

Proactive Disclosure of Information, Service Delivery and Citizen Satisfaction: A Study of Dhaka South City Corporation

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Abstract

Local government bodies, particularly city corporations in Bangladesh are responsible for providing a range of services that increased faster with the speed of population growth in urban areas. To provide the better service, government has enacted the Right to Information Act to disclose information proactively. Employing qualitative and quantitative approaches, this study attempts to examine the citizen satisfaction of Dhaka South City Corporation in Bangladesh relating to the proactive disclosure and promoting accountability. The study found that certain sections of laws were disseminated; officials were reluctant to disclose information to citizen; only 4 percent of the citizens admitted they knew about the activities of the corporation in maintenance of electricity, gas or water connection or tax collection, not the development activities; the corporation does not have provision for and require the local branch offices to prepare and propose a budget locally; about 96 percent of the respondents knew nothing about the budget of the City Corporation; and they were not satisfied due to lack of information what the corporation does and would do in the areas.

Keywords: Local government, city corporation, proactive disclosure, citizens' satisfaction

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การเปิดเผยข้อมูลเชิงรุกของข้อมูลการส่งมอบบริการและความพึงพอใจ ของประชาชน: กรณีศึกษา หน่วยงานในเขตตอนใต้ของกรุงธากา

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บทคัดย่อ

หน่วยงานของรัฐบาลท้องถิ่น โดยเฉพาะอย่างยิ่ง หน่วยงานในประเทศบังคลาเทศมีความรับผิดชอบในการให้บริการ ช่วงของการบริการที่เพิ่มขึ้นและเร็วขึ้นด้วยอัตราการเติบโตที่มากขึ้นของประชากรในเขตเมือง เพื่อให้การบริการที่ดีขึ้น รัฐบาลได้ประกาศใช้พระราชบัญญัติข้อมูลข่าวสาร เพื่อใช้สิทธิในการเปิดเผยข้อมูลในเชิงรุก การศึกษานี้พยายามที่จะตรวจสอบความพึงพอใจของประชาชนในเขตตอนใต้ของกรุงธากา ประเทศบังคลาเทศ ที่เกี่ยวข้องกับการเปิดเผยข้อมูลในเชิงรุกและการส่งเสริมความรับผิดชอบของหน่วยงานรัฐบาลท้องถิ่น ผลการศึกษาพบว่า กฎหมายบางส่วนที่ได้รับการเผยแพร่เจ้าหน้าที่ไม่เต็มใจที่จะเปิดเผยข้อมูลให้ประชาชน มีเพียง 4 เปอร์เซ็นต์ ของประชาชนเท่านั้นที่ทราบเกี่ยวกับกิจกรรมของหน่วยงานในการบำรุงรักษาไฟฟ้า ก๊าซ น้ำ หรือการจัดเก็บภาษี ซึ่งไม่เกี่ยวข้องกับกิจกรรมการพัฒนา หน่วยงานไม่ได้แสดงให้เห็นถึงความจำเป็นที่จะต้องมีส่วนงานสาขาในประเทศเพื่อเตรียมความพร้อมและนำเสนอประมาณในท้องถิ่น ประมาณ 96 เปอร์เซ็นต์ ของกลุ่มตัวอย่างทราบเกี่ยวกับงบประมาณของหน่วยงานในท้องถิ่น และพวกเขาไม่พอใจเนื่องจากการขาดข้อมูลการดำเนินงานในพื้นที่ของหน่วยงานที่รับผิดชอบ

คำสำคัญ: รัฐบาลท้องถิ่น หน่วยงานในพื้นที่ การเปิดเผยข้อมูลเชิงรุก ความพึงพอใจของประชาชน

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Introduction and Statement of Problem

The Constitution of the People's Republic of Bangladesh framed and approved in 1972 firmly emphasizes the need for establishing local government with a representative character (GoB, 2009). Article 59 mandates the creation of elected local bodies at each administrative unit. To put it simply, these bodies are set for the management of local affairs by locally elected persons. Local government, by definition, is democratic self-governance system and is so accountable to the citizens.

There are two types of local government settings in Bangladesh – rural and urban. At the rural level the existing system provides a three-tier structure, which is *Zila Parishad*¹, *Upazila Parishad*², and *Union Parishad*³ (Siddiqui, 2005). At the urban level the 11 largest cities have city corporation (CC) status, while the rest are known as *Pourashavas* or municipalities. These bodies are entrusted with a large number of functions and responsibilities relating to civic and community welfare as well as local development.

Major research works on City Corporations, herein referred to as urban local government, in Bangladesh have sorted out some typical problems linked to citizen's attitudes. The CC does not pay attention to or takes too much time to attend to the individual problems of the citizens of different wards. Even when they do respond, they do so late, and are far removed from the realities of the citizens. Citizens are not much aware of the functions and functionaries of the CC, and so, they are not engaged in the activities of the corporation. The CC is not working as per expectations. There is hardly any prior notice on the proposed or undertaken activities. The corporation gets their notices published in the national dailies on regular basis. As a matter of fact, citizens hardly read the advertisements or the notices of the CC. As regards the responsibilities of the CC, citizens mostly want the CC to keep their areas clean. Citizens have a perception that corruption is a barrier to the proper accomplishment of the activities of the CC (IGS, 2012; Jamil, 2002; Siddiqui, 2005).

Given the constraints faced by the citizens in accessing the services from the local government institutions, the authors in this paper analyzed the application of the concerned proactive disclosure provisions of the Right to Information Act (GoB, 2009). The paper also looks into how the disclosure provisions impact accountability in service delivery, and citizens' satisfaction in the Dhaka South City Corporation (DSCC).

