Social Accountability and The Quality of Service in Public Offices of Bangladesh:
A case study of Upazila land office.

A Dissertation

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Acknowledgement:

Preface

Cross-country comparisons and unfolding of governance components such as rule of law, access to information, decentralization, voice and accountability, corruption control, have indicated that a greater focus on external or vertical accountability can lead to improved governance. In today's world, the size and scope of the administrative state is large, according governments' leading and significant power to intervene in people's lives. Democracy has also emerged as the pre-eminent and most aspired form of government. So, the dominant power of government, coupled with the desire to see that power exercised according to the will of the citizenry, puts accountability front and center on the stage of current governance issues. Horizontal accountability refers to the capacity of state institutions to check on abuses by other public agencies, whereas vertical accountability refers to the means whereby ordinary citizens seek to enforce standard of good behavior and performance by the public officials. The Social Accountability instruments, which are vertical and external in sort, facilitate the poor to articulate their interests and become the main actor within the system. That's why many developing countries have involved citizens in improving public service and fighting corruption through using social accountability mechanisms. It is hold that the public service in Bangladesh suffers from serious accountability deficits. But how can we establish the existence of accountability deficits? This research paper tries to provide some analytical building blocks for addressing these sorts of value weighted questions. The aim of this paper is to develop a parsimonious analytical framework that can establish more systematically whether a public office in our country, exercising public authority, is subject to social accountability at all.

Abstract

In Bangladesh, the government operates with little effective accountability or other checks and balances. With high level of corruption and inefficiently damaging service provision, this is seen as a real challenge. In a predominantly rural population, with a poor record service provision, it is crucial to include the ordinary people in the process of exacting accountability of the public officials.

This study focuses on identifying and assessing opportunities in the public service sector in Bangladesh to strengthen accountability by enhancing bottom-up mechanisms. A hugely used office, Upazila Land Office has been studied for this purpose. It summarizes a brief round of interviews of the service recipients of these offices undertaken in February 2007. This paper demonstrates the need for more in-depth analysis on some social accountability issues such as sanctions, (the ability of overseeing actors to impose punishment on the accountable actors for failure or transgressions) and compliance (possible legal incentives, promotion). The Asia stocktaking exercise found that, the government of Bangladesh has already taken the lead in setting up its own mechanism to involve the public in promoting social accountable such as the Local Government Development Fund Project of Sirajganj, Bangladesh. So, It will not be over-ambitious scheme of having introduced some suitable social accountability tools to improve the service given by a public office, such as the Upazila Land Office. Ultimately, both sides must work together. The important thing is to balance the leadership of the civil society (which includes, obviously, the ordinary people) and the state. This paper urges for the requirement of the interface between them to be focused properly.

List of abbreviation and acronyms

AC(land)	Assistant Commissioner (land)
BRAC	Building Resources across the Communities
CBO	Community Based Organization
CSO	Civil Society Organization
DCR	Duplicate Carbon Receipt
DLRS	Directorate of Land Reform and Survey
IPTT	Immovable Property Transfer Tax
IGS	Institute of Government Studies
LRB	Land Reform Board
LDT	Land Development Tax
LT	Land Transfer
MoL	Ministry of Land
MP	Member of Parliament
MKSS	Mazdoor-Kishan Shakti Sangstha
NGO	Non Governmental Organizations
RS	Rivisional Survey
SATA	State Acquision and Tenancy Act
SA	Social Accountability
TQM	Total Quality Management
UNO	Upzila Nirbahi Officer

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Chapter -1: Setting the Objective

1.1 Introduction

"If I get my purpose effectively served by enticing a clerk or tahsilder, why should I need to meet the AC (land) and invite the entire bureaucratic row that might deter my prospect"?

This is what a regular, day-to-day service recipient from the office of the Assistant Commissioner (land) of Netrokona district told me when I asked him why he had been eager to pay speed money to the tahsilder and not to call on the Assistant Commissioner (land) directly? This is what an ordinary individual in Bangladesh, someone who considers bribing (and not seeking for service in a due manner) is a very legitimate culture of an AC (land) office, might perceive when he has almost no access to the formal service delivery procedure in a public office. Moreover, the existing system of internal accountability in public offices does not provide for any favorable situation where a citizen can hold a public officer answerable for his activities. This is the common scenario throughout the country where the ordinary people are constantly being swindled by the system and practice of the public offices such as AC (land) office. As land is the most central factor for their surviving, these people might consider that it is better to bribe the officials for not causing any harm to the records that are maintained in the AC (land) office. They can not even imagine that there exits a formal accountability system for the officials to do their job efficiently and for a public servant, public interest comes first. Instead of seeking service from the public office, the people simply want not to be adversely affected by the office.

When we talk about only "Accountability of the Government", it remains restricted to its core sense, where it is one of the motives to induce officials to follow and predict the wishes of their superiors. The fear of being called to account, of facing scrutiny and possible penalization, is undoubtedly a pervasive motive among

public officials. If the system allows them to manage their superiors, they can afford of being reluctant to follow the rules and regulations in service delivery. In the developed democracies, public officials have been encouraged to be more receptive and accommodating to public want and less concerned in following set procedures or deferring to the instructions of their bureaucratic superiors. This change in emphasis is sometimes described as an extension of 'accountability' (Hughes 1998, pp. 236-7). As well as being accountable upwards through the hierarchical chain, public servants, especially those are directly involved in service delivery, are now also seen as accountable 'outwards'. In western public management, accountability is used to stand for the public dialogue, it is seen as a dialectic activity, requiring public servants to answer, explain, and justify while the people, holding them to account are engaged in questioning, estimating and criticizing. Day and Klain, in their analysis of accountability, are drawn to the importance of dialogue between the various actors involved d and assert that 'political deliberation…is at the heart of accountability' (Day and Klain, 1987, p.244). In Bangladesh, an unyielding atmosphere exists around the activities of public offices. This might has been inherited from the experiences of colonial administration where the administrators were rulers, not facilitators. Since, the people cannot think about seeking for a service from these offices. They even remain happy if they are out of reach of the activities of these offices. The understanding of accountability, is thus, quite elite-centric and does not reflect people's perception. The people have made themselves endured that they are at the mercy of the public servants. If any injustice occurs, ideally the affected can complain to an authority but the result is almost zero .Had it been in its finest form, (let's take it theoretically), it could not have reflected the desires of the people. Because the existing accountability procedure leans to ignore people's representation, prioritizes institutions first. Second, it is a procedure-oriented mechanism, where there is every chance for the supply side to save its own skin under the guise of rules and procedures. So, ultimately the formal accountability mechanism in public offices remains unworthy to serve the people in a better way.

In a related track, the World Bank website defines social accountability as "an approach towards building accountability that relies on civic engagement, That is in which it is ordinary citizens and/ or civil society organizations who participate directly or indirectly in exacting accountability. Social Accountability Mechanisms refer to the range of methods, tools and choices to ensure greater accounting to citizens for public actions and outcomes. They include citizen participation in public policy-making, participatory budgeting, public expenditure tracking, citizen monitoring of public service delivery, citizen advisory boards, lobbying and advocacy campaign. They are hence, demand-driven and, operate from the bottom-up (Ackerman, John M., 2005).

1.2   Problem Area

In Bangladesh, land plays a vital role to our existence, providing food, housing and shelter. Still 63 percent of the work force of Bangladesh is engaged in land related agricultural activities. To the ordinary people of Bangladesh, land is as important as their lives. It is their livelihood, sole means of income, only valuable possession and source of their culture. So, any change relating to the ownership pattern of land brings a significant change in the total fabric of their lives. The upazila land office is the core office at local level that provides people with land related services like maintaining the records of land-ownership, determining land development taxes, mutation, settlement of khas land, filing certificates for arrears etc. If the people are obstructed in receiving proper services from land offices, their ownership can be questioned; this can create land litigation leading to a civil suit, riot and murder. Thus, the poor quality of service or ill-management of land offices can be held responsible for loss of money and time, leading to poverty.

So far, lots of works, researches have been done on the corruption of land management, necessity of land reforms, amendments of age-old laws but no importance has been given on the social accountability part to improve the service side of an Upazila land office. The reason may be this that the concept of social accountability is yet to be introduced regularly in our country. The traditional recommendations for the betterment of this sector had remained to improve the supply side of government accountability by the methods of checks and balances. But, this is the time to prioritize the demand side of good governance meaning to strengthen the voice and capacities of the poor citizens to openly demand greater accountability and responsiveness from the service providers.

1.3 Background Of The Study

Bangladesh has inherited its colonial background from British rule. The British seized the land from the tillers in 1793 through a permanent settlement process for strengthening their political and revenue administration. After extensive sufferings for 157 years, the State Acquisition and Tenancy (SAT) Act 1950, wasenacted. The land lords were evicted and the tillers became the owners of the land. Under the provision of the SAT Act 1950, a lot of public land or khas land was to be recovered during the operation of the state acquisition (SAT Act, 1950). But unfortunately, very little khas land was recovered and the recovered land, which was to be distributed to the original tillers, having land below 0.3 acres, did not materialize at all. The officials involved in land administration acted as collaborator of land grabbers. They are expected to obey the rules, not to abuse their official power and serve the public interest in an efficient and fair way. But, as the voice and capacity of the poor citizens to demand greater accountability and responsiveness from the service providers remained weak, a

number of irregularities are still observed today in the land administration of Bangladesh.

It indicates that there should be some mechanisms to assure social accountability on the part of the government officials. The experiences from the other countries say that a vibrant civil society and strong citizen involvement can bring transparency, effectiveness and soundness to the public sector. As the Social Accountability is considered as an approach towards building accountability that relies on the direct or indirect participation of the ordinary people in exacting accountability, it can be hoped that when the social accountability mechanisms are institutionalized, the impact becomes greatest and more sustainable. There are evidences that the social accountability mechanisms can improve the decisiveness and accountability of governments by enhancing the quality of services, improving the allocation of resources through the incorporation of citizen feedback and enhancing public expenditure effectiveness. These mechanisms also help the citizenry to understand the budgetary constraint and the inherent difficulties to choose the best way of resource allocation within a diverse population. So it can be said that the social accountability can play a vital role to create a transparent service cultures in the Upazila land offices and help them in meeting public expectations. It will also be possible for the government and the citizens to recognize each other's limitations, to feel each others cooperation required and to interact for the common goal of improved service. The salient features of this tool are that it considers the process of the mechanism, and its initiators and supporters. The voice of the common is articulated in this mechanism, the service sector is clearly addressed with its level at the government, the factors promoting success or limiting impact are identified. The extent of building the citizen voice and the connections between the citizen and the government is settled.

1.4 Objectives

Land administration offices at the local levels are being blamed for its poor service since long time. The objective of this study is to find out if there is any direct relation between accountability equation and the quality of service delivered. It will also try to reveal the loopholes in prevailing practices and its causes in concerned area.

1.5 Key Research Questionnaire

Are the Officials of Upazila Land Offices accountable for their conduct and performance to the citizenry?

1.6 Hypothesis

A social accountability mechanism can improve the quality of service delivered in an Upazila Land Office.

1.6 Justification Of The Study

One of the indicators of the dysfunctional civil service of Bangladesh is its poor quality of service towards citizens. An upazila land office is designed with some responsibilities to provide people with land related services. Unfortunately, this

office is infamous for its ill-management and opaqueness towards people. The quality of service in this office has a direct impact on the wellbeing of the people, as well as on the governance of the state. So this could be a potential area of research.

To be accountable is to be in motion, not simply sitting in an office 'open to criticism'. To be accountable is to work with society and accounting agencies to improve government honesty and performance in stead of doing one's best to hide from scrutiny. The pro-active behavior that accountability demands requires dialogue, explanation, and justification. Society is a powerful potential force for strengthening government accountability. However, this force does not come alive automatically or always in the most productive forms. There is no single special recipe for creating successful social accountability initiatives. The best strategy may depend on the social and political context. So it might be hoped, if there exists a pro-active process by which officials engaged in land management are to inform about their actions, their behavior and are sanctioned accordingly, their accountability towards the service recipients will ideally be enhanced.

Though there are many researches on the application and success of social accountability (SA) tools in western framework, and the litigation on land in Bangladesh, almost no attention is given on the area of coordinating the use of SA and improving service quality of public sector in Bangladesh. So it is justified to examine whether there is any positive relationship between the existence of any social accountability mechanism and the quality of service delivered by an Upazila Land Office.

1.7   Research Methodology

The study will be using both primary and secondary data for analysis. There are a good number of literatures, concept papers on Social Accountability and also

on the service delivery pattern (Especially the corruption in land administration of Bangladesh) in the local level land offices. Secondary data will be collected from these sources. A questionnaire will be designed to conduct a survey on two selected Upazilas to collect firsthand information from the demand side of service. They will be asked on the general service standard of that office and particularly the accountability situation prevailing there (if any). The method of observation will also be conducted to experience the day to day service- giving approach of that land office. The Officials will be interviewed to assess their understanding on SA concepts and their readiness level to accept any SA tool and thereby let themselves be accountable to the citizenry.

1.8   Chapter Outline

In *chapter 2*, a general overview of the concept of accountability and specially the social accountability is provided. It contains the review of some of the most important and relevant literature on this topic. The categorizations of the social accountability initiatives taken by different countries and their benefits are discussed in this chapter.

Chapter 3 sets the domain of my research, that is the service delivery pattern by the Upazila Land Offices. Here I describe the historical background and the structure of land administration in Bangladesh. The procedures of service delivery and the practices of exploiting the people are given in this chapter. I compare the ideal pattern of service delivery and the reality practices by the officials.

Chapter 4 is the findings and analysis if my research that includes various case studies of the bitter experiences regarding being served by this office. The service recipients and the service providers are interviewed on same issue. The emphasis is on the deprivation of the service recipients, because I could not pick much satisfactory stories regarding the performances of this office. I find it essential to explore the ways in which the government fails to facilitate good governance. Each of the case studies shows the scope and room for initiating social accountability tools immediately. The close exploration of particular case leads us to seek a specific social accountability mechanism. The grounded details of the case studies can be utilized to reach a firm conclusion. Following the findings and data-analysis, some lessons are outlined.

Finally some hindrances in initiating social accountability tools are identified. It is not easy to bring a change in the age -old bureaucratic structure and mind as well. At the same time the ordinary people cannot think to be served (by the public servants) as their right, not a favor. So, the change in institutional culture is crucial and it takes time. My paper concludes with a strong suggestion of introducing SA mechanisms in service delivery by the public offices.

1.9   Limitations

As, I could not use a wide range of contexts a variety of different areas of government activities could not be compiled. So, the readers may not have a full viewpoint on the many different ways in which the state and citizens can work concurrently. As we were allowed a tiny slot of time to collect data and design the research program, I could not go for large and diversified data set. Consequently, most sophisticated statistical methods could not be used. There was always the probability that the case selected were unique, thereby binding the applications of the lessons learned from these. Access to information had also been limited, as in the public offices of Bangladesh, there is a wide practice

to deny rendering official information. Finally, this study largely depends on the information given by service receivers and service providers. If they hide any information or give false information, then the findings of the study would be affected.

1.10   Conclusion

In the traditional public administration model, accountability relationships were expected to be hierarchical and linear. The citizenry would elect their political representatives, who, on their part, would design and formulate public policies. The administrative machinery would implement the policies within rules and regulation through a process of delegation of functions and hierarchical structure. To ensure accountability of the public officials, the political representatives would watch over their performances and expenditure of public money. Now, a new approach of social accountability has appeared to involve citizen engagement in holding those in power accountable for their actions and decisions. It will not undermine or replace the oversight role of traditional mechanism on accountability equation. Social accountability mechanisms are to be used as strategies to improve the performance of the public officials, rather than a way of blaming or fixing responsibility and punish local officials. These mechanisms provide feedback where performance is unsatisfactory, make the officials in fulfilling their obligations and most importantly create opportunities for the citizens to engage in problem solving. If there is any constrained situation, that this particular office is to work under, then the social accountability tools will help the people to realize this and thus mutual trust will be built.

One outstanding impact of applying this mechanism to land office may be that it could help increase local revenue mobilization as the main responsibility of this office is to collect land development tax which is presently being fixed in a very ambiguous manner. Social Accountability initiatives have also the prospect to encourage civic participation in decision making processes at local levels, rise public awareness, build skills or capacities of target groups or beneficiaries; advocate for improved policy framework for service provision of an Upazila Land Office.

Chapter 2: Literature Review

2.1 Introduction

Accountability is one of the foundations of the good governance concept. In present days there is no issue more central to good governance than accountability generally and accountability of government officials specifically. Consequently, it is the most challenging issue to the government and the public servants. Whatever is the worldwide criticism on the governance standard, government is still the most powerful institution in the society. Only this institution has got the legitimate right to interfere in any matter of its citizen's lives. So it is of acute importance to the wellbeing of the individuals of any country, that their government and the persons, who are working for it, are held accountable for their performances. This is more applicable for a developing country such as Bangladesh where state structure is more powerful than the society since in countries like Bangladesh; people are to depend helplessly on the government for all the basic services.

