

Managing Accountability in the Dhaka-Chittagong Expressway Development Project in Bangladesh

By

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MPPG 4th Batch

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Dedicated to
The people who have sacrificed their lives for Bangladesh.

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Abstract

The necessity of sustained growth and development is paramount for any country that envisions ensuring wellbeing for its citizen. Public- Private Partnerships (PPPs) is becoming a popular investment model since 1990s in the world. PPPs in the delivery of public services have become a phenomenon which is thinning out around the world and generating great interest among governments, investors and other key project stakeholders. As a developing country like Bangladesh, the importance of development projects and their proper management is a vital issue for policymakers and concerned stakeholders. Bangladesh, like many other developing countries, has emphasized on public-private partnerships as an integral policy strategy to improve its deeply rooted socio-economic, political, fiscal and societal problems and to meet the pressure of attaining the goals of national developmental projects. In spite of the reasons advanced for the importance of PPPs as an alternative service-delivery option, several doubts about the efficacy of accountability and suggestions that it may undermine public control have been expressed.

Given the importance of accountability and based on the research objective, the current study aims to explore the accountability management aspects practiced, implemented and reflected in Dhaka-Chittagong Expressway PPP based development project of Bangladesh. In the absence of prior specific theory or framework that would fit to examine the PPP based development project in the context of Bangladesh, an analytical framework has been designed from the existing topics, frameworks concepts and strategies of accountability discourse. The current study has taken three main dimensions of accountability- the hierarchical perspective, the horizontal perspective, and accountability as a virtue; which is useful for understanding accountability of PPPs based projects in practical terms. These three perspectives have been applied as the intermediaries of the dependent variable “Accountability in Dhaka-Chittagong Expressway Project”. Internal administrative accountability and external accountability towards stakeholders have been used to measure the level and variation among each independent variable which are compliance strategy, discretionary or flexible strategy, communication strategy, and information strategy.

The current study found that the state of accountability is not satisfactory in the Dhaka-Chittagong Expressway project that is in its design phase. There are notable aspects that need to be improved to ensure accountability. From the current study, it is evident that the DCE project predominately practices the hierarchical dimension of accountability which is not conducive for PPP based projects and the practice of internal managerial accountability level is comparatively lower than the practice of external accountability towards stakeholders. For improving accountability management in PPP based development projects, the government and concerned stakeholders need to design, develop and implement an enabling culture that recruits people of high moral responsibility, and encourages the horizontal aspects of accountability instead of vertical accountability. The researcher hopes that the findings of this dissertation would help to bring necessary policy decisions by the government so that interests of the involved parties in the PPP based initiatives could be uphold that would be contributing to good governance and accelerate the socio-economic development of Bangladesh.

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List of Abbreviation

ADB	Asian Development Bank
ADP	Annual Development Programme
BBA	Bangladesh Bridge Authority
BDT	Bangladesh Taka
BDT CRORE	1 Crore BDT=10 Million BDT
BGMEA	Bangladesh Garment Manufacturers and Exporters Association
BIFFL	Bangladesh Infrastructure Finance Fund Limited
BOO	Build Operate Own
BOOT	Build Operate Own Transfer
BOT	Build Operate Transfer
CCEA	Cabinet Committee on Economic Affairs
CEO	Chief Executive Officer
DCACE	Dhaka - Chittagong Access Controlled Expressway
EA	Executing Agency
EGC	Economic Growth Centers
EPZ	Export Processing Zones
FBCCI	Federation of Bangladesh Chambers of Commerce and Industry
FY	Fiscal Year
FYP	Five Year Plan
GOB	Government of Bangladesh
IA	Implementing Agency
IDCOL	Infrastructure Development Company Limited
JDCF	Japan Debt Cancellation Fund

KM	Kilometer
PDPM	Project Development Process Manual
PIU	Project Implementation Unit
PICOM	Private Infrastructure Committee
PSC	Project Steering Committee
PMO	Prime Minister's Office
PPP	Public Private Partnerships
PPPAC	PPP Advisory Committee
PPPO	PPP Office
PPPSM	PPP Screening Manual
PPPTAF	PPP Technical Assistance Financing
PPPU	PPP Unit
PPPUOP	PPP Unit Organizational Plan
PSIDP	Private Sector Infrastructure Development Project
PSIG	Private Sector Infrastructure Guidelines
RFP	Request for Proposal
RFQ	Request for Qualification
SEZ	Special Economic Zones
TAR	Technical Assistance Report
TOR	Terms of Reference
UNCITRAL	United Nations Commission on International Trade Law
USD	US Dollar
VGF	Viability Gap Fund

Chapter 1

Introduction

The significance of infrastructure development for overall economic development in any developing country is paramount. Infrastructure reflects credibility, self-reliance, low-cost production, and market competitiveness (Nataraj, 2007). The importance of physical infrastructure for economic growth and poverty reduction has been well documented in the literature (Estache, 2004; Jones, 2004; Asian Development Bank [ADB], 2005). Furthermore, investment in physical and social infrastructure positively affects the poor directly and indirectly in multiple ways. Developing region like South Asian countries are making concerted efforts to improve infrastructure capacities in their countries. However, the infrastructure construction industry in South Asian economies is characterized by a vicious cycle of inefficiency—facilities remain almost entirely in the public sector and are plagued with problems related to inefficiency and weak governance (Nataraj, 2007). This, in turn, yields poor cost recovery and conflicting incentives to provide efficient, expandable, and reliable services.

Generally in South Asia, the development projects are financed through taxes or by borrowing from commercial banks and international financial institutions, such as World Bank and Asian Development Bank (ADB). The role of the private sector has been relatively limited, usually restricted to subcontracting during the construction phase. However, over the last two decades, this process has changed significantly. Demand for infrastructure investment has increased dramatically in response to the rapid industrialization and urbanization that has occurred in most of the region's developing economies (Maree, 1996; Arndt, 1999) and even more so in the faster growing economies, such as in Bangladesh. Governments are no longer able to finance infrastructure projects solely or even predominantly from the public purse (Noel and Brzeski, 2004; Grinmsey and Lewis, 2004). In the current global, regional and national context of most developing countries, managing finance of large infrastructure development projects by exclusively focusing on public tax is not a pragmatic solution.

Nataraj (2007) opined that, all South Asian countries face budgetary constraints due to, among other things, declining terms of trade for primary commodities, the high

cost of debt servicing, increasing revenue expenditures, and smaller aid flows. Governments are also under pressure from multilateral agencies to strengthen fiscal discipline as a part of their ongoing structural reforms. Therefore, governments have reduced their involvement in the design, construction, and management of infrastructure projects. Governments are looking to the private sector to not only finance but also build and operate infrastructure assets (Nataraj 2007). However, there are some difficult issues relating to institutional set up, financing, regulatory authorities, tariffs, and Public-Private Partnerships (PPPs). In recent times, PPPs have emerged as an emerging vital tool in building, managing, and operating infrastructure services efficiently. The importance of public-private partnerships (PPPs) in promoting infrastructure development in developing countries like Bangladesh has been significant.

This study aims to search the state of accountability management of Dhaka-Chittagong Access Controlled Expressway Project. This current study intends to carry out a detailed analysis of the strategic perspective to accountability management of Public Private Partnership based Dhaka-Chittagong Expressway project which is a major development oriented infrastructure project for the government of Bangladesh. The current study looks at how development project personnel and project stakeholders manage their accountabilities with different strategies from accountability management perspective. The current study also examines the constraints faced by the stakeholders of PPP based development projects of Bangladesh in light of accountability issue.

1.1 Background and Context of the Study

Project stakeholders like the government and developing partners are increasingly concerned about better project management which has significant role for the development of Bangladesh. As a developing country with limited resources, Bangladesh is somewhat dependent on foreign assistance for materializing its national development policy. According to the revised Annual Development Programme (ADP) for FY 2014-15, the government's contribution to the ADP stood at BDT 50,100 crore, while foreign assistance to BDT 24,900 crore, with an total outlay of BDT 75,000 crore (DT, March 10, 2015). The total number of projects in the revised ADP rose to 1,204 from 1,187 in the original ADP. Out of the 1,204 projects, there are some 1014 investment ones while 169

technical and 21 from Japan Debt Cancellation Fund (JDCF). There are two approaches for implementation development projects namely, program approach and project approach. But all ‘best practices’ are not fit everywhere. Many countries implement their development issues through projects and some countries implement this as ‘program approach’. In Bangladesh, we have both project and program approach to implement ADP. ADP has different projects which are executed by Ministries/ Divisions/ Agencies. There are lots of activities that are proposed to be implemented by the authorities. According to Ahmed (2010), the importance of development projects and its efficient, effective and strategic management is significant of the socio-economic development of a developing country like Bangladesh.

According to PPP Office Bangladesh (2015), the Dhaka-Chittagong Expressway Project is a major developmental project on Public Private Partnership (PPP) based model in Bangladesh because Dhaka and Chittagong are the two major metropolitan areas of Bangladesh. Dhaka, the capital of Bangladesh, is the main commercial and administrative center of the country and Chittagong, the main seaport, accounts for over 90% of the country’s import and export. Around 25% of the population of Bangladesh lives within the Dhaka–Chittagong corridor. Currently road communication between the two major cities is served by the 231KM 2 lanes Dhaka–Chittagong National Highway (N1), which can be considered to be the most important highway and the lifeline of commerce in Bangladesh. It is also part of the Trans-Asian Highway network. However, the road traffic on this route is severely hampered because of the lack of capacity of the existing highway and the load restrictions of bridges; with journeys taking around 10 hours due to the congestion of the road. The road also suffers from poor road safety records because of the lack of segregation between local and national traffic and between motorized and non-motorized traffic. As the Government of Bangladesh has prioritized the improvement of road communications between Dhaka and Chittagong as part of the country’s sixth five year plan (2011-2015) and has initiated the Dhaka-Chittagong Expressway project as a key component of its overall development program (PPP Office Bangladesh, 2015). To study about development projects, the basic concept of project is stated below.

The concept ‘project’ is not a new phenomenon in development history rather it is an ancient phenomenon. Egyptian Pharaoh Cheops died in 2612 BC and was buried in

great Pyramid of Giza. More than twenty years and almost seven million person weeks of effort were made to build this structure. This is treated as most ancient project of civilization. Like all projects of modern days, it also took a time and cost involvement with specific scope of work. The output was Pyramid; where Pharaoh Dynasty used their resources and abilities towards a desired outcome for memory of the late emperor (Ahmed, 2010). Projects are created when there is a need that cannot be addressed by the day to day operations of an organization. There is no limit to the nature of projects. A project can be as simple as organizing a weekend fundraiser or as complex as running the entire campaign for a political candidate. An essential aspect of a project is the fulfillment of a specific need. These needs are normally addressed in terms of objectives. Clear, definite, and precise objectives need to be identified so that the resolution of these goals can result in the conclusion of the project.

Project management is managing specific to a project. It encompasses the knowledge, skills, and activities, as well as the tools and techniques, to bring a project to its desired outcome. The project manager is the person charged with fulfilling the project objectives. The project manager can work independently or with others as part of a project management team. To properly manage a project, one has to identify the project requirements, clearly define the objectives and project deliverables, balance the “triple constraint” of time, scope, and cost, and collaborate with project stakeholders (PMI, 2004). The importance of project generation, planning and management in the development of a developing country is mentioned by different authors as the “excellent organized efforts”, as the “cutting edge of development”, as the “basic blocks of development” and as the “privileged particles of the development process” (Ahmed, 2010). Therefore it is of utmost importance for a resource-scarce country like Bangladesh to properly manage development projects for the optimum utilization of the hard earned money of the taxpayers. Accountability is an important element of good governance and is essential for sustained growth and development. It is the collective responsibility of parliament, executive, audit institution, anti-corruption institution, judiciary, media, and civil society and so on.

Accountability related research in public administration has evolved over the decades (Hwang, 2013). Accountability in modern organizations has been studied as a

matter of accountability to whom and for what (Bardach & Lesser, 1996) as well as a matter of accountability how (Behn, 2001). A recent collection of papers on accountability (Dubnick & Frederickson, 2011), building on discussions from a 2008 symposium sponsored by The Kettering Foundation, also identifies three accountability themes for public administration: the problematic meaning of accountability (for what), the existence of multiple accountabilities (to whom), and the emphasis on accountability mechanisms rather than on accountability itself (how). Nonetheless, it is fair to say that the study and practice of accountability are still in their infancy (Greitens, 2012). In particular, beyond the three basic questions pertinent to accountability, the specification of an accountability system with what consequences is rarely contested.

A key definition of accountability is “a social relationship in which an actor feels an obligation to explain and to justify his or her conducts to some significant other” (Bovens, 2005). Accountability can also be defined differently based upon social, political, cultural and institutional conditions (Dubnick & Frederickson, 2011). Edwards and Hulme (1996) define it as “the means by which individuals and organizations report to a recognized authority (or authorities) and are held responsible for their actions.” A Kettering report found that government leaders see accountability as measurement that drives improved performance, while citizens see accountability as responsibility by leaders and citizens themselves (Johnson, Rochkind, & DuPont, 2011). In this study, project workers’ role in managing accountability—‘accountability management’ will be focused rather than only focusing upon accountability. The current study applies a strategic perspective to accountability management of Dhaka - Chittagong Expressway PPP based development Project. How PPP based development project personnel manage their accountabilities with different strategies is the point of accountability management.

1.2 Statement of the Problem

The necessity of sustained growth and development is vital for any country that envisions ensuring wellbeing for its citizen. As a developing country like Bangladesh, the importance of development projects and their proper management is an essential issue for policymakers and concerned stakeholders. Managing the public service oriented development projects in Bangladesh can be defined somewhat challenging task because

most of the projects lack smooth completion and struggle to achieve desirable impacts. One needs to have a clear notion on the accountability and responsibility within the project management domain. The project managers must be well aware of their responsibilities and the accountability towards the project whether it is a success or a failure (Chittoor, 2012). Bangladesh faces scarce resources and need to ensure optimum use of resources by taking pragmatic plans to guide their efforts for development. Government of Bangladesh attempts to achieve desired growth and development by allocating necessary funds for macro initiatives like Annual Development Programme (ADP) to implement development projects every year. ADP consists of projects in different economic sectors and each ministry sets priorities to implement their own projects. In this aspect, managing accountability is a demanding issue.

Lack of accountability is a problem in any workplace because it is unproductive, it negatively impacts employee engagement and it leads to poor results. A productive workplace requires every employee to be held accountable for his or her actions (Craemer, 2011). According to the audit report of project management framework of Canada (2014), the management of project is vital to provide value for money and demonstrating sound stewardship in program delivery. Moreover, a comprehensive approach to managing projects is appropriate for the level of project risk and complexity, will enhance the likelihood of realizing project outcomes. The accountability management approach should be designed in a way so that accountability for outcomes is clear, appropriate controls are in place to minimize risk and limit project duplication and overlap, key project stakeholders are consulted and outputs and outcomes are monitored and reported. So, it is important to find out whether the project management has established a functioning accountability mechanism to manage the project. The daily average traffic on the Dhaka – Chittagong highway was about 20,000 in 2004. According to Roads and Highways Department officials (2014), it has now almost doubled said.

According to the Dhaka-Chittagong Expressway PPP design project study by the ADB (2015), almost 90 percent of the country's total imports and exports are transported through the Dhaka-Chittagong highway. Sixty percent of the vehicles plying the highway carry goods. It takes around 10 hours and sometimes more to cross the 250-kilometre distance. The long, strenuous journey means a huge waste of fuel as well as working

hours. Besides, shipments of goods are often delayed due to long queues of vehicles on the highway (Expressway project, The Daily Star, 2015). So, Dhaka-Chittagong Expressway project as a key component of its overall development program of Bangladesh which is based on Public Private Partnership modality of public service delivery. So, the current study of exploring state of accountability management in Dhaka-Chittagong Expressway PPP based development project that would act as an academic endeavor in the road to ensuring good governance in the infrastructure development under socio-economic aspect of Bangladesh.

1.3 Research Objective

Accountability is an integral element of practicing good governance and also essential for growth and development of Bangladesh. A development project is created to solve a developmental challenge and the end result can be a product, service, a solution or almost anything. Therefore, ensuring accountability in development projects is very crucial for the desired development of Bangladesh. The research objective of the current study is:

To explore the accountability management aspects practiced, implemented and reflected in Dhaka-Chittagong Expressway PPP based development project of Bangladesh.

In this context, therefore, this proposed research will try to determine whether and to what extent accountability mechanisms like “accountability management” have been adopted or applied in Dhaka-Chittagong Expressway PPP based development project of Bangladesh towards the achievement of a quality and successful project performance.

1.4 Research Question

To achieve the research objective of the current study, the following research questions have been addressed.

- What is the current state of accountability mechanism in Dhaka-Chittagong Expressway PPP Project of Bangladesh?
- To what extent accountability management have been adopted or applied in Dhaka-Chittagong Expressway PPP Project?

1.5 Significance, Rationale and Scope of the Study

In a project management environment, implementation of projects as per the project plans, project managers in particular and project stakeholders in general are often ill-informed as to the status and progress of their projects' journey toward completion (Burke, 2000). Developmental Project management practice forms the basis of administering the developmental activities of the public sector in Bangladesh. Successful mechanisms for proper implementation of project are vital for socio-economic development of the developing countries like Bangladesh. According to Hamiduzzaman, (2014), managing development projects for Bangladesh have been considered as one of the foremost dilemmas.

The broad purpose of the current study is to explore the state of accountability and accountability management in managing PPP based development projects of Bangladesh. Accountability management is rarely studied in the context of Bangladesh so we have little knowledge about how development project practitioners manage their accountability requirements. The current study of accountability management has implications for how practitioners should act in the face of accountability requirements. Thus, this study hopes to provide significant contributions to the relevant theory and practice.

The current study concentrates on the state of accountability management in development project management of Dhaka-Chittagong Expressway project under Public Private Partnership (PPP) which is a significant development project in the transport sector of Bangladesh.

1.6 Definition of Key Terms

Accountability

Obligation, or responsibility of a person or organizations or entities to explain, answer, justify, and defend their actions or what they have done to another party who will observe, evaluate, and scrutinize that performance and they can give feedback, including reward and punishment.

Accountability Management

Accountability Management is “the appropriate exercise of a navigational competence: that is, the proper use of authority to range freely across a multi-relationship terrain in search of the most advantageous path to success”, (Considine, 2002).

Project

“A temporary endeavor undertaken to produce a unique product, service or result” (PMI Staff 2008).

Project Management

“The application of knowledge, skills, tools, and techniques to project activities to meet the project requirements” (PMI Staff 2008).

Public Private Partnership (PPP)

PPP can be defined as “a long-term contract between a private party and a government entity, for providing a public asset or service, in which the private party bears significant risk and management responsibility, and remuneration is linked to performance.”

Strategy

Strategy is the way in which an organization adapts to its environment and pursues improvement in its performance (Walker & Brewer, 2009). The meaning of accountability strategy used in the current study should be distinguished from the meaning of strategy used in gaming behavior.

1.7 Literature Review

Numerous definitions of accountability have been presented by scholars and practitioners of development discourse. Various studies and researches are found which focuses on different aspects of accountability and its mechanisms but few researches have focused upon the accountability management aspect of accountability. The root of the word ‘accountability’ comes from the word ‘account’. In the past, the aspects of accountability have been predominantly related to financial accounting, particularly bookkeeping (Bovens, 2005). Accountability is usually understood as a system to be established since

it is all about relations. This perspective is anchored on accountability's role (Hwang, 2013). At the present time, accountability is a notable feature of almost every area, including politics and social science (Mulgan, 2002). According to Sinclair (1995), different authors focus on different types of accountability. Some auditors focus on accountability in terms of financial and numerical matters while some philosophers think that accountability is a subset of ethics.

In some countries, 'accountability' is all the more difficult to comprehend, or 'pin down' because the native language contains no direct equivalent of English word 'accountability'. Some countries, such as France, Spain, Italy and Portugal, use various forms of 'responsibility' to represent 'accountability' (Dubnick, 2002). In Brazil, 'accountability' is translated as a combination of 'transparency' and 'responsibility' (Litovsky and MacGillivray, 2007). Some languages, e.g. Korean, Romanian, Spanish and Thai do not actually have a word for accountability, but it is sometimes translated as 'responsibility' (Osborne 2004). Fox and Brown (1998) describe accountability as "the process of holding actors responsible for actions." In a unique issue of the IDS Bulletin on "Accountability through Participation," Cornwall, Lucas, and Pasteur (2000) expanded this perspective by suggesting that accountability is both about being "held responsible" by others and about "taking responsibility" for oneself. As such, accountability has both an external dimension in terms of "an obligation to meet prescribed standards of behavior" (Chisolm, 1995) and an internal one motivated by "felt responsibility" as expressed through individual action and organizational mission (Fry, 1995). The goal of accountability is to ensure that public administrators pursue publicly valued goals and satisfy legitimate performance expectations (Romzek & Dubnick, 1998). Careful attention to accountability helps to define the problem and to find a solution in public management (Dubnick & O'Brien, 2011). Accountability management involves identifying, defining, and managing diverse expectations placed upon organizations or projects and their workers within them by internal and external stakeholders.

The idea of accountability management stems from the premise that public agencies and their workers like development project personnel manage the diverse accountability expectations generated within and outside their organizations (Romzek &

Dubnick, 1987). As Dubnick and Romzek (1993) write, “a central fact in the world of public administrators is the need to deal with expectations, no matter what their source”. According to Hwang (2013), accountability management by development project workers involves identifying, defining, and managing diverse expectations placed upon development projects and workers within them by internal and external stakeholders.

A project is “a temporary endeavor undertaken to produce a unique product, service or result” (PMI Staff 2008) that is how Guide to the Project Management Body of Knowledge defines a project. A project is created to solve a problem and the end result can be a product, service, a solution or almost anything. Management is best defined by Peter F. Drucker. He said that management’s fundamental task is, “to make people capable of joint performance through common goals, common values, the right structure, and the training and development they need to perform and respond to change” (Drucker, 2001). As project is a temporary endeavor to achieve some desired result or impact, proper management of the endeavor is paramount.

As a field study, project management is having achieved project objectives within time, cost, at the desired technological level. Additionally, resources must be allocated and used efficiently and the end product must be accepted by the end user (Kerzner, 2003). Project management is management specific to a project. It encompasses the knowledge, skills, and activities, as well as the tools and techniques, to bring a project to its desired outcome. Project management itself is defined by (PMI Staff 2008) as “...the application of knowledge, skills, tools, and techniques to project activities to meet the project requirements. Project management is accomplished through the appropriate application and integration of the....project management process.”

Hwang’s (2013) study findings on “the Impact of Accountability and Accountability Management on Performance at the Street Level” of Virginia support the study’s argument that accountability should be stressed for better performance and highlight the need for the careful design of accountability mechanisms in public services. The study of Hwang (2013) had two stages: interviews and a survey. The qualitative content analysis of the interviews provides several noteworthy findings. Kabir (2011) has also found some significant problems in the accountability mechanisms of the Press

Information Department (PID) of Bangladesh. The study found that due to the lack of proper policies and rules, and clear roles and responsibilities, PID's administrative rules cannot guide them; on the contrary hinder their performance due to bureaucratic procedures. As the study looks into the accountability issue of PPP based development project, empirical view on PPPs and their accountability aspect is also taken into account.

According to Forrer et al. (2010), public-private partnerships have existed worldwide at least since the time of the Roman Empire. Later, much of the West was developed through a variety of PPPs, including the cross-continental railway (Bain 1999). Savas (2000) defines a public-private partnership "as any arrangement between government and the private sector in which partially or traditionally public activities are performed by the private sector". Forrer et al. (2010) stated that "Public-private partnerships are ongoing agreements between government and private sector organizations in which the private organization participates in the decision-making and production of a public good or service that has traditionally been provided by the public sector and in which the private sector shares the risk of that production". This is an extensive definition that accommodates a variety of arrangements, from contracting out to the use of vouchers.

As stated by Forrer et al. (2010), Public-private partnerships (PPPs) increasingly have become the alternative solution to government problems and needs, most recently for infrastructure, and they are embraced by a wide range of constituencies, across political parties, and throughout the world. This trend may speed up as governments experience fiscal deficits and look for alternative ways to finance and deliver government services. The reasoning for creating such arrangements includes both ideological and pragmatic perspectives (Savas, 2000). Of course, any agreement or contract between the government and any other entity (a private firm or nonprofit organization) might be labeled a "partnership," to suggest some shared goals or spirit of cooperation in the undertaking; many of these involve interesting accountability challenges. So, clear understanding of differentiating between other partnerships with PPP based partnership is important to address the objective of the current study.

1.7.1 Inference of the Literature Review

From the above review, it can be summarized that in some literature, ‘accountability’ is all the more difficult to comprehend because the native language contains no direct equivalent of English word ‘accountability’ (Dubnick, 2002). In terms of accountability issue, among many scholars the study of Bovens (2005), Mulgan, (2002), and Sinclair, (1995) have defined accountability as a system to be established since it is all about relations between principal and agents.

To some scholars like Romzek & Dubnick (1998), the goal of accountability is to ensure that public administrators pursue publicly valued goals and gratify legitimate performance expectations. According to Dubnick and O'Brien (2011), careful attention to accountability helps to define the problem and to find a solution in public management. Accountability management involves identifying, defining, and managing diverse expectations placed upon organizations or projects and their workers within them by internal and external stakeholders.

All the study related to accountability management stems from the premise that public agencies and their workers like development project personnel manage the diverse accountability expectations generated within and outside their organizations. Hwang’s (2013), and Kabir’s (2011) study findings stated that accountability should be stressed for better performance and highlight the need for the careful design of accountability mechanisms in public services and lack of proper policies of managing accountability may hinder public service delivery processes.

