

State of Accountability of the Transferred Departments at the Upazila Parishad and its Consequences for Allocations and Utilisations of Resources

A Study of Three Departments Local Governance Programme Sharique-III

Mirza Hassan, Farhana Razzaque, Md. Bayazid Hasan,
Muhammad Ashikur Rahman



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Swiss Agency for Development
and Cooperation SDC



HELVETAS
Swiss Intercooperation

BANGLADESH



BRAC Institute of Governance and Development
BRAC University

State of Accountability of the Transferred Departments at the Upazila Parishad and its Consequences for Allocations and Utilisations of Resources

A Study of Three Departments Local Governance Programme Sharique-III

Mirza Hassan, Farhana Razzaque, Md. Bayazid Hasan,
Muhammad Ashikur Rahman



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Swiss Agency for Development
and Cooperation SDC



HELVETAS
Swiss Intercooperation

BANGLADESH



BRAC Institute of Governance and Development
BRAC University

BRAC Institute of Governance and Development (BIGD)

BRAC University, Dhaka

Special Publication Series

No. 05

July 2016

**State of Accountability of the Transferred Departments at the Upazila Parishad and its Consequences for Allocations and Utilisations of Resources: A Study of Three Departments
Local Governance Programme Sharique-III**

By

Mirza Hassan, Farhana Razzaque, Md. Bayazid Hasan,
Muhammad Ashikur Rahman

© 2016 BIGD, BRAC University

Terms of use

“All rights reserved. This book or any portion thereof may not be reproduced or used in any manner whatsoever without the expressed written permission of the publisher except for the use of brief quotations in a book review.”

Cover : Md. Parvej

Published by

BRAC Institute of Governance and Development (BIGD)

BRAC University

SK Centre (3rd - 7th & 9th Floor), GP, JA-4, TB Gate

Mohakhali, Dhaka-1212, Bangladesh

Tel : +88 02 5881 0306, 5881 0326, 5881 0320, 883 5303

Fax : +88 02 883 2542

Email : info@bigd.bracu.ac.bd

Website : <http://bigd.bracu.ac.bd>

Table of Contents

Acronyms	iv
Acknowledgements	v
About the Authors	vi
Executive Summary	viii
1. Introduction	1
1.1 Research Objective	1
1.2 Key Research Questions	1
1.3 Methodology	2
2. Literature Review	3
3. Significance of the Study	4
4. Elected body and Transferred Departments in Upazila Parishad: Formal Rules and Procedures	5
4.1 Gaps in Formal Rules and Procedures	6
5. The Current State of Accountability Relations between the Elected Body of UZP and the Officials of Transferred Departments	8
5.1 The Dysfunctionality of the Democratic Accountability Process	8
5.2 "Coordination" Process at the UZP	11
6. Implications of de facto Accountability on Quality of Service Delivery and Fund Allocations and Utilisation Processes	14
6.1 MP and the New Dynamics of Accountability: Implication for Fund Allocations and Distributions	14
7. Conclusion	20
8. Recommendations	21
8.1 Recommendations Related to Substantive Governance Reform	21
8.2 Procedural Recommendations	21
References	22
List of Tables	
Table 1: List of sample Upazilas	2
Table 2: Respondents profile for case study of two UZs	2
Table 3: Role of various actors in resource allocation and utilisation process	18
List of Figures	
Figure 1: Dual Accountability of transferred departments at UZP	6
Figure 2: Defacto dual accountability of transferred departments at UZP	13
Figure 3: Various actors in resource allocation and utilisation processes	19
List of Boxes	
Box 1: Selection of beneficiary list: An unholy practice	15
Box 2: MP's power in distributing 'power tiller'	16
Box 3: Prothom Alo's report on MP's interference in selecting subsidy beneficiary	17

Acronyms

ADP	Annual Development Programme
APR	Annual Performance Reports
DAE	Department of Agricultural Extension
DC	District Commissioner
DD	Deputy Director
DLO	District Livestock Officer
DLS	Department of Livestock Services
DPHE	Department of Public Health Engineering
EE	Executive Engineer
MP	Members of Parliament
UE	Upazila Engineer
UNDP	United Nations Development Programme
UNO	Upazila Nirbahi officer
UP	Union Parishad
UZC	Upazila Parishad Chairperson
UZP	Upazila Parishads
UZs	Upazilas

Acknowledgements

We are grateful to Swiss Agency for Development and Cooperation (SDC) for funding this study. We deeply appreciate the cooperation of our interviewees (government officials, elected members of the Local Government, journalists and citizens at the local level) at the research sites. Many thanks to the central level officials of Local Government Division of GoB, local government practitioners in Dhaka and Dr. Tofail Ahmed for their insightful observations. We also acknowledge the contributions of Kazi Niaz Ahmed, former Research Associate of BIGD and Dr. Jens Stanislawski, former Research Specialist, BIGD.

We specially thank Dr. Lilia Tverdun, Director, Local Governance Programme, SHARIQUE and Mr. Tirtha Sarathi Sikder, National Coordinator, SDC Local Governance, SHARIQUE for their comments and feedback on the inception reports and subsequent drafts. We also like to thank Mr. Fazlur Rahman, Research Specialist of BIGD and Dr. Md. Shanawez Hossain, head of the Urban, Climate Change and Environment cluster of BIGD and Rafikul Islam Talukdar, and former Senior Programme Manager of BIGD for their helpful role in coordinating the research process.

We would like to extend our gratitude to Dr. Niaz Ahmed Khan of Dhaka University for taking the time to review the draft and provide useful comments.

About the Authors

Dr. Mirza Hassan

Dr. Mirza Hassan specialises in development studies and political economy and is currently an Adjunct Fellow at the BRAC Institute of Governance and Development (BIGD), BRAC University, Bangladesh. He was educated at the University of London, UK and Massachusetts Institute of Technology, USA. Mirza's research largely focuses on political development, private sector development, state-business relations, institutional and stake-holder analysis, urban poverty/governance, national and local governance, political economy and institutional analysis of justice sector and human rights, and related policy topics in South Asia, Pacific region and North Africa. Mirza has done extensive consulting works for the World Bank, SIDA, DFID Bangladesh, DFID Sudan, SEDF, The Asia Foundation (Bangladesh and USA), OECD, The Policy practice (UK), Atos Consulting (UK), Law and Development (UK), Palladium (UK), One World Action (UK) and UNDP. As an academic, he has recently worked and published for research consortiums led by University of Manchester, and IDS, University of Sussex. He was an honorary academic fellow of IDPM, University of Manchester.

Farhana Razzaque

Farhana Razzaque is a Research Associate at BRAC Institute of Governance and Development (BIGD), BRAC University, Bangladesh and attaches to the cluster named 'Governance and Politics'. She has an M.Phil degree in Public Administration from University of Bergen, Norway and Bachelor of Social Sciences in Public Administration from University of Dhaka, Bangladesh. She authored one book (processed) and published research articles, book chapter and research reports on governance and development. Her research topics of interest are local governance, governance and politics, government policy and citizen's administrative culture and public service delivery.

Md. Bayazid Hasan

Md. Bayazid Hasan is currently a senior research associate and has been working in BIGD (former BDI) since 2008. He has been working in various national and international projects for last 10 years and has research experience in development, environmental and complex social issues including governance and politics, food justice and politics, masculinity and gender equality, climate change adaptation (CCA) disaster risk reduction (DRR) emergency response (ER) and pro poor disaster management, child rights governance, poverty, access to urban justice etc. He received his MSS degree in Political Science from National University, Bangladesh in 2005 and a MS degree in Disaster Management from University of Dhaka in 2013. He has published book chapters, national and international working papers and research reports.

