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Changing Pattern of District Administration *Discords and Challenges*

A.S.M. Obaidullah*

Abstract: Historically district has been the vital unit of administration and the Office of the Deputy Commissioner (DC) is considered as the representative of the central government at the district level. The institution, since its inception, has undergone numerous changes. The paper traces the historical development of district administration during the early days of British colonial rule. During the colonial regime the institution used to be exploited as a means of establishing colonial control as well as gaining economic and political objectives. But, later the development role of the institution came to be recognized. The growth of political consciousness of people manifested in the development of local government organizations and the growth of technical departments caused necessary changes in the traditional pattern of district administration. From the 'controlling authority' the institution, after independence, became the 'prescribing authority' and its coordinative role in relation to local government institutions has been emphasized. The paper also identifies the challenges faced by the age-old institution. Despite many challenges and shortcomings, the institution still occupies a crucial position as far as development and welfare administration is concerned.

Introduction:

District is the vital unit of administration in Bangladesh. Historically it has been 'the crucial building block of central government' (Rahman and Islam: 2002). It is the locus of all developmental activities as well as all activities directed towards the maintenance of law and order. Before the introduction of Upazila system the people of Bangladesh used to experience the government at the district level. Even after the administrative decentralization through introduction of Upazila system, the district still occupies a crucial position in the administrative set-up of the country. Within the district the Deputy Commissioner is the 'principal representative of the government' (Chaturvedi: 1988: 63). The office is like a 'mini-government' (Mishra: 2006: 45) within the district because DC is the chief executive at the district level and is considered as the representative of the central government. With the passage of time the

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jurisdiction of the DC has undergone numerous changes; accordingly, the role and function of the DC have undergone changes from time to time. The socio-economic as well political changes - increase in consciousness level, steady economic growth, urbanization, changed professional composition, increasing dependence on industry, business and service sector - have not only caused changes in the patterns of district administration but also determined its relationship with the local government institutions.

Evolution of the Post of DC:

The evolution of the post of DC is closely linked with revenue collection. In order to facilitate the collection of revenue the Mughals divided the then India into a number of Subas or Provinces. The Suba was further divided into a number of Sarkars and Parganas - having the status of present districts and mouzas. But, it was the Suba, which attained importance in the administrative system. A Subedar was in charge of a Suba and his chief function was collection of revenue. During the Mughal period the district administration was not very vital. The East India Company came to India for trade and business, but gradually assumed the administrative and political functions. They took up the Mughal system and developed on it. It is during the Company rule the district emerged as an important unit of administration. In 1772 Warren Hastings, the Governor General of the Company, divided the then Bengal into twenty-three districts (Ali, 1978:3). He also appointed one 'Collector of Revenue' in each district (Ali, 1978:3).

During the earliest phase of British rule law and order and judicial functions were left to the indigenous-machinery. During the period of Warren Hastings the Collector also used to act the Judge of the Local Dewani Adalat (Civil Court) (Ali, 1978:3). Criminal cases were tried by the Qazis and Muftis. Hastings left the police force to be organized by the Zamindars. Cornwallis, the next Governor-General, abolished the Zamindari police force and set up regular police force under the control and supervision of the Collector commanded by a Superintendent of Police (Muhith: 1968:5). Cornwallis believed in the principle of 'checks and balances and division of power' (Ali, 1978:4). In 1793 he separated judiciary from the executive: the posts of a Civil Judge for revenue suits and civil justice and a Magistrate for criminal justice and preventive magisterial work were created. The Collector continued to be responsible for revenue collection and law and order in the district. However, the

system did not last as from 1799 the Collectors dealt with rent suits in a summary manner and from 1821 they were being vested with magisterial powers. In 1837 the magisterial power of the Collector was taken away; but he used to exercise executive and discretionary powers in the matters of revenue collection and maintenance of law and order.

In 1861 the British Crown took over administration of India from the East India Company. The Crown promulgated several Laws which curtailed the executive and discretionary powers of the Collector. The Criminal Procedure Code and the High Court Act both of 1861 defined the judicial powers and *locus standi* of the Collector. He remained responsible for law and order and revenue collection. In 1869, the collector was appointed as Magistrate, made responsible for disposal of criminal cases and was designated as 'Magistrate'. This system persisted till the early years of twenty-first century.

Gradual growth and expansion of public business, which again needed technical knowledge and special training, led to the creation of new departments like Roads and Building, Health, Forest, Civil Supplies, Education and Cooperatives. Each department had its own head at the district level. In 1872 Sir William Campbell, the Governor General of Bengal, strengthened the authority of District Magistrate by issuing orders asking the heads of Departments to act as agents and inspectors of government. "The Magistrate-Collector was made the general controlling authority over all departments in his district and thus he became the 'Chief Executive and Administrator' of the district" (Ali, 1978: 5).

With the establishment of new departments the district administration came to encompass not only public order and revenue but also other functions. But, as the departments grew in strength, DM's control was reduced. "The tendency was to transfer control to departmental officers, who were, however, instructed to keep in touch with the DM and seek his advice when they needed it" (Ali, 1993: 80). The supremacy of the DM in relation to other departments gradually ebbed away with the passage of time. The new specialized departments had their own chain of command. By the early twentieth century the DM "in no way was controlling their affairs" (Ali, 1993: 81). District level officers of other departments continued to be guided and supervised by their superiors at the Provincial headquarters.

But, during the British colonial rule DM retained crucial position in administering a district. District administration was associated with welfare and development activities. In fostering and supervising local government institutions DM also played significant role. As the head of district administration DM not only maintained law and order as well as management of collection or revenue, he played crucial role in establishing stability as well as strengthening colonial rule.

During the British colonial rule administrative procedures as a whole were exploited by the colonial rulers to establish political and social control (Rahman and Islam: 2002: 5). The district administration was no exception. The post of Collector was an important means of establishing control. It was mainly through the office of Collector that the British rulers used to execute their command and retain local control (Mishra: 2006: 45). During the British rule the DCs were mainly responsible for collection of land revenue and maintenance of law and order. They "maintained high quality of devotion, dedication, loyalty" (Mishra: 2006: 46) towards the British Raj. They were mainly accountable to the Governor-General for their actions and deeds.

A change occurred in the role and function of DC after the partition of India:

After partition of Indian in 1947, the objectives of Government and administration radically changed. Service to people and welfare of the society took the place of foreign rule. The functions of the District Magistrate multiplied many times and took a new dimension along with change of policy of the government (Ali, 1978: 15).

During the fifties district administration as an impediment to development had been severely criticized. However, the potentialities of its role in development were recognized and during the early sixties when the military government Ayub Khan effected a transition from martial law to civilian rule, the crucial role of district administrant was emphasized. Through the Basic Democracies system, the designation Deputy Commissioner (DC) was assigned to the post and he was made the chairman of the District Council. The new designation DC gained popularity among the people of the land. In order to strengthen the position of DC and make him more effective for the implementation of development programs DC was given new powers. From that time onward the chief executive of the district assumes the functions of

Collector, District Magistrate and Deputy Commissioner simultaneously; he is three-in-one. But, he is popularly known as Deputy Commissioner or DC and rarely referred as Collector or District Magistrate.

During the Pakistan period Bangladesh (then East Pakistan) for the first time warranted the attention of the policymakers. In the early years of Pakistan era a few development projects, mostly for industrial purposes, were taken up for implementation (Ali, 1978: 1). East Pakistan hardly received attention from the policymakers as far as development was concerned. Though the situation improved slightly during the second half of the era (1960-1970), it was far from satisfactory. During this time, the DCs along with the Divisional Commissioners worked hard "to prepare projects and plans and implemented them seriously to improve the lot of the common men" (Ali, 1978: 1). However, the Pakistan regime is marked by exploitations of every possible sort by the West Pakistanis. And during the period, it is alleged that DCs, by and large, functioned as agents for the central governments to establish political control locally. They functioned, with a very few exceptions, as instruments of implementing the political agenda of the central government.

After independence in 1971 the district administration, in the initial years, acted under 'great stress and strain' (Ali, 1993: 82). District continued to be the most important unit in field administration. DC emerged as the chief coordinator of the district. Despite several experiments the basic structure and functions of the district administration remained more or less the same. DC continued to be the chief executive of the district, but politicians gradually started to penetrate. A significant change occurred in 1985 with the introduction of Upazila system. The coordinative role of DC was further enhanced. Despite existence of Upazila councils, district administration remains as the important unit of administration in implementing the plans and programs of the government.

During the Mujib period the coordinative authority of the district administration was emphasized and DC was appointed administrator for Zila Parishad. This was done as a stop-gap arrangement until, in accordance with the constitution, elected local councils were installed. In 1972 Choudhury Committee recommended establishment of elected Zila and Thana Parishads and transfer of all development functions except those of national importance to the Parishads. The Committee recommended that the coordinating responsibility would lie with the DC. In 1975, after opting for one-party rule following constitutional

amendment, the Awami League government initiated District Governor scheme by promulgating new law. The Governor, being the chairman of the District Administration Council, was declared to be "the chief officer in charge of the general and revenue administration of the district".¹ DC occupied an important position in the new administrative framework. In the absence of the Governor, the DC was to act the Governor. He was also made the Member-Secretary of the District Administration Council. This was a short-lived experiment as on 15 August 1975 martial law was proclaimed and the new government repealed the scheme.

During the Zia regime DC continued to be the administrator of the Zila Parishad. However, during the late seventies district administration increasingly came under the coordinative control of the politicians. A significant development was the appointment of District Development Coordinators from amongst the elected Members of Parliament of the ruling party. Cabinet ministers also used to move to their respective constituent districts to review development work. During the same time several reforms in services significantly lowered the status of DC and reduced his coordinative authority:

...following intense specialist-generalist controversy there were reforms in the services structure. Under these reforms, the concept of elite service from which DCs were mostly recruited was abolished. The pay scale of DC was reduced to be at par with those of other district level officials. All these developments upto 1980 tended to reduce the DC's role as coordinator of development work (Ali, 1993: 80).

In March 1982, martial law was proclaimed by the military. The military government of General Ershad took up the question of administrative reforms and following recommendations of National Implementation Committee for Administrative Reform (NICAR) upazila parishad system was introduced in 1985. The introduction of upazila system led to a major change in the structure and function of district administration. Many of the duties and functions previously conducted by district administration were given to the newly established upazila parishads. The coordinating and supervisory role of the DC was emphasized and his relationship with the upazila parishad was based on the traditional role of the DC as "eyes and ears of the government". A further change took place with the enactment of Zila Parishad law in 1988. The government appointed a member of parliament as the Chairman of Zila Parishad. DC and other

¹ The District Administration Act (Act VI of 1975)

selected district level officers were made non-voting members of the Zila Parishad. However, despite the changes, the coordinative function of DC remained unaffected. DC continued to head over thirty district level committees. He continued to chair the District Development Coordination Committee (DDCC) of which other district level officers representing development departments were members. DC continued to be the chief executive of the district.

After the fall of Ershad government following mass movement in 1990 democracy was restored through 1991 national election held under Chief Justice Shahbuddin Ahmed caretaker government. The Khaleda Zia led government changed the upazila system. There was no elected body at the district level too. This situation persisted for more than a decade. No significant changes to the district administration took place during Khaleda Zia's government as well as during Sheikh Hasina led government from 1996 to 2001. However, when Bangladesh Nationalist Party (BNP) came to power in 2001 political penetration in district administration occurred through appointment of District Ministers on November 12, 2001. The District Ministers were responsible for looking after overall development and law and order situation of the concerned district. But, the system of district minister came to an end through a High Court verdict which declared the government provision of district ministers in charge of district illegal and unconstitutional on April 27, 2006.

The separation of judiciary from the executive on November 01, 2007 by the just-bygone Non-party Caretaker government has brought about significant changes in the pattern and structure of district administration. It has significantly reduced the authority of DC and has rendered the organization somewhat lackluster. The age-old organization is encountering challenges from different quarters. The reintroduction of Upazila system is likely to bring some changes in the pattern. The position and role of DC in regards to newly elected Upazila parishads are yet to be determined. However, the chief-executive of the district still continues to be three-in-one, Collector, District Magistrate and Deputy Commissioner.

Challenges Faced by District Administration:

Ever since its inception the district administration has undergone many changes. With the passage of time, due to socio-economic changes affecting the life-style of the people, the age-old institution has been

exposed to many types of challenges as to its stability and survival. Since the beginning of the nineteenth century the traditional office of DC has been continually experiencing political as well as technical challenges (Ali, 1993: 90). The political challenge is manifested in the creation of elected local councils, appointment of political coordinators and creation of Upazila. The technical challenge has found expression in the growth and subsequent strengthening of departments with specific functions of technical nature with their own hierarchical structure.

Another challenge that the organization has been facing is its inability, both administrative and financial, to meet the governance requirements of the 21st century. The numerous changes that the institution has undergone since its inception have left it with 'a narrow functional and financial jurisdiction'. Its service-delivery procedure is very cumbersome. Commenting on the overall condition of delivery of public services in government offices the Public Administration Reform Commission 2000 in its Report mentions the following:

The general perception is that the members of the public are harassed and humiliated by public officials at different levels of administration. The relationship between public officials and the members of the public has taken the shape of benefactor and beneficiary, although the public servants were meant to provide service to the public. People are unaware of how and where to obtain specific services and often fall prey to middlemen and corrupt practices. Cumbersome procedures and the slow pace of decisions and service delivery cause suffering to the people and waste public resources and time.²

District administration is not free from this pervasive malady affecting all public offices. The institution has been facing the challenge of functioning to the expectations of the people.

DC's coordinative function is also facing challenge. It is often observed that the coordinative mechanism of DC is not functioning well. In fact, the role of DC as coordinator has neither been properly defined or regularized. The relations of DC with officials of other departments is vague and undefined though his responsibility is fixed. As a result there exist dynamics of discords in the arena of coordination in the district level.

² Public Administration for 21st Century: Report of the Public Administration Reform Commission 2000; Volume 1, page 7

After the separation of judiciary from the executive the institution has been suffering from a sort of image crisis. The amendment of the Criminal Procedure Code has reduced the magisterial functions of DC to preventive actions only. It is argued that the abrupt separation has seriously affected the functioning of the institution.

Conclusion:

The position of Deputy Commissioner is highly honorable in the government and it requires strong sense of commitment, accountability, ethical and moral standards, honesty and integrity, hard work and fair judgment. The institution still occupies a crucial position as far as land management, development, welfare administration and maintenance of law and order are concerned. It is still the principal representative of the government in the district. Exposure to modern day management techniques and application of information and communication technology can make the institution efficient and effective in delivering the constitutional mandate to the public and lead to good governance in the district. The institution has the potentials not only to ensure sustained social and economic development, but also to foster local self-government.

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Major Barriers of e-Commerce Development in Bangladesh Customers' Perception

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Abstract: *E-commerce is the most recent manifestation of the dynamic nature of trade: a significant and logical evolutionary step in how international trade occurs. Today, e-commerce is transforming the international trade landscape. This study examines the current status of Internet and E-commerce development and reveals the major barriers to e-commerce adoption in Bangladesh from customers' perception, and proposes strategies toward greater success of e-commerce in Bangladesh.*

Introduction:

In the electronic age the use of internet has revolutionized the design and implementation of way of doing business. At the moment it has immense impact on commerce and the economy as well. It provides with efficient and very powerful methods of designing, promoting and distributing products, conducting research and gathering marketing information. Benefits of e-Commerce such as: 24/7 operation, global reach, low cost of acquiring, serving, and retaining customers, improved customer service etc. have given it a thrust to become the prime mode of trade and commerce in the future. With the development of e-Commerce, new types of relationships started to emerge in business settings. This type of virtual commerce has presented some challenges and opportunities to both merchants and customers. e-Commerce is ubiquitous and thus anyone can transact at any time from any place. On-line commerce has enabled customers to overcome the handicaps of time and space. (Office of Telecommunications Technologies, International Trade Administration, US Department of Commerce. Telecommunications Country Profile: Bangladesh. <http://www.tiaonline.org/policy/ref/countries.cfm>.)

e-Commerce is a process of buying and selling products or services over an electronic network. Among all forms, internet is the most popular

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medium of conducting e-commerce. It encompasses a range of processes namely: Electronic Data Interchange (EDI), Electronic mail (email), World Wide Web (WWW), Internet Applications, Network Applications etc. e-Commerce is generally conducted through the sale or purchase of goods or services over computer-aided networks. The goods or services are ordered through these networks but the ultimate delivery of goods or services are performed manually. The payment for the transactions are made most of the time online, however sometimes may be made off line as well.

Despite the rapid and demonstrated uptake of e-Commerce techniques, there is still very limited detailed evidence about how individual corporations in developing countries are using e-commerce to improve their business activities and what the effective costs and benefits are of using those techniques. (DIGITAL OPPORTUNITIES FOR DEVELOPMENT). Despite the fact that e-Commerce has endless opportunities, it is evident that numerous barriers inhibit the successful uptake of e-Commerce. The purpose of this paper is to contribute to revealing the existing and prospective barriers to e-Commerce and devising their solutions in the context of Bangladesh.

Review of Literature:

It is conceived that e-Commerce is a phenomenon of developed country and new technology generally put challenges for developing countries that lack the requisite capabilities, as well as the economic and financial resources to cope with the developed countries. Especially internet presents both opportunities for economic and social development, and a threat to further increasing the gap between developed and developing countries. (Tigre, 2003)

The experience of most developed countries shows that price and availability of the telecommunications infrastructure are clearly associated with competition and market access (Sachs, 2000). Recently Bangladesh Government has withdrawn import duties from computers and computer related peripherals. Due to the withdrawal of duties prices of computers and related products declined sharply and become more affordable to general communities. This increased the use of computer for general purpose. Until now the effective application of computers are underutilized due to particularly government policy. However, it is revealed from recent survey that nearly 90% of the computers are Dhaka-

based and there is little scope for decentralization of these PCs to different regions of Bangladesh.

Very few standard IT institutions are providing high quality IT Education in Bangladesh, but the costs are very high and consequently remain beyond the reach of general people. Some IT related private institutions opened and started to offer it courses but again they are centered around Dhaka city. These institutions suffer from lack of coordination and quality course materials, and inadequate technical facilities. In course of time, eventually situations have been improved as the government withdrew duties on VSAT. At present there are more than 50 ISPs operating in the country including the government owned BTTB located only in Dhaka, Sylhet and Chittagong.

Different patterns have been found in studies about the extent to which firms in developing countries embrace the internet. In Brazil, telecommunication infrastructure is not considered a barrier for e-Commerce, and financial services sectors have widely adopted the internet approach. (Tigre, 2003). In Nigeria, e-mail was the prime aspect of the internet system and business people used email mostly for the purpose of communication (Osuagwu, 2003). Low level of IT education was recognized as the underutilization of internet system in many developing countries. In Hongkong low e-shopping compatibility, e-shopping inconvenience, e-transaction insecurity and low internet privacy, together with orientation toward social interaction and poor awareness on the part of the consumers, translate into supply-side hurdles (Cheung and Liao, 2003).

It is found from various studies that in developing countries e-Commerce has hindrances in the arena of cultural habit and business and technology infrastructures as well (Yu, Jun, 2006).

Various studies identified a number of factors that facilitate or limit internet-based businesses. The enablers are availability of information, access to price information, accessibility, and convenience. These are the factors that would benefit the online business. On the other hand, the limiters which inhibit the escalation of internet business include lack of trial, lack of interpersonal trust, lack of instant gratification, high shipping and handling costs, customer service issues, loss of privacy and security, lack of a stable customer base, and poor logistics (Dhruv et. al., 2002). Oinas (2002) recommended in his paper that online companies serving

ultimate consumers need to build competency in retailing, handling payments, and distribution, among other crucial business functions.

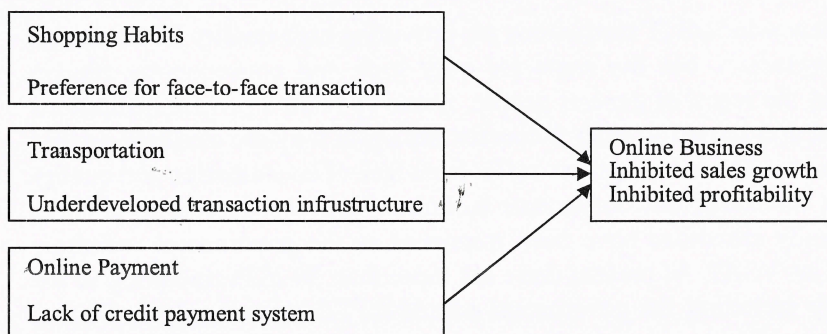


Figure: Barriers to Online Business (Yu Jun , 2006)

Among other barriers many traditional middlemen are trying to preserve existing barriers and create new ones as a way to prevent online competition. In the developed countries these barriers already prevented many firms practicing e-Commerce from selling directly to consumers and severely limit the ability of consumers to buy things.

Study Methodology:

Methodology followed to complete the study is on the basis of primary and secondary data. Secondary data were collected from relevant papers, daily newspaper, IT magazines published in paper form and electronic form as well. Primary data were collected from three stakeholder groups namely, vendors (merchants), financial institutions and the consumers. A critical analysis was done to determine the barriers that hinder the effective implementation of e-commerce in Bangladesh.

Context: Bangladesh:

According to International Telecommunication Union (ITU) report, Bangladesh had 450,000 internet users in 2007. There are around 100 software houses, 35 data entry centers, thousands of formal and informal IT training centers and numerous computer shops. Although ICT had been announced as a thrust sector in 1997 no substantial and clear-cut IT policy has been followed since then. Still legislation towards electronic signatures, practical laws to protect intellectual property rights and relevant financial structure to facilitate electronic transaction are yet to be formalized. The entry into the global economy is effectively blocked because of inadequate ICT infrastructure and human resources, and non-

existing compatible electronic environment to the rest of the world, lack of coordination among different stakeholders. However, the member of IT users in Bangladesh is increasing rapidly.

Technical Limitations to e-Commerce:

- Lack of sufficient system security, reliability, standards and communication protocols
- Insufficient telecommunication bandwidth
- The software development tools are still evolving and changing rapidly
- Difficulties in integrating the internet and e-commerce software with some existing application and data base
- The need for special web servers and other infrastructures, in addition to the network servers (additional cost)
- Possible problems of inter operability, meaning that some EC software does not fit with some hardware, or is incompatible with some operating systems or other components

Non-Technical Limitations to e-Commerce:

- Cost and justification
- Security and privacy
- Lack of trust
- Channel conflict
- Other limitations are such as lack of touch and feel online etc

According to the study conducted by Dilruba et al., (2005) e-Commerce in Bangladesh is not advancing because of –

- Poor physical and network infrastructures
- Inadequate human resources
- Absence of required rules/law
- Low level of computer literacy, and
- Widespread poverty etc.

One of the main bottlenecks of e-Commerce in Bangladesh is e-payment system operation, which suffers from lack of convertibility of e-currency. The balance in any e-cash account is not convertible like cash without the help of any intermediating third party. Furthermore, it attracts special hardware arrangement.

Findings:

The study collected and analyzed primary data about existing and prospective inhibitors from customers. The study has identified six critical factors namely: lack of security, lack of privacy, lack of information lack of experts, Computer illiteracy inappropriate law.

