

## **Local Governance in Bangladesh: Towards a “Critical Mass” to Combat Discrimination against Women with Special Reference to India**

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**ABSTRACT** Women’s right to freedom from discrimination is the constitutionally entrenched fundamental right... and is repeatedly guaranteed in a series of legislation in Bangladesh. Bangladesh also assumes affirmative obligations to respect and ensure this right through ratifying over a dozen international human rights instruments. Despite that fact, discrimination persists in a pervasive form to deny women’s equal rights in legislative offices..., and women are unjustifiably deprived of their lawful rights and privileges....Legal initiatives and women’s activism across nations have forced to significant modifications in policies of political parties and laws to redress women’s meagre status in governance. Drawing upon this insight, this note recommends the reconceptualisation of laws and the selection criterion of political parties in Bangladesh to mitigate women’s disadvantaged positions in local government.

### **INTRODUCTION**

Women’s equal right to participate in governance is the constitutionally entrenched fundamental right and is repeatedly affirmed in a series of legislation in Bangladesh.<sup>1</sup> Bangladesh also agreed to undertake positive obligations to respect and ensure this right through ratifying over a dozen international human rights instruments. The introduction of the *Dhaka City Corporation Ordinance 1983* and the *Local Government (Union Parishads) Ordinance 1983* has resulted in a substantial increase of women in local politics than ever before (Women for Women, 1999: 25).<sup>2</sup> Yet, the discriminatory and uneven distribution of governance functions, inappropriate attitudes of male colleagues, the lack of commitment of political parties towards women’s quota and the absence of any legal provision to recognise the situation remain the major impediments to frustrate women’s participation in local governance in Bangladesh.

A look at legal developments in some selective common law countries including India suggests that a substantial reconstruction has been made in formal proceedings of the local government to facilitate women’s meaningful involvement in politics. Current women’s activism of foreign jurisdictions has also significantly influenced the reforms in the nomination process of political parties and restricted the way it had been used to impair their effective participation

in governance. Quite in contrast, the laws regulating local governance and selection criteria of political parties in Bangladesh are still strict to traditional concepts that place women at a disadvantage in their political lives.

Against this background, this article presents two central arguments. Firstly, the legal approach in Bangladesh to dealing with women’s governance role is in many respects inept to capture their specific experiences in the conservative culture. While the law aims to promote women’s representation in governance, it fails to address the magnitude of discrimination that women are experiencing in exercising their legitimate rights and privileges. Secondly, a ‘critical mass’<sup>3</sup> could better ensure women’s equal integration into financial and other important aspects of local government.

This comment examines the impact of the *Local Government Ordinances* on women by briefly uncovering a number of fundamental flaws in both instruments and advances a way of attaining their improved participation in local government. It also illustrates ways (in view of relevant foreign practices) the nomination process of political parties needs to be reconceptualised for forwarding women’s political empowerment in Bangladesh’s governance. The article concludes that a number of changes in the *Local Government Ordinance* and the selection process of political parties and a compulsory training program reflecting

international practices can only place an effective check on the multidimensional forms of discrimination against women in sharing their governance powers and privileges.

For materials, access to the sessions and recording of the local government in Bangladesh is extremely difficult, since these are not public documents. Therefore it was not possible to assess the impact of women's opinions on decision-making from the original resolutions of legislative bodies. However, to gain some insight into this situation, questionnaires were sent to 27 women commissioners and members of the local government in Rajshahi Division. Although this number is insignificant, compared to the total number of women legislators, some indications could be found of how the legal provisions work in ensuring their engagement in politics. The information regarding women's placement in political parties in foreign jurisdictions was collected primarily from the studies and statistics of the United Nations (UN) and from a range of national and international reports and journals. Nevertheless, statistics on the position of women in local governments were not sufficient in those sources for a comparative analysis of that sector. In this regard, reliance is heavily placed on a series of studies conducted by the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) and on various national reports submitted to different international organisations under the UN.

The following discussion demonstrates that women politicians in Bangladesh are experiencing similar impediments and discrimination in participating in Corporations and Union Parishads, and both Ordinances suffer from almost alike fundamental deficiencies in regulating local administration. Thus, to avoid repetition, recommendations to achieve a better women's representation in local governance are provided together at the last part of the paper.

The following section 2 begins with a brief exploration of the different tiers of local government in Bangladesh. Section 3 then concentrates on the different approaches of foreign jurisdictions to dealing with local governance, while section 4 draws a conclusion.

## LOCAL GOVERNMENT IN BANGLADESH

At present the local government in Bangladesh runs through the Corporations,

Municipalities, Zilla (District) Council and the Union Parishads, and its representation is determined on the geographical location or divisions. The country is split into six administrative Divisions; in hierarchical order, they stand at the top of the administration under which 68 Districts are currently functioning. The third tier of administration is Thana (Police Station). As of March 2003, there exists 496 Thanas which consist of a number of administrative units known as Unions (ESCAP Report, 2002: 3). A Union Parishad again comprising nine Wards includes a range of Villages within its purview. The headquarters of Thanas are mostly in urban areas where local government bodies are regarded as Municipalities and Corporations. Currently, 225 Municipalities for major cities and four City Corporations for metropolitan cities are operational in Bangladesh (ESCAP Report, 2002: 3). In July 2000, the *Zilla (District) Council Law* was enacted to provide a further lower level representation at the District level through an indirect election. The Upazila is another administrative unit ranking above the Union but not functioning in recent years. However, this paper only examines women's participation in Union Parishads and Corporations.