Muhammad Ashikur Rahman

Muhammad Ashikur Rahman is a Research Associate of BIGD. He belongs to the cluster called 'Governance and Politics' where he, apart from research involvement, plays the role of coordinator. He is also a member of the Research and Publication Committee (RPC) of the institute. Rahman is involved in a wide range of research projects under the cluster and beyond including SOG, PPRP, SHARIQUE III, COP II etc. He co-authored a paper titled "The problem with teachers: the political settlement and education quality reforms in Bangladesh" which is a forthcoming publication from the University of Manchester. His research interests entail political economy, education, local governance, public sector governance etc.

Executive Summary

The study entitled 'State of Accountability of the Transferred Departments at the Upazila Parishad and its consequences for allocation and utilisation of resources: A Study of three departments' was conducted in 2015. It was carried out as part of the Sharique Local Governance Project, implemented by Helvetas Swiss Inter cooperation (HSI) and BRAC Institute of Governance and Development (BIGD), which was mandated by Swiss Development Cooperation (SDC). Principal research objectives of this study were twofold: a) to explore the de jure but mainly de facto nature of accountability relations between officials of the transferred departments (service delivery departments) and elected representatives of the Upazila Parishad (UZP) at the Upazila level and b) the implications of such relationships on the processes of (i) Allocations (beneficiary selection) and (ii) Utilisation (distributions) of resources at the local level. This is a case study of two Upazilas. Three transferred departments have been selected for this study. These are: (i) Department of Agricultural Extension (DAE), (ii) Department of Public Health and Engineer (DPHE), and (iii) Department of Livestock Services (DLS). The study mainly applied qualitative research techniques that included literature review, in-depth Key Informant Interview (KII), document review, and consultation with academics, practitioners and central government officials.

Several other studies in recent years have shown that elected representatives of UZP are largely constrained (due to unclear policies and political reasons) to make the transferred department officials accountable to them. This study aims to add value to the existing literature by focusing on the accountability relations between elected representatives of UZP and the officials of the transferred departments and its implications for specific allocations and utilisation of resources. This kind of investigation, to our knowledge, has been largely missing in the relevant literature. The study also attempts to understand how the variations in accountability relations between UZP and different transferred departments influence resource allocations and its consequent impact on the service delivery processes at the local level. The studies reviewed above also tend not to focus on these dimensions. Also, the three departments that this study has empirically examined, in a comparative fashion, have hardly been attempted earlier by any academic study. In addition, the study explores the broader political economy factors that influence the accountability relations between these two set of actors (elected body and the department officials). On a policy level, such empirical investigation, the authors believe, will greatly contribute to the development of robust strategy for policy advocacy, surrounding decentralised development, with an aim to make local officials effectively accountable to the elected representatives.

This study finds that despite the transfer policy, human resources and personnel management set up of these departments manifests a centralised bureaucratic structure and process. Moreover, the system of top down bureaucratic accountability continues and it is effectively enforced by the following well developed accountability tools: Annual Confidential Report, Annual Performance Agreement, Monthly meeting at the District level, Project Evaluation Report and Monthly Activity Report. Therefore, in effect, officials of the transferred departments are clearly subject to a dual form of accountability (manifested mainly in the form of dual reporting).

The study also intends to explore the gaps, if any, in the formal accountability structure and process and to reflect on the relations between officials of transferred departments and the elected body of UZP. It reveals that the mode of application of the laws related to the transfer of

departments tends to be characterised by a lack of precision and ambiguities. It is a matter of fact that, while Upazila Chairperson (UZC) enjoys freedom in appointing employees of the UZP and taking disciplinary action against them, the authority of the UZC is circumscribed in relation to the central government officials transferred to the UZP. A close scrutiny of the Upazila Manual also shows that it tends to lack clarity regarding the nature of accountability linkages (processes, mechanisms, rules of business etc, for instance, how to coordinate, supervise and monitor the transferred departments) between the UZP elected representatives and the transferred officials. For instance, the Manual lacks concrete instructions such as on how officials will send monthly report, project evaluation report, progress report, etc., (if any) to the UZC, which could have clearly defined the accountability tools/mechanisms.

Apart from the gaps and vagueness in laws there are several other factors which explain as to why the democratic accountability process has remained dysfunctional. The reasons are: (i) Information deficit (ii) Authority deficit (iii) Knowledge deficit of the transferred officials (iv) Elected representative's lack of control over resources and (v) Tools (Annual Performance Review, Project Monitoring by UZC and (iii) Project Monitoring Committee) of the democratic accountability are ineffective.

The study looked at the formal 'Coordination' process of UZP to understand its impact on the relationship between the transferred officials and elected body of UZP. In this regard the study examined the functioning of the Committees and UZP Monthly Meetings in order to understand the dynamics of 'Co-ordination' at UZP. Clearly, the formal 'Co-ordination' process (as prescribed by Law), which is administered through the Committees, tend to be influenced by the larger political economy factors. Such factors have made the Committees largely dysfunctional-a critical loss for the public representatives, to exercise democratic accountability over the local officials. The study has argued that despite political economy constraints, the process of "Coordination" in some cases can be a positive-sum game among the relevant actors. Thus, this study reveals that although the law has established some formal accountability linkages between UZC and transferred departments, these tend to be largely dysfunctional. It also argues that the existing laws and procedures that govern the transferred departments are essentially in favour of administrative accountability rather than democratic accountability. Such reality can best be described as defacto dual accountability process. It has been found that this defacto dual accountability relationship tends to have negative impacts on the quality of service delivery process (e.g. routine tasks and financial transparency) at the local level.

Based on the study's findings, it can be stated that the formal and informal interventions by the Member of Parliament (MP) have substantially affected the dynamics of accountability at the UZP discussed so far. The advisory role of the MP (defined by law) has created a broader space/opportunity for him/her to intervene in the process of fund allocations and distribution, which has reinforced the politics patronage centering UZP governance. Such politics of patronage has considerably diminished the relevance of the dual accountability structure/process (both de jure and de facto) at the Upazila, thereby transforming the incentives of the relevant actors.

From the findings of this study, it can be argued that neither such type of accountability mechanism exists between the elected body of UZP and the officials of the transferred departments, nor the transferred officials are willing to be answerable to the elected body UZP for their functions and activities. However, an informal coordination relationship has been found between UZP and our studied departments. It has also been found that although the transferred

departments are linked with UZP through Committees and Monthly Meetings, this linkage does not ensure any de facto transfer of administrative or financial powers. In practice, the officials of the transferred departments continue to remain accountable to their respective ministries' rules and regulations. The intention of the policy makers behind this transfer strategy has not worked out at UZP. To summarise, the existence of the dual accountability structure is a non-starter for any decentralization or devolution initiative. This needs to be addressed on an urgent basis. If the authority wishes to devolve power (administrative, financial) at the local level, this cannot be done in a partial manner, which is the current situation at the UZP.



1 *Introduction*

Among all local government institutes in Bangladesh, Upazila Parishad¹ (UZP) has a unique set up. At the Upazila level, public representatives and service providing departments of different ministries work together under a coordinated system in order to deliver better services to the people (Upazila Act 1998). Formally, the elected body of UZP is responsible for overseeing and coordinating the activities of the Parishad including the seventeen service provider departments, based at the Upazila level, which have been transferred under its jurisdictions ('the transferred departments'). Although transferred, these departments continue to be administratively linked to the central bureaucracy and their officials are also held accountable to their parent ministries, following formal rules and procedures. This means, formally, transferred officials have to maintain dual accountability relationships at the Upazila level. This study argues that such dual accountability relationships tend to generate conflicts as well as co-operation among the actors, both elected and bureaucratic officials, and also have important consequences for the process of resource allocations and distributions at the local level.

1.1 Research Objective

Principal research objectives of this study were twofold: a) to explore the de jure but mainly de facto nature of accountability relations between officials of the transferred departments (service delivery departments) and elected representatives of the UZP² at the Upazila level and b) the implications of such relationships on the processes of

- (i) Allocations³ (beneficiary selection) and
- (ii) Utilisations⁴ (distributions) of resources at the local level

1.2 Key Research Questions

1. What are the gaps in the formal accountability structure (laws, rules & regulations) and relations between the transferred departments and the UZP at the Upazila level?
2. What are the implications of accountability (de jure and de facto) relations between officials of the transferred departments and elected body of UZP in relation to allocations and utilisation of resources at the Upazila level?