		Lac_of_sec	Lac_of_pri	Lac_of_inf	Lac_of_exp	Comp_ill	Inap_law
N	Valid	200	200	200	200	200	200
	missing	0	0	0	0	0	0
Mean		2.9900	2.4500	2.7000	2.8500	2.3500	2.1500
Median		3.0000	2.0000	3.0000	3.0000	2.0000	2.0000
Std.dev		1.1904	1.1904	1.1298	1.1723	.9550	.8551

The mean score of the variable lack of security shows that the average people some what agree about the fact that it has substantial contribution to the obstacles of e-commerce. The mean score of the lack of experts, computer illiteracy, and inappropriate laws indicates that the average respondents agreed that these variables have impact on the development of e-commerce in Bangladesh.

Regression model:

In this study, the dependent variable "inefficient e-Commerce" which indicates ineffi_e_Commerce and independent variables were: (a) "inappropriate laws indicate as inap_law" (b) "computer illiteracy indicates as comp_ill", (c) "lack of experts indicates as lac_of_exp", (d) "lack of infrastructure indicates as lac_of_inf", (e) "lack of privacy indicates as lac_of_pri", (f) "lack of security indicates as lac_of_sec".

Table 2: Model Summary

model	R	R Square	Adjusted R square	st. Error of the Estimate	Change Statistics					Durbin Watson
					R Square Change	F Change	df 1	df 2	Sig. F Change	
1	0.294 ^a	0.087	0.082	0.44018	0.087	18.764	1	198	0	
2	0.301 ^b	0.091	0.081	0.44033	0.004	0.864	1	197	0.354	
3	0.353 ^c	0.124	0.111	0.43315	0.034	7.583	1	196	0.006	
4	0.36 ^d	0.13	0.112	0.43296	0.005	1.174	1	195	0.28	
5	0.368 ^e	0.135	0.113	0.43263	0.006	1.299	1	194	0.256	
6	0.4 ^f	0.16	0.134	0.42749	0.025	5.691	1	193	0.018	2.011
a) Predictors: (Constant), inap_low										
b) Predictors: (Constant), inap_low, comp_ill										
c) Predictors: (Constant), inap_low, comp_ill, lac_of_exp										
d) Predictors: (Constant), inap_low, comp_ill, lac_of_exp, lac_of_inf										
e) Predictors: (Constant), inap_low, comp_ill, lac_of_exp, lac_of_inf, lac_of_pri										
f) Predictors: (Constant), inap_low, comp_ill, lac_of_exp, lac_of_inf, lac_of_pri, lac_of_sec										
g) Dependent variable: ineffi_e_Commerce										

The model summary contains six models. Model 1 refers to the first stage in the hierarchy when only inappropriate law is used as a predictor. Model 2 refers to the second stage in the hierarchy when inappropriate law and computer illiteracy are used as predictors. Model 3 refers to the third stage in the hierarchy when inappropriate law, computer illiteracy and lack of expert are used as predictors. Model 4 refers to the fourth stage in the hierarchy when inappropriate law, computer illiteracy, lack of expert and lack of infrastructure are used as predictors and so on.

In the column labeled R are the values of the multiple correlation coefficients between the predictors and the outcome. When only inappropriate laws is used as predictor, this is the simple correlation between inefficient e-commerce system and inappropriate laws (0.294), when inappropriate laws and computer illiteracy are used as predictors the simple correlation between inappropriate laws and computer illiteracy (0.301) and so on for other predictors.

The next column gives a value of R^2 which is a measure of how much of the variability in the outcome is accounted for by the predictors. For the first model its value is 0.087, which means that inappropriate law as predictor accounts for 8.7 per cent of the variation in the dependent variable inefficient e-commerce. The values of second, third, fourth, fifth,

and sixth models increase to 9.1%, 12.4%, 13%, 13.5%, and 16%. The adjusted R^2 gives some idea of how well model generalizes and ideally it would like its values to be the same or very close to the value of R^2 . The difference for the final model is a fair bit ($0.160-0.134=0.026$ or 2.6%). This means that if the model were derived from the population rather than a sample it would account for approximately 2.6% less variance in the outcome. The Durbin-Watson statistics informs about whether the assumption of independent errors is tenable. The closer to that the value is, the better, and for these data the value is 2.011, which is so close to 2 that the assumption has almost certainly been met.

Table 3: ANOVA

	Model	Sum of Square	df	Mean Square	F	Sig.
1	Regression	3.636	1	3.636	18.768	.000 ^a
	Residual	38.364	198	.194		
	Total	42.000	199			
2	Regression	3.803	2	1.902	9.808	.000 ^b
	Residual	38.197	197	.194		
	Total	42.000	199			
3	Regression	5.226	3	1.742	9.285	.000 ^c
	Residual	36.774	196	.188		
	Total	42.000	199			
4	Regression	5.446	4	1.362	7.263	.000 ^d
	Residual	36.554	195	.187		
	Total	42.000	199			
5	Regression	5.689	5	1.138	6.079	.000 ^e
	Residual	36.311	194	.187		
	Total	42.000	199			
6	Regression	6.729	6	1.122	6.137	.000 ^f
	Residual	35.271	193	.183		
	Total	42.000	199			
a) Predictors: (Constant), inap_law						
b) Predictors: (Constant), inap_law, comp_ill						
c) Predictors: (Constant), inap_law, comp_ill, lac_of_exp						
d) Predictors: (Constant), inap_law, comp_ill, lac_of_exp, lac_of_inf						
e) Predictors: (Constant), inap_law, comp_ill, lac_of_exp, lac_of_inf, lac_of_pri						
f) Predictors: (Constant), inap_law, comp_ill, lac_of_exp, lac_of_inf, lac_of_pri, lac_of_sec						
g) Dependent variable: inefficient e-Commerce						

The next part of the output contains an analysis of variance (ANOVA) that test whether the model is significantly better at predicting the

outcome than using the mean as a 'best guess'. Specifically, the F-ratio represents the ratio of the improvement in prediction that results from fitting the model (labeled 'Regression in the table'), relative to the inaccuracy that still exists in the model ('Residual' in the table). This table is again split into six sections: one for each model.

The regression model is much greater than the inaccuracy within the model when the value of F will be greater than 1 and SPSS calculates the exact probability of obtaining the value of F by chance. For the initial model the F-ratio is 18.764, which is very unlikely to have happened by chance ($p < .001$). For the second model the value of F is 9.808, which is also highly significant ($p < .001$). The value of F-ratio of third, fourth, and sixth models are 9.285, 7.263, 6.079, and 6.137, which are also highly significant ($p < .001$). we can interpret these results as meaning that the final model may count as significant to predict the outcome variable.

Table 4: Coefficients

Model	Unstandardized Coefficients		Standardized Coefficients	t	Sig.
	B	Std. Error	Beta		
1 (Constant)	1.360	.084		16.114	.000
inap_law	.158	.036	.294	4.332	.000
2 (Constant)	1.395	.092		15.119	.000
inap_law	.184	.046	.342	4.022	.000
comp_ill	-.038	.041	-.079	-.930	.354
3 (Constant)	1.245	.106		11.768	.000
inap_law	.183	.045	.340	4.075	.000
comp_ill	-.065	.041	-.136	-1.578	.116
lac_of_exp	.076	.027	.193	2.754	.006
4 (Constant)	1.165	.129		9.050	.000
inap_law	.181	.045	.337	4.027	.000
comp_ill	-.065	.041	-.135	-1.566	.119
lac_of_exp	.077	.027	.196	2.794	.006
lac_of_inf	.029	.027	.073	1.084	.280
5 (Constant)	1.084	.147		7.355	.000
inap_law	.179	.045	.333	3.985	.000
comp_ill	-.060	.042	-.125	-1.449	.149
lac_of_exp	.078	.027	.200	2.849	.005
lac_of_inf	.024	.028	.059	.867	.387
lac_of_pri	.035	.031	.078	1.140	.256
6 (Constant)	.988	.151		6.539	.000
inap_law	.166	.045	.308	3.705	.000
comp_ill	-.050	.041	-.105	-1.224	.222
lac_of_exp	.059	.028	.151	2.100	.037
lac_of_inf	.024	.027	.060	.893	.373
lac_of_pri	.018	.031	.041	.593	.554
lac_of_sec	.065	.027	.169	2.386	.018

The next part of the output is concerned with the parameters of the model. The first step in the hierarchy included inappropriate laws and although these parameters are interesting up to a point, it is more interested in the final model because this includes all predictors that make a significant contribution to predicting relationship between predictors and inefficient e-Commerce in Bangladesh. It will actually look only at the lower half of the table (Model 6).

In multiple regressions the model takes the form of an equation that contains a coefficient (b) for each predictor. The first part of the table gives us estimates for these b values and these values indicate the individual contribution of each predictor to the model.

The b values tell us about the relationship between inefficient and each predictor. If the value is positive it can tell that there is a positive relationship between the predictor and the outcome whereas a negative coefficient represents a negative relationship. For these data predictors have positive b values indicating positive relationships. So we see that the more inappropriate law the more inefficient will be the state of e-Commerce and affect outcome if the effects of all other predictors are held constant.

Each of these beta values has an associated standard error indicating to what extent these values would vary across different samples, and these standard errors are used to determine whether or not the b value differs significantly from zero. Therefore, if the t-test associated with a b value is significant (if the value in the column labeled sig. is less than 0.05) then that predictor is making a significant contribution to the model. For this model inappropriate law = 3.705, $p < .01$, lack of experts = 2.100, $p < .05$ and lack of security = 2.386, $p < .05$ are significant predictors of inefficient e-Commerce. From the magnitude of the t-statistics we can see that the inappropriate law had more impact than lack of experts and lack of security.

The standardized beta values (β) are all measured in standard deviation units and so are directly comparable: therefore, they provide a better insight into the 'importance of predictor in the model the standardized beta values for inappropriate laws (.308), computer illiteracy (-.105), lack of experts (.151), lack of infrastructure (.060), lack of privacy (.041) and lack of security (.169). It reveals except for computer illiteracy all other variables are positive. Therefore, interestingly the computer illiteracy is not a good predictor of inefficiency of e-Commerce in Bangladesh.

Recommendation for solution to the problem:

Since Bangladesh is a developing country and private organizations are not organized enough to provide with IT infrastructure Government should initiate programs to reduce the barriers and establish a task force at the government level to coordinate the activities related to ICT of different stakeholders. As a long-term investment government should invest in basic and higher education to reap the real benefits of ICT. (Dilruba *et.al.*, 2005).

An effective telecommunications infrastructure to facilitate export oriented IT services is to be taken as a must at the moment. Government should subsidize utility expenses for IT companies and declare tax holiday for IT and IT education enterprises. Level of English education is to be upgraded to the communication skills of the human resource.

Bangladeshi skilled professionals who are working abroad can be encouraged to return to the country and/or collaborate with Bangladeshi entrepreneurs. (Chowdhury, 2001)

e-Payment system is one of the main hindrances to e-commerce. Most of the IT activities particularly transactions with other countries require e-payment system badly. For example a single Paypal would be a great aid to solve the problem. But, we are not in the Paypal list where, even Bhutan is on the Paypal's list.

- Reducing consumer reluctance for online shopping
- Careful selection of products to offer in the virtual stores in terms of nature and price of the products
- Product standardization
- Informing consumers about the ease and benefits of online shopping.
- Considering the value the customers consider while delivering goods about the benefits the consumer gets from possessing and using a product and the associated costs for acquiring the product. (Armstrong and Kotler, 2002)
- Substantially enhancing transaction security and product quality, showing the customers that the company cares and shares about buyers' well-being (Srinivasan *et.al.*, 2002) and to help them understand that virtual shops are safe and legitimate.

- Building effective distribution channels namely postal service, direct delivery, third party delivery, and alliances with other established companies.
- Removing any obstacles that hinder the effective methods of both online and offline payment systems.
- It is imperative that the WTO support barrier-free e-commerce and the WTO rules and disciplines are applied, and where necessary adapted, to ensure effective execution of e-commerce. Adopting and implementing the WTO Information Technology agreement on financial services, and the WTO agreement on basic Telecommunications are essential for international business relating to e-commerce (Worldwide Coalition Calls for WTO Policy Agenda to Enhance Growth of eE-Commerce).

Conclusion:

In the study the authors intended to examine the existing and prospective barriers to e-Commerce to the successful operation of e-commerce in Bangladesh and suggested some strategies to overcome these barriers. Companies that market to Bangladeshi customers on the internet need to devise some unique ways to overcome the constraints that suit indigenous environment.

It is evident that in the near future there will be huge online business market in Bangladesh. This enormous opportunity is to be taken by those take advantages of the fact that e-commerce is still in its infant stage in Bangladesh. The study found that vendors should not wait until the removal of the current obstacles in the online business environment. The effort is to be exerted towards the development of appropriate e-commerce model that is suitable for the products being marketed. The business model has to encompass the three major factors: attracting potential customers, timely delivery, and comfortable payment methods.

Bangladesh is an agricultural country. The country should take the approaches to e-commerce holistically and would exert efforts to the proper utilization of ICT particularly, agricultural e-Commerce.

The study calls on the government to dismantle the restrictions and re-examine rules that prevent successful e-commerce. There are many things to do on the part of the consumers as well. They can band together to let companies and government know that they won't tolerate the artificial barriers that limit choice and raise prices. Finally, industry and professional associations should work together to apply the promise of e-commerce, not to block it.

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Role of ICTs in the Health Sector in Developing Countries A Critical Review of Literature

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Abstract: This paper explores the domain of literature on information systems or electronic health (e-health) in the rural healthcare in developing countries. The main aim of this paper is to contribute to the development informatics community literature by bridging a knowledge gap. Based on secondary data, the study analyses the key policy debates and presents previous research finding. It shows that ICTs play a marginal role in access to health information due to the health vulnerabilities and limited information resources of the poor. This paper concludes that no ICTs will work in a resource-poor setting unless livelihood-based approach is intervened.

1.0 Introduction

In this digital age, information and communication technologies (ICTs) are considered to be the 'catalysts to development' (Mansell & When, 1998). Many studies demonstrate that information systems (IS) can make significant contribution to the health sector particularly in the primary health care (PHC) in developing countries (Braa & Blobel, 2003). However, such studies are insufficient due to the pilot syndrome of HICT projects (Lucas, 2008). Danida (2005) argues that the poor and the health professionals are the major targets of health-related millennium development goals (MDGs). But most of the world's poor (about 75 per cent) and significant numbers of health workers live in the rural areas (Ojo, 2006) and often remain in the wrong side of the digital divide (Kenny, 2006; Castells, 2001). Therefore, researchers advocate that traditional approach of ICT intervention is not a solution because they do not address the livelihoods of the poor and cannot bring them to the access to ICTs. Thus, the result is the information gap in the health communication (Godlee *et al.*, 2004).

A number of studies on electronic health (e-health) shows that digital ICTs in the health sector face tremendous constraints and do not produce desired outcome (Madon *et al.*, 2010). Development informatics

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researchers claim that one of the main reasons of such a setback is the lack of understanding of 'information first' approach in electronic development (e-development) initiatives (Heeks, 2002). They opine that the understanding of the ability of the poor to access, to assess, and to apply information and to act upon it, is important before mediating any ICT initiative. This is because the poor are entangled with numerous vulnerabilities in their livelihoods (Duncombe, 2007).

Under this backdrop, this paper critically reviews relevant literature on the potential role of ICTs in the rural healthcare to understand the insights into the realities of e-health implementation in a resource-poor setting. The main aim of the study is to contribute to the development informatics community literature by bridging a knowledge gap in ICT applications in the health sector domain.

As a research method of this study, a systematically structured search of the literature has been applied to generate peer-reviewed academic articles. For this purpose, several databases such as ProQuest, Informa Healthcare, Palgrave, SpringerLink, and Sage journals online have been utilized by using the combination of keywords such as 'health', 'information communication technology', 'developing countries', 'resource poor settings', and 'millennium development goals'. Furthermore, the review is also supplemented by other e-journal search engines including 'Medline' and 'Google Scholar'. After examining the article abstracts, only relevant literature has been reviewed and synthesised. This paper selected literature that touched upon the areas of ICTs in the healthcare in developing countries and was sufficiently critical in order to understand the conventional thinking as well as the critique of it.

The remaining part of this paper is structured as follows: Section 2 conceptualizes the insights into data-information-knowledge continuum; Section 3 highlights the issues and policy debates across ICTs in achieving health MDGs; Section 4 analyzes main research findings on electronic health (e-health) initiatives; and Section 5 concludes the study with key suggestions.

2.0 Information, Communication, Knowledge and ICTs

The recent insights of information society theories reveal that there has been a gradual shift of emphasis 'from a preoccupation with technology

as a strategic resource to a growing interest in information and its exploitation' (Bellamy, 2003:114). This 'information-centred' or 'information-intensive' concepts have been clarified by Heeks (2002) with the explanation that the intrinsic role of ICTs is two folds: First, when, as a process, ICTs perform 'handling of data electronically or digitally', they either change data into information or move data from sources to recipients. Second, when ICTs facilitate as 'sources of outcome', they turn information into knowledge that helps either in learning or decision-making or taking action. Therefore, ICTs are 'processors' or 'communicators' to enhance communication processes for transmitting information and exchange of knowledge.

One of the most influential conceptual approaches in the 'data-information-knowledge continuum' is the work of Davenport & Prusak (1998:3). They term 'information' as a 'message to inform people' which is sent from a sender to a receiver in the form of documents or audible or visible communications 'to change the way the recipient perceives something' or 'to have an impact on his judgment and behaviour'. The messages (information) including traditional mail, e-mail, Internet transmissions are delivered through hard (e.g. wires, delivery vans, satellite dishes, and post offices) and soft (e.g. handing over a piece of paper) networks.

In ICT, 'information' is central - originating from data and moving towards knowledge. Although 'data' provides no judgment or interpretation, it is essential raw material for the creation of information (Davenport & Prusak, 1998) which is important for effective data management in any electronic development (e-development) initiatives particularly in the health sector (Kuhn, 2004). Knowledge management (KM) utilizes how these data can be transformed into another resource (Alavi & Leidner, 2001; Nonaka, 1994). Thus, knowledge constructs a shared understanding of how information can be applied to solving problems and getting things done by utilizing intuition, judgment, and wisdom (Bellamy, 2003).

Drawing on the work of Polanyi (1962, 1967), Nonaka (1994) explicated two basic taxonomies of knowledge in organizations: tacit and explicit. Tacit dimension of knowledge is an individual's mental maps, intuition, beliefs, judgment, and viewpoints (cognitive elements) & know-how, skills and personal experience (technical elements). Explicit knowledge is formal, systematic knowledge that can be codified, written down, and

passed on to others in documents (Daft, 2004; Blacker, 1995). The implications for this knowledge management approach in ICT applications are important as suggested by Hansen *et al.* (1999). He argued that explicit knowledge is a people-to-documents approach, so developing an electronic document system that codifies, stores, disseminates, and allows reuse of knowledge as opposed to person-to-person approach under tacit knowledge. These issues are crucial in knowledge-sharing. ICTs, for example, such as videoconferencing or the telephone, are proved effective at enabling people to transfer tacit knowledge.

The impacts of the role of ICTs in this data-information-knowledge continuum are of great value in development informatics since ICT embodies the 'message' (information), the 'cement' (communication) and the 'vehicle' (technology). The discourse on issues of technological rationality indicates that the medium is not the message (information) but it strongly affects it (Castells, 1989). Message is more important than the delivery vehicle. This implies the notion that more and new digital ICTs will not necessarily improve the access to information (Bhatnagar, 2004).

In practice, as argued by di Villarosa (1998), there is not enough literature on 'demand-driven information' or 'people-oriented information' (Colle & Roman, 2005) in the review or assessment of ICT applications in development projects. This bottom-up approach is vital for the real success of these projects which are targeted for the rural poor who often lack in access or assess information for their vulnerabilities. Their real need of information and the socio-political realities are often ignored while initiating ICT interventions in resource-poor settings with the overemphasis on technology determinism. As a result, there remains a design-reality gap and consequently many health-related ICT projects start to fail (Heeks, 2005a).

3.0 Icts, Health and Mdgs in Developing Countries:

ICT in the health sector is rooted in health informatics. Based on the theories of various disciplines, informatics makes right information available to the right people, within and without an organization, at the right time and place and for the right price (Abdelhak *et al.*, 1996).

So, the true focus of health informatics is on 'handling health information' - ICTs are just tools to facilitate information management (Abbott, 2002:14). This involves two fundamental aspects: technology and

information management. Technology aspect emphasizes on the best technology for achieving the desired outcome while information management places importance on key components of non-technical issues, e.g. information - for whom, where and when (Whetton, 2005). Consumer health informatics, a subset of health informatics under socio-technical context (Altman, 2003), focuses on identifying consumer information needs and developing systems and strategies to enable consumers to access that information (HISA, 2004).

As identified by researchers, information & communication is one of the basic pillars in any health system that can benefit from the use of ICTs (Jamison, 2006). InfoDev (2006) identified three broad categories where ICTs can be harnessed for improving health service: functioning of health care systems e.g. patient records and hospital management, health care delivery through direct use of ICTs and communication around health. However, the reality is that ICT initiatives in electronic patient record have often proved to be unsuccessful in many cases even in developed countries (European Commission, 2006; Ballantine & Cunningham, 1999; Dodd & Fortune, 1995). In case of developing countries, these ambitious applications have not been widely diffused because they are not used by the majority of the world's poor who represent a significant portion in development (Duncombe & Heeks, 2002). As a result, most ICT projects cannot sustain due to the failure to achieve their intended goals and ultimately become unsustainable (Davis & Nutley, 1997; Hovenga *et al.*, 1996).

Health is considered to be the 'heart' of MDGs because it is central to the global agenda of poverty reduction and crucial measure of human development (WHO, 2005a; Dzenowagis, 2005). Out of eight MDGs, three are directly related to health: Reducing child mortality (goal 4), Improving maternal health (goal 5) and Combating HIV and AIDS, malaria, and other diseases (goal 6). Each goal to be achieved by 2015 has specific targets and indicators to measure the progress which are summarised in Table 1 below:

Table 1: Health-related MDGs & their Targets to be Achieved by 2015.

MDGs	Targets	Strategies/Indicators/Foci
4. Reduce child mortality	5. Reduce by two-thirds, by 2015, the under-5 mortality rate	• Immunisation
5. Improve maternal health	6. Reduce by three-quarters, by 2015, the maternal mortality ratio	• Delivery assistance by skilled health personnel
6. Combat HIV/AIDS, malaria and other diseases	7. Have halted by 2015 and begun to reverse the spread of HIV/AIDS 8. Have halted by 2015 and begun to reverse the incidence of malaria and other major diseases.	• Reduction in HIV prevalence among pregnant women • Increase of contraceptive use rate • Spread of comprehensive knowledge about HIV/AIDS • Reduction in prevalence and death rates associated with malaria & tuberculosis.

Source: Adapted from UN ICT Task Force (2005); Bajpai *et al.* (2005).

Development theories hold that development is a synchronised process and encompasses all areas to affect. Thus, policy efforts and discussions on all other MDGs show some connections with broader health determinants that ultimately affect people's lives (WHO, 2005b; Hornik, 1988). Similarly, the fourth and fifth MDGs with the targets of reducing child mortality and improving maternal health respectively can be viewed together through the prism of ICTs that benefit increased health delivery for both mothers and children (InfoDev, 2006). Greenberg (2005:34) exemplified it by adding that: "every day that is not spent being ill or taking care of a child sick with a recurring disease such as malaria can be used productively".