## Women's Positions in the Union Parishads

The *Local Government (Union Parishads) Ordinance* 1983 has acknowledged special significance for women's participation in local governance by providing reserved seats for them. Under section 5 of the Ordinance, a Union Parishad (UP) consists of a Chairman and 12 members including three women members of reserved seats. Until the enactment of the *Union Parishads (Amendment) Act* 1997 (the Act 1997), women in those reserved seats were nominated by the government. The impact of the Act 1997, which introduced the direct election for reserved seats was profound; in the subsequent election held in the same year, nearly 14,030 women were elected in the UP, substantially up from their 863 positions in the 1977 election (Chowdhury et al., 1994: 6; Women for Women, 1999: 25).<sup>4</sup> This number demonstrates a significant shift from their under-representation to a broader share in the power of UP. Also, in recent instances, women contested positions against their husbands and sons (Chowdhury et al., 1994: 8). Undoubtedly,

this political identity accords women special status and power within the community (ADB Report, 2001).

Yet, the gain is in significant part overshadowed by the exercise of traditional stereotypical perceptions that validate women's unequal governance roles and negate any feasibility or possibility of transformation (Begum, 2005a: 221-240; Begum, 2004: 1-48; Begum, 2005b: 326-350).<sup>5</sup> Women are facing a glaring discrimination in exercising their legislative powers and are unjustifiably excluded from economically valued assignments such as the financial and developmental aspects of UP, while these are exclusively reserved for male members. Research studies and a number of national and international reports revealed a series of discriminatory instances ranging from uneven distribution of responsibilities to harassment against women that not only impair their meaningful involvement in governance, but also eventually incapacitate them to develop their necessary skills inevitable to move forward with their other contemporary rights. Some of the discriminatory practices are: (i) nearly all development and financial projects of UP are reportedly administered and controlled by the Chairman along with male members (Qadir and Islam, 1987: 36);

(ii) in performing legislative functions '[reservations] are not seen as having same value as general ones' (ESCAP Report, 2002: 4); (iii) the family planning and social welfare are predominantly the assignments which women members are responsible to look after, and even in conducting these functions they are expected to deal with only women (Qadir and Islam, 1987: 36); and (iv) although the Ordinance has empowered an elected WM to act as Chairperson in at least three Standing Committees (SCs) of the UP, many of the UP are yet to form any committee (ASK, 2000: 94).<sup>6</sup>

No less significant that in pursuance of another amendment made to the Ordinance in 2001,<sup>7</sup> the number of SCs of the UP was increased from seven to 12, coupled with a provision providing that WM shall have to chair at least one committee, but WMs are yet to provide with any specific power and responsibility (ASK, 2002: 226).<sup>8</sup> Women interviewed for the purpose of this study also confirmed that these are the powerful factors in Bangladesh that still effectively work to undermine their participation.

The above factors apart, reports of NGOs and the daily media have documented numerous indecent conducts/incidents against Women Members (WMs) of the UP. The *Human Rights in Bangladesh* published by *Ain O Salish Kendra* (ASK), a leading NGO in Bangladesh, reported a series of cases, which were filed against Chairmen and members of the UP on charges of rape, kidnapping and attempted rape and gang rape. Amongst them, a number of victims were reportedly WMs of UP (ASK, 1999: 141). The similar report in 2000 further claimed that in one month, two WMs were allegedly raped by the Chairman and members of a UP (ASK, 2000: 94); however, the police in both cases demonstrably failed to take any legal action. The enactment of 1997 thus becomes ineffective in dealing with these unique experiences of women or, fails to provide adequate protection against these situations.

To determine the effects of legislative changes on WMs in UP, questionnaires were sent to 17 WMs in Nawabganj District under Rajshahi Division.<sup>9</sup> Their opinions were sought in five issues. These were: (i) the compliance of the manual (UP Charter) with the formal activities of UP; (ii) the co-operation and behaviour of male colleagues; (iii) the participation in finance and development of UP; (iv) the community-attitude; and (v) domestic responsibility.

In responding about first issue, 13 WMs replied that in terms of their responsibilities, official functions of the UP did not comply with the Manual (which describes the powers and functions of the UP), while one WM (among 13) further maintained that her objection to this issue did not bring any positive result. Out of the remaining four, two responded that the Manual was complied with on a few occasions. One of the two WMs commented that her consent was obtained for particular issues through 'good behaviour' when her opinion was in conflict with her male colleagues. One of the remaining two suggested that she was yet to understand the issue, while the other mentioned that she only received her salary in pursuance of the Manual.

In regard to the second issue, four responded that attitudes of their male colleagues (MCs) were very negative towards them. Amongst them, one observed that MC held no regard for them and they 'even raised objections to our sitting on chair in early days in office', while one claimed that MCs were not cooperative and were very

reluctant to accept her as their colleague. Three WMs were yet to understand their attitudes to them but they could realise that their functions were very limited, compared to MCs. Four were of the same views that their (MCs) behaviour were totally discriminatory to them. Among four, one WM said that her MCs thought that she would not be able to perform her job by herself without the help of MCs. Two responded that MCs were not good in their behaviour but they are gradually improving.