2.2 Accountability

Accountability has been defined as an 'essential component of a democratic system' by Peter Sollis and Natalia Winder in their paper titled 'Building Local Accountability in South America: Lessons Learned and Future Challenges in the Social Sector'. The origin of this word is a Latin verb *audire* meaning 'to hear'. In Roman times these hearing were a public examination of accounts with proof by reference to witnesses and vouchers. These origins obliged the public officials to report their functions to the citizens and established people's right to take actions

against any poor performance. So, accountability is the right to hold people to account for the impacts of their actions and the affected persons have the right to be heard and their views taken into account. It is quite difficult do define accountability precisely but in a broad sense, we can say that accountability exists when there is a relationship where an individual and his functions are subject to another's oversight. Thus the concept of accountability entails two distinct stages: answerability and enforcement. Answerability refers to the obligation of the government, to provide information (by the public agencies and officials) about their decisions and actions and to justify them to the public. Enforcement means that the citizen responsible for accountability can sanction the offending party or remedy the contravening behavior.

The essence of governance is how power and authority are assigned and installed in a variety of public realms: policymaking, maintenance of law and order, terms of basic public goods and services, revenue generation and so on. In all of these realms, public officials by dint of their authority and positions, exercise powers as they carry out their functions. Systems, procedures, and mechanisms are the factors assuring the proper and responsible use of power and authority by public official. These all fall within the conceptual and operational boundaries of the term, accountability (Brinkerhoff, Derick W: 2001).

In the paper Social Accountability: An introduction to the concept and emerging practice by By Carmen Malena, with Rriner Foster and Jannmejay Singh, Accountability is defined as the acknowledgement and conjecture of responsibility for actions, products, decisions and policies including the administration, governance and implementation. within the scope of the role or employment position and encompassing the obligation to report explain and be answerable for resulting consequences. It can be seen as a consequence of the implicit social compact between citizens and their delegated representatives in a democracy. Government officials and bureaucrats can be held accountable to i) obey the law and not abuse their power, and ii) save the public interest in a fair way. To ensure the accountability of public servants, there are some

mechanisms known as internal or horizontal accountability, which includes political mechanisms, fiscal mechanisms, administrative mechanisms and legal mechanisms

According to the summary paper on the Stocktaking of Social Accountability Initiatives in Asia and Pacific Regions in the Neo-public management, accountability is both an instrument and goal. It started as a tool to enhance efficiency and effectiveness of governance, has gradually become a goal in itself.

2.3   Who is Accountable?

In a democracy, the elected representatives are thought to be accountable to the citizens who elect them. The civil servants are accountable formally to the legislator, ultimately to the citizenry. For the politicians, there remains an important link between performance accountability and political accountability as judgement about the government's commitment and the service delivered by them include some sort of performance assessments. The civil service, different ministries, departments and agencies form a large group to be accountable. The civil servants are, in a democracy, are ultimately upward accountable to the elected political leaders and downwardly to the citizenry. The two identified problems in strengthening accountability of public officials are the complexity of government functions and other is the problem with performance measurement.

Whenever we talk about accountability as a tool, it remains confined within the area of public offices and the political institutions. The private sectors are yet to be counted to be accountable to the people. Non government actors (NGOs, CSOs, private sector, and citizen) are being more important in accountability connections. The reasons are: the rise in out-sourcing of public service delivery, increase in private-public networking, NGO participation in policy matters etc. When these non-government actors are engaged in delivery of public services,

the financial and performance accountability becomes the main concern. They are asked to be accountable to the fund givers (government) and at the same time to the service user (citizens). When the NGOs are engaged in lobbying and advocacy on behalf of their members, then the political accountability takes place (Brinkerchif, 2001)

2.4   Accountability to Whom

Accountability is for four types of actors. These include state agencies, citizens and civil society organizations (CSOs), special publics and marginalized societal groups and international actors.   The facilitation conditions for ensuring accountability, are given by Brinkerhoff as checks and balances, low tolerance for corruption, Rule of law. Two strategies are proposed: The indirect (address facilitating conditions for accountability), and direct strategy (increase answerability).

2.5   Accountability- in Broad and Narrow senses:

European Governance Papers, No. c-06-01 by Mark Bovens, 2006, perceives that accountability in a broad sense is basically an evaluative, not an analytical concept .It is used as a synonym for many loosely defined political covets as transparency, responsiveness, responsibility, equity, efficiency democracy and integrity (Mulgan 2000b,555; Behn 2001, 3-6; Dubnic 2002 cited in Bovens, 2006,p-8)). It is used to qualify a state of affaires or the performances of an actor. It is close to 'responsiveness' and a 'sense of responsibility', a willingness to act in a transparent, fair and equitable way. Accountability in this broad aspect is a debatable concept for there is general consensus about the standards of

accountable behavior and it differs from time to time, person to person, role to role and place to place.

In this European Governance paper, accountability is not treated as just another political slogan but in a much narrower, sociological sense, referring to concrete practices of account giving. The most precise description of accountability will be 'the obligation to explain and justify conduct'. This refers to a relationship between an actor, the accountor, and a forum, the account holder, or accountee (Pollitt 2003, 89). The actor can be either an individual, or an organization (in public accountability, the actor is a public institution or a government agency). The accountability forum can be a specific person (such as a superior, a minister) or an agency (like parliament, a court of law, the audit office), but it can also be a virtual entity such as the ordinary people of the country.

2.6   What is not Accountability?

Transparency, which is often used as a synonym for accountability, is not enough to constitute accountability as the opportunity to gather information about the conducts about the actors does not provide any obligation to account for the results. Organizational accountability and access to information will often be essential for accountability; however, this kind of transparency is not enough to qualify as an authentic form of accountability (Fisher 2004), as it considers only the publicness of public accountability (Bovens, 2006).

2.7   *Types of Accountability*:

In hundreds of literature on accountability, it has been indexed in hundred ways.

The concept of accountability has been classified according to the type of accountability-exercised and/ or the person, Group or institution the public official answers to. As such, the two forms are horizontal and vertical types of accountability. Accountability within the State refers to state institutions that curtail abuses by other public agencies and branches of government. O'Donnel (1999) terms this as Horizontal accountability and defines as

> " The existence of State agencies that are legally enabled and empowered, and factually willing and able, to take actions that span from routine oversight to criminal sanctions or impeachment in relation to actions or omissions by other agents or agencies of the state that may be qualified as unlawful".

So, this is the capacity of state institutions to check violation of public agencies, improper ways of discharging the responsibilities, or the requirements for agencies to report laterally. This category includes a variety of oversight entities like audit offices, Ombudsmen, courts of accounts, electoral commissions and so on. Their effectiveness depends on both on their autonomy and their links to other institutions within the government. An important link is to the judicial system, which has the authority to pursue prosecution if needed.

The other category concerns accountability from outside of the State. This refers to overseeing actors located outside the state that play a role in holding state actors accountable. Thus vertical accountability is the means through which citizens, mass media and civil society may enforce standard of desired performances of public officials. The classic example of vertical accountability is

through periodic elections. The forum to hold accountable the others seeks to articulate demands, investigate and condemn unlawful activity, enforce standards of conduct and actions of public officials and agencies.

Based on the nature of the forum, we can have five types of accountability: *Political accountability, Legal accountability, Administrative accountability, Professional accountability and the Social accountability.* The term social accountability is meant to refer to a set of mechanisms for exacting accountability. These mechanisms can be initiated and supported by both the state and the citizens, but very often they are demand-driven and work from bottom-up. Generally social accountability is a vertical type of accountability. Some argue that as there is no hierarchical relationship between the actor and the forum, there is no formal obligation to render account. Giving accounts to the stakeholders happens mainly on a voluntary basis, therefore, social accountability is a type of horizontal accountability.

2. 8 *What is social accountability?*

CESI, summary paper on the Stocktaking of Social Accountability Initiatives in Asia and Pacific Regions, by Dennis Arroyo (2006) perceives accountability as the ability to require that public officials answer for their policies, actions and use of funds. Social accountability is an approach, initiated by civil society or the state, towards building an accountable and responsive government by relying on civic engagement. The concept of social accountability immerged from the western democracies. In reaction to a lack of trust in government, there had been an urge for more direct and clear relationship between public offices and the citizens. A conceptual paper on social accountability prepared by the participation and Civic engagement Group of the World Bank notes that social accountability encompasses an extremely broad array of actions that citizens can

potentiality take to hold government officials and bureaucrats accountable. The World Bank has defined social accountability as

> *"An approach towards building accountability that relies on civic engagement, i.e. in which it is ordinary citizens and/ Or civil society organizations who participate directly or indirectly in exacting accountability"*

The government has to perform enormous functions, so it is virtually impossible to oversee the total government activities. The Legislature can only monitor a few government programs, The Audit authority can only perform a limited number of audits even the Ombudsman can dispose of a certain number of cases. So, it becomes necessary to balance this top- down oversight strategies with some bottom-up tools, where the external actors are empowered to detect the problem-area. Society is a pervasive entity, because it is everywhere. So it is a dormant force that can intensify government accountability, if properly utilized (World Bank, 2004).

A conceptual Discretion named Social accountability in the public sector by John M. Ackerman has identified that the best way to combat the three identified threats of good governance, namely corruption, clientelism and capture and guarantee the public interest is by increased government accountability. Accountability ensures actions and decisions taken by public officials are subject to oversight so as to guarantee that government initiatives meet their stated objectives and respond to the needs of the community they are meant to be benefiting, thereby contributing to better governance and poverty reduction.

The notion of accountability is an unstructured concept that is difficult to define in particular. However, accountability exists in a relationship where an individual or body and their performances are subject to another's oversight, direction or request. Therefore the concept of accountability involves the components as answerability, enforcement/ sanctions and locus of accountability.

Four general approaches of pro-accountability reforms are identified in this concept paper. Those are Weberian Reform, Marketization, Independent Agencies and Social Accountability. Although, each one of these approaches summarizes a distinct way of approaching pro-accountability reforms, they are by no means mutually exclusive.

In this paper of Ackerman, the diversity of ways in which civic engagement can have a positive impact on government accountability has been examined. Six individual practices of social accountability are given here as: Punishment vs. reward based mechanism, rule following vs. performance based mechanism, level of institutionalize, depth of involvement, inclusiveness of participation, and branches of government. Some summarized case studies have also been given to make the readers understand the success factors of the different social accountability mechanisms. In addition, this paper questions those strands of the old public management literature that emphasize the padding of the bureaucracy from the social actors.

One's interpretation of accountability will depend on her vision of the role of the state. If one conceptualizes the state as a fundamental barrier to development, as a predator, that must be controlled in its interminable desire to take the market and the private sector, one will tend to take hold of an external mechanism of government accountability, (legal, hierarchical). If one finds the state as a positive facilitator in the provision of public goods and services, one will incline towards a more performance-based, horizontal type of accountability.

In this paper of John M. Ackerman, the later ideology has been encouraged.

2.9   Why is Social Accountability Important?

Now this is important to clarify why a modern public service sector is to introduce the tools of social accountability? Where do the loopholes of traditional accountability mechanism lie in?

The World Bank has prescribed a social accountability model, where they have identified the following positive impacts of it on governance:

a)   Effective Public Service:

There is lack of access to public services in many developing countries, at the same time the services remain poor and inadequate. In many cases, one has to bribe the public officials to get access to public services. In the urban areas of Bangladesh, municipal services like sanitation, water supply, streetlights and solid waste collection are almost absent, though these give real meaning to the various aspects of urban life. Here the governments fail to provide services to its citizens due to misallocation of funds, weak incentives, or a lack of articulated demand. This problem can be addressed if all the actors in the public policy and service delivery chain- policy makers, service providers and citizens can have a useful consultation within themselves.

b)   Poverty reduction:

The countries those have their Poverty Reduction Strategic Paper (PRSPs) use budgets while implementing the programs. To be sure that the budget is pro-poor, the government and the civic group examine it. PRSP process and related policy and program commitments have the ability to increase the pro-poor focus and accountability of policy making through improved use of information, and better incentives and processes. Since poor people are most reliant on government services and least equipped to hold government officials to account, they are the largest gainer from social accountability mechanisms.

c) Universal corruption

Corruption in public services has become systemic and endemic. In a country like Bangladesh, even the institutions created for fighting corruption have turned corrupt. It often takes place at the clerical level. The officials use their discretion to impose arbitrary 'service charge' on citizens, to deny licenses, to slow down the file-movement and so on. By enhancing the availability of information, strengthening citizen voice against these corruptions, social accountability mechanism can do a lot.

d) Promotion of democratic values:

As social accountability includes civic engagement, it fulfils the basic essence of democracy. If the modern democracy is described as a concentration of 'principal-agent' relationship, then the people, being the principals, transfer their sovereignty to the elected representatives. The representatives, in turn, transfer the enforcement of the law and policy to the government. The ministers and secretaries in the government subsequently entrust the execution of their job to the public servants at different levels. At the end of the chain, different public agencies, institutions have the job of spending public money in providing services.

e) Decentralization:

Decentralization encourages government responsiveness, citizen participation and greater accountability. National governments have been devolving power to local units, which allows local officials to become more receptive to central needs. Nations like Bangladesh, India, Indonesia, Nepal and Pakistan mandate decentralization by law. Governments use social accountability mechanism to improve local governance. For example, Bangladesh local government Development Fund Project uses score cards in grading the quality of public services, participatory budgeting, holds community participatory planning and budgeting sessions, and make information transparent via notice books and

complaint books. But this shifting is often diligent with difficulty. Local governments are constrained by little transparency, low capacity, bureaucratic control/ political interference, limited authority, the lack of accountability of service providers to them, and weak financial resources. Civic groups can express well the needs of local people and hold local officials accountable.

f) *Empowerment:*

The obligation of government officials and bureaucrats to account to citizens derives from the idea of citizen's rights, information rights and human rights. Social accountability tools are capable to monitor and protect these rights. Empowerment can be understood as the expansion of the freedom of choice and action. It has been evident that poor people's dissatisfaction with government service relates to a large extent to the issues of responsibility and accountability. According to them, the public institutions are not accountable to anyone or accountable to the rich and powerful only (Narayan 2000). By providing critical information on rights and entitlements and seeking systematic feedback from poor people, social accountability mechanism can increase the voice of the disadvantaged and vulnerable group. Thus, they become empowered and the state becomes more responsive on its part to their needs. As for example, the Indian State of Tamilnadu was considered as one of the most urbanized and industrialized in India. But, this state did not develop equally. Poverty and inequality indicators presented that the low cast 'Dalit'; indigenous people, fishermen, unorganized labor and some social group of women and children could not benefit from the development of the state. Then, the Tamilnadu People's Forum for social development was established.

g) Access to information

In more than 65 countries in the world the right to information act has been enacted. It is considered that the government working with more secrecy is more prone to corruption, as there is a universally recognized relationship between sin and secrecy. If there is access to get information about what is happening within

the government, people will know about the policy, programs and actions of the government. Actually, the success of any social accountability mechanisms will largely depend on the availability of the information of a particular public office. It is a positive change for implementing social accountability, that the civic groups and the governments gave come to realize the value of information in their advocacy activities. Various States of India used citizen's charter to improve the public services. Transparency International Bangladesh complied information on corruption cases and would review them for public attention.

g) *Gender Issues:*

Social accountability has important gender implications. In almost all the countries of the world, women lack representation at every level of government. This marginalization threatens their capacity to promote their interests and defend their rights against government. Social accountability tools, by virtue of their demand-driven and bottom-up nature, amplify the voice of women to be heard. The tools like gender budgeting and gender desegregated participatory monitoring and evaluation are specially designed to address gender issues. Social accountability initiatives often point at the public sector having importance to poor people, and the women, throughout the world, constitute a significant part of the poor. At the same time, Social accountability initiatives are already being used to draw attention to the needs of the vulnerable groups in society.

So, these are the elements those have made social accountability initiation so inescapable for ensuring good governance. No one wants to have the government as a monarch, the civil servants as the mere administrators. Now their role is to be of a facilitator. Service, now a days are not a favor offered to the citizens, rather it is their legitimate right to be served properly, and if not, to know the reason and sanction thereby.

2.10 Social Accountability: Building Blocks:

From the discussion on how important in can be, we come to know that Social accountability includes an extremely broad arrangement of actions that citizens can take to hold the public officials accountable. Despite this diversity, they comprise some key elements or 'Building Blocks' (World Bank 2004). Actually these are the stages followed by more or less in each type of social accountability mechanism.

a) Identifying an entry point:

The first step of almost any social accountability tool is the identification of an entry point and to develop a strategy to address a problem. The problem can be a specific or general; may be local or national. For Example, in the case of poor service delivery in a land office in Bangladesh, the entry points may be corruption in the record management, inefficiency in identifying and in the demarcation of khas (government-owned) land, fixation of land development tax in a wrong way, allocating the same piece of land to different persons and so on.

b) Building an information base:

An acute aspect of social accountability is generating relevant information and building a credential evidence base. Social accountability initiatives may secure supply side information from the government and demand side information from the users of the service. To get authentic data from the supply side, the transparency of the government and its capacity to produce information is crucial. On the other side, to have demand side data, awareness and local level mobilization of people are very important. These two sets of data are interpreted and analyzed to become operationally useful.

c) *Meet the People:*

When the information about the functions of public offices is made public, these can serve to create a driving force for action. By definition, social accountability is to be initiated by the citizens; therefore, effective communication will help them to find out the starting point. These may include the organization of public meetings and events and the media also. Transmitting relevant information to the government officials (who will act on it) is also an essential aspect of social accountability.

d) *Gathering Support and Building Alliance/Coalitions:*

The most common step in any kind of social accountability initiatives is to inform or engage people and mobilize support. To hold a government official or office accountable for his/ its performance needs to be a collective effort, to be meaningful. Therefore, the ability of the citizens to coordinate for collective action and the capacity of various Civil

Society Organizations (CSOs) to facilitate and support such mobilization are crucial to the success of social accountability initiatives. Reaching the poor, women and the marginalized part of the society needs specific effort and remains a main threat.

e) *Negotiating Change:*

The main objective of any social accountability mechanism is to bring out a significant change in public service. A good social accountability tool is one that is efficient enough to obtain response from public officials and effect real change. The most effective strategies of social accountability entail direct interaction and negotiation with the government counterpart. In negotiating change, the citizen's groups apply both formal and informal ways of inducement, pressure, reward and sanction. The space and scope for negotiation vary largely from one country to another. In many developing countries, legal and institutional reforms are found to be necessary to expedite this negotiation.