So, the achievements of health-related targets of other MDGs in the area of poverty, education, empowerment of women, sanitation and international partnerships can also contribute to improvements in the health status of millions of people around the globe (World Bank, 2009; Sein & Harindranath, 2004). Many development organisations such as OECD, DfID, and SIDA have explored that ICTs, when incorporated effectively into development programmes in synergy with any other policy initiatives or strategies, can be useful tools in achieving MDGs (Danida, 2005; Marker *et al.*, 2002).

However, some IS researchers challenge e-development initiatives and suggest a broader look in which ICTs can contribute to socio-economic development (Heeks, 2010). They point out that MDG-inspired prioritization of ICT applications for development sectors are not always effective because ICT consumption projects in developing countries, where technologies are applied with 'e' mania, (e.g. e-health and e-government) have experienced at least one-third total failures and one-half partial failures (Heeks, 2005b).

When viewed from technological rationality apart from 'demand-driven and information first' (micro-level & bottom-up) approach, new ICTs, with their attractions, persuade many researchers, professionals, donors, and policy makers to exploit these technologies in potential of e-health projects implementation. It embarks on how ICTs can be utilised to achieve these health-related goals resulting in piloting with donor support with a 'grand opening ceremony' (Duncombe, 2009a), then short-term win for political gain (Lucas, 2008). However, this supply-driven technological rationality approach often takes a broader area of ICT applications that represent 'the low ranging fruit from pilots' (Bhatnagar, 2004:23; Raghupathi, 1997). Bajpai *et al.* (2005) posits several areas including training for health workers, information-sharing on diseases, reproductive health & AIDS prevention both with rural care-givers and local people through locally appropriate content in local languages.

Other researchers identified new interventions that include knowledge-sharing between various stakeholders, information systems development for the management of patient record, and education and awareness-creation of the public towards causes, knowledge transfer, and prevention of different illness (Suggs, 2006; Al-Shorbaji, 2005; Chen, 2001; Gustafson *et al.*, 1999; Hearthfield & Louw, 1999). However, these issues are open to debate surrounding the ICT field with a variety of terminology differences (Info Dev, 2006). For example, a recent literature review (Oh *et al.*, 2005) identified 51 distinct definitions of e-health with no possible resolution (Lucas, 2008).

These broad focus areas of ICT applications in achieving health MDGs are mostly suggested from the perspective of developed countries where both demand-side and supply-side of information are of prime importance. However, 'information and knowledge society' being a key consideration in development settings (Webster, 1995) implies that access to information should be the base and best represented by demand-driven ICT use. Knowledge, as the core of development agenda that

fundamentally contributes to interconnect all information-related digital divides (Abidi, 2001), can be another 'strategic resource' to be exploited in a resource-poor setting.

4.0 Previous Findings on e-Health

Focusing on information-centred ICT applications in developing countries is relatively a new area in the field of health informatics. Strong evidence-based literature drawn on impact assessments or outcome measurements is even lacking in overall ICT applications in the health sector. Published evidence currently available in this field tends to be at pilot or the proof-of-concept stage (Batchelor & Norrish, 2005). In many instances, the claims are not independent analyses, rather based on pooled experience, consensus statements, and policies (Lucas, 2008). However, most of the studies adopted the 'technology rationality' focus which was not the aim of this research.

Therefore, this study focused on the findings on IS applications in the health sector in developing countries and attempted to identify the knowledge gap. It first looked at the overall role of ICTs in development and then moved towards the healthcare domain.

4.1 IS in Developing Countries

The importance of the concepts of 'information', 'information first' to be at the starting point of development ICTs has been propelled by many IS researchers (Heeks, 2002). Duncombe's (2007) and Heeks & Duncombe's (1999) contribution towards the 'information-centred ICT' concept is a key example. The theory of ICT4D propounded by Duncombe (2007) is one of the most relevant prior works. The main findings reveal that ICT applications may only bring marginal direct benefits for poverty reduction and the potential for ICT applications depends on both financial capital plus access to cultural, political and educational resources. Finally, the study suggested with evidence that access to social assets and building trust and confidence through locally contextualized social networks built through community-based initiatives is more important than seeking access to new information from digital ICTs.

With regard to 'access to information' in a resource-poor community, 'information flows via prevailing networks of communication' is a predominating theme in the recent IS literature. This 'information-intensive infrastructure' (e.g. radio network) is a pre-requisite for information diffusion (Flamm, 1987; Hanna, 1994:xi) due to the scarcity of network infrastructure in most developing countries (Moyi, 2003). It is

evidenced by many researchers that information handling technologies with their very function of 'handling information', have the advantage to supplement pre-existing technologies by improving information-communication a priori to new ICT innovations (e.g. the Internet) (Duncombe, 2007; Pigato, 2001; Heeks & Duncombe, 1999; Narasimhan, 1983).

It is also justified that combining both old (e.g. user-friendly radio) and new technologies depending on contextual reality has demonstrable benefits (Kenny, 2002). Multiple ICT routes (e.g. Internet, radio, SMS, PDAs and print materials) are beneficiary for e-learning to link to the latest research and information (ITU, 2005). According to technology acceptance theories, in many developing communities the cell phone, not the PC is a pre-occupied medium of information and knowledge-sharing (Harvey & Sturges, 2010; Duncombe, 2009b). However, as pointed out by Heeks (2002), mismatch of 'e-development' versus 'i-development' approach without considering the contextual realities of ICTs in development cause failure.

4.2 ICTs in Healthcare in Developing Countries

Although there is a scarce of literature on 'access to information', a broader view of ICTs in the health sector in developing countries, finds sufficient studies. InfoDev (2006) conducted a comprehensive study by focusing on current status, challenges of e-health. Lucas's (2008) and Chandrasekhar & Ghosh's study (2001) emphasized on the potential role of ICTs in the management of health communication. Another study by Omona & Ikaja-Odongo (2006) embarked on the role of ICTs in health information access and dissemination in Uganda and analysed how information is obtainable through libraries. Moahi (2009) outlined the overall ICT activities in Botswana to improve the provision and management of information in the rural healthcare.

The health information systems programme (HISP), a broader network of action research initiatives being undertaken in various public healthcare organizations in developing countries for improving primary health care (PHC) delivery through the use of district health information systems (DHIS) software also enumerates a number of health ICT (HICT) studies (Braa & Hedberg, 2002).

However, most of the HICT studies emphasized on health policy-making e.g. planning, resource allocation, implementation & monitoring of patient health status (WHO, 1994). For example, Chanda & Shaw's

(2010) contribution on the development of telehealth in Zambia; Lungo & Igira's (2008) study on implementing health information systems in Zanzibar focusing on political commitment; Kimaro's (2006) work on human resource capacity building in the health information system in Tanzania; Oak's (2007) investigation on implementing challenges on health informatics in developing countries; Kimaro & Nhampossa's (2007) analysis on the challenges of sustainability of health information systems in developing countries, M'Jamtu-Sie's (2003) emphasis on the contribution to the use of library for dissemination of health information in Sierra Leone; Sahay & Walsham's (2006) and Raghupathi's (1997) analysis on the challenges of sustainability of health information systems in developing countries; and the research by Martinez et al. (2005) on telemedicine in rural community are key studies on this area. Table 2 presents a summary of more research focuses/findings on HICTs in developing countries:

Table 2: Research Focuses/Findings on HICTs in Developing Countries.

Authors	Focuses/Findings
Madon <i>et al.</i> (2010)	Decentralisation and democratic accountability of health IS in developing countries;
Colle & Roman (2005)	Demand-driven community tele-centres;
Braa <i>et al.</i> (2004)	Sustainable HIS across developing countries.

An interesting and common finding is that the management of information mostly through developing information systems (e.g. automation of patient records) in low-income countries is quite dismal for several reasons including data complexity (Atkinson *et al.*, 2001), static nature of database (Lorenzi & Riley, 2003), lack of supports and motivation from participants (Madon *et al.*, 2007), lack of technical staff or 'people-ware' (Ball *et al.*, 2004).

Heeks *et al.* (1999) identified three types of gaps existing in health care information systems (HCIS) domain. These are: (a) mismatch between design rationality and behavioural realities; (b) situational incompatibility, e.g. private sector application copied for public sector; and (c) contextual inconsistency, e.g. application in one country but developed in a different country. Ahmed (2002) argued that these initiatives are at least the building blocks of computer-based information systems by replacing a manual record-keeping system.

5.0 Conclusion

Throughout the literature review, the generic role of ICTs for data processing and for access to information & knowledge-sharing has been analysed to gather the elaboration of their critical success factors. The anatomy of information-handling technology reveals that in search of the root of any ICT interventions in development, the focus on the contextual realities with a bottom-up approach is essential because these projects are targeted for the poor who are often crippled with vulnerabilities (Khaleda, 2001; Seabrook, 2001; DfID, 1999). The livelihood approach to grasp the role of ICTs (McNamara, 2003) may offer a way of thinking towards the poor entangled with vulnerabilities (Carney, 1999; Philips, 1990). Before harnessing the potential of ICTs, social structures and processes of their surrounding environment where they live and interact need to be considered as they affect the lives of the poor (CPRC, 2008; Osman, 1999; Chambers & Conway, 1992).

The critical analysis suggests that the access to information is meaningless and there cannot be any contribution of information for development until 'information chain' is fully exploited. Its four resources i.e. data resource (availability of relevant data); economic resource (money, skills, and the knowledge) to access data; social resource (motivation & confidence) to access, assess and apply data; and action resource (money, skills and technology) to take action and decision are crucial for the real access to health information (Heeks, 2005a).

Previous studies also suggest that the content-based informal information is of great importance for strategizing ICT applications in the rural healthcare because 'the poor hold informal information as indigenous knowledge' (Duncombe, 2007) and such a knowledge is "a fluid mix of framed experience, values, contextual information, and expert insight that provides a framework for evaluating and incorporating new experiences and information" (Davenport & Prusak, 1998:5).

As argued by Walsham (1993) 'new concepts will take time to root'. So, for implementing e-health as a digital strategy to non-digital people, an integrated, pragmatic and visionary approach is more important than plucking any low-ranging fruits. Ultimately, no approach will work until there is any spontaneity among the ultimate beneficiaries.

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Decentralization and Financial Autonomy in Local Government: Scenario from Union Parishad

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Abstract: The theory of decentralization is regarded as one of the most inevitable condition for political development in Bangladesh. Therefore, this article, at the very beginning, attempts to clarify the concept of decentralization and of its various forms. Union Parishad (UP), as an organic and ancient tier of the local government in Bangladesh, faces various problems which dismays its prime target. Nonetheless, dependency and fragile economic condition hampers its decentralization process. In this article, the author tries to discuss about such kinds of problems as well as to present some recommendations by which how to over come those problems.

1.0 Introduction

Pre-British Indian villages were self-sufficient. Those used to produce everything they needed. Indian economy, at that time, was totally agriculture based. And the agriculture-based Indian economy was deep-rooted to these villages of the region. Because of the self-reliant nature of Indian villages there always developed institution within the villages, which performed not only 'economic' functions, but administrative or political functions also. The institutions functioned in various names as Ur, Nagara, Sudha (Huq, 1984). Contrarily, the socio economic condition of the villages was not in a better position during British Indian regime. Most of the people were living in villages and ruled by local elite or land lords who possessed huge lands. Landlords also controlled those institutions newly established at the local areas. Besides, the mass people were dependent upon landlords both economically and politically. Subsequently, attempt was taken to establish effective local government institution like Panchayat under the local government act in 1870 and 1885. Every peasant of the pre-British Indian villages used to pay his share into the common financial pool from which the land revenue, the demand of the officials, the replacement of any loan contracted, and expenses for the economic, social and even spiritual of the village were met (Huq, 1984).

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Under the Basic Democracies Order of 1959, the main sources of income of union council were- local rate, tax, toll, fee and government grants. This order added a new development function, namely, the rural works programme, and accordingly a grant was given to carry it out. In 1972, for the first time, government provided compensatory grants for paying salaries to employees and purchasing essential supplies to union parishad (Qadir, 1982). Later on, the central government promulgated various ordinances and enacted relevant laws and provided more such kinds of grants for making effective decentralized Union Parishad (UP). Those processes do not make good sign unfortunately; even financial dependency has been gradually enhancing upon the central government, which has totally impeded decentralization process. So there arise some fundamental questions. Why does decentralization process of UP not get proper success? What type of economic system remains established at UP? Why UP would not be solvent in spite of being agriculture-based economy? What kinds of freedom they exercise? What is the exact relationship between UP and national government? Should they be given ample legal authority for generating funds from the local level? If we get answer above those questions, it will help for our policy makers, experts and others to formulate new policy so that a real financial condition may be established in UP.

2.0 Objectives of the Study

The main objectives of this study is to analysis financial condition of UP. Meanwhile, the more specific objectives of the paper are:

- To discuss what type of financial system running in UP system.
- To find out what barriers hamper decentralization process at the UP.
- Last of all, to give some recommendations in the matter of its financial system how to strengthen and how to be more effective.

3.0 Methodology of the Study

The data and information used in this study were collected from secondary sources. It includes various government, resolutions and recommendations of various committees and commissions of the government, Circular, Notifications, Booklets, various Manuals and Guideline published by various government agencies relating to financial

system and decentralization process of UP in Bangladesh. Secondary data were also acquired from various newspapers, research journals, books and websites.

4.0 Decentralization as a Concept

For the term "decentralization" is used to mean a variety of different organizational process and structure. Hence, the discussion of decentralization in isolation may lead to confusion unless we relate it to centralization and discuss its various forms and relates issues. Centralization is a system in which all authority and powers of the government lie in the central government. But, when authority and powers are given to the local levels, decentralization takes place. Rondinelli (Wahhab, 1996) defines decentralization as the transfer or delegation of legal and political authority to plan, make decisions and manage public functions from national level to local levels. In the same tune, Smith observes "Decentralization involves the delegation of power to local levels" (Wahhab, 1996). These two definitions of decentralization are narrow. They are limited to territorial decentralization and exclude the functional decentralization, that is the transfer of authority from central to peripheral organizations at the national level, e.g. from government department to attached offices. Although these two definitions are narrow, they are consistent with the way in which the term "decentralization" is frequently used today specially in less developed countries (Wahhab, 1996).

The United Nations defined decentralization as "the transfer of authority to field units of the same department, or by devolution of authority to local government units or statutory bodies" (Ali, 1995). According to Cohen, "decentralization is a process, not a static condition" (Wahhab, 1996). It is clear to us that the word 'decentralization' means transfer of power and authority from the central government to different sub national units as well as it is a changing one, not a fixed state. The transfer of power or authority may be included either it is political or administrative or financial.

4.1. Decentralization as a Theoretical Concept of Form

The relationship between centralization and decentralization is also rather more complex than might at first, and for similar reasons. It is important that both 'centralization' and 'decentralization' are regarded as process of change, rather than as fixed states. Decentralization has been defined as a

process of transferring authority from nation to sub-national levels. It is not possible to envisage either a totally centralized or a totally decentralized system of government. Centralization and decentralization should, therefore, be envisaged as process of movement in either direction along a continuum which has no finite ends (Hye 1985). Pertinently, Rondinelli and Cheema classified decentralizations into four categories (Ali 1995).

- a. Deconcentration;
- b. Delegation to-autonomous agencies;
- c. Devolution to local governments; and
- d. Transfer of functions from public to-government institutions which are discussed below.

4.1.1 Deconcentration

It involves the distribution of administrative responsibilities within the central government. This may mean shifting of workload from one ministry to the other or from a ministry to its field administration or local administration. As a form of decentralization, deconcentration is less extensive than devolution and mostly administrative in nature. It is usually the transfer of specific responsibilities from center to its subordinate officials operating outside the capital city in a system of field administration (Wahhab 1996). Deconcentration is also called bureaucratic decentralization.

4.1.2 Delegation to semi-autonomous agencies

Delegation means the transfer of power by a superior to a subordinate one in which ultimate responsibility lies with the transferring authority. This type of organization has semi-independent authority to perform its responsibilities. Cohen and others divided delegation of authority into delegation to autonomous agencies and delegation to parallel organization (Wahhab 1996).

4.1.3 Devolution to local government

Devolution is essentially seen as a form of decentralization in which local government units are given primary responsibilities or some functions. The local government is essentially a form of decentralization under the spirit of devolution (Whahhab 1996). Devolutionary decentralization is

also known as democratic decentralization. Devolution has certain fundamental characteristics which are given below:

First, Local units of governments are autonomous, independent and clearly perceived as separate levels of government over which central authorities exercise little or direct control.

Second, the local governments have clear and legally recognized geographical boundaries within which they exercise authority and perform public functions.

Third, local governments have corporate status and power to secure resources to perform their functions.

Fourth, devolution implies the need to develop local governments as institutions in the sense that they are perceived by local citizens as organizations providing services that satisfy their needs and as governmental units over which they have some influence.

Finally, devolution is an arrangement in which there is reciprocal, mutually beneficial and coordinate relationship between central and local governments (Whahhab 1996).

4.1.4 Transfer of functions to non-government organizations

In some countries, some of the planning and administrative functions are transferred to national industrial and trade associations (Chambers of Commerce and Industries) or cooperatives. Under self-management program, the government may allow workers in public enterprises to manage and plan their activities without government intervention. The government may allow the private sector and non-government organizations to plan and organize some development programs under the privatization policy, utilizing those who are technically and administratively capable of carrying them out without direct supervision by the government (Ali 1995). Some writers mentioned dispersal in place of privatism which indicated transfer of authority from public to private sector. From the above discussion it is clear to us that these forms of decentralization carry on administrative, political and financial Autonomy.

4.2. Administrative decentralization or Autonomy

Administration is a part and parcel of a political system. In that sense, the government officials, either higher or lower, are to be responsible for

implementing their (government) policy. But at present, every now and then, administrator takes decision himself without dictation of elected representative. So we have to know the concept of administrative decentralization or autonomy. Administrative decentralization or autonomy, mainly, indicates to that system of administration where lower officials have to be more empowered on the basis of hierarchy theory under the supervision of elected representatives. That is why; administrative decentralization or autonomy seeks to redistribute authority, responsibility and financial resources for providing public services among different levels of government (<http://www1.worldbank.org/publicsector/decentralization/what.htm>). Beside, It is the transfer of responsibility for the planning, financing and management of certain public functions from the central government and its agencies to field units of government agencies, subordinate units or levels of government, semi-autonomous public authorities or corporations, or area-wide regional or functional authorities.

4.3 Political decentralization or Autonomy

Political decentralization or autonomy aims to give citizens or their elected representatives more power in public decision-making. It is often associated with pluralistic politics and representative government, but it can also support democratization by giving citizens, or their representatives, more influence in the formulation and implementation of policies. Advocates of political decentralization or autonomy assume that decisions made with greater participation will be better informed and more relevant to diverse interests in society than those made only by national political authorities. The concept implies that the selection of representatives from local electoral jurisdictions allows citizens to know better their political representatives and allows elected officials to know better the needs and desires of their constituents. That's why, political decentralization or autonomy covers financial autonomy as well as refers to the constitutional or statutory reforms, the development of pluralistic political parties, the strengthening of legislatures, creation of political units, and encouragement of effective public interest groups (<http://www1.worldbank.org/publicsector/decentralization/political.htm>).

4.4 Financial decentralization or Autonomy

Financial decentralization or autonomy relates with the administrative and political decentralization. It is such kinds of decentralization by which an institution is to be empowered to generate on its own finance

and resources. It also remarks that administration does not get any opportunity to interfere of its planning and activities. Financial decentralization or autonomy refers to more enhancements of its own resources in lieu of central assistance or aid. It ensures mass participation in its various functions including attempts to increase number of tax payers, scopes and amount as well as elected member is to be responsive and accountable to the people. Thus, it is a significant dimension which determines how the process of decentralization is playing in a system. Union Parishad is an organic tier of rural local government in Bangladesh. So it is necessary to know what financial system is running on Union Parishad on the basis of decentralization theory.

5.0 Financial System of Union Parishad

Union Parishads lie at the bottom of administrative hierarchy in Bangladesh. At the same time, they are statutory rural local bodies. In a country where 86% households and 84.8% of total population (Tareque, 1994) are rural, success of our attempts in fulfilling our national goal of achieving self-sustained development, to great extent, depends on effective development of these Parishads. As a decentralized local ancient body, Union Parishad has to deal many functions. Meanwhile, the financial condition is not satisfactory. After formation of Upazila Parishad, the financial system is now weakened than before. Whereas, the existing law contains only five items of taxes, rates and fees which the Union Parishad can levy. These are mentioned below

- rate on annual value of homestead and residential land adjacent thereto or union rate
- rate for village police
- fees on birth, marriage and feasts
- community tax on adult citizens of the union for civil works aimed at providing or augmenting public welfare
- fees for specific welfare or maintenance of public utility service rendered by the union parishad. (Mallick, 2004)

Union parishads appoint tax collectors on commission basis; they are usually given a commission at the rate of 15% of the collections instead of full time employing tax collectors.

6.0 Barriers to Financial Decentralization or Autonomy of Union Parishad

The process of decentralization has been failed again and again due to various reasons i.e., political instability, unwillingness of central government to empower financially solvent, personal clashes of power, corruption, ethics and religious problems etc. which hamper to become self reliant institution at the union level in Bangladesh.

6.1. Financial dependency on central government

It is a great problem for our local government like UP so that it has to depend on central government for its annual budget. "In Many countries the impact of decentralization programmes has been disappointing, for central government have not prepared to decentralize sufficient control over financial resources" (Commonwealth Secretariat, 1984-85). Union Parishad is like so because it, the lower unit of rural local government in Bangladesh, is largely dependent on the funding of central government. It is not resourceful enough in carrying out necessary development programmes. The local government in Fiji and Morocco, for example receive 55% and 65% of the expenditure respectively from their central government (Rondinely and Nellis, 1986). Thus, the local government in Fiji and Morocco has accumulated 45% and 35% resources from their own sources due to their better system where local institution has been self empowered to impose various taxes. On the other hand, Local government, particularly Union Parishad, has been financially weakening day by day in Bangladesh because of some administrative and legal failure.

- The formation of Upazilla system in local government may be affected on the financial system of Union Parishad in Bangladesh. The local resource mobilization divides into two ways now. It proved historically when it was introduced in Bangladesh in 1983. Ahmed Shafiqul Haque mentioned truly that the huge amount of money being spent in the 'Upaliza' in Bangladesh provided by the central government (Huque, 1986). That is why the process of local resources mobilization of Union Parishad is to be reduced in order to Upazila system.
- The allocation of central government may be divided into two ways i.e., Union Parishad and Upaliza Parishad. Beside at present central government gives more emphasis on Upazila Parishad than Union Parishad in light of various allocations.

- Decentralization process also does not get proper success for the sake of its budgetary approval provision by the administration or deputy commissioner.