As regards financial issues, eight WMs replied that they knew very little but their opinions were not taken into account in decision making; five did not have any participation in this regard. One WM had to marry a Chairman (administrative head of the UP) when she kept raising complaints about her subordinate status regarding finance to the higher authority. Two responded that they did not get any opportunity to take part in financial aspects of the UP, however, they were aware of some development projects. One reported that she tried to be involved in this issue but failed.

In replying about community-attitudes towards women, ten WMs suggested, leaders of the community were generally very traditional in their attitudes and opposed women's standing for election as their representatives. Of them (ten WM), one held that some leaders raised *fatwa* (religious dictate) to prevent her from participating in politics with men and five opined that family encouragement helped them contest the election and overcome these difficulties. Out of the remaining seven, one WM said that in the initial stage, community attitudes were very strict and negative towards her; one did not face such a problem, while another replied that the community and family both were against her. Four WMs did not respond to this issue.

In regard to domestic tasks, 12 WMs responded that they shoulder the prime responsibility because male family members expected that women do household work. One took the full responsibility for fear of breaking her marital bond. The remaining four were to perform similarly but their husbands helped them in doing some of the household work.

### **Women's Participation in the City Corporations**

The *Dhaka City Corporation Ordinance* was enacted in 1983 in the wake of another attempts

to enhance women's participation in urban local governance which provided reserved seats for women in non-elected positions of the Corporation. Pursuant thereto, in 1994, for the first time, 19 Women Ward Commissioners (WCs) for the Dhaka City Corporation were nominated by the elected commissioners. Nevertheless, after a short span of time, this nomination process was empirically proved to be ineffective in dealing with women's equal governance role. The process was found to have resulted in some difficulties for women in getting their selections on the basis of 'bias-application' of laws. Inevitably, the consequence necessitated the introduction of direct election for those reserved seats in 1997 (Rahman, 2003). The *City Corporation Amendment Bill for Dhaka, Chittagong, Khulna and Rajshahi* 1999 further provided WCs with one-third reserved seats of four City Corporations in Bangladesh.<sup>10</sup> At present, the numbers of elected WCs are 30 for Dhaka, 13 for Chittagong and 10 for each Khulna and Rajshahi.<sup>11</sup> Under the Ordinance, the functions of WCs are primarily concentrated on issues related to 'poor women'; key function includes, family disputes, social welfare, micro-credit and handicrafts. The Amendment Bill of 1999 is one of the prominent steps towards political empowerment of WCs in several respects (ADB Report, 2001: 9 & 17-18): (i) the integration with disadvantaged poor women helps WCs develop a better understanding about the causes and nature of gender discrimination and other problems that engulf women's political lives in Bangladesh; (ii) this practical experience of WCs works to make women aware, organise and active in urban and local politics.

The provision for reserved seats for elected positions was also acclaimed at home and abroad as it was assumed that WCs could participate in the governance of Corporations more confidently than before and obtain their legal status (Staff Reporter, 2003). Instead, it was soon evident that WCs were not allowed to participate fully in activities in the Corporation. Discriminatory administrative decisions, particularly the lack of sincerity of the government in determining official functions and responsibilities of WCs, remain the major problem. The government gazette, for example, has facilitated and reaffirmed the smooth functioning of Mayor (administrative head of the Corporation) and the male commissioners through categorizing their definite responsi-

bilities, which include, *inter alia*, the functions and power with regard to the nature of meetings and panel chairpersons. Conversely, there is no definite responsibility for WCs (ADB Report, 2001: 4). Rather, a government notification has barred WCs from performing four major functions which are: (i) birth and death registration and the issuance of certificates for nationality and character; (ii) examining the designs of buildings; (iii) assisting in census and all other demographic surveys; and (iv) monitoring law and order (Rahman, 2000).

The decision to keep WCs out of important responsibilities was allegedly taken by the Ministry of Local Government under political pressure.<sup>12</sup> Regarding government actions as 'totally discriminatory', Ms Dipty, a WC of Dhaka City Corporation contends that '[WCs] are elected from areas three times bigger the size of an area from where male commissioners are elected. But while distributing duties and responsibilities women are considered less important.'<sup>13</sup> Ms Begum, another WC of Dhaka maintained that 'people voted her to represent them, but she could not play her due role due to the non-cooperation of general ward commissioners.'<sup>14</sup> Some of the discrimination emanates from political biases, where the concerned WC is not a supporter of the party to which the Mayor belongs (ADB. Report, 2001: 17). Responding to the situation, the *Nari Udyog Kendra* (an NGO) organised a workshop and a press conference in Dhaka in 2002. A total of 55 WCs of four Cities attended the workshop and complained about discriminatory attitudes of the administration and of their male counterparts and submitted a memorandum to the Ministry.<sup>15</sup> Nevertheless, the government is yet to provide WCs with specific offices, transportation and other facilities. Recently, the Dhaka City Corporation decided that WCs will receive TK 3,000 (US\$50 per month) as office rent, but the same is not applicable to WCs in the other three Corporations (Staff Correspondent, 2002. *The Daily Star*).<sup>16</sup>

To have a more clear understanding of WCs' status in the City Corporation in Bangladesh, questionnaires in six aspects were sent to ten WCs in Rajshahi Division.<sup>17</sup>

In responding on community and family attitudes, nine WCs said that they did not face such difficulties before or after their involvement in politics. One replied that she faced very little criticism on being elected as a commissioner. In

respect of their roles in decision-making, eight WCs responded that their opinions were not reflected in all decisions of the Corporation. Instead, one among eight viewed that any initiative undertaken by WC was required to be passed by three men, while another was more critical about a male colleague quoting him saying that 'we can conduct meeting without the presence of women.' The remaining two said that in a few insignificant issues their opinions were sought with appropriate manners.

