

The 'ward sabha' in Bangladesh – lessons from Kerala and West Bengal

Commonwealth Journal of Local Governance

Issue 19: December 2016

<http://epress.lib.uts.edu.au/ojs/index.php/cjlg>

Tofail Ahmed

Department of Political Science and Sociology
North South University
and BIGD, BRAC University
Dhaka



Abstract

Under the Local Government (Union Parishad) Act 2009, the legal provisions for ward sabha (ward councils) remain non-functional since implementation of the Act in 2011. This policy note attempts to outline the limitations of the Local Government (Union Parishad) Act 2009. The study also provides a few practical recommendations which may need further amendment of the relevant laws in Bangladesh. The amendment may also broaden the scope and activity of the ward sabha as a forum for promoting deliberative democracy. However, consideration should be given to reducing the role of the ward sabha as an executive agency as it is insufficiently resourced to perform the executive functions outlined in the 2009 Act; rather the immense potential of the ward sabha as a forum for wider deliberation across all the elected bodies should be exploited.

Keywords: *Ward sabha, gram sabha, deliberative democracy, Bangladesh, Kerala, West Bengal*

Introduction

The Bangladeshi Rural Local Government System (RLGS) comprises a three-tier institutional network known as *zila parishad* (apex tier), *upazila parishad* (intermediate tier), and *union parishad* (the lowest tier). Though all these tiers do not operate under a single law or authority and are also not clearly linked with one another, but rather function separately, they are considered as a composite institutional mechanism known as RLGS. Among the three RLGS component institutions, the union parishads have maintained a consistent and stable institutional presence (albeit in different names and nomenclature) for almost 150 years since their inception in 1870. The latest law on the union parishad (UP) – The Local Government (UP) Act 2009 (hereafter called the UP Act) – created a new provision

© 2016 Tofail Ahmed. This is an Open Access article distributed under the terms of the Creative Commons Attribution 4.0 Unported (CC BY 4.0) License (<https://creativecommons.org/licenses/by/4.0/>), allowing third parties to copy and redistribute the material in any medium or format and to remix, transform, and build upon the material for any purpose, even commercially, provided the original work is properly cited and states its license.

Citation: Commonwealth Journal of Local Governance 2016, 19: 5452, - <http://dx.doi.org/10.5130/cjlg.v0i19.5452>

known as a *ward sabha* (ward council)¹ in each of its electoral constituencies i.e. a ‘ward’ composed of all the voters of the respective ward. According to the law, each UP will have nine ward sabhas in nine of its component general or electoral wards. The law in Chapter 2 of the UP Act provided detailed provisions on the composition, power, function and its rules of business, especially how to arrange two open ward sabha meetings in a year. The term ‘open’ is used in the law to mean that all the persons who live in a ward can join the meeting, but in order to have a quorum in the meeting, attendance of 5% of the people registered as voters of the ward is required.

The first UP elections under the UP Act were held in 2011 (the ninth UP elections) and the second election under the Act (tenth UP elections) were held in June 2016. The functioning of the ward sabha and all other performances related to them during the last five years (2011–2016) were not very encouraging. The legal provision for the ward sabha and its functioning needs a dispassionate review leading to a revised policy decision about the continuation of the ward sabha. A group of four researchers from BRAC Institute of Governance and Development (BIGD), BRAC University, including the author, investigated the functioning of ward sabha in ten UPs in Bangladesh, along with other issues. Some of the crucial problems relating to the implementation of the ward sabha concept are as follows, as summarised from that particular study and other studies as secondary sources (Ahmed 2016):

- The general participation of voters in the ward sabha is in decline. In some of the meetings, women participate in relatively large numbers due to encouragement from non-government organisations (NGOs) with special projects at grassroots level in different areas of the country. While only a few men participate in the meetings, they monopolise the deliberations. In non-project areas without NGO support, meetings are not normally held. Even if special efforts are made to arrange the meetings, in most cases they do not follow the processes and procedures outlined in the law. There is considerable evidence of deviations narrated in different research studies.
- Minutes of the meetings are not recorded consistently. The previous minutes are not read out and circulated in the meetings observed; no follow up action report is prepared and presented and reasons for non-compliance of any previous decisions are not reported. In many UPs, the proceedings of the meetings were not found at all, though elected UP members claimed that ward sabha meetings were regularly held. The UPs do not undertake the required preparation as enunciated in the UP Act for holding two of the mandatory ward sabha meetings in a year.
- People also felt discouraged from attending ward sabha meetings as the decisions taken in the meetings are not implemented and reported back to the members. The ward sabha meetings