6.2 Dependency on Foreign Aid

The central government collects a huge amount of foreign aids or loans by using the word rural or village development. But now a question arises how much development is to be seen at the village level in Bangladesh. If the government wants to change the village, it has to more empower to Union Parishad either structurally or financially through decentralization process. But Union Parishad is not capable to maintain properly of its own development project due to poor resources mobilization and lack of direct participation of policy making process under the present local government acts. Though Local Government Engineering Department (LGED) looks after maintaining various development activities at Union levels, the maximum development project is depended on donors' aid or overseas loans. For that reason, it is little bit seen in the rural development activities or projects under the supervision of Union Parishad. So absence of strong monitoring or supervision process of Union Parishad and lack of mass participation help to enhance not only corruption but also increases misuse foreign aid or loans.

6.3 Political and Administrative Instability

Political instability may cause failure of decentralization policy as well as to make centralization. Military government mainly causes political instability which has caused changes of decentralization policy in Pakistan and Bangladesh. Military juntas wanted to create a supportive group in the rural areas by introducing new system like as Basic Democracy in 1959, Village Government in 1980 and Upazilla Parishad in 1982. Moreover, those local government systems decrease the power of Union Parishad.

After ending of military rule of general Ershad in 1990, the democratic system introduced again in Bangladesh but most of the attempts related to empowerment of Union Parishad has foiled. In 1992, the Local Government Review Commission recommended two tiers directly elected local government system comprising of Union Parishad and Zilla Parishad, but the recommendation did not put into practice (Taluckdar, 2009). In addition, the Local Government (Gram Parishad) Act, 1997, the Upazilla Parishad Act, 1998 and the Zilla Parishad Act, 2000, and the

Village Court Act, 2006 were not implemented properly in order to the recommendation of those respective commission.

The Local Government Institution Accelerating and Strengthening Committee constituted by interim government in 2007, advocated for a permanent Local Government Commission and also suggested to reform rural-local government system. In 2008, the government endorses couple of ordinances i.e. Union Parishad Ordinance, Upazilla Parishad Ordinance, Local Government Commission Ordinance, Municipality Ordinance City Corporation Ordinance. The people of Bangladesh hoped that if those ordinances unlocked the doors for democratic decentralization, it may strengthen Union Parishad. But it was in vain due to massive change again by the present government through the Upazilla Parishad Ordinance, 2009 and the Union Parishad Ordinance, 2009 by which Union Parishad will become subordinate organ of administration. According to Talukdar "the Local Government (Union Parishad) Act, 2009 is subject to get condemnation for the provision of extensive bureaucratic intrusion which effectively destroy the value of the democratic decentralization and the spirit of the constitution" (Taluckdar, 2009). Therefore, it is clear to us that absence of political and administrative stability may create a barrier to become a self reliant Union Parishad.

6.4 Bureaucratic Attitude

Union Parishad representative has alleged against lawmakers and administration for their couple of interference by which the oldest local governments tier has turned virtually ineffective (The Daily Star on 14th June, 2009). That is why, the local government like Union Parishad cannot function freely without influence of bureaucratic system and the elected members cannot enjoy freedom in taking decision and making policy even. According to Huque "The unwillingness of the government (influence by the top bureaucrats) to actually decentralize power and a tendency to retain control over local administration... compels one to reconsider the prospects of decentralized administration in Bangladesh (Huda, 1996). In addition, the Union Parishad can not initiate any project as well as disburses its own resources without permission of the Upazilla Nirbahi Officer (UNO) or Deputy Commissioner (DC). It is necessary to change the bureaucratic attitude for formation of effective self dependent Union Parishad towards decentralization. That is why, Huda recommended, "the bureaucratic antagonism towards decentralization

can be nullified by strong political government and its sincere commitment for implementation of decentralization policy" (Huda, 1996).

6.5 Lack of Resource Mobilization

Resources are not just financial: it is important to consider human resources, particularly how volunteering can be mobilized, e.g. for monitoring projects, supporting service delivery, as an alternative to financial resources. But it is seen often that initiative of resources mobilization is not taken by the Union Parishad. Nonetheless, UP elected representatives are interested in the status, not serving poor people (Taluckdar: 2009). Meanwhile, they (members of UP) highly desire to be reelected for keeping up their sublime status. Furthermore, most of the elected members of Union Parishad have an allegation against them to involve in corruption. Therefore, they are not committed to change the fate of poor people as well as reluctant to enrich local resources mobilization.

6.6 Lack of Manpower and Poor Physical Infrastructure

Inadequate manpower and poor physical infrastructure impede Union Parishad to become a strong as well as self dependent decentralize institution. The process of revenue collection has been hampered and also fails to achieve from their target frequently in spite of shortage of manpower. In addition, the employees who serve in UP like as secretary, village police and others are dissatisfied for the nature of salary system. In accordance with the Union Parishad Act, 1983, 50% salary of the employees have to be paid by the own resources of Union Parishad. But, now and then, it is seen that they (the employees of UP) do not get full salary per month. In addition, unemployment is a great sin at the village level in Bangladesh. So industrialization is needed, but it does not occur at the rural areas due to poor physical infrastructure in Bangladesh. In spite of decentralize part, Union Parishad is not capable to initiate of its own structural development for its weakening financial condition.

7.0 Recommendation

From the above discussion, it is clear to us that Union Parishad does not get proper success due to form into dependency based economy system, lack of freedom of policy making, absence of imputed legal authority for generating funds from local level as if it is called decentralize and first

tier local government system. Hence, it will be reformed immediately so that Union Parishad will become more effective as decentralized and self-reliant institution. Some recommendations are given below.

1. To be enhanced more tax collection areas by which budgetary dependency would be reduced.
2. One third of the total national development budget should allocate for a better local government.
3. To increase block allocation which should be disbursed through Union Council directly.
4. Union Parishad should be free from the influence of Chairmen of Upazilla Parashad, Members of National Assembly and high government officials including Upazila Nirbahi Officer (UNO), Deputy Commissioner (DC) and others.
5. To overcome manpower shortage and to reintroduce new administrative post of UP under the supervision of elected representative like as revenue collector.
6. To arrange regularly motivation programme or training under the supervision of local government ministry within Union Parishad as if the dweller can understand tax payment is being welfare for himself.

8.0 Conclusion

Prof. Salauddin M. Aminuzaman said, "The Local Government (Union Parishad) Ordinance 1983 has turned UP into administration-controlled tier" (The Daily Star, 14th June, 2009). As per the Article 47 of the ordinance, UP receives budgetary allocation through deputy commissioner (DC). In accordance with the articles 12, 60, 61, 62, 64 and 65 of the ordinance local administration has the authority to dismiss UP chairman and members and also gives special supervision over UP representatives. These rules are contradictory to the constitution as they are elected representatives. Moreover, these rules are almost misused by the administration. Union Parishad is not a subordinate local government tier. So it is necessary to implement above those recommendations as soon as possible for not only welfare of the Union Parishad but also better development of Bangladesh.

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Agrarian Relations of Bangladesh A Socio-economic Scenario

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Abstract: *Agrarian relations play vital role in the development of rural Bangladesh. Land tenure is the result of historical and traditional evolution of socio-political, economic and legal system. So, it is a combination of social values and norms, legal and socio-economic relations in the whole being of the society. In the pre-industrial world, the conquerors of Bengal frequently established their polities and ruled the country according to their own fashion. Since agriculture was the mainstay of people and land was the main source of state revenue, successive rulers tried to change existing land tenure according to their advantages. No great ruler entirely adopted old land tenure, nor did any ruler introduce an entirely a new one. Since land tenure is the inheritances of socio-political and traditional norms and values, it should be analyzed from the historical point of view that may not ventilate complete historical evolution of land tenancy system. However, emphasis has been given on socio-comic issues instead of historical assessment.*

Introduction:

Bangladesh has been an agricultural-dependent economy with growing population and one of the world's lowest per capita land areas. Land tenure means the holding or cultivating land of the state or of a proprietor on predetermined terms and conditions that convey the legal rights to tenant to cultivate land. So, the main objective of this article is to explore chronological steps of Land tenure taken by government as well as superior authorities in different stages. Land tenure system is discussed not only from historical point of view but also from socio-economic perspective that may ventilate complete historical evolution of land tenancy system. This article comprises following sections: First section describes the land tenure in the ancient period. Land tenure in the medieval is discussed in section two. In section three, land tenure in the East India Company and British period is discussed. Land tenure in the Pakistani rule is discussed in section four and in section five different government's steps after liberation towards land tenure is explored. The last and final section is endowed with summary and conclusion.

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1.0 Land Tenure in Ancient Period

Probably, the oldest laws were about land, which determined the land tenure in ancient period. Historians and social scientist support the view that land tenure was a combination of different sorts of rights in land of different classes of people. In ancient period, land was the common property of the community and belonged to settlers of the villages who cultivate it. The common features of ancient land tenure in Bangladesh (then Bengal) were as follows (Banglapedia, 2003);

- a) Payment of a share of the produce of land to the head clan;
- b) The right of a family to cultivate land in its possession; and
- c) The power of the head of a *panchayet* is to distribute land of the community to its families and to settle land disputes.

But many Indologists did not support the existence of this village community theory. They pointed out that Bengal village settlements developed in a highly scattered manner. Due to their dispersed nature, a well-knit social organization of village community did not develop in Bengal. While on the other hand, some believed that peasants owned land. Besides this view, some believed that the village community owned land.

The theory of peasant ownership may partially be accepted on the ground that peasants tilled the land hereditarily and cultivate without any interference on payment of dues fixed by custom or king's law. The landlordism of the king has been mixed with peasant proprietorship, signifying that both had rights on land, one as the sovereign, and other as the actual tiller. That is, the peasant enjoyed proprietary rights on land as an actual tiller and the king enjoyed it as a sovereign authority. The king had the right to impose tax and to expel a peasant from his holding. But the king's power to impose tax was limited by customs and injunctions of the *Dharmashastra*. The power of expulsion of a tenant from his holding was limited by religious sanctions or by king's law. Thus, entitlements on land were a combination of both the king and the peasants.

There were rent free and permanent tenure which were not normally be resumed by the king. This type of tenures were granted for maintenance of *Sangh* or *Vihar* and other charitable purposes. Prior to 8th century AD, copper-plate inscriptions indicate that there were 3 types of land, which

regulated the relation between the state and the peasantry. These were *vastu* (homestead land) *kestra* (plough land) and *khila* (cultivable wasteland) (Banglapedia, 2003). The rent structures of these lands were different. But in the inscription of land grants and sales, the prices appeared to be same for all types of land. This riddle can not be solved for the absence of proper evidence. Another type of land was *Gochara* or pastureland. This type of land was tax-free and considered as common holdings. It was always mentioned in the inscriptions and was as marks of village boundaries. So, it can be said that in ancient Bengal, there was no unique land tenure system.

2.0 Land Tenure in the Medieval Period

Land tenure during the medieval period had been endowed with a lot of changes and progresses. The agrarian system of the Sultans had borrowed its elements from the ancient system of the Hindus and Buddhists. During the Mughal period, land tenure took different shapes and changes significantly. The main features of tenurial relations of medieval period are as follows:

2.1 Land Tenure in Sultani Period

During the Sultani period land system was not changed enormously. But the Sultani rulers had introduced many new tenurial terms and conditions for the existing agrarian institutions. It seems that the Sultans collected land revenue mostly directly from the tenants as before. The provincial governors played vital role in this regard. There was an intermediate class *majumdars* who formed a rent receiving interest group as revenue farmers. They paid a fixed amount of revenue to the royal treasury from their collected land revenue. The Sultani rulers also made rent-free land grants to religious and charitable organizations.

2.2 Land Tenure in Mughal Period

The Mughal rulers substantially changed the land tenure system. In Mughal period, land belonged to the state under Mughal constitution; there had also some limited private ownership of land. But the ownership was exceptional. The government engaged revenue collectors called *Zamindars* and *Talukdars* who traditionally enjoyed revenue collecting right hereditarily. But, the government had always right to dispose such revenue collectors. (Banglapedia, 2003).

The *raiya*s enjoyed hereditary customary rights on land, on the basis of the terms laid down in *Patta* and *Kabuliyat*. There were two groups of *raiya*s: *khudkhasta* and *paikasta raiya*s. The *khudkhasta raiya*s were permanent residents of a village and they enjoyed rights in land permanently. They could use the land as they like so long as they adhere to terms of *kabuliyat* or agreement. *Paikasta raiya*s were allowed to pay according to the *pargana* rate. This group of *raiya*s was non-resident cultivators who moved from one village to another in search for cultivating land. They were basically migratory sort of peasants and they had no rights in land they cultivated.

An assigned land called *Jagir* for imperial officers was a remarkable feature of Mughal land tenure system. A *Jagir* comprised an area which was estimated to yield in revenue an amount equivalent to the pay sanctioned for them. There were two types of *Jagir* ; temporary and permanent. In addition to *Jagir*, the Mughal land tenure system provided for *lakhiraj* or rent-free grants. There were 3 types of *lakhiraj* (Banglapedia, 2003);

- a) *madad-I-ma'sh* (Aid for subsistence);
- b) *inam-i-altamagha* (Hereditary grants for official family); and
- c) *WAQF* (assigned to institutions like religious shrines, tombs and *madrashas*)

Madad-i-mash grants were made to learned men, who would not take any employment. The *madad-i-mash* grants were not transferable. The *lakhiraj* grants; *inam-i-altamagha* was made hereditary for official's family. Another kind of *lakhiraj* grants; *WAQF* was made for religious institutions, like tombs and *madrashas*. So, land tenure in Mughal period was a combination of private ownership and state ownership.

3.0 Land Tenure in the East India Company and British Period

Between 1765 and 1950, the land tenure system underwent major changes. During the company period, the British authority had taken various administrative measures concerning land tenure that may be viewed as trial and error period. On 12 August 1765, the East India Company was granted *Diwani* right by the Mughal emperor Shah Alam to collect revenue from Bengal, Bihar and Orissa.

3.1: Land Tenure during the Period 1765-1793 (Trial and Error Period)

At the early stages of company period, the East India Company realized that the intermediaries (*Zamindars*) were in fact the owners of land. They were 'revenue farmers' whose interests were distinctly different from the interests of those who themselves labored on land.

During the double government period (1765-1772), the Mughal system of revenue collection was retained almost same. The institutions of *Zamindars*, *Talukdars* and *lakhirajdars* were operating without significant changes, which were introduced during Mughal period. In 1770, the procedure for land administration involved leasing out land to the highest bidder for a period of 5 years. This procedure brings sufferings to landlords and to tenants. The old landlord had to bid for a higher amount to keep the estates in their possession, which in turn compelled the tenant to bear the burden of paying the additional amount. In 1772, the company decided to involve directly in land administration by employing collectors.

3.2: Permanent Settlement (1765-1793)

In fact, the British colonial state was founded for facilitating the company's trade and commerce and also for "remitting (home) the surplus of revenues the country" to quote Warren Hastings (Islam, 1997). Since land revenue was the biggest source of government revenue, agricultural production had to be increased for increasing the government revenue. But it was impossible to achieve within the existing traditional agrarian relations. The company came to realize that land tenure system should be such that would lead to the capitalist mode of production in agriculture sector. In this context, on March 1793, Lord Cornwallis, governor general of the company, declared Permanent Settlement that made *Zamindars* and *Talukdars* permanent proprietors of land under their respective control (Banglapedia, 2003). As a result, government revenue agents turned into landowners overnight. As a proprietor of land *Zamindar* could transfer their land freely in the form of sale, gift, lease and so on.

3.2.1 The Landed Property under Permanent Settlement

Under the rules of permanent settlement the *Zamindars* were declared absolute proprietors of land, and as proprietors they were made legally entitled to use their land as they like. The rights to collect revenue were heritable and alienable. This meant that the *Zamindars* could lease out

these rights to subordinate interest that could do the same with the rights thus obtained. In this way, a chain of intermediaries grew up between the government and the cultivators who were bearing full burden of rent and other extractions.

The execution of revenue sale law (Popularly known as "Sun-set Law") was thus likely to unsettle the existing landed class quite significantly, because the revenue assessment of the permanent settlement was not based on any survey of asset; and consequently government demanded was distributed highly unequal (Islam, 1999). The Permanent Settlement did not eliminate the rights of raiyats in land though the existence of such subordinate rights ran counter to property rights of *Zamindars* (Cornwallis, 1793). Regulation No. 17 of 1793 provided that on the failure of raiyats to pay increased rent, all their moveable, including standing crops were made liable to attachment and sale by the landlords without the intervention of the court (Banglapedia, 2003). The company government remained silent about the status of raiyats under *Zamindars*. The concept of peasant proprietorship was totally abolished and the customary rights of tenants having no security of tenure.

3.2.2 Emergence of *Madhyasvatva* Tenure

Permanent Settlement was made a new form of property rights in land by the execution of revenue sale law (Sun-set law). In order to protect the estates from the operation of sun-set law, the *Zamindars* began to lease their holding to another class of perpetual renters and imposed the same terms and conditions on the lease holders as they themselves had agreed to perform under permanent settlement. This type of property rights was called *Madhyasvatvas* or intermediate rights. *Madhyasvatvas* as rights was made as easily transferable and inheritable as the *Zamindari svatva*. The main groups of *Madhyasvatvas* were; a) *Pattani Svatva* and b) *patitabad svatva*.

a) *Pattani Svatva*: It was entirely a rent-collecting device with out having any relation to productive management of land. The *Zamindars* divided their whole *Zamindary* into numerous lots. Every lot was settled with a tenure holder with the condition that he would enjoy a rent rate fixed perpetually, pay a cash in lieu of favor and that his tenure would be sold in auction in default of payment of rent in time. This type of tenure was called *pattani*. The *pattani* system saved the *Zamindar* from the Revenue Sale Law (sunset law) and also made them prosperous. Furthermore, *pattanidars*, again in search of security of tenure, created *sub-pattanis*

below them and the process had obviously ruinous effects on the actual tillers of land.

b) Patitabad Svata: It was guessed that on the eve of permanent settlement about one-third or more cultivable lands of Bengal lay under the sway of nature (Cornwallis, 1788). Under the pressure of permanent settlement *Zamindars* found in *Patitabad* a new source of income and safety. Tenurially and organizationally patitabad activities may be classified in four categories; noabad, char-abad, bill-abad and sundarban-abad.

Following the permanent settlement of 1793, the *Zamindars'* rights and prerogatives continued to grow. In Bangladesh region, they became de facto owners of land though they did not cultivate it. In fact, the *Zamindars* settle their land temporarily with tenant, the actual cultivators. The cultivator paid rent in cash or kind to the *Zamindars*. The *Zamindars* sent a fixed amount of this rent as land revenue to the ruling authority. The actual cultivators beared all the responsibilities and risk of cultivation. The period from 1793 to 1859 was marked by concern for defining in clear terms the landlord-tenant relationship and to provide security of the tenant (Sawkat Ali, 1981). Permanent Settlement ignored any right in land among the actual tillers of the soil, now classified as "tenants" of the *Zamindars*. The revenue paid to the state by the *Zamindars* was permanently fixed in amount; but rent paid to the *Zamindars* by tenants was not. Finally, the settlement conferred upon the *Zamindars* certain proprietary rights. As a result, this period may be called the protection of rights of *Zamindars* (1793-1859).

In this way, a chain of intermediaries grew up between the government and the cultivators who were bearing the full burden of rent and other extractions. Deprived of nearly every bit of surplus from land a cultivator was destined to live in perpetual poverty, which forced him into bondage of indebtedness. A rapacious money-lending class identical with some of the landed interest was emerged. A poor cultivator could ill afford to escape the claws of either of them.

The last observation is critical. Agrarian relations that evolved under permanent settlement were not only unjust but also entirely inefficient. The long chain of intermediaries extracted surplus from land but a very few of them were used for socio-economic development. Those who were with very big estates indulged in luxury and ostentatious consumption. The usurious money lending class carried less risk and was more rewarding than investment in any productive activity. Consequently,

production suffered. Agriculture remained backward and the demand for industrial goods from agricultural remained low and stagnant. There was little diversification in the economy.

3.3.3 Land Tenure during the Period 1859-1885 (Beginning of the Protection of tenant's Rights)

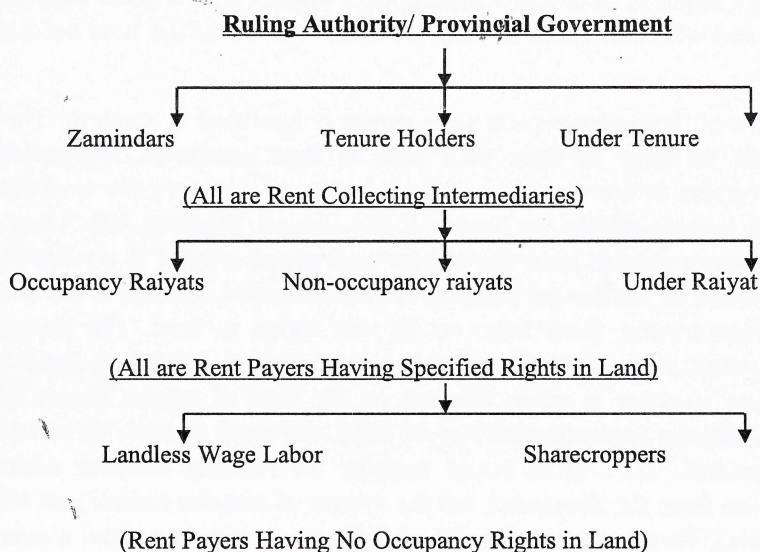
Tenurial Legislations during the period of 1859-1885 deal mainly with the statutory development of occupancy rights of tenants. This was first time that the tenants were given de jure rights on land for continuous occupation of land for 12 years. Act X of 1859 marked the beginning of a system, which sought to protect the interest of the tenants. So, this period is regarded as the beginning of the protection of the rights of tenants. In this Act, two serious defects were as (i) there was no definition or principle in the Act of what was fair and equitable and (ii) the tenant had great difficulty in providing 12 years continuous possessions due to the absence of proper records. This naturally led to a clash of interest between the tenants and the *Zamindars* resulting in agrarian disputes.

3.3.4 The Land System as Modified by the Bengal Tenancy Act of 1885

During the nineteenth century, British authority intervened to establish regulations designed to protect cultivators from the *Zamindars'* abuses of power. In 1878, the Bengal Rent Law Commission was formed. The Bengal Tenancy Act (Act of VIII of 1885) was based on this Bill. In 1885 the British made a major attempt to establish an improved basis for landlord-tenant relations in the region. In that year, the Bengal Tenancy Act came into force. The Act established principles concerning landlord-tenant relations which, had it been fully implemented, would have provided the subsequent basis for tenant farmers either to maintain or to establish their own rights in land.

The Bengal Tenancy Act of 1885 modified the Permanent Settlement of 1793 drastically and it provides de jure recognition to the rights of others besides *Zamindars* in the agrarian hierarchy. It gave legal, as well as responsibilities, of those whose status had not been recognized by the permanent settlement. This Act established the basis for all subsequent legislation (even in contemporary Bangladesh) governing the relationship of people to the land in this region. The Bengal Tenancy Act of 1885 presented a version of the intricately stratified system of rights in land in this region. At the apex of hierarchy was the ruling authority, the provincial government of Bengal. Below the provincial government,

there were *Zamindars*, tenure holders and under tenure-holders (those who had rent collecting powers). In descending order, those were occupancy raiyats, non-occupancy raiyats and under-raiyats (all of whom were rent payers having specified rights in land). At the base were sharecroppers and landless wage laborers (whose rights in land were either tenuous or non-existence). The following Figure represents in simplified form of hierarchy of interests in land in Bengal region.