Research Objectives

This study was designed to achieve following objectives:

- To examine proactive disclosure provisions contained in the constituting laws, rules, regulations and bye-laws in relation to each city corporation.
- To analyse provisions of law that require the city corporation to give notices of its actions or proposed actions to citizens through various means.
- To identify the provisions in the laws, rules and regulations relating to each city corporation, according to which committee meetings must be held in the open so that citizens may attend, or if the minutes of such meetings are to be made available to citizens proactively or on request.
- To assess the understanding of proactive disclosure mechanism with its effect on resource distribution, citizen's perception of the services of their city governments, demand for services, accountability at service delivery, and citizen's satisfaction.

Methodology

The methodology of this research entails basically qualitative approach supported by quantitative approach that utilize reviewing existing study documents, the constituting laws and rules, documenting the kinds of information displayed, interviewing officials of the city corporation, and also interviewing city dwellers at the household level (Babbie, 2013). Provisions relating to information disclosure and transparency contained in the constituting laws, rules, regulations and by-laws of DSCC were reviewed, along with all other documents of relevance to governance in the DSCC. Relevant documents for the study were collected from the city corporation's office. Right to information (RTI) applications were filed for some necessary documents, report and policy papers. Website contents were reviewed, and categories of information were sorted out, which match proactive disclosure requirements under the constituting laws,

rules, regulations and bye-laws applicable to the city corporation, and which do not match proactive disclosure requirements under the applicable RTI act (GoB, 2009). The premises of the DSCC were visited to document the kinds of information displayed through notice boards, posters, hoardings, billboards, wall paintings, cloth buntings or flex banners. The corporation's officials were interviewed to understand the use of mass media to disseminate information to the general public. For the purpose, five corporation officials were interviewed⁴. A survey⁵ was conducted in three of the five zones of the DSCC, which includes Zone-2, Zone-3, and Zone-5. A semi-structured questionnaire was prepared for the survey. Fifty persons were interviewed at the household level. It also employed observation as a method where dealings and reactions of the corporation officials were closely observed (Creswell, 2013).

The survey respondents included students, housewives and professionals. For maintaining the reliability and validity (Babbie, 2013; Yin, 2014), the researchers did not deliberately use any personal relation to get information, but rather approached the officials and sections of the city corporation on citizen's rights ground and for research purpose. As a result of the Local Government (City Corporation) Amendment Act (2011), Dhaka now has two city corporations – 1) Dhaka South City Corporation, and 2) Dhaka North City Corporation. Dhaka South City Corporation has a website with limited information on what they are required to do as per the ordinance. With little over one year into its formation, Dhaka North City Corporation has not built a website for disseminating public information. In addition, it has also not got its permanent building as yet. This will remain a limitation to searching of information, and seeking relevant documents for the study. Since Dhaka North City Corporation is yet to be furnished with necessary facilities and information, the study focused on Dhaka South City Corporation, which is in fact in its previous location (known as Dhaka City Corporation) with their continuous programs.

Out of the interviews, general attitudinal patterns of the public officials were sorted out. Observations of officials' reactions to public demands helped to match experiences of the information or service seekers among the citizens. Survey data were analyzed and interpreted with simple mathematical calculations. Percentages and graphs are generated on spreadsheet software.

Literature Review and Conceptual Framework

This section builds on theoretical perspectives on institutional arrangements as well as government initiatives to bring transparency and accountability in public sector services. Conservative, secretive and resistive practices in the public sectors including the corporations have been targeted through disclosure provisions ultimately focusing on governance improvement. Kooiman (1999) defined governance in socio-political perspective as all those interactive arrangements in which public as well as actors participate to solve societal problems, create societal opportunities, and attend to the institutions hosting governing activities.

Public policy implementation and public service delivery have passed through various design and delivery regimes (Osborne, 2010). Christopher Hood identified the key elements in public administration as the dominance of rule of law, a focus on administering set rules and guidelines, a central role for the bureaucracy in making and implementing policy, the politics-administration split within public organizations, a commitment to incremental budgeting, and the hegemony of the professional in public service delivery (Osborne, 2010). With the influences of private-sector managerial techniques in order for improvements in the efficiency and effectiveness of the public services, a new discourse of new public management (NPM) is attached to public sector administration and management. Osborne (2010: 3) summarized the key elements of NPM as an attention to lessons from private-sector management; the growth both of hands-on management – in its own right and not as an offshoot of professionalism – and of arm's length organizations where policy implementation was organizationally distanced from the policy-makers (as opposed to the interpersonal distancing of the policy – administration split within public administration); a focus upon entrepreneurial leadership within public service organizations; an emphasis on inputs and output control and evaluation, and upon performance management and audit; the disaggregation of public services to their most basic units and a focus on their cost management; and within the Anglo-America and Australia/New Zealand regions at least, the growth of use of markets, competition and contracts for resource allocation and service delivery within public services (McLaughlin, Osborne & Ferlie 2002).

With review of the theoretical perspectives of socio-political governance, public policy governance, administrative governance, contract governance, and network governance, Osborne (2010: 6-7) contends that public governance has become a distinctive regime in its own right, which he termed as new public governance (NPG), and which captures the realities of public policy implementation and public service delivery within the plural and pluralist complexities of the state in the twenty-first century. The NPG, predicated upon institutional and network theory, and plural and pluralist nature of state with networks and relational contracts, places the organization in its environment being open closed, dispersed, and contested.

Proximity and communications among the citizens and the elected representatives help build honest practices of the supply, i.e., the city government, on the one hand, and ownership of the demand side, i.e., the citizens on the other. Gabris and Golembiewski (1996) contend that proximity to the electorate should encourage honesty and ownership. They mark that elected representatives are expected to favour pertinent issues so that voters know what they represent. They further contend that when trust is high, open communications exist, and risk is low, then most elected officials and administrators will own up to their opinions and positions on key issues and decisions.