As regards the financial aspects of the Corporation, four WCs maintained that they did not even know about different development projects and therefore questions did not arise about their implementation. One reported that after taking a decision, it was sent to her home for her signature. Three commented that they were not included in any financial committee of the Corporation. One said that she did not take part in any decision regarding the development of the Corporation as she was not informed of the meeting before. One opined that she was given responsibility for education and other matters but not for financial issues.

In responding about their legal facilities, ten WCs were of the same opinion that they were not getting benefits in accordance with the law. Of them, one mentioned that she only received her salary and one is yet to get even her office. In replying about the attitudes and behaviour of their male colleagues (MCs), six out of ten recommended that their behaviour was overall good to them but the remaining observed that their MCs thought themselves superior and never treated them equals.

Regarding domestic responsibilities, ten WCs held the same opinion that they had enjoyed family support. Among them, two expressed that people always came to their residences since they did not get to the office and it hampered their family lives, while another WC contended that she did not have to cook, as she was unmarried.

Essentially, the foregoing demonstrates that the newly enacted Ordinances in Bangladesh have promoted a theoretical paradigm for engaging more women in local governance and signaled a positive development towards their political empowerment. Nevertheless, both instruments are fundamentally flawed in important respects: (i) while the Ordinances offer women's formal placement in governance, they fail to recognise and redress discriminatory



practices against them by ensuring their equal access to important responsibilities; (ii) one of the crucial points that the Ordinances have missed is that they neither mandate the administrative heads to be sensitive to women's traditional-disadvantaged perspectives in a way the 'reservation' was introduced to remedy their meager status in politics nor provide for any special program which should encourage male members to show due respect for their female colleagues essential to perform any official job; (iii) the Ordinances ignore the need for developing any appropriate or compulsory process to ensure that the objectives of reservation are respected. For example, under the Ordinances, the administrative heads are not required to comply with laws by preparing and submitting any formal report which would instantly demonstrate women's real status in legislative offices; and (iii) these instruments did not obligate either the Chairman/the Mayor to give effect to the constitutional provision of 'equality' in exercising official powers or to maintain at least a minimum ratio of women in all proceedings of Corporations or UP. Although a number of provisions of *Local Government (Union Parishads) Ordinance 1983* stress the importance of determining the UP's accountability, these are more concerned with the misappropriation of public money than those of monitoring equal opportunity in governance.<sup>18</sup>

In fact, as the existing literature and interviewed WMs suggest that these (Ordinances') major lacks in turn unduly incapacitate women to exercise their legitimate power vis a vis encourage the sustenance of the traditional patriarchy that upholds men's supremacy in governance and endangers women's even thin chances of empowerment. By failing to acknowledge the particular phenomenon associated with women legislator in Bangladesh, the Ordinances thus not only undermine the central spirit of 'reservation', but also resist the path of women's advancement with political and other contemporary rights concepts. Also, the Ordinances' continued tolerance to those inappropriate attitudes tends to reinforce the power-based hierarchy in Bangladesh that supports and rationalises women's inequality in all spheres of life.

It is also apparent from opinions of women members (WMs) that the community and male attitudes are more acute and negative in UP than

that of the City Corporation. In addition, WMs, compared to women commissioners, are to bear the full responsibility for domestic chores after performing their official duties. The comparatively high level of socio-economic and educational status of women commissioners has seemingly made this difference (Qadir, 1987: 36). The following discussion shows that a range of legal and administrative reforms in other jurisdictions along with some positive examples of India could provide useful guidelines for addressing women's participation in local governance in Bangladesh.

#### **DIFFERENT APPROACHES OF FOREIGN JURISDICTIONS TO DEALING WITH WOMEN'S PARTICIPATION IN LOCAL GOVERNANCE**

The level of women's representation in local legislative bodies of a number of foreign countries including India does not reflect their equitable participation either. However, discrimination in sharing political and financial power against women members is more noticeable and severe in Bangladesh, in contrast to other countries. In a comparative study covering 13 countries (ESCAP Report, 2001a: 22-35), including Bangladesh, the deprivation of women of their legal responsibilities is not found in several democracies, even in India. Incidents of sexual harassment have also occasionally occurred. For example, findings of the same study demonstrate only one incident of harassment and intimidation of one chief executive in Australia that led to a public inquiry and 'subsequent dismissal of the council' (ESCAP Report, 2001a: 40).

