

*DEDICATED*

*TO*

*MA - BABA*

**INSTITUTION BUILDING IN BANGLADESH :  
THE STUDY OF FIFTH PARLIAMENT  
(1991-1994)**

*Dissertation submitted to the Jawaharlal Nehru University  
in partial fulfilment of the requirements  
for the award of the degree of  
MASTER OF PHILOSOPHY*

**ASHIMA GHOSH**

**SOUTH ASIAN STUDIES DIVISION  
CENTRE FOR SOUTH, CENTRAL, SOUTHEAST ASIAN  
AND SOUTHWEST PACIFIC STUDIES  
SCHOOL OF INTERNATIONAL STUDIES  
JAWAHARLAL NEHRU UNIVERSITY  
NEW DELHI - 110067**

**1995**



जवाहरलाल नेहरू विश्वविद्यालय  
JAWAHARLAL NEHRU UNIVERSITY  
NEW DELHI-110067

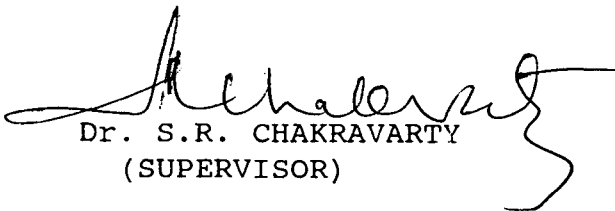
School of International Studies  
South Asian Studies Division,  
Centre for South, Central, Southeast Asian  
and Southwest Pacific Studies

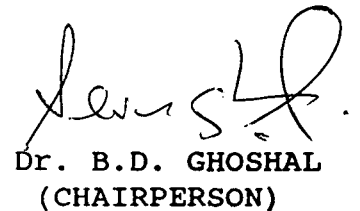
21st July, 1995.

**CERTIFICATE**

Certified that this dissertation entitled "**INSTITUTION BUILDING IN BANGLADESH : THE STUDY OF FIFTH PARLIAMENT (1991 - 1994)**" submitted by Miss. Ashima Ghosh in partial fulfilment of the requirements for the award of the degree of **Master of Philosophy** of the Jawaharlal Nehru University, is her own work and has not been submitted to any other University for the award of any Degree.

We recommend that it should be placed before the examiners for evaluation.

  
Dr. S.R. CHAKRAVARTY  
(SUPERVISOR)

  
Dr. B.D. GHOSHAL  
(CHAIRPERSON)

## ACKNOWLEDGEMENT

I owe my gratitude to my supervisor, Dr. S.R.Chakravarty for his guidance&encouragement throughout the project. The members of the faculty of the South Asian Studies Division have provided encouragement at all stages of my work.

This work could not have been completed without the invaluable support of Roop Rashi, Pratibha, Suri, Mala, Meena, Madhulika, Jeetha and other friends who helped me at various stages.

I express my very special thanks to my friend, Archana Tayal for gladly putting her skill in computer operations for inputs in my dissertation. I am also thankful to Mr. D.K.Lobiyal for cover-page designing.

I am grateful to Parimala for patiently typing the chapters in my dissertation.

Primarily, I am thankful to all my family members whose support and encouragement has given me confidence to complete this work.

  
(ASHIMA GHOSH)

## CONTENTS

	Page No.	
CHAPTER - I	INTRODUCTION	1-28
CHAPTER - II	PARLIAMENTARY DEMOCRACY IN BANGLADESH : A RETROSPECT	29-56
CHAPTER - III	FUNCTIONING OF THE JATIYO SANGSAD DURING 1991 AND 1992	57-93
CHAPTER - IV	FUNCTIONING OF THE JATIYO SANSAD IN THE YEARS 1993 AND 1994	94-130
CHAPTER - V	CONCLUSION	131-141
BIBLIOGRAPHY		142-148

## CHAPTER-I

### INTRODUCTION

The South Asian region along with its geographical, political and socio-economic diversities presents multifaceted problems of political stability and of institution building.

Bhutan and Nepal, on the north bordering China, are two land-locked and semi-feudal states; Bhutan remains a monarchy and Nepal underwent a dramatic political transition to establish a multiparty parliamentary system with the monarch as the constitutional figurehead. Both in Pakistan in the northwest and Bangladesh in the southeast, democratically constituted governments have replaced authoritarian military regimes. India, which is in the center of the region, has a federal polity with a long tradition of representative institutions. Sri Lanka, the island republic in the south of the subcontinent, is besieged by insurgency and ethnic violence. Maldives, an archipelago of sparsely populated coral islands in the Arabian Sea, has one-party republican form of government. The massive economic and demographic pressures as well as the multi-ethnic character of

most countries in South Asia further compound their political and institutional arrangements.

There has been growth of democratic norms throughout the world. Democratic institutions, "with all their procedural messiness and sluggishness, nevertheless protect the integrity of the person and the freedoms of conscience and expression", so much so that even the authoritarian regimes find it necessary to "warp themselves in the rhetoric and constitutional trappings of democracy, or at least state as their goal the eventual establishment of democracy".<sup>1</sup> Democratic progress is apparent not only in South Asian countries but also in Latin America, West Europe, East Asia and Central Asia. The restoration and revitalization of democracy is not free from challenges and crisis.