¹ Upazila parishad includes Upazila council, officials of transferred departments, functions of UNO that are transferred.

² According to the law, transferred officials are only accountable to the UZC and not to the other representatives of the elected members of UZP

³ By allocation we meant identifying the target/beneficiary who will receive the resources/services.

⁴ By utilisation we meant actual process of distribution of resources/services.

1.3 Methodology

This is a case study of two Upazilas. Three transferred departments have been selected for this study. These are: (i) Department of Agricultural Extension (DAE), (ii) Department of Public Health Engineering (DPHE), and (iii) Department of Livestock Services (DLS). The study mainly applied qualitative research techniques that included literature review, in-depth Key Informant Interviews, document review, and consultation with academics, practitioners and central government officials. Respondents in general included elected representatives and officials at both Upazila and Union Parishad (UP) level, selected central government officials of transferred departments and Local Government Division and academics.

Sampling

Using purposive sampling, two Upazilas have been selected from the Sharique project area. The rationale for this is to generate knowledge on Upazila level governance and local development issues.

Table 1: List of sample Upazilas and transferred departments

Selected Districts	Upazila	Union Parishad	Departments		
R	M	Ba	Department of Agricultural Extension	Department of Public Health and Engineer	Department of Livestock Services
	T	Pa			

Table 2: Respondents profile for case study of two Upazilas

Method	Respondents profile/group	Number of interview
In-depth interview	Officials of Transferred Departments (Agriculture, Livestock, DPHE)	3x4x2= 24
	UZP Chairpersons	1x2= 2
	UZP Vice Chairpersons	2x2= 4
	UNOs	1x2= 2
	Office Secretary of UNOs	1x2= 2
	UP Chairpersons	1x2= 2
	UP Members	2x2= 4
	Journalist	1x2=2
	Fertilizer dealer	1
Total in-depth interviews		43
FGD	Community members	1x2=2
Case study		1x2=2

2 Literature Review

There are not many studies conducted on the relationship between the elected body of UZP and the officials of the transferred departments. This section reviews, very briefly, a few studies that attempted to investigate the broader relationship between elected representatives of UZP and government officials at the local level. The functional and procedural relations, especially the de facto nature of such relations, between UZP and the transferred departments have been touched on quite tangentially in the literature cited in this section. One study done by Monem (2014) critically examines whether the current local government structure enables the institutionalisation of government's avowed policy of decentralisation at the local level and also allows effective oversight role of the citizen in service delivery. Hassan and Mannan (2016 processed) analysed the formal and informal linkages (administrative, financial, legal and accountability relations) between UZP and Union Parishad (UP). Another study by Hassan (2015) attempted to conduct an in-depth political economy analysis of a single Upazila to explore the governance process and structure of the Upazila, covering both formal and informal dimensions. The study has highlighted that although UZP has been made independent and powerful through laws but at the same time various rules and ordinances have been introduced subsequently to limit its authority and administrative jurisdictions to a considerable extent. It has also found that in many cases transfers have remained incomplete and even such formal linkages have not been established. Hussain (2003) studied the local governance of Bangladesh in order to understand the emerging role of development partners in it. Ahmed et al. (2012) conducted a study to explore the workings of the UZP. This study attempted to identify the traits of the laws and rules that are intended to guide the operation of the UZP and to explore the nature and extent of the gaps between such laws and rules and their applications. HELVETAS (n.d.) analysed the power relations among actors within and outside the formal system of local government in Bangladesh. Mostafa (2012) undertook a pilot study on UZP aiming to document the real income and expenditures of UZP. It also explored the opportunities and challenges associated with raising own-source revenues of UZP as specified in the Upazila Parishad Act. Pfäffli (2014) conducted a study for the Sharique Project. This attempted to assess the status of decentralisation of local governance in Bangladesh. It highlighted officials functions of the locally elected bodies (UZP and UP), money flow (central to sub-national level) and organisational aspects of the de-concentrated form of the central state.

3 *Significance of the Study*

A few studies, cited in Section 2, have shown that elected representatives of UZP are largely constrained (due to unclear policies and political reasons) to make the transferred department officials accountable to them. This study aims to add value to the existing literature by focusing on the accountability relations between elected representatives of UZP and the officials of the transferred departments and its implications for specific allocations and utilisation of resources. This kind of investigation, to our knowledge, has been largely missing in the relevant literature. The study also attempts to understand how the variations in accountability relations between UZP and different transferred departments influence resource allocations and its consequent impact on the service delivery processes at the local level. The studies reviewed above also tend not to focus on these dimensions. Also, the three departments that this study has empirically examined, in a comparative fashion, have hardly been attempted earlier by any academic study⁵. In addition, the study explores the broader political economy factors that influence the accountability relations between these two set of actors (elected body and the department officials). On a policy level, such empirical investigation, the authors believe, will greatly contribute to the development of robust strategy for policy advocacy, surrounding decentralised development, with an aim to make local officials effectively accountable to the elected representatives.

⁵ For somewhat relevant project related studies see The local government system in Bangladesh: A comparative analysis of perspectives and practices, and The role of local government and local administration in ensuring efficient and equitable health and education services prepared for UPGP and UZGP projects, 2014.

4 Elected Body and Transferred Departments in Upazila Parishad: Formal Rules and Procedures

This section of the report describes the formal governance framework (composition, relation with transferred departments) of the UZP through examining the Local Government Acts/Rules/Circulars, as prescribed by the central authority, through which the Parishad is supposed to carry out its operation.

The UZP Act 1998 (amended in 2009 and 2011) formally transferred seventeen departmental offices and staff of twelve central ministries at Upazila level to the UZP (schedule 3 UZP Act 1998 amended in 2009 and 2011). This means all activities of these transferred departments will be coordinated by the elected body of UZP. According to the UZP law (UZP Act 1998 amended in 2009 and 2011), the elected body of UZP will implement, supervise and coordinate various functions of the transferred departments at the Upazila level (Article 23⁶). In line with the UZP Act, the UZP manual states that all transferred officials will work under the supervision of Upazila Parishad Chairperson (UZC) and their tasks will be coordinated by the Upazila Nirbahi Officer (UNO). Heads of the transferred departments will submit transferred issues related files through UNO for the approval of the UZC (UZP Manual 2013, pp. 76, 78 and 85). They are also formally mandated to perform other duties assigned by the UZC and coordinated by UNO (ibid 2013). Other officials of the lower ranks will work according to the instructions of the heads of the respective transferred departments and will be accountable to him/her for their duties. The officials can also attend the UZP monthly coordination meeting, although they do not have any voting rights. The authority to implement various Upazila development projects⁷ remains in the hands of the department officials⁸.

The existing Act has the provision of an Annual Performance Report (APR), written by the UZC to evaluate the officials of the transferred departments⁹. The Act also enables the elected representatives of UZP to establish seventeen Committees to dispose its business under the chairpersonship of two Vice-Chairpersons, and officials of the relevant transferred departments (or a government official in case there are no related functions with the Committees) are to be the member-secretaries of the Committees (Article 29). In the existing Act, the government has transferred required officials for managing the transferred functions, which are enlisted for the UZP.