Legal reforms and administrative strategies worldwide have also acknowledged women's particular experiences in governance and attempted to mitigate these through providing ways appropriate to the real context. Despite limitations (Rai, 1998), some of these have been successful in achieving their objectives. In Australia, for example, the *Local Government Act 1990* imposes an obligation on local government to comply with the Equal Employment Opportunities (EEO) policy in carrying out official duties of employees and elected representatives (ESCAP Report, 2001b: 10).

The EEO aims to ensure that women are treated fairly in the workplace and to remove practices that are discriminatory to women.<sup>19</sup>

Under this legislation, local governments are required to produce draft annual management plans 'which are advertised for public comment' (ESCAP Report, 2001b: 10). The public has also access to meetings in some local bodies. More significantly, pursuant to the *Sex Discrimination and Affirmative Action Acts*, the Human Rights and Equal Opportunity Commission has been established in Australia to examine, *inter alia*, the consistency of the objects and compliance of the Acts with the practices of all establishments, and to investigate the complaints of discrimination cases.<sup>20</sup> The Commission's diverse activities have profound significance in achieving women's equal status in public offices.<sup>21</sup> Similar practice is also evidenced in numerous jurisdictions.<sup>22</sup>

With a similar objective, in New Zealand, all council meetings are required to be open to the public and the press under the *Local Government Official Information and Meeting Act 1987* (ESCAP Report, 2001a: 37). 'The *Local Government Act 1974* obligates all Councils to prepare annual plans, detailing its policies, activities, performance targets and cost... [and to] publish an annual report which matches these policies and activities against the annual plan and be subject to independent audit' (ESCAP Report, 2001a: 37).

Statistics on the political participation of women in local governance in India are not encouraging; yet in regard to the exercise of political power and awareness of that end, India goes far ahead of Bangladesh. Local governments of India, for example, are under a legal compulsion to pay due regard for gender issues in formulating their policies and programs. To this end, municipal governments are mandated 'to collect, compile and maintain vital statistics in their city limits' (ESCAP Report, 2001c: 16). In attempts to dismantle discrimination, the Department of Women and Child Development in India has been maintaining sex-desegregated data to evaluate and monitor the development of women at all levels of government services. To oversee the compliance of equal opportunity as guaranteed by the Constitution of India with the practices of all public and private sectors, the Advisory Committee, half of the members of whom are women, has been established.<sup>23</sup> Special attention is also offered to the training and capacity developing skills of all elected representatives in local government. The *All India Institute of Local*

*Self Government* (established in 1929) including 58 other institutions are imparting training to elected women members (ESCAP Report, 2001c: 9). The *Constitution (74th Amendment) Act 1992* provided a reservation of one-third posts of Chairman for women along with a provision for reservation of one-third general seats of the local government for women members.

To sum up, the above foreign jurisdictions have taken women's exceptional accounts into governance and recognised an obligation to facilitate their equal access to legislative offices through undertaking different initiatives. Given a gulf of inconsistency between law and practices and the appalling nature of discrimination in administering the functions of local government in Bangladesh, this article proposes that an EEO policy should be incorporated in the Ordinances or in a separate Act which would clarify the duties and obligations of the Chairman and Mayor to eliminate discrimination. Under this policy, all local governments must be required to draft and submit annual plans/reports outlining whether and how they comply with the provision of 'equality' regarding women's participation and legal opportunities in local governance. In other words, these reports need to be provided a detailed description, highlighting what particular initiatives they have undertaken to promote women's participation and to eliminate discrimination in office. Also, such reports could include future plans of how they intend to achieve women's equal share in local government. More fundamentally, there must be a provision that punitive actions will apply where they fail, unless there is a *bonafide* reason for the failure, to comply with the law.<sup>24</sup>

Recognising women's unique disadvantages in local governance in Bangladesh, it also seems logical to recommend for an Equality Commission to monitor the compliance of equal opportunity in all sectors of the government which prime responsibility should include: *inter-alia*, (i) analyse and study the situation of women in local governance; (ii) detect the areas of discrimination and provide remedy; (iii) raise awareness among women and all concerned about women's governance roles through undertaking different programs and policies; and (vi) take cognisance of complaints of discrimination.

Nevertheless, given a wide disparity that exists between the developed and developing countries in terms of socio-economic realities,

an argument might be canvassed here over the issue as to whether and how the latter could meet the standard of the former. Yet, some positive practices of India as referred to, where largely a similar socio-economic condition prevails should go at least some way forward to outweigh that argument. Moreover, a minimum standard must be maintained in eradicating discrimination against women since the government of Bangladesh undertook positive obligations to do so under a series of domestic and international instruments.

### **Other Measures for Eliminating Discrimination in Local Governance**

As regards the performance of official duties in local governance in Bangladesh, nearly all interviewed women legislators identified two basic problems that have impaired their equal participation. These are: (i) negative attitudes of men in sharing financial power; and (ii) government's inaction to this end. There are two prime ways the first issue could be addressed: (i) to create a 'critical mass' by increasing their number in local governance;<sup>25</sup> and (ii) to organise and monitor a regular training program.