Source: Jannuzi & Peach, 1980.

Figure 3.1: The Hierarchy of Interests in Land 1885-1950

Each holder of land in the agrarian hierarchy had specified rights and responsibilities in relation to his landholdings. The *raiya*s (i.e. tenants of landlords) could acquire a statutory right to land in their possession; even though this right to land was qualified and less complete than that of absolute owner.

By the Act of 1885, if a landlord sought to deny a tenant's potential claim to land by shifting him from plot to plot each year, breaking up continuity of possession, he could no longer do so. As long as, a tenant could claim successfully continuous possession for 12-years period, his status became as a 'settled raiyat' having occupancy rights in land was assured. His right to land was protected by law; he could till the land himself or with hired

labor; he could lease or even transfer his right in land by sale to another. In defining the rights of the *riayats* the act categorized them into two major groups: occupancy *raiayats* and non-occupancy *riayats*. The rights of the occupancy *raiayats* were declared not only hereditary but also transferable, on the condition of payment of transfer *salami* to the *Zamindars*. The non-occupancy *riayats* were those who till the land for less than 12 years. Below the non-occupancy *riayats* or under *riayats* there were landless labor and sharecroppers whose rights in land were not defined and who continued to remain tenants-at-will of the land holding interests.

The rights of the *under-riayats* were similarly qualified by custom. They held land so long as they paid rent to their landlords. *Bargadars* (sharecroppers in contemporary Bangladesh) did not have the qualified rights of tenants within the terms of the Bengal Tenancy Act. Thus a sharecropper's right to land was at best tenures and subject to conflicting interpretation of the Bengal Tenancy Act, as amended. That is, at the base of agrarian society there were no *de jure* rights in land. The Bengal Tenancy Act, even as latter amended, conferred no rights in land to cultivators working as wage laborers on the land of others. Under the Bengal Tenancy (amendment) Act of 1928, the right to transfer of land made general. The *riayat* could transfer his holding without taking permission from the *Zamindar*, but the system of transfer *salami* was still maintained. This Act (amendment) of 1939 made *raiayats* virtual owners of land and they now would transfer or use land in anyway as they like. The *Zamindars* were now left only with receiving right (Banglapedia, 2003). The Bengal Tenancy Act of 1885 thus revised the original constitution of the permanent settlement drastically.

3.3.5 Consideration of the Protection of Tenants (1885-1938)

The Bengal Tenancy Act 1885 removed the inadequacies of the Rent Act of 1859 and made the cultivating class a settled tenant with occupancy rights in land. Moreover, following guaranteed protections were as follows (Ali, 1981);

- i. Right of cultivating class or settled tenant could not be disturbed in the event of the superior landlord selling his land;
- ii. He could not mortgage his holdings;
- iii. Tenant could sublet his holding for a period not exceeding nine years;

- iv. He could not be evicted for arrears of rent only and the holding could be sold out in Civil Court.

The guaranteed protection measures of Bengal Tenancy Act were indicative of the government's awareness to prevent arbitrary harassment of the cultivating class. Moreover, the establishment of regular machinery of government and the taking over the functions of Revenue, Security and Justice are considered as massive development of protection measures of cultivating class.

So, land tenure system from 1793 till 1950 should confirm that the land system of that region were exceedingly complex. Though the Bengal Tenancy Act was many times amended after 1885, was seldom implemented rigorously in behalf of weaker sections of the cultivating peasantry and was repealed in 1950.

4.0 Land Tenure during Pakistani Rule

In the 1940s and afterwards, the issue of land tenure assumed a completely new dimension. The Land Revenue Commission under the chairmanship of Sir Francis Floud, submitted its report on 21 March, 1940, recommended the abolition of *Zamindari* system along with the tenurial rights of other intermediaries. The commission also prescribed its replacement by a direct settlement between the state and the cultivators. But the recommendations of the commission could not implement due to the continuation of Second World War and the political turmoil of then British India. The East Bengal legislative assembly, in its fourth session formally passed the East Bengal State Acquisition and Tenancy Act (EBSATA) 1950, on February 16, 1950, on the basis of the Floud Commission, and it was a landmark in the history of tenurial legislation.

At a glance, the EBSATA of 1950 seems not only to repeal the Bengal Tenancy Act 1885 but also to invalidate the permanent settlement of 1793. It abolished all *Zamindari* and intermediaries and the rights were declared *maliks* or owner of land. The Act brought the tenants directly under the government. That is, it abolished all revenue farming.

4.1 The Salient Features of the EBSATA of 1950

Some provisions of the East Bengal State Acquisition and Tenancy Act 1950 (GOEP, 1959); are described below:

- i. The Act abolished the *Zamindari* system and all intermediaries, so that actual owner of the land became the tenants under government. The

peasant became direct tenants under the government and got the proprietary rights on their lands. These rights were made permanent, heritable and transferable.

ii. Section 20 of the Act of 1950 contains the explicit provisions that have enabled landholding elite of Bangladesh to preserve their traditional rights and prerogatives in land. The former rent-receiving intermediaries were entitled to retain;

- a) Their homestead land (lands covered by homestead dwelling units)
- b) Land used for agricultural or horticultural purposes
- c) Land considered either cultivable or being capable of being cultivated following reclamation and
- d) The land area encompassed by water ponds.

iii. The government remained the lord superior and tenants or raiyats became holder of land under the government. All raiyats (to be called "maliks" hence-forth) were permanent and they could transfer their right to use their land in any way they like (Siddiqui, 1997).

iv. Most important change in the land tenure system was the imposition of a ceiling on the quantum of land to be owned or held by a family or body. The ceiling to landholding was fixed at 100 standard bighas of cultivable land per family or 10 bighas of such land per member of the family, whichever is larger, in addition to the homestead land up to a limit of 10 bigas per family. The ceiling was relaxable for plantation activities in tea, coffee, sugarcane and rubber, far cassia leaf gardens, orchards; large scale mechanized farming and large-scale dairy farming. The surplus or excess land would now be available for settlement with the landless or marginal farmers in accordance with the rules or policy of the government.

v. Rent receiving interests and power of the estates belonging to religious institutions ("*waqful-lillah*" and "*waqful-aulad*" in the case of Muslims and "debtor" in the case of Hindus) were not to be exempted from state acquisitions.

vi. To prevent reappearance of the intermediary interest subletting of agricultural land was strictly prohibited.

vii. For acquisition of rent interest, compensation was payable on a graduated scale.

viii. Compensation could be paid either in cash or in bond or both. The bonds would be non-negotiable and payable within forty annual installments would carry 3 per cent interest.

ix. To prevent conversion of agricultural land to non-agricultural uses the transfer of agricultural lands to persons who are not bonafide cultivators was prohibited.

x. Maximum rent would not exceed one-tenth of the annual gross produce of the land.

xi. The "bonded labor" system known as 'Nankar' in Sylhet district was prohibited or to be abolished¹.

xii. No holding could be subdivided to the extent that the rent of any portion would be less than TK. 1.00.

4.2 Tenorial Measures in the Sixties

Some significant amendments of Act of 1950 were made from time to time. In 1957, the Revenue Department issued an order to redistribute acquired land by the state to the non-cultivators like ex-military men with long glorious service, refugees and ex-rent receivers with no land for consideration. But these lands were not freely redistributed. An applicant would get his share of land on payment of "*salami*". In August, 1957, the *salami* was set equal to the amount of 5 to 10 times of annual rent. In August 1958, it was made equivalent to 50% of prevailing current market price of land. In 1962, it was enhanced to full market value of the land. Among the amendments, the revision of ceiling was to landholding from 100 bighas to 275 bighas per family by an Ordinance of 1964. Accordingly, some of the acquired land had to be given back to the previous owners after 1964.²

4.3 Impacts of EBSATA of 1950

It was irony of fate that the goal of distributive justice and productive efficiency of the Act 1950, suffered seriously in subsequent years. The process of acquisition of rent receiving interests was very slow and only 443 estates were acquired by March 1956, though the Act came into force in 1951 (Banglapedia, 2003). It took more than 8 years to complete the

¹ Under this system, in lieu of using land the Nankar had to provide corvee (free labor) to his landlord.

The ceiling was initially set at 100 standard bighas then raised to 375 bighas in 1961 by East Pakistan Ordinance No. 15 of 1961, and finally reduced to 100 bighas in 1972 by the government of the People's Republic of Bangladesh.

process and even today, some rent receiving interests such as 'waqf' and 'debtor' estates could not be taken. A little achievement was seen in redistribution of acquired land for following reasons;

- a) Only a small number of *Zamindars*, hardly two percent of the total were big landlords;
- b) Lands of *rai-yats* could not be taken over for redistribution;
- c) Lands could be redistributed among the family members through deeds showing each member as separate households or even by way of *benami* transaction;
- d) The large landowners had options to keep the superior plots to them and leave the inferior ones for government acquisition.

It is obtained from the available statistics that the total area acquired under the Act of 1950 came to 163741 acres. Moreover, total acquired land by 1959 was 234746 acres, of which 68% was waste land (Hossain, 1991). Abdullah (1976) calculates total arable land that the government could take over under 1950 no more than 65496 acres. The net farm area in Bangladesh today covers about 22.5 million acres. This means that the Act of 1950 could contribute to the acquisition of hardly 0.3% of the total cropped area in Bangladesh (Hossain, 1991).

Actually, the Act of 1950 denied sharecroppers any rights in land and any means of acquiring them. The former rent-receivers now became *maliks*, having permanent rights in land so long as they could pay rent to the state. They could continue to till their lands by subletting them to others and continue to realize the usufruct of the land while relying on sharecroppers to assume all risks and responsibilities associated with the production of crop.

The role of rent receiving land-holder (loosely classified as *Zamindars* but including others having property rights in land) was not in fact abolished; only the right act as an intermediary of state in the collection of land revenue was eliminated. These *zamindars*, tenure-holders and others having rent receiving power were converted in status to *maliks* (land holding tenant of the state). Clearly, the Act of 1950 had nothing to do with changing the basic relationships of the people to the land. The traditional hierarchy was intact; the old rent-receivers remained the primary land holding group. The provisions of the Act of 1950 did little to modify the traditional land system. So, the Act 1950 further

institutionalized the traditional agrarian system but not changed the agrarian structure of this region.

5.0 Land Tenure after Liberation

There was a revolutionary change in the settlement policy of the government after liberation of Bangladesh. After the independence in 1971, the new government tried to look into the problems of agrarian relations and to improve it.

5.1 Land Tenure in the 70s

To fulfill the expectations of sacrificed citizens of the nation and to pave the War-toned economy along with ambitious plan for forming a socialist structure of the government had tried to restructure the existing agrarian relations by modifying the EBSATA of 1950. So, new government promulgated several presidential orders relating to land reform.³ Main provisions of the land tenure measures were as follows:

- 1) All land revenues including arrears and interest due on agricultural land up to April 14, 1972, were being waived.
 - a) The State Acquisition and Tenancy (Third Amendment) order, 1972 (president's Order No. 96 of 1972);
 - b) The Bangladesh Land Holding (Limitation) Order 1972 (president's Order No. 98 of 1972;
 - c) The Alienation of land (Distressed circumstances) (Restoration) Ordinance 1976 (Ordinance No. 28 of 1976).
- 2) Agricultural families with land holding under 25 bighas were exempted from payment of land revenue from April 14, 1972 (P.O. 96 of 1972). But land development tax was introduced later.
- 3) Imposition of a ceiling of 100 bighas per family on agricultural land (P.O. 98 of 1972).

³ The presidential (Bangladesh) ordinances affecting rights in land include the following:

- a) The State Acquisition and Tenancy (Third Amendment) order, 1972(president's Order No. 96 of 1972);
- b) The Bangladesh Land Holding (Limitation) Order 1972(president's Order No. 98 of 1972;
- c) The Alienation of land (Distressed circumstances) (Restoration) Ordinance 1976(Ordinance No. 28 of 1976).

In redistributing government land salami would not be taken and distribution would be according to the following priority among the landless and near landless (i.e. owning less than 1.5 acres) agricultural families (The Bangladesh Observer, August 5, 1972);

- a) Agricultural families having no land;
 - b) Agricultural families having no land other than homestead;
 - c) Agricultural families having land including homestead but less than 1.5 acres;
 - d) Families whose lands have been diluviated;
 - e) Agricultural families dependent on freedom fighters that either lost their lives or were permanently disabled;
 - f) Agricultural refugee families undertaking cultivation themselves; and
 - g) Other agricultural families.
- 4) It was also decided that the recovered land accreted 'char' lands by the rivers would not go back to original claimants (P.O. 135 of 1972).
 - 5) The land development tax ordinance 1976 was enacted to rationalize the revenue structure and to mobilize more domestic resources for development;
 - 6) 'Ijaradari' with respect of management of 'sairat mahal' (government landed property, such as hats and bazaars, water bodies, ferries, minor minerals, etc) was abolished.
 - 7) Agricultural land mortgage on exploitative terms was banned.
 - 8) Another amendment provided that if there is a sale document in respect of a piece of agricultural land also on agreement to return the land to seller or refund of the price by a certain date, these two documents would constitute a completely usufructuary mortgage and the sold land would be retransfer able to the owner without payment on expiry of 7 years.
 - 9) The new laws have classified landholders as mallks but it has not been designed to protect the right of tillers on land.

5.1.2 Impacts of Land Tenure in the 1970s

It is no doubt that all these measures were fully and effectively implemented. The government could acquire a little amount of land. In

that time, there were 5 million landless and marginal farmers. The government had only 4.5 lakh acres of total land for distribution (Hossain 1991). Failure of measures of 1972, the government, declared a series of drastic measures for evaluating the rural economy in 1975. According to them, the land ceiling was to be reduced to 70 bighas per family. The whole agriculture was sought to be brought under a system of compulsory cooperatives. The total output would have to be distributed according to the ratio of one-third for land, one-third for labor and another one-third for capital. But this policy could not be implemented owing to change in government in 1975. So, it could not have created much impact even if it had been a success.

5.2 Land Reform Ordinance 1984

The government had taken reform measures on crisis of economy owing to an alarming growth of population and form a Land Reform Committee in 1982. The committee proposed several recommendations, which includes:

- 1) Reduction of land ceiling from 33.3 acres to 20 acres;
- 2) Establishment of minimum wage rate (3.50 kg. rice or equivalent in cash) for agriculture labors;
- 3) Decentralization and strengthening of survey and settlement administration;
- 4) Recognition and protection of rights of sharecroppers; and
- 5) Expansion of resource base of local government institutions.

On the basis of those recommendations the government promulgated a new Land Reform Ordinance in 1984.

5.2.1 Salient Features of Land Reform Ordinance 1984

Far-reaching changes were also made in the rights of tenants by promulgation of Land Reforms Ordinance 1984. The main provisions of this ordinance were as follows:

- 1) The ceiling to ownership of agricultural land has been reduced further to 60 standard *bighas* per family. Excess land would be acquired by the state on the payment of compensation to the owners. But the owners were free to have their preferred plots up to 60 bighas per family. The existing ceiling was not to be reduced but those family owning land up to 60 *bighas* were prevented from acquiring any more land.

2) Free distribution of khas land among only landless peasants was to be ensured (Siddiqui, 1988).

3) This law declared 'benami' (proxy) transaction void. That is, *benami* transaction was declared illegal and punishable.

4) Most salutary provision in respect of security of tenure is the prohibition of eviction of agricultural tenants from his homestead land. That is, no one could be evicted from his homestead.

5.2.2 Provisions about Sharecropping

Sharecropping arrangement is traditionally regarded unfair for the tenants for two reasons: Firstly, they can be evicted from land by the landowner at their convenience. Secondly, while sharecropper provided all or most of the production inputs, they usually receive only 50% share of the output. The land Reforms Ordinance, 1984 seeks to remove these two unjust and unfair provisions of sharecropping arrangement. The important laws are as follows:

1) The Ordinance provided that the landowner and sharecropper must sign a legal contract. Without signed legal contract sharecropping is illegal. The tenurial rights of the sharecropper were recognized; he was entering into a 5 years agreement with the landowner while he could not be evicted.

2) The period of contract shall be five years.

3) The output of the sharecropped land should be divided into three segments;

a) The landowner would receive one segment as rent;

b) The tenants should receive remaining segment for his labor; and

c) The remaining segment (1/3rd) would be shared by landowner or by tenants according to the cost bearing incurred in cultivation. Thus half a century old demand for output share was conceded.

4) The minimum daily wage for agricultural labors was fixed at 3.5 kilograms of rice or its equivalent in cash.

5) The sharecropped land cannot be sold out to any persons other than the immediate relatives to the landowner or the sharecropper. If the sharecropper is unable to buy the land; it can be sold to other persons but the sharecropper retain the right of cultivation of land as per contract.

6) A landowner can rent out a maximum of fifteen bighas or five acres of land.

These recommendations were given legislative shapes, first in the Land Reform Ordinance 1984 and second in the Agricultural labor (minimum wages) Ordinance 1984.

5.2.3 Applicability of Land Reform Ordinances of 1984

Sharecroppers are insecure in sharecropping arrangement because they could be evicted by the landowner at their convenience due to the absence of signed legal contract. Elahi and Mandal showed that 54% plots were shared out for period of one to three years.

In their study, they found that about 74% plots were sharecropped for one to three year's period. Only 9% and 6% plots were sharecropped in for 4 years and 5 year respectively. The percentage of plots under sharecropping decreased consistently as the duration of sharecropping increased (Elahi and Mandal, 1988).

A *Rin Salishi Ain* was passed in 1989 to give relief to the poor tenants who were compelled to sell their small holding under distressing circumstances such as flood, draught or cyclone. Advance purchase of crops and deposit of blank stamp paper with signature or thumbs impression thereon were declared void.

In spite of its promulgation in 1984, the provisions of law are yet to be implemented. But the problem in Bangladesh today is so deep and complex that even if the reforms fully implemented, it will touch on the fringes of the issue. Agriculture Census 1996 reported that 61.90% of total tenanted lands were transacted under sharecropping (BBS, 1999). Hossain *et. al*, (2000) observed that in sample villages and in households transaction of rented land under sharecropping was 64% in 1999-2000. The sample survey conducted during the period January to November 2003, shows that about 43% lands were transacted under sharecropping which are mainly contracted for one-year basis. The 2nd highest of contractual arrangement was short term leasing arrangement (one year period) constituted 26.32% of total arrangements. Only 4.68% transacted lands were under *Khaikhalashl*, which is contracted on long duration (Field Survey).

6. Summary and Conclusion

6.1 Summary

So, it can be said that land tenure in Bangladesh is the result of socio-economic as well as historical evolution of land system under different government mechanism. The land tenure in Sultani period had not gone under remarkable changes. It was more or less same as ancient period. The Mughal ruler substantially changed the land tenure system. In sum, land tenure in Mughal period was a combination of private ownership and state ownership. But the state ownership was dominant and the Mughal authority fixed the land revenues. During the period of company rule and British rule land tenure had gone under substantial changes. The company carried out several experiment in land tenure system before the introduction of Permanent Settlement in 1793. On 22 March, 1793, Lord Cornwallis, governor general of the company declared Permanent Settlement that made *Zamindars* and *Talukdars* permanent proprietors of land under their respective control. The East Bengal Tenancy Act of 1950 was a landmark in the history of tenurial legislation. It abolished all-*Zamindary* and intermediaries and the rights were declared maliks or owner of land. This Act brought the tenants directly under the Govt. It abolished all revenue framings.

After the liberation of Bangladesh, a revolutionary change in tenurial legislation has been taken place. The land reform measures were aimed at improving the overall conditions of the actual tiller of land. Far-reaching changes were made in the rights of tenants by the promulgation of Land Reform Ordinance 1984. This Ordinance seeks to remove the unjust and unfair provisions of sharecropping arrangements.

6.2 Conclusion

It can be concluded that there was no unique land tenure system in Bengal throughout its history. It has been changes accordance with the aim of ruling authority or by improving the condition of landholder and tenant but latter is given less emphasis. From the survey result it can be concluded that tenants are highly in secured in their tenancy rights. Increase in transacted land under short term leasing arrangement as well as other short duration of contract indicates the gradual commercialization of rental market for land, which in turn further entails the in security of tenant's rights in land.

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ইউনিয়ন পরিষদ আইন-২০০৯: একটি পর্যালোচনা

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Abstract: "The Union Parishad Act-2009" is a latest law enacted for 'Local-Self Government' which has been passed in The Ninth National Parliament of Bangladesh in October 15, 2009. Before enacting this law, several acts have been made in favour of this institution since 1870, when the concept of 'Union Council' was incepted in the then Bengal province in British era. The name of this institution has been changed many times along with its authorities and responsibilities with the course of time. In fact, the Union Parishad is the only oldest local self-government institution in India, Pakistan and Bangladesh era, which deals with the grassroot level's people. Earlier it was a selection based institution, but in course of time it became an election based organization. After liberation war of Bangladesh, no female representative was in that organization. In 1976, two selected female representatives included in the parishad which number is increased up to three in 1983. The 'Ward' system has been introduced in 1973 which denotes the small unit of Union Parishad. Earlier there were 3 wards, where 9 members, 3 from each ward, were elected. From 1993 the union parishad had been divided into 9 wards where 1 member was elected from each ward and 3 old wards had been made reserved for only female candidates who will be elected through competition among the female contestants.

The salient feature of this law is to keep unchanged the prevalent ward and election system in open 9 wards and 3 female reserved wards. The commendable inclusion is to constitute 13 'Permanent Committees' with the light of 'The National Parliament', headed by 9 general ward members, 3 female members and 1 chairman. The permanent committees will look after 13 prescribed fields and suggest the parishad for overcoming the raised problems of those fields for the local people. Besides, 'Open Budget Formulation' system has been introduced which will be finalized in the pre-declared open meeting in all wards. Moreover, a 'Citizen Charter' also introduced to get desired information from the parishad excluding some 'Classical Documents' which bears secrecy of the government. It is notable that, the parishad has been empowered to take pecuniary measures against some particular crimes/offences up to 15000/ taka for first time offence and more 200/ taka per day cumulatively after 1st punishment in case of 2nd time offence. Most of the important particles of the present law have been critically and comparatively reviewed with previous laws and suggested some measures to the Government of Bangladesh.