2.11 Social Accountability Mechanisms:

They Refer to the range of actions, tools and mechanisms that citizens, communities, civil society organizations, government agencies, private sector and the independent media can use to hold public authorities and other power holders accountable for their decisions, conduct, performance and actions.

In the context of World Bank support to social Accountability, the key areas where the mechanisms could be used, are i) The preparation, implementation, monitoring and evaluation of poverty reduction strategies; ii) public sector reform and public expenditure management process, iii) community-driven development projects; and iv) sectoral interventions (World Bank 2004). There are a variety of processes to promote social accountability. Among the wide range of mechanisms to build social accountability, some effective mechanisms are discussed here.

a) Participatory policy and budget formulation:

Here direct participation of citizens in formulating public policy and budgets is involved. With the introduction of poverty reduction strategies in the national level and community driven development program at the local level, this mechanism of Participatory policy formulation has become a common practice. Participatory budget formulation is occurred in the local level only. Sometimes, it becomes merely a budget allocation(For example, in Bangladesh, at upazila level there are some government programs like, allowance for elderly people, disabled-allowance, freedom-fighter allowance etc). Another approach to participatory budget formation is when civil society actors prepare alternative budgets (such as South Africa's budget or Canada's Alternative Federal Budget) with a view to influence budget formulation by articulating citizen inclinations. In this category,

the occurrence of state budget analysis, local budget analysis, sectoral budget analysis, budget demystification lies.

b) Participatory policy and budget analysis:

The civil service organizations review budgets to assess whether allocations are in accordance with government's announced policy. Budgets are scrutinized to find out to what extent fiscal allocations truly reflect government commitments. The interventions are summarized under the theme of prioritization. Hear, assessments look into impact of the budget on social priorities, particularly on pro-poor program. In this category, the occurrence of state budget analysis, local budget analysis, sectoral budget analysis, budget demystification lies. The civic groups interpret the raw numbers and technical analysis into lay language, feeding their reports to the public via mass media.

c) Participatory public expenditure tracking:

Civic groups monitor how government actually spends public funds. The particular focus is to find out the leakages as the funds move downwards. The leakages can be system inefficiencies or corruption. A common technique is to compare official documents with the data on actual delivery. This includes monitoring procurement, social audits, sectoral expenditure tracking, community-driven development, and investigative reports. A leading exponent of this mechanism is the Mazdoor Kisan Shakti Sangathan (MKSS) in Rajasthan, India. Another group is Parivartan, Which has reviewed 68 public works in Delhi via hearings and it has found that many roads exist on paper only.

d) Participatory performance monitoring and evaluation:

In this class of social accountability tools, civil groups are to monitor and assess local projects, public services or government programs. The common theme is impact and the group use evaluation tools that sweep a host of indicators. The

scale can be micro as the community scorecards on distinct services, macro as the citizen report card surveys. Performance monitoring needs setting standards and operationalizing them into indicators. Actual performance is measured against the stencil of indicators. The examples of this tool are deploying project monitors, tracking textbook delivery, citizen's charter, community score card, citizen report card, citizen juries, integrity pacts, and corruption surveys.

Actually each of these methods has the potential to produce improved performance and introduction of corrective measures and changes in process outcomes. Impacts are enhanced when a systems approach is adopted and social accountability initiatives are supported at different stages throughout public policy and expenditure cycle.

2.12 The Role of Civic Engagement and Social Accountability in the Government:

A paper made by Social Development Notes, World Bank designs a coordinated role of civic engagement and social accountability to reach a strategic interaction.

It is to be always remembered that civil society can not be a substitute of the state. Civic engagement is often misunderstood as existing in the absence of a vigorous state and it is also held that the presence of a firm state reduces the scope of civic engagement. But evidence says that a vibrant civil society and strong citizen involvement can bring transparency, effectiveness and soundness to the public sector. The dynamic relationship between civil society and the state, being contradictory in essence, can become coactive and vital to achieve good governance. The power exercised by the state through law, compulsion and the administration of public resources is the result of delegation of citizen's sovereignty charges the tension that characterizes this relationship. This tension is as old as the state, but it takes different shapes and varies in degrees

according to the nature of the political regimes and the disjuncture between ruling institutions and citizens. '*The smaller the extent to which citizen feel represented and serviced by public institutions, the bigger the governance crisis. The greater the degree of separation between the actions of rulers and citizens' expectations and control over ruler's actions, the greater the governance crisis'.* However, there is no constant steadiness   to the government equation. The relationship between the government and the civil society constantly change its direction. The type of the political regime and the approach adopted by a particular government toward organized interests of the civil society may determine this relationship. Seven (prescribed in this paper) possible types of strategies that government may take, are i) laissez- faire approach ii) Combination of conflictive and harmonic relationships, iii) Repression of all manifestations of citizens' organized interest, iv) co-optation approach, v) patronage approach, vi) proactive engagement, and vii) civic mobilization through nationalistic appeals. In most cases, Governments are to make a proper blend of these approaches with the citizen's integrated expressions. On the other side, civil society organizations also activate their own strategies defining their relationship with the state, political parties, business organizations and international institutions. Four main civic engagement strategies are Confrontation strategy, Parallel track strategy, Selective collaboration, and Full endorsement. Within the varied character of civil society, these strategies coexist and create all sorts of challenges. The complex mix of government approaches to civil society and civic engagement strategies frames the specific formula of the government equation. Delegation of representation prevails in purely horizontal accountability system. Where the public institutions are characterized by distrust, these horizontal accountability systems have very little or no public confidence. In democratic countries, where trustworthy process of delegation of representation exists, the same control- mechanism may have higher levels of public confidence and thus may contribute to improve citizen trust in public institutions. A new set of mechanisms of accountability with their vertical nature and direct participation with civil service organizations has begun to bleed

the conventional system. The Social Development Department of the World Bank has identified various types of social accountability mechanisms that can be applied at different stage of policy implementation. Evidences are given, here, that the social accountability mechanisms can improve the decisiveness and accountability of governments by improving public expenditure targeting of social programs, enhancing the quality of services, improving the allocation of resources through the inclusion of citizen feedback and enhancing public expenditure effectiveness. These mechanisms also help the civil society to understand the financial constraint and the natural difficulties to choose the best way of resource allocation within a diverse population. Thus this paper provides that the social accountability can play a vital role to create a transparent and representative government and help the public offices in meeting public desires. It becomes possible for the government and the citizens to recognize each other's limitations, to feel each others cooperation required and to interact for the common goal of effective development.

2.13 Importance of Quality Service in Public Sector:

Today quality in public service is recognized as the right of all citizens. This concern for quality needs to be understood both in the context of changing expectation of customers as well as pressure of globalization. Globalization has placed a serious threat to the concept of nation-state as well as encouraged market economy. Add to all these civil servants of many developing countries work under an unfavorable situation. The symptoms of this are evident in too much demand, too little supply, unclear and doubtful goals leading to corner-cutting and low morale. So quality as a concept is important. There are some assumptions emerged from the research on total quality management (TQM) that emphasizes on the nature, process and focus of quality (Morgan and Murgatroyd, 1994). These assumptions can be summarized, as quality must be a

component of the organization from the very beginning and the responsibility of quality standards needs to be shared by all. Quality needs to be understood as a deliberate effort to eliminate error and reduce waste in each and every aspect of an organization's activities. Customer is the end-user of a service and his preference and taste should be kept in mind. Customer satisfaction is the most important aspect of quality and from this perspective quality has been defined. Both European Organization for Quality Control and the American Society for Quality Control define quality as the totality of features of a product or a service that bears its ability to satisfy given needs. This definition makes it thoroughly clear that the customer is the person who determines quality of a product or service. The factors those determines customer's perception of quality are reliability, responsiveness, competence, access, courtesy, communication, credibility, security, understanding/ knowing the customers, and appearance/ presentation (Morgan and Murgatroyd, 1994).

2.15   Analytical framework:

Conceptually accountability is the ability to require that public officials, private employers or service providers answer for their policies, actions and use of funds. Social accountability is an approach initiated by civil society or the state, towards building an accountable and responsive government by relying on civic engagement.

One of the salient features of social accountability concept is its stimulating participation. It does not limit citizen's participation only within demanding when and where some service should be implemented, they are rather seen as active entity engaging and evaluating the total process It is hold that the public service in Bangladesh suffers from serious accountability deficits.. It remains to be studied that why citizen trust in the civil service and the government tend to be

quite low. Is it because the society has higher expectation of the government when the comparison referent mostly attached on the best private companies? Or because the modern world has become so complex that it is simply impossible for the government to deliver all the services promised in a timely manner and in good quality?

First, the aim of this paper is to develop a parsimonious analytical framework that can establish more systematically whether the public offices in our country, exercising public authority, are subject to any type social accountability at all. This is basically a mapping exercise- for example, what are the formal and informal accountabilities in an Upazila Land Office in Bangladesh?

If resource allocation and service provision can be improved by bringing decision-makers and service providers closer to the citizens and service users, we can hope that good governance is strengthened. At the local level it is comparatively easier to stimulate community participation. Change at this level appears to be less threatening to the national powerbrokers, therefore reducing resistance to citizen participation by the regime in power.

Whenever there is an opportunity to choose the government through a free and fair election, people's expectations are boosted about what government will deliver and what it should be answerable for. Bangladesh is a democracy, and a democracy holds the promise to make the people's lives better by improving delivery of goods and services. When ordinary citizen are alienated from and distrustful of public officials working at core service providing offices like land offices, 'transparency guarantees' are heavily circumscribed. Creating social accountability capabilities, is therefore is a key governance challenge. We are to find an appropriate social accountability mechanism for land offices that will not only enable governance but also make sense for poverty reduction since accountability failure hits the poor, disadvantaged and excluded people hardest and the majority service recipient of a land office are these poor, disadvantaged and excluded people. When the citizen's voices are strong, it is predicted that the

demand for better public service will be stimulated. If the local communities can exercise power as the end users of the services, described in the WDR 2004 as "Client Power" over service providers and hold them for accountable for the access, quality, quantity of services, then the community participation in service delivery can be endorsed as a tool of strengthening state- community synergy.

The tool of performance monitoring, especially the community scorecard mechanism can be well applicable at the case of the public offices in Bangladesh. The local community as clients are usually in a better position to monitor activities that the traditional supervisors in public sector agencies. Here the common theme is impact and the community use evaluation tools that sweep a set of indicators. For the Upazila land office, the scale will be micro. Performance monitoring requires setting standards and operationalizing them into indicators. Actual performance is measured against the template of indicators. This template examines impacts as assessed by the people themselves. To be more detailed, The community ranks the performance of the public office, at the same time the officials rank their own performance. These outcomes are compared and solutions are designed.

In this model there is a scope of having a facilitator, (as the case of Mallawi community scorecard) who can make the ordinary people understand the process and design a list of indicators. The central issue here is how the community participation may contribute to strengthening public accountability for service delivery of an AC (land) office. Effective community scorecard can create more opportunities for downward accountability, which is the spirit of social accountability concept. But it is not essential to be confined in a particular tool because the consideration of applying any social accountability mechanism is situation specific and its success depends on the decision taken by the SA initiator (government or the civil society) in choosing the options.

2.16 Conclusion:

Many theories have already been developed on social accountability tools and its application by various agents in Western World. Even in India some social accountability tools such as citizen report card, community score card, Right to information act have been applied successfully. But unfortunately the term social accountability is yet to be introduced in the public sphere in Bangladesh. Only in Sirajganj, Bangladesh, Asia stocktaking exercise found that the government applied their own mechanism to involve the pubic in promoting social accountability such as the Local Governance Development Fund in Sirajganj. So there remains a vast area of study about the application of the mechanisms of social accountability in the public offices of Bangladesh and there are also a good number of successes throughout the world. But while serving the purpose, it is to be noted that the ability of the actors of social accountability to play an important role in accountability is influenced by three factors. First they need to be connected to some degree to the accountability agents within the state. For example, if the community expose the corruption through press, they will have little impact (given they have no power to impose sanction) unless the judicial system tracks through investigation and prosecution. Second, the quality of democracy in the country influences what they are able to achieve. If basic freedoms like access to information, freedom of expression and of association, are absent or restricted, or criticisms of government activities is treated as base for harassment, then social accountability will be severely constrained. Third, the capacity of these accountability actors must be sufficient to allow them to engage in accountability activities. The citizens need to be sufficiently developed in order to aggregate demands, exercise voice, take advantage of access to information and be taken seriously by public officials. Fortunately we have some success stories in such countries where the standard of the people and the political setup

are similar to a reasonable extent. So we may avail the opportunity to study those cases carefully and equip ourselves accordingly.

Chapter - 3: Land administration in Bangladesh

3.1   Introduction:

In this chapter the basic structure and services of an Upazila Land Office, which is known as the Office of Assistant Commissioner Land, that is AC (land) office, are discussed. Most of the rural people of Bangladesh are cultivators and land-scarcity leads them to the status of marginal farmers, tenant farmers including sharecroppers and landless agriculture labor and wage labors. Lack of minimum transparency and inconsistency in land administration and management is another major domain responsible for creating and promoting conflict on land right and title. Existing land laws are mostly based on the State Acquisition and Tenancy Act (SAT) 1950. Officially any kind of intermediate landowners (Zaminders) were to be abolished by this act, but in reality, a group of mini landlords and land grabbers has emerged. Since then, no comprehensive revision of land laws was done except a few routine changes.

3.2   The structure of contemporary land administration

Land administration in Bangladesh has a long history that dates back to systems developed by the Hindu rulers of ancient India, and still carries the heavy imprint of the elaborate system of land surveys and registration for revenue collection purposes introduced by the British. The present day administration of land splits into four different functions, divided between two Ministries.

The Directorate of Land Records and Surveys (DLRS) in the Ministry of Land (MOL) conducts cadastral surveys, from which it produces *mouza* (revenue village) maps showing individual plots of land and *khatian* (individual land record certificates).

The Land Reform Board (LRB), also in the MOL, has a number of functions that it discharges through *Upazilla* Land Offices and Union *Tehsil* offices. It administers *khas* (public) land, and manages abandoned and vested property. It updates maps and land records between surveys, and sets and collects the Land Development Tax (LDT). It is also formally responsible for the implementation of land reform legislation and the implementation of tenant's rights.

The Land Appeals Board (again in the MOL), is the highest revenue court in the land, serving as the final arbiter in matters of *khas* land, changes in records, plot demarcation and taxation which cannot be resolved at lower levels. As such, it represents the final link in a chain running upwards from the Assistant Commissioner (Land) and the Nirbahi Officer at the *Upazilla*, through the Additional Deputy Collector (Revenue) and the Deputy Revenue Collector at the District.