The 'critical mass' might be achieved in local governance in Bangladesh through developing three basic strategies. Firstly, to activate local women to seize the opportunity of the local government. Local elections, in contrast to the national level, provide some incentives to women, which are: (i) an easy and comfortable access to UP elections; (ii) the elections are less expensive and less competitive; and (iii) the advantage of more attachment with, and direct support from, the community.<sup>26</sup> Needless to say, the political and Women's Organisations (WOs) have a pivotal role to play in making those women capable of exploiting these advantages.<sup>27</sup>

Secondly, to provide at least 30%-35% of nomination from general seats of local government for women. It may be relevant to mention here that the political parties in Bangladesh, unlike other jurisdictions as referred to below, do not provide any quota or preferences for women despite their underrepresentative status in local politics. The absence of a quota which is considered essential to remedying women's grossly uneven positions in politics worldwide (UN Study, 1992: 44), has been one of the prominent reasons for their current grossly

imbalanced status in local governance. Bangladesh's political experience suggests that a long party-career and a very sophisticated level of socio-economic and educational status are important elements for getting a nomination from political parties. Nevertheless, success through these efforts are highly unlikely for women as compared to men because of their traditional underprivileged access to sources of power inevitable to attain those status, and therefore most of them who constitute 90% of the total remain beyond the circle of political power (Goswami, 1998: 68). The Act 1997, for example, through providing reserved seats has, to a great extent, encouraged women to attain a broader share in local governance than ever before; nevertheless, they represent below than a one-third general seats of the local government. Such a situation can largely be remedied should the political parties endorse a compulsory quota, which would seek at least a one-third nomination of general seats for women.

Towards that end, the WOs in Bangladesh could use international standard for exerting pressure on political parties to gain those nomination for women and to accede to all their legitimate demands. This may be achieved through their strong lobbying for structural changes in political parties and through their interaction with leading NGOs at national and international levels. In this regard, the experiences of a number of countries provide lessons where the consolidated efforts and activism of WOs have substantially influenced the achievement of a certain percentage of nomination of political parties in favour of women. For example, in South Africa, the strong claim of WOs forced the African National Congress to nominate women in one-third of the seats of all elected bodies (South Africa. Report, 1998: 44-45). Initial Report 1998 of South Africa to the CEDAW Committee observed that '[largely] as a result of this provision, 111 out of the 400 National Assembly seats, or 27% of the total, are currently held by women' (South Africa. Report. 1998: 44-45). The election results of 2004 represent a further advance in women's participation; they constitute 33.3% of the total parliamentary seats in Upper House, up from 25% of 1996 election and significantly from other previous elections (Electoral System Index, 2003).

Similarly, the WOs of Argentina was successful in their efforts to promote gender issues within



the party. The consequence of their efforts led to the enactment of a law that requires political parties to place women “winnable” positions and not just at the bottom of a party’s list’ (Electoral System Index, 2003). In India, the Congress (I) and Janata Dal have a quota of 30% for women, notwithstanding they have yet to achieve a high level of participation in national and local politics (Rai, 1998).<sup>28</sup> Also, it is a rule for most of the Austrian parties to provide a quota for women (Steininger, 2000: 81-89). In Australia, there is no law to place a certain proportion of women in the lists of parties; however, most of the parties have internal rules and practices to nominate women. The Labor Party of Australia, for example, set a target to endorse women in 35% of winnable seats. In a similar vein, the continued initiatives of WOs of other countries have also been effective in enhancing women’s shares in the party platform.<sup>29</sup>

The worldwide practice thus supports the view that the political parties of Bangladesh should set a women’s quota of 30-35% for general seats of local government to mitigate their subordinate and discriminatory status in office.

Thirdly, a provision should be incorporated in the *Local Government Ordinance* which will provide a reservation of one-third positions of Chairman (of UP) for women (ESCAP, 2001a. Report: 24).<sup>30</sup> The absence of women in the top rank seems to be one of the basic causes of discrimination in the allocation of power and responsibilities of UP in Bangladesh. The reservation of one-third of the positions of Chairman (of UP) for women as in India, could eliminate or at least reduce unfair practices in governance.

At the end, it appears logistic to expect that the above provisions, if incorporated, would make it eventually more difficult for all concerned to deprive women of their legal responsibilities. This is because the 35% nomination of general seats for women and a one-third quota for the position of Chairman will create the scope for increased participation by women in local politics and help them attain a ‘critical mass’ within the respective bodies. Consequently, Women’s involvement in decision-making becomes obvious when their number will increase in legislative offices.<sup>31</sup> Justifiably, as their number increases in the office, it is more likely to be difficult to tolerate/practice discrimination and to keep them away from important responsibilities.

Alternatively, these can be a useful strategy too to oppose men’s domination. The ‘critical mass’ could also be effective in placing a check on the government’s inappropriate actions or inactions against women. Additionally, to oversee the process of decision-making in UP and Corporations, Local Women Organisations should also have infrequent access to meetings. This practice may add to the process of furthering women’s participation in decision-making.

Beyond the above, this article recommends that there is no alternative to introduce a compulsory training program for attitudinal changes of the government as well as of men which have become a grave concern for enjoying legal rights and privileges of women in local governance.