Despite the transfer policy, the central government's ministerial departments at the local level continue to control the resources for most of the sectoral services and development activities. Also, transferred officials are responsible for implementing the central government's policies and development works (regular transferred department activities) at the local level under the

⁶ উচ্চাধীকৃত উপজিলা পরিষদ আইন, ১৯৯৮ (উজপা আইন, ১৯৯৮) এর সূচী ৩ (উজপা আইন, ১৯৯৮) এর সূচী ৩।

⁷ Projects of respective Central Ministry

⁸ Guidelines of respective ministry

⁹ উচ্চাধীকৃত উপজিলা পরিষদ আইন, ১৯৯৮ (উজপা আইন, ১৯৯৮) এর সূচী ৩ (উজপা আইন, ১৯৯৮) এর সূচী ৩।

guidance of their respective district level officers. Some of these departments' personnel are also placed down in the hierarchy at the Union level. These transferred departments are headed by an entry or mid level official of Bangladesh Civil Service (equivalent to Assistant Secretary or Senior Assistant Secretary) appointed by the central government. Officials submit progress reports of the various ongoing projects only to their respective higher authorities at the district level. Heads of these departments collect service related information and pass the report up the bureaucratic hierarchy. Thus, human resource and personnel management set up of these departments manifest a centralised bureaucratic structure and process.

In this context, despite transfer policy, the system of top down bureaucratic accountability continues and it is effectively enforced by the following well developed accountability tools: Annual Confidential Report, Annual Performance Agreement, Monthly meeting at the District level, Project Evaluation Report and Monthly Activity Report. Therefore, in effect, officials of the transferred departments are clearly subject to a dual form of accountability as manifested mainly in the form of dual reporting (Figure 1).

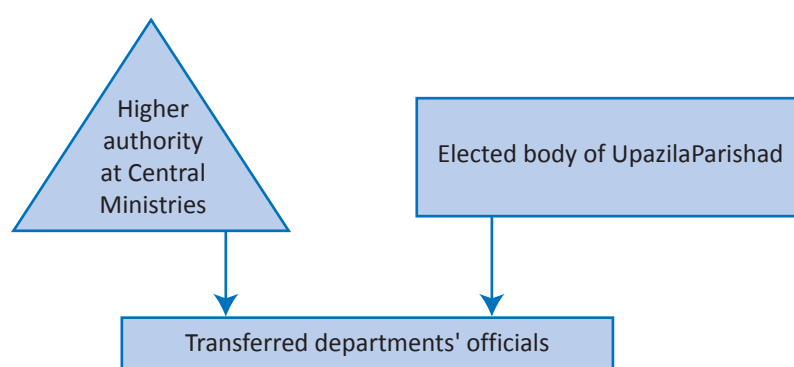


Figure 1: Dual accountability of the transferred departments

4.1 Gaps in Formal Rules and Procedures

The study also intends to explore the gaps, if any, in the formal accountability structure and process and to reflect on the relations between officials of transferred departments and the elected body of UZP. On the basis of the above discussions (formal governance structure of UZP), this section highlights the gaps of the rules and regulations available at Upazila.

The mode of application of the laws related to the transfer of departments tends to be characterised by a lack of precision and ambiguities. In the UZP Act, although roles and responsibilities of different actors including the UZC are statutorily defined, in practice these only tend to create confusion. For instance, according to the Law, UZC will supervise the activities of the transferred departments but not the individual transferred officials. Also the Law clearly mentions that UZC cannot appoint and take disciplinary action against transferred officials. While UZC enjoys freedom in appointing employees of the UZP and taking disciplinary action against them, the authority of the UZC is circumscribed in relation to the central government officials transferred to the UZP. In the Upazila Act 1998 and (amended) Act 2011, the nature of central regulation over the UZP has been unambiguous. In Clause 24 of the UZP Act 1998, there was a provision that government may - with the consent of the UZP - transfer

some of its departments under the control of the UZP¹⁰. In Act 2011, this provision has been amended so that the government no longer requires UZP for consultation in order to transfer its departments. According to the new provision, the government can transfer departments to the UZP, consulting with a highly powerful committee under the cabinet division¹¹. This new provision has enhanced government regulation over UZP resulting in weakening of accountability of the official to the UZP, which also means weakening the capacity of the elected body of the UZP to enforce democratic accountability in the local government system.

Similarly, the UZP Manual delineates various laws, rules, regulations, procedures, circulars, etc. related to the functions of the UZP. This Manual is supposed to work as a self-sufficient and self-explanatory guideline for the relevant actors to carry out various functions of the UZP. However, a close scrutiny of the Manual shows that it tends to lack clarity regarding the nature of accountability linkages (processes, mechanisms, rules of business etc, for instance, how to coordinate, supervise and monitor the transferred departments) between the UZP elected representatives and the transferred officials¹². A major 'problem' is that, as local officials argue, since the Upazila Manual has been issued by the LGD and not by the Cabinet Division, officials, therefore, do not feel formally obligated to follow instructions as prescribed in it. Officials also find the Manual of LGD 'vague, non-specific, and not self-explanatory' as to how officials will be accountable to the elected body of UZP. For instance, the Manual lacks concrete instructions such as on how officials will send monthly report, project evaluation report, progress report, etc., (if any) to the UZC, which could have clearly defined the accountability tools/mechanisms.

¹⁰ Reportability is part of accountability

¹¹ The amended Act (2011) refers to a committee formed under sub-clause 3, through which government may order to transfer departments.

¹² Upazila Manual only generally states that all Heads of the transferred departments will work under the supervision of UZC and their functions will be coordinated by the UNO.

5 **The Current State of Accountability Relations between the Elected Body of UZP and the Officials of Transferred Departments**

Accountability relations between transferred departments and the elected representatives (democratic accountability relation¹³) have continued to remain ineffective or dysfunctional since the inception of the transferring process. Given the laws, officials of the government departments are substantially held accountable to their higher authority i.e. to their ministerial hierarchy. This means officials strictly follow the order of their higher authority at the Zila level, which in turn receives order from the concerned ministries at the central level. Discussions with the transferred department officials indicate that they do not, in practice, receive any order from the UZP. The officials pointed out that there are no proper instructions about the supervisory role of UZC vis-à-vis themselves. For instance, officials noted that they did not receive any formal instructions from the central level (from their respective ministries) that UZC will be their day to day reporting boss. They also mentioned that UZC does not have any formal authority to sign papers, files, etc., related to the departments.

5.1 Dysfunctionality of the Democratic Accountability Process

Apart from the gaps and vagueness in laws, there are several other factors which explain why the democratic accountability process has remained dysfunctional. This section discusses these relevant factors.

Information deficit: One important reason is that elected representatives of the UZP tend to remain in the dark about the functioning of the transferred departments. They generally do not get copies of the letters/circulars that are sent to the Upazila transferred departments from their respective ministries. UZC or Vice-Chairpersons tend to have very little information about the actual amounts allocated to the transferred departments. Similarly, they usually are unaware about other details related to the projects/plans of the departments. As observed by one UZC: *"Upazila Livestock Office usually does not consult with us while developing work plan"*. In some cases officials share certain information with the elected representatives for strategic reasons:

"Nonetheless, officials inform the respective UP chairpersons before starting any projects of Union Parishad so that they do not get into any trouble" ----UP Chairpersons

Authority deficit: Elected representatives of UZP generally believe that they are unable to hold the transferred officials accountable since they do not have any authority to provide salary to or write ACR of the officials and make decisions about their transfer, posting, leave approval, etc.

Knowledge deficit of the transferred officials: Most of the officials are not sufficiently clear about the concrete rules and procedures governing the formal accountability relations between UZP and their departments.

"There is no linkage between UZP and DPHE as stated in the UZP Law. In fact, most of the officials are not sufficiently aware about transfer policy" ----Executive Engineer, DPHE

¹³ Democratic accountability means the executive branch of government is accountable to the citizens through the parliament and local elected representatives.

As a consequence, they prefer to follow only the orders/instructions of their higher authority at the district level (bureaucratic accountability), which they understand well.

"How can elected representatives of UZP supervise our work when they do not decide our day to day functions/tasks? In fact, government has yet to transfer authority to the UZP. Therefore, we do our work according to the detailed instructions given through our chain of command from the central Ministry"----- Agriculture Officer, DAE

Lack of control over resources also leads to failure of democratic accountability: Two more important reasons as to why officials of the transferred departments lack incentive to be held accountable to the UZP elected body are the following:

- Transferred departments entirely depend upon the central government's funds for development and non-development expenditures such as salary, office maintenance, etc.
- Elected body of UZP, on rare occasions, contribute funds to the transferred departments, but such funds tend to be very small in size. Therefore, they lack financial clout over the departments.