Edelenbos and Klijn (2007) gave several reasons for why trust would be favourable for functioning of governance networks and for achievement of positive outcomes. They reason that trust reduces transaction costs, facilitates cooperation and stability in (network) relations, stimulates learning and knowledge sharing, and stimulates innovation.

Haus, Heinelt and Steward (2004) advanced Charles Lindblom's argument for effective governance generated by participation. Community involvement, i.e., participation, that goes beyond general elections, is important in defining expected outcomes of political interventions. Participation is effective in realizing policy objectives as it can help overcome problems of implementation. They further argue that participation contributes to legitimacy (input-legitimation) because it includes both the option to be integrated in democratic self-determination through vote and also interest articulation through voice and civic engagement.

Within the model of local government, it is always the citizenry or its representatives who have final authority. Within local governance, decisions can only be made by self-binding of public and private actors and bargaining or public deliberation. Political systems can be legitimate by making the decision-making procedures transparent, and through holding the decision makers accountable to the local citizens for their decisions (Haus, et al., 2004). Within the local governance, the community involvement refers to the involved actors as holders of certain resources necessary for solving a problem or resolving a conflict or of certain qualities (for example, knowledge and good arguments), and of rights and statuses to be heard which can question the legitimacy of specific solutions (Schmitter, 2002: 62-63).

Citizens are expected to be involved in public affairs and contribute to issues in the public arena. They have rights to receive common benefits available in society. Community involvement refers to involvement through local associations. While community involvement has a group focus, the participation of that group will normally occur through individual representatives of community groups, or group leaders. So, it would be mistaken to wholly separate ideas of community from those of citizenship, as citizens are members of communities (Klausen & Sweeting, 2004).

Legal Provisions of Local Government Bodies

The Constitution of Bangladesh implies direct participation of the citizens in forming the local bodies and in managing the affairs of such bodies (GoB, 2009). There are generally different levels of participation, participation in decision-making, participation in implementation, participation in benefits, and participation in evaluation (Irvin & Stansbury, 2004).

The spirit of citizen's participation in local bodies in Bangladesh has not always been adequately maintained. The society of Bangladesh is basically a hierarchical system based on a person's social position, caste, status, educational background, seniority, and gender (Jamil, 2002). The principle of hierarchy in interpersonal relationship, is, and for hundreds of years has been accepted as necessary and morally right in Bangladesh. In a hierarchic system, roles and duties in relation to others are defined in details, and, if these are not followed, chaos and conflict are expected to result (Jamil, 2002).

Patterns of rights and duties maintain both order and balance in the society. Superiors in the society are supposed to give orders and advice to those with a lower status. People having low ranks are treated as children and they enjoy little opportunities. The patron-client relationship developed over centuries has taught the superiors to be harsh and commanding towards the subordinates, and has taught the subordinates to be respectful and afraid of the superiors of the society. Due to power distance in the society, the subordinates seek direction and guidance from the superiors (Hofstede et al., 2010). Subordinates or those with lower rank in the society feel dejected when they don't receive favor from the superiors. In practice, the people being loyal to the superiors are bestowed with favors (even undue), and those who do not are distanced and discriminated.

This dynamics of social belief and behavior inhibits the common mass in participating in decision making process of the local government institutions, or holding them accountable for their activities.

Governance and Accountability

For centuries, a widespread and deep rooted culture of secrecy among government officials held them back from disclosing the state affairs to the public (Siddiqui, 2005). This culture along with the Official Secrets Act⁶ gave the public officials immunity from public scrutiny and accountability. Public offices are found reluctant to inform the public about their decision-making processes, the bases on which they take the decisions, pertinent aspects of the decisions they take, the contracts they enter into, information they come to obtain or gather etc, as these may expose their incompetence, malfeasance, corruption, embarrass them in public or create complications. Lack of access to information is increasingly being recognized as one of the key barriers that hinders the socioeconomic development of the poor. Adequate knowledge on citizen rights and entitlements, information on the rules and procedures of local government and the justice system as well as on available resources and services, is one of the key factors to allow the poor the powerless to build confidence, gain greater control over their lives and ensure accountability over local government and resources. Access to information has critical importance in realizing citizens' rights

and, delivery of public services, ensuring an effective democracy particularly in the developing countries (Jenkins & Goetz, 1999).

Citizens in Bangladesh face substantial information gap as a result of which they often cannot access vital information related to locally available services as well as their entitlements, rights, and responsibilities. They remain excluded from information on different issues that has direct impact on their day to day life and well-being such as information on health, education, food, environment and markets to name a few as well as on a wide range of social issues. Lack of information does not allow the citizens to make demands for services from the local government. Weak demand leads to less efficient and less accountable local government service delivery.

The Right to Information (RTI) Act law passed in 2009 overrides the Official Secrets Act and the culture of secrecy (GoB, 2009). Albeit, this law mandates a free flow of information from government agencies and non-government organizations to citizens, lack of knowledge and capacity of the large portions of the citizens to effectively demand for information from the authorities as well as lack of capacity of the concerned authorities to process and disseminate information impede implementation of the RTI Act.