According to Forrer et al. (2010), and Bain (1999) Public–private partnerships (PPPs) increasingly have become the alternative solution to government problems and needs, most recently for infrastructure, and they are embraced by a wide range of constituencies, across political parties, and throughout the world. Savas (2000) opined that, any agreement or contract between the government and any other entity might be labeled a “partnership,” to suggest some shared goals or spirit of cooperation in the undertaking; many of these involve stimulating accountability challenges.

1.8 Conclusion

This chapter presents the idea of the current study and its importance for research. Finding literatures and research works on the issue of accountability let alone on PPP from public sector in Bangladesh are very challenging, though there is increasing urgency to make government more accountable in developing countries such as Bangladesh. In a nutshell, it can be summarized that although PPP is a very widely practiced alternative public service delivery options for different developed and developing nations, but there are realistic concerns for developing country like Bangladesh where it has not been practiced for long time and has not been critically examined. The current study has not found any prior country (Bangladesh) specific accountability management scientific literature focusing the PPP perspective. From the reviewed literature it can be noted that, the current study would contribute into the academic discourse in terms of accountability and good governance aspect in the field of PPP based development project management of Bangladesh as the current study wants to examine accountability perspective of the PPP based development project management in Bangladesh towards the achievement of its economic development.

Chapter 2

Theoretical Framework and Research Design

2.1 Introduction

To meet the current study objective and answer the research questions reviewing the existing literatures related to the current research topic, the relevant theories and drawing an analytical framework for the study is crucial. This chapter reviews and discusses some applicable theories, states some relevant frameworks on accountability, and identifies related variables from literature review and theory. After that, this chapter then discusses with dimensions of accountability in terms of PPP, strategic perspective of accountability to explore the state of accountability in the selected case of Dhaka-Chittagong Expressway project for the current study. In the next section of this chapter analytical framework and variable matrix is drawn based on the reviewed literature. Then the final section of this chapter lays out research design and method of inquiry for the current study. The current study has primarily adapted qualitative method.

After revising the obtainable literature it is palpable that accountability aspect has significant implication in the desired completion of PPP based development projects to ensure good governance in order to build a better society. The current study has reviewed three theories: the agency theory, stewardship theory and the role theory to understand the relationship between all the involved parties in a PPP based development project. In the discussion of accountability theories, agency theory, and the relationship between principal and agent are generally mentioned (Power 1991). Agency theory is based on an agency relationship, ‘a contract under which one or more person (the principal(s)) engages another person (the agent) to perform some service on their behalf which involves delegating some decision making authority to the agent’ (Jensen and Meckling 1976). Thus, this relationship involves two parties, the principal and the agent (Levinthal 1988). Agency theory is has been applied in numerous study to understand the dynamics of relationship in a work setup. The following theory is the stewardship theory.

Regarding stewardship theory, according to Davis et al. (1997), ‘... the model of man is based on a steward whose behavior is ordered such that pro-organizational,

collectivistic behaviors have higher utility than individualistic, self-serving behavior'. The way a steward performs may affect the accountability relationship. Caers et al. (2006) argue that 'stewardship theory differs from traditional agency theory in that it questions the assumption that a principal-agent relationship will always be characterized by agency conflicts'. Dicke and Ott (2002) state that stewardship theory is 'the possible basis for the reform of roles and responsibilities of principals and agents in government contracted service relations, and for the design and development of more effective methods for ensuring accountability in contracted human services'. Stewardship theory touches some aspects which are not clearly addressed by other theories in this regard.

The next theory, usually addressed in human resource management and social psychology research, is that of role theory. This was originally seen as 'a way to describe how organizations as contrived social systems, manage to produce reliable behavior on the part of their members' (Frink and Klimoski 1998) and is used to explain organizational behavior. Role theory also emphasizes interpersonal relationships. Frink and Klimoski (1998) explain that 'role theory postulates a central role for interpersonal expectations, emphasizes the importance of the consequence of compliance, and links tasks and activities to individuals'. These theories indicate some relevant aspects to understand the dynamics of accountability issue in a complex scenario of PPP based development project that comprises multi-stakeholders from different sectors and background.

As accountability is integral to many aspects and its applicability varies based on the particular context or aspect. The method of practicing accountability mechanism in public institutions may differ from private entities. The people who work in these setups also varies and their roles are shaped by the particular context. Any general explanation regarding accountability mechanisms may not be meaningful. According to Mulgan (2001), a systematic comparison of accountability may provide a clearer framework for better understanding of accountability issues in the selected sector.

Table 1: A Comparative Framework of Accountability by Mulgan (2001)

	Public	Private/ for-profit	Third sector
<i>Who is accountable: (a) collective (b) individual</i>	Government, agency Officials	Company Employees	Organisation Volunteers, employees,
<i>For what accountable</i>	Legal compliance and financial reporting Public interest Just treatment of citizens	Legal compliance and financial reporting Profit Fair treatment of customers	Legal compliance and financial reporting Public welfare Beneficial treatment of clients
<i>To whom accountable: (a) legal compliance and financial reporting</i>	Public: Courts Auditor-General	Public: Courts ASIC ACCC	Public: Courts Attorney-General Registrars
<i>To whom accountable: (b) general policy and performance</i>	Public: Parliament Auditor-General	Owners/shareholders	Members Parent organizations Donors
<i>To whom accountable: (c) particular decisions</i>	Citizen-clients: Complaints procedures and internal review Ombudsman Tribunals/courts Anti-discrimination agencies	Customers: Complaints procedures and internal review Industry ombudsmen Courts Anti-discrimination agencies	Clients
<i>Personal accountability of individuals</i>	Hierarchical Professional Whistle-blowing	Hierarchical	Hierarchical Professional/collegial Whistle-blowing

Mulgan's comparative framework helps to understand the complex dimensions of stakeholders comprising different parties in a PPP based development project setup.

2.2 Accountability Components

According to Mashaw (2006), there are six main components of accountability. The first two components are the people or organizations in the accountability relationship, i.e. accountor and accountee. This relationship is usually based on the principal-agent relationship (Power 1991), whereby there is a contract between the accountor and accountee that clarifies what the accountor should be accountable to the accountee for. 'Accountability for what', 'processes', 'standards' and 'effects' are also significant

components of accountability (Mashaw 2006). Roberts (1991) focuses on how the influences of different forms of accountability can vary depending on the type of relationship, in particular the actions of individuals, or individual actions towards others. All these components form the process of accountability. The current study found that, different scholars have addressed different types of accountability in their literature for different circumstances.

2.3 Types of Accountability

Various scholars and practitioners of accountability discourse have categorized the term in different ways. The types of accountability include public, political, administrative, bureaucratic, legal and constitutional, fiscal, performance, social, and moral accountability. They can be formal or informal, internal or external, individual or collective, and can work through either vertically, horizontally, and diagonally (Bovens, M. 2005). According to (Mashaw 2006), public governance, market and social accountability are the three main regimes of accountability. Public governance focuses on the accountability of public sector organizations and the officials they employ. Market is related to accountability in the private sector. For social accountability, accountability among families, professions are the main considerations. Development project management is the main focus of this research. Therefore, first the regime of public governance is described and discussed.

The first type is that of public accountability. Sinclair (1995) defines this type as ‘a more informal but direct accountability to the public, interested community groups and individuals’. A citizens’ right to know is at the root of this type of accountability (Pablos et al. 2002). Public accountability involves the process of answering public concerns about organizational actions and performance through various mechanisms, such as the media (Sinclair 1995). Public officials should treat the public fairly (Behn 2001; Axworthy 2005). For public sector accountability, scholars cite a variety of ideas about the types of accountability. Day and Klein (1987) stated two main types of public accountability; political and managerial accountability.

The next type is political accountability that has been applied since the Athenian era, when it meant holding officials accountable for their actions (Newell and Bellour 2002). It was then extended to include ministerial and parliamentary accountability. The meaning of political accountability, according to Day and Klein (1987), is about those with delegated authority being answerable for their actions to people, whether directly in simple societies or indirectly in complex societies. For some countries, the chain directly links public managers to representatives and political parties (Bovens 1998). The basis of this accountability relationship is based on responsiveness to constituents (Romzek and Dubnick 1987; Brinkerhoff 2001). The other type of public accountability is managerial accountability.

Managerial accountability is defined as ‘making those with delegated authority answerable for carrying out agreed tasks according to agreed criteria of performance’ (Day and Klein 1987). Stewart (1984) argues that managerial accountability involves program and performance accountability, which focus on goals and results, and standards and performance. This means managerial accountability focuses on input, output, and outcome. Accounting information and financial reports are important tools for showing how organizations use resources and how effective they are (Behn 2001). More importantly, they can confirm that project management agencies are using public money wisely. Some researchers use the word ‘administrative’ instead of managerial accountability. According to Sinclair (1995), others believe that managerial accountability focuses on monitoring inputs and outputs, or outcomes, while administrative accountability focuses on only monitoring processes of the use of inputs.

Accountability can also be classified as either internal or external accountability (Mulgan 2000). Internal accountability relates to individual behaviors, such as professional accountability and personal accountability. According to Mulgan (2000), for these kinds of accountability, individuals have to be accountable for their actions. Regarding external accountability, types of accountability consist of political, public and managerial accountability, and relate to investigating and assessing actions taken by organizations or subordinates and imposing sanctions.

2.4 Accountability in Public–Private Partnerships

Though the above stated types of accountability help to clarify the complex dynamics of a project based scenario, and to have a more clear understanding it can be noted from the empirical findings, there are three main dimensions of accountability that are useful for understanding accountability in PPPs in practical terms; the *hierarchical perspective*, the *horizontal perspective*, and *accountability as a virtue* (Fombad, 2013). In the following section, hierarchical perspective, the horizontal perspective, and accountability as a virtue is been discussed.

The hierarchical perspective is based on the traditional approach of accountability, where the vertical chain of authority and the principal and agent relations are innate in hierarchical and bureaucratic state of affairs (Mulgan 2003; Armstrong 2005; Bovens 2007). Within the context of PPPs, hierarchical accountability echoes a structure where individuals perceive themselves as responsible for reporting, justifying, or clarifying their actions to others and being liable to sanctions in the event of errors and deficiencies. However, due to its focus only on reporting and formal sanctions, hierarchical accountability is less apt to PPPs because of the compound, complex, and conflicting undertakings of stakeholders, resulting in blurring of public-and private-sector responsibilities (Mörth 2007). To have a clear understanding about hierarchical perspectives helps to understand the following perspective, the horizontal perspective.

Consequently, the horizontal dimension of accountability, also known as management of expectations, provides a practical and representative approach to understanding accountability in PPPs. Accountability as management of expectations expedites discussions on how multiple expectations generated within and outside the partnership, often with conflicting objectives are managed in a nonhierarchical way (Fombad, 2013). This involves identifying each partner's expectations, aligning goals, modifying strategies, assessing implementation, communicating performance, and facilitating learning (Kearns 1994). Though this perspective is the preferred one in PPPs in practical terms, the third perspective is necessary to nurture for any scenario.

The third perspective of accountability in PPPs is accountability as a virtue that is, having a conscience or a moral responsibility about what one is doing. It is considered a means of dealing with potential challenging situations that necessitate excuse-making, justification, rationalization, and other forms of account-giving (Demirag and Khadaroo 2011). To have a sound conscience and acting accordingly in any circumstances enhances the practice of accountability and good governance.

These approaches accentuate the shifting demands on public accountability when government responsibilities are shared with private and nonprofit entities. Unlike conventional contract management, PPPs entail more than being a “smart buyer” (Kettl 2002). PPPs encompass integrated responsibilities along a number of long-term aspects with a private partner that is not easily severed, as in a short-term contractual relationship. When PPPs are designed, each partner enters into the agreement with its own objectives and resources. Many PPPs, especially infrastructure projects, involve “public sector organizations getting access to private capital and construction expertise and private sector organizations getting new orders and securing new customers” (Hodge and Greve 2005). Ghere (2001) also provides examples in which private partners provide technical expertise, resources, or capital to the partnership, and public bodies provide access to public resources as well as public support for new initiatives. Thus, it is necessary for public managers to understand what their organization can offer, as well as what they will receive, from proposed PPPs.

Understanding the long-term view of partnership relationships is also necessary. A key to ensuring accountability is the recognition that “the public entity needs to be aware that its responsibility for contract management does not end once the contract has been awarded” (New Zealand Office of the Auditor-General 2006). According to Forrer et al. (2010) “PPPs require controls and oversight both ex ante and ex post contract formation”. Ghere describes the ex post involvement as “ongoing negotiation” (2001) between the public and private partners. Most PPPs last longer than election cycles, or even the average tenure of many public managers. PPPs in the United Kingdom generally have 30-year concession periods, and some PPPs in the United States have approached a century. In such cases, accountability depends heavily on anticipating the ex post issues and relationships (Forrer et al. 2010).

This PPP based modality also depends on procedures and decision rules embedded in the agreement. However, assessing the success of PPPs does not have to wait until the termination of the agreement. The quality of services can be compared to past performance, to performance by others, and to performance standards established in the PPP. Exercising accountability in PPPs ultimately depends on clarifying responsibilities in relationships. Kee et al. point out how interactions between public and private partner “affect the overall ability of an agency to monitor compliance and reward and punish success or failure by the contractor” (2007). This is a significant characteristic that differentiates PPPs from short-term contracts. PPPs are “seen as an advance on—almost an alternative to—‘contracting out and privatization’” (Wettenhall 2003). What is required, therefore, are mechanisms for both parties to demonstrate their commitment to the partnership. Accountability, in this case, can be seen as “two-sided,” implying “both a willingness to take responsibility for one’s actions and an expectation that these actions will be recognized” (Milward and Provan 2006). Clear two-way channels of communication are needed to strengthen cooperation. If either channel of communication lacks to respond in due time or context, it would be difficult to achieve preferred result.

PPPs need to be stewarded by the government in order to ensure that public interests are met throughout the arrangement. “The public partner should seek a leadership role that defines the tenor of the partnership” (Ghere 2001). Thus, while both partners develop interdependence in the partnership, ensuring public accountability requires government to play an upper hand. This requires public managers to be aware of various strategy dimensions of public sector accountability.

2.5 Accountability Mechanisms

Regarding mechanisms of accountability, the experience of countries over time has resulted in multiple measures being adopted leading to a "redundancy of control" rather than a single instrument. This has resulted in a system of overlapping constraints and permissions, which, in combination, are designed to promote responsible bureaucrats and organizations (Smith, 1991). According to Jordan (2005), almost all mechanisms now employed in the organizational level and sector have arisen predominantly from queries

from government from or other donor sources and have led to a series of accountability mechanisms those include various tools and techniques. Romzek and Dubnick in 1991 (cited in Deleon 1998) offered the variety of possible mechanisms currently in use which is suggested by a typology. They separate four kinds of accountability according to whether the source of control is (a) internal or (b) external, and whether the degree of control is (a) tight/high or (b) loose/low.

Table 2: Various Types of Accountability Mechanisms

Degree of control	Source of control	
	<i>Internal</i>	<i>External</i>
<i>High</i>	Bureaucratic	Legal
<i>Low</i>	Professional	Political

Source: Deleon, L. (1998)

In the above table, bureaucratic accountability mechanisms stress the need to follow orders and close supervision. Legal accountability obtains when there are two relatively autonomous parties, one who can mandate expectations with the force of law, and another whose responsibility is to implement the law (a principal-agent relationship). Political accountability allows the agency or administrator to have the discretion to decide whether or not to respond to external expectations; its mechanisms involve the participation of the parties whose expectations are relevant. According to Kabir (2011), professional accountability relies upon the integrity and trustworthiness of the expert who has special skills to get the job done.

2.6 Strategic Aspects of Accountability Management

The accountability management perspective in the field of project management can be understood and operationalized by a strategic perspective. As Kearns (1994) observes, accountability management involves an element of strategy in which “management attempts to forecast diverse expectations and to position their agency for proactive as well as reactive responses”. Applying this strategic management perspective in accountability management is constructive since scholars need to develop a strategy for how public

managers can better manage thoughtfully and appropriately in particular contexts, when it is observed that overreliance on a particular type of accountability generates problems (Romzek & Ingraham, 2000; Schwartz & Sulitzeanu-Kenan, 2004). Dubnick and Romzek (1991) refer to accountability as a “strategic approach to the management of expectations.” While strategy is geared toward increasing profit, market share, and growth in the private sector, strategy in the public sector may be centered on increasing organizational performance, maximizing citizen well-being, ensuring the organization’s survival as cited in Hwang, (2013).

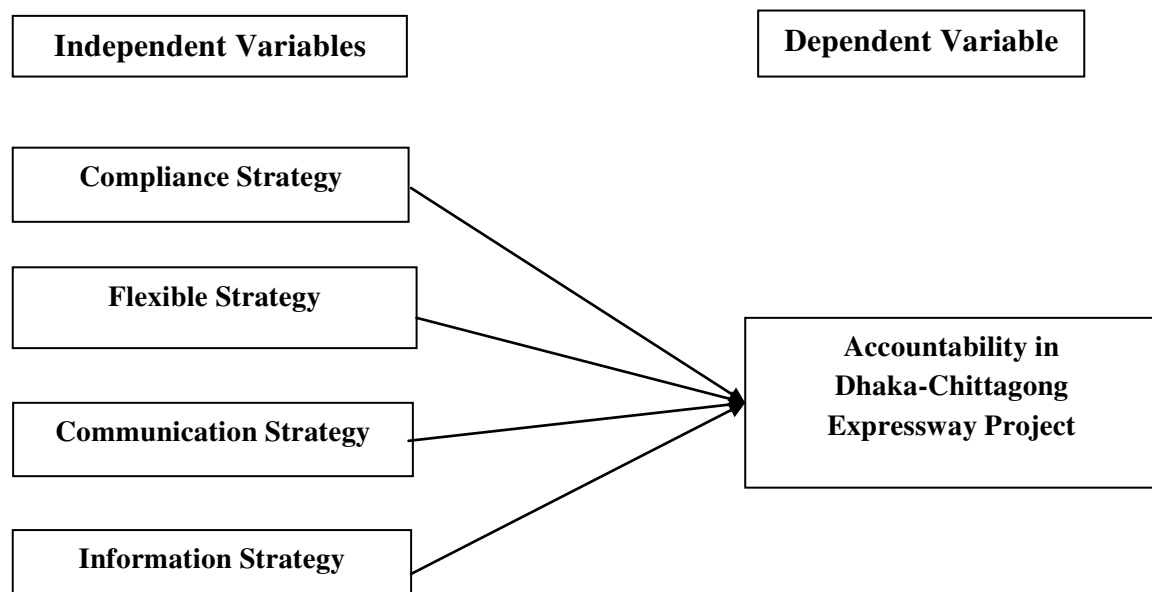
2.6.1 Strategies of Accountability Management

In the operation of strategy of accountability management, Kearns’s (1994) four strategic behaviors for the analysis of public managers’ behavior are somewhat helpful. Kearns’s typology of four strategies is *compliance*, *negotiated*, *anticipatory*, and *discretionary* strategy. From these four strategies, a compliance strategy involves adhering to the law. This component follows the rules, subject to oversight and periodic audits or evaluations. A flexible or discretionary strategy involves determining the latitude for discretionary judgment. It shapes and defines the norms and rules that workers believe will eventually be imposed (Kearn, 1994; Hwang, 2013). And Hwang (2013) came up with two strategies when he measured caseworkers’ accountability management. According to him, communication strategy means communicating and consulting with supervisors or peers in the internal setup and with other stakeholders in the external setup. Information strategy includes listening and learning information from project colleague or supervisor and providing explanation or clarification to the external queries from stakeholders. The current study, paid specific attention to the strategic behavior of PPP based development project personnel and their stakeholders. So, in this study, first two strategies “discretionary or flexible strategy” and “compliance strategy” are adopted from Kearns (1994), the other two (“*communication*” and “*information strategy*”) strategies have been adopted from Hwang (2013). For better understanding of the research objective to explore the accountability management aspects practiced, implemented and reflected in Dhaka-Chittagong Expressway PPP based development project of Bangladesh, the current study has designed an analytical framework.

2.7 Analytical Framework

From the three theories (agency, stewardship, and role), mentioned earlier which have somewhat explained the relationship between the project management and stakeholders of the project. Mulgan's (2001) comparative framework (page-15) helps to explain accountability as a situational concept, in that its requirements need to be determined in terms of the particular context. Mulgan's (2001) comparative framework has been applied as a reference to formulate the analytical framework of this study because it highlights that to explore accountability mechanisms of any particular context, we need to know: (i) who is accountable, (ii) for what are they accountable and (iii) to whom are they accountable. As the current study applies a strategic perspective to accountability management; study is needed from different dimension as suggested by different theories as models as presented in figure below. By analyzing the various theories, frameworks and literatures following variables has been identified for Analytical Framework of the current study. The dependent variable of the analytical framework is 'Accountability in Dhaka-Chittagong Expressway Project'. The four strategic aspects of accountability have been adopted from Kearns (1994) and Hwang (2013) and these strategies have been applied as the independent variables in the analytical framework drawn below.

Figure 1: The Analytical Framework of the current study



Variable matrix has been summarized in the following table:

Table 3: Variable Matrix

Dependent Variable	Intermediaries of Dependable Variable	Independent Variables	Intermediaries of Independent Variables	Indicators	Methods
Accountability in Dhaka - Chittagong Expressway Project	Vertical/ Horizontal/ As a virtue	Compliance Strategy	<i>Internal administrative accountability</i>	<i>Ethical code following Policy guidelines</i>	Content analysis / Interview
			<i>External accountability towards stakeholders</i>		
		Flexible Strategy	<i>Internal administrative accountability</i>	<i>Customer/ beneficiaries Professional decisions</i>	Content analysis/ Interview
			<i>External accountability towards stakeholders</i>		
		Communication Strategy	<i>Internal administrative accountability</i>	<i>Communication with stakeholders Consultations with supervisor Speak out</i>	Content analysis/ Interview
			<i>External accountability towards stakeholders</i>		
		Information Strategy	<i>Internal administrative accountability</i>	Listening Learning Information	Content analysis/ Interview
			<i>External accountability towards stakeholders</i>		

2.8 Stakeholder Analysis

In the current study that focuses on a specific development project, the Dhaka-Chittagong Expressway project which is in its design study phase, to analyze internal administrative accountability aspect for the independent variables of the analytical framework, project management unit of the DCE project has been taken into account. To analyze the external informal accountability towards stakeholders, ADB and assigned consultants have been taken into account as stakeholders of this project.

2.9 Research Design and Method of Inquiry

The current study has primarily adapted qualitative method. Qualitative methods using primary data sources are suitable for answering the specific research questions. Content and record analysis and in-depth interviews methods will be used for qualitative analysis.

There are two main directions to the research investigation. The first direction is deductive, which ‘... begin with an abstract, logical relationship among concepts, then move toward concrete empirical evidence’ (Neuman 2000). Another approach is inductive, which ‘... begin with detailed observations of the world and move toward more abstract generalizations and ideas’ (Neuman 2000). This study is a combination of deductive and inductive approaches. Eisenhardt (1989), quoted in Yin (2003), argues that the development of theory takes time and can be difficult. This research uses some ideas from previous research papers, particularly theoretical papers about accountability in PPP perspective. The first part of the research starts with a literature review in order to gather information and ideas from previous research to create the analytical framework. The framework is used to examine the state of accountability in Dhaka Chittagong Expressway project.

The second part of the research is an inductive approach. Information from interviews and content analysis of websites and scientific journals will be used to develop some new policy perspectives on accountability in the PPP based public service delivery of Bangladesh. The results will increase knowledge and understanding of accountability theory in a developing country like Bangladesh to ensure good governance and achieve economic emancipation.

2.9.1 Sources of Data

The data has gathered by using primary and secondary sources. Primary data has collected through in-depth interviews. For the current study, in-depth interviews of key personnel of Dhaka-Chittagong Expressway project has been conducted with a view to achieve important insights of accountability management from a strategic point of view.

The interviews help to understand the current scenario and information about the state of accountability management. Major part of the primary data which is needed to address the research question will come from the in-depth interviews. Questions are mainly open ended.

Secondary data has collected through content analysis. The sources of secondary data comes from published books, research reports, journal articles, unpublished dissertations, government policies and publications, official website of the government organizations as well other relevant websites too, newspaper and published and unpublished document in printing and online of related interest. This content analysis helps the study to identify and understand the relevant concepts and theories. Also it helps to find out the adequate data line with current study's objectives.

2.9.2 Data Collection Technique

A brief description of the data collection techniques which have used in the current study is detailed under.

In-depth interview: Structured questions were asked but there was provision for open comments to the interviewee those who are directly linked with the development project management. The interviewees has been encouraged and provoked to speak out from their own hands on experiences. As the respondents are higher ranked officials, an open but formal approach has been maintained. Interviews were taken by the researcher himself with prior appointment. The language of interview was selected by the preference of the interviewee. The whole conversation was recorded (in audio format; with permission). If the interviewee speaks other than in English, the researcher translated it in English and presented it in the current study.

Content Analysis: The books and published documents relevant to the current study was collected from various sources such as Resource Center of Master in Public Policy and Governance (MPPG) Program, Department of Political Science and Sociology, North South University; Central Library of North South University etc. Online journals,

articles, unpublished dissertation, newspaper and books were accessed by using myAthens, Google scholar and internet browsing through World Wide Web (WWB).

2.9.3 Selection of Study Case

The main purpose of the study is to explore the state of accountability management in Dhaka-Chittagong Access Controlled Expressway project of Bangladesh Therefore the unit of analysis of the current study is selected project area. The Dhaka-Chittagong Access Controlled Expressway project is being implemented in design phase.