Tools of the democratic accountability are ineffective: We have examined three tools to exact democratic accountability at UZP. These are:

- (i) Annual Performance Review (APR)
- (ii) Project Monitoring by UZC and
- (iii) Project Monitoring Committee

Perhaps the most powerful tool, which has been provisioned in the UZP Act to make officials accountable to the UZP, is the '**Annual Performance Report**' (APR) to be written by UZC. In practice, this has proved itself as a blunt tool of accountability. UNO of UZP M, interviewed for the study remarked:

'APR is inactive since it does not make any difference to the career of government officials- whether it written positively or in a negative manner'. The conditions for the UZCs to be able to write APR for government officers have not yet been created.'

The term 'conditions' used by the UNO was indicative of several factors, pertaining to local governance, that tend to have disempowering effects for locally elected representatives to deal with bureaucracy. These factors range from laws and procedures to incentives and norms of the relevant actors. We already discussed relevant laws and procedures that essentially created dual form of accountability for an official and which also seriously circumscribed the power of UZC to discipline any officials. Such laws have clearly generated norms, incentives and expectations of the officials, which are not conducive to a democratic form of accountability, and consequently the bureaucratic process of accountability has prevailed over the democratic one. This means that given the relevant laws and procedures, the current APR does not have any consequences (legal, punitive) for the career of the administrative officials, and therefore, it is hardly any reason of concern for them. For this reason, UZC tends to lack incentive to write APR, since they perceive that APR will never be taken seriously or considered as an important tool of performance evaluation by the government officials. Thus, APR, as a potentially powerful accountability tool, has largely failed to function as intended by the policy makers.

Norms and beliefs of the officials also tend to matter in this regard. Officials, particularly of the technical cadre, tend to believe that UZCs are not technically equipped or proficient enough to evaluate an engineer. As an Executive Engineer of DPHE pointed out, since the UZC cannot and do not oversee an engineer's regular duties and responsibilities, which are generally technical in nature, it is not possible for the former to write an evaluation report. One can argue that such beliefs of officials exaggerate the technical complexity of their work and it is entirely plausible to claim that it would be reasonably possible for a public representative like the UZC to monitor the job of a technical cadre, especially its managerial and social dimensions. The technical dimensions of the job can be perfectly supervised, in tandem, by the technical person above his/her rank, which is actually being done at present. Therefore the argument against UZC's monitoring of a technical official has weak logical basis and this belief is, perhaps, rather based on technocratic elitism, a long standing and entrenched norm of bureaucracy in Bangladesh, which is shared both by the technocratic and generalist cadres.

Lack of trust between officials and public representatives, in a governance context of politicised administration and entrenched corruption, also seems to influence the view of the former, which in turn creates disincentives among them to resist being accountable to the public representatives. As one engineer interviewed in the study observed, if an Upazila Engineer cannot fulfill unlawful demand of a UZC, then the latter might write a negative APR, in a careless manner, without any understanding of its grave consequences for the career of an engineer. This is one of the major reasons that officials at the local level have strong incentive to resist any policy that will endow APR, written by UZC, the same status as an ACR, written by the officials above. ACR, unlike APR, has legal and punitive consequences for the career of an official.

As may be evident from the preceding analysis, **Project Monitoring by UZC** is a potentially effective democratic accountability tool. According to UZP Manual, UZC may visit any project any time and can order corrective measures if any lapses are noticed. However, the study has found that projects site visits by the UZC are not frequent in nature. On the supervision of departmental activities by UZC, one UZP account officer interviewed in the study observed that he did not notice any such role of UZC in practice. Another study conducted by USAID (2014) also revealed that close monitoring of the performances of the transferred departments' activities at project sites by the elected body of UZP was yet to begin when the study was conducted.

Upazila Parishad Manual states the provision for setting up a **Project Supervision Committee** in each Union Parishad (the Committee is headed by the respective UP chairperson or female ward member and will report to the Parishad) to monitor the implementation of projects. It has been observed during the field study that such Committees are hardly functional as members of the Project Implementation Committee, selected by MP, do not allow them to monitor project implementation activities.

In general, the findings of this study clearly indicate that the monitoring activities of the transferred departments at UZP are essentially conducted based on the rules and procedures of the respective parent ministries. For instance, all three departments (DAE, DPHE and DLS) follow their respective ministries' general guidelines and monitoring formats for conducting their day to day functions. In contrast, the UZP has no formal format for monitoring these transferred departments' functions and the department officials have no formal obligations to send any report to the elected body of UZP. The dysfunctionality of the UZP monitoring of the

departments is buttressed by the fact that the elected body of UZP can hardly provide any resources to the transferred departments from its own fund, which might have created some degree of leverage over the officials so that the elected representatives could have exerted effective pressure on the officials for submitting monitoring reports.

From the foregoing discussion, it is clear that formal monitoring mechanisms (controlled by UZC and Monitoring Committees) hardly function. In contrast, the bureaucratic monitoring mechanisms (monitoring done by higher government official at the district level) at UZP are quite robust and work in a reasonably efficient manner.

5.2 'Coordination' Process at the UZP

The study looked at the formal 'Coordination' process of UZP to understand its impact on the relationship between the transferred officials and elected body of UZP. In this regard the study examined the functioning of the Committees and UZP Monthly Meetings in order to understand the dynamics of 'Co-ordination' at UZP.

Committees and the Role of Vice-Chairpersons

UZP as a statutory body has the mandate to establish seventeen Committees to conduct its business. Each Committee is related to a particular department that helps carry out the functions of that department. A circular issued by the central government (circular of LGD on 14 February 2010, Article 4) states that no issue will be discussed in the UZP monthly meeting without working paper prepared by each of the heads of the transferred departments. The Committees are headed by the Vice-Chairpersons of UZP and the heads of the departments act as its Member Secretary. Relevant rules dictate that the heads of the departments will prepare the working paper on the basis of discussions and decisions of the departmental Committees. As Committees are headed by the Upazila Vice Chairpersons, these require their full involvement in making it functional. In reality, such regular involvement of the Vice Chairpersons hardly happens. The reasons for this tend to be political. Given the nature of the political governance of the country (partyarchy, partisan administration, etc), at present Vice-Chairpersons who do not belong to the ruling party tend to lack de facto authority over the functioning and decision making process of the Committees. In this political context, the dominant incentive of Vice-Chairpersons tend to be to stay absent (thereby failing to assume their formal role as President and to convene the meetings) or remain strategically inactive in the Committees, if they care to attend at all¹⁵. Transferred officials of both Upazilas observed that they could arrange a few meetings in the beginning of the incumbent Vice-Chairpersons' tenure. However, due to continuous unavailability of the Committee heads, it was not possible to organise any further meetings. Such involuntary absences of Vice Chairpersons have made Committees dysfunctional in many cases¹⁶. In contrast, where Upazila Vice-Chairpersons are from the ruling party, their political nexus with the MP (ruling party) has enabled them to be active in the Committees and to participate in the decision making functions.

Clearly, the formal 'Co-ordination' process (as prescribed by Law), which is administered through the Committees, tend to be influenced by the larger political economy factors. Such factors have

¹⁵ In extreme cases, some Vice-Chairpersons have gone underground due to their wrong political identity

¹⁶ For dysfunctional status of the Committees, see Stanislawski and Sultan (2014)

made the Committees largely dysfunctional—a critical loss for the public representatives to exercise democratic accountability over the local officials.