### A Compulsory Training Program

Training is a vital component of changing attitudes of a person (Khan, 1995: 79). Stringent laws and policies on discrimination/sexual harassment and their consequences have been developed across nations to train and educate male employees (Zalense, 2002: 216-217). Some of those have managed to alter their behaviour towards women. In Bangladesh, gender issues and development get priority in several programs of the government.<sup>32</sup> The National Institute for Local Government is functioning to this end. Yet, there is no government policy or specific training program, which will sensitise men about ‘how to behave and work with female colleagues’ (Khan, 1995: 79). There is no regular event either for the ward commissioners of being aware of the issue (ADB. Report, 2001: 17). A mandatory training program reflecting constitutional provisions of equality and international practices with their proper monitoring could bring some progressive changes in attitudes of men. The training method must include teaching the men about legal consequences of discriminatory practices or sexual harassment against women. The dissemination of a compulsory manual on sexual harassment<sup>33</sup> might help all concerned gain anti-discriminatory and positive virtues and make this method more effective.

Finally and more importantly, the government’s honest commitment is an imperative to activate all the programs and policies designed to uplift women’s strength and ability in local politics. In the present realities of women

commissioners, the government should issue a further notification clarifying women's equal status and facilities, and restore their four prime responsibilities from which they have long been unduly deprived.

### CONCLUSION

Laws regarding women's participation in local government in Bangladesh have conceived a narrower approach, compared to other jurisdictions, and therefore failed to respond to women's unique experiences in exercising their governance roles. Women are unjustifiably and constantly denied equal 'access to the resources and sources of powers' (ADB Report, 2001: 17). Yet, the repeated guarantee of women's equal rights in numerous domestic and international laws implies that there is a dire necessity to end discrimination on the basis of gender (Mertus, 1999: 42). Recognising this necessity, this article recommends the reconceptualisation of laws and policies in Bangladesh to ensure women's equal participation in local governance to which they are entitled.

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### NOTES

- 1 For example, as one of the fundamental rights, the equal participation of women in all spheres of public life is guaranteed under article 28(2) of the Constitution. Article 10 recognises that the promotion of equal power of women in decision-making is a fundamental principle of State Policy. Article 9 spells out the significance of political empowerment of women and obligates the State to encourage special representation of women in local governance. See The Constitution of the People's Republic of Bangladesh 1972. arts 27, 37-39, 50, 60 & 122; the Local Government (Union Parishads) Ordinances 1983 s 30.
- 2 The 1997 Union Parishad (UP) Election resulted in nearly 14,030 women in the UP from 1135 in the 1992 election.
- 3 In this context 'critical mass' refers to a situation when women will occupy a substantial proportion of seats in local governance.
- 4 Seven UP elections have so far been held in Bangladesh. In the first election held in 1973, only

one woman was elected in 4,352 UPs. In the 1977 and 1984 elections, women won four and six seats (including two Chairmen) respectively. The elected positions of women in the 1988 and 1992 elections were 863 (out of 114,699 posts) and 1,135 (out of 169,643) respectively, constituting only 7% of positions in both cases. See Qadir, S. R. 1999. "Participation of Women at the Local Level Politics Problems and Prospects", in N. Chowdhury et al (ed.), *Women and Politics: Dhaka: Women for Women* at 6.

- 5 How the traditional stereotypical perceptions about women's less-valued separate roles perpetuate their subordination to all spheres in life and reinforce even legal mistreatment against women –see also Freedman, A. E. 1983. "Sex Equality, Sex Differences, and the Supreme Court", *Yale Law Journal*, 92: 915; Jahan, R. 1988. "Hidden Wounds, Visible Scars: Violence Against Women in Bangladesh" in B. Agarwal (ed.), *Structures of Patriarchy: State, Community and Household in Modernising Asia*. London: Zed Books LTD.; Chowdhury, N. 1994. "Bangladesh: Gender Issues and Politics in a Patriarchy" in B. J. Nelson and N. Chowdhury (ed.), *Women and Politics Worldwide*: London: Yale University Press; Hossain, 2000 at 67.
- 6 See also, Local Government (Union Parishad) Ordinance 1986 (Amendment) c 38(1).
- 7 Local Government Ordinance (Amendment) 2001.
- 8 Professor Unus, the founder of the Grameen Bank in Bangladesh commented in an interview conducted by the BBC Radio on 18th September 2002. See also Siddiqui, T. 2002. Effective participation of women in Local Government. *The New Nation*, Daily, 28 December, 2002.
- 9 Under the Nowabganj District, 17 Women Members interviewed were: 1. Tajenur Begum (Ward No-2, Sundarpur Union); 2. Irin Begum (Ward No-1, Sundarpur Union); 3. Fatima Begum (Ward No-3, Sundarpur Union); 4. Pramila Rani (Ward No-2, Nezampur Union); 5. Beraful Begum (Ward No-3, Nezampur Union); 6. Joybunnesa (Ward No- 1, Nezampur Union); 7. Hajera Begum (Ward No-1, Koshba Union); 8. Rafina Khatun (Ward No-2, Koshba Union); 9. Aleya Begum (Ward No-3 Koshba Union); 10. Sazedha Begum (Ward No-1, Fatepur Union); 11. Sohagi Begum (Ward No- 2 Fatepur Union); 12. Gulbanu (Ward No-3, Fatepur Union); 13. Armani Khatun (Ward No-1, Nachol Union); 14. Rupna Bala (Ward No-2, Nachol Union); 15. Nashima Bibi (Ward No-3, Nachol Union); 16. Shakina Begum (Ward No-2, Kalma Union); and 17. Tahura Begum (Ward No-2, Kalma Union).
- 10 See for example, The Dhaka City Corporation (Amendment) Act (DCCA) 1999 s 2; The Chittagong City Corporation (Amendment) Act 1999 s 2.
- 11 See the City Corporation Election, Election Commission of Bangladesh <<http://www.bd-ec.org>> (7 September 2002).
- 12 See also Arzu, A. 2003. Female ward commissioners are looked down on! *The Daily Star* October 19, 2003.