2.9.4 Sampling Method, Population Size and Data Analysis Tools

Purposive Sampling method was used to select the sample so that appropriate respondents can be incorporated in the research. The major reason behind this kind of sampling is to cover major stakeholders related to the research work and those who could be easily available. For the purpose of the study, in the case of in depth interviews, the selected respondents were divided into two categories; (1) Project management personnel (2) stakeholders of project management.

In-depth interview:

For the in-depth interview, 14 key stakeholders have been chosen from the projects those are selected for the current study.

Table 4: Population Sample

Population Sample	Data Collection Method	Number
Project Management Personnel (Government Officials)	In -depth Interview	6
Project Stakeholders (Consultants)	In -depth Interview	6
Key Personnel	In -depth Interview	2
Total		14

The collected data has been processed and analyzed by using simple statistical techniques - MS Word and MS Excel.

2.10 Conclusion

This chapter has discussed the relevant theories of accountability, comparative framework of accountability, types of accountability, accountability mechanisms, accountability in public–private partnerships, strategic aspects of accountability management, and strategies of accountability management. The current study has not found any specific theory or framework that would fit to examine the PPP based development project in the context of Bangladesh, so an analytical framework has been designed from the existing topics, frameworks concepts and strategies. From the above discussion and the table, it can be explain that the three main dimensions of accountability- the *hierarchical perspective*, the *horizontal perspective*, and *accountability as a virtue* which are useful for understanding accountability in PPPs in practical terms (Fombad, 2013) have been applied as the intermediaries of the dependent variable. Internal administrative accountability and external accountability towards stakeholders have been used to measure the level and variation among each independent variable which are compliance strategy, flexible strategy, communication strategy, and information strategy (Kearns, 1994; Hwang, 2013). From the existing literate review and earlier discussion, it can be hypothesized that the higher the practice of each strategy, the more accountable the project would be.

Chapter 3

Contextual Background of the Dhaka-Chittagong Expressway Project

3.1 Introduction

A nation without a clear vision is a nation gone astray. Such is not the case for Bangladesh whose independence in 1971 was the culmination of a people's struggle, as much for political freedom as it was for their economic emancipation. Bangladesh's progress is a mosaic of notable achievements with some disappointments. Over the past 44 years since independence, Bangladesh has increased its real per capita income by more than 130 percent, cut poverty by more than half, and achieved most of the millennium development goals. Hitherto, the country remains a low-income country; almost a third of the population remains below the poverty line, and some 40% are illiterate (Planning Commission of BD, 2012). The perspective plan (2010-21) of Bangladesh government focuses upon the Government's strategic Vision 2021, to attain middle income country status in achieving a prosperous Bangladesh, from its beginning as a low income country in 1971 from the bloody independence. To make the vision a reality, government, private entities, and citizens of the Bangladesh need to address the current and upcoming socio-economic developmental challenges and issues- infrastructure development is an essential issue for accelerated growth and achieve desired vision. Transport is one of the vital aspects in fostering economic growth and development. Securing improvement in transport system is therefore a major strategic objective to accelerate growth during the perspective plan period. Transport infrastructure development will contribute to the expansion of markets, enhancement of regional trade and investment, all of which are conducive to economic growth and poverty reduction. This chapter addresses the contextual background of the Dhaka-Chittagong Expressway PPP development project, which is a major initiative for the transport and communication infrastructure development of Bangladesh.

3.2 Contextual Background

Bangladesh has become independent in 1971 from Pakistan at the expense of many precious lives in a bloody war of liberation. The war almost completely destroyed the

physical infrastructure of the country. Bangladesh has come a long way since its birth when U.S. Secretary of State, Henry Kissinger had disparagingly called it a “bottomless basket”. There has been notable economic progress in Bangladesh since its independence. None can dare to call it a “bottomless basket” anymore. However, it could have achieved much more had it utilized its development policies efficiently (Helal & Hossain, 2013).

Bangladesh is now an emerging economy in South Asia, with the growth momentum registering a 6.1 percent growth of GDP in FY14. The export earnings (including EPZ) continued to increase from USD 26567 million in FY13 to USD 29765 million in FY14 despite its confrontational politics and global economic slowdown over the last few years (BB, 2014). Our dependency on foreign aid for the development project has reduced from 88% in 1972 to only 2% in 2010 (BBS, 2010). PPP adjusted per capita GDP stood at 3,122 US dollar in 2014 (World Bank, 2014). However, it could have done much better if we had political stability and required infrastructure to foster economic growth. It could have registered growth of 8% or more, like neighboring India, had it not lacked good governance.

According to the annual report of Bangladesh Bank 2014, “Bangladesh's aspiration to become a middle income country by 2021 is likely to be possible if there is good governance in financial and fiscal fronts, political stability and development of infrastructural facilities.” To accelerate economic growth and to sustain our economic progress, we need to properly implement the Annual Development Programs of the Government. To ensure improvements in this area, good governance is essential. To accelerate the large development programs, the government has emphasized on PPP perspective for prospective finances for these significant projects. Among other significant steps taken by government for creating an enabling culture of PPP based public service deliveries, the first meeting of the Steering committee of the Public Private Partnership Program Organization project was held on 18th August, 2011 at the Prime Minister's Office, Chaired by the then Principal Secretary, Mr. MD. Abdul Karim, Prime

Minister's Office (PMO, 2011)¹. After a threadbare discussion, some important decision have been taken which is been attached in the annexure part of the current study report.

The Dhaka Chittagong Expressway Project is in line with the Bangladesh Government's targets of the 6th FYP to triple infrastructure development from 2% to 6% of GDP with substantial participation of the private sector through PPPs. In recent years, road transport has become the dominant mode of surface transportation in Bangladesh, carrying more than 70% of passengers and 60% of freight. The Bangladesh Road Master Plan (2007) forecasts annual growth of 6.4% in both freight and passenger traffic during 2010-2015 and 6.0% over the master plan period (2005-2025). Dhaka and Chittagong are the two major metropolitan areas of Bangladesh. Dhaka is the main commercial center and administrative capital of the country; Chittagong is the primary seaport, accounting for about 90% of imports and exports. About a quarter of Bangladesh's population lives along the Dhaka-Chittagong corridor.

The government's Sixth Five-Year Plan, 2011-2015 assigns the highest priority to increasing the capacity of the existing Dhaka-Chittagong Highway, which is part of the Asian Highway network, by widening it to four lanes and building the Dhaka-Chittagong Expressway. Road traffic between Dhaka and Chittagong is hampered by the lack of capacity of the existing 250-kilometer highway and load restrictions on bridges. In general, a fully loaded container cannot be transported by road to Dhaka. Road safety on the two-lane highway is poor because it is overcrowded with different types of vehicles, including rickshaws, bicycles, motorcycles, cars, buses, and trucks. The journey between Dhaka and Chittagong can take up to 10 hours because of congestion on the road. Based on traffic counts in 2009, 20,000-25,000 motorized vehicles, up to 40% of them trucks, use the highway each day. The number of motorized vehicles is expected to grow to at least 35,000 in 2020, 66,000 in 2030, and more than 119,000 in 2040, depending on the section and selected scenario for the traffic forecast.

¹ Prime Minister's Office, 2011. The Government of People's Republic of Bangladesh The document number is 03.068.006.08.00.016.2011 which was published on 25/08/2011. Tejgaon, Dhaka.

The 2009 traffic count indicates that the capacity of the existing two-lane highway is already saturated; the capacity of the four-lane highway currently under construction will be saturated shortly after 2020 because of the mixed traffic and large number of intersections, villages, and towns passed by the highway. This demonstrates the need for the additional road transport capacity that will be provided by the Dhaka-Chittagong Expressway. Dhaka and Chittagong are also linked by air, inland waterways, and railway, but road and railway links handle the bulk of passenger and high-value cargo traffic in this corridor. Both of these modes of transport are facing serious capacity bottlenecks. About half of the length of the 327-kilometer railway line between Dhaka and Chittagong is only a single-track line, which limits the number of daily trains. Passenger trains are frequently sold out and because passenger transportation is given preference over freight transportation, only four container trains operate between Dhaka and Chittagong daily, carrying about 10% of the containers to and from Chittagong Port.

According to the ADB project data sheet (2012) of this PPP based developmental project, “to address the transport needs in this corridor, the government is (i) upgrading the existing Dhaka-Chittagong highway by widening of the remaining two-lane sections to four lanes, which is planned for completion by 2013; (ii) improving the capacity of the railway line by making the remaining single-track sections double-track, which is planned for completion in 3-5 years; and (iii) planning to build a new access-controlled expressway.”

This expressway is badly needed, particularly with recent high-level intergovernmental consultations and agreements that will allow better access for Bhutan, India, and Nepal to Chittagong Port. So, this is not a forward looking development plan but rather it is a need basis one in terms of regional connectivity because it is much needed developmental project which has been long overdue (ADB, 2012). This additional traffic of goods and passengers will use the Dhaka-Chittagong corridor and has to be considered when planning the road capacity between Dhaka and Chittagong. The congestion on the existing highway requires the government to progress rapidly with this core transport project. Because funds available for the follow-on investment project are limited and the financing needs are large, opportunities for private sector participation

have to be identified to structure and implement this PPP project in Bangladesh's transport sector.

Development partners like ADB which is the main financier of this project emphasizes to promote infrastructure projects with private sector participation. High-quality international consultants should be engaged in a timely manner to support streamlined and efficient preparation of the PPP project, which will allow the government to enter into a fair agreement with the private sector based on a detailed design with proper allocation of risks between the parties. The initial study concluded that the route alignment selected for the current study of the expressway is technically, economical, and financially viable based on 2008 assumptions, costs, and revenue streams. The selected option was estimated to cost \$2.75 billion equivalent in 2011 prices and the implementation period was assumed to be 5-6 years.

However, from the current study, it has been found out that the government failed to attract private investment for the project studied and is discussing different route alignment options that were not appraised in the earlier study. Earlier attempts to recruit a concessionaire on a PPP basis failed mainly because (i) a detailed route alignment design had not been agreed upon, creating uncertainty about the required land acquisition; (ii) an attractive legal framework and risk allocation between the partners was lacking; and (iii) the foreign currency exchange risk allocation was unclear. The cost and revenue streams have changed since the 2008 study and an understanding was reached that a successful PPP project needs detailed project preparation, especially as this project will be the first large PPP based project implemented in Bangladesh's transport sector.

3.3 Lessons from Mayor Hanif Flyover

As Mayor Hanif Flyover or Jatrabari Flyover was the first PPP based project in Bangladesh which completed the construction phase, the accountability lesson from the project is pivotal for the current study project. The key lessons are given in the following section:

Box 1

The current study has found several reports those addresses the lack of accountability and governance issue of managing the Mayor Hanif Flyover in Jatrabari, Dhaka which is the first PPP based developmental project in Bangladesh. From the initial planning of this PPP based project to its completion of construction and now the toll collection, every process has been addressed in media to highlight lack of accountable and transparent management to ensure public service. In recent investigative report of the Daily Observer on October 8, 2015, It was stated that

“Their greed and corruption did not spare even a public utility. Orion Group minted money through faulty construction of Mayor Mohammad Hanif Flyover. Allegations are there against the group of extracting excessive tolls than the rates fixed. According to project insiders, it was taken up in 1998 under the World Bank assistance to construct this 6.7-kilometre flyover at a cost of BDT 670 crore. When the military-backed caretaker government assumed power in 2007, it cancelled the contract between the Dhaka City Corporation and the Orion Group on various charges of irregularities. But when the Awami League government came, the same group was given the work of constricting the flyover following certain changes and modification in the design. This time the length of the flyover was made 11 kilometers and the cost was fixed up at BDT 2,108 crore. Since the flyover opened to traffic, the Orion Group has allegedly been extracting 70-100 per cent excess tolls causing people's sufferings. According to the project's Memorandum of Understanding (MoU), the Orion Group, the managing party is supposed to realize a BDT 35 toll against a car, but it is collecting a BDT 60 toll per car, which is a sheer violation of the MoU. Similar excessive rates are also been charged for other types of vehicle. If such a trend goes on unabated, the Orion Group would be able to extort the total project cost of BDT 2,108 crore in a span of just eight years, whereas the tenure of the deal with the DCC on a 'build, operate and transfer' basis is 24 years. Within the next 16 years, the group will extort an amount to the tune of at least BDT 4,216 crore, which is more than double the speculated profit, project insiders say.”

Based on the findings, it has been observed that the most interesting is the fact that during each regime the Orion group took shelter of some vested ruling groups so that they can carry out their self-aggrandizement policy without any obstacles. So, these are some of the earlier evidence of accountability mismanagement concern from prior PPP project in Bangladesh.

3.4 Conclusion

In this chapter, the contextual background of the selected project for the current study is being presented to understand the importance of this study in the perspective of practicing functioning governance to foster economic growth and development. In the initial part, some progresses and challenges of Bangladesh has been touched to show the strategic linkages of securing improvement in transport system to accelerate growth of achieving the desired vision 2021 of Bangladesh. Then, some concerning issues of the DCE project has been discussed.

Previous attempts to recruit a concessionaire of the DCE project on a PPP basis failed mainly because a detailed route alignment design had not been agreed upon which creates uncertainty about the required land acquisition; an attractive legal framework and risk allocation between the partners was lacking which has been found be the current study. The following section of this chapter highlights the pivotal accountability lessons from Mayor Hanif Flyover that was the first PPP based project in Bangladesh which completed the construction phase. The next chapter addresses the state of accountability of the Dhaka-Chittagong Expressway project based on the collected data and evidence.

Chapter 4

State of Accountability in Dhaka-Chittagong Expressway Project

4.1 Introduction

This chapter provides a methodical discussion of collected data and an analysis of those data keeping in view with the research question and objective of the research. In this chapter, initially the state of accountability in the chosen project for the current study is examined in light of the collected data from the interviews and content analysis, followed by analysis and discussion on the data in a sequential manner. The main objective of the current study is to explore the accountability management aspects practiced, implemented and reflected in Dhaka Chittagong Access Controlled Expressway Project of Bangladesh. The findings are then presented according to the objectives and analytical framework of the current study in the context of Bangladesh.

In the following section, the state of accountability mechanism of the Dhaka-Chittagong Expressway Project would be discussed based on analysis of the collected data of this research study. Firstly, the current study largely focuses on facts shown by the collected data. Secondly, it interprets the data in detail, so as to put forth the major findings of the current study in line to meet the research objectives and to find out whether the analytical framework explains the accountability practice of the DCE project. In other words, the chapter provides detailed understanding about the current state of accountability management in Dhaka Chittagong Expressway (PPP) Project as perceived by the concerned policymakers, key project management personnel and key stakeholders of the project.

4.2 Detail Examination of the Accountability Framework of DCE Project

From the collected data of the current study, it can be noted that there is no clearly written accountability mechanism of this project from project management perspective but from the stakeholder's side ADB has an accountability mechanism which is publicly accessible. The Roads and Highways Department of Ministry of Road, Transport and Bridges has a formal procedure of receiving any complain from any stakeholder. The researcher could not verify it from standard content analysis procedure. From ADB's

side, there is a general accountability mechanism to receive and solve any complain about their funded projects. Most of the accusation or complain arises in the areas of procurement phase and resettlement phase. As this project is not going through this phase, these issues have not come up so far and the procurement process is directly selected and coordinated by ADB in this project.

It is important to state that, for the understanding of the current study it is important to highlight that, this is a new concept for infrastructure related projects in Bangladesh (expressway). So, the alignment of this project is very important. The government has to keep in mind to secure the right of all stakeholders of this project. In this project, three alternative alignments or options have been chosen with three unique geometric patterns. So, when a PPP based development project like this is designed to build, the project management team has to look after the rights and stakes of all stakeholders including parties like Economic Growth Centers (EGC), Export Processing Zones (EPZs), Special Economic Zones (SEZ), regional connectivity points, etc. As there is no clear accountability mechanism in this selected project for the current research study, but there are several aspects of dependent variables and independent variables which are being practiced in this project by the project management personnel and the project stakeholders. Here the data have been summarized according to the intermediaries of the dependent and independent variables of the current study.

4.2.1 Compliance Strategy

The current study found that there is a formal procedure where anyone can file a complaint to Chief engineer of The Roads and Highways Department, then to Secretary, then to minister of Ministry of Road Transport and Bridges, and finally to the Prime Minister of Government's Republic of Bangladesh. Another way to file complain is to submit anonymously to the secretariat to the complaint box and a particular complaint number will be issues against that complaint. Based on the complaint, the secretariat also informs the complainer about the necessary action taken based on the complaint. There is log book where people can see the complaint logbook maintained monthly basis.

The project management team has conducted inception workshops, concentration workshops by inviting all major stakeholders from Governments, private sector and business communities like FBCCI, BGMEA, independent organizations, and experts in this field to listen their opinions in this regard to incorporate all the views. As this is an expressway project, so the entry and exit points are very crucial, for example- if the entry and exit points are too far from EPZs or SPZs, then their purpose will not be served by this development project. So, interchange facilities, starting points, end points of interchanges are key issues in design phase.

And the provision of designing the expressway in either 4 lanes or 6 lanes or 8 lanes can be better projected by discussing with business communities who are the main driver of export import as the Dhaka Chittagong is the main route of this economic issue. One of the policymakers of the government, who is a current secretary and top bureaucrat, expressed his concern that “the project has not been designed in a forward looking development plan. The proposed design of the project has only 4 lanes, which would be obsolete soon considering the current condition and future trend of the traffic between Dhaka-Chittagong routes”. As land is very scarce in Bangladesh and there is a restriction of using agricultural land for infrastructure purpose so priority has been given to acquire minimum lands as necessary. So, the steering committee has arranged meetings and multi-stakeholder discussion in all the districts that will be part of this Dhaka-Chittagong Expressway like delegate of different City Corporations.

From the collected data, it is evident that though many aspects of the project document have been addressed; but the depth, quality and delivery of these aspects need to be improved to achieve the desired impact of the current study project. One critical finding from top project management personnel is presented in the following section:

Box 2

“Even though there are still loopholes that need to be improved. It would be much more fruitful if the project design team can discuss with key stakeholders in one to one or face to face communication because in current scenario many delegates of these multi-stakeholder meeting have not gone through the project document and hence unable to

share relevant feedback or opinion. Sometimes, the delegates could not express their opinion in a multi-stakeholder meeting where they feel hesitant to talk about in front of others. This compliance process can be claimed as technically sound but in terms of quality and efficiency, there are rooms to improve the compliance mechanism.”

It has been observed from data findings that the selected project for this research is mainly a study project, consultants are now producing study reports, and the current arrangement is that any report simultaneously submitted to Project Implementation Unit (PIU) and ADB. So, if there is any observation from ADB’s end, they inform other parties and similar method also applies to the PIU from Government side. The PIU also invites other departments who are not part of the project but have relevant experience and knowledge to go through these reports and for major project report, a separate workshop is conducted by the PIU. In each workshop, the PIU categorizes the tasks in several sections, like a group to look after the structure part, other team for environment or social aspects of this project. Their feedback and expert opinion then accumulated by the PIU and discussed with the consultants. So, no option goes unchecked in this process. No payment has been approved without compliance check mechanism of this project. So, the project to some extent follows its own mechanism and also takes professional support from other parties as necessary. The ADB also have all the updates and they conduct a periodic review to monitor the progress of this project. It has been claimed from the PIU team that all decisions are then finalized after fulfilling the necessary requirements from both the parties, from the PIU and ADB.

From the collected data, it can be stated that here are some issues which are not clearly written in the project document like finalizing the provisional sum (accommodations, office facilities, etc.) of the consultants. To finalize the provisional sum, some pre-testing is conducted by the consultants. All these processes are trivial for project’s aspect and the PIU keeps track in these issues. The project personnel claims that “ADB also checks about the quality of the report and compliance of the project. In terms of provisional sum, the consultants prepare the budget following the guideline of the procurement framework by the approval of PIU. The PIU is subjected to scrutiny, not only from People’s Republic of Bangladesh Government, but also from ADB”.

Based on the data findings, it can be stated that financial compliance issue in this project appears transparent. The contract of this project is designed in such a way that the payment options are milestone based on the lump sum contract. When the consultant provides the inception report and it is approved, then they will get a clearly fixed fee of the whole contract which has been addressed before. Once report is accepted by the client PIU and ADB, then the consultant is actually eligible to get the payment. The PIU team of this project recommends to ADB because the financial transactions are paid and look after by the ADB. The consultants provide all the necessary invoices to PIU in favor of the payment, then PIU forward this documentary evidence to ADB. If ADB is satisfied with the documentation, only then they pay to the consultants. So, the project follows a dual compliance mechanism to look after the financial aspect of this project.

In this project, project incentives are two types. 1. Implicit, and 2. Explicit. Implicit incentives include the logistical facilities like transport or communication facilities that the PIU team have in the project. In a development project, which is in a design phase, the external pressure is comparatively low than the usual activity of Roads and Highways Department. Sometimes, new government decision can play significant impact in a PPP based development project. The current study found an important issue that plays significant role to the mindset of the PIU of the DCE project. One top PIU personnel anonymously expressed his concern which is presented in the following box.

Box 3

“Before announcing the new salary structure of the government employees in June 2015, the government had a recent procedure of 20 percent allowance for project related government employees who came to work under deputation. But after this new pay scale announcement, it has been dropped. This allowance cut has significant impact in the mindset of the PIU personnel. This project demands intellectual and academic expertise like regular academic study, international communication with different time zones, evaluating technical reports, etc. which are not always preferred by government employee and specialist like engineers. So, PIU personnel will have less preference if they do not get any formal incentives for their extra effort and pressure.”

Based on the presented data that has been collected from the current study, it can be analyzed in the following manner which is mentioned in the following table.

Table 5: Key Analysis of Compliance Strategy

Independent Variable	Intermediaries of Independent Variables	Key Analysis
Compliance Strategy (Exercise of authority & compliance of orders, compliance condition; cases of reward and punishment)	<i>Internal administrative accountability</i>	<ul style="list-style-type: none"> • The project follows a dual compliance mechanism to look after the financial aspect and technical aspect of this project. • As the project is in the design phase, financial compliance issue in this project appears transparent. • Changing macroeconomic policy guidelines from the government may have significant impact in the particular project.
	<i>External accountability towards stakeholders</i>	<ul style="list-style-type: none"> • This compliance process can be claimed as technically sound but in terms of quality and efficiency, there are rooms to improve the mechanism.” • In the design phase, the external pressure or request is comparatively low than the usual customs and activity of Roads and Highways Department. • PPP based project like this demands intellectual and academic expertise like regular academic study, international communication with different time zones, evaluating technical reports, etc. which are not always preferred by government employee and specialist like engineers.

It is evident from the above discussion and analysis that in terms of compliance strategy, some issues need to be addressed for better practice of accountability. The next section discusses findings on the practice of discretionary strategy of DEC project.

4.2.2 Discretionary Strategy

From the collected data it is found that, the PIU will proceed with the detail design soon, based on the detail draft design that has been prepared during feasibility study period.

Now the PIU and consultant will try to find out issues those need to solve like- land acquisition, settlement, etc. In a complex PPP based project like this one, only following the initial project guideline and concept paper cannot solve the emerging challenges that arises when the project progress gradually. In the following box, an emerging scenario from the ongoing project has been presented:

Box 4

The project manager of the DCE project presented an emerging scenario which needs discretionary strategy. According to him, “As the PIU is following the draft design provided by the consultant, now the PIU team need to sit with the Comilla Cantonment authority of Bangladesh Army to discuss the issue of land acquisition as some part of the expressway will be passing through cantonment area. So, in this regard Bangladesh Army is a direct stakeholder of this expressway project. So, to come up with any solution, the PIU team need to discuss with the Bangladesh Army which is a separate entity of People’s Republic of Bangladesh Government. This is a critical issue for this project. Developing country like Bangladesh was has fragile democratic system and where Army play crucial role in decision making and have track record of governing the country, this issue to be addressed from a discretionary point of view with profound negotiation skills and credible arguments”.

The PIU team has also conducted field visit across its proposed routes with different stakeholders whether land acquisitions or other issues will bring any social unrest or unwanted issue. Here, the preferred plan is to use the lands of Roads and Highways Department, where they have any acquired land near to the proposed routes. The access points are very crucial. The PIU team is checking whether these access points are convenient for people who will use these access points to get into the expressway. For this matter, the PIU team has sat with institutions like Chittagong Development Authority (CDA) who are responsible for the development of Chittagong city. How to integrate this expressway into the development plan of Chittagong is very trivial. From the collected data, another case of emerging issue which needs to take into account is presented in the following section:

Box 5

There is a tunnel project in Chittagong which is also a potential stakeholder of the current study project. To utilize precious resources like land or energy, the PIU needs to look into the matter whether this project can help to connect beyond Chittagong area for enhancing other economic zones in Cox's Bazar, proposed deep sea port and building regional connectivity. For environmental assessment, the PIU team needs to consult with Department of environment of Bangladesh Government. As the safeguard policy will be taken into account due to the involvement of International development partners like ADB. So, if the procedure of this project is not compliant with ADB's safeguard policy then it will not move forward. So, these are some of the critical points including other issues those need to solve to implement the project.

As this project is a new concept based project in terms of method of infrastructure (expressway) and method of investment (Public Private Partnership), the PIU team need to have proper knowledge in this aspect. So, as training purpose, the PIU team and the consultant team have already been to other countries where those countries have already implemented expressway projects and Public Private Partnership basis project to acquire clear understanding and relevant knowledge to manage the project. These countries were selected based on their economic status like advanced economies and less advanced economies. One team went to South Korea, India and Sri Lanka to gain practical and professional experiences where India's condition is most similar to Bangladesh, then Sri Lanka and Korea is comparatively advance in nature. Another team went to Malaysia, Indonesia and Vietnam for practical and professional experiences where many PPP projects have been successfully implemented.