Finally, the Department of Land Registration in the Ministry of Law, Justice and Parliamentary Affairs records land mutations arising through sale, inheritance or other forms of transfer, reports changes to the Ministry of Land, and collects the Immovable Property Transfer Tax

, the Directorate of Housing and Settlement, and the Department of Roads and Railways.
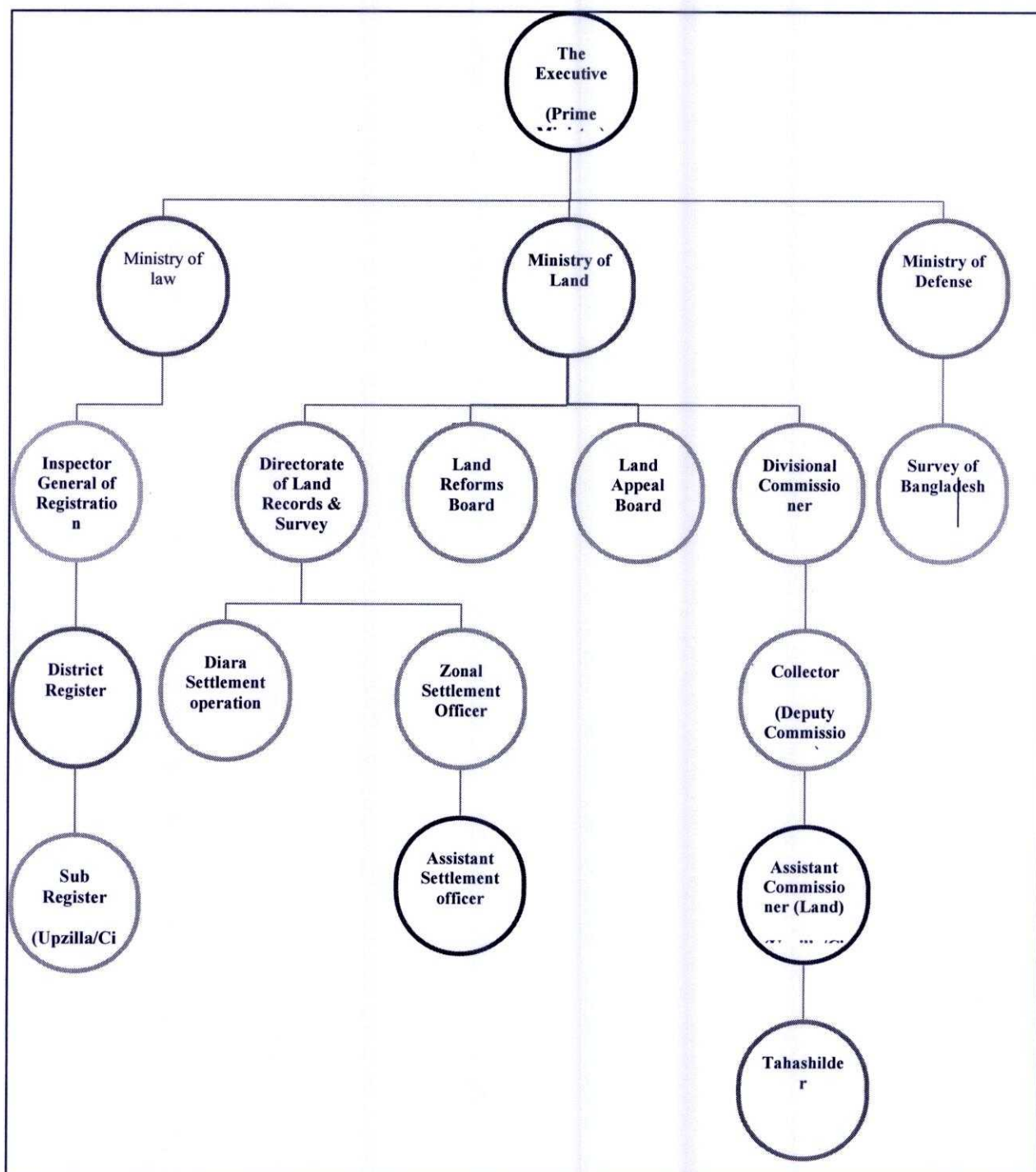
Figure 3:1- Structure of contemporary land administration

3.3 *The scenario of the Upazila Land Office of Bangladesh*:

In Bangladesh, land is finite and scare, and therefore, the competition to own land and access to land has always been a key issue in economic and social life. Out of 140 million people of Bangladesh, 65% are poor, 32.1 % are middle class and 2.97% are rich. The poor are disproportionately highly concentrated in the rural areas (85%) compared to the urban (15%). During the years 1984-2004, while the number of total population has increased by 40% the population in the poor class has increased by 52%. Most of the rural people are cultivators and land scarcity leads them to the marginal farmers. The land ownership pattern among this poor class is highly unequal. These negative factors associated with the dynamics of land ownership are responsible for increasing demand and scarcity of land in Bangladesh. The landless are fighting to get their land settlement for livelihood while the landlords are for acquiring more land. The sharecroppers are struggling to establish their lawful claim of share while the agricultural labors are fighting for their just wages (Barakat & Roy P K, 2004).

Many literatures on Land Administration of Bangladesh, has identified that lack of minimum transparency and responsiveness towards the people in land administration and management is a major cause for creating and promoting conflict regarding land right and title. Since the abolishment of the State Acquisition and Tenancy Act, no comprehensive revision had been done except a few routine and ornamental changes. Land record, management and registration offices are the most corrupt offices in the government. Both the police and court are also corrupt to a very high degree. These indicate the high conflict and misery regarding to the lawful relevant enjoyment of resource like land of Bangladesh

Land litigation causes massive wastage in Bangladesh. It causes further deterioration of the law and order situation, fuels corruption further, and aggravates the malfunctioning of legal and judiciary systems. Fueling corruption

is evident in land officials, court system, local government, and advocate. Within the corrupt and malfunctioning systems, the grabbers of land, water bodies, char and forest benefit most. Land litigation-mediated poverty is pronounced in the families passing through the lengthy process. It causes deterioration in the economic strength of those families: income reduces; time for productive activities fall with high pace, substantial part of the earning has to be channeled to meet the litigation-cost. The families under litigation are highly vulnerable to ill health. By destroying family and community bondage and sense of solidarity, land litigation acts as a mechanism to divide people, perpetuate bad relationship amongst the disputed parties.

Land tenure as an institution is guided by the rules invented by the societies to regulate behavior. Access to land is governed through land tenure system. The legislation and areas of laws that will be important to establish tenured rights include, but are not necessarily restricted to: the constitution, state, land management laws, land use planning and control, land transactions, family laws, inheritance laws, land registration laws, privatization laws, resource management laws, local government laws, customary tenure laws, property taxation laws etc. Failure to address the tenure interest of all stakeholders in the land development and land reform can cause problems and inequalities leading to land-related disputes and conflicts.

The number of the people affected by land litigation is very high. Every year about 120 million people are involved in land litigation, which means arithmetically each, and everyone of the country is, somehow, affected with variations in degree, and one person has to face more than one- even up to 13 or more cases. The average number of directly involved persons per land litigation is 5 in the form of plaintiff, defendant, and witness.68% of land litigation are being pending for 5 to 12 years and 8% are pending for more than 16 years. Present market value of the land under pending litigation is about TK. 723 billion and such figure would rise to even TK. 1,271 billion if we consider the total number of annual operated land litigation. Irrespective of the type, it is very difficult to cope

with the litigation as it makes the people distressed in all dimensions- economic, physical, social and psychological (Barakat & Roy P K, 2004).

Incidental expense in land litigation includes legal fees, bribe and remuneration travelling and boarding cost, which for a litigated household stands at TK 89,424 of which 99% go as bribe and only 1% as legal fees. The yearly incidental cost of all litigation at the national level would be TK 248,599 million. Of which TK 2485 million would be the legal fees and be deposited to the account of the state as revenue through stamp-selling and a substantial part of the retaining money (TK 246,114) million would circulate as unearned black money. The highest amount, 27% of the national incident cost (TK.67122 million) is mis- appropriated by the Advocates and their assistants. The cost for meal charge, travel and boarding etc account for 50% of the incidental cost (TK. 124,299 million0. Near about 22% of this incidental cost (TK. 54,692 million) is spent as bribe given to police, land and court officials and also to people's representatives. A lion Share (65%) of the bribe goes to the police followed by land officials (15%) and court officials (14%). It is almost unbelievable that 0.5% bribe goes to the local MP and 2.5% to the Chairmen and Ward Members of the Union Parishad (Barakat & Roy P K, 2004).

Land administration, vital part of the administration in Bangladesh, is considered to be very much corrupt as it is related to revenue collection and maintaining the land ownership records. High competition is also perceived to get a piece of land for food, shelter and survival of an agro-based household even. The corrupt public sectors, in fact, exploit and deprive both the people and government through ill management and illegal earnings. Corruption in land management creates a lot of problems like generation of 3 million land litigation and misappropriation of TK 1139.20 million per year. In addition, the survey and settlement, record updating, registration etc are the major fields of corruption affecting the governance of Bangladesh to a large degree. The political

government ultimately has to pay for this poor management and services due to corruption in the land management (Roy, P K 2004)

In a nutshell, the characteristics of land management are:

- Poor and unaccountable service to the citizen

- There is hardly any access to even very regular and ordinary type of information.

- Land management organizations are neglected and consigned to a lower position,

- It has been a dumping ground of inefficient officers,

- Corruption and inefficiency are very common,

- Hardly any development program centered on land management organizations

(Siddiqui, 2004)

3.4   The structure of the office of the Assistant Commissioner (land):

The ministry of land has the overall responsibility to manage the land, collect land development taxes, maintain the records, and formulate policies on land management and so on. The land management at the field level is carried out through the divisional commissioner at division level, deputy commissioner at the district level, Upazila Nirbahi Officer and Assistant Commissioner (land), at the upazila level and Tahsilders at the union level. All of these offices function according to their mandate given by the government. In an Upazila land office, a

Kanongo works to assist the AC (land). There are the Tahsilders for the unions, the surveyor, the clerks, certificate and mutation assistants under the direct control of AC (land). There are detailed instruction in the land management manual published in 1991 regarding the inspection and supervision of union and upazila land offices. The officials of this office have to put in a lot of time and energy in doing their job efficiently. They have to work beyond office hour especially in the tax collection time. Maintenance of the land records, tax collection, state-land distribution, implementation of the cluster villages project, accreted land development and land based poverty alleviation program require the participation of local people

This diagram provides an organizational hierarchy for an Upazila Land Office
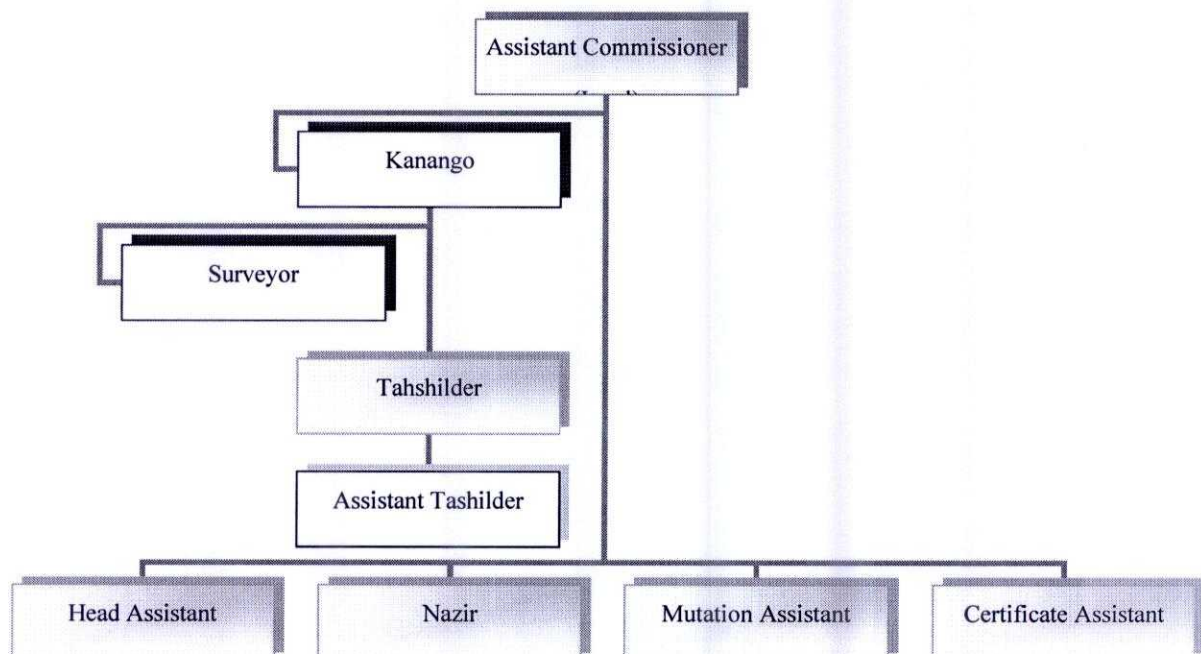
Figure 3:2 - Organizational hierarchy of an Upazila Land Office

3.5 The Basic services given by an Upazila land Office:

1). Record maintenance and updating

2). Determination of LDT (land development tax) to be demanded and collection of the same

3. Khas (Pure Govt.) land management.

4. Management of vested and abandoned property

5. Reporting for shop-licenses.

6. Mutation on Land transfer notice

7. Settlement of state-owned water bodies, haat-bazar etc.

8. Supervising the function of Tahsilder and Kanongoes

9. Filing of certificate case for public demand recovery

10. Temporary Settlement of Khas land

3.6 Organizational Functionality:

Operational /Data entry (What is done)	Managerial /information management(How it is done)	Decision making (For whom it is done)
Household data collection	tax fixation and supervision	
Reporting on inheritance	Record updating	Decision on Mutation
Classification of land (Commercial , Industrial)	Tax fixation on utilization pattern	Getting the tax collected

Information and mapping of alluvium and diluvium land	Management and reporting the ministry about alluvium and diluvium land.	
Information on public demand arrears	Management of certificate cases	Decision on filing case against the defaulter.
Preparing the khas land inventory	Management of khas land	Selection of land-less.
Information of shopkeeper	Management of Hat Bazar (Shop licenses)	
Information collection on any type of of State land and water resources, such as agricultural and non-agricultural land, water bodies, haat and Bazars, minor minerals etc. and non-leasable common property resources like grazing land, forest land, pathways, open water bodies	Management of State land and water resources, such as agricultural and non-agricultural land, water bodies, haat and Bazars, minor minerals etc. and non-leasable common property resources like grazing land, forest land, pathways, open water bodies etc.	Having decision on filing a case against the land grabber, leasing haat or bazaar etc.
		Land based dispute resolution
Review of the LT notice	Record updating	Mutation

Table-3:1: Organizational Functionality

An Upazila Land Office is recognized to the people by and large for its service of Mutation that is record updating. The mutation records can get distorted both during survey and settlement operations and by the ill motivated officials involved in mutation process. As the survey does take place after 20/25 years, the importance of mutation for changing the records remains more.

3.7   Land Mutation:

There are two ways a mutation process can start, namely mutation according to land transfer (LT) and mutation in response to application. Whenever the ownership of any land is changed because of a sale or any other way and this change of ownership is registered, the Sub Registrar, under the Transfer of Property Act and Registration Act is required to send a land transfer notice to the AC (land). On receipt of this notice the AC (land) starts a case for updating record of rights.

The updating of record of rights is also done during the settlement operation. When there is no settlement operation, it is done by the Assistant Commissioner (Land), that is, AC (land), under section 143 of the East Bengal State Acquisition and Tenancy Act, 1950 on receipt of an application from the tenants (Siddiqui, 1997).

The steps of mutation process are as follows (In case of mutation through inheritance):

- After getting information of expiring of a tenant, the Tahsilder sends a notice to the incumbent.

- The party may also apply for mutation indicating their share according to the law of inheritance.

- A notice is served to the probable owners.

- A hearing by the Ac (land) is given to them

- The Ac (land) passes a mutation order.

- The record of rights is corrected accordingly.

The steps of mutation process are as follows (In case of land transfer notice):

- After getting the land transfer notice from the Sub-registrar's office, the mutation case is started in the AC (land) office.

- The AC (land) office examines the land documents.

- The Tahsilder conducts inspection on the possession of that land.

- After receiving the inspection report, the AC (land) passes the mutation order, and a new khatian is opened.

3.8 Mutation – a quasi-judicial process:

According to the section 143 of State Acquisition and Tenancy Act 1950, Record updating is a quasi-judicial process. Section 116 and 117 of this act empowers a revenue officer to preside the mutation case. In a circular of 18-7-1984 of the land administration, this process of Mutation is asked to be considered as a

judicial process. Ideally the following matters are to be examined by an AC (land) while taking decision in a mutation case.

- Whether the application or LT notice accommodates the complete schedule of the concerned land.

- The Possession of the land and its description in the report submitted by the AC (land).

- If there is any arrears for the proposed land and if any certificate case is started for it.

- If this hampers any sort of government interest.

- Whether the proposed land is state owned land (such as vested/ abandoned/certified).

- Whether the proposed land is a 'Wakf' estate.

- If the land is surrendered according to the order no. 98/72.

- If the land is 'Sayrat' (property other than land).

- If the land is recorded in the Khatian no: 1 or other government Khatian.

- The objection raised by any party in inspection executed by the Tahsildar.

- The requirement to have a demarcation made by a surveyor.

- If the land is an acquired land under the 'Land Reform Ordinance 1984'.

- The presence of via document.

- The clearance from the co- sharer of the Khatian.

(Debnath, 2000)

3.9   And how reality may differ

The sufferings start with the existing manual system of record maintenance. Most of the records are torn and It is not easy to check an existing record of ownership in an AC (Land) office. It is laborious, true, and the labor in maximum cases yields no output as the records are being maintained for 100 years. No computerization of records took place and it makes the officials unwilling to get the record checked for the people. Moreover as the conditions of records are very poor after the wear and tear of so many years, the ill-motived official can temper it anytime without being accountable. Once a record is destroyed or not found, it becomes too difficult for a land owner to prove his title and possession on that land. Consequently they remain willing and sometimes eager to pay the 'extra' to ensure that none is doing any harm to their records.

The next problem an ordinary citizen faces in having a mutation in a land office is the unavailability of the application form. In almost all land offices they are denied to be served with an application form and ultimately the Tahsildars make the applications in their name. There will hardly a customer be found who himself has seen an application form. Formally the application is to be made before the AC (land), and he will then send it to the Tahsildars for necessary inspection. But in practice, the poor service recipient usually can not get a chance to talk directly to the AC (Land) and gets bound to make a deal with the Tahsildars about the amount of extra payment. The Tahsilders never sends a notice to the incumbent. In fact if the haggle about extra payment is not fixed between the party asking for mutation and the Tahsilders, the case is never produced before the AC (land). The order of mutation case is supposed to be issued within a month, but frequently takes a year and the payment of a bribe. If the concerned service taker is too poor to pay 'extra', he may not get his purpose served at all. There are innumerable evidences of these incidents in each and every land office in Bangladesh.