In order for improvement of service delivery and for satisfying citizen's demand, RTI Act holds in Section 6 that:

- Every authority shall publish and disseminate all information pertaining to any decision taken, proceeding or activity executed or proposed by indexing them in such a manner as may easily be accessible to the citizens.
- In publishing and publicizing information under sub-section (1), no authority shall conceal any information or limit its easy access.
- Every authority shall publish a report every year which shall contain the following information, namely:—
 - *Particulars of its organizational structure, activities, responsibility of the officers and employees, or description and process of decision-making;*

- *Lists of all laws, acts, ordinance, rules, regulations, notifications, directives, manuals, etc. of the authority including the classification of all information lying with the authority; description of the terms and conditions under which a citizen may get services from the authorities in obtaining any license, permit, grant, consent, approval or other benefits and of such conditions that require the authority to make transactions or enter into agreements with him;*

- *Particulars of the facilities ensuring right to information of the citizens, and the full name, designation, address, and, in cases where applicable, fax number and e-mail address of the assigned officer.*

- If the authority frames any policy or takes any important decision, it shall publish all such policies and decisions and shall, if necessary, explain the reasons and causes in support of such policies and decisions.

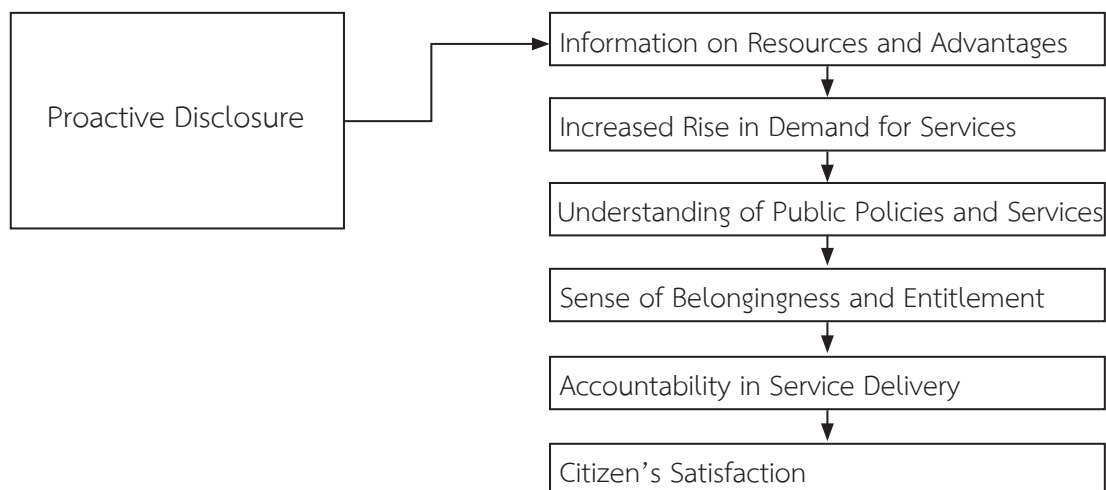
- The report prepared by authority under this section shall be made available free of charge for public information and its copies shall be stocked for sale at nominal price.

- All the publications made by the authority shall be made available to the public at reasonable price.

- The authority shall publish and disseminate the matters of public interest through press note or through any other means.

- The Information Commission shall, by regulations, frame instructions to be followed by the authority for publishing, publicizing and obtaining information and all the authority shall follow them.

Conceptual Framework



Data Analysis and Interpretation

Once data and information are available with citizens, they can watch and likely assess the activities of the city corporation. When the city corporation provides due importance to the proactive disclosure provisions of the law, it helps bridge the gap in understanding of the citizens about public services.

Disclosure provision is not only a tool for the citizens to access information in the public offices; it is also a medium for the city corporation to show their transparency and goodwill for democracy. The citizens will of course drive the force of disclosure towards greater transparency, but at the same time, the political representatives have to feel the force and act in its favor with orders and pressures on public offices for information disclosure, i.e., letting citizens know what policies and actions they have undertaken. Though the citizens do not have a direct democracy, rather a democracy through representatives, steps by their city government representatives to oblige the public officials to disclose details of public works can build confidence in citizen's mind about their leaders.

Working Procedures of City Government and Its Inter-Related Bodies

The Local Government (City Corporation) (Amendment) Act, 2011 only amends few of the sections of the Local Government (City Corporation) Act, 2009. The law of

2009 broadly specifies the standing committees of the corporation (section 50), and categorizes the DSCC's functions related to public health, public safety civil defense, social welfare development (Appendix-1).

The Local Government (City Corporation) Act, 2009 stipulates that the city corporations could invite Heads of different agencies in the corporation's meetings; but they are not obliged to attend the meetings (IGS, 2012). The corporation law allows every city corporation to undertake any development plan and its implementation under the approval of the local government division. In practice, the subjection of the city corporation to the purview of the local government division leaves limited space for autonomy to the corporation. Third schedule of the Act lists 28 types of activity of the corporation; but little scope exists for the corporation to undertake any major step that may impact the lives of city dwellers in a greater way. Central government agencies are mainly responsible for major urban services. Meanwhile, local citizens see the elected representatives of the corporation as the designated authority to meet their needs although they do not have the statutory power to do so.

Given weak formal structure of city government, an informal governance structure has been active in providing urban services and securing livelihoods, especially for the poor and excluded in the city. This informal governance structure mediates with the formal one and imposes an unofficial system of charges and/or bribes on those aiming to secure a livelihood in the city from garments workers, to hawkers and rickshaw pullers. Hawkers, for instance, have become organized under informal leadership and wield their political influence through participation in political demonstrations in streets and neighborhoods. The informal governance structure is largely defined by patron-client relations (Banks, 2006 cited in IGS, 2012), and persists in the absence of disclosure of service provisions to the public.

Both horizontal and vertical structures of patron-clientelism are witnessed in the city governance. In horizontal patron-clientelism, the ruling party creates loyalties and allegiances and colludes with key state actors and organizations. This patron-clientelism is predominantly evident in urban administration where all kinds of appointments, promotions and transfers are often decided based on political party

affiliation. The vertical patron-client relationship depicts that followers of the party are rewarded based on their loyalty to the immediate party leaders. Entrance into his relationship which spreads downwards in a chain of *neta-karmi*⁷ relationships, is determined by kinship and personalized ties (Panday & Jamil, 2010 cited in IGS, 2012).