The focus areas of this foreign country based training were technical aspect (as no expressway has been built in Bangladesh before), institutional capacity aspect and challenging aspects of Public Private Partnership (PPP) based project. Generally the PPP based projects are large in nature, and it has many complex issues- why the private sector will be interested to invest in PPP projects, whether the existing laws, acts are adequate to address the issues, etc. Institutional capacity to implement a large PPP project is very crucial. It is very important to know what are the current institutional setup and private readiness to invest in PPP project in Bangladesh. The training teams tried to learn these

issues from their foreign exposure visit. Another issue is the role of transaction adviser. Transaction adviser basically connects a project with PPP structure and format. The procedure of a PPP based project is different than a conventional development project. In a conventional development project, a competitive bidding process is announced first to choose a contractor, and then the contractor is selected through the bidding process by the government.

And in the PPP format, the transitional consultant manages the finances of the project. So, the consultant needs to know what guarantees he would require to satisfy the private investor to be a part of this investment. The legal and financial aspect of PPP based project which will be coordinated by the transactional consultant is also very critical. From the collected data, it has been observed that, the potential investor of PPP project will make sure to know that whether his return on investment will be smooth or there are chances that the existing laws and procedures are not enabling enough to secure this return on investment. These provisions are very significant to take this project into forward. So, the PIU team thus tried to enhance the capacity aspect of the project management team for a successful implementation of the project. If there is lack of clear understanding and comprehensive knowledge to deal with issues of PPP based project where the multi-stakeholders also include several ministries, it can be very challenging and time consuming to implement.

It has been found that in PPP project, time is considered as money because private investor will calculate their return on investment and in that case of delay, for example- for land acquisition or resettlement delay, the government has to compensate the incurring cost. From the expert opinion, the training structure for field level personnel of most of the government development projects in Bangladesh are inadequate in nature and need to improve for better efficiency and ensuring public service. In terms of resolving discretionary issues, trained and knowledgeable workforce is essential. In this regard, one top project personnel expressed his concern with anonymity which is presented in the box below:

Box 6

“From the experience, one concerning factor is that, the assigned project personnel from government side are rotating very frequently. The people who have been trained from abroad for this project, if he or she gets transfer from this project, then there is hardly any existing mechanism to utilize their experience and knowledge. There is no guarantee that the initial PIU team will be in this project till the end of this long term based project. If they get transfer to other tasks due to different reasons like promotion or transfer, they do not have any mechanism to pass their knowledge and experience. The new assigned people who have not had training for this project, will face challenges to understand the complex aspects of this project”.

The initial designed organogram by ADB which is needed to implement considering the size of the investment project, is not being followed by the Government of Bangladesh. Currently there is severe shortage of management level people in this project in terms of knowledge diversity. The heterogenic knowledge base among the PIU team is very trivial to implement a large development project like this one. The government has limited manpower to assign management level people in this project. So, it is a pertinent issue whether the PIU team will be able to carry out the proposed activities considering the project timeline with this existing manpower. ADB personnel points out that at similar project in India, they have 25-30 people to look after the project whereas in Bangladesh which one fifth of that size. For the government, it is a huge challenge to pick the right people for this project who have relevant knowledge and experience to implement this unique project. Due to the capacity limitation, there are few skilled people in government pool for this task. The people who will be part of this project when it will be running into full phase, it is very important that all the departments and the concern people of this project has clear understanding of this project. For instance, for any financial approval the Roads and Highways Department needs approval from Ministry of Finance. There are chances that those who are dealing with is project from that department lacks necessary knowledge to understand the technical and other aspects of this project.

So, to minimize the gap of understanding, a de-briefing program has been introduced recently. But in reality, it is inadequate in nature as the de-briefing session is

very short and the level of knowledge and understanding among the delegates of de-briefing session varies significantly. There is no mechanism to preserve the documents of this de-briefing session which can be used later for the purpose of this kind of projects. So, there is lacking in terms of sustainability aspect.

In PPP based projects, to fill up the finance gap, the government also invests alongside with the private sector which is termed as “Viability Gap Financing” or (VGF). According to the Project manager of this project, “The VGF is approved by Ministry of Finance of government of Bangladesh. Based on the experience of Dhaka Bypass project, another important development based infrastructure project, the process of VGF took a longer time than initially calculated. In the upcoming phase of this PPP project, this aspect can have multifaceted implication for completion of the project”.

Based on the presented data that has been collected from the current study, it can be analyzed in the following manner which is mentioned in the following table.

Table 6: Key Analysis of Discretionary Strategy

Independent Variable	Intermediaries of Independent Variables	Key Analysis
Discretionary Strategy (With customer/beneficiaries, Professional decisions). (Situational dialogue/ meeting with stakeholders) (Professional judgment, project know how)	<i>Internal administrative accountability</i>	<ul style="list-style-type: none"> • Institutional capacity of managing situation challenges and aspects of PPP based project can play decisive role. • Due to the capacity limitation, there are few skilled people in government pool for this task. • Lack of clear understanding and comprehensive knowledge to deal with issues of PPP based project can be very challenging, costly and time consuming to implement.
	<i>External accountability towards stakeholders</i>	<ul style="list-style-type: none"> • The role of transaction adviser in PPP based project is significant. • As the project is PPP based in nature and it needs to take into account all the concerns of multi-stakeholders. ADB has its own safeguard policy. So, if the procedure of this project is not compliant with ADB’s safeguard policy then it will not move forward. • Powerful stakeholders like the Army can play substantial role which will have crucial impact to this PPP based project.

From the above findings, it can be stated that the practice of discretionary strategy in DCE project needs to be improved a lot. The next section is about findings based on the practice of communication strategy of DEC project.

4.2.3 Communication Strategy

From the collected data, it can be stated that communication patterns and coordination meetings among the project management personnel and with the project stakeholders are issue based which requires one or several meetings. Sometimes it is difficult to foresee upcoming challenges or situational issues that may arise in the upcoming days.

In this project, the internal feedback or communication mechanism is interactive as the PIU team is small in size. The PIU team regularly follow up the tasks and updates. Performance is checked regularly. But sometimes the communication process hampers which can create bottleneck and stagnant situation for a PPP based project. One such scenario from the collected data is stated in the box below:

Box 7

As this project is running short of capable project personnel, any long leave of existing PIU team member like maternity leave (6 months) can cause major stagnation. Sometimes work distribution is not even and it put substantial pressure on some PIU personnel which is hard to deal with.

It has been found from the collected data that, the junior project management personnel mainly do the routine types of work and they hardly give any feedback to the senior colleague due to the bureaucratic culture of the government structure. Although Junior officers can take part in critical problem solving situation for their learning but their individual contribution is not significant due to the vertical decision making structure. It usually helps to equip them to build their mental setup of dealing unexpected and situational context.

Based on the presented data that has been collected from the current study, it can be analyzed in the following manner which is mentioned in the following table.

Table 7: Key Analysis of Communication Strategy

Independent Variables	Intermediaries of Independent Variables	Key Analysis
Communication Strategy (Communication with stakeholders, Consultations with supervisor, Speak out)— (Voice and feedback mechanisms, consultation), (Monthly coordination meeting; Project website; Feedback mechanisms)	<i>Internal administrative accountability</i>	<ul style="list-style-type: none"> • Size of the Project Implementation Team greatly affects the internal feedback or communication mechanism. • Communication pattern in some cases are still one way and bureaucratic in nature.
	<i>External accountability towards stakeholders</i>	<ul style="list-style-type: none"> • Absence of people who maintains communication with stakeholders can create stagnant scenario of PPP based project.

From the above findings, it can be opined that the practice of communication strategy in DCE project lacks critical aspects which need to be incorporated. The next section is about findings based on the practice of information strategy of DEC project.

4.2.4 Information Strategy

Without asking for any information from government or Project Implementation Unit (PIU), some basic information is available in the internet. If anyone request to access public information, then the PIU provides relevant information accordingly based on Right to Information Act. The project does not have a website and there is currently no proactive planned approach from the PIU side to inform the citizen. There are some pragmatic reasons which are presented in the following box:

Box 8

There is a culture of ill practice in developing country like Bangladesh that some opportunistic groups always seek ways to capitalize their personal gains. In infrastructure project like this one- some people try to build pseudo infrastructure to get compensation during resettlement procedure of the project.

It is found that, the PIU intends to disclose some information publicly after finalizing the alignment of the expressway route of the project. Some information of the development projects are updated from the website of the Roads and Highways Department of Ministry of Road Transport and Bridges.

From the collected data, the current study found that this particular project follows the general guideline and Rules and regulations of project management of Roads and Highways Department of Ministry of Road Transport and Bridges. This project does not have any separate and specific rules and regulations or charter of duties to manage the accountability mechanism of this project. The project follows the formal performance appraisal system of the concerned ministry of the government which is Annual Confidential Report (ACR). But the ACR hardly have any impact in this type of scenario because this type of project requires regular evaluation based on the collected information of the performance of project personnel for necessary improvement.

Table 8: Key Analysis of Information Strategy

Independent Variables	Intermediaries of Independent Variables	Key Analysis
Information Strategy (Listening, Learning Information), (providing explanation/ clarification), Charter of duties; Rules and regulations	<i>Internal administrative accountability</i>	<ul style="list-style-type: none"> No separate and specific information guideline about rules and regulations or charter of duties to manage the accountability mechanism of this project.
	<i>External accountability towards stakeholders</i>	<ul style="list-style-type: none"> Sporadic practice of evaluation based on the prevalent information of the performance of project personnel with the stakeholders.

The next section addresses the dimensions of accountability based on the findings.

4.3 Dimensions of Accountability Practiced in the DCE Project

As mentioned in the earlier sub section of chapter two titled- Accountability in Public–Private Partnerships, that horizontal dimension of accountability, also known as management of expectations, provides a practical and representative approach to

understanding accountability in PPPs than the other two dimensions (Formad, 2013); so the current study found that in this PPP based project in many cases the project still follows the hierarchical perspective that is based on the traditional approach of accountability, that is the vertical chain of authority and the principal and agent relations are intrinsic in hierarchical and bureaucratic state of affairs. That is one significant reason that still very few PPP based projects have started the implementation phase in Bangladesh.

This hierarchical structure also provides concerning signal to enthusiastic private investor from Bangladesh or outside who is a vital component of any PPP based development project because they fear that the rigid bureaucratic process is not enabling to invest their capital. It has been also found that, in some cases, the PIU team is trying to expedite discussions on how multiple expectations can be generated within and outside the partnership to manage the conflicting objectives in a nonhierarchical way. But, the PIU has its own limitation like- all the PIU personnel who come in development project for a short time period in deputation and lack sense of belongings. The third dimension, that is accountability as a virtue, is a basic instrument that enables having a personal conscience or an individual moral responsibility to practice the accountability culture, but without systematic approaches and aspects of horizontal accountability, it can hardly have a meaningful impact in the complex scenarios and dynamic nature of PPP based project. From the collected data, the current study found clue of not practicing accountability as a virtue. The data is presented below:

Box 9

One top management personnel disclosed that, “there are few government employees who prefer to work in the design or feasibility phase of a development project. Because in the design or feasibility phase, where the finance is mainly coordinated and managed by the development partners like ADB, there is limited scope of engaging in the procurement process.”

So, there is lack of practice in terms of accountability as a virtue as moral responsibility. After analyzing the data from the current study, it can be stated that the views of stakeholders are not similar. Though the top management claimed that they are

practicing the horizontal accountability perspective, the evidence and statement from middle tiers of PIU and stakeholders do not entirely validate the claim of the top management.

4.4 Conclusion

Ensuring accountability is vital for the road to good governance and sustained economic development of Bangladesh. From the current study it has found that accountability is being primarily practiced in a sporadic way rather than a cohesive and systematic manner in the Dhaka Chittagong Expressway project. In terms of the dimensions of accountability, the project predominately practices the hierarchical dimension of accountability as it is evident from the analysis that from the four strategic perspectives and their two indicators of practicing accountability, that practice of internal managerial accountability level is comparatively lower than the practice of external accountability towards stakeholders.

It can be opined from the above data findings related to the independent variables (strategies) of the analytical framework of the current study that the project which is in its design phase has comparatively functioning compliance strategy to a certain degree because in terms of quality and efficiency, there are major areas to improve. It has been observed that changing macroeconomic policy guidelines from the government can create significant impact in the particular project. From the stakeholders' point of view, ADB has its own compliance mechanism for all the projects it finances which may not fully adaptable to the specific nature of a particular project. PIU team members sometimes feel less enthusiastic to work in the design phase of an infrastructure oriented PPP based project as it requires special knowledge and understandings to deal with complex issues. In terms of practicing discretionary strategy, the project lacks capacity, understanding and comprehensive knowledge of managing emerging challenges of PPP based project. The role of transaction adviser in PPP based project is crucial. Due to the multi-stakeholder engagement like ADB, fulfilling issues like safeguard policy of stakeholder is need critical to implement the project. In terms of practicing communication strategy, the lacks adequate people to address all communication issues and in some cases are still one way in nature which hampers objectives of the current study. The current study found that there is no specific information guideline about rules and regulations or charter of duties

to manage the information strategic perspective of this project. In this aspect, sporadic practice is prevalent to evaluate the performance of project personnel with the stakeholders.

From the above findings, it can be summarized that the state of accountability is not satisfactory in the Dhaka-Chittagong Expressway and there are notable aspects that need to be improved to ensure accountability. The government, and concerned authority need to design, develop and implement an enabling culture that encourages the horizontal aspects of accountability instead of vertical accountability. Specially the Government and the concerned parties of PPP not only need to incorporate appropriate accountability mechanism to deal with the comparatively new PPP based developmental approach in Bangladesh but also need to develop a comprehensive culture of understanding, designing, implementing, monitoring, evaluating and achieving desired long term impacts from these kinds of development projects to provide and ensure quality public service. In the next chapter discussion for future policy consideration, conclusion and recommendation is presented.

Chapter 5

Public Private Partnership (PPP) in Comparative Perspective

5.1 Introduction

Public–private partnerships (PPPs) are mounting in popularity as a governing model for delivery of public goods and services. PPPs had existed since the Roman Empire, but their opening out into traditional public projects today raises thoughtful questions about public accountability (Forrer et al. 2010). Given the growing value of commitment to infrastructure development through PPPs, there has been increased attention to issues concerning the accountability of PPPs as developmental projects (Formad, 2013). PPPs are alternative service-delivery arrangements to traditional public procurement that may enhance cost-effectiveness and service delivery through accountability (Bovaird 2004; Brinkerhoff 2007). Many proponents argue that the private sector is more efficient to the public sector in producing and delivering many goods and services. Pragmatically, government leaders see PPPs as a way of bringing in the special technical expertise, funding, innovation, or management know-how from the private sector to address complex public policy problems. According to Forrer et al. (2010), with the increased trend of PPPs, the issue of public accountability has become one of the important of the policy questions raised.

The reasons advanced for the importance of accountability in PPPs include: keeping proper financial records, performance outcomes, program effectiveness, efficiency, and manifesting expectations (Acar, Chao & Kaifeng 2008; Jones & Stewart 2009). However, there are suggestions that PPPs can reduce accountability and undermine public control (Siddiquee 2011; Reeves 2011). To get the maximum value from PPPs to a developing country, there are three main needs that persuade the governments to encourage into PPPs for develop infrastructures, Those are, initially invite private capital investment, secondly increase efficiency and use available resources more effectively, thirdly reform sectors through a reallocation of roles, incentives, and accountability, employee morale, transfer of technology and training for the people (Perera, 2014).

Jones and Stewart (2009) argue that the tendency towards shared accountability in PPPs becomes joint irresponsibility in practice, with no-one ultimately being accountable. If public–private partnerships are to play an important role in the infrastructure development of Bangladesh and assist in realizing national and international developmental plans, the problems of accountability must be addressed. This section reviews PPPs within the context of developing economies, given that Bangladesh is a developing economy. The current study showed some comparative analysis of accountability perspectives in terms of PPPs in some developing countries. This is followed by an overview of accountability in PPPs in Bangladesh. This leads to a discussion of the techniques available for enhancing accountability in PPPs in Bangladesh. The Current and prospective PPP projects may contribute significantly for accelerated development in Bangladesh.

5.2 International Accountability Standards for PPPs

The current study found that International accountability standards in terms of PPPs are voluntary, predefined rules, procedures, and methods to systematically assess, measure, audit, and communicate the social and environmental behavior and performance of firms (Gilbert et al. 2011). These standards are relevant because PPPs operate within a corporate governance structure. The four major accountability standards are principle-based standards, certification standards, reporting standards, and process standards (Formad, 2013). The principle-based standards are sets of principles that attempt to shape corporate behaviors by providing a baseline of foundational values and principles that responsible companies can attempt to adhere too. Certification standards involve the certification, verification and monitoring of production facilities according to predefined criteria. Reporting standards such as the Global Reporting Initiative provides comprehensive and standardized frameworks for nonfinancial reporting on economic, social, and environmental issues. Process standards focus on how organizations can achieve corporate accountability through the provision of managerial guidance (Leipziger 2010). These different international standards are not legally binding obligations enforceable through courts of law, and they have been criticized as “credibility cover” that perpetuates business as usual and does not necessarily lead to significant improvements in social accountability (Formad, 2013).

5.3 Comparative Case Examples from Developing Countries

According to World Bank report of 2014, “the last 10 years have seen a rise of PPPs in developing economies as a means of crowding in investment and expertise from the private sector. Looking at the broader picture of private sector investments in developing countries, private capital has contributed between 15 and 20 percent of total investment in infrastructure during that period. PPPs have now spread across the globe: 134 developing countries implemented new PPP projects in infrastructure between 2002 and 2011. Developing a successful PPP program is a complex undertaking and involves a number of key challenges for developing countries. In order to establish an environment conducive to PPPs, governments are required to take a number of steps, briefly described below, all of which are important building blocks to the establishment of a credible PPP program”. These huge flow of finance and invest demands robust accountability issues that need to be addressed by the developing countries.

The current study observed the accountability perspectives of some developing countries (South Africa, Malaysia) in terms of PPP. South Africa is the leading sub-Saharan country in PPPs, with robust legislation and policies. The country has completed some of the most successful PPPs, amongst which are the Gautrain state-of-the-art rapid rail network, toll roads, and other projects. However, according to Fombad (2013), “with the growing trends in international best practice for accountability noticeable loopholes and omissions have been observed in the existing legal framework for PPPs, resulting in accountability gaps”.

The current study also briefly looks at how accountability is demonstrated in Malaysian tolled highways sector by analyzing the financial affairs of the public sector as well as the manner in which the PPP financial arrangement between the public and private sector is reflected and presented in the financial statements of the public sector. It has been observed that transparency and openness in disclosure of information, which is an important attribute in accountability, is not present in the Malaysian case. This suggests that the accountability is not demonstrated. According to Alfian and Zakaria (2012), though accounting can help to address this issue in Malaysia, the current rate of

development of accounting treatment for public infrastructure and service concessions does not indicate that the matter will be resolved in the near future.

5.4 Reflecting Policy Perspective for Bangladesh

At the time of the current study, an enabling framework for PPP projects is in place in Bangladesh, anchored by the PPP Policy 2010 and the 3 PPP Guidelines 2010. The organogram and resources for the PPPO was gazetted in June 2011. Of late, the Bangladesh Public-Private Partnership Act, 2015 (“PPP Act”) was enacted and gazetted on 16 September, 2015 by the Government of People’s Republic of Bangladesh.

Since the first anchoring of PPP Policy and the 3 PPP Guidelines in 2010, the Bangladesh Public-Private Partnership Act, 2015 (“PPP Act”) was enacted and gazetted on 16 September, 2015. The Objectives of the PPP act is mentioned below:

Box 10

Objectives of PPP Act 2015:

“The PPP Act has been enacted with the objective of facilitating the development of core sector public infrastructure and services vital for the people of Bangladesh. The law prioritizes increased investment in infrastructure which is essential for sustainable economic growth. It further provides a robust legal framework to attract the interest of national and international private sector investors to join in partnership with the government in building and upgrading core infrastructure assets. The goal of the Government is to ensure a more rapid, inclusive growth trajectory, and to better meet the need for enhanced, high quality public services in a fiscally sustainable manner” (PPPO, 2015).

According to the PPP Office Bangladesh (2015), along with the main objective, there are some key features of this newly enacted act. These are stated in the next section:

Box 11

Key Features of PPP Act 2015

“The PPP Act has been structured over 7 (seven) chapters. After the initial chapter on preliminaries and definitions, Chapter 2 provides for the establishment of a Public Private Partnership Authority (“PPP Authority”). The PPP Authority shall be neutral and independent in relation to all financial, administrative matters and in carrying out its functions. The activities of the PPP Authority will be overseen by a Board of Governors, which will be chaired by the Honorable Prime Minister. A wide range of powers have been provided to the PPP Authority to ensure an efficient and comprehensive development of the PPP program. This includes development of policy, regulations and guidelines, development of standard documentation, appointment of consultants and advisors, providing consents and opinions in relation to PPP projects, etc.

Chapter 3 sets out the provisions for the identification and approval of PPP projects. The Cabinet Committee on Economic Affairs (“CCEA”) is mandated to provide the in-principal and final approval for PPP projects. Chapter 4 broadly covers the selection of a private partner to develop and execute PPP projects, with provision for the detailed process to be specified in subsequent regulations. Chapter 5 of the PPP Act emphasizes the importance of transparency in the implementation of the PPP program by setting out provisions to deal with issues of corruption and conflict of interest. Chapter 6 identifies some of the key issues that should be covered in a PPP contract. It also provides for land access rights and the right of the private partner to impose levy on users for accessing public services or purchasing public goods. Further, in order to enhance investor protection, it provides a clear dispute resolution process which includes amicable settlement, mediation and arbitration.

The final chapter sets out a number of miscellaneous measures covering issues such as grievance procedures, confidentiality, etc. The chapter also provides that the Policy and Strategy for PPP, 2010 (PPP Policy), is to be treated as repealed following the enactment of the PPP Act. However, it also provides exceptions in which cases the PPP Policy will continue to be applicable.”(PPPO, 2015)

5.4.1 Reflection on PPP ACT 2015

According to the PPP act 2015, the government will set up the Public Private Partnership (PPP) Authority. It will be governed by a Board of Governors. The Prime Minister will be the Chairman and the Finance Minister will be the vice Chairman of the Board of Governors. At least six meetings of the Board will be held in a year. The head office of the PPP Authority will be in Dhaka. The Authority will be able to set up branch offices anywhere in the country and abroad. Policies and guidelines of the body will be formulated by its authority. The PPP authority can take any project apart from the Annual Development Programmes and implement that project through PPP.

In terms of Identification and approval of PPP projects, the relevant government agency or the PPP Authority will take initiative for PPP Projects. The Cabinet Committee on Economic Affairs (CCEA) is mandated to provide the in-principal and final approval for PPP projects. Under the act, the government will be able to provide the following subsidy in any PPP Project: technical assistance financing, viability gap financing, financing against equity and loan, and financing against linked component. The PPP act sets out provisions for corruption and conflict of interest which are similar to Public Procurement Act 2006 and Public Procurement Rules 2008. After observing the PPP act 2015, the current study also found that all PPP Projects will be contracted with a separate Project Company other than the sponsors. The project company will be limited by shares and incorporated in Bangladesh. All liability should be borne by this Project Company. The concerning issue is that, in terms of selection of private partner to develop and execute PPP projects, the act does not provide detail guideline on selecting private partner for PPP Project. There will be subsequent regulations in this regard. Another concerning aspect is that the act does not provide much restriction or detail guideline about the project agreements including the governing law of the agreements. For dispute resolution, the act requires arbitration before going to the court.

The current government has put emphasis on developing the policy framework for the PPP. However, the PPP Office only received a fulltime CEO in January 2012 and about 80% of its full complement of staff in April 2012. At that time, the pipeline for PPP projects in sectors other than power and energy were limited. There were only few major

PPP projects that were in active construction stage like: the First Dhaka Elevated Expressway and the Hemodialysis Centre at Chittagong Medical College Hospital projects. Only the Mayor Hanif flyover project has completed the construction phase. None of these projects had been properly screened or developed as PPP projects and the procurement and contractual activities therefore had significant weaknesses.

Since the PPPO became operational in April 2012 it has visibly stepped up its role in PPP activities in Bangladesh. It acts as the nodal institution to review and screen project proposals to ensure that they are suitable to be procured and implemented as PPP projects. Approval processes for PPP are better defined and used than before. The PPPO has 47 PPP projects in the pipeline, out of which 13 have received in-principle approval from either the CCEA or the respective Line Ministry. Eight of those projects are in the procurement phase, while 16 are in the process of engagement of consultants (feasibility studies and transaction advisers). Three of them are in the construction phase and 2 are in the award stage. PPPO has put in place a website where current activities and project related information are shared with the public. The PPPO's website is the key medium for communication and information dissemination about the PPP program. Procurement notifications, notifications of forthcoming events, policy and briefing documents and draft documents (for consultative purposes) are provided on the website.

The political will to support PPP has been demonstrated through

- (i) The Cabinet of Minister's approval of the PPP Law in September, 2015;
- (ii) The participation of the Prime Minister in the Global Investor Forum organized by PPPO; as well as
- (iii) The large budgetary allocations for BIFFL, VGF and PPPTAF.

And the capacity at the PPPO remains a challenge, due to a combination of the following:

- (i) approved positions not being filled;
- (ii) The limited pool of people with PPP skills within Bangladesh to draw from; and
- (iii) Insufficient number of fixed staff positions being allocated to the PPPO.