An unnecessary secrecy is maintained surrounding the Head of the office, which obstructs people's right to information. Even to get an ordinary and regular sort of information, people are to spend time and money. Though there are different registers with different kind of information, common people are not allowed to at these registers. Nonetheless, on payment of a small fee, people can get a certified copy of the ROR and mouza map. Although the laid down procedure for it is simple, in reality, both time and extra payment are needed to obtain these.

In the registration office, the deed writers and Sub-Registrar collude to ensure that this step only proceeds if a bribe is paid first whilst the buyer and seller may also collude to reduce the amount of Immovable Property Transfer Tax (IPTT), which is levied at 10% of the sale value. There is no requirement to check the legality of the transaction and it is not uncommon for the same plot to be "sold" to several different buyers, although this is much more frequent in urban areas. The information-flow regarding land sale registration is very much irregular. The LT notices are supposed to be sent to the AC (Land) office just after the registration of a deed is completed, but it does not happen that way in practice. All the LT notices (of 3 or 6 months) are sent in a lot to the land office and carbon copies of these land transfer notices are generally unreadable. In the AC (land) office, the LT notices are not dealt with in a proper way, as there is lack of adequate staff for dealing with these. So, a service recipient in Bangladesh can not expect that he will get an updated record in due course of time only by completing the land transfer registration. He must contact with the Tahsildar and fix an amount to be paid for the mutation formalities in AC (Land) office. The AC (Land) generally does not update the record. In practice, it is also impossible to update the records regularly until computerization of record keeping is introduced (Siddiqui, 1997).

The following diagram provides how the three different organizations of the government give input to AC (land) office for record updating.
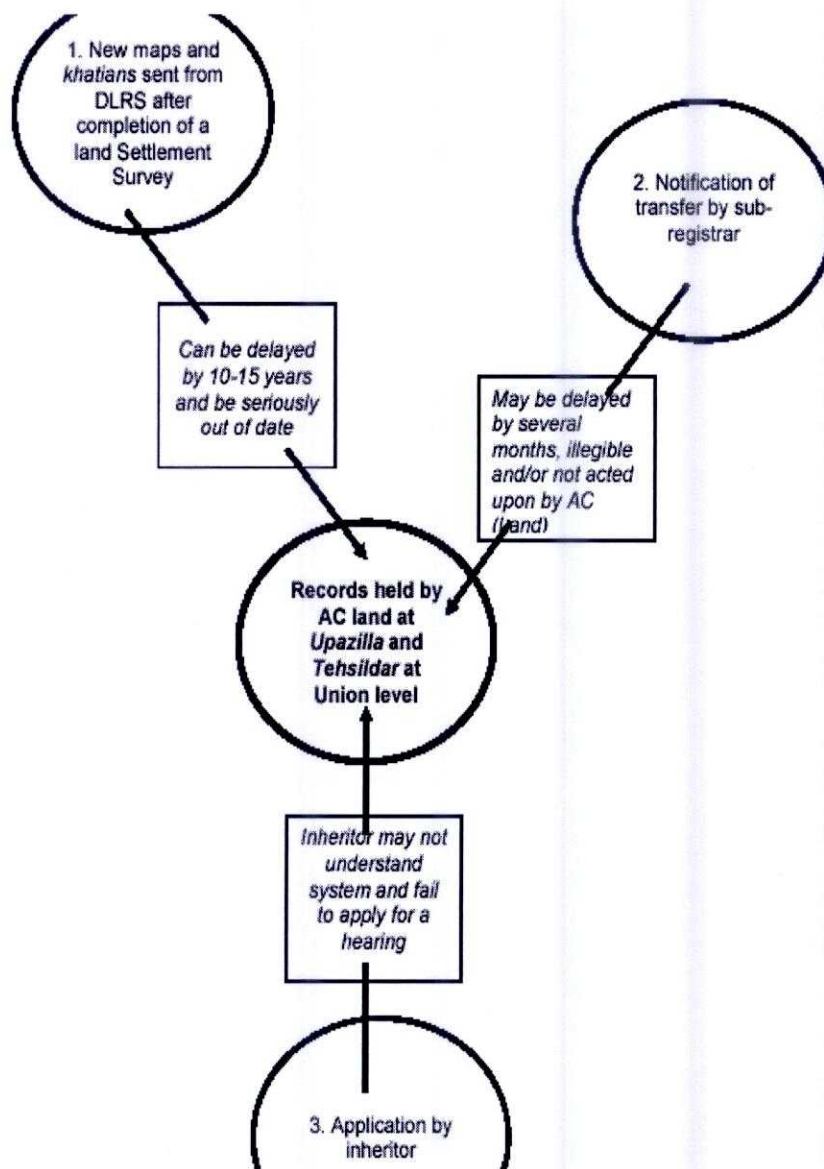
Figure 3:3: Record Management System

3.10 Land dispute resolution:

If any dispute is raised over the ownership of a piece of land, the parties make a complaint to the AC (land) describing the issue and schedule of the land. The primary inspection is done by the Kanungo or Tahsilders directed by the AC (land). Then the AC (land) can take a hearing and may dispose of the case. If the issue needs measurement of land or demarcation, the surveyor is asked to conduct a survey and submit a report. If the matter is related to tax assessment, the Tahsilder is given the responsibility. Thus the matters of tax assessment, local level survey such as boundary demarcation, amalgamation and subdivision of land are settled. In receiving these services, people have to compensate a lot to have the reports in their favor even in the legitimate case. The reports will remain unavailable for unlimited time until the amount of kickback is settled.

3.11 Public land management:

Since the independence, a good numbers of steps have been taken for the settlement of state owned land within the poor, landless people of the country. The land Reform Ordinance 1984 and Land Settlement program 1987 played a remarkable role in distributing the state owned land. But these programs, in reality, could not succeed due to the corruption of the local level representatives and the officials and staff involved in this settlement process. It had been evident that each and every stage of state owned land distribution requires some extra payment or bribes.

The table shows the amount of extra payment at different stages of settlement process:

Purposes	Officials involved	Amount of Extra Payment(Tk)
Enlistment as the land-less	Tahsilder/ Union Parishad Chairman or Member	200-1000
Application Process	Do	100-300
Selection Process	Do	1000-3000
Allotment of land	Tahsilder, AC(land), Kanungo, ADC (revenue), Local touts	300-1000
Getting Kabuliat Deeds of the allotted land	Tahsilder, AC(land)	200-600
Getting the receipt of the land	Do	1000-3000
Total		2800-4900

(Roy, P K 2004)

Table 3:2: Statistics of Extra Payment

3.12 Land Revenue Collection:

The basis of land taxation at present is the total amount of land owned by an owner, in case of agricultural land. The location and nature of use of the land are considered to fix the rate of tax in case of an urban land. After the introduction of the slab system, the land owning families were asked to surrender a statement describing their total possession of land holdings but the large land owners pressured to give up this process. If the land records had been updated and maintained with full information at the local land offices, the assessment of LDT could be made easily and perfectly. At present, land is divided into two sorts for the purpose of tax collection.

1. Agricultural Land: The land development tax for agricultural land is assessed on the proportion of land possessed by an owner/ family.

2. Non-agricultural land: The assessment of land development tax for non-agricultural land is made on the basis of location and purpose of use.

Generally the landowners come to the Tehsil office to pay their taxes, Sometimes the Tehsilders organize collection camp to raise tax collection. Harassment of the people is quite common here. It is not possible to pay the due without paying an additional amount to the Tahsilders. As the Dakhila' (The paper given after payment of dues to the landowner) stands for the proof of the title, people remains willing to pay this extra. In the urban areas, Moreover, along with the lacking of up to date land records, necessary forms and registers required for assessment and collection of taxes are not supplied to the land offices. So, the Tahsilders find it very legitimate to charge the people for extra payment (Siddiqui, 1997). There are also provisions for penalties for non-payment of land dues. Simple interest rates are calculated on the assessed LDT if it is unpaid within proper time. Certificate cases are instituted if LDT is not paid for three

consecutive years. The AC (land) performs as a rent certificate officer and on his decision, the land is liable to be sold by auction. Here also the people suffer much because they are not let to know well ahead about their arrears and thus again become the victims of the corrupt land officials.

3.13 Conclusion

Accountability ensures actions and decisions taken by public officials are subject to oversight so as to guarantee that government initiatives meet their stated objectives and respond to the needs of the community they are meant to be benefiting, thereby contributing to better governance and poverty reduction. Social accountability exists in a relationship where an individual or body and their performances are subject to another's oversight, direction or request. Therefore the concept of social accountability involves the components as answerability, enforcement/ sanctions and locus of accountability.

Property rights to land together with labor form the most common requirement used to produce food for consumption and to pay for other needs like health or education. An access to land is therefore, a powerful resource available to people to extend their cumulation of assets beyond land and labor. So, there has been serious competition for the ownership, control and the use of very limited land resources. Land laws and land administration are found to be conductive to the re-production of land disputes. People have very limited access to the land administration, particularly to a land office of their locality. It is evident that they are not getting service or benefit from the existing laws, service-providing mechanisms and consequently bears the burden of massive loss. Most of the land officials at upazila level are working without proper accommodation, equipment, forms registers and stationery etc. The records are maintained haphazardly, making retrieval difficult (or almost impossible in some cases) and time consuming. The service provision style is old having no computer or even typewriter or calculator. Thus the governance aspect is also being detrimental. Whenever we talk about accountability, we lean to neglect the demand side of if, that is the social accountability. It is important to know how the people want to be served, how they rate the performances of a public office and what are the probable solutions according to them.

Chapter 4: Findings and Analysis:

4.1 Introduction:

This chapter concentrates on identifying and assessing opportunities in the public offices of Bangladesh (Here, the office of Assistant Commissioner, land) to strengthen accountability by enhancing bottom-up or external mechanisms of accountability through the ordinary people, civil society groups and media, among others. It summarizes a brief round of interviews in The Upazila land offices of Mymensingh and Netrokona undertaken in June 2008. The aim was to assess firstly the understanding of the ordinary people about the necessity of social accountability (SA) and their interest and capacity in promoting any tool of social accountability, to assess the administrative environment for such work in Bangladesh.

This chapter presents some case studies that individually identify the existing accountability pattern in a land office of Upazila level in Bangladesh.

4.2 Case study 1

Md. Akbar Ali, a resident of Netrokona town, wants to buy a piece of land within the municipality. Hence, he visits the office of the assistant commissioner (land), which is known as AC (land) office, with an intention to verify the papers related to the genuine ownership of that piece of land. But having been waiting for long three hours he was not shown the Record of Rights (ROR). On the contrary, the clerk concerned (they call them Nazir Saheb) informed him that that particular ROR is missing; it will take time to provide him with the checking he asked for and may be it will not be possible at all. Informally that official offered Mr. Akbar some 'speed money' to do the checking. The most ridiculous part of this story is that the Tahsilder of that locality was present at that time and was very much

eager to fix the amount of extra payment for 'Mutation' (the official correction of ROR that takes place when a transfer of land is done). Thus, the person demanding service finds that the procedure is an up side down. Ideally the AC (land) was to judge his appeal for mutation, give proper hearing to him and other shareholder of the holding, pass a mutation order being satisfied and record would be corrected accordingly. Then that person would be given a *Parcha* (a certified copy of corrected record) and the DCR (Duplicate Carbon Receipt) of the payment of Mutation fee and due land development tax. But in real practice, a person requiring a mutation, is to settle the 'speed money' with the Tahsilder at the beginning and without giving any hearing or any investigation on the spot by the Tahsilder or AC (land) himself, the pleader will be served a *Parcha* and *DCR*. This person in question knows that the pages of the record book are told to be torn only to increase the amount of extra payment. He is willing to pay that as he knows from the experience of his relations that land litigation causes severe damage and it may last for several generations. So, he is helpless but to take part in this amoral procedure.

4.3   Case study 2

Bachcha Mian Mandal, lives in the 'Rouha" union of Netrokona. He is a land-less peasant. Six years ago, he was granted 2 decimal state-owned land (khas land) but was not bestowed the possession as the surveyor could not measure the land and did not finish the official process of this allotment. Being most ordinary in class, this man is totally ignorant of his rights and legal entitlement to the services. So he is continually coming to the AC (land) office to get the possession of that land in real but is being denied by the officials in an unkind way. He has already spent a good amount of money in bribing the surveyor and Kanungo, but his purpose was not served. According to him, as he is a poor person and has no influential person to request the officials on behalf of him, he

has been suffering. He had remained unable to talk to directly to any AC (land) in this six years and he does not think it important to get his job done. He considers the AC (land) such a big officer that he is very much confused if a poor illiterate citizen like him is entitled to come across with the head of the office. He even does not know that he has the right to access the information as to the causes of his sufferings. He is still willing to bribe surveyor and Kanungo but wants to get rid of the sufferings of clientleism.

4.4 Case Study 3

Latifa Begum, working in an NGO, is a divorcee and has been staying with her sister. She bought a one decimal land in the center of the city Netrokona, by the river of Magra from an Asadur Rahman, the owner by possession. While buying this land, she came to land office to examine the authenticity of the land. But, the surveyor of that time told her that it is barred by some secrets act to show someone a confidential document like ROR, he also assured her that he himself is the authorized official to check it and being paid, he will do it for her. Latifa Begum paid him 1000 Tk just to verify the record and receiving satisfactory signal from that surveyor bought that land at a high price. She rent a tea-stall there. She did not try to get a mutation for one year. After one year, she had been fallen in a financial crisis and decided to sell that land. She had to get the record up dated and for this purpose she came to the AC (land) office. Then for the first time in June 2006 she had been able to talk to the AC (land) who was also a lady officer, and came to know that the land she bought can not be recorded in her name. The reason was that as it was a river- side land, it is by default state-owned land (khas land) and not to be recorded in the name of an individual. She is to be evicted from the land and by no means can sell it to anybody. Now Latifa is in a big trouble and is expressing her grievances by saying ' Had I got the opportunity to check the existing record myself, I would not have bought this disputable land.'

Even she is not in a position to hold that surveyor responsible for this as that surveyor is in the privilege to deny it and the culture of holding any official by a service recipient accountable is completely absent at that office. What's more about the sufferings of this woman is that she had been treated in a disgraceful manner as if being a woman she ought not to come to the office.

4.5 Case Study 4

Professor Jatin Debnath, a retired Professor of a government college, is a permanent dweller of Mymensingh town. In 1951, his father died. In 1955 his three brothers left the country and settled in India. In 1962, his paternal land was recorded after his name in the RS (Regional Survey) record. Unfortunately this land was included in the list of 'enemy property (lately named as 'vested property') in the early 80s. So, Mr. Debnath could not sell this land of him for a long period of time. Recently, after the revision of Vested property' list, this land is again recorded in his name in the draft record, but the situation did not change much for Mr. Debnath. The Tahsilder and the mutation assistant of AC (land) office are demanding a big amount of speed money to make the record in his name. He is being discouraged to talk to the AC (land) directly to solve the matter and is also threatened by the apprehension that his purpose may not be served at all. So, he can not take any part to aid the AC (land) deciding his own issue. While giving the interview he directly expressed his grievances on the wicked culture of the street level bureaucracy of this office and demanded some mechanism to have access to the head of the office.

4.6   Case Study 5

Md. Sanaullah, living in Madanpur union of Netrokona, is very much upset about a certificate case, issued against him. Around five years ago, they were a joint family. The whole holding was recorded in the name of his grandfather who had died about ten years ago. Since that time no member of the family was interested to pay the land development tax because everybody's responsibility is none's responsibility. Recently he, being the eldest member, received a notice to attend a certificate case issued against him not for paying the arrears. Thus he came to the AC (land) office, to separate the holding within the family members and to pay the tax accordingly. Presently he is trying to correct the record according to their actual possession and being denied to get the service. At the beginning, no official (Kanungo, concerned assistant) entertained his issue, as if the issue is a grave one and it will remain irreparable. After a long course of bureaucratic tangle he came to know the fact and cause of issuing the summon. Mr. Sanaullah himself is an educated person and teaches in a school. But he admits to be ignorant about the office procedures and services given by a land office, moreover he complains about the misbehavior and tendency of the officials to create excessive secrecy regarding decisions. He even had been discouraged to meet the AC (land). Ultimately he paid Tk 3ooo as 'bribe' to the certificate assistant in lieu of the assurance that the case will be considered to be deferred. Sanaullah had given this type of extra money previously for different purposes as such checking the record, getting information about tax, mutation and he believes that though he did not give this money directly to the AC (land), the AC (land) must receive a portion of it from the Tahsilders. He does not think that the formal accountability mechanisms like supervision and inspection by the higher officials do work at all.