Hence it becomes necessary to strengthen democratic institutions so that they are able to face the threats to constitutionalism and democracy and adapt themselves according to circumstances to the requisites of crisis management and to

---

1.L.Diamond and others,Democracy in Asia,(New Delhi,1989),p.x.

bring about stability so vital for any system." The first duty of any democratic government... is to put the army under the control of elected government. For taking some hard decisions to this effect, the democratic parties and leaders should also exude confidence in themselves taking advantage of national and international environment".<sup>2</sup>

In a democratic form of government two characteristics of the government are of utmost importance - firstly, it should be representative and secondly, it should be accountable. Hence, Parliament is a very important institution in a democratic country and its functioning speaks volumes about the strength and weakness of the country's style of governance. Several other institutions like an independent judiciary, the political parties, the local governments, a free press, the election commission and the service commission are also important. Institutional framework is crucial for sustaining democratic order.

---

2. Lok Raj Baral, South Asia- Democracy And The Road Ahead, (Kathmandu, 1992), p.7.



This work would be devoted to the study of institution - building process in Bangladesh. The focus would be on **Parliament**, which is an institution of prime importance in a democratic country. Bangladesh is a newly democratised nation and is facing serious challenges which threaten the hard earned democratic structures. An analysis of the functioning of the present Parliament, which came into being after the election to the 'Jatiyo Sangsad' in February 1991 subsequent to the fall of the autocratic regime of General Ershad, would be made since it is pertinent to determine in what manner parliamentary democracy is being strengthened and what would be the future of the political system in Bangladesh.

The study is so structured as to get across relevant views through five chapters.

The **First Chapter**, which is the present one, is of introductory nature. It shall give relevant facts about the country of study, 'Bangladesh'.

The **Second Chapter** is of historical nature. It would deal with the history of institution building process in Bangladesh

with special emphasis on parliament.

The **Third Chapter** is devoted to the study of the nature and composition of the present Parliament, which is the Parliament constituted for the fifth time in Bangladesh. Some of the important issues taken up for discussion as well as important bills passed by the Parliament during the years 1991 and 1992 would be dealt with in some detail. The Twelfth Amendment to the constitution which restored parliamentary democracy in Bangladesh would also be discussed here.

The **Fourth Chapter** would examine the functioning of the Parliament in the years 1993 and 1994. The prolonged opposition boycott of the Parliament leading to constitutional crisis would be an important theme of discussion of this chapter.

The concluding **Fifth Chapter** is in the nature of an overall assessment. It would examine how far the functioning of the fifth parliament helped towards the process of institution building in Bangladesh. Various factors which prove as impediment to and others which aid in the institution building process would be discussed briefly.

### A Brief Introduction about Bangladesh:

**Geography** The Peoples' Republic of Bangladesh, 'Gano Prajatantri Bangladesh', emerged as an independent nation in 1971. The country lies in Southern Asia surrounded by the Indian territory except for a short south-eastern border with Myanmar and a southern coast fronting the Bay of Bengal. Bangladesh is largely a deltaic region, the chief exception being in the southeast where the Chittagong Hill Tracts rise to some 500 m above sea level. Three major rivers, the Ganges with its tributary Padma, the Brahmaputra and the Meghna have deposited their silts gradually causing the land surface to extend into the Bay of Bengal. The extremely low-lying nature of the terrain conceals regional contrasts. The country has a tropical monsoon climate and suffers from periodic cyclones. The average temperature is 19°C (67°F) from October to March, rising to 29°C (84°F) between May and September.

**Population** Bangladesh has an area of 1,43,999 sq.km Bangladesh has a population of 119.3 million growing at the rate 2.5% per annum. Muslims constitute 86.6 % of the population. Hindus including scheduled castes are 12.1% of the population and the

remaining 1.3% are Buddhists, Christians and others. <sup>3</sup> . It is one of the world's most thickly populated country with more than 740 people living per square kilometer.

**Economy** The country's GNP per capita is presently estimated to be US \$ 220. <sup>4</sup> The economy has a poor record in growth performance averaging about 4 percent a year and about half the population lives below the poverty line.

Agriculture ( including hunting, forestry and fishing) contributed 34.5% of total GDP in 1991-92. About 67% of the economically active population were employed in agriculture in 1992. Industry (including mining, manufacturing power and construction) contributed 16.6% of total GNP in 1991-92. Industrial production rose by 8.6% in 1992-93. Manufacturing contributed 9.1% of the total GNP in 1991-92. Over the years, change of government has led to more emphasis in the private sector. The economy remains highly dependent on

---

3. The Cambridge Encyclopedia of India, Pakistan, Bangladesh, Sri Lanka, Nepal, Bhutan, Maldives. (Cambridge, 1981).

4. Asian Development outlook. (Oxford, 1993).

imports :its ability to attract commercial credit is poor. The only encouraging developedments are special community based self-help programs (heralded by Comilla programme).