5.5 Conclusion

It is challenging to maintain public trust in government, and perhaps more challenging to uphold the public interest through multi-sector delivery of public services. By enacting the PPP law 2015, a wide range of powers have been provided to the PPP Authority to ensure an efficient and comprehensive development of the PPP program. This includes development of policy, regulations and guidelines, development of standard documentation, appointment of consultants and advisors, providing consents and opinions in relation to PPP projects, organizing seminars and training sessions, etc. However, notwithstanding the acceleration of work on PPP in Bangladesh, a significant amount of work remains to be done. As of now, few projects have gone through the whole process of identification, development, procurement and implementation on the basis of the structure developed by ADB. Investor confidence remains to be tested as projects have not yet reached tendering stage. The model documentation needs to be tested over the course of several PPP projects. Until a significant number of projects have been procured and implemented as PPP projects, work needs to continue to be done to strengthen the policy framework, institutional capacity in both the public and private sectors, and build greater awareness among not only potential investors at home and abroad but also among financing institutions. It can be stated from the observed data that, although the more complex networks involved in service delivery make the exercise of accountability in PPPs much more challenging than management of conventional contracts, the benefits of PPPs are often attractive because they can improve government services at less cost to the taxpayers. The next chapter concludes the current study and states some recommendation regarding research objectives of the current study and accountability perspectives in terms of PPP in Bangladesh.

Chapter 6

Conclusion

6.1 Summary of the Findings

The final chapter of the current study summarizes the findings from the primary and secondary sources in light of addressing the current research objective- that is to explore the accountability management aspects practiced, implemented and reflected in Dhaka - Chittagong Expressway PPP based development project of Bangladesh. This final chapter also addresses some of the policy recommendations in terms addressing accountability and policy issues in the perspective of PPP in Bangladesh. Then, key findings of the current study are being highlighted with concluding observation from the current study.

The first chapter presents the idea of the current study and its importance by finding literatures and research works on the issue of accountability management from public sector of Bangladesh which is very challenging. There is increasing urgency to make government more accountable in developing countries such as Bangladesh. Even though PPP is a very widely practiced alternative public service delivery options for different developed and developing nations, there are realistic concerns for developing country like Bangladesh where it has not been practiced for long time and has not been critically examined. The current study has not found any prior country (Bangladesh) specific accountability management scientific literature that focuses on the PPP perspective. From the reviewed literature it can be noted that, the current study would contribute into the academic discourse in terms of accountability and good governance aspect in the field of PPP based development project management of Bangladesh because the current study wants to examine accountability perspective of the PPP based development project management in Bangladesh towards the achievement of its economic emancipation.

The second chapter of the current study has discussed the relevant theories of accountability, comparative framework of accountability, types of accountability, accountability mechanisms, accountability in public-private partnerships, strategic aspects of accountability management, and strategies of accountability management. The

second chapter addresses that in the absence of prior specific theory or framework that would fit to examine the PPP based development project in the context of Bangladesh, hence an analytical framework has been designed from the existing topics, frameworks concepts and strategies of accountability discourse. Then the chapter explains about the three main dimensions of accountability- the *hierarchical perspective*, the *horizontal perspective*, and *accountability as a virtue*; which is useful for understanding accountability of PPPs based projects in practical terms. These three perspectives have been applied as the intermediaries of the dependent variable. Internal administrative accountability and external accountability towards stakeholders have been used to measure the level and variation among each independent variable which are compliance strategy, discretionary or flexible strategy, communication strategy, and information strategy (Kearns, 1994; Hwang, 2013). In the second chapter, the current study hypothesizes that the higher the practice of each strategy, the more accountable the PPP based project would be.

In the third chapter of the current study, the contextual background of the selected project is being presented to understand the importance of this study in the perspective of practicing functioning governance to foster economic growth and development. In the initial part, some progresses and challenges of Bangladesh has been addressed to show the strategic linkages of securing improvement in transport system to accelerate growth of achieving the desired vision 2021 of Bangladesh. Then, some concerning issues of the DCE project has been discussed. Then, the third chapter addresses some previous attempts from the DCE project like that includes-to recruit a concessionaire of the DCE project on a PPP basis failed mainly because a detailed route alignment design had not been agreed upon which creates uncertainty about the required land acquisition; an attractive legal framework and risk allocation between the partners was lacking which has been found be the current study. The following section of the third chapter highlights the pivotal accountability lessons from Mayor Hanif Flyover that was the first PPP based project in Bangladesh which completed the construction phase. The next chapter addresses the state of accountability of the Dhaka-Chittagong Expressway project based on the collected data and evidence.

In the fourth chapter, the current study addresses that accountability is being primarily practiced in a sporadic way rather than a cohesive and systematic manner in the Dhaka-Chittagong Expressway project. In terms of the dimensions of accountability, the project predominately practices the hierarchical dimension of accountability as it is evident from the analysis of the four strategic perspectives and their two indicators of practicing accountability. That practice of internal managerial accountability level is comparatively lower than the practice of external accountability towards stakeholders. Based on the data findings related to the independent variables (strategies) of the analytical framework of the current study, the fourth chapter highlights that the project which is in its design phase has comparatively lower compliance strategy to a certain degree because in terms of quality and efficiency, there are major areas to improve. It has also been observed that changing macroeconomic policy guidelines from the government can create significant impact in the particular project. From the stakeholders' point of view, ADB has its own compliance mechanism for all the projects it finances which may not fully adaptable to the specific nature of a particular project. PIU team members sometimes feel less enthusiastic to work in the design phase of an infrastructure oriented PPP based project as it requires special knowledge and understandings to deal with complex issues.

In terms of practicing discretionary strategy, the project lacks capacity, understanding and comprehensive knowledge of managing emerging challenges of PPP based project. Another finding of this chapter was to address the significant role of transaction adviser in PPP based project. Due to the multi-stakeholder engagement like ADB, fulfilling issues like safeguard policy of stakeholder is need critical to implement the project. In terms of practicing communication strategy, the DCE project lacks adequate people to address all communication issues and in some cases the project management still follows one way communication which hampers objectives of the current study. In the fourth chapter, the current study addresses from the data findings that there is no specific information guideline about rules and regulations or charter of duties to manage the information strategic perspective of this project. In this aspect, sporadic practice is prevalent to evaluate the performance of project personnel with the stakeholders.

The fifth chapter addresses the challenging issues to maintain public trust in government, and to uphold the public interest through multi-sector delivery of public services. By enacting the PPP law 2015, a wide range of powers have been provided to the PPP Authority to ensure an efficient and comprehensive development of the PPP program. This includes development of policy, regulations and guidelines, development of standard documentation, appointment of consultants and advisors, providing consents and opinions in relation to PPP projects, organizing seminars and training sessions. However, notwithstanding the acceleration of work on PPP in Bangladesh, a significant amount of work remains to be done. As of now, few projects have gone through the whole process of identification, development, procurement and implementation on the basis of the structure developed by ADB. Investor confidence remains to be tested as projects have not yet reached tendering stage. The model documentation needs to be tested over the course of several PPP projects. Until a significant number of projects have been procured and implemented as PPP projects, work needs to continue to be done to strengthen the policy framework, institutional capacity in both the public and private sectors, and build greater awareness among not only potential investors at home and abroad but also among financing institutions. The fifth chapter also indicates the prospective challenges and benefits of practicing PPPs in Bangladesh. In the following section, some recommendations have been expressed for better practice of accountability in PPP works of Bangladesh.

6.2 Recommendations for Practicing Accountability in PPP works of Bangladesh

To take the momentum forward of properly managing the PPP based development projects, a coordinated and focused plan is essential for coordination of implementing newly enacted PPP law 2015 of Bangladesh- based on a realistic assessment of required human and financial resources. These aspects must be developed to ensure successful financial close is achieved on a targeted number of PPP projects in GOB priority sectors. The chapter ends with some concluding remarks. Based on the findings of examining the current state of PPP based project and accountability in PPP based Dhaka Chittagong Expressway development project of Bangladesh, some policy recommendations for ensuring accountability mechanism in PPP based works has been pointed out below:

Continuing Development of the Legal and Policy Framework

In a broader extent, GOB needs to make sure that there is a friendly investment climate in place to attract private sector investment. Reduction of the cost of doing business in Bangladesh by simplifying and consolidating regulatory requirements, removing duplication and contradictions in the statutory compliance requirements, reducing the time to obtain approvals, among other regulatory reform, will be essential to do so. GOB needs to consider putting in place fiscal incentives for investment in PPP projects in priority sectors. It is also recommended that as PPP projects are implemented with greater frequency, the model documentation be updated to address suitably the current needs of the market place and policy domain in PPP projects.

Organizational and Institutional Capacity

A major challenge in implementing PPP in Bangladesh is the lack of capacity in both the public and private sector. In the public sector, PPPO is now fully operational, but still lacks adequate numbers of professional staff trained in PPP. As its workload increases it will require senior management and highly skilled professional staff to perform the tasks assigned to it. PPP Cells should be created in each Line Ministry and Implementing Agency concerned in delivering PPP projects, with dedicated officers who undergo rigorous and ongoing orientation and training in PPP.

PPP Awareness, Promotion and Marketing; Stakeholder Engagement

PPP is a concept which is still less familiar to almost all stakeholders in Bangladesh, be it in the public or private sector, despite the many training sessions, workshops and conferences held over the last three years. Building awareness of PPP as a preferred model for procurement of public goods and services will be essential to keep up the momentum created by the institutional and policy development work carried out over the last four years. The private sector needs to be given a clear understanding of the concept and the modalities for participation. Awareness programs should place PPP in a global context, highlight its benefits for both the public sector and private sector partners as well as the ultimate consumers of the goods and services delivered through the projects,

highlight its differences from traditional public sector procurement, and direct the private sector towards information resources on the development and opportunities in PPP in Bangladesh. This can be achieved through targeted workshops, presentations and other participatory programs bringing the public and private sector stakeholders together.

Development of Sources of Finance and Donor Contribution

Private sector partners are responsible for obtaining the financing for implementation of PPP projects upon being awarded a project. Access to long term financing is essential as the terms of the concession agreements usually range from 10-25 years. However, the Bangladesh financial market does not have the capacity to provide such long term financing except in a few select cases, such as IDCOL and BIFFL. International financiers are concerned about country risk which raises the cost of finance. It is therefore necessary to reinforce the roles of IDCOL and BIFFL and explore other avenues of long term financing in conjunction with Bangladesh Bank, particularly with a view to removing regulatory constraints to such financing. The capital market is another source of financing which should be explored. Institutions providing political risk insurance products and foreign currency risk mitigation products may be engaged to facilitate the availability of such product for PPP projects in Bangladesh. GOB has been strongly supported by ADB in the area of PPP, particularly through support to IDCOL and Infrastructure Investment Facilitation Company (IIFC). PPPO should explore further cooperation with ADB, World Bank, and other multilateral and bilateral sources.

6.3 PPP Project Specific Recommendations

Apart from the above recommendations, the current study also recommends some specific aspects of PPP based development projects for Bangladesh.

Project Identification and Development

One of the major problems in developing PPP projects in Bangladesh has been the lack of expertise leading to projects being identified, developed and tendered out without appropriate screening, feasibility and other related background work being properly

carried out. This has been a recipe for pre-ordained failure like the first Dhaka Elevated Expressway PPP Project, which was awarded at the beginning of 2011 after a very cursory project development exercise. It is yet to achieve financial close. The Project Screening Manual, Project Development Manual and other guidance manuals and documents developed should be extensively and strictly used so that only credible, bankable and implementable projects are tendered for processed for procurement. Although the screening exercise is now being carried out by PPPO in accordance with the Project Screening Manual, the Line Ministries' use of the Manual in screening projects prior to forwarding them to PPPO should be emphasized and strictly enforced.

Minimization of Processing Time

Delays in the process of development of PPP projects have a negative influence on attracting appropriate private sector investors. Emphasis need to be given so that the timing of the different steps in project identification, approval and procurement can be strictly met. For this, the development and acquisition of the relevant skills in all the public sector stakeholders must be addressed through hands-on support from skilled PPP practitioners in the context of project specific PPP work. The current standard of project development and procurement periods ranging typically between 6-12 months and 12-24 months needs to be shortened significantly through the use of standardized documentations and outside experts until in house expertise is developed. PPPO should take immediate steps to minimize the time required to appoint consultants and transaction advisers. It already has a panel of advisers in place, but this needs to be updated and expanded regularly to provide a wide and competitive selection of the expertise required, be it technical, financial, legal or transaction. If required, exemptions or amendment should be sought from the application of the Public Procurement Act and Rules to such appointments.

PPP Implementation Planning

The current activities relating to PPP in GOB and PPPO particularly demonstrate GOB's ambition to implement PPP projects swiftly and in significant numbers. However, projects that are poorly prepared are less appealing to them private sector and imply a

significant risk of project failure. If the significantly shorter timeframes set for identification, appraisal and contracting of projects are to be met, proper planning will be required to complete each step in a timely manner.

Applying and adapting these recommendations will help to address the current impediments of ensuring Accountability mechanisms in PPP projects and accelerating the PPP works of Bangladesh.

6.4 Key Findings of the Current Study

- The state of accountability is not satisfactory in the Dhaka-Chittagong Expressway and there are notable aspects in terms of four strategies (compliance, discretionary, communication, and information) that need to be improved to ensure accountability.
- The Dhaka–Chittagong Expressway project predominately practices the hierarchical dimension of accountability which is not conducive for PPP based development projects.
- The practice of internal managerial accountability level is comparatively lower than the practice of external accountability towards stakeholders.
- The government, and concerned authority need to design, develop and implement an enabling culture that encourages the horizontal aspects of accountability instead of vertical accountability.
- Specially the Government and the concerned parties of PPP not only need to incorporate appropriate accountability mechanism to deal with the comparatively new PPP based developmental approach in Bangladesh but also need to develop a comprehensive culture of understanding, designing, implementing, monitoring, evaluating and achieving desired long term impacts from these kinds of development projects to provide and ensure quality public service.

6.5 Concluding Remarks

The current study tried to explore the accountability management aspects practiced, implemented and reflected in Dhaka-Chittagong Expressway PPP based development project of Bangladesh. In this context, it has been found out that the state of accountability in the Dhaka-Chittagong Expressway is not satisfactory as the DCE project

predominately practices the hierarchical dimension of accountability which is not conducive for PPP based projects. The project implementation unit needs to improve their accountability management practice in all four areas (compliance, discretionary, communication, and information) of strategy. The practice of internal managerial accountability level is comparatively lower than the practice of external accountability towards stakeholders which hampers the enabling working environment for practicing accountability. There are notable aspects like practicing horizontal perspective; assigning people who have high conscience and expertise to solve discretionary challenges; forming clearly defined communication and information strategies, etc. need to be improved to ensure accountability. The government of Bangladesh and concerned authorities need to design, develop, implement and promote an enabling culture that encourages the horizontal aspects of accountability instead of vertical accountability.

The study has also examined some accountability challenges in PPPs as the topic has been less examined in Bangladesh. Based on the findings, the current study has provided some perspectives on enhancing accountability. A key implication of this study is that if PPPs are to be used as a major innovative policy tool that will remedy the problem of inertia in traditional public service delivery in development projects and deal with its deeply rooted socioeconomic, political, fiscal and societal problems; then accountability in PPPs needs to be considered as critical. PPPs encompass integrated responsibilities along a number of long-term aspects with a private partner that is not easily severed, as in a short-term contractual relationship. Therefore, the major onus rests on government as the major role-player in PPPs to lend genuine legitimacy and credibility to the existing legislation through strong implementation. It should also apply effective external and internal checks to enhance the credibility of PPPs as a tool for improving service delivery. If the current momentum carries through with substantial emphasis on mutual accountability among stakeholders of PPP projects which will have added significant value and strength to the PPP program in Bangladesh. Accountability in PPPs will become effective, should appropriate accountability structures and anticorruption measures be put in place, and should effective mechanisms to assure stakeholder consultation, transparent procurement processes, open access to information, contract monitoring and appropriate risk transfer be activated. The ultimate attraction of PPPs is not satisfying the demand for public collaboration with the private sector, but

increasing efficiency and innovative service delivery, and ensuring value for money through good practices of public service delivery.

Therefore, the current study explored the current state of accountability in the Dhaka-Chittagong Expressway PPP based development project in Bangladesh. The study pointed out the deficiencies of practicing standard accountability mechanism which would help the concerned parties of the studied project; multi-stakeholders in PPP based development projects, interested academicians, policymakers, and Bangladesh government in general. If the government needs to fulfill its developmental aspirations of achieving vision 2021, there is an urgent need to instill the confidence and competitiveness amongst bidders to use PPPs as coherent and development-orientated best value tools to deliver services and infrastructures to taxpayers. Hence, this paper draws attention to some of the accountability challenges in the Dhaka-Chittagong Expressway in particular and PPP framework practice in Bangladesh.

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Annexure

Annex I Interview Guide

Interview Guide for Project Management Personnel:

- Question: Do you have an accountability management mechanism for this project?
How do you practice the mechanism in this project?
- Question: what is the time management scenario in this project? Is it following its initial phase wise project time frame or the project needed to adjust the time frame with later circumstances?
- Question: what is the budget management scenario in this project? Is it following its initial approved budget or the project needed to adjust the budget with later circumstances?
- Question: What is the mechanism of ensuring quality of this project? How do you measure it?
- Question: What is the guideline and practice of exercising the authority?
- Question: What is the practice of compliance of orders, compliance condition; would you give any practical cases of reward and punishment?
- Question: How do you practice professional judgment in any situational context which is not in the project document?
- Question: Is there any training for project management personnel for managing the project?
- Question: How frequently you have project coordination meeting or consultation?
- Question: Do you have project website to disclose the public document and information related to the project?
- Question: What is the internal feedback mechanism among the project management?
- Question: How do you follow the charter of duties; Rules and regulations of the project?

4.2 Interview Guide for Major Project Stakeholders:

- Question: According to your knowledge, is there an accountability management mechanism for this project? How it functions in the project?
- Question: According to your knowledge, what is the mechanism of ensuring quality in this project? In what context, the project personnel are ensuring the project quality management?
- Question: what role(s) who have as a stakeholder to maintain quality of the project?
- Question: How frequently the project personnel have meeting or situational dialogue with stakeholders?
- Question: What are the feedback mechanisms in this project? Would you give any practical example?
- Question: What are consultation mechanisms in this project with the stakeholders?
- Question: What is the guideline and practice of providing explanation/clarification to project stakeholders?

Annex II Interview Format



Master in Public Policy and Governance Program Department of PSS, North South University

Topic: The objective is to make use of the data for dissertation under Masters in Public Policy and Governance (MPPG) Program of North South University. Title of the thesis is “**Managing Accountability in the Dhaka - Chittagong Expressway Development Project in Bangladesh**”.

From: Towfique Ahmad Khan
Student of Masters in Public Policy and Governance (MPPG)
North South University, Dhaka, Bangladesh.

Target Group: For the purpose of the study, in the case of in depth interviews, the selected respondents will be divided into two categories; (1) Project management personnel (2) stakeholders of project management.

Basic Information about Respondent:

Name: M ☐ /

F ☐

Current Institution (Academic/Professional):

Profession: (1) Project management personnel ☐ / (2) Stakeholders of project management ☐

Other ☐ (please specify).....

Instructions: The following written interview format contains questions of a research on “**Managing Accountability in the Development Project Management: Dhaka - Chittagong Access Controlled Expressway Project**”. The findings gathered from this written type of interview will be incorporated into an academic research paper. Any information provided here will be kept confidential and used only for academic purpose. You are encouraged to provide honest answers. Thank you for your cooperation.

Accountability Management

Question: Do you have an accountability management mechanism for this project? How do you practice the mechanism in this project?

Answer:

Internal Administrative Accountability

Question: what is the time management scenario in this project? Is it following its initial phase wise project time frame or the project needed to adjust the time frame with later circumstances?

Answer:

Question: what is the budget management scenario in this project? Is it following its initial approved budget or the project needed to adjust the budget with later circumstances?

Answer:

Question: What is the mechanism of ensuring quality of this project? How do you measure it?

Answer:

Question: What is the guideline and practice of exercising the authority?

Answer:

Question: What is the practice of compliance of orders, compliance condition; would you give any practical cases of reward and punishment?

Answer

Question: How do you practice professional judgment in any situational context which is not in the project document?

Answer:

Question: Is there any training for project management personnel for managing the project?

Answer:

Question: How frequently you have project coordination meeting or consultation?

Answer:

Question: Do you have project website to disclose the public document and information related to the project?

Answer:

Question: What is the internal feedback mechanism among the project management?

Answer:

Question: How do you follow the charter of duties; Rules and regulations of the project?

Answer:

This academic study is conducted by Mr. Towfique Ahmad Khan, under the supervision of Dr. M. Emdadul Haq, Professor of Political Science, North South University. Researcher's Email: towfique17bd@gmail.com, Supervisor' Email: mehaq57@gmail.com. Thanks again for your cooperation.

Annex III
Interview Format



Master in Public Policy and Governance Program
Department of PSS, North South University

Topic: The objective is to make use of the data for dissertation under Masters in Public Policy and Governance (MPPG) Program of North South University. Title of the thesis is “**Managing Accountability in the Dhaka - Chittagong Expressway Development Project in Bangladesh**”.

From: Towfique Ahmad Khan
Student of Masters in Public Policy and Governance (MPPG)
North South University, Dhaka, Bangladesh.

Target Group: For the purpose of the study, in the case of in depth interviews, the selected respondents will be divided into two categories; (1) Project management personnel (2) stakeholders of project management.

Basic Information about Respondent:

Name: M ☐ /

F ☐

Current Institution (Academic/Professional):

Profession: (1) Project management personnel ☐ / (2) Stakeholders of project management ☐

Other ☐ (please specify).....

Instructions: The following written interview format contains questions of a research on “**Managing Accountability in the Development Project Management: Dhaka - Chittagong Access Controlled Expressway Project**”. The findings gathered from this written type of interview will be incorporated into an academic research paper. Any information provided here will be kept confidential and used only for academic purpose. You are encouraged to provide honest answers. Thank you for your cooperation.

Accountability Management

Question: According to your knowledge, is there an accountability management mechanism for this project? How it functions in the project?

Answer:

External Informal Accountability towards Stakeholders

Question: According to your knowledge, what is the mechanism of ensuring quality in this project? In what context, the project personnel are ensuring the project quality management?

Answer:

Question: what role(s) who have as a stakeholder to maintain quality of the project?

Answer:

Question: How frequently the project personnel have meeting or situational dialogue with stakeholders?

Answer:

Question: What are the feedback mechanisms in this project? Would you give any practical example?

Answer:

Question: What are consultation mechanisms in this project with the stakeholders?

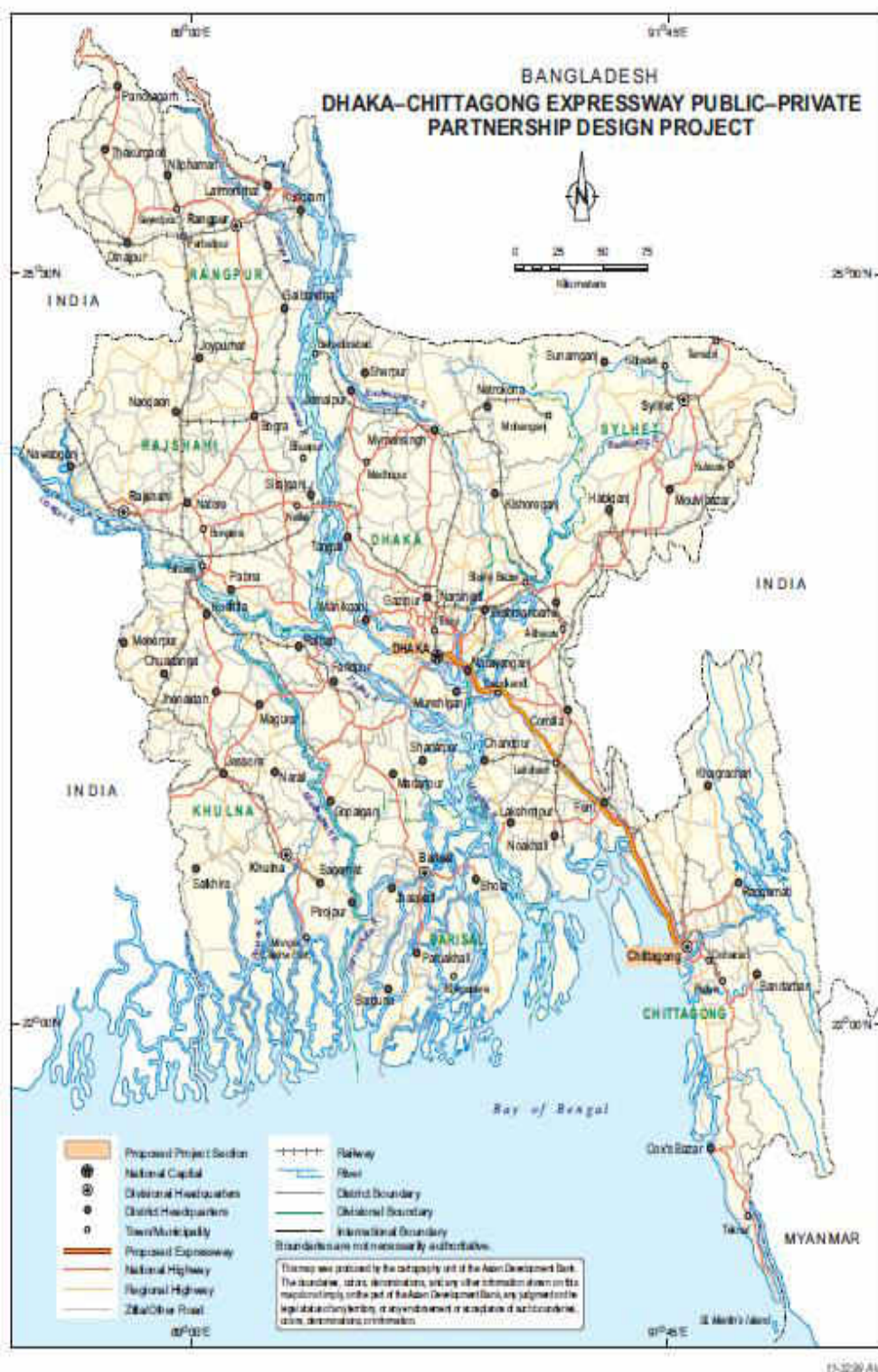
Answer:

Question: What is the guideline and practice of providing explanation/clarification to project stakeholders?