4.7   Case Study 6

Md. Mozammel Haque, is the owner of a six decimal land in Mymensingh town by purchasing. But he did not get the total possession of that land as a powerful political party man had grabbed that land partly. That influential person belongs to the ruling party and Mr. Mozammel does not stay here, only his effectual man. According to him, elderly parents live here, so for the sake of their security he did not go to the AC (land) office. He is very much certain about the fact that this office will do nothing against a politically the clientlism and patronizing vested interest of the powerful has become a characteristic of this office. He wanted to get at least the mutation in his name, but the concerned official of land office did not agree rather advised him to wait for the next national election. If the existing party in power looses, then he might have his job done. Otherwise he will have to endure the situation and deprivation by powerful.

4.8   Case Study 7

Niranjan Sarker, a landless person in the Thakrakona Union of Netrokona applied for an allotment of a piece of khas land, where a char land had immerged recently. According to the provision he fits to the requirement to be granted a parcel of land. The Assistant Commissioner (land) is to propose the list of the landless for the final approval of the deputy commissioner. Sometimes the Chairman of concerned Union is asked to formulate the preliminary list, on which the AC (land) makes his inspection on the spot. Here, the person, being a genuine landless and poor also denied bribing the Chairman to be short-listed. He directly came to the land office to inform the AC (land) about the inconvenience he is facing. But here, in this office he is being threatened by the devotees of the chairman and at the same time being barred by the office clerks

and bearers to meet the officer. He is desperate to be enlisted to get the allotment but is too poor to gratify the claim of the chairman. In his interview he revealed the reality that in distributing khas land it is not essential to accomplish the government criteria rather to settle a inducement with the chairman and the land officials. The persons already who are landowner are being allotted again khas land only by bribing the chairman or land officials or by being their own person. Thus the clientlism is given weights in public resource allotment.

4.9   Lessons learned from the case studies

The shared experience on the harassment of the service recipients from these two land offices identifies the weaknesses of existing formal internal accountability system that has already become worthless. The lessons from the first case question the institutional capacity of this public agency. It is obvious that the due procedures are not followed in disposing of official activities. Citizen's legitimate right to information is not only denied, but also vigorously oppressed by the public officials. Had the traditional accountability of the subordinates towards their superiors been working, the procedures of a basic function of land office like 'mutation would not have started just from the last. Here arises the importance of a social accountability (SA) tool. Once the ordinary people come to realize that their participation in public issues can bring a difference, they are likely to be willing to take the part. The concept of SA underlines the right of people to expect and ensure that government acts in the best interest of it's citizenry. So, If the people get the opportunity to get the mutation done in TK. 37.50 only (The mutation fee fixed by the government), who would not like to avail this? Thus SA also offers mechanisms to monitor and protect citizen's right, human right, and information right. In the second study, the client's file movement is stopped because the officials can afford to remain unresponsive to a poor service demander. Unfortunately it is frequently held by

the public servants (it might be to save their own skin), that the poor citizen are incapable in participating in the central activities of government and they are loud and rowdy, unreliable and inharmonious. But this hypothesis is jeopardous, as this is self-perpetuating. Because a service recipient should not run after an official to get his required service completed, it is the responsibility of that office to execute it properly. If the public officials, as in these cases, hide information from the people and let the work be incomplete without disseminating the reasons, the people does certainly become less informed and more indifferent, but not for their own faults. So, it is important to introduce civic engagement in an inclusive way.

Case study no. 3 tells us again about the universally recognized symbolic relationship between sin and secrecy. It is observed that a government, which operates in greater secrecy, is more prone to corruption than the government that works in greater openness. In the present case, The woman did not feel comfortable and was not behaved the way she ought to be. The prevailing system does not bind any personnel to justify his actions, so one can easily deny what he committed in the past. There is no citizen's charter in this office circulating the information of basic services and charges, the data are maintained manually which facilitates the ill motived officials to take the chance to bleed the public. At the same time public property like khas land is treated as absolutely private good and being sold again and again. Thus, the damage is twofold. Government property is being damaged and the same time people are being cheated by purchasing the land they are never entitled to. Like the woman, whenever the client is a minority, he faces extra hassle. It is taken that He must be having some disputed issue regarding state interest. The existence of vested property list facilitates this idea of the public servant. Unfortunately after the 37 tears of independence there is a list of the vested property. The exploiting officials of land office leave no stone unturned to abuse the public office for their private gain. The traditional system of accountable has proved incompetent to correct them because in this links, the monitoring authority (The superiors) is also

a component. Here emerges the necessity of an outside and demand-driven device of accountability like social accountability.

A trend of patronizing the political parties in resource distribution (khas land distribution) and giving priority in service provision is disclosed from the case studies. State owned land distribution is a crucial development project of the government to pull out the ultra core poor from theirs level and provide for their livelihood. The government has developed adequate rules to ensure the inclusion of the genuine land less people in this program. But almost everywhere the party-men are getting the allotment whatever his economic condition might be. The members of the parliament (MPs) in their own constituencies enjoy facilitating the allotment among his party members. In many cases, state lands are grabbed by the influential, the rich and muscle men of the political parties. As the bureaucracy is perceived to be captured

4.10 Presentation of Data

As the main issue of this research is to find out the prevailing pattern of accountability in a public agency as such AC (land) office, whether any social accountability mechanism is being practiced or not, both the service recipient and provider were interviewed.

Data were collected from two groups of people of different age, sex and socio economic condition on random basis. First the ordinary people coming to the land office for service and second the officials of these two land offices. There are 34 persons in the first group and 12 in the second.

The information or data collected are qualitative in sort.

Scale	Service Recipient	Service Provider
5(Excellent)	-	-
4 (very Good)	-	60%
3 (good)	-	30%
2 (poor)	20%	10%
1(Very poor)	80%	-

Table 4:1: Access to Information as one of the Major Social Accountability components
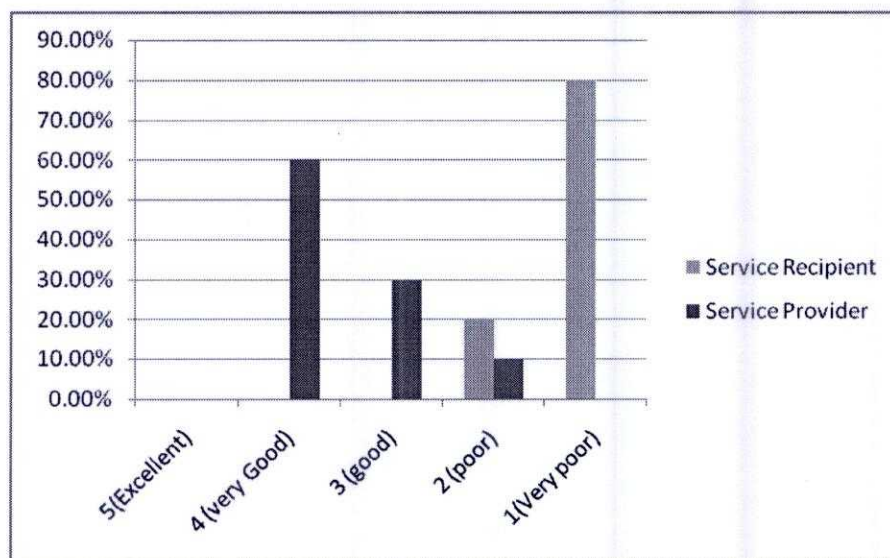
Figure 4:1: Access to Information as one of the Major Social Accountability components

This table presents a satirical picture about the existence of right to information scenario in an Upazila land office. The citizens do not see at all that this office provides its user any access to office information, whereas the officials think that to some extent it does. The consumers of service of this office can not have any information out of cost. The odd 10% officials, admitting the poor condition of access to information provided by the office, remarks that the existences of law like Official Secrets Act 1923, and Service Rules restrain them in disseminating information. Moreover, land related information grasp significant importance foe the receiver and the office and the officials in a land office (in public sector in general) are too ill paid to let the chance of earning go from their hand. So, under the guise of being adherent to the regulations of these rules, they exploit the people. As the ordinary people coming to this people get threatened in the name of law, they somehow try to buy their required information. These are happening in a regular basis and no one is there in reality to stop it.

Scale	Service Recipient	Service Provider
5(Excellent)	-	-
4 (very Good)	-	-
3 (good)	-	76%
2 (poor)	30%	24%
1(Very poor)	70%	

Table 4:2: Citizen's participation in decision making
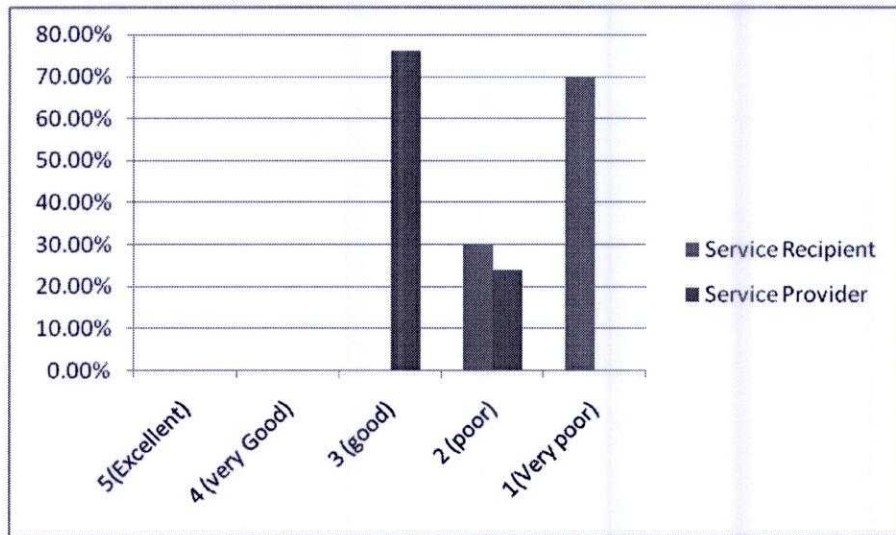
Figure 4:2: Citizen's participation in decision making

There are good scopes to take into account of the people's participation in taking decision. In fact the nature of services provided by this office clearly requires participation to avoid imperfection and ensure quality service. The cases of mutation, certificate, selection of the land-less for allotment of khas land, fixation of land development tax certainly needs the direct participation and involvement of the stakeholders. But the stakeholders do not get the opportunity to take part in these matters. On the contrary, the officials though can not boast on having an outstanding trend of executing adequate hearing to their clients, claim that there is participation to a large extent. But it is evident that service provision is not understood as a 'public good' similar to public park or national defense' from which no one can be excluded and the benefits are shared among all. In the case of a land office, the service is seen to be the privilege of a few and is managed in an fashion favoring only those with 'good connections' or from the special "power group'. In some cases, participation is ensured form an organized clientele group that lacks the voice and interest of the majority.

Scale	Service Recipient	Service Provider
5(Excellent)	-	30%
4 (very Good)	-	55%
3 (good)	-	15%
2 (poor)	60%	-
1(Very poor)	30%	-

Table 4:3: The Efficacy of formal (Internal to government) accountability mechanism in this particular Office
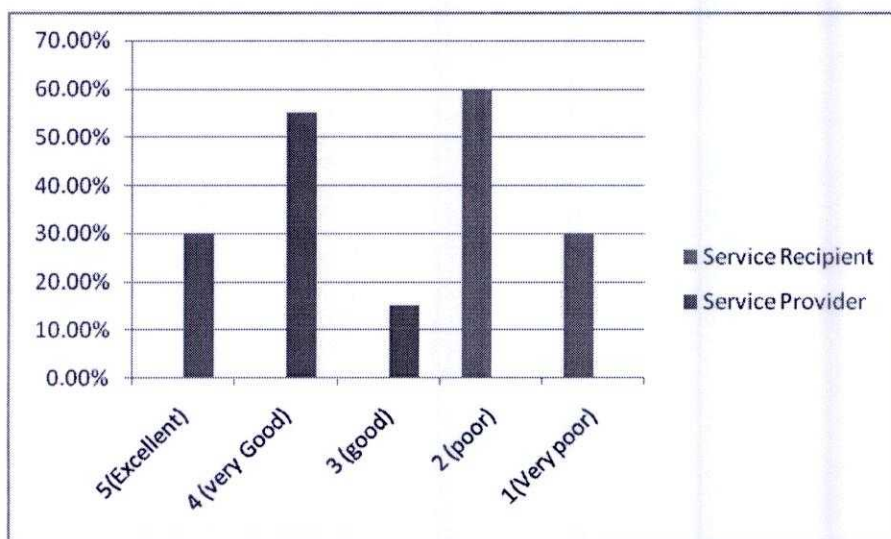
Figure 4:3: The Efficacy of formal (Internal to government) accountability mechanism in this particular Office

The officials mostly find that the formal accountability mechanism is working very successfully. The AC (land) has to inspect three Tahsil offices in a month to supervise the functions of his subordinates that is the Tahsilders. The AC (land) is also under the scrutiny of Upazila Nirbahi Officer (UNO), Additional deputy Commissioner (Revenue), and the deputy Commissioner (DC). He is to submit monthly reports on the performances of his office and is called to account to his supervising authority. He has also to be sanctioned if any major complaint is raised against him and he is supposed to be the offender accordingly. But the people do not think that this formal accountability device work that much. For them it remains only in pen and paper, in practice the officials especially the Tahsilders need not count their superiors. In most cases, according to them, the inspection is merely a formality. A corrupt official is never to accept a sanction, even if he is to in a rare situation; he possesses the capacity to get rid of it by each and every means. Here they (the people) were asked how they came to know this. They replied that these happen in the presence of them while they are in a land office of Union or Upazila level asking for services. As soon as the high officials come to pay a visit, the subordinates just stop doing any office work and devote themselves in the warm reception and entertainment of the formers. They also mentioned about a corrupt Tahsilder who once accused, altered the order of his suspension by spending his ill-earned money.

Scale	Service Recipient	Service Provider
5(Excellent)	-	-
4 (very Good)	-	10%
3 (good)	-	50%
2 (poor)	65%	40%
1(Very poor)	35%	

Table 4:4: The Corrupt Practice: (The least corrupt practice is ranked as Excellent and so on).
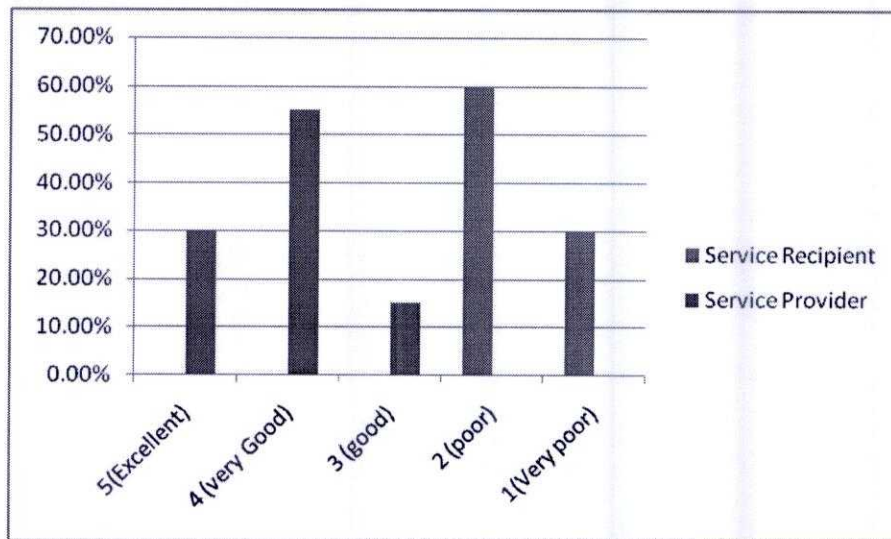
Figure 4:4: The Corrupt Practice: (The least corrupt practice is ranked as Excellent and so on).

By Corruption the evil mode of extra payment, doing favor a special clientele group, nepotism are meant. The 10% service providers admitting the existence of

corruption in land office holds that corruption often takes place in the clerical level who usually slow down the file movement and paper releasing, deny certified copies of 'Parcha', impose optional fees on people's transactions. The interviewed AC (land) and UNO reflect on that the clerks do these without the consent of them and in most cases keeping them in total darkness. Thus they can implore attractive bribes. The service users express their grievances in the way that they are to pay the grease money in the name of the head of the office. And as it is not so easy to meet the head of the office to ask for the service and verify the due charges on it, they can not help but keeping on paying this extra money. A significant part of the citizenry remains anxious about getting the service until they are told to pay bribe and correspond it. If someone contradicts in this process, there is very possibility that his file will be missing, or remain unattended to henceforth. The end users of this office conceive that and culture of disposing of services along with the predominance of a group with vested interest in land matters facilitate corruption. The land officials excluding the AC (land) and some times The Kanungo are happened to be the local persons. It helps them to do nepotism by influencing the AC (land) in taking a decision in favor of them. Sometimes they also satisfy their personal loathing by causing harm in a unfair way of record forfeiting, issuing a false certificate case. To get remedies of these type of pain, often takes long period of time.