Monthly Meetings

The 'Coordination' process is also carried out through the monthly meetings, which seems to be not constrained by political economy factors. This is a meeting, held every month, called 'Coordination Meeting', which is presided by the UZC. UNO also attend these meetings where updates on the developmental works implement under UZP are discussed. If any coordination is needed between and the departments or among the elected representatives in relation to fund allocations, project implementation and supervision, all these activities will be addressed in these meetings. The Heads of the transferred departments are required to present a report in the monthly meetings, which is prepared on the basis of minutes of Committee (department related) meetings held earlier. This report is required to discuss projects to be initiated and other priority issues related to services. Since such Committee meetings are rarely held and therefore reports are not usually being produced, monthly meetings usually take place without such reports. This makes the monthly meeting a weak mechanism of Coordination. Still, these UZP monthly meetings can be considered as a somewhat effective forum for deliberation and information sharing among relevant actors.

'Coordination' as a Positive-Sum Game

Despite political economy constraints, as discussed earlier, the process of "Coordination" in some cases can be a positive-sum game among the relevant actors. For instance, in practice, transferred department officials seek suggestions, guidance and cooperation from the elected body of UZP but only on rare occasions. For example, with regard to arranging 'Sanitation Month', organising 'Agriculture Fair', conducting 'Awareness Raising Programme', etc., the elected body of UZP works jointly with the departments. Officials of the transferred departments observed the fact that the presence of public representatives in such programmes can be strategically useful since their pro-active participation helps to mobilise a large number of people, which is critical to the success of the programmes, but such mobilisation cannot be accomplished by the officials. Also, transferred departments occasionally request the Upazila elected body to contribute funds, from the block grants it receives, to run the service delivery operation. For instance, in response to request by the transferred officials, the elected body has allocated funds for organising agriculture fairs and medicine for cattle. However, the personal relationship between the head of the transferred departments and UZC and/or UNO tends to be a critical factor in the allocation of such funds. Also transferred officials often feel obligated to carry out special duties (such as, monitoring the invigilators of public examinations, development projects, etc.) assigned by the UZC. As one Agriculture officer remarked: *"Performing these kinds of additional work does not mean that officers are accountable to the elected body of UZP"*. These special duties are also carried out since officials perceive these as social responsibility and they also want to show respect to both UZC and UNO. From this discussion it can be argued that the relationship between these two actors can be termed as 'cooperation', which is based on informal personal relations rather than formal accountability obligation. Such informal 'Coordination', since it is based on durable consensus and is incentive compatible to major actors, tends to be a stable equilibrium and consequently quite robust.

The above discussions show that although the law has established some formal accountability

linkages between UZC and transferred departments, these tend to be largely dysfunctional. We can also argue that the existing laws and procedures that govern the transferred departments are essentially in favour of administrative accountability rather than democratic accountability. Such reality can best be described as *de facto* dual accountability process (see figure 2 below).

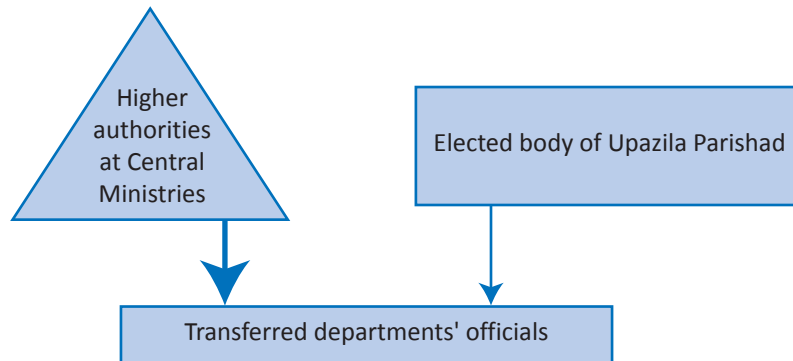


Figure 2: *De facto* dual accountability

Source: Field Visit, 2015

→ Symbolises strong accountability → Symbolises weak/dysfunctional accountability

6 Implications of de facto Accountability on Quality of Service Delivery and Fund Allocations and Utilisation Processes

A *de facto* dual accountability relationship tends to have negative impacts on the quality of service delivery process at the local level. Two such impacts are discussed below:

Routine Tasks

Since officials are virtually not accountable to the locally elected body, they are therefore not subject to close monitoring by any local actors on a day to day basis. This accountability failure, which creates a lax monitoring environment at the local level, in turn enables local officials to shirk responsibilities with regard to routine tasks. For instance, officials have been found to be not attending office on time. As a result, service recipients have to wait long hours to get the services done. Officials also tend not to conduct a follow-up of the project implementation process on a regular basis. For example, field officers of the three departments are often found to be unwilling to monitor/follow-up whether citizens are able to follow the instructions provided during training (use of fertilizer, maintenance of tube-well). Similarly, maintenance functions of projects are not properly done by the officials. Apart from the budget constraint, it is also an outcome of attitudinal problem of the transferred officials who are reluctant to visit the field for maintenance. This observation is made by local citizens in a FGD.

Project Monitoring Report is, in some cases, manipulated by the officials due to lack of proper supervision of the local representatives¹⁷. The research team has observed that officials tend to report some activities as completed, when these are not actually done¹⁸.

Financial Transparency¹⁹

There are allegations of manipulation of vouchers by the transferred officials. For instance, officials sometimes manipulate vouchers for arranging honorarium for the attendance of MP at different programmes (this is not budgeted before and is an informal practice). Also, there is no official fund available for any type of political programmes e.g. birthday celebration of the Father of the Nation. Yet the department has to contribute to these types of events as these are usually attended by the local MP. Some expenditure is also made for the MP himself which the department manages through manipulating vouchers.

6.1 MP and the New Dynamics of Accountability: Implication for Fund Allocations and Distributions

The formal and informal interventions by the Member of Parliament (MP) have substantially affected the dynamics of accountability at the UZP discussed so far. MPs formal role vis-à-vis UZP has been defined by the law. The relevant law says that the Parishad "will have to take the advice" or "shall accept the advice" of the MP (Article 25 of Upazila Parishad Act). Such advisory role of the MP has created a broader space/opportunity for him/her to intervene in the process

¹⁷ An efficient bureaucratic accountability could have solved this problem

¹⁸ An efficient bureaucratic accountability could have solved this problem

¹⁹ Transparency refers to unfettered access by the public to timely and reliable information on decisions and performance in the public sector.

of fund allocations and distributions, which has reinforced the politics patronage centering UZP governance. Such politics of patronage has considerably diminished the relevance of the dual accountability structure/process (both de jure and de facto) at the Upazila, thereby transforming the incentives of the relevant actors. The relevant processes have been discussed in detail below.

Nature and mode of MP's interferences

MPs tend to interfere in departments where resources/funds are larger in size. For example, our research shows that MP or his/her favoured individuals intervened only in DAE and DPHE, where resources to be delivered tend to be large, and ignored DLS, where resources to be distributed are smaller in size. Favoured individuals of the local MP, with the direct support of MP, frequently influence the process of preparing the beneficiary list and get the list approved through the Monthly Meetings of UZP. MP usually rejects the beneficiary list proposed by the UZP elected body. Transferred officials frequently receive informal "advice" of the MP in this regard and accept such lists without question.

Consequences of MP's interferences in resource allocations and the distributions processes:

The study has found that around 70-80% of the tubewells were distributed among beneficiaries recommended by the MPs. The sites and beneficiaries for tube-wells are supposed to be selected by the WATSAN committee²⁰ based on the priority as determined by the community action plan prepared for the Bangladesh Rural Water Supply and Sanitation Project²¹ (BRWSSP). In reality, the project is hardly able to deal with the processes of beneficiary and location selection due to political influences of the local MP and his loyal political elites. Also, in some occasions, UZC gets the opportunity to influence the selection process. Box 1 below illustrates the informal practice of tube-well allocation and distribution at the Upazila.