Answer:

This academic study is conducted by Mr. Towfique Ahmad Khan, under the supervision of Dr. M. Emdadul Haq, Professor of Political Science, North South University. Researcher's Email: towfique17bd@gmail.com, Supervisor' Email: mehaq57@gmail.com. Thanks again for your cooperation

Annex IV



Annex V

Minutes of the First Meeting of the PPP Steering Committee

Government of the People's Republic of Bangladesh
Prime Minister's Office
Tejgaon, Dhaka.

03.068.006.03.00.016.2011-

Date: 25/08/2011

Minutes of the meeting of project steering committee

The first meeting of the Steering Committee of Public Private Partnership Program Operationalization Project was held on 18 August 2011 at the Prime Minister's Office, chaired by Principal Secretary Mr. Md. Abdul Karim, Prime Minister's Office. The following members/representatives were present in the meeting:

- 1) Mr. Aniston Khan, Additional Secretary-2, Economic Relations Division.
- 2) Mr. Md. Abdul Aziz, CEO, PPP Office and Project Director, PPP Program Operationalization Project, Prime Minister's Office.
- 3) Mr. A. R. M. Nazmus Sakib, Joint Secretary, Finance Division, Ministry of Finance.
- 4) Ms. Masina Begum, Director General, Industry and Energy Sector, IMED.
- 5) Ms. Niro Shamsun Nahar, Joint Chief, Health Wing, Planning Commission.
- 6) Mr. M. M. Zillur Rahman, Senior Financial Sector Officer and Focal Point for Private Sector Development, Asian Development Bank, Dhaka Office.
- 7) Mr. Marcel van den Broek, TA Team Leader, PPP Program Operationalization Project.

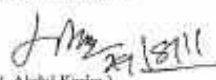
2. Discussion and Decisions:

After a thorough discussion on the progress of TA Project and TA Team Leader's presentation on TA status and deliverables, the following decisions have been taken:

- 2.1 Several seminars/workshops will be organized under the TA and PPF project. Duplication of such events must be avoided.
- 2.2 Various deliverables under the TA should be prepared and submitted on time.
- 2.3 All the reports including the draft PPP law, to be delivered by the consultants, will be examined by a review committee. The review committee will comprise of the following members/representatives:

a) Sk. Md. Abdul Ahad, Director-1, Prime Minister's Office	- Convener
b) Mr. Md. Faruque Hossain, Deputy Secretary, PPP Cell, Finance Division	- Member
c) Mr. Mahbubur Rahman, Member (Finance), BEPZA	- Member
d) Ms. Sayeda Nayem Islam, Deputy Manager, PPP office	- Member
e) Mr. Uttam Kumar Karmaker, Deputy Manager, PPP office	- Member
- 2.4 The review committee will suggest or make necessary comments on the deliverables. The report will have to be submitted in the next meeting.
- 2.5 The committee will submit a report by seven working days to the Principal Secretary on the Legal, Regulatory and Policy Report already delivered by TA consultant.
- 2.5 Staff recruitment process of PPP Office should be expedited.
- 2.6 Recruitment of CEO should also be expedited and resolved as soon as possible.
- 2.7 The meeting also decided to co-opt Mr. Mahbubur Rahman, member of BEPZA to this Steering Committee.
- 2.8 The revised schedule of works of the consultants is approved.

- 3) No other issue was discussed and the meeting was concluded with thanks.


(Md. Abdul Karim)
Principal Secretary

Chairman, Project Steering Committee

Annex VI
PPP Law

রেজিস্টার্ড নং ডি এ-১

বাংলাদেশ



গেজেট

অতিরিক্ত সংখ্যা

কর্তৃপক্ষ কর্তৃক প্রকাশিত

বুধবার, সেপ্টেম্বর ১৬, ২০১৫

বাংলাদেশ জাতীয় সংসদ

ঢাকা, ০১ আশ্বিন, ১৪২২/১৬ সেপ্টেম্বর, ২০১৫

সংসদ কর্তৃক গৃহীত নিম্নলিখিত আইনটি ০১ আশ্বিন, ১৪২২ মোতাবেক ১৬ সেপ্টেম্বর, ২০১৫ তারিখে রাষ্ট্রপতির সম্মতিলাভ করিয়াছে এবং এতদ্বারা এই আইনটি সর্বসাধারণের অবগতির জন্য প্রকাশ করা যাইতেছে :-

২০১৫ সনের ১৮ নং আইন

বাংলাদেশের জনগণের মৌলিক চাহিদা পূরণ ও তাহাদের জীবন-মান উন্নয়নের স্বার্থে
আর্থ-সামাজিক উন্নয়ন ত্বরান্বিত করা এবং এতদুদ্দেশ্যে বিভিন্ন খাতের অবকাঠামোর
অনুকূলে ব্যাপক বিনিয়োগ নিশ্চিতকল্পে সরকারের পাশাপাশি বেসরকারি অংশগ্রহণ
এবং বিশ্ব অর্থনীতিতে বাংলাদেশকে সম্পৃক্ত করতঃ দেশী-বিদেশী
বিনিয়োগকারীদের বিনিয়োগে আকৃষ্ট করে সরকারি-বেসরকারি
অংশীদারিত্ব সৃষ্টির আইনকাঠামো প্রদান ও একটি আস্থাশীল
কর্তৃপক্ষ সৃষ্টির উদ্দেশ্যে এবং তৎসংশ্লিষ্ট বিষয়ে
বিধান প্রণয়নকল্পে প্রণীত আইন

যেহেতু বাংলাদেশের জনগণের মৌলিক চাহিদা পূরণ ও তাহাদের জীবন-মান উন্নয়নের স্বার্থে
আর্থ-সামাজিক উন্নয়ন ত্বরান্বিত করা এবং এতদুদ্দেশ্যে বিভিন্ন খাতের অবকাঠামোর অনুকূলে ব্যাপক
বিনিয়োগ নিশ্চিতকল্পে সরকারের পাশাপাশি বেসরকারি অংশগ্রহণ এবং বিশ্ব অর্থনীতিতে বাংলাদেশকে
সম্পৃক্ত করতঃ দেশী-বিদেশী বিনিয়োগকারীদের বিনিয়োগে আকৃষ্ট করে সরকারি-বেসরকারি
অংশীদারিত্ব সৃষ্টির আইনকাঠামো প্রদান ও একটি আস্থাশীল কর্তৃপক্ষ সৃষ্টির উদ্দেশ্যে এবং তৎসংশ্লিষ্ট
বিষয়ে বিধান করা সমীচীন ও প্রয়োজনীয়;

সেহেতু এতদ্বারা নিম্নরূপ আইন করা হইল:

প্রথম অধ্যায়

প্রারম্ভিক

১। সংক্ষিপ্ত শিরোনাম ও প্রবর্তন।—(১) এই আইন বাংলাদেশ সরকারি-বেসরকারি অংশীদারিত্ব আইন, ২০১৫ নামে অভিহিত হইবে।

(২) এই আইন অবিলম্বে কার্যকর হইবে।

২। সংজ্ঞা।—বিষয় বা প্রসঙ্গের পরিপন্থী কোন কিছু না থাকিলে, এই আইনে—

- (১) “অবকাঠামো” অর্থ রাষ্ট্রীয় খাতের এমন কোন নূতন বা বিদ্যমান ভৌত বা অ-ভৌত পরিকাঠামো বা অবকাঠামো যাহার দ্বারা গণপণ্য বা গণসেবা বা উভয়ই সৃষ্টি হয় বা করা হয়;
- (২) “অংশীদারিত্ব চুক্তি” বা “পিপিপি চুক্তি” অর্থ এই আইনের ধারা ২৩ এর অধীন সরকারি-বেসরকারি অংশীদারিত্ব প্রতিষ্ঠার জন্য চুক্তিকারী কর্তৃপক্ষ এবং প্রকল্প কোম্পানির মধ্যে স্বাক্ষরিত কোন চুক্তি;
- (৩) “গণপণ্য” অর্থ এমন কোন পণ্য যাহা সর্বসাধারণের জন্য রাষ্ট্রীয় খাতের অবকাঠামো হইতে প্রত্যক্ষ বা পরোক্ষভাবে উৎপাদিত বা উৎসারিত বা সৃষ্টি হয় বা করা হয়;
- (৪) “গণসেবা” অর্থ এমন কোন সেবা যাহা সর্বসাধারণের জন্য রাষ্ট্রীয় অবকাঠামো হইতে প্রত্যক্ষ বা পরোক্ষভাবে উৎপাদিত বা উৎসারিত বা সৃষ্টি হয় বা করা হয়;
- (৫) “চেয়ারপারসন” অর্থ বোর্ড অব গভর্নরস এর চেয়ারপারসন;
- (৬) “চুক্তিকারী কর্তৃপক্ষ” অর্থ—
 - (ক) কোন মন্ত্রণালয় বা বিভাগ বা তদধীন কোন দপ্তর বা অধিদপ্তর বা পরিদপ্তর, বা কর্পোরেশন বা সংবিধিবদ্ধ সংস্থা, স্থানীয় সরকার, বা অনুরূপ কোন সংস্থা; বা
 - (খ) পিপিপি কর্তৃপক্ষ, যেক্ষেত্রে পিপিপি প্রকল্প গ্রহণ হইতে শুরু করিয়া চুক্তি স্বাক্ষর পর্যন্ত কার্যক্রম সম্পাদনের দায়িত্ব পিপিপি কর্তৃপক্ষের উপর অর্পিত হয়;
- (৭) “তহবিল” অর্থ এই আইনের ধারা ৩৭ এ উল্লিখিত পিপিপি কর্তৃপক্ষের তহবিল;
- (৮) “নির্ধারিত” অর্থ প্রবিধান বা আদেশ দ্বারা নির্ধারিত;
- (৯) “নেগোসিয়েশন (negotiation)” অর্থ ধারা ২১ এ বর্ণিত নেগোসিয়েশন;

- (১০) “পিপিপি কর্তৃপক্ষ” অর্থ এই আইনের ধারা ৪ এর অধীন প্রতিষ্ঠিত “পাবলিক প্রাইভেট পার্টনারশিপ কর্তৃপক্ষ”;
- (১১) “পিপিপি প্রকল্প” অর্থ রাষ্ট্রীয় খাতের এমন কোন প্রকল্প যাহা সরকারি-বেসরকারি অংশীদারিত্বের মাধ্যমে বাস্তবায়নের জন্য গৃহীত;
- (১২) “প্রকল্প” অর্থ এমন কোন কর্মকাণ্ড বা কর্মসূচি বা উভয়ের সমষ্টি যাহার মাধ্যমে নিম্নরূপ পরিকল্পনা বা কার্যক্রম গ্রহণ করা হয়, যথা:—
- (ক) নূতন কোন অবকাঠামো নির্মাণ বা পরিচালনা বা উভয় করিবার পরিকল্পনা;
- (খ) বিদ্যমান কোন অবকাঠামো বিনির্মাণ করিবার পরিকল্পনা;
- (গ) দফা (ক) ও (খ) এ বর্ণিত উভয় কর্মকাণ্ড করিবার পরিকল্পনা; বা
- (ঘ) কোন অবকাঠামোর সুবিধার সহিত সংযুক্ত নহে এমন সকল পণ্য বা সেবা সরবরাহ;
- (১৩) “প্রকল্প কোম্পানি” অর্থ ধারা ২২ এর অধীন গঠিত কোন কোম্পানি, এবং উক্ত অর্থে বেসরকারি অংশীদারও অন্তর্ভুক্ত হইবে;
- (১৪) “প্রণোদনা” অর্থ পিপিপি প্রকল্পে বেসরকারি বিনিয়োগকে উৎসাহিত করিবার জন্য সরকার, সময় সময়, প্রদত্ত বা ঘোষিত কোন সাধারণ বা বিশেষ সুবিধা বা ভর্তুকি, এবং উক্ত অর্থে আর্থিক ও নীতিগত সুবিধাও অন্তর্ভুক্ত হইবে;
- (১৫) “প্রধান নির্বাহী কর্মকর্তা” অর্থ পিপিপি কর্তৃপক্ষের প্রধান নির্বাহী কর্মকর্তা;
- (১৬) “প্রবিধি” অর্থ এই আইনের অধীন প্রণীত কোন প্রবিধি;
- (১৭) “বাস্তবায়ন” অর্থ পিপিপি প্রকল্প বাস্তবায়ন, পরিচালন এবং রক্ষণাবেক্ষণ;
- (১৮) “বিধি” অর্থ এই আইনের অধীন প্রণীত বিধি;
- (১৯) “বিনির্মাণ” অর্থ বিদ্যমান অবকাঠামোর পুনঃনির্মাণ, পুনর্বাসন, আধুনিকায়ন, সংস্কার, সম্প্রসারণ, বর্ধিতকরণ, পরিবর্তন, বা পরিচালনও অন্তর্ভুক্ত হইবে;
- (২০) “বিনিয়োগ” অর্থ অংশীদারিত্ব চুক্তির অধীন পিপিপি প্রকল্প বাস্তবায়নের জন্য বেসরকারি অংশীদার কর্তৃক অর্থায়ন;
- (২১) “বেসরকারি অংশীদার” অর্থ চুক্তিকারী কর্তৃপক্ষ ব্যতীত পিপিপি চুক্তির অপর পক্ষ; এবং উক্ত অর্থে প্রকল্প কোম্পানি বা উহার ইকুইটি সরবরাহকারী (equity provider) অন্তর্ভুক্ত হইবে;

- (২২) “বেসরকারি প্রতিষ্ঠান” অর্থ কোন স্বাভাবিক ব্যক্তি বা যে কোন দেশি বা বিদেশি কোম্পানি, সমিতি, আইনগত স্বত্তা, ব্যক্তিসমষ্টি, কনসোর্শিয়াম (কনসোর্টিয়াম), ফাউন্ডেশন বা ট্রাস্ট;
- (২৩) “বোর্ড অব গভর্নরস” অর্থ পিপিপি কর্তৃপক্ষের বোর্ড অব গভর্নরস;
- (২৪) “ভাইস-চেয়ারপারসন” অর্থ বোর্ড অব গভর্নরস এর ভাইস-চেয়ারপারসন;
- (২৫) “মন্ত্রিসভা কমিটি” অর্থ Rules of Business, 1996 এর rule 18 এর অধীন গঠিত Cabinet Committee on Economic Affairs;
- (২৬) “সদস্য” অর্থ বোর্ড অব গভর্নরস এর কোন সদস্য; এবং
- (২৭) “সরকারি-বেসরকারি অংশীদারিত্ব” বা “অংশীদারিত্ব” বা “পিপিপি” অর্থ চুক্তিকারী কর্তৃপক্ষ এবং কোন বেসরকারি অংশীদারের মধ্যে পিপিপি চুক্তির ব্যবস্থা যাহার অধীন উক্ত বেসরকারি অংশীদার—
- (ক) সরকারি কোন কার্য সম্পাদনের বা চুক্তিকারী কর্তৃপক্ষের পক্ষে কোন সেবা প্রদানের প্রতিশ্রুতি/দায়িত্ব গ্রহণ করে;
- (খ) সরকারি কার্য সম্পাদন বা চুক্তিকারী কর্তৃপক্ষের পক্ষে কোন সেবা প্রদানের বিনিময়ে—
- (অ) সরকারি তহবিল হইতে কার্য বা সেবার মূল্য;
- (আ) ব্যবহারকারী বা সেবাগ্রহণকারীর নিকট হইতে তৎকর্তৃক (বেসরকারি অংশীদার) আদায়কৃত মাসুল/লেভি বা ফি; বা
- (ই) উক্ত কার্য বা সেবার মূল্য, মাসুল বা ফি গ্রহণের মাধ্যমে সমন্বিতভাবে মুনাফা লাভ করে; এবং
- (গ) উক্ত পিপিপি চুক্তির ব্যবস্থার শর্তানুসারে কার্য সম্পাদন বা চুক্তিকারী কর্তৃপক্ষের পক্ষে কোন সেবা প্রদানের ফলে সৃষ্ট ঝুঁকি গ্রহণ করে।

৩। আইনের প্রাধান্য।—আপাততঃ বলবৎ অন্য কোন আইনে ভিন্নতর যাহা কিছুই থাকুক না কেন, এই আইনের বিধানাবলি প্রাধান্য পাইবে।

দ্বিতীয় অধ্যায়

পিপিপি কর্তৃপক্ষ প্রতিষ্ঠা

৪। পাবলিক প্রাইভেট পার্টনারশিপ কর্তৃপক্ষ প্রতিষ্ঠা।—(১) এই আইন কার্যকর হইবার সঙ্গে সঙ্গে, পাবলিক প্রাইভেট পার্টনারশিপ কর্তৃপক্ষ নামে একটি কর্তৃপক্ষ প্রতিষ্ঠিত হইবে। যাহা পিপিপি কর্তৃপক্ষ নামে অভিহিত হইবে।

(২) পিপিপি কর্তৃপক্ষ একটি সংবিধিবদ্ধ সংস্থা হইবে এবং ইহার স্থায়ী ধারাবাহিকতা ও একটি সাধারণ সীলমোহর থাকিবে এবং ইহার স্থাবর ও অস্থাবর উভয় প্রকার সম্পত্তি অর্জন করিবার, অধিকারে রাখিবার এবং হস্তান্তর করিবার ক্ষমতা থাকিবে এবং ইহা নিজ নামে মামলা দায়ের করিতে পারিবে এবং ইহার বিরুদ্ধেও মামলা দায়ের করা যাইবে।

(৩) আর্থিক ও প্রশাসনিক ক্ষমতা প্রয়োগ, ও কার্যাবলী সম্পাদনের ক্ষেত্রে পিপিপি কর্তৃপক্ষ নিরপেক্ষ ও স্বাধীন হইবে।

৫। পিপিপি কর্তৃপক্ষের কার্যালয়, ইত্যাদি।—(১) পিপিপি কর্তৃপক্ষের প্রধান কার্যালয় ঢাকায় থাকিবে।

(২) পিপিপি কর্তৃপক্ষ, উহার কার্যক্রম সুষ্ঠুভাবে পরিচালনার স্বার্থে, বাংলাদেশের যে কোন স্থানে বা বিদেশে উহার শাখা কার্যালয় স্থাপন করিতে পারিবে।

৬। পরিচালনা ও প্রশাসন।—পিপিপি কর্তৃপক্ষের সার্বিক পরিচালনা ও প্রশাসন বোর্ড অব গভর্নরস এর উপর ন্যস্ত থাকিবে এবং উহার সকল ক্ষমতা ও কার্যাবলী বোর্ড অব গভর্নরস প্রয়োগ ও সম্পাদন করিতে পারিবে।

৭। বোর্ড অব গভর্নরস।—(১) প্রধানমন্ত্রীর নেতৃত্বে পিপিপি কর্তৃপক্ষের একটি বোর্ড অব গভর্নরস থাকিবে এবং উহা নিম্নবর্ণিত সদস্য সমন্বয়ে গঠিত হইবে, যথা :-

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| (ক) প্রধানমন্ত্রী, যিনি উহার চেয়ারপারসনও হইবেন; | |
| (খ) মন্ত্রী, অর্থ মন্ত্রণালয়, যিনি উহার ভাইস-চেয়ারপারসনও হইবেন; | |
| (গ) প্রধানমন্ত্রী কর্তৃক মনোনীত একজন মন্ত্রী | সদস্য; |
| (ঘ) প্রকল্প সংশ্লিষ্ট মন্ত্রণালয়ের মন্ত্রী বা প্রতিমন্ত্রী | সদস্য; |
| (ঙ) প্রধানমন্ত্রীর মুখ্যসচিব ও চেয়ারম্যান, পিপিপি কর্তৃপক্ষ | সদস্য-সচিব। |

(২) পিপিপি কর্তৃপক্ষ, প্রয়োজনবোধে, বোর্ড অব গভর্নরস এর চেয়ারপারসন এর পূর্বানুমোদনক্রমে, প্রকল্প সংশ্লিষ্ট নহেন এমন কোন মন্ত্রী বা সংশ্লিষ্ট বিষয়ে অভিজ্ঞ যে কোন ব্যক্তিকে বোর্ডের সভায় আমন্ত্রণ জানাইতে পারিবে।

৮। বোর্ড অব গভর্নরস এর সভা, ইত্যাদি।—(১) এই ধারার অন্যান্য বিধানাবলী সাপেক্ষে, বোর্ড অব গভর্নরস উহার সভার কার্যপদ্ধতি নির্ধারণ করিতে পারিবে।

(২) বোর্ড অব গভর্নরস এর সভা চেয়ারপারসন বা চেয়ারপারসনের অনুপস্থিতিতে ভাইস-চেয়ারপারসন কর্তৃক নির্ধারিত তারিখ, সময় ও স্থানে অনুষ্ঠিত হইবে এবং বৎসরে অন্তত ৬ টি সভা অনুষ্ঠিত হইবে; তবে প্রকল্পের গুরুত্ব বিবেচনায় নথিতে অনুমোদন সাপেক্ষে মাসে এক বা একাধিক সভা আহবান ও পিপিপি সংশ্লিষ্ট যে কোন সিদ্ধান্ত গ্রহণ করা যাইবে।

(৩) চেয়ারপারসন বোর্ড অব গভর্নরস এর সকল সভায় সভাপতিত্ব করিবেন এবং তাহার অনুপস্থিতিতে বা সম্মতিতে ভাইস-চেয়ারপারসন উক্ত সভায় সভাপতিত্ব করিবেন।

(৪) বোর্ড অব গভর্নরস এর কোন কার্য বা কার্যধারা কেবল উক্ত বোর্ড অব গভর্নরস এর কোন সদস্য পদে শূন্যতা বা বোর্ড অব গভর্নরস গঠনে ক্রটি থাকিবার কারণে অবৈধ হইবে না এবং তদসম্পর্কে কোন প্রশ্নও উত্থাপন করা যাইবে না।

(৫) প্রধান নির্বাহী কর্মকর্তা, বোর্ড অব গভর্নরস এর প্রত্যেক সভায়, বোর্ড অব গভর্নরসকে পিপিপি সংশ্লিষ্ট বিষয় সহ অন্যান্য সহায়তা দেওয়ার জন্য সভায় উপস্থিত থাকিবেন।

৯। পিপিপি কর্তৃপক্ষের ক্ষমতা ও কার্যাবলি।—(১) পিপিপি কর্তৃপক্ষের ক্ষমতা ও কার্যাবলি হইবে নিম্নরূপ, যথা:—

- (ক) পিপিপি সম্পর্কিত নীতিমালা, প্রবিধি, নির্দেশনা, গাইডলাইন প্রণয়ন, অনুমোদন, গেজেটে প্রকাশ ও জারীকরণ;
- (খ) পিপিপি প্রকল্পে সরকারি আর্থিক অংশগ্রহণ ও প্রণোদনা বিষয়ে সিদ্ধান্ত প্রদান;
- (গ) চুক্তিকারী কর্তৃপক্ষকে প্রয়োজনীয় দিক-নির্দেশনা প্রদান;
- (ঘ) পিপিপি প্রকল্প বাস্তবায়নের সীমাবদ্ধতা বা জটিলতা নিরসন;
- (ঙ) পিপিপি প্রকল্প বিষয়ে মতামত প্রদান;
- (চ) কারিগরি ও উৎকৃষ্ট সদাচার (best practices), প্রাক-যোগ্যতা ও দরপত্র দলিল প্রণয়ন;
- (ছ) অংশীদারিত্ব চুক্তির নমুনা উদ্ভাবন ও নিরীক্ষা (vetting) গ্রহণ;
- (জ) পিপিপি প্রকল্প বিষয়ে সম্মতি;
- (ঝ) বেসরকারি অংশীদার নির্বাচন প্রক্রিয়া নির্ধারণ;
- (ঞ) পিপিপি প্রকল্পের জন্য নির্বাচিত দরদাতা অনুমোদন;
- (ট) প্রযোজ্য ক্ষেত্রে, পিপিপি চুক্তির সমাপ্তি অনুমোদন;
- (ঠ) পিপিপি চুক্তির নমুনা অনুমোদন;
- (ড) পিপিপি প্রকল্প কার্যক্রমে সহায়তা প্রদান;
- (ঢ) পিপিপি কর্তৃপক্ষের অধীনে ন্যস্ত প্রকল্পের, সময় সময়, পিপিপি চুক্তি সম্পাদন ও স্বাক্ষর;

- (গ) কর্মকর্তা ও কর্মচারীদের সাংগঠনিক কাঠামো নির্ধারণ ও অনুমোদন;
- (ঘ) কর্মকর্তা ও কর্মচারীদের পৃথক বেতনকাঠামো অনুমোদন ও প্রদান;
- (খ) পরামর্শক বা বিশেষজ্ঞ বা উভয়ের কার্যপরিধি ও নিয়োগের পদ্ধতি নির্ধারণ ও নিয়োগ এবং ফি নির্ধারণ;
- (দ) পিপিপি বিষয়ে দেশ বিদেশে শিক্ষামূলক সফর, প্রশিক্ষণ, সেমিনার, ইত্যাদি আয়োজন ও অনুমোদন;
- (ধ) পিপিপি সংক্রান্ত বিধি-বিধান ও নির্দেশনা বাস্তবায়ন নিশ্চিতকরণ;
- (ন) পিপিপি কর্মসূচি পর্যালোচনা ও পরিবীক্ষণ;
- (প) পিপিপি প্রকল্পের অগ্রগতি তত্ত্বাবধান ও সমন্বয় সাধন;
- (ফ) বেসরকারি অংশীদার নির্বাচন প্রক্রিয়া পরিচালনা ও পরিবীক্ষণ;
- (ব) পিপিপি প্রকল্পের জন্য পরামর্শক বা বিশেষজ্ঞ বা উভয়ের জন্য প্যানেল প্রস্তুত করা এবং নির্ধারিত পদ্ধতিতে উক্ত প্যানেল হইতে পরামর্শক বা বিশেষজ্ঞ বা উভয় নির্বাচন প্রক্রিয়াকরণ; এবং
- (ভ) পিপিপি সংশ্লিষ্ট যে কোন কার্য সম্পাদন।
- (২) সরকার কর্তৃক অর্পিত পিপিপি সংশ্লিষ্ট অন্যান্য কাজ।

