are based on the organizational structure, more specifically, the identification of those officers within the government who are held accountable for spending money against budgets, such as Upazila Nirbahi Officer (UNO) and the representatives of local government.

Budgets tend to focus on one year, the coming fiscal year of Union Parishad. This annual request embodies another common feature of budgets: the request for the coming year is justified in terms of marginal changes from the previous year's budget. The essence of this feature of budgeting is not that budgets must always increase but that budgets are justified by marginal changes from previous years, which may, in principle, be decrements. In local level finance cash-based accounting exclusively emphasizes accounting for transactions. However, what matters are the individual records of each transaction. Periodically, these records are summarized (weekly, monthly, and annual receipts and payments) and classified by category (like salary payments, running expenses, individual and corporate tax receipts) to compare them against budgets. These records are the foundation of all accounting systems, for all kinds of organizations (and individuals). They emphasize an accounting that is based on verification: fact-based verifiable transactions. An important part of this verification is reconciliation of the accounting with the local government's bank accounts.

A Union Parishad's income comes from tax collections on housing, land, agriculture, license fees, income from property, hat-bazars, professional and occupation fees. The key income sources of Union Parishads are a) taxes, fees and charges, b) rents and profits accruing from properties of the union, and c) compensation payment received for services provided by the union. Furthermore, there are some contributions from individuals and institutions, government grants, profits from investments, and receipts accruing from the trusts placed with local bodies, loans raised by a union and proceeds. Union Parishads levy the following seven types of taxes: 1) the Union rate (which is a certain percentage of the annual valuation of households living quarters, buildings and lands), 2) taxes on hearth, 3) lighting rate, 4) drainage rate, 5) conservancy rates, 6) rates for provision of water supply, and 7) rates for the remuneration of village police.

The Union Parishad prepares a valuation list of all buildings within the union through an assessor to be appointed for the purpose by the Union Parishad with prior approval of the relevant authority. Such an assessor may either be a member or any other suitable person. In Bangladesh, a Union Parishad is the grass-root institution for integrating local people into the development process. Since independence, all the development projects undertaken and implemented at grass-root level are done with the supervision of Union Parishads, which are supposed to be run by the people's representatives. Ironically, the outcome of development projects is not significantly visible as most of the projects are not guided by the proposed beneficiaries. A participatory culture in development projects of Union Parishads therefore remains to be far from reality. Instead, the grassroots reality shows that the local power structure in Bangladesh is concentrated in the hands of local elites.

The purpose of a Union Parishad standing committee is to assist with the activities of the Union Parishad. Some matters are not possible to resolve in the Union Parishad office without proper verification. In those cases the Union Parishad standing committees conduct on the spot inspection, take people's opinion, analyze that information gathered and submit them to the Union Parishad. When such a matter is put before the Union Parishad with the analysis and suggestions from the standing committee, then it is easier to implement. The Union Parishad decides the working area of a standing committee. Any decision made by the standing committee has to be approved by the Union Parishad. There are some serious structural and procedural flaws of the standing committees of Union Parishads. Some of these flaws were identified by the respondents as follows: a) meetings of standing committees are not arranged regularly, b) members of the standing committees do not have a clear conception about the functions of the Union Parishad, and c) weaknesses in coordination and interrelation among the different Union Parishad standing committees. It has also been criticized that many members of standing committees stay busy with their personal work and are therefore unable to contribute enough time to the Union Parishad activities. It was also argued that even though standing committees are formed officially, they are not very active because of the lack of sincerity of the chairmen.

In the monitoring system of the financial audit of local level finance assesses the internal control systems that ensure the quality of accounting information and financial reporting. Timely and accurate inspection and auditing is an important part of the local level

finance. The actual process of monitoring local level finance depends on coordinating meetings by local representatives. There is supposed to be one Union Parishad coordinating meeting every month with the presence of the Chairman and other members. In the Union Parishad meeting the total amount of the union rates to be realized from the inhabitants of the union in a year is decided upon. The Union Parishad members of the respective areas are made responsible for levying the union rates on the individual households of the villages in consultation with local leaders.

It is claimed that in fixing the amount of the union rates to be paid by individual households, their economic conditions are always taken into consideration. Local financial accounts can be monitored by personnel understanding the systems, but only if records and systems are maintained accurately and effectively; if policies, timetables, and targets are met; if areas of weakness are identified for action; if errors and fraud are deterred and detected; and if appropriate anticipatory and remedial action are taken. The financial audit of local level finance assesses the internal control systems that ensure the quality of accounting information and financial reporting. Financial audits include financial statements, accounts, accounting, receipts, and other financially related issues. Financial statement audits provide reasonable assurance about whether the financial statements of an audited entity present fairly the financial position, results of operations, and cash flows in conformity with accounting standards.

The media could help to shape public opinion, but they are many times influenced and manipulated by different interest groups in society. The media can promote democracy by educating voters, protecting human rights, promoting tolerance among various social groups, and ensuring that governments are transparent and accountable. Modern-day democrats are as hyperbolic in their praise of the press. Despite the present-day mass media's propensity for sleaze, sensationalism and superficiality, they are still seen as essential democratic tools for ensuring accountability and transparency at local level finance. Civil society could play a variety of roles in ensuring accountability and transparency of local level finance. It could monitor public material, exert advocacy and pressure on governments to publicize certain material, such as information on bid evaluations and awards, and it could directly monitor local financial process. Nevertheless, the power bestowed in civil society and the institutional setup must always be subject to an open and democratic debate.