Box 1: Selection of beneficiary list: An unholy practice

A UP chairman, an informant for this study, narrated the process of malpractice in the distribution of tube-wells. He said that drawing up of the beneficiary list and choosing the sites for tube-well installation are done by the local PM or his representatives. Though the selection process is supposed to be mainly done by WATSAN Committee, their members hardly get that opportunity. He mentioned that in fiscal year 2013-14, the Upazila received 50 tube-wells. Out of these, 47 tube-wells had been distributed among people recommended by the MP. The elected representatives of UZP (members except UZC) did not even know how the beneficiary list had been made. Due to political intimidation the elected representatives of UZP (Vice-Chairpersons and other general members) cannot raise a voice against such practices. The Vice Chairperson of the Upazila said that he never had any chance to select beneficiaries although as a people representative, he is supposed to be part of the beneficiary selection process. The Sub-Assistant Engineer (SAE) and other office staff also confirmed that basically 50% of the beneficiary list usually comes from the local MP and the rest of the list is recommended by the UZC and UNO. Sometimes MP recommends more than 50% of the users' names. Such practice tends to create tension among different political and non-political actors at the Upazila level.

²⁰ This committee consists of members from government (UNO, SAE, UP chairperson and members, UEO and UHFPO) and representatives of beneficiary groups. For monitoring and evaluation of projects this committee must hold regular monthly meetings at ward level (LGD 2005 and 2012). Within the scope of the Development Project Plan (DPP), Upazila DPHE office in collaboration with Upazila WATSAN Committee makes the decision of service delivery through the local government institutions at Unions and Wards. Depending on the design, the project-implementing actors may vary from project to project.

²¹ BRWSSP provides safe and sustainable water supply services among the rural population. It aims to increase the supply of safe water by constructing rural piped water supply schemes as well as non-piped water supply options in the rural areas where shallow aquifers are highly contaminated by arsenic and other pollutants such as salinity, iron, and bacterial pathogens.

UZO and other members of the elected body of UZO rarely get a chance to recommend the beneficiary list for the allocation of the resources among service recipients at the local level. For example, power tiller recipients are supposed to be selected by the departments with the help of UZO. Application for a power tiller has to be submitted by the individual recipient to the departments to be approved by the UZO in the coordination meeting. Though this formal process is maintained on paper, in practice individuals recommended by the MP usually get enlisted and are approved, by default, in the meeting (see Box 2 below). Similarly, dealerships for subsidised fertilizer are also generally given to the individuals, recommended by the MP.

Box 2: The Influence MP in distributing 'power tiller'

This case study is based on one of the two Upazilas studied. At Upazila level, 'power tiller' had been distributed in two phases with 25% subsidy in the first phase and 30% in the second. In the second phase, 10 power tillers had been distributed, seven for seven UPs and two for two municipalities (our informant was not sure who received the 10th tiller). When the informant of this study came to know that 'power tiller' was being distributed in the Upazila, he immediately met the agriculture officer to find out about the formal process of application. The Department of Agriculture is the place where the application has to be submitted and it is supposed to be approved by the UZO in the coordination meeting. The agriculture officer candidly admitted to him that he has, in practice, very little power to put his name on the list. He suggested that he talk directly to the MP or his representative (Awami League President in the Upazila). After failing to communicate with the MP directly, he met with the MP's representative. The informant and the representative were known to each other as they are both active in local politics, although belonging to different parties. The informant was the former Secretary of Jatiya Party. They had close personal relations as well as he called him 'Mamu' (maternal uncle). The informant expressed his interest in receiving a 'power tiller'. MP's representative gave him his word that his name would be approved in the coordination meeting, since he belongs to Jatiya party, an ally of the Awami League led 'Mohajot'. He was duly granted a subsidised power tiller in the coordination meeting.

The subsidy policy in the purchase of power tiller has been given under the project titled 'Increasing Productivity of Crops through Farm Mechanisation'. Formally, these subsidised power tillers are meant for the bona fide farmers. After publicity in each Union Parishad about the power tillers, farmers could apply for the subsidy. DAE is supposed to verify all applications and provide subsidy to the genuine farmers. However, from the case discussed above, we see the influence of MP, indirectly through his representative, in selecting recipients on the basis of their partisan political affiliation. The informant also said that among ten power tillers, nine were distributed to the people with correct partisan identity and who were also close to the MP.

Such political influences of the MP tend to be seen in other Upazilas too. An investigative news report of Prothom Alo, a national daily, shown below in Box 3, exposed the influences of MPs in the distribution of power tillers.

Box 3: Case 2: Prothom Alo's report on MP's interference in selecting subsidy beneficiary

The daily Prothom Alo published a report titled "A big portion of subsidy given for power tiller purchase reaches the pockets of the government party". The report revealed that out of 15 beneficiaries of the subsidy, eight were leaders of Jubo League, a youth wing of the current ruling party. The other seven are also from various wings of the government party. More intriguing is the fact that only six of these fifteen beneficiaries actually purchased the power tiller. They just produced counterfeit vouchers to the DAE and drew the subsidy amount. The amount of subsidy for each power tiller purchase is 30-40 thousand Taka.

Interventions by the MP and its implications on the dynamics of the accountability process at the UZP

MPs have also been found to influence the activities of transferred departments at the Upazila. For example, the MP might ask transferred officials directly to enlist someone in the beneficiary list, blatantly ignoring the selection criteria of the government. The study has found that, in general, MPs tend to play a very influential role in the process of allocation and utilisation of resources at UZP. As a result, transferred officials become *de facto* 'accountable' (in a loose sense of being compelled to be loyal or obligated) to MP, thereby creating, *de facto*, a new line of accountability for the officials. This has further marginalised the elected representatives of UZP. Such existence of the *de facto* informal patterns of accountability and consequent marginalisation of elected representatives of the UZP in the accountability process have deterred the possibility of the evolution of a balance of power (between the elected body of UZP and MP) in the UZP governance process. Table 3 and Figure 3 sum up the *de facto* governance process as well as the matrix of power of the relevant actors, which have substantial implications for resource allocations and distributions processes at the local level. Table 3 also shows the variations in the role and influences of different actors in the process of resource allocations and utilisations.

Table 3: Roles of different actors in resource allocations and distributions processes at the Upazila level

Departments	Role of MP	Role of UZC	Role of Vice Chairpersons	Role of UZP members/UP chairpersons
DAE	<i>De facto</i> , MPs are highly influential in beneficiary selection process. MPs have strong incentives to get involved in the process since the amount of resources and size of the projects tend to be large here.	<i>De facto</i> , very little role of the UZC in resource allocations and utilisations process. For example, UZC can select target beneficiary list for fertilizer, seeds and agricultural equipments dealership in a limited way.	No role of Vice Chairpersons in beneficiary selection and resource distributions (fertilizer, seeds and agricultural equipment dealership).	Union Parishad Chairperson rarely gets a chance to play any role in resource allocations and distributions processes.
DPHE	<i>De facto</i> , MPs are highly influential in selecting beneficiaries and allocations of tube-wells.	UZC can somehow manage ²² (based on informal negotiations) to participate into the beneficiary selection and tube-well distribution process.	No role of Vice Chairpersons in beneficiary selection and resource distribution processes.	Union Parishad Chairperson somehow manages to enter into the selection process.
DLS	MPs have very little incentive to get involved here since the amount of resources and size of projects tend to be very low.	UZC rarely takes part in this process.	No role of Vice Chairpersons in beneficiary selection and resource distributions processes.	UP members and Chairperson play a coordinating role here.

²² Regarding the role of UZC in tube-well distribution, we have found two views from our informants; the first one is that 50% of the beneficiary list usually comes from the local MP and the rest of the list is recommended by the UZC and UNO. The second has been mentioned in Box-1 where we see that out of 50 tube-wells, MP has distributed 47. After cross-checking with some of our respondents, we came to know that UZC has no significant influence over tube-well distribution. Thus, we would like to portray the role of UZC in this case as someone who has the power to distribute tube-well in a marginal way.