১০। চেয়ারম্যান ও প্রধান নির্বাহী কর্মকর্তা।—(১) প্রধানমন্ত্রীর মুখ্যসচিব পদাধিকার বলে পিপিপি কর্তৃপক্ষের চেয়ারম্যান হইবেন।

(২) পিপিপি কর্তৃপক্ষের চেয়ারম্যান এর দায়িত্ব হইবে—

- (ক) বোর্ড অব গভর্নরস এর চেয়ারপারসন এর সহিত আলোচনাক্রমে ধারা ৮(২) এর বিধান অনুযায়ী সভা আহবানের ব্যবস্থা গ্রহণ করা;
- (খ) বোর্ড অব গভর্নরস এর চেয়ারপারসন এর সহিত পরামর্শক্রমে, বোর্ড অব গভর্নরস এর বৈঠকের আলোচ্যসূচী নির্ধারণ করা; এবং
- (গ) বোর্ড অব গভর্নরস এর সদস্য-সচিবের দায়িত্ব পালন করা।

(৩) পিপিপি কর্তৃপক্ষের চেয়ারম্যান, বোর্ড অব গভর্নরস এর সভায় যোগদানসহ অন্যান্য দায়িত্ব সম্পাদনের জন্য কর্তৃপক্ষ কর্তৃক নির্ধারিত হারে সম্মানী ও ভাতা পাইবেন।

(৪) পিপিপি কর্তৃপক্ষের একজন প্রধান নির্বাহী কর্মকর্তা থাকিবে—

- (ক) তিনি বোর্ড অব গভর্নরস কর্তৃক নিযুক্ত হইবেন;
- (খ) তাহার চাকুরীর শর্তাদি বোর্ড অব গভর্নরস কর্তৃক স্থিরীকৃত হইবে; এবং
- (গ) তিনি গ্রেড-১ পদমর্যাদার অধিকারী হইবেন।

(৫) প্রধান নির্বাহী কর্মকর্তা পিপিপি কর্তৃপক্ষের সার্বক্ষণিক মুখ্য নির্বাহী কর্মকর্তা হইবেন এবং এই আইনের দ্বারা নির্ধারিত পিপিপি কর্তৃপক্ষের ক্ষমতা, বোর্ড অব গভর্নরস এর অনুমোদনক্রমে, তাহার কর্তৃক প্রযুক্ত হইবে।

(৬) প্রধান নির্বাহী কর্মকর্তা, পিপিপি কর্তৃপক্ষের কার্যাদি সুষ্ঠুভাবে বাস্তবায়ন, জরুরি বৈঠক আহ্বান ও অন্যান্য সংশ্লিষ্ট প্রয়োজনে বোর্ড অব গভর্নরস এর চেয়ারপারসন, ভাইস-চেয়ারপারসন ও কর্তৃপক্ষের চেয়ারম্যানকে ব্রিফিং করিতে পারিবেন।

(৭) পিপিপি কর্তৃপক্ষের চেয়ারম্যান সরাসরি বোর্ড অব গভর্নরস এর নিকট এবং প্রধান নির্বাহী কর্মকর্তা চেয়ারম্যান এর মাধ্যমে বোর্ড অব গভর্নরস এর নিকট সকল কর্মকাণ্ডের জন্য দায়ী থাকিবেন।

(৮) প্রধান নির্বাহী কর্মকর্তার পদ শূন্য হইলে কিংবা অনুপস্থিতি, অসুস্থতা বা অন্য কোন কারণে প্রধান নির্বাহী কর্মকর্তা তাহার দায়িত্ব পালনে অসমর্থ হইলে, উক্ত শূন্য পদে নব নিযুক্ত প্রধান নির্বাহী কর্মকর্তা কার্যভার গ্রহণ না করা পর্যন্ত, অথবা প্রধান নির্বাহী কর্মকর্তা পুনরায় স্থায়ী দায়িত্ব পালনে সমর্থ না হওয়া পর্যন্ত বোর্ড অব গভর্নরস কর্তৃক মনোনীত কোন ব্যক্তি/কর্মকর্তা প্রধান নির্বাহী কর্মকর্তারূপে দায়িত্ব পালন করিবেন।

১১। পিপিপি কর্তৃপক্ষের কর্মকর্তা ও কর্মচারী।—পিপিপি কর্তৃপক্ষ উহার কার্যাবলী সুষ্ঠুভাবে সম্পাদনের উদ্দেশ্যে বোর্ড অব গভর্নরস কর্তৃক অনুমোদিত সাংগঠনিক কাঠামো অনুযায়ী প্রয়োজনীয় সংখ্যক কর্মকর্তা ও কর্মচারী নিয়োগ করিতে পারিবে এবং তাহাদের চাকুরীর শর্তাবলী প্রবিধান দ্বারা নির্ধারিত হইবে।

১২। পিপিপি কর্তৃপক্ষের মতামত ও সহায়তা গ্রহণ।—চুক্তিকারী কর্তৃপক্ষ নিম্নবর্ণিত বিষয়ে পিপিপি কর্তৃপক্ষের মতামত ও সহায়তা গ্রহণ করিবে, যথা:—

- (ক) নীতিগত অনুমোদনের জন্য মন্ত্রিসভা কমিটিতে উত্থাপনীয় পিপিপি প্রকল্প প্রস্তাব;
- (খ) পিপিপি সংক্রান্ত দরপত্র দলিল অনুমোদন;
- (গ) নেগোসিয়েশন কার্যক্রম;
- (ঘ) চূড়ান্ত অনুমোদনের জন্য উত্থাপনীয় অংশীদারিত্ব চুক্তি;
- (ঙ) সম্পাদনের পর অংশীদারিত্ব চুক্তি সংশোধনের প্রস্তাব; এবং
- (চ) এই আইনের উদ্দেশ্য পূরণকল্পে অন্য কোন বিষয় বা প্রস্তাব।

তৃতীয় অধ্যায়

পিপিপি প্রকল্প গ্রহণ ও অনুমোদন

১৩। পিপিপি প্রকল্প গ্রহণ।—(১) চুক্তিকারী কর্তৃপক্ষ, ক্ষেত্রমত, পিপিপি কর্তৃপক্ষ বার্ষিক উন্নয়ন কর্মসূচীর যে কোন প্রকল্প অথবা বার্ষিক উন্নয়ন কর্মসূচীর বাইরে যে কোন প্রকল্প চিহ্নিতক্রমে উহা পিপিপির মাধ্যমে বাস্তবায়নের জন্য পিপিপি প্রকল্প গ্রহণ করিতে পারিবে।

(২) বোর্ড অব গভর্নরস, প্রয়োজনীয় ক্ষেত্রে, বার্ষিক উন্নয়ন কর্মসূচীর যে কোন প্রকল্প অথবা বার্ষিক উন্নয়ন কর্মসূচীর বাইরের যে কোন প্রকল্পকে পিপিপির ভিত্তিতে বাস্তবায়নের জন্য চুক্তিকারী কর্তৃপক্ষকে নির্দেশনা দিতে পারিবে।

১৪। পিপিপি প্রকল্প অনুমোদন।—পিপিপি প্রকল্পের নীতিগত ও চূড়ান্ত অনুমোদন মন্ত্রিসভা কমিটি কর্তৃক সম্পাদিত হইবে।

১৫। জাতীয় অগ্রাধিকার প্রকল্প।—(১) দেশের আর্থ-সামাজিক উন্নয়ন ত্বরান্বিত করিবার বা জনসাধারণের বড় ধরনের কোন দুর্ভোগ দ্রুত নিরসনের প্রয়োজনে চুক্তিকারী কর্তৃপক্ষ, ক্ষেত্রমত, পিপিপি কর্তৃপক্ষ, মন্ত্রিসভার অনুমোদন সাপেক্ষে, যেকোন প্রকল্পকে জাতীয় অগ্রাধিকার প্রকল্প ঘোষণা করিতে পারিবে।

(২) এই আইনে ভিন্নতর যাহা কিছুই থাকুক না কেন, উপ-ধারা (১) এর উদ্দেশ্য পূরণকল্পে, চুক্তিকারী কর্তৃপক্ষ, ক্ষেত্রমত, পিপিপি কর্তৃপক্ষ, মন্ত্রিসভার অনুমোদন সাপেক্ষে, জাতীয় অগ্রাধিকার প্রকল্প অনুমোদন, বেসরকারি অংশীদার নির্বাচন, নেগোসিয়েশন, ইত্যাদির জন্য আন্তঃমন্ত্রণালয় কমিটি বা সাব-কমিটি গঠন করিতে পারিবে।

(৩) উপ-ধারা (২) এর অধীন গঠিত কমিটির কর্মপরিধি, কার্য পদ্ধতি ও সভা অনুষ্ঠানসহ জাতীয় অগ্রাধিকার প্রকল্প অনুমোদন, বেসরকারি অংশীদার নির্বাচন, নেগোসিয়েশন, ইত্যাদি সংক্রান্ত বিষয়াদি বিধি দ্বারা নির্ধারিত হইবে।

১৬। পিপিপি প্রকল্পে সরকারি আর্থিক অংশগ্রহণ।—সরকার পিপিপি প্রকল্পের নিম্নবর্ণিত কর্মকাণ্ডের বিপরীতে অর্থ প্রদান করিতে পারিবে, যথা:—

- (ক) কারিগরি সহায়তার বিপরীতে অর্থায়ন (Technical Assistance Financing);
- (খ) আর্থিক সামর্থ্য ঘাটতির বিপরীতে অর্থায়ন (Viability Gap Financing);
- (গ) প্রকল্প কোম্পানিতে ইকুইটি ক্রয় বা ঋণের বিপরীতে অর্থায়ন (Financing against Equity and Loan);
- (ঘ) পিপিপি প্রকল্পের সহিত সংযুক্ত কম্পোন্যান্ট বাস্তবায়নের বিপরীতে অর্থায়ন (Financing against Linked Component);
- (ঙ) পিপিপি কর্তৃপক্ষ কর্তৃক নির্ধারিত অন্য কোন কর্মকাণ্ডের বিপরীতে অর্থায়ন।

১৭। প্রণোদনা প্রদানে সরকারের ক্ষমতা।—পিপিপি প্রকল্পে বেসরকারি বিনিয়োগ উৎসাহিত করিবার জন্য সরকার, বোর্ড অব গভর্নরস এর সুপারিশের ভিত্তিতে, সরকারি গেজেটে সাধারণ বা বিশেষ আদেশ দ্বারা, প্রণোদনা ঘোষণা করিতে পারিবে।

১৮। চুক্তিকারী কর্তৃপক্ষের ক্ষমতা ও কার্যাবলি।—(১) এই আইন ও তদ্বীন প্রণীত বিধি ও প্রবিধিমালার বিধানাবলি সাপেক্ষে, চুক্তিকারী কর্তৃপক্ষ পিপিপি প্রকল্প বাস্তবায়নের মাধ্যমে স্বীয় খাতের যে কোন অবকাঠামো নির্মাণ বা বিদ্যমান অবকাঠামো বিনির্মাণের জন্য বেসরকারি অংশীদারের সহিত অংশীদারিত্ব প্রতিষ্ঠার লক্ষ্যে অংশীদারিত্ব চুক্তি সম্পাদন করিতে পারিবে।

(২) পিপিপি প্রকল্পের সৃষ্ট বাস্তবায়ন নিশ্চিতকল্পে চুক্তিকারী কর্তৃপক্ষ যে কোন ব্যক্তি বা প্রতিষ্ঠানকে দায়িত্ব প্রদান করিতে পারিবে।

(৩) প্রকল্পের অগ্রগতি ও কার্যক্রম বিষয়ে চুক্তিকারী কর্তৃপক্ষ, নির্ধারিত পদ্ধতি ও সময় অন্তর, পিপিপি কর্তৃপক্ষের নিকট প্রতিবেদন দাখিল করিবে।

(৪) উপ-ধারা (৩) এ যাহা কিছুই থাকুক না কেন, পিপিপি কর্তৃপক্ষ যে কোন সময় চুক্তিকারী কর্তৃপক্ষের নিকট যে কোন প্রতিবেদন বা তথ্য-উপাত্ত যাচনা করিতে পারিবে এবং চুক্তিকারী কর্তৃপক্ষকে প্রয়োজনীয় নির্দেশনা প্রদান করিতে পারিবে।

চতুর্থ অধ্যায়

বেসরকারি অংশীদার নির্বাচন

১৯। বেসরকারি অংশীদার নির্বাচন প্রক্রিয়া।—(১) নীতিগত অনুমোদন ব্যতীত, কোন চুক্তিকারী কর্তৃপক্ষ পিপিপি প্রকল্পের জন্য বেসরকারি অংশীদার নির্বাচন প্রক্রিয়া গ্রহণ করিবে না।

(২) চুক্তিকারী কর্তৃপক্ষ, ক্ষেত্রমত, পিপিপি কর্তৃপক্ষ, বোর্ড অব গভর্নরস কর্তৃক অনুমোদিত প্রবিধি অনুযায়ী বেসরকারি অংশীদার নির্বাচন করিতে পারিবে।

২০। অযাচিত প্রস্তাব (Unsolicited Proposal)।—(১) যে কোন বেসরকারি প্রতিষ্ঠান, বোর্ড অব গভর্নরস কর্তৃক অনুমোদিত গাইড লাইন অনুযায়ী, রাষ্ট্রীয় খাতের কোন অবকাঠামো নির্মাণ বা বিদ্যমান অবকাঠামো বিনির্মাণ ও পরিচালনার প্রস্তাব সম্বলিত যে কোন প্রকারের পিপিপি প্রকল্প প্রস্তাব চুক্তিকারী কর্তৃপক্ষ, বা ক্ষেত্রমত, পিপিপি কর্তৃপক্ষের নিকট দাখিল করিতে পারিবে।

(২) বোর্ড অব গভর্নরস কর্তৃক অনুমোদিত গাইডলাইন দ্বারা নির্ধারিত পদ্ধতিতে, অযাচিত প্রস্তাব (Unsolicited Proposal) মূল্যায়ন করিতে হইবে।

ব্যাখ্যা: এই ধারার উদ্দেশ্য পূরণকল্পে, “অযাচিত প্রস্তাব (Unsolicited Proposal)” অর্থ কোন বেসরকারি ব্যক্তি বা প্রতিষ্ঠান কর্তৃক স্ব-উদ্যোগে দাখিলকৃত কোন লিখিত প্রস্তাব, যাহা সরকারের কোন আনুষ্ঠানিক অনুরোধের পরিশ্রেক্ষিতে প্রদত্ত নয়।

২১। নেগোসিয়েশন।—অংশীদারিত্ব চুক্তির যে সকল শর্ত নেগোসিয়েশনের জন্য উন্মুক্ত নহে সেই সকল শর্ত ব্যতীত কেবল নেগোসিয়েশনযোগ্য শর্তাবলির বিষয়ে নেগোসিয়েশন করা যাইবে।

২২। প্রকল্প কোম্পানি গঠন।—(১) বেসরকারি অংশীদার চূড়ান্তভাবে নির্বাচিত হইবার পর, পিপিপি চুক্তি সম্পাদনের পূর্বে বা পরে, কোম্পানি গঠন সংক্রান্ত বিদ্যমান আইনের বিধান অনুযায়ী শেয়ার দ্বারা সীমিতদায় কোম্পানি গঠন করিবে।

(২) পিপিপি চুক্তিতে স্বাক্ষর করিবার পর, বেসরকারি অংশীদারের সকল দায়-দায়িত্ব ও অধিকার প্রকল্প কোম্পানির উপর অর্পিত হইবে।

(৩) প্রকল্প কোম্পানির সংস্কারক, সংঘবিধি ও উপ-আইন বা উহার নিয়ন্ত্রক দলিলে কোন তাৎপর্যপূর্ণ পরিবর্তন করিবার প্রয়োজন হইলে, বেসরকারি অংশীদারকে উক্তরূপ পরিবর্তন সাধনের পূর্বে চুক্তিকারী কর্তৃপক্ষের অনুমোদন গ্রহণ করিতে হইবে।

২৩। পিপিপি চুক্তি সম্পাদন।—চূড়ান্তভাবে নির্বাচিত বেসরকারি অংশীদারের সহিত সম্মত শর্তের উপর ভিত্তি করিয়া চুক্তিকারী কর্তৃপক্ষ পিপিপি চুক্তি সম্পাদন করিবে।

পঞ্চম অধ্যায়

দুনীতিমূলক অপরাধ ও স্বার্থের সংঘাত

২৪। দুনীতিমূলক অপরাধের মামলা।—(১) বেসরকারি অংশীদার নির্বাচন প্রক্রিয়া ও পিপিপি প্রকল্প বাস্তবায়নের সহিত জড়িত কোন ব্যক্তি যদি, প্রত্যক্ষ বা পরোক্ষভাবে, উক্ত প্রক্রিয়া পরিচালনা বা উক্ত প্রকল্প বাস্তবায়নকালে কোন দুনীতিমূলক কার্য, প্রতারণামূলক কার্য, চক্রান্তমূলক কার্য বা জবরদস্তিমূলক কার্যে লিপ্ত হয়, তাহা হইলে উক্ত ব্যক্তি দুনীতি বা, ক্ষেত্রমত, অসদাচরণ বা উভয়ের জন্য দায়ী হইবেন এবং তাহার বিরুদ্ধে প্রচলিত আইনে দুনীতির মামলাসহ আচরণ ও শৃংখলা সংক্রান্ত চাকরি বিধি অনুযায়ী বিভাগীয় মামলা দায়ের করা যাইবে।

(২) উপ-ধারা (১) এ উল্লিখিত দুনীতিমূলক কার্য, প্রতারণামূলক কার্য, চক্রান্তমূলক কার্য বা জবরদস্তিমূলক কার্যের সহিত কোন প্রতিষ্ঠান জড়িত থাকিলে সংশ্লিষ্ট প্রতিষ্ঠানকে স্থায়ী বা সাময়িকভাবে অগ্রহণযোগ্য ঘোষণাসহ, ক্ষেত্রমত, উহার প্রাক-যোগ্যতা, দরপত্র বা পিপিপি চুক্তি বাতিল করিতে হইবে।

ব্যাখ্যা: এই ধারার উদ্দেশ্য পূরণকল্পে, “দুনীতিমূলক কার্য”, “প্রতারণামূলক কার্য”, “জবরদস্তিমূলক কার্য” ও “চক্রান্তমূলক কার্য” অভিযুক্তিসমূহ পাবলিক প্রকিউরমেন্ট আইন, ২০০৬ (২০০৬ সনের ২৪ নং আইন) এর অধীন প্রণীত পাবলিক প্রকিউরমেন্ট বিধিমালা, ২০০৮ এর বিধি ১২৭ এ সংজ্ঞায়িত অর্থে ব্যবহৃত হইবে।

২৫। স্বার্থের সংঘাত।—বেসরকারি অংশীদার নির্বাচন প্রক্রিয়ায় দরপত্র মূল্যায়নের সহিত জড়িত কোন ব্যক্তির নিকট যদি প্রতীয়মান হয় যে, কোন প্রকল্প বা সংযুক্ত প্রকল্পের সহিত জড়িত কোন প্রতিষ্ঠান বা ব্যক্তির সহিত তাহার, প্রত্যক্ষ বা পরোক্ষ, স্বার্থের সংঘাত রহিয়াছে, তাহা হইলে তিনি উক্তরূপ প্রতীয়মান হইবার সঙ্গে সঙ্গে উক্ত প্রক্রিয়া হইতে নিজেকে প্রত্যাহার করিয়া লইবেন; এবং যদি তিনি ইচ্ছাকৃতভাবে নিজেকে প্রত্যাহার না করেন, তাহা হইলে উহা ধারা ২৪ এ সংজ্ঞায়িত অর্থে ‘চক্রান্তমূলক কার্য’ বলিয়া গণ্য হইবে।

ব্যাখ্যা: এই ধারার উদ্দেশ্য পূরণকল্পে, “স্বার্থের সংঘাত” বলিতে কোন ব্যক্তি বা তাহার স্ত্রী বা স্বামী বা পুত্র বা কন্যার, কোন প্রকল্প বা সংযুক্ত প্রকল্প বা কোন প্রতিষ্ঠান বা ব্যবসার সহিত এমন কোন প্রত্যক্ষ বা পরোক্ষ আর্থিক বা ব্যবসায়িক সম্পর্ক বা স্বার্থকে বুঝাইবে, যাহার দ্বারা উক্ত ব্যক্তি কর্তৃক বেসরকারি অংশীদার নির্বাচন প্রক্রিয়ায় দরপত্র মূল্যায়নে প্রদেয় সিদ্ধান্ত প্রভাবিত হইতে পারে বা হইবার সম্ভাবনা থাকে।

ষষ্ঠ অধ্যায়

অংশীদারিত্ব চুক্তির শর্তাবলি

২৬। অংশীদারিত্ব চুক্তির শর্তাবলি।—(১) এই আইন, তদ্বীন প্রণীত প্রবিধিমালা ও সম্মত শর্তাবলি সাপেক্ষে, চুক্তিকারী কর্তৃপক্ষ অংশীদারিত্ব চুক্তি প্রণয়ন করিবে।

(২) চুক্তিকারী কর্তৃপক্ষ ও নির্বাচিত বেসরকারি অংশীদারের আইনগত সম্পর্ক, ঝুঁকির বন্টন ও উহাদের অধিকার ও দায়-দায়িত্ব অংশীদারিত্ব চুক্তির শর্তাবলি দ্বারা নির্ধারিত হইবে।

(৩) উপ-ধারা (১) ও (২) এর পরিধিকে সীমিত না করিয়া, পিপিপি চুক্তিতে নিম্ন-বর্ণিত যে কোন বা সকল বিষয়াদি সংক্রান্ত বিধান থাকিতে পারিবে, যথা:—

- (ক) প্রকল্পের ধরন;
- (খ) পিপিপি চুক্তির মেয়াদ;
- (গ) গণ্যপণ্য ও গণসেবা;
- (ঘ) কারিগরি নমুনা ও প্রতিপালন মানদণ্ড;
- (ঙ) পরিবেশগত ও নিরাপত্তা চাহিদা;
- (চ) বাস্তবায়ন নির্দেশক এবং সমাপ্তির তারিখ;
- (ছ) লেভী আদায়ের মাধ্যমে ব্যয় পুনরুদ্ধার পরিকল্পনা ও উহা সমন্বয়ের কৌশল;
- (জ) নির্মাণ কার্য ও পরিচালনা অঙ্গীকারনামা;
- (ঝ) বীমা;

- (এ৪) স্বীকৃতি পরীক্ষা (Acceptance test) ও পদ্ধতি;
- (ট) পিপিপি চুক্তির পক্ষসমূহের অধিকার ও দায়িত্ব, ব্লকি বন্টন;
- (ঠ) সরকারি আর্থিক অংশগ্রহণের ধরন ও পরিমাণ;
- (ড) পিপিপি চুক্তি সমাপ্তিতে সম্পদ হস্তান্তর (যদি থাকে);
- (ঢ) হস্তান্তর পরবর্তী নির্ভরপত্র এবং পদ্ধতি;
- (ণ) প্রতিবেদন দাখিল;
- (ত) চুক্তিকারী কর্তৃপক্ষের তত্ত্বাবধান কৌশল;
- (থ) সম্পদের মালিকানা;
- (দ) প্রাকৃতিক বিপর্যয়কালীন তাৎক্ষণিক পদক্ষেপ;
- (ধ) নিয়ন্ত্রণকারী আইন (Governing Law);
- (ন) সালিশী ব্যবস্থা;
- (প) প্রকল্প এলাকার উপর অধিকার; এবং
- (ফ) নিরাপত্তা স্বার্থ।

(৪) আপাতত বলবৎ অন্য কোন আইন বা আইনের মর্যাদাসম্পন্ন দলিলে ভিন্নতর যাহা কিছুই থাকুক না কেন, অংশীদারিত্ব চুক্তি পক্ষগণের সম্মত ভাষায় প্রণয়ন করা যাইবে।

২৭। নিয়ন্ত্রণকারী আইন (Governing Law)।—অংশীদারিত্ব চুক্তিতে ভিন্নতর কিছু না থাকিলে, বাংলাদেশের বিদ্যমান আইন হইবে অংশীদারিত্ব চুক্তির নিয়ন্ত্রণকারী আইন (Governing Law)।

২৮। প্রবেশাধিকার।—(১) এই আইনের উদ্দেশ্য পূরণকল্পে, প্রকল্প বাস্তবায়নের স্বার্থে, চুক্তিকারী কর্তৃপক্ষ কর্তৃক এতদুদ্দেশ্যে ক্ষমতাপ্রাপ্ত বেসরকারি অংশীদার বা প্রকল্প কোম্পানি বা উহার কোন কর্মকর্তা ও কর্মচারী নিম্নবর্ণিত যে কোন ক্ষমতা প্রয়োগ করিতে পারিবে, যথা:—