Bangladesh has gained momentum in participatory local governance development over recent years. The country was established as a parliamentary democracy, but then was under military rule until 1991 when a democratically elected government was reinstated. Fluctuating regime, party, and caretaker government control have led to a series of local government system reforms with greater success in recent years to create deeper participatory local governance. Recent reforms of 2011 introduced mandatory mechanisms for citizen participation in local government. This included citizen charters, ward assemblies, five-year plans and the right to information. The World Bank report "Strengthening Local Governance" identifies several challenges for Bangladesh, including the gap between the desire for political decentralization and the extent to which the current local government system provides real power, functions, and resources for local

governments to operate and allows meaningful citizen oversight of local governments and their services.

Local representatives may be elected, but they often do not have de facto authority or the resources available to successfully meet the needs of their constituents. Participatory local governance faces a number of challenges in Bangladesh, in particular, absence of democratic culture and tradition and disengagement of citizens, asymmetric distribution of patronage and weak institutions. In theory, political elites and bureaucrats in Bangladesh advocate democracy, accountability and local-level participation, but in practice, they have an affinity for power and centralized authority. Their reform initiatives seem half-hearted and disjointed restricting the growth of democratic culture and participatory local governance at the local level in Bangladesh.

Moreover, local people cannot provide any sort of inputs in decision making process for their welfare. Since the very beginning of its evolution, the units are being used by both the party in power and the opposition for their narrow political ends. Besides, the national political activities in different ways are foisted upon the grassroots level units. As a result, people at local level divide in political line and they do not get lesion of cooperation and coexistence unlike the national politics prevailing in Bangladesh. Patronclient relationship is also responsible for the less effective role of Union Parishad in democratic development. In Rural Bangladesh patron decides the will of political participation of the client and such trend keeps the vast majority portion apolitical at the local level. Education is one of the major components of political participation. Unfortunately, despite have 41 years of existence of Bangladesh as an independent country her majority people are illiterate. Among them, most of the people living the local areas have no idea about the significance of Union Parishad in strengthening democracy. Women constitute half of the total population in Bangladesh. But they are in backward position due to their ignorance. A number of barriers are responsible for their backwardness such as poor rate of literacy, myths, religious sanction, and patriarchal society above all government negligence and so on. In the backdrop of such a condition of Union Parishad system to strengthen democracy in Bangladesh, there are some positive outlooks are observed. These are mentioned below:

- Regular basis election;
- Women direct representation;
- o Increasing the rate of people's participation in local elections;
- o Increasing the tendency of the people to participate in different level of development activities of Union Parishad;
- Increasing the rate of literacy;
- o Expansion of the activities of NGOs and their pro vital role to socio-economic development of women at local level;
- o Expansion of the mass and electronic media at the grass root level;
- O Space for the people in order to have access to information at rural Bangladesh;
- o Tele-center for the rural community and introduction of community radio;
- o Initiation of Union Parishad based budget formulation;
- Activation of village court as alternative dispute resolution option to empowering Union Parishad.

Conclusion

It is well evident that, at the heart of all democracies is an essential trust that the individual places in others to fairly pursue the common affairs of all people. This basic trust, sometimes called "social capital", can only be built from the ground up, from the local level. A vigorous local democratic culture, a vibrant civil society, and an open, inclusive local government, are fundamental to the long-term viability of any democracy. It is apparent from the above discussion that Union Parishad is one of the most important grounds of democracy. Any program of Union Parishad is very significant contributor to democratic development of Bangladesh. It has been assumed by the academics and the policy planners that for democratic development there is no alternative to Union Parishad. Political party in power and the opposition should rethink about the significance of Union Parishad for strengthening democracy and for that they must not use it for their narrow political ends. As peoples outlook in our country is fatalistic and their consciousness about their way of political life is very limited the reason why there is no alternative to the spread of education.

Education is the way of political awareness. Hence, our civil society, media, NGOs must be more active in spreading the education of democracy through social movement and make the people aware of it. The working of grass-root democracy in Bangladesh is facing numerous challenges from many sides' .i.e. legal inadequacies, lack of funds, functions, functionaries and capacity, adverse socio- economic environment, vested political interests and lack of political will. Commitment to decentralization as a political value and the consequent political will to establish it. Institutions of self-government should have recognized as an agency for the preparation and implementation of the development programs of the government in consultation and discussion with different stakeholders within government entities. Grass-root institutions apart from Union Parishad should be empowered to raise their own resources by widening their revenue base as also through other ways. Grass- root Institutions should have their own staff to carry out their work. Massive mobilization support from Non-Government Organizations, academics, political parties and other groups in exerting pressure on government to restore power to the place where it belongs to may be of great help. Efforts should be made to encourage unanimous elections to grass- root institutions. This will help in avoiding political interference and securing village harmony in rural Bangladesh.

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