Scale	Service Recipient	Service Provider
5(Excellent)	-	5%
4 (very Good)	-	20%
3 (good)	50%	65%
2 (poor)	35%	10%
1(Very poor)	15%	-

Table 4:5: Effective Service Delivery: (The parameters are responsiveness, promptness in delivering service, following due procedure, attitude towards clients)
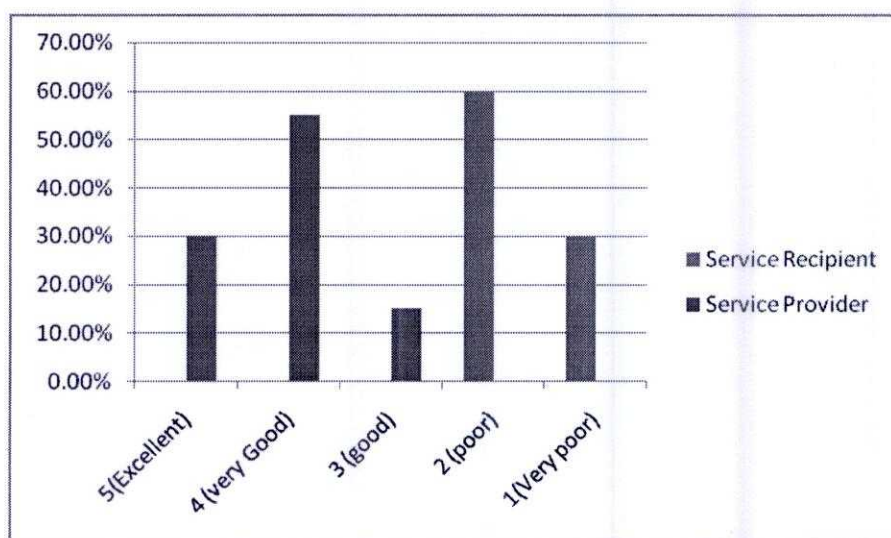
Figure 4:5: Effective Service Delivery: (The parameters are responsiveness, promptness in delivering service, following due procedure, attitude towards clients)

It has been very eccentric outcome of citizens' judgement on the service delivery of this office that half of them agree at the capability of producing effective services. They justify their views in that if the officials are paid their extra payment, this office can serve marvelously. The rest half rating the service delivery as 'poor' or 'very poor' evaluate

that it is almost impossible to get service from this office in due time. The officials are not willing to response or even to hear what sort of service someone is asking for. The general tendency of behavior towards women, minority and poor are offensive. Women are yet to be recognized as a direct service demander. The officials admitting that their service do not belong to the 'excellent' or 'very good' category describe in their favor that this office severely suffers from want of logistic supports, volume of works and political pressure to serve the party agenda first. Some of them view that the torn records and registers, involvement of other organ of the government (The Judiciary) in giving decision affect the standard of service. The level of understanding official procedure on the part of the citizens also hinders the quality of service.

Should any Social Accountability Tool be introduced in this office to enhance its service quality and accountability towards the citizen?

The Response	Service Recipient	Service Provider
Yes	100%	5%
No	-	40%
Formal, traditional accountability system is all right to serve the purpose.	-	55%

Table 4:6: The attitude on initiating SA Mechanisms:
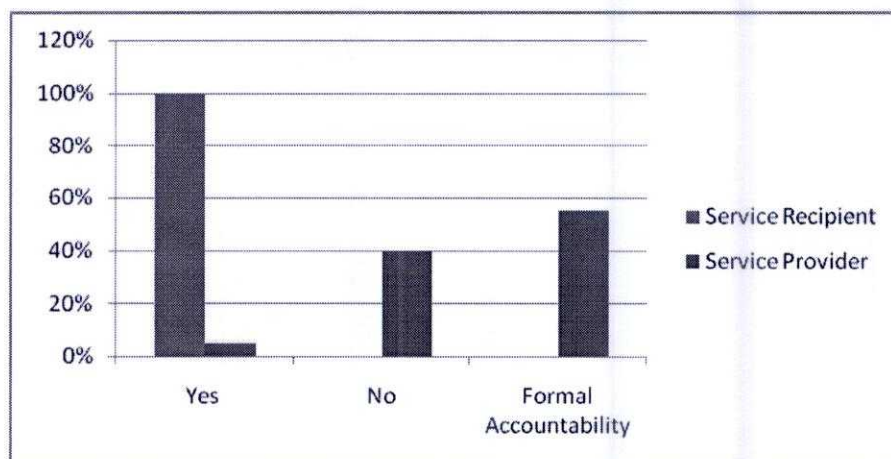
Figure 4:6: The attitude on initiating SA Mechanisms:

All of the service recipients had been agreed at the gain of introducing SA mechanisms. Whenever they were asked to give their opinion as one pleases, the most fascinating thing exposed was they literally uttered some of the SA tools such as social audits, performance monitoring, life-style monitoring, procurement tracking, and report cards. Though most of them did not belong to the conscious and advanced class of the society, they had really been very articulated in their demand of introducing a social accountability tool. The reason is the pervasive existence of the NGOs. In view of the broader investigation of SA approaches and initiatives A team from the World Bank has been working throughout the World. Many Bangladeshi NGOs are financed by World Bank and are working to popularize the concept of SA to the government and the civil society as well. So, the terminology and mechanisms of SA are already understood to many ordinary people. On the other hand, a significant part of the service providers ponder that the prevailing system of internal accountability should be preserved. They oppose the idea of SA on the ground that the competence of ordinary people is not enough to judge the performances of the officials and hence there is a risk on

the part of the officials to be miss- judged and imposed sanction in a prejudiced way.

The Tools of SA	Response from the citizens
Performance Monitoring	31%
Report Card	20%
Social Audit.	14%
Right To Information	08%
Lifestyle Tracking	10%
Corruption Survey	17%

Table 4:7: The options on SA Mechanisms
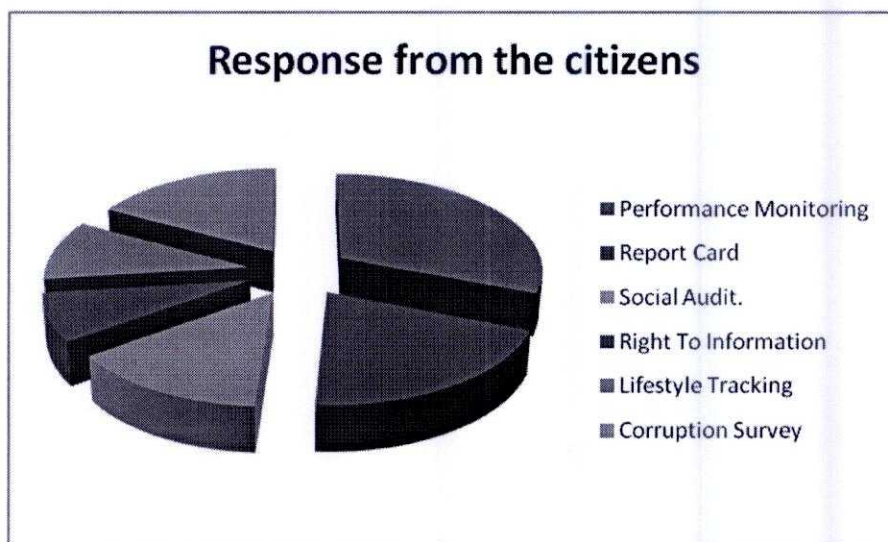
Figure 4:7: The options on SA Mechanisms

4.12 Analysis of Data:

Corruption is always a two- way deal with a supply and a demand side. In the case of public office at issue, it has become systemic as well as endemic. In the land offices, the systemic corruption has taken the form of substantial bribes to public officials to obtain special allotment of public resources, to bypass the regulations. Petty corruption involves modest but recurring payment for holding or quick movement of files, to avoid delays, to withhold any notice to disseminate simple information and destroy any record. Interestingly corruption activates efficiency in providing service by public office. Regarding the service provision of a land office, it has become such an inescapable part that nobody asks for an alternative. As far as one is not at the end of his endowment, he tries to appease the claim. But this should not be the characteristic of any modern, democratic stare. In a democracy, government is to earn public faith at first. No state can afford to be less than efficient in a globalising environment, it is maintained, and good governance is a necessary condition for attracting capital and maintaining stable growth. To combat corruption prevailing in the public sector in Bangladesh, such as in a land office, the SA tools of Citizen's Report Card, Community Score Card, Corruption Survey, Integrity Pacts, and Citizen Juries need to be applied. Of course these require a vibrant civil society because it is the eternal vigilance of enlightened citizenry that can facilitate accountability and prevent xenophobia in a public office.

Participatory local level report cards and other methods may be viable mechanisms for demonstrating 'Corrupt Practice'. They can also act as positive incentives for promoting change. But with little scope to redress (weakly functioning legal system, no cooperation from the police, no response from the government) such method may be of limited benefit in directly building

accountability unless backed up by donor action or as part of long time capacity building efforts.

Technological change also facilitates a fast dissemination of new thinking and practice about social account. In an increasingly inter connected world, communication and information technology provides new opportunities and tools for civil society's involvement in building social accountability. An explosive increase in the number of communication outlets has shone light on areas of public activity previously outside scrutiny. The introduction of Internet sites and cell phones spur further innovation as accountability modalities designed to address issues in one context are being adapted to meet the challenges of different surroundings. For example report card methodologies designed for monitoring the quality of urban services in slum neighborhoods in Indian cities have been adapted in assessing the impact of poverty reduction programs in Nicaragua.(Jenkins, Rob & Goetz, Anne Marie 1999) Unfortunately in the land offices in Bangladesh, data are being maintained manually since last hundred years. As the data and existing records are not computerized yet, it has been very difficult to verify the existing documents on land ownership, one can easily fabricate documents as his intention, and thus corruption in land matters is ushered. It is laborious and difficult for the officials also, to have readily available information. Likewise the availability and reliability of public documents and data kept as records and registers is essential for building social accountability.

In the case in discussion, as people have their stake in the policies regarding resource distribution by this office, they can intervene in the stage of crafting that expression by making inputs into the decisions and scrutinize it to ensure that it addresses the social development concerns.

Social Accountability mechanisms, if applied in a land office, allow voice the needs of the citizens in a more informed, organized and constructive way, thus increases the opportunities of effective positive change. The participatory decision making in Khas land allotment will improve performance accountability

of the officials by reducing clientlism, by opening alternative channels for the participation of the civil society. Here the example of Participatory Budgeting in Porto Alegre, Brazil can be cited.

The success of the participatory budgeting (PB) as a participatory policy is connected to the fact it offers an alternative to the so-called tradition of political mediators [or "Clientlism"], a tradition in which politicians distribute material goods as favor. The relevant phenomenon, in the case of the PB, is the capacity it has of transferring from the political mediators to the population the decision of the distribution of material goods through the creation of a set of public elements: assemblies, lists of the previous access to goods, necessity criteria. (Avritzer, 2000)

Thus, in the same way, the politicians control the decisions in allotment of state owned land among the poor, giving shop licenses as if the people are gripping some favor. Popular participation can replace the power of money with the power of voice. The poor, uneducated people should not be undermined in case of participation as it has been experienced through some SA initiatives in different countries that the unprivileged people not only actively participate but that they can even participate more, relative to their size on population than better off group.

In addition, there is an important difference between simply opening spaces and for the participation of previously arranged group of people (that is, clients) and the active participation of all the stakeholders in general. Of course the public forum to express opinion is useful but not enough to create active engagement and sense of responsibility among the public servants. Otherwise the 'participation' program can easily end up only reinforcing previously arranged clientele group that is very common around the decision making instrument of an AC (land) office.

After some success in countries like Brazil, India, Philippine, Peru and South Africa, social accountability initiatives to effective public service delivery and

poverty reduction are beginning to be recognized by governments and citizens of many countries as a substantial approach for improving the efficient delivery of services, and bringing about long-term economic development. Governments are now clutched to greater account, service delivery has begun to improve in some instances, and broad social policies are being prioritized, all of these have led to improved governance.

4.13 Conclusion:

The broad framework of accountability of Bangladesh is based on its constitution. Like other democracies, accountability is meant to be based on three key relationships: Between citizens and the state, between people's representatives and those responsible for delivering service; and between those who deliver services and the citizens who receive and consume them. From the citizen's perspective, one of the main channels to express needs is to demand accountability directly from the service providers in public sector. In Bangladesh, these accountability channels do not work as would be expected from a functioning democracy.

Given a predominantly rural population, a poor record of service provision and widespread reports of land and natural resources theft, rights abused, and other crimes directly affecting the poor, it is clear that the existing channels of public accountability has been suffering from some major weakness. Civil society is gradually organized to construct the local protest and galvanizing day by day. But the structures of these institutions, through which issues can be raised, remain weak. Bangladesh is a donor-driven country. These donors are able to exert more influence on the government to adopt SA tools to ensure government accountability to the people. They are in a crucial position to listen to and channeling information from civil groups as well as in supporting the civil society,

citizen and government interaction so that in the long run donors become more peripheral actors.

From the analysis of cases, the lessons gleaning are that it may be often highly effective to invite society into the state instead of sending sections of the state off to society. The normal citizens are extraordinarily capable of participating in highly complex tasks and there is no need for civil society already to be well established or unified prior to the implementation of social accountability mechanisms. These are capable to provide, specially the poor, the vulnerable and the disadvantaged, with space for effective engagement with other stakeholders so that they can give sought shape to the policy aspects.

Chapter 5: The Challenge

5.1 Introduction

"The main difference between success and failure is … the degree to which the poor people themselves are involved in determining the quality and the quantity the services they receive".

World Development Report, World Bank. 2004.

It is not easy to design an effective social accountability strategy rooted in the realities of a particular country. It requires being perceptive to the country's history, culture and politics and having a keen eye for the opportunities. Democratic development depends on the enabling of poor into the political society" an arena of governance where the poor can pressurize the government to stipulate their entitlements (Chatterjee, 2004). The regularity capabilities of the colonial governments precede the inclusion of these populations into the legal

The basic challenge lies within the capacity side; there is a lack of capacity on both sides, on the part of civil society to demand social accountability and on behalf of government to respond to these demands. Legal frameworks in support of social accountability are often weak, and information systems are poor.

We may have to face some real problems in initiating social accountability mechanisms in the service delivery of a land office. We may categorize these challenges that need to be resolved either by the State or the Civil Society who is interested in strengthening government accountabilities through civic

.

5.2 The Challenges

a) Role of the politicians:

The objective of SA tool would fail if the political will to act upon the change does not exist there. In Bangladesh, the public offices are remained to hold hostage the people by the politicians. Especially in a land office, there are issues frequently interfered by the local politicians and Clientlism takes place. Clientlism refers to relationships of political subordination in exchange for material rewards. The local MPs (members of the parliaments) influence the procedure of Mutation, settlement of State-owned land and leasing non-agricultural land, vested property, and commercial land. In maximum cases, the politicians try to set the terms and conditions of a given service in favor of them, tend to violate the procedures

So, if the decision-makers were not ready to make the service fair and transparent, the initiative would not work at all. All the public offices are abide by the Officials Secrets Act, 1923; the Right to Information Act is yet to pass as a complete act. Hence if the politicians can afford being indifferent to people's call, the SA tools would not succeed. The examples of their major role in the success of a SA tool can be understood by some examples. In Indonesia, Legislator would be invited to the public discussions organizes by FITRA (a civil society organization), but they rarely came. Parliament was not docile to the proposed budget changes. In the Philippines, Social Weather Stations (SWS) was respected for its scholastic fairness, but the findings made by SWS would be regularly attacked or expelled by politicians and agencies that got low grades.

b) Bureaucratic restraint:

Changes might be threatening to some of the bureaucrats. For more than 2oo years, the bureaucrats of this region have been working as rulers, not the managers. It is really difficult for them to conceive the concept on civic engagement in office matters. The laws have always guided them, not the

people's direct demand for better services. The people were never a factor in generating service. As for example, when Transparency International Bangladesh released its reports, the concerned institutions or ministers tended to criticize it. My case studies also revealed the same thing. The officials are averse to some extent in entertaining the citizen's views in decision making. Some would be afraid of job termination if the procedure becomes transparent and e-governance is introduced. Especially the lower level officials of land administration would try to resist any SA tools, as the existing faulty records remain a major source of income for them. If each and every procedure were computerized, information would disseminate automatically to the citizens, thus they would remain no more the guardians of the records. For example, the application form to change the RoR (Records of Rights) is not available to the service takers. The Union Land Assistant Officer (Known as the Tahsilders) always fill-up the application on behalf of their clientele. They pretend as if the ordinary peoples would never been able to settle the process of applying for a change in the records. The exact and official time to get a service related to record-change is hardly stated to people. Even the terms and conditions, on which one can claim a service, are kept concealed. In this very situation if any social accountability tool such as social auditing or performance monitoring is introduced, access to information will be the first priority. The engaged civil participants will demand to get all the necessary information and forms in the Internet. At the next step, they might require to introduce e-payment. Thus all manual transaction of money would become outmoded and here is the very chance that the officials concerned would strongly oppose initiating a SA tool. If the mechanism of lifestyle checking is installed, then most of the officials of land office will be identified as living a life much more lavish and expensive in comparison to their known and sanctioned wages.

c) Capacity of the Civic Groups and Grassroots People:

The forum that will hold the public officials accountable is essentially to be potentially able to design a complete SAC mechanism, to comprehend the code, The authority and limitations of the public officials. At the very beginning, especially the civil service organizations are to be persuasive enough to press the government to agree at the necessity of SAC. There has to be an effective interaction between the state and the civil society group. Their advocacy skill, their capacity to mobilize people, debate with the state, utilize the media are all very crucial for the accomplishment of the social accountability movement.