- 13 Footnote 12.
- 14 Female commissioners virtually ornamental posts. The New Nation, Daily, February 18, 2003.
- 15 Editorial, 2002. Women ward commissioner sidelined. The Daily Star, September 6, 2002.
- 16 Staff Correspondent, 'Women commissioners hamstrung by policy inadequacies' The Daily Star September 5, 2002.
- 17 Ten Women Commissioners interviewed of the Rajshahi City Corporation were: R S Bijly, R Zaman, B Banu, S. Parvin, Nazma Begum, Anzu Ahmed, Rajina Begum, M Nurunnahar, S Shikha and Nazma Khatun. Six questions were set as follows:
  - (i) did you face any problems from the community or family before taking part in the City Corporation election?
  - (ii) does your opinion receive due weight to all decision-making in the corporation?
  - (iii) whether your opinion is sought in adopting and realising various financial projects under the corporation;
  - (iv) whether you enjoy official facilities according to law;
  - (v) whether you get proper co-operation from your male colleagues and how are their attitudes to you;
  - (vi) whether you are required to take the full responsibility of domestic work and whether any help from family members is extended to you.
- 18 See Local Government (Union Parishads) Ordinance 1983 ss 52 & 63.
- 19 See ESCAP Report 2001b at 10.
- 20 Sex Discrimination Act 1984s 48.
- 21 See for example, Aldridge v Booth (1988) 80 ALR 1; Southern v Dept of Education Employment & Training (1993) EOC (92-491) 79,534 at 79534-36.
- 22 See for example, for Canadian Human Rights Commission, Employment Equity Act 1995ss 22-24; see also for the Commission for Gender Equality in South Africa, Constitution of the Republic of South Africa 1996 s 187.
- 23 Equal Remuneration Act 1976s 6.
- 24 See for example, Employment Equity Act 1985 ss 7-8 which impose a \$50,000 fine on the employer for its failure to file annual reports; see also for a similar provision in Australia, Equal Opportunity for Women in the Workplace Act 1999 ss 3, 6, 8, 13 & 13A.
- 25 See Affirmative Action and Article 4 of the Women's Convention; see also the IAW Reports. 1997.
- 26 Committee on the Elimination of Discrimination Against Women, Analysis of articles 7 & 8 of the Convention, Thirteen Session CEDAW W/C/1994 at (para 18); see also ESCAP Report 2001a at 1.
- 27 For example, in Australia and New Zealand, the Women's Electoral Lobby (WEL) has been playing a major role in promoting and supporting women's participation in local levels 'by providing training, information and fundraising'. The Office for Status of Women in Australia currently produces a booklet entitled 'Every woman's guide to getting into politics' to encourage women in politics. See also ESCAP Report 2001a at 39; ESCAP Report 2001b at 14.
- 28 Rai, S. 1998. "Class, Caste and Gender-Women in Parliament in India" in International Institute for Democracy and Electoral Assistance (IDEA), Women in Parliament Beyond Numbers. Stockholm: International IDEA. Official Home page of IDEA 2003. Retrieved March 4, 2003, from <http://www.idea.int>.
- 29 For details see Karvonen and Selle 1995 at 6-14; see also Inter-Parliamentary Union. 1997. 'Women in National Parliaments, Lower or Single House as of January 1, 1997 World Classification- Selected Countries Only' Geneva: IPU 1997; Matland 1993 at 738 & 749; A UN study 1992 at 52; Lovenduski and Norris, 1993 at 279-280 & 289 (explaining how the WOs of Sweden efficiently transformed women's issues into party issues and how they forced political parties to adopt an all party document titled 'Towards Equality').
- 30 The local government legislation of Nepal requires that '...a minimum 20 percent of all elected positions be reserved for women'.
- 31 Peace: Full Participation of Women in the Construction of their Countries and in the Creation of Just and Political System E/CN.6/1987/7; The IAW Reports 1997. <http://www.intlmgmt.com/publicmanagement/chaptereight.htm>.
- 32 See for example, Committee on the Elimination of Discrimination Against Women, Third and fourth periodic reports of States parties Bangladesh CEDAW/C/BGD/3-4, 1 April 1997 at 10-15; Planning Commission, 2000. Mid- Term Review of the Fifth Five Year Plan 1997-2002. Ministry of Planning: Government of the People's Republic of Bangladesh at 201-202; Karim, N. A. 2000. Jobs, Gender and Small Enterprises in Bangladesh: Factors Affecting Women Entrepreneurs in Small and Cottage Industries in Bangladesh. International Labour Office Geneva: Dhaka at 13.
- 33 How different initiatives including training sessions, student handbooks, leaflets and posturing serve to prohibit sexual harassment, see 'Arrangements for Dealing with Sex-Based Harassment in James Cook University Report 2002 to the Equal Opportunity for Women in the Workplace Agency at 17-18.

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