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প্রারম্ভ

বিগত ১৫ই অক্টোবর, ২০০৯ তারিখে বাংলাদেশ জাতীয় সংসদ কর্তৃক ‘ইউনিয়ন পরিষদ আইন-২০০৯’ নামক স্থানীয় সরকার সংক্রান্ত একটি আইন গৃহীত হয়েছে। নতুন এই আইনটি পর্যালোচনা করার সুবিধার্থে এবং ধারাবাহিকতা বা পারস্পর্য রক্ষার্থে ইন্দো-পাক-বাংলাদেশ আমলে জারিকৃত ইউনিয়ন পরিষদ ও স্থানীয় সরকার বিষয়ক আইনসমূহ প্রথমে আলোচনা করা প্রয়োজন। এ ছাড়া, স্থানীয় স্বায়ত্বশাসিত সরকার সংক্রান্ত উল্লেখযোগ্য সংজ্ঞাসমূহ উল্লেখ করা হলে এ বিষয়ে আলোচনা ফলপ্রসূ হবে। যখন থেকে পৃথিবীতে ‘রাষ্ট্র’ ব্যবস্থা প্রতিষ্ঠিত হয়, প্রায় তখন থেকেই স্থানীয় পর্যায়ে শাসন কার্য পরিচালনার সূত্রপাত ঘটে। তবে আদি যুগে স্থানীয় পর্যায়ের শাসনের তেমন কোন সুনির্দিষ্ট রূপরেখা ছিল না। তখন কেন্দ্রীয় শাসনের অবিচ্ছেদ্য অঙ্গ রূপে স্থানীয় শাসন বলবৎ ছিল। পরবর্তীকালে স্থানীয় পর্যায়ে শাসন কর্তাকে কিছু কিছু কাজের ক্ষেত্রে স্বাধীনতা দেয়া হয়। তবে তা কখনই স্বায়ত্ব শাসনের মর্যাদায় উন্নীত হতে পারেনি। ভারতবর্ষে সর্ব প্রথম ১৮৭০ সালে ‘গ্রাম চৌকিদারী আইন-১৮৭০’ দ্বারা তৎকালীন লর্ড মেয়ো ‘পঞ্চায়েত’ নামক স্থানীয় শাসন ব্যবস্থা প্রতিষ্ঠা করেন, যার সদস্য সংখ্যা ছিল ৫ জন। কয়েকটি গ্রাম নিয়ে তখন একেকটি পঞ্চায়েত গঠিত হতো। পঞ্চায়েতের সদস্যবৃন্দ জেলা ম্যাজিস্ট্রেট কর্তৃক ৩ বছরের জন্য মনোনীত হতেন। এদেশে তখন থেকেই সীমিত আকারে স্থানীয় পর্যায়ে স্বায়ত্ব শাসিত সরকার ব্যবস্থা চালু হয়।

স্থানীয় সরকারের সংজ্ঞা

জাতিসংঘের প্রদত্ত সংজ্ঞা অনুযায়ী “স্থানীয় সরকার হলো একটি রাষ্ট্রের রাজনৈতিক উপ-বিভাগ, যা আইন দ্বারা গঠিত হয় এবং স্থানীয় পর্যায়ে সমুদয় কার্যক্রমে কার্যকর নিয়ন্ত্রণ আরোপের ক্ষমতা, বিশেষভাবে কর ধার্য করার ক্ষমতা রাখে।”

এনসাইক্লোপেডিয়া অব সোশ্যাল সায়েন্সের ৯ ও ১০ নম্বর ভলিউমে ‘উইলিয়াম এ. রফসন’ সংজ্ঞা প্রদান করেছেন যে, “স্থানীয় সরকার বলতে একটি ভূখণ্ডগত অসার্বভৌম সম্প্রদায়কে বুঝায়, যাদের নিজস্ব বিষয়ে নিয়ন্ত্রণকারীর মত প্রয়োজনীয় আইনগত অধিকার সংগঠন আছে।”

‘চালস বারই’ এর প্রদত্ত সংজ্ঞাটি অধিকতর বিস্তৃত ও স্ব-ব্যাখ্যাত। তিনি বলেছেন “স্থানীয় সরকার বলতে স্থানীয় জনগণ কর্তৃক নির্বাচিত প্রতিনিধি দ্বারা পরিচালিত এমন স্থানীয় প্রতিষ্ঠানসমূহকে বুঝায়, যাদের দায়িত্বাবলী নির্দিষ্ট ভৌগোলিক এলাকায় সীমাবদ্ধ থাকে। দায়িত্বাবলী পালনের নিমিত্তে নিজস্ব আয়ের উৎস হিসেবে স্থানীয় সরকার কর ধার্য করতে পারে। যদিও জাতীয় সরকার জনস্বার্থে স্থানীয় প্রতিষ্ঠানসমূহ

প্রতিষ্ঠা করে, তবুও তারা জাতীয় সরকারের নিয়ন্ত্রণাধীন থেকে কাজ করে বা জাতীয় সরকারের নিকট জবাবদিহি করতে বাধ্য থাকে।”

ভারত-পাক-বাংলাদেশ আমলে স্থানীয় সরকারের বিকাশ

ক) ১৮৭০ সালের ‘গ্রাম চৌকিদারী আইন’

এই আইনে গঠিত মনোনীত ৫ জন সদস্য মূলতঃ নির্বাচিত জন প্রতিনিধি ছিলেন না। গ্রামের রাত্রিকালীন পাহারাদার বা চৌকিদারদের নিয়োগ, তত্ত্বাবধান ও বেতন প্রদান এবং বেতনের অর্থের জন্য জনগণের উপর কর ধার্যকরণ তৎকালীন পঞ্চায়েতের প্রধান কাজ ছিল।

খ) বঙ্গীয় স্থানীয় স্বায়ত্বশাসন আইন-১৮৮৫

লর্ড রিপন কর্তৃক পেশকৃত রেজুলিউশন দ্বারা এই আইনটি গঠিত হয়। সর্ব প্রথম এই আইনেই জনগণের মতামতের ভিত্তিতে (প্রকাশ্যে প্রস্তাব ও সমর্থন দ্বারা) নির্বাচিত প্রতিনিধিবৃন্দ স্থানীয় সরকার গঠনের সুযোগ লাভ করেন। এই আইনে পঞ্চায়েত ব্যবস্থার পাশাপাশি (১) ইউনিয়ন কমিটি (২) মহকুমা পর্যায়ে লোকাল বোর্ড এবং (৩) জেলা পর্যায়ে জেলা বোর্ড নামে তিন স্তর বিশিষ্ট স্থানীয় সরকার ব্যবস্থা চালু হয়। প্রতিটি ইউনিয়ন কমিটির আওতাধীন এলাকা ছিল ২৫.৯০ থেকে ৩৮.৮৫ বর্গ কিলোমিটার।

গ) বঙ্গীয় পল্লী স্বায়ত্বশাসন আইন-১৯১৯

এই আইনের মাধ্যমে ১৮৭০ ও ১৮৮৫ সালের আইন দু’টি বাতিল করে ‘ইউনিয়ন বোর্ড’ নামে স্থানীয় স্বায়ত্বশাসিত সরকার ব্যবস্থা চালু করা হয়। ইউনিয়ন বোর্ডের কার্যকাল ছিল ৩ বছর, যা ১৯৩৬ সালে ৪ বছর করা হয়। এই আইনেও মহকুমা বোর্ড ও জেলা বোর্ড নামক স্থানীয় সরকার ব্যবস্থা চালু রাখা হয়। ইউনিয়ন বোর্ডের সদস্য সংখ্যা ৬ থেকে ৯ জন ছিল। ইউনিয়ন বোর্ডের সদস্যদের মধ্যে প্রত্যক্ষ ভোটে নির্বাচিত এবং সরকার কর্তৃক মনোনীত উভয় প্রকার সদস্য থাকতেন। ১৯৪৬ সালে মনোনীত সদস্য বাতিল করে কেবল নির্বাচিত প্রতিনিধি দ্বারা বোর্ড গঠনের আইন করা হয়।

ঘ) মৌলিক গণতন্ত্র আইন-১৯৫৯

এই আইনের দ্বারা ৪ স্তর বিশিষ্ট স্থানীয় সরকার ব্যবস্থা চালু করা হয় :

১। ইউনিয়ন কাউন্সিল ২। থানা কাউন্সিল ৩। জেলা কাউন্সিল ৪। বিভাগীয় কাউন্সিল

এই আইনে প্রত্যক্ষ ভোটার (গোপন ব্যালট পেপারের) মাধ্যমে ইউনিয়ন কাউন্সিলের সদস্যবৃন্দ নির্বাচিত হতেন। নির্বাচিত সদস্যবৃন্দের ভোটে ইউনিয়ন কাউন্সিল চেয়ারম্যান, প্রদেশিক পরিষদ ও জাতীয় পরিষদের সদস্য এমনকি রাষ্ট্রের প্রেসিডেন্ট পর্যন্ত নির্বাচিত হতেন। ইউনিয়ন কাউন্সিলের আয়তন নির্ধারণে গড়ে ১০ হাজার জন বসতিপূর্ণ এলাকাকে নির্ধারণ করা হয় এবং ১০ থেকে ১৫ জন সদস্য সমন্বয়ে ইউনিয়ন কাউন্সিল গঠিত হতো। মোট ৩৭ প্রকারের কার্যক্রমের দায়িত্ব ইউনিয়ন কাউন্সিলকে দেয়া হয়।

ঙ) রাষ্ট্রপতির আদেশ নং ৭ (পি.ও নং-৭)

বাংলাদেশ আমলে ১৯৭২ সালে ‘ইউনিয়ন কাউন্সিলে’র নাম পরিবর্তন করে ‘ইউনিয়ন পঞ্চায়েত’ রাখা হয়। এই সংস্থা প্রধানত : যুদ্ধ বিধবস্ত দেশে ত্রাণ ও পুনর্বাসন কাজে ব্যস্ত ছিল। মনোনয়নের মাধ্যমে ইউনিয়ন পঞ্চায়েত সদস্যবৃন্দ ও চেয়ারম্যান নির্বাচিত হন। এটি রাষ্ট্রপতির আদেশ নং ৭ (পি.ও নং-৭) দ্বারা কার্যকর হয়।

চ) রাষ্ট্রপতির আদেশ নম্বর ২২, ১৯৭৩

পুনায় ‘ইউনিয়ন পঞ্চায়েত’ নাম পরিবর্তন করে ‘ইউনিয়ন পরিষদ’ রাখা হয়। প্রত্যেক ইউনিয়ন পরিষদকে ৩টি ওয়ার্ডে ভাগ করে প্রতি ওয়ার্ডে ৩ জন করে সদস্য গোপন ব্যালটের মাধ্যমে নির্বাচনের ব্যবস্থা করা হয়। প্রতি ইউনিয়ন পরিষদে একজন চেয়ারম্যান ছাড়াও ১ জন ভাইস চেয়ারম্যান প্রত্যক্ষ ভোটে নির্বাচনের ব্যবস্থা রাখা হয়।

ছ) স্থানীয় সরকার অধ্যাদেশ-১৯৭৬

এই অধ্যাদেশের মাধ্যমে ইউনিয়ন, থানা ও জেলা পরিষদ এই ৩ স্তর বিশিষ্ট স্থানীয় সরকার ব্যবস্থা চালু করা হয়। ৯ জন ইউ.পি সদস্য প্রত্যক্ষ নির্বাচনের মাধ্যমে, ২ জন মনোনীত মহিলা সদস্য ও ২ জন মনোনীত কৃষক প্রতিনিধি সমন্বয়ে ইউনিয়ন পরিষদ গঠিত হয়। ভাইস চেয়ারম্যান পদটি বিলুপ্ত করা হয়। ইউনিয়ন পরিষদকে মোট ৪০ প্রকারের কার্যক্রম পালনের দায়িত্ব দেয়া হয়। পরিষদের মেয়াদ ৫ বছর করা হয়।

এ৩) স্বনির্ভর গ্রাম সরকার আইন-১৯৮০

একজন গ্রাম প্রধান ও ২ জন মহিলাসহ মোট ১১ জন সদস্য নিয়ে গ্রাম সরকার গঠনের বিধান করা হয়। সদস্যদের মধ্যে একজনকে সচিব নির্বাচনের নিয়ম রাখা হয়। এই বিধানটি পূর্ণরূপে বাস্তবায়িত হওয়ার পূর্বেই ১৯৮২ সালে এটি বাতিল ঘোষিত হয়।

চ) স্থানীয় সরকার (উপজেলা পরিষদ ও উপজেলা পুনর্গঠন) অধ্যাদেশ-১৯৮২

এই অধ্যাদেশের মাধ্যমে থানাকে 'উপজেলা' নামে অভিহিত করে প্রত্যক্ষ ভোটের মাধ্যমে উপজেলা চেয়ারম্যান নির্বাচনের বিধান করা হয়। এ থানার সকল ইউনিয়ন পরিষদ চেয়ারম্যান ও পৌরসভার চেয়ারম্যান পদাধিকার বলে সদস্য বিবেচিত হতেন। ৩ জন মহিলা মনোনীত সদস্য, ১ জন মুক্তিযোদ্ধা পরিষদের সদস্য ও ২ জন কৃষক প্রতিনিধি উপজেলা পরিষদের সদস্য মনোনীত হতেন। থানা পর্যায়ে কর্মরত সকল সরকারি দপ্তরকে, সংরক্ষিত ও হস্তান্তরিত বিভাগ হিসেবে উপজেলার আওতাধীন করা হয়।

ছ) স্থানীয় সরকার (ইউনিয়ন পরিষদ) অধ্যাদেশ- ১৯৮৩

এই অধ্যাদেশ বলে প্রতি ওয়ার্ড থেকে ৩ জন করে তিনটি ওয়ার্ড থেকে ৯ জন নির্বাচিত প্রতিনিধি এবং প্রতি ওয়ার্ড থেকে ১ জন করে মোট ৩ জন মহিলা প্রতিনিধি (যাঁরা উপজেলা পরিষদ কর্তৃক মনোনীত হবেন) সমন্বয়ে চেয়ারম্যানসহ ১৩ সদস্য বিশিষ্ট ইউনিয়ন পরিষদ গঠিত হবে। এই অধ্যাদেশে ইউনিয়ন পরিষদের নিজস্ব আয়ের ২৮ টি উৎস থেকে কমিয়ে এনে মাত্র ৫ টি উৎস রাখা হয়।

জ) পল্লী পরিষদ আইন-১৯৮৯

পল্লী অঞ্চলে স্বায়ত্বশাসন নিশ্চিত করার লক্ষ্যে আইনটি পাশ করা হয়েছিল। কিন্তু তৎকালীন সরকারের পতনের পরে তা আর বাস্তবায়িত হয়নি।

ঝ) স্থানীয় সরকার (ইউনিয়ন পরিষদ) (সংশোধনী) আইন- ১৯৯৩

এই আইন অনুযায়ী প্রতিটি ইউনিয়নকে ৯ টি ওয়ার্ডে বিভক্ত করে প্রত্যেক ওয়ার্ড থেকে প্রত্যক্ষ ভোটে ১ জন করে নির্বাচিত সদস্য এবং প্রাক্তন ৩ টি ওয়ার্ড থেকে সংরক্ষিত মহিলা আসনে কেবল মহিলাদের মধ্যে প্রতিযোগিতার মাধ্যমে ৩ জন মহিলা সদস্য নির্বাচিত হবেন। চেয়ারম্যানসহ মোট সদস্য সংখ্যা হবে ১৩ জন। আয়ের উৎস হিসেবে ৬ টি খাতকে সুনির্দিষ্ট করা হয়। এই আইনে উপজেলা পরিষদকে 'থানা পরিষদ' নামে প্রতিস্থাপন করা হয়।

ঞ) স্থানীয় সরকার (ইউনিয়ন পরিষদ) (২য় সংশোধনী) আইন-১৯৯৭

এই আইনে সংরক্ষিত মহিলা আসন ছাড়াও কোন মহিলা তার নিজস্ব ওয়ার্ডে বা ইউনিয়ন পরিষদের চেয়ারম্যান পদে পুরুষদের সঙ্গে প্রতিদ্বন্দ্বিতা করতে পারবেন। এ ছাড়া থানা নির্বাহী অফিসার যেকোন সংরক্ষিত মহিলা আসনের ওয়ার্ড পুনঃযোজিত করতে পারবেন।

ট) ইউনিয়ন পরিষদ আইন- ২০০৯

১০৮ টি অনুচ্ছেদ সংবলিত এই আইনটি ২০০৯ সালের ১৫ই অক্টোবর কার্যকর হয়েছে। এই আইনে গণ প্রজাতন্ত্রী বাংলাদেশের সংবিধানের ১৫২ (১) অনুচ্ছেদের সঙ্গে পঠিতব্য ৫৯ অনুচ্ছেদের উদ্দেশ্য পূরণকল্পে ইউনিয়নকে প্রজাতন্ত্রের প্রশাসনিক একাংশ বলে ঘোষণা করা হয়েছে। এই আইনে ‘স্থানীয় সরকার (ইউনিয়ন পরিষদ) অধ্যাদেশ- ১৯৮৩’ কে বিলুপ্ত ঘোষণা করা হয়েছে।

ইউনিয়ন পরিষদ আইন- ২০০৯ এর কতিপয় উল্লেখযোগ্য বৈশিষ্ট্য সম্পর্কে পর্যালোচনা

‘ইউনিয়ন পরিষদ আইন- ২০০৯’ এর কতিপয় উল্লেখযোগ্য বৈশিষ্ট্য সম্পর্কে এই প্রবন্ধে পর্যালোচনা করার উদ্যোগ গ্রহণ করা হলো। এখানে বিশেষ বৈশিষ্ট্যমণ্ডিত অনুচ্ছেদসমূহকে আলোচনায় প্রাধান্য দেয়া হয়েছে।

প্রথমত: ইউনিয়ন কে প্রজাতন্ত্রের প্রশাসনিক একাংশ ঘোষণা

গণ প্রজাতন্ত্রী বাংলাদেশের সংবিধানের ১৫২ (১) অনুচ্ছেদের সঙ্গে পঠিতব্য ৫৯ অনুচ্ছেদের উদ্দেশ্য পূরণকল্পে ইউনিয়নকে প্রজাতন্ত্রের প্রশাসনিক একাংশ ঘোষণার ক্ষেত্রে সংশ্লিষ্ট ও সচেতন মহলের দাবি বহু পূরনো। প্রশাসনিক একাংশ ঘোষিত হলে সরকার কর্তৃক ইউনিয়ন পরিষদগুলোর ক্ষেত্রে উপেক্ষা ও বঞ্চনার কাহিনী বহুলাংশে লোপ পাবে, এ ধারণা পোষণ করেন স্থানীয় সরকার সংক্রান্ত প্রায় সকল বিশেষজ্ঞ মহল। বহু কাল অপেক্ষার পর অবশেষে এ বার সেই আকাঙ্ক্ষা পূর্ণ হলো। তৃতীয় অধ্যায়ের প্রারম্ভেই আইনটিতে (অনুচ্ছেদ ৮) এই ঘোষণাটি উল্লেখিত হয়েছে।

দ্বিতীয়ত: ওয়ার্ড সভা ও ওয়ার্ড পর্যায়ে উন্মুক্ত সভা

ইউনিয়ন পরিষদ আইন -২০০৯ এর অন্যতম বৈশিষ্ট্য হচ্ছে, ‘ওয়ার্ড সভা’ নামক একটি নবতর বিষয় সংযোজন এবং ‘ওয়ার্ড পর্যায়ে উন্মুক্ত সভা’ অনুষ্ঠানের বিধান বলবৎকরণ। ‘ওয়ার্ড সভা’ বিষয়টি তৃণমূল পর্যায়ে গণতন্ত্র, প্রশাসনে জন অংশগ্রহণ এবং নির্বাচিত সদস্যদের স্বচ্ছতা ও জবাবদিহিতা নিশ্চিত করার ক্ষেত্রে একটি কার্যকর সংযোজন।

‘ওয়ার্ড সভা’ বলতে ইউনিয়ন পরিষদের ৯টি ওয়ার্ডের প্রতিটিতে ১ টি করে ‘সভা’ গঠনকে বুঝানো হয়েছে। ওয়ার্ডের প্রত্যেক ভোটার এই সভার সদস্য বিবেচিত হবেন, সংশ্লিষ্ট ওয়ার্ডের নির্বাচিত সদস্য সভাপতি এবং ঐ ওয়ার্ডের সংশ্লিষ্ট সংরক্ষিত মহিলা আসনের প্রতিনিধি ‘উপদেষ্টা’ হিসেবে গণ্য হবেন। প্রত্যেক ওয়ার্ড সভায় বছরে কমপক্ষে ২টি উন্মুক্ত সভা অনুষ্ঠানের বিধান রাখা হয়েছে, যেখানে ঐ ওয়ার্ডের শতকরা ৫ ভাগ ভোটারের উপস্থিতিতে কোরাম পূর্ণ হবে। স্থানীয় পর্যায়ের সকল

ভোটার যেভাবে বা যে উপায়ে সভার তারিখ ও সময় জানতে পারেন, সেই উপায়ে ৭ দিন পূর্বে বিজ্ঞপ্তি জারি করতে হবে। সবচেয়ে কার্যকর ও উল্লেখযোগ্য বিষয় হচ্ছে যে, ইউনিয়ন পরিষদ চেয়ারম্যানকে ঐ সভা অনুষ্ঠানের বিষয়টি নিশ্চিত করতে হবে। এ ক্ষেত্রে বিষয়টিকে দুই পক্ষ থেকে নিশ্চিতকরণের উদ্যোগের ফলে কার্যকারিতার মাত্রা বৃদ্ধি করা হয়েছে।

ওয়ার্ডের সভায়, বিশেষ করে বার্ষিক সভায় বিগত বছরে ওয়ার্ডের সার্বিক উন্নয়ন কর্মকাণ্ডের বিবরণ পেশ করা হবে এবং পূর্ববর্তী ওয়ার্ডসভার কোন সিদ্ধান্ত বাস্তবায়িত না হয়ে থাকলে তার যৌক্তিক কারণ দর্শাতে হবে। চলমান কার্যক্রম ও সার্বিক আর্থিক সংশ্লেষ সম্পর্কে পূর্ণ বিবরণ ঐ ওয়ার্ডের নির্বাচিত সদস্যকে উক্ত সভায় পেশ করতে হবে। এতে নির্বাচিত সদস্যবৃন্দের কেবল আর্থিক সততাই নয়, উন্নয়ন ক্ষেত্রে পারদর্শিতা ও পারঙ্গমতা প্রকাশিত হবে। ভালভাবে কাজ সম্পন্ন করে থাকলে প্রশংসা পাবেন, না করে থাকলে তাকে সমালোচনার সম্মুখীন হতে হবে। আর যেহেতু এরূপ সভা প্রতি বছরে ২ টি করে অনুষ্ঠিত হবে, সেহেতু একবার কারণ দর্শিয়ে অপারগতাকে প্রমাণ করা গেলেও পরের বছর অনুরূপ কারণ দর্শানোর তেমন কোন সুযোগ থাকবে না। ফলে তৎপর ও কুশলী হবেন নির্বাচিত সদস্যবৃন্দ এবং বৃদ্ধি পাবে জবাবদিহিতা। রাষ্ট্রবিজ্ঞান বলে ‘তথ্যই শক্তি’। যে সংস্থা বা যার নিকট তথ্য বেশি থাকে, সে সংস্থা বা সেই ব্যক্তি তত বেশি শক্তিশালী। ওয়ার্ডের উন্নুক্ত সভায় ঐ ওয়ার্ডের সমস্যাসমূহ যেমন ভোটারগণ তুলে ধরবেন, তেমনি কী কী নিজস্ব সম্পদ রয়েছে অথবা কোন্ কোন্ কৌশলে উন্নয়ন নিশ্চিত করা যাবে, সেই সব বিষয়ের তথ্যও উদ্ঘাটিত হবে। সংশ্লিষ্ট ভোটার ও নির্বাচিত সদস্যগণ তাদের সার্বিক বিষয় তথ্যের মাধ্যমে অবগত হতে পারবেন। এছাড়া ভোটার ও নির্বাচিত প্রতিনিধির মধ্যে যোগাযোগ বৃদ্ধি পাওয়ায় সম্মিলিত উদ্যোগে যে কোন সমস্যা মোকাবিলা করা সহজ হবে।