In Bangladesh, ordinary people are normally less educated, less concerned about their rights and almost completely unaware about the concept of a modern, democratic state. They frequently do not have enough knowledge to take advantage of the openings provided to them. So, it has remained very easy to deprive them on service related issues. People at the local level are generally grouped and always need a spokesperson on behalf of them. The CSOs are to take the responsibility here to bring them in the active participation with the state. Neither they can not identify their sufferings nor they are incapable of articulating the grievances, they are just not allowed to do so for hundred of years, so they are not used to. On the contrary, their experience, the way of explaining it, the findings, the suggestions would be very much effective and significant to design a perfect SAC mechanism for a particular locality.

For example, in my study area, most of the informants are non-conversant in using computers, but they categorically stated that the manual record management system in a land office facilitates fraud and corruption. They claimed to meet the AC (land) directly to settle their issues and also claimed easy access to information. Eventually all of these demands are supposed to be the components of good governance. The example of an Indian NGO, MKSS(Mazdoor kishan Shakti Sangstha) , can be stated here. A small Indian NGO introduced public hearings (Jan Sunwai) in villages of Rajastan in 1994 to stop

fraud and abuse of public funds the assembled local people listened to detailed accounts of official expenditure records and supporting documents. Villagers were invited to examine discrepancies between official records and their personal experiences. Laborers, suppliers, and contractors were invited to verify payments on the documents. The setting was informal, but presided over by respected members of the community. Rajasthan shows what can happen when citizens audit government spending, cross-checking accuracy, and measuring discrepancies between stated records and actual results. MKSS copied documents pertaining to minimum wage regulations and public works, such as a check on dam construction, and new school building. They took that information from village to village, verifying details. What they learned, outraged local people: Wages had been paid to fictitious workers, taken from electoral rolls, including the dead. Incomplete works were certified as completed and paid for in full. Over billing rackets for materials, that was never supplied. From these beginnings, MKSS has spearheaded a campaign to expose corrupt officials, by using government documents, which the public can verify (World Bank, 2004e)

So, it is not essential to always have a skilled and knowledgeable group of people in the demand side of social accountability, rather it is important to participate collectively in an organized way. Fortunately there are a good number of NGOs working in Bangladesh on different social development and service-related matters in both public and private spheres. Financial supports will be required in establishing a SAC procedure. The government might not be interested and able to bear the costs as It has already lots of activities requiring money and social accountability is a both way Participation process. So, the CSOs the NGOS need to collect money to arrange the public hearings, social audits, performance monitoring and other instruments of SAC. Although it is important to work with groups that are already organized, it is obviously crucial to reach out to the unorganized majority and to show them that their partnership matters as well.

d) *Access to information and ICT infrastructure*

The public servants are and will be unresponsive to public request for information. This might be a major obstacle in undertaking a SAC program. There is very chance and wide practice in a land office to trade the most ordinary sort of information. Fees charged to obtain information is quite high. In a land office the most valuable service is providing a genuine information about the record of land ownership. As for example, if a citizen comes to the AC (land) to check the record of his paternal land, he is denied to do so by showing the Officials Secrets Act 1923. The concerned official may be called accountable to the official rules but serves nothing to the people. Rather he is misusing the rules according to his own sweet will.

If the information were to be passed smoothly, most of the hazards of people would be solved as we got it from the case studies that maximum cases on land disputes arise from the lost or damaged or defective records. Information on file processing is also barred generally in a land office. So until a new culture of openness is evolved in place of the existing and age-old culture of secrecy, no civic engagement would be possible in a real sense. At the same time the manual system of record keeping and other official procedures would clog the collection, processing, and use of information, which are the prerequisites of any Successful SAC device. Bangladesh had a website on infrastructure projects, but little had been done to popularize getting government information from the Internet. This was due to formidable digital divide obstacles. The access to Internet rate and PC penetration are quite low. Fortunately, A pilot project on computerization of land records has been done successfully in Demra circle (a revenue circle of Dhaka district) under the direction of the office of the deputy commissioner, Dhaka. All the forms and necessary information, required fees need to be provided through Internet and to achieve this ICT infrastructure is to be built at first.

The media, both press and electronic, can play a leading role in informing or educating citizen. The extent to which the media is independent and ownership is pluralistic, are important factors that can contribute to give pressure in demanding accountability of the political system. Whilst the print media is relatively uncensored, Broadcast media -State owned TV and Radio – is less free than print media. There are good numbers of newspapers being published locally in Bangladesh. They can engage themselves actively in forming an issue, identifying an entry point of a Sac mechanism, organizing people, disseminating findings and creating a platform for public debate.

e) *Incentive structure:*

It is to settle that to what extent the accountability tool is oriented around rewards or punishment? The public officers in Bangladesh are often immunized to sanctions in a true sense, so if the SA tool count heavily on punitive actions of non-performance, the officials may become threatened. Thus they may oppose to introduce a SA mechanism. And without the support and willingness of the government, it will be almost impossible to get the people their desired outcome of a SA initiative. At the same time only the reward' certainly will not be able to correct the service delivery pattern of a wrongdoer. It is just as important to assure that the public servants deliver the goods as it is to guarantee that the procedures are being followed. As far as the question of introducing any Sa mechanism in the officials working in an AC (land) office, if the tool relies only on rewarding the good ones, the bad may not feel aroused to change. So, a balance of punishments and reward may be the appropriate strategy of some strongest SA mechanisms.

Traditional notion of bureaucracy focuses on the rule-based accountability system that hardly leaves any room for civic engagement. New approaches seek to stimulate performance improvement and use performance evaluation to measure outcomes. Social Accountability appliances can combine citizen

participation both on enforcing rules and improving performances. Here the challenge is to transfer the evaluation criteria from traditional rule-based system to a performance oriented system. Government is to take the initiative not to let the exploiting officials make excuses for their poor performances.

f)   *Institutionalization:*

The lack of institutionalization would be a major problem with the social accountability initiatives in the public sector. Power is the main concern here. The executives enjoy a good deal of power in policy implementation. So the wide civic engagement in public spheres and institutionalization of social accountability initiatives might be felt as a threat to their supremacy. On the other side, if the Social accountability mechanism is not permanently implanted in the structure of the government, its benefits can tot be ensured. Any ad- hoc initiatives by well-meaning public servants or NGOs are not forceful enough to bring out any meaningful adaptation in service sector. In Bangladesh, A leading NGO is to get the scope to work on the distribution of state-owned land among the land-less people. It is being thought that they will include proper public hearing and engagement in their process. But until this initiative is inscribed into the legal procedures authorized by the government, their findings are not worth it. Any SAC initiative is to be implemented both by the government agencies and the civil group.

Generally social accountability initiatives identify the demand for institutional changes in the public services. In our case of service delivered by a land office, to get better service, let the device of performance monitoring or evaluation of public service delivery be introduced. It would identify the need for changes in the behavior pattern of the frontward staffs, in the record and file management, in the decision making process. But the ultimate proposed changes or reforms would never take place, if the initiatives would stopped here. They are to go further and play a synergist role in bringing these changes about. Civic engagement needs to be built in the strategic plans and rules-regulations of the government. There

might also be a public agency that will act as a linking entity between the government and the societal actors for ensuring active civic participation in public decision-makings. So the challenge is to get the SA mechanism marked in law requiring government as a whole to involve the citizenry in public service and public policy process. This may be the most ambitious proposition for the institutionalization of participation mechanism, but nevertheless not unrealistic. The administrative Procedures Act in the Unite States, Popular participation law in Bolivia, Mexico City's Citizen Participation Law are the brilliant examples of the desired sort of institutionalization. But this list is quite short. So it (under-institutionalization of participatory mechanism) would be impedance in counting civic participation in public affaires.

g) Level of Civic Involvement:

The scale of involvement would be a challenge to instate a social accountability device locally, in our case and in general as well. It is important to involve the people thoroughly in a social accountability mechanism. It should not end in the mere providing information and consultation with a subject specialist. So far land related service is concerned, it is more important to involve the service wanting people in the total procedure of a SAC device rather than to consult a scholar having vast knowledge on the land administration of Bangladesh. If the people are not allowed in a Social accountability initiative to take internal part in the step by step planning of government policies, the spirit of true civic engagement will not be encouraged. Involvement should not be confined within mere consultation, holding regular meeting with a proper attendance-shit, it should include the detailed procedure, the ability for expressing objections wherever necessary, making correction and demanding accountability directly from the accountability givers.

There might be a tendency of the SAC mechanisms, to include some selected people from some selected class. This would happen because on the part of the government, it is easier to talk to some well-behaved individuals than the total

forum. The challenge is to break the idea of this type of well-settled civic engagement. Every individual has his own problems, so every individual should be counted. The most amazing solution might be coming out from the positive deviant of the lot. The participation of the people with less voice, with alternative interests and ideology should be included in any social accountability appliance.

5.4   Concluding Remarks:

'Too often, services fail poor people. These failures may be less spectacular than financial crisis, but their effects are continuing and deep nonetheless.'

James D. Wolfensohn, World Bank President

In conclusion, this is the precise inference of this study. Clearly we achieve from our case studies that the sufferings in getting proper service from the land office in Bangladesh are not that much characterized by the amount of the extra money being spent, but the effects that persist for years.

Usually social alertness and movement originate in civil society and these are the fundamental elements of all social accountability initiatives. Nevertheless, in many successful applications of social accountability initiatives, these have been sufficiently taken up and supported by the government and the international stakeholders. The ultimate success would be achieved through the active interaction of the citizens, bureaucrats and the state. There might not be necessarily always agreement and trust between the state and the citizens, argument and doubt could also lead to effective state-society interplay. The important thing is to balance the leadership of the civil society and the state. The interface between them is needed to be focused properly.

Throughout the world, social accountability mechanisms have been developed in response to specific needs, local power imbalances and a desire to improve

services. The benefits and risks of a particular social accountability mechanism always depend upon the social, political and economic context in which it is being applied. So, no one can guarantee the success of a given mechanism of one local context in another. We may be encouraged by the success of a SA tool of India, Philippines, Cambodia, Latin America and Africa but while applying it in our own context, the result may not be the same. Some mechanisms will face less threatening to the power-holders than the others will. In our case, (the service given by the office of Assistant Commissioner, land) as the context is local, it would be easier to activate community participation. The initiatives to be applied in broader or central level (like Citizen Report card) are to be designed and executed by professional NGOs and Civil Society Groups. But the community scorecards can be designed and run by the service providers and service users. The Citizen Report cards are more applicable in relatively macro settings, but the best turf for the application of community scorecards is the community level. Each mechanism has its own strength and weakness and works best when applied rightly to a right context and in a complementary approach. Our context in this study tends to be more favorable for the NGOs and grassroots organizations than the government to act as the facilitator. But it is not quite impractical to have the government opening up spaces and the civil society joining later. Societal actors are much more willing to participate if they see that they are complementing the government activities and if they are able to dialogue with public servants who are serious about their jobs. The task of promoting and achieving Social Accountability has to be located within the context of political action and would include the civil society's role but not limited to it. It will always be important to distinguish the appropriate instruments and process in identifying and enabling the local operator of transformation. It remains enigmatic, time consuming, given the limitations of political culture, donor dependency for financial resources, bureaucratic mode, but crucial to achieving good governance.

Appendix - A

Questionnaire A: For the service recipients

Name   Age   Sex

Address

Read the questions carefully and put a tick mark on the appropriate place of the scale.

1. What service do you want from this office:

   Mutation/Settlement of Khas land/payment of land tax / certificate case/ vested property/ abandoned property/Shop license/ others

2. To what extent the office decisions are exposed to you?

Excellent	Very good	Good	Poor	Very poor
5	4	3	2	1

2a. If the decisions are not exposed, can you do any thing?

   Explain - -----------------------------

3. Can you participate in decision making procedure?

Yes   No

Explain

3a: What measure can you take if you can not participate?

4. The extent of your (as a citizen) understanding on the activities of this office

Excellent	Very good	Good	Poor	Very poor
5	4	3	2	1

4a. If you cannot understand any procedure, what do you do?

----

5. What are the levels of the officials of this office (according to their performance)?

Excellent	Very good	Good	Poor	Very poor
5	4	3	2	1

6. What is the frequency of holding personal hearing of the people who makes an application?

Excellent	Very good	Good	Poor	Very poor
5	4	3	2	1

6a. If personal hearing is not taken, can you take any step?

Explain:---------------------------------- --------------------

7. To what extent equal opportunity and respect are shown to the women/ minorities?

Excellent	Very good	Good	Poor	Very poor
5	4	3	2	1

7a: What can you do in case of their misbehaving?

----

8. To what extent the officials explain their decision?

Excellent	Very good	Good	Poor	Very poor
5	4	3	2	1

9. How fair do you think is this office in disposal its duties?

Excellent	Very good	Good	Poor	Very poor
5	4	3	2	1

10. Is it possible for the people to interrogate the actor and to question the sufficiency of   the information or the legitimacy of their functions?

Yes   No

How   why

10a. Explain if there is any provision to pass judgment on the performance of the officials?

11. Does any service of this office require some amount of extra payment?

Yes   No

If the answer is yes, please mention the amount you have paid for the service:

Mutation

Being Short listed in the Khas land distribution:

Shop license:

Preventing the filing of certificate case:

Vested/ abandoned property leasing:

Land grabbing:

Lessening land development tax:

Avoiding land development tax:

Updating/ creating land records in a faulty way:

12a: Can you complain somebody about this extra payment?

Yes   No

Explain   Explain

13. How many officials are thought to be involved in corruption?

All	Some	a few	None

14. How well the government is handling corruption?

Excellent	Very good	Good	Poor	Very poor
5	4	3	2	1

14a: How could the Government handle this according to you?

----

15. The extent of clientlism existing in delivering service

Excellent	Very good	Good	Poor	Very poor
5	4	3	2	1

15a: What can you do in case of clientlism

----

16. The provision of having mundane information in this office

Excellent	Very good	Good	Poor	Very poor
5	4	3	2	1

17a: If the office does not provide information, what can you do?

18. Can you hold any official liable for his wrong/unlawful decision?

Yes   No

Explain   Why

19.   Can you complain to somebody about any unlawful decision that causes you harm?

Yes   No

Explain   Why

20. The provision of imposing any sanction for unfair activities

Excellent	Very good	Good	Poor	Very poor
5	4	3	2	1

21. Do you think they are to be legally accountable towards you?

Yes   No

Why   Why

22. How the social accountability of this office can be ensured?----------------------
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Appendix - B

Questionnaire B: For the experts/ ex-service providers

(These questions are applicable for any Upazila Land Office of Bangladesh.)

Name :   Designation

Please read the questions carefully and put a tick mark on the appropriate place of the scale.

1. How do you rank the services of this office?

Excellent	Very good	Good	Poor	Very poor
5	4	3	2	1

2. How fair do you think is this office in disposal its duties?

Excellent	Very good	Good	Poor	Very poor
5	4	3	2	1

3. How quickly this office provides service for the people?

Excellent	Very good	Good	Poor	Very poor
5	4	3	2	1

4. Do you let the people know about your decision on their request?

Yes   No

Why   Why

5. How facilitating the existing rules are?

Excellent	Very good	Good	Poor	Very poor
5	4	3	2	1

6. How effective/institutionally stable is this office, according to you?

Excellent	Very good	Good	Poor	Very poor
5	4	3	2	1

7. To that extent do you follow due process in taking decision?

Excellent	Very good	Good	Poor	Very poor
5	4	3	2	1

8. What is the condition of logistic support for this office?

Excellent	Very good	Good	Poor	Very poor
5	4	3	2	1

9. The readiness level of the people to understand an official procedure?

Excellent	Very good	Good	Poor	Very poor
5	4	3	2	1

10. The extent policies are consistent with other policies?

Excellent	Very good	Good	Poor	Very poor
5	4	3	2	1

11. Is there any political pressure to take any specific decision?

Yes   No

Explain

12. The extent financial transparency exists within the office?

Excellent	Very good	Good	Poor	Very poor
5	4	3	2	1

13. The existence of any system of holding the officials liable for their wrong/unlawful decision:

Excellent	Very good	Good	Poor	Very poor
5	4	3	2	1

14. Is there any type of clientlism existing in delivering service?

Yes   No

Why

15. What is the frequency of holding personal hearing of the people who makes an application?

Excellent	Very good	Good	Poor	Very poor
5	4	3	2	1

16. Is there any sort of horizontal accountability to the citizens?

Yes   No

Example

17. The extent of effective monitoring by the superiors

Excellent	Very good	Good	Poor	Very poor
5	4	3	2	1

18. Does any service of this office require some amount of extra payment?

Yes   No

Why

19. The extent to which the personnel are engaged in corruption?

All   Some   A very few

20. Do you need to send a share of extra payment to your superior?

Yes   No

To whom and what is the proportion?

21. To what extent punitive decisions are taken (from the monitoring side) in case of poor service?

Very Often   Sometimes   Rarely   Never

22. The extent best practices are shared:

Excellent	Very good	Good	Poor	Very poor
5	4	3	2	1

23. The extent of being an audit to ensure financial accountability:

Excellent	Very good	Good	Poor	Very poor
5	4	3	2	1

24. Would you like to have a sanction (for your unfair decision) from the citizens?

Yes   No

                                                          Why

25. Please give your opinion in the introduction of any social accountability tool in your office.

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