The relationship produces *mastaans*⁸ for the collection of extortion, and promotion within party hierarchy. Their role has grown up as the formal institutions fail to deliver. Weak institutions provide the space for informal actors to deliver services through patron-client relations. When state institutions exclude the poor from services and fail to provide entitlements to the middle class such as right to security, the *mastaans* fill the institutional gap between the state and the citizens. Access of citizens to this informal governance is highly expensive.

Prescribed Ways to Disclosure of Service Information

However, as regards disclosure of information, the Local Government (City Corporation) Act, 2009 provides that:

- The corporation will prepare reports on its administrative and development activities in prescribed format of government, and will submit the same with the 30th September of next fiscal year (Section 43).
- The corporation will publish a document titled “Citizen Charter” with description on the services to citizens, conditions for the services, timeline of the services etc. (section 44).
- The corporation will, in its first meeting of the year in the immediate next to it, will form standing committees on the following areas. The committees will function for period of 2 years and 6 months, and after this period, new committees will be formed (section 50).
- It says if any meeting is not held exclusively as unanimously decided by the majority of the councillors, such meeting will remain open for the citizens (section 54(1)).

- Any citizen will have right to information regarding corporation in the defined system. However, sub-section 2 says that corporation, through gazette notification, can classify any records or documents to the interest of the citizens and of the administrative security; that citizens will lose their right to access those classified records or documents; and that corporation can deny any such requests from the citizens. It further says that the government can instruct corporation to publish list of information deliverable to the citizens (Section 110).

- The corporation can make regulations regarding information disclosure process etc. (Section 110).

The information commissioners⁹ have, on a number of occasions, urged the public officials to change the secretive nature of their work into a culture of transparency for the benefit of the citizens. They expressed their surprise over the excuses of the public officials of not receiving the gazette and book on RTI act, which they confirmed that they had sent to them earlier.

The public authorities often claim that it is difficult to process and provide the requested information. Each government office has its system of record keeping, documenting and reporting to the upper tiers about decisions and actions applied. It is unusual that government offices in the near past did not have to keep accounts of fund they had received and spent, or programs they executed, human resources they appointed, equipment they purchased and distributed, materials they received and distributed, time they did all these activities, and by whom they had them done. The public offices are not like the private homes that they do not require to record what they do in terms of money and human resources. After all, resources and programs they are managing are at the interest of the public.

All the five responding officers provided the same response regarding circulation of notices on the notice board. In fact, the notice board of the corporation's main building was found empty, while the two zonal offices have only a few old notices on their notice boards. Regarding circulation of notices they said, "We have direct contact with the clients (firms or individuals) to float tenders etc., and we invite media for press conference for the same. The councilors avoid documenting and circulating notices or entertaining complaints in writing. The works of the DSCC are rather done in informal

ways through personal contacts. Informal ways are better.” However, the process of works through personal contacts is against rule of law and it hinders accountability and transparency.

According to the survey, some citizens often hear the *miking*¹⁰ of the notices from the corporation; some have never heard anything like this. They never knew beforehand about any proposed or planned (project) activities of the city corporation in their concerned areas (wards). Some citizens sarcastically said, they do not know much of what city corporation is and what they do.

There is hardly any prior notice on the proposed or undertaken activities. The corporation gets their notices published in the national dailies on regular basis. As a matter of fact, citizens hardly read the advertisements or the notices of the corporation.

Provisions of the Ward Council to Prepare Their Fiscal Budgets and Disclose the Same to the Citizens

The city corporation does not have provision¹¹ for and require the Ward Council to prepare and propose a budget locally. The concerned Ward Councils receive amounts from the heads of the fiscal budget of the corporation.

According to the interview of the citizens, 96 percent of the respondents answered that they know nothing of the budgets of the city corporation. However, 4 percent said that they came to know the total budget amounts of the corporation through newspaper. Even though the written answers from the corporation claim that the administrator had pre-budget exchange meetings with the citizens in 5 zones to assess the local needs, the responses from the citizens at the Ward level do not reflect any such initiative. While giving opinion on what they expect from the city corporation and how the corporation can be transparent, the citizens rather expressed concern over citizen’s unawareness and lack of information of what the corporation would do in the areas.

What Documents, Reports and Decisions the Corporation Disclose to the Public and How

While asked about what documents, reports and decisions the corporation needs to disclose to the public and how, the concerned officials looked irritated. They treat such queries as strange and abnormal. There are certain sections in the Local Government (Dhaka City Corporation) Act, 2009 that stipulate that the annual activity reports, audited reports, and updated citizen charter etc. have to be kept in open place accessible to the citizens, but the DSCC officials admitted not to have seen those.

The law requires the city corporation to publish their reports on yearly basis and make them available to the citizens. It also requires that the resolutions of the standing committee meetings of the corporation be written and made public. The law further stipulates that all information regarding activities of the corporation can be asked for by citizens unless otherwise directed by the government through official notifications. However, the officials do not feel that the DSCC is to account for its activities to the citizens. They say they are only accountable to the Ministry of Local Government and Rural Development (Local Government Division). They insist that they report to the ministry in the way they want, and they submit the audited statements to them.

Proactive Disclosure and Citizen Satisfaction Linked to Right to Information

The Local Government (City Corporation) (Amendment) Act (2011) does not provide details of proactive disclosure provisions, but replaces and revises some of the sections of the Local Government (City Corporation) Act, 2009. Some of the sections of the 2009 law have proactive disclosure obligations, but no rules or regulations thereof were made so far.