¹ The ward council or ward sabha is also known as ward shobha or ward sobha in Bangladesh and India.

seem to be a mere ritual observed to show compliance with the UP Act to satisfy the funding authority so that government grant is not reduced or withheld.

- The people attending the meetings mostly sought individual benefits, instead of debating any motion for collective goods and services. The majority of the attendees are ‘safety net’ beneficiaries and safety net aspirants; they attend to vote in favour of their patrons, such as UP members and Chairs. The educated and relatively better off people tend not to participate in ward sabha meetings. Members and chairs are less interested in arranging meetings as this activity incurs large expenses and produces no tangible result (as many of them claimed during focus group discussions conducted during the BIGD study). Local officials of different departments posted at UP level also do not attend ward sabha meetings. Some UPs restrict invitations to the ward sabha to 5% of the voters (Salla Union of Kalihati, Tangail) in order to fulfill the official quorum only. Wider audiences are discouraged or restricted indirectly.
- There is a misconception or misunderstanding between the ward sabha (the council) and ward sabha meetings in the field. People generally understand that ‘sabha’ means meeting, but the ward sabha’s function as a forum or council of voters is distinct from a meeting. These meetings are not perceived by people as the meeting of a council (ward council) of which they are members as registered voters. The ward sabha is a forum for deliberation of UP activities and its vision and plan.

The experiences of Kerala and West Bengal

It is useful to compare experiences of local democracy in Kerala and West Bengal with the situation in Bangladesh; both enacted/amended to follow the 73rd amendment of the Indian constitution (passed in 1992), which introduced the *panchayat raj* or village council in rural settlements, as a modern version of the traditional village panchayat administration system. The Kerala case was a very specific experiment in decentralised and deliberative democracy and participatory governance (Isaac and Frank 2002).

Both the West Bengal Panchayat Act 1973 (amended in 1994) and the Kerala Panchayat Act 1994 (which came into effect in 24 April, 2004) included the gram sabha in Kerala and *gram sangshad* (gram council) in West Bengal under the new laws. Out of 11 binding (or obligatory) clauses in the constitution, the formation of the gram sabha with all the voters of the ward is the second compulsory provision all states have to adopt in their respective panchayat laws. Subsequently all the states in India have reenacted their own laws accommodating the directions of the constitution and inserted ‘gram sabha’ provisions, albeit with differences best suited to their state interests. The studies so far have examined the performances of gram sabha in West Bengal and Kerala, the results of which have not been very encouraging; to a large extent they are similar to the activities of ward sabha in

Bangladesh (a study tour report on West Bengal and Kerala by a team from Bangladesh – The Hunger Project (2016) and Madan Mohan (2007)).

In West Bengal, attendance of 10% of the voters is required for quorum too, but the gram sangshad (West Bengal) holds only two meetings in a year, one in April and another one in November. The panchayat *prodhan* (*prodhan* means ‘chief’) and in his/her absence, *upa-prodhan* (deputy chief) (not a member of the ward or village) presides over the meeting. In Kerala, all voters of the ward are members but the quorum for a gram sabha meeting requires 10% of the voters and there is a provision to hold four meetings in a year. The member representing the ward in the village panchayat presides over the meeting. All the officials at village panchayat level are obliged to attend the meetings.