আরেকটি উল্লেখযোগ্য বিষয় হচ্ছে, ওয়ার্ড সভার হাতে ক্ষমতা ও কার্যাবলী নামে ২১ প্রকার ক্ষমতা ও ১০ টি দায়িত্ব প্রদান করা হয়েছে। এগুলো বাস্তবায়িত হলে ওয়ার্ডের উন্নয়ন নিশ্চিত করা সম্ভব হবে। এছাড়া, ওয়ার্ডের উন্নয়ন নিশ্চিত করার লক্ষ্যে যে কোন সাধারণ বা বিশেষ কার্যাদি সম্পন্নকরণে এক বা একাধিক উপ-কমিটি গঠন করতে পারবে। উপ-কমিটির সদস্য সংখ্যা ১০ জনের বেশি হবে না এবং তার মধ্যে ৩ জন মহিলা থাকতে হবে। নারীর অংশগ্রহণ ও নারী ক্ষমতায়ন কে এ ক্ষেত্রে প্রাধান্য দেয়া হয়েছে, যা তৃণমূল পর্যায়ে একটি নতুন আবহ সৃষ্টিতে সহায়ক হবে। উপরন্তু, নারী ও শিশু পাচার রোধ, যৌতুক নিরোধ, বাল্য বিবাহ ও বহু বিবাহ রোধ, এসিড নিক্ষেপের মত জঘন্য অপরাধসমূহ দূরিকরণার্থে সামাজিক আন্দোলন গড়ে তোলার ক্ষমতা ও দায়িত্ব ওয়ার্ড সভার উপর ন্যস্ত করা হয়েছে। এ সব দায়িত্বের

অংশ বিশেষও যদি পালিত হয় তা হলেও গ্রাম পর্যায়ে নারী সমাজের মানবাধিকার বহুলাংশে রক্ষিত হবে ।

তৃতীয়ত: স্থায়ী কমিটি গঠন :

এই প্রথমবারের মত জাতীয় সংসদের অনুকরণে ইউনিয়ন পর্যায়ে 'স্থায়ী কমিটি' গঠনের বিধান করা হয়েছে । এটি একটি যুগান্তকারী ঘটনা । ইউনিয়ন পরিষদের জন্য ১৩ টি স্থায়ী কমিটি গঠনের বিধান এবং প্রয়োজন বোধে ডেপুটি কমিশনারের অনুমতি গ্রহণপূর্বক আরও বেশি সংখ্যক স্থায়ী কমিটি গঠনের সুযোগ সংরক্ষণের জন্য এই আইনটি বহুদিন পর্যন্ত একটি মাইলফলক হিসেবে বিবেচিত হবে । যে সমস্ত বিষয়ে স্থায়ী কমিটি গঠনের বিধান রয়েছে, সে গুলো হচ্ছে ;

ক) অর্থ ও সংস্থাপন খ) হিসাব নিরীক্ষা ও হিসাব সংরক্ষণ গ) কর নিরূপণ ও আদায় ঘ) শিক্ষা, স্বাস্থ্য ও পরিবার পরিকল্পনা ঙ) কৃষি, মৎস্য ও পশু সম্পদ ও অন্যান্য অর্থনৈতিক উন্নয়নমূলক কাজ চ) পল্লী অবকাঠামো উন্নয়ন, সংরক্ষণ, রক্ষণাবেক্ষণ , ইত্যাদি ছ) আইন-শৃঙ্খলা রক্ষা জ) জন্ম-মৃত্যু নিবন্ধন বা) স্যানিটেশন, পানি সরবরাহ ও পয়ঃনিষ্কাশন এও) সমাজকল্যাণ ও দুর্যোগ ব্যবস্থাপনা ট) পরিবেশ উন্নয়ন, পরিবেশ সংরক্ষণ ও বৃক্ষরোপণ ঠ) পারিবারিক বিরোধ নিরসন, নারী ও শিশু কল্যাণ (পার্বত্য চট্টগ্রামের অধিবাসীদের জন্য প্রযোজ্য হবে না) ড) সংস্কৃতি ও খেলাধুলা ।

এই সব স্থায়ী কমিটির সভাপতি পদে পদাধিকার বলে ইউনিয়ন পরিষদ তথা ওয়ার্ডের নির্বাচিত মেম্বরবৃন্দ মনোনীত হবেন । তবে এ ক্ষেত্রেও সংরক্ষিত আসনের মহিলা মেম্বরবৃন্দ অনূন্য এক-তৃতীয়াংশ কমিটির সভাপতি থাকবেন । অবশ্য কো-অপ্ট করা সদস্য কতিপয় ক্ষেত্রে সভাপতি হবার সুযোগ পাবেন । উল্লেখ্য, ইউনিয়ন পরিষদের চেয়ারম্যান কেবল আইন -শৃঙ্খলা বিষয়ক কমিটির সভাপতি থাকবেন । এসব স্থায়ী কমিটির সদস্য সংখ্যা হবে ৫ থেকে ৭ জন, তবে কমিটি প্রয়োজন বোধ করলে যে কোন বিশেষজ্ঞ ব্যক্তিকে কো-অপ্ট সদস্য হিসেবে মনোনীত করতে পারবেন । সদস্য হিসেবে স্থানীয় জনগণের মধ্য থেকে যোগ্য ব্যক্তিদের মনোনীত করা হবে । স্থায়ী কমিটির সুপারিশ ইউনিয়ন পরিষদে বিবেচনার জন্য গৃহীত হবে, যদি গৃহীত বা বিবেচিত না করা সম্ভব হয়, তা হলে তার যথার্থ কারণ লিখিতভাবে সংশ্লিষ্ট স্থায়ী কমিটিকে জানানো হবে ।

জাতীয় সংসদের হুবহু অনুকরণ করে প্রণীত এই 'স্থায়ী কমিটি'র গঠন কাঠামো হয়তো বা ইউনিয়ন পর্যায়ে প্রথম প্রথম তেমন কার্যকারিতা দেখাতে সক্ষম নাও হতে পারে, কিন্তু এক সময়ে এটি স্থানীয় সরকার ব্যবস্থায় এক বৈপ-বিক পরিবর্তন সাধন করবে । ক্ষমতা কাঠামোতে অধিক সংখ্যক লোকের সমাবেশ ঘটানোর প্রয়াস জনগণের মাঝে নতুন উদ্দীপনা সঞ্চার করবে এবং ক্রমাগত অনুশীলনে অংশগ্রহণ, জবাবদিহি ও

দক্ষতার ছাপ স্পষ্ট হয়ে উঠবে। এর ফলে পরোক্ষভাবে বিপক্ষীয়, বিরোধী ও উপ-দলীয় কোন্দল পর্যাণ্ট পরিমাণে হ্রাস পাবে বলে প্রত্যাশা করা যায়। তৃণমূল পর্যায়ে গণতন্ত্রের ভিত্তি রচনা করার একটি অনুশীলন ক্ষেত্র হিসেবে ইউনিয়ন পরিষদ ভূমিকা পালন করতে পারবে।

চতুর্থত: উন্মুক্ত বাজেট

ইউনিয়ন পর্যায়ের জনগণের দীর্ঘ দিনের দাবি ছিল ‘উন্মুক্ত বাজেট’ের। কারণ, বহুভাবে বিভিন্ন বিধানে ইঙ্গিত থাকলেও ইউনিয়ন পরিষদের আয় ও ব্যয় সাধারণ জনগণ কোন দিন জানতে পারতো না। অবশ্য দু’একটি ব্যতিক্রমী ইউনিয়ন পরিষদ উন্মুক্ত বাজেট ইতিপূর্বে ঘোষণা করেছে, তবে তার সংখ্যা খুবই নগণ্য। বর্তমানে ইউনিয়ন পরিষদ আইনে এটিকে বিশেষ বিধান রূপে গণ্য করে আর্থিক বছর আরম্ভ হবার ৬০ দিন পূর্বে ওয়ার্ড সভার মাধ্যমে অগ্রাধিকার নির্ণয়পূর্বক ব্যয়ের খাত এবং আয়ের উৎস নিশ্চিত করার কথা উল্লেখিত আছে। ফলে জনসাধারণ তাদের আকাঙ্ক্ষিত বাজেট পেশ করা, পর্যালোচনা করা ও একাত্মতা ঘোষণা করার সুযোগ লাভ করবে। এতে তাদের মনে হবে, ‘এটি তাদের নিজস্ব বাজেট’।

অপর পক্ষে, জন প্রতিনিধিবৃন্দ যে বাজেট পেশ করলেন বা পাশ করালেন, তার একটি কপি উপজেলা নির্বাহী অফিসারের নিকট প্রেরিত হবার কারণে সরকারি দপ্তর থেকেও জবাবদিহি অবকাশ রয়ে যাবে। আবার কোন ইউনিয়ন পরিষদ বাজেট প্রণয়নে ব্যর্থ হলে উপজেলা নির্বাহী কর্মকর্তার দপ্তর থেকে একটি প্রত্যাখ্যাত বাজেট ইউনিয়ন পরিষদে প্রেরিত হবে। এরূপ ক্ষেত্রে সেটিই তাদের বাজেট বলে বিবেচিত হবে। বাজেট প্রণয়নে কোন ত্রুটি থাকলেও উপজেলা নির্বাহী অফিসার ৩০ দিনের মধ্যে তা সংশোধন করে পাঠাবেন। এছাড়া, ইউনিয়ন পরিষদও বছরে যে কোন সময় ধার্য বাজেট ‘সংশোধন’ করে উপজেলা নির্বাহী দপ্তরে পাঠাতে পারবে। এভাবে বাজেটের ক্ষেত্রে জনমতের প্রতিফলন, বোটম-আপ পদ্ধতিতে বাজেট প্রণয়ন, সংশোধনের সুযোগ, বাস্তবায়নের স্বচ্ছতা ও জবাবদিহি নির্ধারিত হয়ে একটি গণমুখী বাজেট বাস্তবায়নের সুযোগ সৃষ্টি হবে।

পঞ্চমত : তথ্য প্রাপ্তির অধিকার

বিশ্ব জুড়ে বাংলাদেশের প্রশাসনিক দুর্বলতার যে সব ক্ষেত্র সর্বাপেক্ষা আলোচিত, তথ্য না পাওয়ার অথবা তথ্য পাবার অধিকারহীনতা তার মধ্যে অন্যতম। তথ্যের গোপনীয়তা বজায় রাখার নামে জনগণকে তথ্য থেকে বঞ্চিত করা হয়েছে বহুকাল ধরে। তাদের কোন তথ্য জানার যে অধিকার আছে, তারও স্বীকৃতি মেলেনি বহুদিন। বর্তমানে আইনে দ্ব্যর্থহীনভাবে ঘোষণা করা হয়েছে যে, নির্ধারিত পদ্ধতিতে ইউনিয়ন পরিষদ সংক্রান্ত যে কোন তথ্য পাবার অধিকার বাংলাদেশের যে কোন নাগরিকের

থাকবে। এতে শুধু সংশ্লিষ্ট ইউনিয়নেরই নয়, বাংলাদেশের সকল নাগরিকের যে কোন ইউনিয়ন পরিষদের তথ্য পাবার সুযোগ সৃষ্টি করা হয়েছে। অবশ্য একান্ত গোপন কোন সরকারি নথিকে সরকার 'ক্লাসিফাইড' করে জনস্বার্থে গোপন রাখতে পারবে। বর্তমান আইনে 'নন-ক্লাসিফাইড' যে কোন তথ্য প্রাপ্তির নির্ধারিত আবেদন ফরম ও নির্ধারিত ফি যেমন রাখা হয়েছে, তেমনি সেই তথ্য প্রদান বা প্রেরণে বিলম্ব করলে পরিষদ সচিব বা দায়িত্বপ্রাপ্ত কর্মকর্তাকে প্রতি বিলম্বিত দিনের জন্য ৫০ টাকা হারে জরিমানা করার বিধানও রাখা হয়েছে। তথ্য সরবরাহ না করলে বা ভুল তথ্য দিলে সংশ্লিষ্ট কর্মকর্তা অন্ত্য ১,০০০/- (এক হাজার) টাকা অর্থ দণ্ডে দণ্ডিত হবেন, সেই বিধানও রয়েছে। আইনটির নিশ্চিত অর্থ হচ্ছে, সরকার যে কোন নাগরিকের জন্য তথ্য প্রাপ্তির দরজা উন্মুক্ত করলো, যে দরজা এতদিন প্রায় অনেকটাই রুদ্ধ ছিল।

ষষ্ঠত: নাগরিক সনদ (Citizen Charter)

বর্তমান ইউনিয়ন পরিষদ আইনে 'নাগরিক সনদ প্রকাশ' একটি নবতর সংযোজিত বিধান। পূর্বে এরূপ কোন স্পষ্ট বিধান ছিল না, যদিও কিছু কিছু সেবা বা পরিষেবা ইউনিয়ন পরিষদ পূর্বেও প্রদান করতো। একটি ইউনিয়ন পরিষদ কী কী ধরনের সেবা কত পরিমাণ ফি'য়ের বিনিময়ে দিতে পারবে বা দিবে, তার একটি তালিকা ইউনিয়ন পরিষদ প্রকাশ করবে। কতদিনের মধ্যে সেবাটি দিতে পারবে, তারও নির্ধারিত সময় বর্ণিত থাকবে। উদাহরণত বলা যায়, কোন নাগরিকের চারিত্রিক সনদের প্রয়োজন। এক্ষেত্রে কোন্ নিয়মে, কত ফি দিয়ে, কোন্ যোগ্যতা বলে একজন নাগরিক আবেদন করতে পারবে এবং কতদিনের মধ্যে পরিষদ তাকে ওই সনদ সরবরাহ করবে, নির্ধারিত সময়ের মধ্যে পরিষদ ওই সনদ সরবরাহ না করলে নাগরিক কোন ব্যবস্থা গ্রহণ করতে পারবে কি'না, ইত্যাদি প্রত্যেকটি বিষয়ে পরিষদ সকলের সম্মুখে জ্ঞাত বা প্রচার করে রাখবে। এভাবে নাগরিক তার প্রাপ্ত সেবা প্রাপ্তির বিষয়ে সচেতন থাকবে এবং কোন প্রকার ভুল বোঝা-বুঝির সৃষ্টি হবে না।

বর্তমান আইনের ৪৯ নম্বর অনুচ্ছেদে নাগরিক সনদ সম্পর্কে ৪টি উপ-অনুচ্ছেদ বর্ণনা করে বিষয়টিকে আরও সুনির্দিষ্ট করা হয়েছে। উপ-অনুচ্ছেদ ৪-এ নাগরিক সনদ সংক্রান্ত বিধিমালার অন্তর্ভুক্ত বিষয়ের বর্ণনায় বলা হয়েছে;

ক) প্রতিটি সেবার নির্ভুল ও স্বচ্ছ বিবরণ খ) সেবা প্রদানের মূল্য গ) সেবা গ্রহণ ও দাবি করা সংক্রান্ত যোগ্যতা ও প্রক্রিয়া ঘ) সেবা প্রদানের নির্দিষ্ট সময়সীমা ঙ) সেবা সংক্রান্ত বিষয়ে নাগরিকদের দায়িত্ব চ) সেবা প্রদানের নিশ্চয়তা ছ) সেবা প্রদান সংক্রান্ত অভিযোগ নিষ্পত্তির প্রক্রিয়া জ) সনদে উল্লিখিত অঙ্গীকার লঙ্ঘনের ফলাফল

সপ্তমত: অপরাধ ও দণ্ড

ইউনিয়ন পরিষদের হাতে পূর্বেও কিছু বিচারিক ক্ষমতা প্রদত্ত ছিল। বর্তমান আইনে ৫৪ প্রকারের অপরাধের বিচার নিষ্পত্তির প্রচেষ্টা ও দায়িত্ব দেয়া হয়েছে ইউনিয়ন পরিষদের উপর। কোন্ কোন্ প্রকারের বিচার পরিষদের আওতাভুক্ত হবে তার একটি তালিকা ৫ম তফশিলে বর্ণিত হয়েছে। এই ৫৪ প্রকার অপরাধের মধ্যে পরিবেশ রক্ষা, কর ফাঁকি রোধ, ভেজাল মিশ্রণ রোধ, পতিতা বৃত্তি রোধ, শব্দ দূষণ রোধ, বিপজ্জনক স্থাপনা অপসারণ ও ত্রুটিপূর্ণ স্থাপনা নির্মাণ রোধ প্রভৃতি বিষয়ে অধিকতর প্রাধান্য দেয়া হয়েছে। প্রথমবার অপরাধকারীর ক্ষেত্রে সর্বোচ্চ ১৫,০০০/ টাকা অর্থ দণ্ড এবং পুনরাবৃত্তির ক্ষেত্রে প্রথম অপরাধের পরবর্তী প্রতি দিনের জন্য ২০০/ টাকা হারে পুঞ্জীভূত অর্থদণ্ড প্রদানের বিধান রয়েছে। পুলিশ কর্মকর্তাদেরকে পরিষদ চেয়ারম্যান, সচিব বা অন্য কোন কর্মকর্তার লিখিত অনুরোধের ভিত্তিতে আইনসম্মত দায়িত্ব পালনে সহায়তা প্রদানের নির্দেশ এই আইনে রয়েছে।

অষ্টমত : ইউনিয়ন পরিষদের লোকবল

ইউনিয়ন পরিষদে একজন সচিব ও একজন পিয়ন পদ বহু পূর্ব থেকে বলবৎ ছিল। মূলত সচিবকেই সর্বপ্রকার কাজের দায়িত্ব পালন করতে হতো। বর্তমান আইনে সচিব ছাড়া একজন হিসাব সহকারি-কাম কম্পিউটার অপারেটরের পদ সৃষ্টি করা হয়েছে। প্রত্যেক পরিষদে কম্পিউটার ব্যবহারের মাধ্যমে 'ডাটা বেইজ' গড়ে তোলাই এর উদ্দেশ্য। এর মাধ্যমে জন্ম-মৃত্যু নিবন্ধন, তালাক সংক্রান্ত তথ্যাদিসহ ইউনিয়নের গুরুত্বপূর্ণ তথ্য সংরক্ষণ এবং খুব সহজে তা উদ্ধাটন ও প্রয়োজনে কোন সংস্থা বা ব্যক্তিকে তথ্য প্রদান সম্ভবপর হবে। কর নির্ধারণ ও আদায়ের হালনাগাদ তথ্যাদি এবং আয়ের উৎস সংক্রান্ত তথ্যাদি সংরক্ষণ সহজতর হবে। ফলে বর্তমান তথ্যাদিসহ পূর্বের তথ্যাদি প্রাপ্তি নিশ্চিত করা যাবে। অনুচ্ছেদ ৫০-এ 'উন্নততর তথ্য প্রযুক্তির ব্যবহার ও সুশাসন' নামে পৃথক একটি অনুচ্ছেদ সংযোজন করে ডিজিটাল পদ্ধতি তথা উন্নত তথ্য সংরক্ষণ পদ্ধতির ব্যবহারকে নিশ্চিত করা হয়েছে।

নবমত: ওয়ার্ডের সীমানা নির্ধারণ

ইউনিয়ন পরিষদের ওয়ার্ডসমূহের সীমানা নির্ধারণ চিরকালই একটি জটিল ও বিবাদপূর্ণ বিষয় বলে পরিগণিত। রাজনৈতিক দলসমূহের ইউনিয়ন পর্যায়ের নেতৃবৃন্দ তাদের নির্বাচনে জয়লাভের হাতিয়ার হিসেবে সাধারণত সীমানা নির্ধারণকে ব্যবহার করে থাকে। এ ক্ষেত্রে সরকারি দল ও বিরোধী দলের মধ্যে তুমুল বাদ-বিবাদ হয়ে থাকে। অনেক ক্ষেত্রে বিষয়টি আদালত পর্যন্ত গড়ায় এবং সেই অজুহাতে দীর্ঘ দিন অবধি নির্বাচন বন্ধ থাকে। এ যাবত যতগুলো আইন করা হয়েছে, কোনটি দ্বারাই এ অবস্থার খুব একটা তারতম্য ঘটেনি। বর্তমান ইউনিয়ন পরিষদ আইনও সেই অবস্থার

খুব একটা হের ফের ঘটাতে পারেনি। বর্তমান আইনে বিবৃত হয়েছে যে “ওয়ার্ডের সীমানা নির্ধারণে ভৌগোলিক অখণ্ডতা, জনসংখ্যার বিন্যাস ও প্রশাসনিক সুবিধার প্রতি লক্ষ্য রেখে এমন ভাবে ওয়ার্ডের সীমানা নির্ধারিত হবে, যাতে একটি ওয়ার্ড থেকে আরেক ওয়ার্ডের লোক সংখ্যা ১০% এর কম বা বেশি না হয় (অনুচ্ছেদ নং ১৩)।” তাত্ত্বিকভাবে অনুচ্ছেদটি বেশ যথার্থ ও তাৎপর্যপূর্ণ বলে মনে হলেও কার্যত ইতোমধ্যেই তা বহু ভাবে সমালোচিত হয়েছে। যাঁরা বাংলাদেশের গ্রামের গঠন কাঠামো সম্পর্কে পূর্ণরূপে ওয়াকিবহাল, তাঁরা বিলক্ষণ জানেন যে, গ্রামগুলোর একটির সঙ্গে আরেকটির লোক-সংখ্যাগত পার্থক্য এত বেশি যে মাত্র ১০% পার্থক্যের মধ্যে বিভাজনে এগুলোকে অটুট রাখা সম্ভব হবে না। আর ভৌগোলিক অখণ্ডতা ধরে রাখা না গেলে কেবল ব্যক্তি বিশেষের স্বার্থ হানি নয়, গ্রামগুলোর উন্নয়নসহ সাংস্কৃতিক বৈশিষ্ট্যে পর্যাপ্ত সমস্যা দেখা দেবে।

সীমানা নির্ধারণের এই অনুচ্ছেদটি জারি হবার পর হিসাব করে দেখা গেছে যে, ১০% ব্যবধানের এই হার বজায় রেখে ওয়ার্ড নির্ধারণ করা হলে বাংলাদেশের প্রায় এক-তৃতীয়াংশ গ্রামকে বিভক্ত করতে হবে, যা কোন ক্রমেই সমীচীন হবে না। কারণ, প্রাচীন কাল থেকে গড়ে ৬টা গ্রামগুলোর একটির সঙ্গে আরেকটির জনসংখ্যার তারতম্য গড়ে প্রায় ২৫% থেকে ৪০%। বিষয়টি নিয়ে ইতোমধ্যেই ‘বাংলাদেশ ইউনিয়ন পরিষদ ফোরাম’ আপত্তি জানিয়েছে এবং স্থানীয় সরকার মন্ত্রণালয় অনুচ্ছেদটি পরিবর্তনের আশ্বাস প্রদান করেছে বলে জানা গেছে।