Section 43 of the law deals with publication of report on administration and development activities. It says that the corporation will prepare reports on its administrative and development activities in prescribed format of government, and will submit the same with the 30th September of next fiscal year. Section 44 of the law deals with the citizen charter, and states the following.

- The corporation will publish a document titled “Citizen Charter” with description on the services to citizens, conditions for the services, timeline of the services etc.
- This charter will be updated once in a year.
- The corporation can make guidelines regarding an ideal citizen charter.
- The corporation can bring necessary changes and additions in the charter subject to the notification to the government and the commission.

The charter will include accurate and clear description of the services, charges of such services, eligibility of receiving and demanding services and the processes thereof, specific timeline of the services, responsibilities, assurance of services to the citizens, disposal of complaints related to services, and consequences of violations of the promises.

Section 54(1) tells about citizen’s participation in the meeting. It says if any meeting is not held exclusively as unanimously decided by the majority of the councilors, such meeting will remain open for the citizens.

Section 59 of the law provides that all agreements signed by or in favor of city corporation will be finalized after approval by the meeting of the corporation, and such agreements will be considered as accomplished in the name of corporation.

Section 62 of the law provides that (the corporation will) preserve all documents in proper manner. It further says the corporation will prepare reports and statements, and publish them. The corporation will disclose information as the government asks for, from time to time. Section 110 deals with the citizens’ right to information in the following manner:

- Any citizen has the right to information regarding the corporation
- However, sub-section 2 says that corporation, through gazette notification, can classify any records or documents in the interest of the citizens and of administrative security; that citizens will lose their right to access those classified records or documents; and that corporation can deny any such requests from the citizens.
- It further says that the government can instruct the corporation to publish a list of information deliverable to the citizens.
- The corporation can make regulations regarding information disclosure process etc.

Legal Provisions Governing Disclosure of Budgets and Accounts and the Reality

The corporation law has provisions for disclosure of information on the one hand, and for classifying and restricting information on the other. Section 110 deals with the citizens' right to information in the following manner:

- Any citizen will have right to information regarding corporation in the defined system.
- Sub-section 2 says that the corporation, through gazette notification, can classify any records or documents in the interest of the citizens and of the administrative security; that citizens will lose their right to access those classified records or documents; and that the corporation can deny any such requests from the citizens.
- It further says that the government can instruct corporation to publish list of information deliverable to the citizens.

Section 77 stipulates the accounts of the corporation. Sub-section (1) says the Corporation has to preserve the statements of income and expenditure in proper manner. Sub-section (2) says the corporation will prepare their annual accounts statement at the end of each year, and will submit the same by December 31st to the commission. The commission will add their reviews and comments to it, and send the same to the government. Sub-section (2) says the annual accounts statement has to be hung in an open space for the citizens, and the corporation will consider all objections and suggestions on it.

Faced with enquiries about the legal provisions of the city corporation about budget preparation process, participation of and exchanges with the citizens, and disclosing it to the citizens, the concerned corporation officials at both the central and zonal offices remain silent and hesitant. Beyond their knowledge of what is said in their own laws, they referred to their practices and the expectations of the concerned ministry. They kept repeating their point that the ministry requires the budget to be submitted in a prescribed format to only the ministry. They think it's not the prerogative of the citizens to look into the budget, let alone their participation in the preparation process.

However, they gave a written answer that DSCC discloses its budget to the citizens through press conference. Each year in the month of February/March, the accounts department asks the heads of the departments of the corporation to submit their budgets according to the budget heads. The concerned departments submit their budgets to the accounts department. The accounts department compiles the budgets and submits to the budget management committee for scrutiny. The draft budgets are reviewed meticulously in a meeting chaired by the Chief Executive Officer and attended by the Secretary, Chief Engineer, Chief Revenue Officer, Chief Sanitation Officer, Chief Health Officer, and Chief Accounts Officer. A proposed budget is sent to the local government division, Ministry of LGRD. With their reviews and comments, the final budget is prepared.

The concerned officials were found surprised and irritated initially at the queries and request for audit statements. They took this request as doubting the corporation's activities, and answered that there are number of government authorities to whom they are accountable. The authorized audit firms make yearly audits into the accounts of the corporation by the December after the ending of each financial year, and they submit the same to the ministry.

However, the authors avoided further inquiry with the concerned officials, since the mindset of the officials and the position of the corporation over this particular issue is already revealed. They still prefer the secrecy and only remain loyal to the higher-ups, not to the citizens.

The interviewed officials did not find any link of the audited statements with the interest of the citizens, and so, finds the request as unusual. However, they supplied a couple of pages from the audit report.

The law requires the city corporation to publish their reports on yearly basis and make them available to the citizens. It also requires that the resolutions of the standing committee meetings of the Corporation be written and made public. The law further stipulates that all information regarding activities of the corporation can be asked for by citizens unless otherwise directed by the government through official notifications. In response to what actions could be taken to make the Corporation accountable, majority of the citizens (26 percent) wanted information disclosure through local meetings and in media.