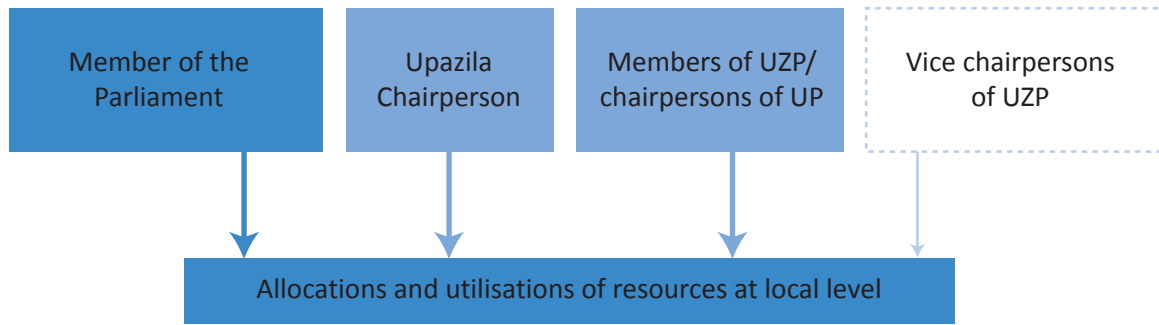


Figure 3: Influential actors in resource allocations and utilisations at UZP

Source: field visit, 2015

- Symbolises strong influences
- Symbolises low influences
- Symbolises insignificant influences
- Symbolises very/extreme low influences

7 Conclusion

The aim of our study was to shed light on whether the officials of the transferred departments are answerable and responsive to the elected representative of UZPs with regard to the following issues: functional (assignment responsibility), financial (resource, budget and expenditure obligations) and results (disclosure of the outputs and outcomes). From the above discussions, it could be argued that neither such type of accountability mechanism exists between the elected body of UZP and the officials of the transferred departments, nor the transferred officials are willing to be answerable to the elected body of UZP for their functions and activities. However, an informal coordination relationship has been found between UZP and our studied departments. It has also been found that although the transferred departments are linked with UZP through Committees and Monthly Meetings, this linkage does not ensure any *de facto* transfer of administrative or financial powers. In practice, the officials of the transferred departments continue to remain accountable to their respective ministries' rules and regulations. The intention of the policy makers behind this transfer strategy has not worked out at UZP.

8 Recommendations

8.1 Recommendations Related to Substantive Governance Reform

To move towards an effective decentralisation/devolution policy in Bangladesh, critically needed for the efficient allocation of resources and distribution, government policy makers need to address a few substantive governance issues, as mentioned below:

- The existence of the dual accountability structure is a non-starter for any decentralisation or devolution initiative. This needs to be addressed on an urgent basis. If the authority wishes to devolve power (administrative, financial) at the local level, this cannot be done in a partial manner, which is the current situation at the UZP. Such partial reform sends the wrong signal to the relevant actors (particularly to the government officials) and generates incentives, which tend to deter an effective decentralisation process over time since it builds resistance to changes in the status quo by the actors who are benefiting from it.
- The study has shown that the relevant laws/procedures are not conducive for establishing democratic accountability at the UZP. Some reform initiatives around the laws and procedures (e.g. making provision for UZC to take disciplinary action against transferred officials, producing a clear specific and self-explanatory UZP Manual, and introducing the APR as an important tool for the career of the transferred officials) will be needed.
- *De jure* and *de facto* roles of MP (a central government actor) is a stumbling block for true devolution of power and de-politicisation of service delivery. To address this issue, serious political commitment on the part of the national political authority will be required.
- In general, macro and meso level *de facto* political governance and weak rule of law (SOG 2014, SOG 2009, Hassan and Mannan 2016 processed) tend to deter the evolution of a robust form of decentralised local governance. If there had been a robust form of rule of law in the country, the political/informal interventions by the MPs could have been resisted by the UZP leadership or even by the officials. Piecemeal reform, in such governance context, will hardly produce any desired result. Again, political commitment of the highest level of political authority will be needed to address this problem

8.2 Procedural Recommendations

- It has been found that there is a lack of formal procedure of reporting to the elected body of UZP. Proper initiative should be taken to make the provision for transferred departments to keep the elected representatives of UZP in the loop while sending their monthly report to the higher authorities.
- Vice-Chairpersons (Chair of Committees) should be given signatory authority in monitoring reports of the departments and for overseeing the ongoing projects of the departments. Such signatory role of Vice-Chairpersons will help to hold the transferred officials accountable to the Parishad.

¹⁷ Interventions by legislators in resource allocations/distributions in local constituencies can be seen all over the world both developing and developed countries. This is popularly known as "Pork Barrel Politics". In the context of Bangladesh our concern is that such Pork Barrel Politics should be constrained by appropriate and robust laws and procedures.

References

- Ahmed, N., Ahmed, T., Faizullah, M. T. 2010. Working of Upazila Parishad in Bangladesh: A study of twelve Upazilas. UNDP.
- Blumenthal, B. and Elamon, J. n.d. Local Governance in Bangladesh: Context Analysis of Power Relations. HELVETAS Swiss Intercooperation
- GoB, 1999. Agriculture extension manual, Government of People's Republic of Bangladesh
- GOB, 1998. *Upazila Parishad Manual*. Government of People's Republic of Bangladesh.
- Hassan, M. 2015. Governance of Upazila Administration in Bangladesh: The Case of Syedpur Upazila. CARE Bangladesh.
- Hassan, M. and Mannan, S. 2014. Study on institutional relationships and linkages among local government institutions. BIGD, BRAC University.
- HELVETAS, n.d. Local Governance in Bangladesh: Context Analysis of Power Relations. HELVETAS, Swiss Intercooperation.
- Local Government Division, 2013. Baseline Survey Report on Upazila Governance in Bangladesh. Ministry of Local Government Rural Development & Cooperatives, Government of the People's Republic of Bangladesh.
- LGD, 2012. National hygiene promotion strategy for water supply and sanitation sector in Bangladesh 2012. Ministry of local government, rural development and cooperatives, GoB.
- Local Government Division, 2014. Upazila Development Fund Utilisation Guide. Ministry of Local Government, Rural Development and Cooperatives, Government of Bangladesh.
- LGD, 2005. PRO POOR STRATEGY for Water and Sanitation Sector in Bangladesh. Ministry of Local Government, Rural Development & Cooperatives Government of People's Republic of Bangladesh.
- Ministry of Law Justice and Parliamentary Affairs, 1998. Upazila Parishad Act 1998. People's Republic of Bangladesh.
- Monem, M. 2014. Transferred Subjects to Upazila and Union Parishads in Bangladesh: A Study on the Constraints, Opportunities and Implications. Web foundation.
- Mostafa, M. 2012. Mapping out the contours of Upazila Budget: A pilot study
- Stanislawski, J. and Sultan, M. 2014. Stock-taking Report on Standing Committees. Under Sharique Phase III. BRAC Institute of Governance and Development (BIGD), BRAC University.
- Zamil, A. 2012. Annual Development Programme (ADP) Grants for Upazila Parishads: Role of Upazila Nirbahi Officer (UNO) in the Planning and Implementation Process. Master's thesis, North South University.

BRAC Institute of Governance and Development (BIGD), BRAC University is a centre of policy and academic excellence. BIGD is devoted to research on a range of governance and development concerns, as well as the nexus between the two. BIGD's research is aimed at contributing to public policy as well as supporting its academic and training programs. It does not limit knowledge creation to being an end itself but rather to advance the pursuit of a just and prosperous society. It also plays an advocacy role to give voice to contemporary governance, political and economic issues. As an institute of BRAC University, BIGD works closely with the university motivated by its motto: 'inspiring excellence'. BIGD also has the unique advantage of being associated with BRAC, the world's largest NGO through its work. It is inspired by BRAC's values in shaping its institutional work and professional standards.



BRAC Institute of Governance and Development
BRAC University

SK Centre (3rd - 7th & 9th Floor), GP, JA-4, TB Gate
Mohakhali, Dhaka-1212, Bangladesh

Website : <http://bigd.bracu.ac.bd>



Inspiring Excellence