Madan Mohan (2007, pp.19–20) in a detailed study on gram sabha of Kerala, identified 25 different shortcomings of the gram sabha which are almost similar to problems experienced in West Bengal (Ahmed et al. 2015 and The Hunger Project 2016), and to those identified in Bangladesh above (Ahmed 2016; Razzaque 2016). All these findings and observations create doubt about the future of the ward sabha in Bangladesh. In India, the gram sabha is a constitutional requirement for the village panchayats and they have adequate staff support, finance and programmes to manage and also to support the gram sabha. In Bangladesh, though the UP Act draws heavily on the West Bengal legislation, the legislative framework did not create a support mechanism to make the UPs and ward sabha a vibrant forum with adequate financial and staff support.

Review of existing legal provisions and recommendations for Bangladesh

Chapter Two of The Local Government (UP) Act 2009 that made the provision of ward sabha in Bangladeshi union parishad is almost a copy of the relevant clauses of the West Bengal Panchayat Act 1973 (as amended in 1992, 1994 and 1997). The composition, provisions of meetings, quorum, etc. were copied from ss. 16A, 16B and 17 of the West Bengal Panchayat Act (for West Bengal Panchayat Act see Ganguli 2001) and powers and functions were adopted from the Kerala Panchayat Act.

The ward sabha section of the Bangladesh’s UP Act, especially clauses 6 and 7, combines two acts from these two Indian states where local government institutions are very strong. The approach is not necessarily appropriate for Bangladesh as the institution is relatively weak in Bangladesh. The village panchayat in Kerala and West Bengal are equipped with adequate finance and human resources which the UPs of Bangladesh are lacking. The village panchayat in West Bengal can have nine staff of its own and many other project staff from state and central government projects, and in Kerala can have 29 staff in the panchayat building (The Hunger Project 2016). The village panchayats in Kerala and West Bengal handle 20–50 bn INR (Indian rupees) (approximately USD 300,000–750,000) in a year. At the grassroots level political parties are organised democratically and mobilisation of people mostly done from political party levels. There are many other political and cultural differences

between Bangladeshi union parishads and Indian village panchayats, yet they (West Bengal and Kerala) are experiencing difficulties in maintaining proper functional gram sabha and gram sangshad due to many of the practical reasons mentioned above.

The legislation on the ward sabha in Bangladesh is no doubt regarded as a progressive step towards democratic decentralisation. After five year's practice, the limitations need to be studied with objectivity and many of the ground realities have to be appreciated with a reformist outlook. Making a progressive law is not enough to bring desired changes in the governance process, but the problems and potential need to be analysed at regular intervals. The author has been following the ward sabha in various parts of the country as an 'adviser' of three projects of three different agencies and development partners for about five years (2010–2016). The projects are the Union Parishad Governance Project (UPGP) under the support of the United Nations Development Programme (Bangladesh), Sharique of the Agency for Swiss Development Cooperation (SDC) and Hysawa supported by Danida and SDC. The three projects delivered exhaustive interventions for five years in more than 500 UPs across the country. The following observations have been made to the relevant authorities from time to time in different reports as recommendations for initiating appropriate interventions to make the ward sabha more effective in future (Ahmed et al. 2015; Ahmed 2016):

1. The legislation was not explained adequately at the field level; as a result it created confusion about the concept and practice. 'Sabha' in Bangla has a distinct meaning. The popular meaning of sabha is 'meeting' and in special situations it may be applied as a forum or council but that needs explanation. In Kerala law the gram sabha means a council of voters of the respective ward/village and is well understood there. In West Bengal, perhaps to avoid confusion between sabha and council, as sabha means meeting in the Bangla language, instead of sabha the word 'sangshad' is substituted. Sangshad in Bangla means council or forum. In West Bengal panchayat law, the constitutional term 'gram sabha' is replaced by the word 'gram sangshad', but the spirit of the constitution has been upheld. In Bangladesh, it has been observed that people at the union and village level still could not internalise the word 'sabha' as a forum of voters where they will make their representatives accountable, rather they have taken 'sabha' as an ordinary meeting arranged by the UP. The ways and means have to be devised for internalisation of ward sabha as the ward-level voter's forum among the electorates.

2. The legal term 'ward sabha' may be considered for replacement or substitution by 'ward sangshad' in Bangladesh too. Bangladesh's national parliament is known as the *Jatiya Sangshad* (House of Nation), it may mean similar to sangshad at ward level. This may make the differences between the ward sabha as the forum of ward-level electorates for making their elected bodies accountable and ward sabha an ordinary meeting more apparent.