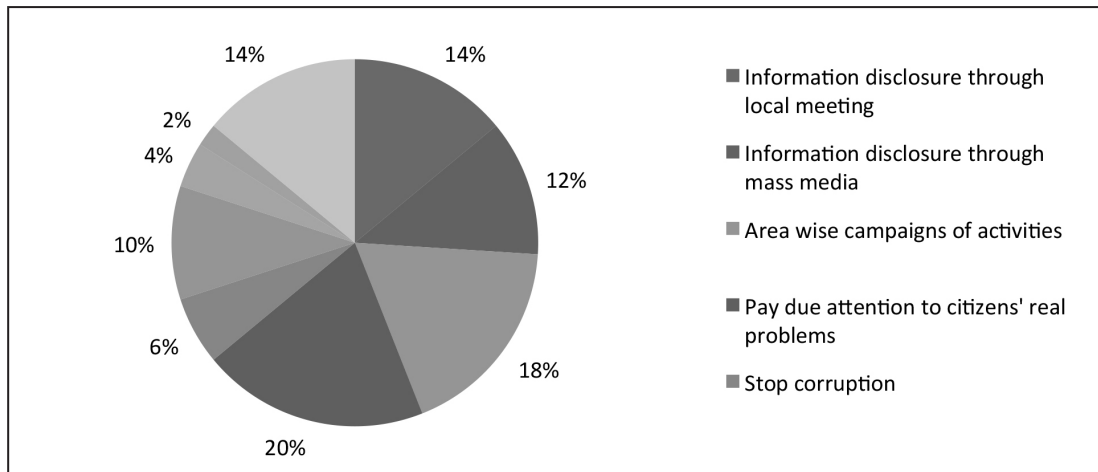


Figure 1. How the citizens think to make the CC accountable for their services

Citizen's Request for Service Information and the Lessons

With the passage of right to information law, and citizens from around the city corporation started filing petitions to seek information, particularly related to services in their concerned *wards*¹². The lessons of the information seekers are as follow:

The citizens faced many challenges during submission of applications. The information that the community people request from the corporation include the measures the corporation has taken or will take to control food adulteration in concerned wards, whether and when the corporation will repair the drainage system, whether and when the corporation will maintain the parks in the concerned wards, what measures the corporation has planned to construct and repair footpaths in the concerned wards, when the corporation will provide lights etc. Many a time they were disheartened with no answer. They need reassurances at least at the initial stages which require proper monitoring.

- At least a confidence has developed in the marginalized communities that now they can go to a government office and obtain results through government procedures. This has to be cemented.

- It is essential to start a dialogue between the local government, common citizens and the Information Commission to establish a self-propelled flow of information that involves demands from masses.

The key constraint to the access to services is citizen's awareness about and belongingness to state resources and public authorities. Unless citizens understand their responsibility at keeping accounts of state resources, that the public functionaries are there for their service, and they are accountable to them for their functions and decision making, the movement for information disclosure can never be effective with a law in paper alone.

The public and civil society organizations require playing a proactive role at motivating citizens to directly ask the government, any information that they are concerned or are not content with. Although the law compels designated public officials to disclose information, barring a few national security issues, they are instilled with fear and often require referring to their superiors. This unfortunately, demonstrates that the state machineries are still not ready to share its affairs with the public.

Citizen's Access to Services

The interviewed citizens gave opinions reflecting the existing city government characteristics revealed by previous studies. About the service information, the point that they¹³ try to explain that there are citizens who are connected and well aware of what the corporation is going to do or will do. It refers to the practice of activities by patron client relationship, not by rule of law. It refers to the presence of politically connected citizens or syndicates who do not want the city corporation to put the notices of the activities on the notice except for the publication in newspapers.

Though only 4 percent of the interviewed citizens admitted they come to know about the activities of the city corporation in their locality, these activities include maintenance of electricity, gas or water connection or tax collection, not the development activities like road construction etc. The city corporation has much preparation for circulating for levying taxes, tolls, cesses, fines or for imposing any other financial burden on the citizens of the area or the duty to publish electoral rolls. There are notices about these on the notice board. There is also dissemination on hand microphone in the locality. The city corporation under separate revenue zones organizes fairs for publicizing tax issues and collection of those.

The respondents at the ward level said that they came to know about matters related to taxes or finance through mass media (mostly newspaper ads), dissemination through microphone, and notices served at home.

As per the information provided by the city corporation officials, there is currently no committee following dissolution of the offices with the enactment of the Local Government (City Corporation) Amendment Act, 2011 in November 2011, which declares division of Dhaka City Corporation into two – Dhaka South City Corporation and Dhaka North City Corporation. Under the new law, no committees are functional.

The interviewed citizens receive very often the notices of taxes, any changes in taxes or fines through slips in their houses or through miking. Even though the concerned officials of the city corporation claim that any projects or changes are circulated in newspaper and through press release at regular basis, the responses of the interviewed citizens do not match what the corporation officials claim.

As regards disclosure of information in electronic or print media, the CC circulates their undertakings as advertisements in the national newspaper. When the citizens at the ward level were interviewed, 96 percent of the respondents claimed that they do not know what activity or project is undertaken by the city corporation. This may possibly result from low newspaper readership as a percentage of the population. Even though citizens read newspapers for current issues, they rarely see advertisements in newspapers, except for few who look for job advertisements.

Direct observations on the exchanges and reactions of the CC officials indicate a close-fisted and resistive mindset. The concerned officials of the city corporation feel hesitant and uncomfortable when individuals ask for information about their works. The officials do not feel that they have to account for their works to the common citizens. They did not like the information requests and responded that they were already overburdened and had to answer the queries from the Ministry and the Anti-Corruption Commission. The zonal officials did not talk about their annual activity reports or financial reports, and said, “You need to show us permission from the higher authority to disclose information to you. Or else, we will have problem.”

The concerned officials have hardly seen or had any idea on their own laws and by-laws. When asked for delivery of information as directed in their own laws, and when the relevant sections of the laws were quoted to them, they seemed to have seen those for the first time, and only then started entertaining the requests for information. The authors had to show them what sections of their own law tell what. The CC officials rather support informal way of business, and try to avoid rule of law. That is why they are reluctant to document their internal meetings and decisions, at least to show them to the citizens.