দশমত: ইউনিয়ন পরিষদের চেয়ারম্যান ও সদস্যগণের কার্যকাল বা মেয়াদ

পূর্ববর্তী আইনসমূহের মতো এই আইনেও নির্বাচিত পরিষদের মেয়াদ বা কার্যকাল ৫ বছর ধার্য করা হয়েছে। তবে এই আইনে ৫ বছরের শেষ ৬ মাসের (১৮০ দিন) মধ্যে নির্বাচন অনুষ্ঠিত হবে বলে আইনে বর্ণিত রয়েছে {অনুচ্ছেদ ২৯(৩)}। তার অর্থ দাঁড়াচ্ছে এই যে, শেষ ৬ মাস পরিষদ সদস্যবৃন্দ অনেকটা ‘কেয়ার-টেকার পরিষদ’র চরিত্র গ্রহণ করবে। এতে প্রকারান্তরে পরিষদের মেয়াদ হয়ে যাচ্ছে ৪ বছর ৬ মাস। অবশ্য এই অনুচ্ছেদ অনুসারে ইউনিয়ন পরিষদের মেয়াদান্তে পরবর্তী নির্বাচনের মধ্যকার বিরতির জন্য সময় নষ্ট হতো না। তবে পূর্ববর্তী আইনসমূহে প্রদত্ত মেয়াদ অকস্মাৎ পরিবর্তিত হওয়ায় কিছুতেই মেনে নিতে চাচ্ছে না ‘বাংলাদেশ ইউনিয়ন পরিষদ ফোরাম’ নেতৃবৃন্দ। এ ক্ষেত্রে আন্দোলন আরম্ভ হয়েছে অনুচ্ছেদটি পরিবর্তনের। বাংলাদেশের মতো একটি দরিদ্র দেশের পক্ষে ইউনিয়ন পরিষদসমূহের নির্বাচনের ন্যায় এত বিশাল ও ব্যয়বহুল নির্বাচন ৫ বছরের পূর্বে বহন করা আর্থিক ভাবে সমীচীন কাজ বলে কোন অর্থনীতিবিদই মত দেবেন না। তাছাড়া নির্বাচনের সঙ্গে জড়িত থাকে আরও নানা উপসর্গ, যেমন; আইন-শৃঙ্খলা পরিস্থিতি, অরাজকতা, নির্বাচন পরবর্তী মামলাসমূহ, নাশকতামূলক তৎপরতা প্রভৃতি, যেগুলোর জন্যও পর্যাপ্ত

খুব একটা হের ফের ঘটাতে পারেনি। বর্তমান আইনে বিবৃত হয়েছে যে “ওয়ার্ডের সীমানা নির্ধারণে ভৌগোলিক অখণ্ডতা, জনসংখ্যার বিন্যাস ও প্রশাসনিক সুবিধার প্রতি লক্ষ্য রেখে এমন ভাবে ওয়ার্ডের সীমানা নির্ধারিত হবে, যাতে একটি ওয়ার্ড থেকে আরেক ওয়ার্ডের লোক সংখ্যা ১০% এর কম বা বেশি না হয় (অনুচ্ছেদ নং ১৩)।” তাত্ত্বিকভাবে অনুচ্ছেদটি বেশ যথার্থ ও তাৎপর্যপূর্ণ বলে মনে হলেও কার্যত ইতোমধ্যেই তা বহু ভাবে সমালোচিত হয়েছে। যাঁরা বাংলাদেশের গ্রামের গঠন কাঠামো সম্পর্কে পূর্ণরূপে ওয়াকিবহাল, তাঁরা বিলক্ষণ জানেন যে, গ্রামগুলোর একটির সঙ্গে আরেকটির লোক-সংখ্যাগত পার্থক্য এত বেশি যে মাত্র ১০% পার্থক্যের মধ্যে বিভাজনে এগুলোকে অটুট রাখা সম্ভব হবে না। আর ভৌগোলিক অখণ্ডতা ধরে রাখা না গেলে কেবল ব্যক্তি বিশেষের স্বার্থ হানি নয়, গ্রামগুলোর উন্নয়নসহ সাংস্কৃতিক বৈশিষ্ট্যে পর্যাপ্ত সমস্যা দেখা দেবে।

সীমানা নির্ধারণের এই অনুচ্ছেদটি জারি হবার পর হিসাব করে দেখা গেছে যে, ১০% ব্যবধানের এই হার বজায় রেখে ওয়ার্ড নির্ধারণ করা হলে বাংলাদেশের প্রায় এক-তৃতীয়াংশ গ্রামকে বিভক্ত করতে হবে, যা কোন ক্রমেই সমীচীন হবে না। কারণ, প্রাচীন কাল থেকে গড়ে ৬ষ্ঠা গ্রামগুলোর একটির সঙ্গে আরেকটির জনসংখ্যার তারতম্য গড়ে প্রায় ২৫% থেকে ৪০%। বিষয়টি নিয়ে ইতোমধ্যেই ‘বাংলাদেশ ইউনিয়ন পরিষদ ফোরাম’ আপত্তি জানিয়েছে এবং স্থানীয় সরকার মন্ত্রণালয় অনুচ্ছেদটি পরিবর্তনের আশ্বাস প্রদান করেছে বলে জানা গেছে।

দশমত: ইউনিয়ন পরিষদের চেয়ারম্যান ও সদস্যগণের কার্যকাল বা মেয়াদ

পূর্ববর্তী আইনসমূহের মতো এই আইনেও নির্বাচিত পরিষদের মেয়াদ বা কার্যকাল ৫ বছর ধার্য করা হয়েছে। তবে এই আইনে ৫ বছরের শেষ ৬ মাসের (১৮০ দিন) মধ্যে নির্বাচন অনুষ্ঠিত হবে বলে আইনে বর্ণিত রয়েছে {অনুচ্ছেদ ২৯(৩)}। তার অর্থ দাঁড়াচ্ছে এই যে, শেষ ৬ মাস পরিষদ সদস্যবৃন্দ অনেকটা ‘কেয়ার-টেকার পরিষদ’র চরিত্র গ্রহণ করবে। এতে প্রকারান্তরে পরিষদের মেয়াদ হয়ে যাচ্ছে ৪ বছর ৬ মাস। অবশ্য এই অনুচ্ছেদ অনুসারে ইউনিয়ন পরিষদের মেয়াদান্তে পরবর্তী নির্বাচনের মধ্যকার বিরতির জন্য সময় নষ্ট হতো না। তবে পূর্ববর্তী আইনসমূহে প্রদত্ত মেয়াদ অকস্মাৎ পরিবর্তিত হওয়াকে কিছুতেই মেনে নিতে চাচ্ছে না ‘বাংলাদেশ ইউনিয়ন পরিষদ ফোরাম’ নেতৃবৃন্দ। এ ক্ষেত্রে আন্দোলন আরম্ভ হয়েছে অনুচ্ছেদটি পরিবর্তনের। বাংলাদেশের মতো একটি দরিদ্র দেশের পক্ষে ইউনিয়ন পরিষদসমূহের নির্বাচনের ন্যায় এত বিশাল ও ব্যয়বহুল নির্বাচন ৫ বছরের পূর্বে বহন করা আর্থিক ভাবে সমীচীন কাজ বলে কোন অর্থনীতিবিদই মত দেবেন না। তাছাড়া নির্বাচনের সঙ্গে জড়িত থাকে আরও নানা উপসর্গ, যেমন; আইন-শৃঙ্খলা পরিস্থিতি, অরাজকতা, নির্বাচন পরবর্তী মামলাসমূহ, নাশকতামূলক তৎপরতা প্রভৃতি, যেগুলোর জন্যও পর্যাপ্ত

সময় হাতে থাকা প্রয়োজন। পর্যালোচনায় দেখা যাচ্ছে যে, ইউনিয়ন পরিষদের কার্যকাল ৫ বছর পর্যন্ত পূর্ণ থাকাই অধিকতর যুক্তিপূর্ণ হবে।

একাদশত: নির্বাচিত পরিষদ সদস্যবৃন্দের সাময়িক বরখাস্তকরণ ও অপসারণ

পূর্ববর্তী আইনসমূহেও অপসারণের বিধান ছিল যা চেয়ারম্যানের ক্ষেত্রে সদস্যগণের সম্মিলিত 'অনাস্থা ভোটে'র মাধ্যমে এবং সদস্যগণের ক্ষেত্রে 'মারাত্মক নৈতিক স্থলন জনিত' কারণে। অবশ্য 'মারাত্মক নৈতিক স্থলন জনিত কারণে' পরিষদের যে কোন নির্বাচিত সদস্যেরই অপসারণের বিধান বহুদিন থেকে বলবৎ আছে। তবে এবার যে সমস্ত বিষয়কে 'অপসারণের কারণ' হিসেবে বর্তমান আইনে বর্ণনা করা হয়েছে, সেগুলো অত্যন্ত কঠোর ও অমানবিক, এমনকি অনেক ক্ষেত্রে মানবাধিকার পরিপন্থি বলেও বিবেচিত হচ্ছে। যেমন, অনুচ্ছেদ ৩৪ এর উপ-অনুচ্ছেদ ৪-এ বর্ণিত পরিষদের চেয়ারম্যান ও অন্যান্য সদস্যদের অপসারণের কারণ হিসেবে 'ক) যুক্তিসঙ্গত কারণ ছাড়া পর পর ৩টি সভায় অনুপস্থিতি' কেও একটি কারণ হিসেবে গণ্য করা হয়েছে, যা 'অপসারণ'-এর মতো সর্বোচ্চ শাস্তির কারণ হতে পারে বলে কেউ মনে নিতে চাচ্ছেন না এবং এটিকে মানবাধিকার পরিপন্থি বলেও মনে করছেন অনেকে। এছাড়া, ৩৪ নম্বর অনুচ্ছেদে 'চেয়ারম্যান বা সদস্যগণের সাময়িক বরখাস্তকরণ ও অপসারণ' শিরোনামে বর্ণিত আছে যে, "উপ-অনুচ্ছেদ ৪-এ বর্ণিত (উপ-অনুচ্ছেদ ৪-এ মোট ৮টি ধারা রয়েছে) যে কোন ধারায় চেয়ারম্যান বা সদস্যদের বিরুদ্ধে অপসারণের জন্য কার্যক্রম আরম্ভ করা হয়েছে অথবা তার বিরুদ্ধে ফৌজদারী মামলায় অভিযোগপত্র আদালত কর্তৃক গৃহীত হয়েছে অথবা অপরাধ আদালত কর্তৃক আমলে নেয়া হয়েছে, সে ক্ষেত্রে নির্ধারিত কর্তৃপক্ষের মতে চেয়ারম্যান অথবা সদস্য কর্তৃক ক্ষমতা প্রয়োগ পরিষদের স্বার্থের পরিপন্থি অথবা প্রশাসনিক দৃষ্টিকোণে সমীচীন না হলে, সরকার লিখিত আদেশের মাধ্যমে চেয়ারম্যান অথবা সদস্যকে সাময়িকভাবে বরখাস্ত করতে পারবে।" এই সাময়িক ভাবে বরখাস্তের ধারণাটি একটি নতুন সংযোজিত ধারণা এবং 'নির্ধারিত কর্তৃপক্ষ' এই উপ-অনুচ্ছেদের ক্ষমতাবলে যেকোন নির্বাচিত চেয়ারম্যান বা সদস্যকে যে কোন সময় সাময়িক বরখাস্তের আওতায় আনার একটি মারাত্মক অস্ত্র হাতে পেয়ে যাবেন। এই যে 'কর্তৃপক্ষের মতে' এবং 'স্বার্থের পরিপন্থি বিবেচিত হওয়া' প্রত্যয়সমূহ স্বজন-প্রীতি সৃষ্টির একটা উৎকৃষ্ট পদ্ধতি। আইনের ক্ষেত্রে যে যে স্থানে এরূপ প্রত্যয়সমূহ রয়েছে, সে সে ক্ষেত্রে স্বজন-প্রীতি অজান্তে বাসা বেঁধেছে। সুতরাং 'সাময়িক বরখাস্তকরণ' বিষয়টি এই আইন থেকে বাতিল করা শ্রেয়তর বিবেচিত হচ্ছে আইন-বোদ্ধাদের নিকট।

দ্বাদশত : প্রবিধান প্রণয়নের ক্ষমতা

আইনটির ৯৭ নম্বর অনুচ্ছেদে প্রত্যেক ইউনিয়ন পরিষদকে এই আইনের সঙ্গে সাংগুস্যপূর্ণ প্রবিধানসমূহ সরকারের পূর্ব অনুমোদনক্রমে স্থায়ী ইউনিয়ন পরিষদের

জন্য প্রণয়ন করার ক্ষমতা প্রদান করা হয়েছে। এটি বেশ গুরুত্বপূর্ণ ও অত্যন্ত সহায়ক একটি সংযোজন এই প্রবিধানের প্রণয়নের জন্য ১৭ প্রকারের বিষয় নির্দিষ্ট করে দেয়া হয়েছে। যার মধ্যে উল্লেখযোগ্য বিষয়সমূহ হচ্ছে: পরিষদের কার্যাবলী পরিচালনা, সভা আহ্বান, কোরাম নির্ধারণ, স্থায়ী কমিটির বিষয়াদি ও কার্যাবলী পরিচালনা, কোন সদস্য/কর্মকর্তা/ কর্মচারী কে পরিষদের চেয়ারম্যানের ক্ষমতা অর্পণ, সাধারণের ব্যবহার্য সম্পত্তির ব্যবস্থাপনা ও নিয়ন্ত্রণ, শাসন ও কবরস্থান নিয়ন্ত্রণ, সংক্রামক রোগ প্রতিরোধ ও নিয়ন্ত্রণ, অবৈধ দখল রোধকরণ, গবাদি পশুর খোয়াড় ব্যবস্থাপনা ও নিয়ন্ত্রণ, শিক্ষাসফর, পর্যবেক্ষণ ইত্যাদি উপলক্ষে সরকারী বা বেসরকারি বিদেশ ভ্রমণ প্রভৃতি। এটিও নবতর সংযোজিত বিষয় এবং খুবই প্রয়োজনীয় একটি সংযোজন, যার অভাব বোধ করতো প্রায় প্রতিটি ইউনিয়ন পরিষদ এ যাবৎ কাল। এখানে একটি বিষয়কে প্রকারান্তরে স্বীকৃতি দেয়া হয়েছে যে, বাংলাদেশের প্রতিটি ইউনিয়ন পরিষদ আসলে তাদের নিজস্ব বৈশিষ্ট্য অনন্য (Unique) এবং একটি অপারটি থেকে বেশ ভিন্নতর। ফলে প্রত্যেকের নিজস্ব প্রবিধান প্রণীত হলে সেটিই কেবল তার সার্বিক বৈশিষ্ট্য ও প্রয়োজন মেটাতে সক্ষম হবে।

উপসংহার

পৃথিবীতে কোন আইনই সর্ব-যোগোপযোগী ও কাল-নিরপেক্ষ নয়। মানুষের কার্যক্রম পরিচালনার সুবিধার্থে মানুষ আইন প্রণয়ন করে এবং প্রয়োজন পূরণে ব্যর্থ হলে বা যুগের সঙ্গে তাল মেলাতে অসমর্থ হলে আইনের পরিবর্তন ও পরিমার্জন অবশ্যম্ভাবী হয়ে যায়। তাছাড়া একবিংশ শতাব্দির চ্যালেঞ্জ মোকাবিলায় এবং ডিজিটাল যুগের সঙ্গে খাপ খাইয়ে চলার জন্যও এই প্রাচীন প্রতিষ্ঠানটির আইনী কাঠামো পর্যাপ্ত পরিমাণে উন্নততর হওয়া আবশ্যকীয় বিবেচিত হয়ে দাঁড়িয়েছিল। সেদিক থেকে বিবেচনা করা হলে আইনটি প্রণয়ন করা খুবই সময়োপযোগী হয়েছে। বিশেষত: ওয়ার্ড সভা, স্থায়ী কমিটি গঠন, উন্মুক্ত বাজেট প্রণয়ন পদ্ধতি, নাগরিক সনদ প্রকাশ, উন্নততর তথ্য প্রযুক্তির ব্যবহার ও সুশাসন, অপরাধ ও দণ্ড, প্রবিধান প্রণয়নের ক্ষমতা প্রভৃতি বিষয়াবলীর সন্নিবেশ এই আইনটিকে যথেষ্ট সমৃদ্ধ করেছে। কেবল কয়েকটি ক্ষেত্রের; যেমন, ওয়ার্ডের সীমানা নির্ধারণ, পরিষদের কার্যকালের মেয়াদ এবং সাময়িক বরখাস্তকরণের ক্ষেত্রে কিছুটা দুর্বলতা বা সমস্যা রয়ে গেছে, যা সংশোধনীর মাধ্যমে দূর করা হলে আইনটি বর্তমান কালের চাহিদা মেটাতে সক্ষম হবে।

আরও একটি বিষয়ে আইনটির মৌলিক দুর্বলতা আইন প্রণেতাগণ ভেবে দেখবেন, তা হলো ইউনিয়ন পরিষদসমূহ সব চেয়ে বেশি অকার্যকর হয়ে থাকে আয়ের উৎস-হীনতায়। বর্তমান আইনেও সেটি দূর করার সুদূর প্রসারী চিন্তার প্রতিফলন খুব একটা স্পষ্ট নয় এবং খুব বেশি গুরুত্ব দেয়া হয়েছে বলেও প্রতীয়মান হচ্ছে না। নিজস্ব

আয়ের সুনির্ধারিত উৎস সৃষ্টি করা না গেলে এই প্রতিষ্ঠানটির বিশাল অক্ষমতা কিছুতেই দূরীভূত হবে বলে বিশেষজ্ঞবৃন্দ বিশ্বাস করেন না। শুধু করারোপ, ট্যাক্স, টোল ও রেইট আরোপ করে এরূপ একটি বিশাল প্রতিষ্ঠানকে হয়তো বাঁচিয়ে রাখা যাবে, কিন্তু নিজস্ব আয়ের সৃজনশীল ও উৎপাদনমুখী কোন উৎস সৃষ্টি করা না গেলে কেন্দ্রের প্রতি বুভুক্ষের মতো চেয়ে থাকা এবং স্থানুর মতো স্থির ও অটল হয়ে অনুন্নয়নের দুষ্ট বৃত্তে আটকে থাকা কিছুতেই রোধ করা যাবে না।

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বাংলাদেশ ইউনিয়ন পরিষদ ফোরাম (২০০৯) ইউনিয়ন পরিষদ আইন -২০০৯।

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লোক-প্রশাসন সাময়িকী বাংলাদেশ লোক-প্রশাসন প্রশিক্ষণ কেন্দ্রের অন্যতম নিয়মিত প্রকাশনা, এটি কেন্দ্রের ত্রৈমাসিক জার্নাল। প্রতি ইংরেজি বছরের মার্চ, জুন, সেপ্টেম্বর ও ডিসেম্বর মাসে এ সাময়িকী প্রকাশিত হয়। লোক-প্রশাসন সাময়িকীতে কেন্দ্রের অনুযায়ী সদস্য, বাংলাদেশ সিভিল সার্ভিসের সদস্যবৃন্দ, বিভিন্ন বিশ্ববিদ্যালয়ের শিক্ষকবৃন্দ, বিভিন্ন কোর্সের প্রশিক্ষার্থীবৃন্দ কর্তৃক বাংলা বা ইংরেজি ভাষায় লিখিত সমাজ বিজ্ঞান বিষয়ক মৌলিক ও গবেষণামূলক প্রবন্ধ প্রকাশিত হয়। তবে লোক-প্রশাসন, উন্নয়ন অর্থনীতি, ব্যবস্থাপনা ও প্রশিক্ষণ বিষয়ক প্রবন্ধ অধিক গুরুত্ব সহকারে বিবেচিত হয়।

- প্রবন্ধটি মৌলিক এবং অন্য কোন জার্নাল বা সাময়িকী, সংবাদপত্রে প্রকাশিত হয়নি বা প্রকাশের জন্য প্রেরিত হয়নি এ-মর্মে প্রবন্ধ জমা দেয়া বা প্রেরণের সময় একটি লিখিত বিবৃতি প্রদান করতে হবে।
- লেখা মানসম্পন্ন সাদা কাগজে (রিপোর্ট সাইজ) পর্যাপ্ত মার্জিন রেখে এক পৃষ্ঠায় ১২ ফুটে ডাবল স্পেসে কম্পিউটারে মুদ্রিত হতে হবে। মূল পাণ্ডুলিপির সঙ্গে কম্পিউটার ডিস্কেটে অথবা sanwarsamia@gmail.com এবং sakhandaker@gmail.com e-mail address-এ প্রবন্ধের সফট কপি প্রেরণ করতে হবে। কম্পিউটারে কম্পোজার ক্ষেত্রে নিম্নোক্ত ফন্টের ব্যবহার অনুসরণ করতে হবে: বাংলা “বিজয় সুতনী” এবং ইংরেজি: “টাইমস নিউ রোমান”।
- প্রেরিতব্য কম্পিউটার ডিস্কেটের কভারে লেখকের নাম, লিখিত প্রবন্ধের নাম এবং সংশ্লিষ্ট ফাইলের নাম উল্লেখ করতে হবে।
- প্রবন্ধে বাংলা একাডেমী অনুমোদিত বানান পদ্ধতি অনুসরণ করতে হবে।
- মূল কপিসহ পাণ্ডুলিপির ২ (দুই) প্রস্ত (পরিচ্ছন্ন কপি) সম্পাদক বরাবরে পাঠাতে হবে। প্রবন্ধের উপর আলাদা কাগজে (কভার পেজে) প্রবন্ধের শিরোনামসহ লেখকের নাম পদবী ও ঠিকানা উল্লেখ করতে হবে। প্রবন্ধের কোথাও লেখকের নাম উল্লেখ করা যাবে না।
- ভিন্ন কাগজে লেখকের সংক্ষিপ্ত জীবনবৃত্তান্ত প্রবন্ধের সাথে যুক্ত করতে হবে। প্রত্যেক লেখার সাথে ইংরেজিতে অনধিক ১৫০ শব্দের মধ্যে প্রবন্ধের সংক্ষিপ্তসার (Abstract) প্রেরণ করতে হবে।
- প্রবন্ধের পাদটীকায় ও তথ্যপঞ্জিতে লেখক, গ্রন্থস্থান, প্রকাশক, বছর ও পৃষ্ঠা এবং সাময়িকীর ক্ষেত্রে লেখক, প্রবন্ধের নাম, সাময়িকীর নাম, খণ্ড ও ইস্যু সংখ্যার বছর ও পৃষ্ঠা ইত্যাদি প্রচলিত প্রমিত নিয়ম (Standard) অনুসারে উল্লেখ করতে হবে।
- লেখা প্রকাশিত হলে লেখক সাময়িকীর ৫ কপি বিনামূল্যে পাবেন।
- প্রাপ্ত প্রবন্ধটি প্রকাশের ক্ষেত্রে সম্পাদনা পরিষদের সিদ্ধান্ত চূড়ান্ত বলে গণ্য হবে এবং অমনোনীত প্রবন্ধ ও ডিস্কেট সাধারণত লেখককে ফেরৎ দেয়া হয় না, তবে বিশেষ প্রয়োজনে ফেরৎ পেতে হলে এতদসংক্রান্ত ব্যয়ভার লেখককে বহন করতে হবে।
- মুদ্রিত প্রবন্ধের জন্য লেখককে নির্ধারিত হারে সম্মানী প্রদান করা হবে।