- (ক) প্রকল্প এলাকার যে কোন ভূমিতে প্রবেশ, উহাতে অবস্থিত যে কোন বস্তু পরিদর্শন এবং তৎসংশ্লিষ্ট যে কোন রেকর্ডপত্র বা তথ্য-উপাত্ত সংগ্রহ, যাচনা ও পর্যালোচনা করা; এবং
- (খ) প্রকল্প এলাকা ও তদস্থিত ভূমিতে অনুসন্ধান, নমুনা সংগ্রহ, জরিপ, নির্মাণ ও খননসহ প্রয়োজনীয় যে কোন কার্য সম্পাদন করা।

(২) উপ-ধারা (১) এর অধীন প্রবেশাধিকার প্রয়োগ করিবার ক্ষেত্রে জমির মালিক বা দখলদারকে অন্ত্যন ৫ (পাঁচ) কার্য দিবসের নোটিশ প্রদান করিতে হইবে।

(৩) উপ-ধারা (১) এর অধীন কৃত কোন কার্যের জন্য কোন ভূমির কোনরূপ ক্ষতি সাধিত হইলে, প্রকল্প কোম্পানিকে উহার জন্য, পারস্পরিক সম্মতির ভিত্তিতে, ক্ষতিপূরণ প্রদান করিতে হইবে।

২৯। লেভি নির্ধারণ, আরোপ ও সমন্বয়।—(১) আপাততঃ বলবৎ অন্য কোন আইন বা আইনের মর্যাদাসম্পন্ন দলিলে ভিন্নতর যাহা কিছুই থাকুক না কেন, গণপণ্য বা গণসেবা সরবরাহ করিবার বিনিময়ে অংশীদারিত্ব চুক্তি অনুযায়ী লেভি আরোপ করিবার অধিকার বেসরকারি অংশিদার বা প্রকল্প কোম্পানির থাকিবে।

(২) পিপিপি চুক্তিতে লেভি নির্ধারণের এবং সমন্বয়ের পদ্ধতি ও সূত্র বিধৃত থাকিতে হইবে।

ব্যাখ্যা: এই ধারার উদ্দেশ্য পূরণকল্পে, “লেভি” অর্থ গণপণ্য বা গণসেবা সরবরাহ করিবার বিনিময়ে অংশীদারিত্ব চুক্তি অনুযায়ী প্রকল্প কোম্পানি কর্তৃক প্রাপ্য অর্থ; এবং ট্যারিফ, টোল, ফি, বা চার্জও উহার অন্তর্ভুক্ত হইবে।

৩০। বিরোধ নিষ্পত্তি।—(১) পিপিপি চুক্তির বিধান প্রয়োগ বা ব্যাখ্যা বা উভয়ের ক্ষেত্রে কোন বিরোধ উদ্ভূত হইলে, পক্ষগণ কর্তৃক পিপিপি চুক্তির অধীন সম্মত নিম্নবর্ণিত উপায়ে উহা নিষ্পত্তি করিবে, যথা:—

(ক) চুক্তির পক্ষদ্বয়ের মধ্যে পারস্পরিক সম্মতির মাধ্যমে; বা

(খ) দফা (ক) এর অধীন বিরোধ মিমাংসা না হওয়ার ক্ষেত্রে নিরপেক্ষ বিশেষজ্ঞ মধ্যস্থতাকারীর মাধ্যমে; বা

(গ) দফা (খ) এর অধীন বিরোধ মিমাংসা না হওয়ার ক্ষেত্রে পিপিপি পক্ষগণের সালিস (Arbitration) এর মাধ্যমে।

(২) আপাততঃ বলবৎ অন্য কোন আইন বা আইনের মর্যাদাসম্পন্ন দলিলে ভিন্নতর যাহা কিছুই থাকুক না কেন, উপ-ধারা (১) এ উল্লিখিত উপায়ে বিরোধ নিষ্পত্তির লক্ষ্যে পিপিপি চুক্তির দ্বারা জাতীয় বা আন্তর্জাতিক বিধি-বিধান গ্রহণ করা যাইবে এবং সালিশি ব্যবস্থা চালাই হইবে; তবে বিশেষ ক্ষেত্রে সম্মতির ভিত্তিতে অন্য কোন দেশেও হইতে পারিবে।

(৩) আপাততঃ বলবৎ অন্য কোন আইন বা আইনের মর্যাদাসম্পন্ন দলিলে ভিন্নতর যাহা কিছুই থাকুক না কেন, পিপিপি চুক্তির বিধান প্রয়োগের ক্ষেত্রে উদ্ভূত বিরোধ উপ-ধারা (১) এর অধীন নিষ্পত্তির উদ্যোগ গ্রহণ না করিয়া কোন পক্ষ জাতীয় বা আন্তর্জাতিক আদালতের আশ্রয় গ্রহণ করিতে পারিবে না।

(৪) এই ধারার অধীনে সালিশি ব্যবস্থার সিদ্ধান্তই চূড়ান্ত হইবে।

৩১। সামাজিক বিচার্য বিষয়।—অংশীদারিত্ব চুক্তিতে এমন কোন শর্তের সন্নিবেশ করা যাইবে না যাহা শ্রমিকদের মজুরির মান ও সাধারণ জনগণের সামাজিক সুযোগ-সুবিধা, স্বাস্থ্য ও নিরাপত্তা এবং শিশুশ্রম নিষিদ্ধকরণ সংক্রান্ত কোন বিধানের সহিত অসঙ্গতিপূর্ণ হয়।

সপ্তম অধ্যায়

বিবিধ

৩২। অভিযোগ, পুনরীক্ষণ ও আপত্তির পদ্ধতি।—(১) কোন ব্যক্তি বা বেসরকারি প্রতিষ্ঠান, দরপত্রদাতা বা নির্বাচিত দরপত্রদাতা যদি চুক্তিকারী কর্তৃপক্ষ বা উহার কোন কর্মকর্তা কর্তৃক প্রদত্ত কোন আদেশ বা সিদ্ধান্ত দ্বারা সংক্ষুব্ধ হন, তাহা হইলে উক্ত ব্যক্তি বা প্রতিষ্ঠান বা দরপত্রদাতা বা নির্বাচিত দরপত্রদাতা, নির্ধারিত সময় ও পদ্ধতিতে, উক্ত আদেশ প্রদানকারী কর্তৃপক্ষ বা কর্মকর্তার নিকট, সংশ্লিষ্ট আদেশ বা সিদ্ধান্ত পুনরীক্ষণের জন্য আবেদন করিতে পারিবেন।

(২) উপ-ধারা (১) এর অধীন প্রদত্ত পুনরীক্ষণের সিদ্ধান্তে ক্ষুব্ধ হইলে কিংবা পুনরীক্ষণের আবেদন প্রাপ্তির ৩০ (ত্রিশ) কার্যদিবসের মধ্যে সংশ্লিষ্ট কর্তৃপক্ষ বা কর্মকর্তা কোন সিদ্ধান্ত প্রদান করিতে ব্যর্থ হইলে, সংশ্লিষ্ট ব্যক্তি বা প্রতিষ্ঠান বা দরপত্রদাতা বা নির্বাচিত দরপত্রদাতা, নির্ধারিত সময় ও পদ্ধতিতে, নির্ধারিত আপিল কর্তৃপক্ষ বা কর্মকর্তার নিকট আপত্তি দায়ের করিতে পারিবেন।

(৩) আপিল কর্তৃপক্ষ বা কর্মকর্তা, নির্ধারিত সময় ও পদ্ধতিতে, আপত্তি নিষ্পত্তি করিবে, এবং উহার আদেশ চূড়ান্ত বলিয়া গণ্য হইবে।

(৪) এই ধারার অধীন সুযোগ গ্রহণ ব্যতিরেকে কোনো ব্যক্তি কোনো আদালতে দেওয়ানী প্রতিকারের জন্য মামলা দায়ের করিতে পারিবে না।

৩৩। গণপণ্য ও গণসেবা ব্যবহারকারীর অভিযোগ নিষ্পত্তি।—অংশীদারিত্ব চুক্তির মেয়াদকালে যে কোন সময়, প্রকল্প কোম্পানি কর্তৃক গণপণ্য সরবরাহ বা গণসেবা প্রদান করিবার ক্ষেত্রে উহার ব্যবহারকারীগণের দাবি বা অভিযোগসমূহ নিষ্পত্তির লক্ষ্যে, প্রয়োজনীয় পদ্ধতি প্রবর্তনের জন্য, চুক্তিকারী কর্তৃপক্ষ প্রকল্প কোম্পানিকে নির্দেশ প্রদান করিতে পারিবে।

৩৪। গোপনীয়তা।—(১) এই আইন বা তথ্য অধিকার আইন, ২০০৯ (২০০৯ সনের ২০ নং আইন) এ ভিন্নতর কিছু না থাকিলে, চুক্তিকারী কর্তৃপক্ষ বা পিপিপি কর্তৃপক্ষ প্রাক-যোগ্যতা, দরপত্র প্রক্রিয়া ও নেগোসিয়েশন প্রক্রিয়া ও অনুমোদন সংশ্লিষ্ট সকল কাগজপত্র, তথ্য, দলিল-দস্তাবেজের গোপনীয়তা নির্ধারিত পদ্ধতিতে রক্ষা করা হইবে।

(২) আদালতের আদেশ বা পক্ষগণের সম্মতি ব্যতিরেকে, কোন বাণিজ্যিক বা আর্থিক তথ্য তৃতীয় কোন পক্ষের নিকট প্রকাশ করা যাইবে না।

৩৫। মূল্য, বকেয়া এবং ফি আদায়।—কোন ব্যক্তি বা প্রকল্প কোম্পানির নিকট কোন পাওনা, যেমন:—মূল্য, বকেয়া, ফি, জরিমানা বা ক্ষতির অর্থ অনাদায়ী থাকিলে চুক্তিকারী কর্তৃপক্ষ উহা Public Demands Recovery Act, 1913 (No. III of 1913) এর বিধান অনুযায়ী সরকারি দাবি হিসাবে আদায় করিতে পারিবে।

৩৬। অসুবিধা দূরীকরণার্থ পিপিপি কর্তৃপক্ষের ক্ষমতা।—এই আইন বা তদধীন প্রণীত প্রবিধিমালার কোন বিধানের অস্পষ্টতার কারণে উহা কার্যকর করিবার ক্ষেত্রে কোন অসুবিধা সৃষ্টি হইলে, পিপিপি কর্তৃপক্ষ, এই আইনের অন্যান্য বিধানের সহিত সামঞ্জস্য রাখিয়া, সরকারি গেজেটে প্রজ্ঞাপন দ্বারা, উক্ত বিধানের স্পষ্টীকরণ বা ব্যাখ্যা প্রদানপূর্বক উক্ত বিষয়ে করণীয় সম্পর্কে নির্দেশনা জারী করিতে পারিবে।

৩৭। তহবিল, ইত্যাদি।—(১) পিপিপি কর্তৃপক্ষের একটি তহবিল থাকিবে এবং উহাতে নিম্নবর্ণিত উৎস হইতে প্রাপ্ত অর্থ জমা হইবে, যথা:—

- (ক) সরকার কর্তৃক প্রদত্ত অনুদান;
- (খ) স্থানীয় কর্তৃপক্ষ এবং অন্যান্য সংবিধিবদ্ধ প্রতিষ্ঠান কর্তৃক প্রদত্ত অনুদান;
- (গ) অভ্যন্তরীণ উৎস হইতে গৃহীত ঋণ;
- (ঘ) বিদেশি সরকার, সংস্থা বা আন্তর্জাতিক সংস্থা হইতে প্রাপ্ত অনুদান ও ঋণ;
- (ঙ) বেসরকারি প্রতিষ্ঠান হইতে প্রাপ্ত সার্ভিস চার্জ ও সাফেস ফি (success fee); এবং
- (চ) অন্য কোন বৈধ উৎস হইতে প্রাপ্ত অর্থ।

(২) তহবিলের অর্থ বোর্ড অব গভর্নরস এর অনুমোদনক্রমে কোন তফসিলি ব্যাংকে জমা রাখিতে হইবে।

(৩) বোর্ড অব গভর্নরস কর্তৃক নির্ধারিত পদ্ধতিতে উক্ত তহবিল পরিচালনা করিতে হইবে।

(৪) এই আইনের অধীন সম্পাদিত কোন কার্য সংক্রান্ত ব্যয়সহ অন্যান্য সকল দায় উক্ত তহবিল হইতে নির্বাহ করা যাইবে।

ব্যাখ্যা: এই ধারার উদ্দেশ্য পূরণকল্পে, 'তফসিলি ব্যাংক' অর্থ Bangladesh Bank Order, 1972 (P.O. No. 127 of 1972) এর Article 2(J) তে সংজ্ঞায়িত Scheduled Bank।

৩৮। ঋণ গ্রহণ ও বিনিয়োগ।—(১) পিপিপি কর্তৃপক্ষ, উহার কার্যাবলি সম্পাদনের জন্য, বোর্ড অব গভর্নরস এর সুপারিশক্রমে এবং সরকারের অনুমোদনক্রমে, দেশী-বিদেশী উৎস হইতে ঋণ গ্রহণ করিতে পারিবে এবং প্রযোজ্য শর্তাবলীর অধীন উক্ত ঋণ পরিশোধের জন্য পিপিপি কর্তৃপক্ষ দায়ী থাকিবে।

(২) তহবিলের অর্থ সরকার কর্তৃক অনুমোদিত খাতে এবং বোর্ড অব গভর্নরস এর অনুমোদনক্রমে বিনিয়োগ করা যাইবে।

৩৯। **বার্ষিক বাজেট বিবরণী।**—পিপিপি কর্তৃপক্ষ প্রতিবৎসর সরকার কর্তৃক নির্দিষ্ট সময়ের মধ্যে পরবর্তী অর্থ বৎসরের বার্ষিক বাজেট বিবরণী সরকারের নিকট পেশ করিবে এবং উহাতে উক্ত অর্থ বৎসরে সরকারের নিকট হইতে পিপিপি কর্তৃপক্ষের কি পরিমাণ অর্থের প্রয়োজন হইবে উহার উল্লেখ থাকিবে।

৪০। **হিসাব রক্ষণ ও নিরীক্ষা।**—(১) পিপিপি কর্তৃপক্ষ যথাযথভাবে উহার হিসাব রক্ষণ করিবে এবং হিসাবের বার্ষিক বিবরণী প্রস্তুত করিবে।

(২) প্রত্যেক অর্থ বৎসর শেষ হইবার পরবর্তী তিন মাসের মধ্যে প্রধান নির্বাহী কর্মকর্তা পিপিপি কর্তৃপক্ষের অভ্যন্তরীণ নিরীক্ষা রিপোর্ট বোর্ড অব গভর্নরস এর সভায় উপস্থাপন করিবেন।

(৩) বাংলাদেশের মহা হিসাব-নিরীক্ষক ও নিয়ন্ত্রক, অতঃপর মহা হিসাব-নিরীক্ষক ও নিয়ন্ত্রক বলিয়া উল্লিখিত প্রতি বৎসর পিপিপি কর্তৃপক্ষের হিসাব নিরীক্ষা করিবেন এবং নিরীক্ষা রিপোর্টের একটি অনুলিপি সরকার ও পিপিপি কর্তৃপক্ষের নিকট পেশ করিবেন।

(৪) উপ-ধারা (৩) মোতাবেক হিসাব নিরীক্ষার উদ্দেশ্যে মহা হিসাব-নিরীক্ষক ও নিয়ন্ত্রক কিংবা তাহার নিকট হইতে এতদুদ্দেশ্যে ক্ষমতাপ্রাপ্ত কোন ব্যক্তি কর্তৃপক্ষের সকল রেকর্ড, দলিল-দস্তাবেজ নগদ ও ব্যাংকে গচ্ছিত অর্থ, জামানত, ভান্ডার এবং অন্যবিধ সম্পত্তি পরীক্ষা করিয়া দেখিতে পারিবেন এবং কর্তৃপক্ষের যে কোন সদস্য, প্রধান নির্বাহী কর্মকর্তা এবং পিপিপি কর্তৃপক্ষের অন্যান্য কর্মকর্তা বা কর্মচারীকে জিজ্ঞাসাবাদ করিতে পারিবেন।

৪১। **সরকারি কর্মচারী।**—এই আইনের বিধানাবলি বা উহার অধীন প্রণীত বিধি বা প্রবিধান অনুসারে কার্য-সম্পাদনকালে বা কার্যসম্পাদনের অভিপ্রায়কালে প্রধান নির্বাহী কর্মকর্তা, পরামর্শক, কর্মকর্তা এবং কর্মচারীগণ Penal Code, 1860 (Act XLV of 1860) এর section 21 অনুযায়ী সরকারি কর্মচারী বলিয়া গণ্য হইবেন।

৪২। **ক্ষমতা অর্পণ।**—(১) বোর্ড অব গভর্নরস, বিশেষ বা সাধারণ আদেশ দ্বারা, নির্ধারিত শর্তাধীনে, প্রধান নির্বাহী কর্মকর্তা, কোন সদস্য বা যে কোন ব্যক্তি বা কর্মকর্তাকে উহার যে কোন ক্ষমতা অর্পণ করিতে পারিবে।

(২) প্রধান নির্বাহী কর্মকর্তা একইভাবে তাহার উপর অর্পিত, উপ-ধারা (১) এর অধীন প্রধান নির্বাহী কর্মকর্তাকে প্রদত্ত ক্ষমতা ব্যতীত, যে কোন ক্ষমতা যে কোন ব্যক্তি বা কর্মকর্তাকে অর্পণ করিতে পারিবেন।

৪৩। **বার্ষিক প্রতিবেদন, ইত্যাদি।**—পিপিপি কর্তৃপক্ষ, প্রতি অর্থ বৎসরে উহার সম্পাদিত কার্যাবলীর বিবরণ সম্বলিত একটি বার্ষিক প্রতিবেদন পরবর্তী অর্থ বৎসরের ৩১ জানুয়ারি তারিখের মধ্যে রাষ্ট্রপতির নিকট এবং উহার অপর একটি কপি জাতীয় সংসদে দাখিল করিবে।

৪৪। **বিধি প্রণয়নের ক্ষমতা।**—(১) এই আইনের উদ্দেশ্য পূরণকল্পে, সরকার, সরকারি গেজেটে প্রজ্ঞাপন দ্বারা, বিধি প্রণয়ন করিতে পারিবে।

(২) উপ-ধারা (১) এর অধীন বিধি প্রণয়ন না হওয়া পর্যন্ত, পিপিপি অফিস, প্রয়োজনে, সাধারণ বা বিশেষ আদেশ দ্বারা, এই আইনের সহিত সামঞ্জস্যপূর্ণ হওয়া সাপেক্ষে, যে কোন কার্যক্রম গ্রহণ ও সম্পাদন সম্পর্কে প্রয়োজনীয় নির্দেশনা প্রদান করিতে পারিবে।

৪৫। **প্রবিধি প্রণয়নের ক্ষমতা।**—(১) এই আইনের উদ্দেশ্য পূরণকল্পে, পিপিপি কর্তৃপক্ষ, সরকারি গেজেটে প্রজ্ঞাপন দ্বারা, প্রবিধি প্রণয়ন করিতে পারিবে।

(২) বিশেষ করিয়া এবং উপরিউক্ত ক্ষমতার সামগ্রিকতা ক্ষুণ্ণ না করিয়া নিম্নবর্ণিত সকল বা যে কোন বিষয়ে উক্তরূপ প্রবিধি প্রণয়ন করা যাইবে:

- (ক) বোর্ড অব গভর্নরস এর সভা, ইত্যাদির কার্যপদ্ধতি নির্ধারণ;
- (খ) পিপিপি কর্তৃপক্ষের চেয়ারম্যান এর সম্মানী ও ভাতা নির্ধারণ;
- (গ) প্রধান নির্বাহী কর্মকর্তার চাকুরির শর্তাদি নির্ধারণ;
- (ঘ) পিপিপি কর্তৃপক্ষের কর্মকর্তা ও কর্মচারীগণের চাকুরির শর্তাবলী নির্ধারণ;
- (ঙ) বেসরকারি অংশীদার নির্বাচন প্রক্রিয়া নির্ধারণ;
- (চ) প্রবেশাধিকার সংক্রান্ত বিষয় নির্ধারণ;
- (ছ) অভিযোগ, পুনরীক্ষণ ও আপত্তি পদ্ধতি নির্ধারণ;
- (জ) কর্তৃপক্ষের তহবিল পরিচালনা পদ্ধতি নির্ধারণ;
- (ঝ) ক্ষমতা অর্পণ সংক্রান্ত বিষয় নির্ধারণ।

৪৬। **পিপিপি নীতিমালা প্রণয়নে পিপিপি কর্তৃপক্ষের ক্ষমতা।**—এই আইন সরকারি গেজেটে প্রকাশিত হইবার পর, পিপিপি কর্তৃপক্ষ, সরকারি গেজেটে প্রজ্ঞাপন দ্বারা, সরকারি-বেসরকারি অংশীদারিত্ব বিষয়ে জাতীয় পিপিপি নীতিমালা প্রণয়ন করিতে পারিবে।

৪৭। বিদ্যমান নীতিমালা রহিতকরণ ও হেফাজত।—(১) এই আইন কার্যকর হওয়ার সঙ্গে সঙ্গে, বিদ্যমান Policy and Strategy for Public Private Partnership (PPP), 2010, অতঃপর রহিত নীতিমালা বলিয়া উল্লিখিত, রহিত হইবে।

(২) উপ-ধারা (১) এর অধীন রহিত হওয়া সত্ত্বেও,—

- (ক) রহিত নীতিমালার অধীন কোন অংশীদারিত্ব চুক্তি সম্পাদিত হইয়া থাকিলে উক্ত চুক্তিতে উল্লিখিত মেয়াদকাল পর্যন্ত উহা বলবৎ থাকিবে;
- (খ) রহিত নীতিমালার অধীন কৃত সকল কাজকর্ম বা গৃহীত ব্যবস্থা এই আইনের অধীন কৃত বা গৃহীত হইয়াছে বলিয়া গণ্য হইবে; এবং
- (গ) রহিত নীতিমালার অধীন গৃহীত কোন কার্যধারা অনিষ্পন্ন থাকিলে উহা এমনভাবে নিষ্পন্ন করিতে হইবে যেন উক্ত নীতিমালা রহিত হয় নাই।

৪৮। বিদ্যমান পাবলিক প্রাইভেট পার্টনারশিপ (পিপিপি) অফিসের পরিসম্পদ, ইত্যাদির হেফাজত।—এই আইন কার্যকর হইবার সঙ্গে সঙ্গে, বিদ্যমান পাবলিক প্রাইভেট পার্টনারশিপ (পিপিপি) অফিসের—

- (ক) সকল স্থাবর ও অস্থাবর সম্পত্তি এবং নগদ ও ব্যাংকে গচ্ছিত অর্থ পিপিপি কর্তৃপক্ষের নিকট হস্তান্তরিত ও ন্যস্ত হইবে;
- (খ) সকল ঋণ, দায়-দায়িত্ব, উন্নয়ন প্রকল্প, যদি থাকে, পিপিপি কর্তৃপক্ষের ঋণ, দায়-দায়িত্ব এবং প্রকল্প বলিয়া গণ্য হইবে;
- (গ) সকল অধিকার, ক্ষমতা, কর্তৃত্ব, বিনিয়োগ, তহবিল ও স্বার্থ পিপিপি কর্তৃপক্ষের অধিকার, ক্ষমতা, কর্তৃত্ব, বিনিয়োগ, তহবিল ও স্বার্থ বলিয়া গণ্য হইবে; এবং
- (ঘ) সকল চুক্তি, দলিল ও অনুমোদন পিপিপি কর্তৃপক্ষের চুক্তি, দলিল ও অনুমোদন বলিয়া গণ্য হইবে; এবং
- (ঙ) সকল কর্মকর্তা ও কর্মচারী এই আইন কার্যকর হইবার তারিখ হইতে চাকরির সকল অধিকার ও সুবিধাসহ পিপিপি কর্তৃপক্ষের কর্মকর্তা ও কর্মচারী বিবেচিত হইবেন এবং তাহাদের চাকরির শর্তাবলি এই আইনের বিধানাবলী অনুযায়ী নির্ধারিত না হওয়া পর্যন্ত একই শর্তে পিপিপি কর্তৃপক্ষের চাকরিতে নিয়োজিত থাকিবেন।

৪৯। ইংরেজিতে অনূদিত পাঠ প্রকাশ।—(১) এই আইন বা তদ্বীন প্রণীত বিধি বা প্রবিধানমালা সরকারি গেজেটে প্রকাশিত হইবার পর, পিপিপি কর্তৃপক্ষ, সরকারি গেজেটে প্রজ্ঞাপন দ্বারা, এই আইন বা তদ্বীন প্রণীত যে কোনো বিধি বা প্রবিধানমালার ইংরেজিতে অনূদিত নির্ভরযোগ্য পাঠ (Authentic English Text) প্রকাশ করিতে পারিবে।

(২) বাংলা পাঠ ও ইংরেজি পাঠের মধ্যে বিরোধের ক্ষেত্রে বাংলা পাঠ প্রাধান্য পাইবে।

মোঃ আশরাফুল মকবুল
সিনিয়র সচিব।

মোঃ আব্দুল মালেক, উপপরিচালক (দায়িত্বপ্রাপ্ত), বাংলাদেশ সরকারি মুদ্রণালয়, তেজগাঁও, ঢাকা কর্তৃক মুদ্রিত।
মোঃ আলমগীর হোসেন (উপসচিব), উপপরিচালক, বাংলাদেশ ফরম ও প্রকাশনা অফিস,
তেজগাঁও, ঢাকা কর্তৃক প্রকাশিত। website: www.bgpress.gov.bd