Concluding Remarks and Recommendation

The government recognized the harm in the way of keeping information away from the public, which hinders the process of democratic development, and hence brought the long-cherished information disclosure law in effect. The law by itself does not ensure citizen's right to information (RTI), and does not replace the culture of secrecy, but it recognizes and paves the way for citizen's access to information of state affairs. The city corporation needs to have provision for and require the Ward Council to prepare and propose a budget locally. The political leaders must understand that their intentions to ensure democracy for the citizens, and the resources and advantages to the citizens are still being jeopardized by closed-door business and non-access of the citizens to the public offices. Consequently, the citizens are antagonized towards the political executives, even though the faults probably lie in the public offices.

The government requires making further rules and regulations across all ministries and public offices to ensure their obligation to publish their yearly budgets, the plan of action with detailed information on timeline, allocations, and human resources deployed and required, materials and equipment provided, and areas covered under their programs. If each department does so, the citizens can access those information and will understand what the government is doing for them, and how, which will eventually lead to citizen's satisfaction over the city government services.

The corporation has to publish and disseminate its decisions and activities, which are required by the corporation's law as well as by RTI Act. The spirit of these laws is to ensure transparency and accountability in the activities of the corporation. Compliance of laws will ensure rule of law, and promote citizens' awareness. The corporation needs to open up its laws, bye-laws and regulations to the citizens. Until the citizens come to know what the corporation is supposed to do and how, they cannot watch over their activities. The corporation needs to allow the citizens to know about the committee meetings and decisions as well. If the citizens can check the meeting resolutions and attend the meetings, they will know what actions the corporation would take for their locality. The government has to withdraw the provisions in the law, which classify and restrict information, particularly regarding budget and accounts. While the citizens ask for information regarding budget or accounts statement, the concerned officials refer to the particular restrictive sections of the corporation's law. The Information Commission needs to ensure that the corporation publishes and disseminates their reports and public documents regularly. There are provisions in the RTI Act for the authority to publish their documents. So, the commission can influence them in this regard. The ward council needs to organize open meetings on development activities on a regular basis in the locality. Citizens can easily participate in such open meetings, and share their concerns and opinions. All information from the city corporation has to be updated on the website. There are provisions in corporation's own laws and in the RTI Act to publish and disseminate corporation's information to the citizens. The corporation has to publish notices on the notice board at both central and grassroots offices. The government needs to use TV media to discuss and disseminate the activities of the Corporation by localities. The citizens are more interested in TV programs and news, and they will be interested to see the programs/briefings on the development activities of the corporation in their locality.

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Endnotes

- ¹ Local government unit at the district level
- ² Local government unit at the sub-district level
- ³ Local government unit at the village level
- ⁴ Interview was based on a detailed checklist reflecting the research objectives
- ⁵ A semi-structured questionnaire was designed for the citizens mostly with open-ended questions with little quantification of types of services they receive.
- ⁶ Now defunct and overridden by right to information law
- ⁷ leader-follower
- ⁸ who collect extortion and mobilize a vote bank
- ⁹ Information Commission consists, of 3 information commissioners including one Chief Information Commissioner, is responsible for overseeing and promoting the information disclosure mechanism in the public offices.
- ¹⁰ Public announcement on microphone
- ¹¹ Responses from the interviewed corporation officials
- ¹² An administrative division under a local government
- ¹³ The corporation
- ¹⁴ Open place for washers to wash clothes

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Appendix-1: Working Procedures of City Government and Its Inter-Related Bodies

<p>Public Health</p> <ul style="list-style-type: none"> ● Sanitation ● Removal and disposal of refuse ● Unsanitary buildings ● Latrines and urinals ● Birth, death and marriage registration ● Infectious diseases ● Health and maternity centers ● Public health ● Hospital and dispensaries ● Medical aid and relief 	<p>Public Safety Civil defense</p> <ul style="list-style-type: none"> ● Floods ● Famine ● Dangerous and offensive articles ● Burial and burning places
<p>Social welfare</p> <ul style="list-style-type: none"> ● Social welfare 	<p>Building controls</p>
<p>Culture</p> <ul style="list-style-type: none"> ● Library ● Fairs and shows 	<p>Development</p> <ul style="list-style-type: none"> ● Development plans ● Community development project ● Commercial schemes ● Health development project ● Slum development
<p>Education</p> <ul style="list-style-type: none"> ● Education ● Compulsory education ● General provision about education 	<p>Streets</p> <ul style="list-style-type: none"> ● Public streets ● Streets ● General provision about streets ● Encroachment ● Streets lighting ● Streets watering ● Traffic control ● Public vehicles

<p>Trees, Parks, Gardens and Forests</p> <ul style="list-style-type: none"> ● Arboriculture ● Gardens ● Open spaces ● Forests ● Nuisances pertaining to tree ● Tank and low-lying areas 	<p>Urban Planning</p> <ul style="list-style-type: none"> ● Master plan ● Ward Base GIS Base Map & Database ● Site development schemes ● Execution of site development scheme
<p>Water supply and drainage</p> <ul style="list-style-type: none"> ● Water supply ● Private sources of water supply ● Drainage schemes ● Bathing and washing places ● Dhobi ghats¹⁴ and washers ● Public water courses ● Public ferries ● Public fisheries 	<p>Management and control of animals</p> <ul style="list-style-type: none"> ● Animals husbandry ● Stray animals ● Animal hones and farms ● Registration of sale of cattle ● Livestock improvement ● Dangerous animals ● Cattle show, zoos etc. ● Disposal of carcasses
<p>Control of foods and drinks</p> <ul style="list-style-type: none"> ● Bye laws ● Milk supply ● Public markets ● Private markets ● Slaughter house 	