3. The exhaustive list of power, function and responsibilities of ward sabha inserted in s.6 and s.7 in the UP Act are highly ambitious and impractical. An informal and loose forum or a deliberative organ

like ward sabha cannot perform all these executive functions and deliver the services as envisaged. The list of power, functions and responsibilities needs to be reassessed to make those specific, focused and deliberative in nature and executive responsibility should be withdrawn, as the ward sabha does not have the capacity to perform such a long list of functions.

4. The UPs have to shoulder many additional responsibilities to make the ward sabha effective and functional as outlined in the law (s.4); this should also involve considerable additional activities and additional finance, for which there is no clear provision and direction. The UPs in Bangladesh are already understaffed (with only a lone secretary); additional staff support will be the logical demand for the additional work created. In this case, the government should enforce clause 63 of the Local Government UP Act and transfer the 13 extension officials from the seven ministries in which they are already posted and make them work at union levels with the union parishads. This will enable UPs to share responsibilities with those officials. It will also create real accountability and transparency of line agency services to the citizen. The UP Act 2009 made a provision for the position of account assistant-cum-computer operator in clause 62(1) in every UP side by side with the secretary. This position needs to be filled urgently. These changes in personnel may create an enabling environment to support the effective operation of ward sabha.

5. The ward sabha may be renamed as ward sangshad and its scope for deliberation needs to be widened. The ward sabha will not only deliberate on UP activities in two of its meetings, it may also be transformed as a forum for deliberating the accountability and transparency of upazila parishad, zila parishad and parliament members of the area for which and whom ward-level electorates vote. A sense of greater accountability could be established among the electorates and the elected representatives at all levels. The parliament members, zila parishad members, upazila parishad representatives may also be represented in 'ward sangshad' meetings to face their respective electorates. The ward sangshad may turn into a grassroots level forum for making all the elected officials accountable at least twice a year.

6. To make the ward sabha functional and streamline the meetings of the ward sabha, simple operational guidelines may be prepared and circulated and people need to be oriented on the remit of the ward sabha. The people's representative at various levels of public offices may be made legally obliged to attend the ward sabha forum as part of their accountability to their respective electorates.

Conclusion

The need for a voter's forum at the grassroots may open a new avenue in our practice of democracy. The 'ward sangshad' if constituted and made to perform in the light of recommendations made above may become an exemplary institution for promotion of 'deliberative democracy' in Bangladesh. The study summarises the shortcomings and also tries to formulate a few recommendations for a

sustainable local democracy and the newly constituted ward sabha may be transformed into an effective tool to promote accountability of the elected representatives to their voters.

References

- Ahmed, T., Rashid, H., Ahmed, K.N. and Razzaque, F. (2015) *Social accountability mechanisms in local government: A study on the union parishads in Bangladesh*. BIGD/Helvitas Consortium Project. Dhaka: BRAC University.
- Ahmed, T. (2016) *Ward sabha under union parishads: Challenges and prospects*. Dhaka: HYSAWA (unpublished).
- Isaac, T.M.T. and Frank, R.W. (2002) *Local democracy and development: The Kerala people's campaign for decentralized planning*. Lanham: Rowman & Littlefield Publishers.
- Ganguli, B. (2001) *Panchayat law in West Bengal*. Kolkata: Venus Book Distributors.
- Government of Bangladesh. (2009) *The Local Government (Union Parishad) Act 2009* (with all subsequent amendments). Dhaka: Ministry of Local Government, Rural development and Cooperatives.
- Madan Mohan, K.B. (2007) *Gram sabha: A hand book*. Kerala: CapDeck, Swiss Agency for Development and Cooperation (SDC).
- Razzaque, F. (2016) Reality of citizen engagement in the development at local level in Bangladesh: A study on union parishad. *Asian Journal of Development and Governance*, 1 (1).
- The Hunger Project. (2016) *Report on the study tour to Kerala and West Bengal panchayats*. (Unpublished) Dhaka: The Hunger Project.