The Bangladesh economy, remains most dependent on continuous flow of aid. "Aid has tended to become the soft option in lieu of taking hard decisions on mobilising domestic resources and improving the yield of sunk investment. It has in the process become a vehicle for the enrichment of a class whose influence derives form the aid programmes.<sup>5</sup>

**Political History** Present-day Bangladesh was formerly East Pakistan, one of the five provinces into which Pakistan was divided at its initial creation, when Britain's former Indian Empire was partitioned in August 1947. East Pakistan and the four western provinces were seperated by 1,600 km of Indian territory. East-Pakistan was formed from the former Indian provinces of East Bengal and the Sylhet district of Assam. Although the East was more populous, government was based in West Pakistan. Dissatisfaction in East Pakistan at its dependence

---

5. Rehman Sobhan, Bangladesh: Problems of Governance. (New Delhi, 1993), p.223.

on a remote central government flared up in 1952, when Urdu was declared Pakistan's official language. Bengali, the main language of East Pakistan, was finally admitted as official language in 1954. In 1955 Pakistan was reorganised into two wings, east and west with equal representation in the central legislative assembly.

Discontent continued in the eastern wing particularly as the region was under-represented in the administration and armed forces and received a disproportionately small share of Pakistan's development expenditure. The leading political party in East Pakistan was the Awami League (AL), led by Sheikh Mujibur Rahaman, who demanded autonomy for the East. General elections in December 1970 gave the Awami League an overwhelming victory in the East, and thus a majority in Pakistan's National Assembly. Sheikh Mujibur should have become the Prime Minister but this was unacceptable to the West Pakistani leaders. Negotiation on possible constitutional compromise broke down. The convening of the new National Assembly was postponed indefinitely in March 1971, leading to violent protests in East Pakistan. Civil war immediately broke out, President Yahya Khan outlawed

the Awami League and arrested its leaders. Military crackdown in March 1971 was the death knell of the Pakistani state. " The army attack was designed to crush all resistance in Bangladesh. The soldiers, therefore, killed indiscriminately. The army's however, failed to crush the spirit of the people. All it did was to unite the people against the army ".<sup>6</sup>

The Liberation army of East Bengal (the Mukti Bahini), continued to resist the Pakistani military. As a result of fighting, an estimated 9.5 million refugees crossed into India. On 4 December 1971, the Indian forces intervened in support of Mukti Bahini. The Pakistani, army surrendered on 16 December 1971 and Bangladesh became an independent country. Pakistan was now confined to its former wing.

In January 1972, Sheikh Mujibur was freed by Pakistan's new President Zulfikar Ali Bhutto, and became the Prime Minister of Bangladesh. Bangladesh was declared to be secular state and

---

6.Kamaruddin Ahmed, A Socio-Political History of Bengal and The Birth of Bangladesh, (Dhaka, 1975), p.316.

parliamentary democracy. The new nation quickly achieved international recognition.

The members who had been elected from the former East Pakistan for Pakistan National Assembly and the Provincial Assembly in December 1970 formed Bangladesh Constituent Assembly. A new constitution was approved by this Assembly in November 1972 and came into effect in December. Nationalism, socialism, democracy and secularism were the four clearly spelt principles underlying the Constitution which reflected the hopes and aspirations of the people. Thus Bangladesh started as a highly democratic state, deeply committed to human rights and socio-economic welfare. "Whereas the Pakistani lawgivers had to jostle and struggle for long disquieting years to produce a constitution that was destined to be remarkable for its non-implementation, Bangladesh could produce a constitution in a remarkably short time of eleven months. In practice, this constitution also appeared to have reflected the hopes and aspirations of the people.<sup>7</sup>

---

7. Syed Anwar Hussin, "Challenges of Democratic Governance in Bangladesh", S.R.Chakravarty, (ed.), Society, Polity and Economy of Bangladesh, (New Delhi, 1994), p.111.



### Democracy - Theoretical Dimensions:

The three words-representative, parliamentary and democracy- become the three cardinal features of the political system of the newly independent country of Bangladesh

**Democracy** implies the right of the people to self determination and faith in the rationality and ingenuity of the human mind.

"Democratic theory is based on a notion of human dignity: as beings worthy of respect because of their very nature, adults must enjoy a large degree of autonomy, a status principally attainable in the modern world by being able to share in governance of their community. Because direct rule is not feasible for the mass of citizens, most people can share in self government only by delegating authority to freely chosen representatives".<sup>8</sup> The essence of good government is that "it should be democratic - 'vox populi, vox dei'"<sup>9</sup>

---

8. Walter F Murphy, "Constitutions, Constitutionalism and Democracy", Constitutionalism and Democracy. (Oxford, 1993), p.3.

9. Douglas Wass, Government and the Governed: BBC Reith Lectures, (London, 1984), p.5.

In the ancient Greek City states, the people themselves assembled together to decide issues of governance. Democratic institutions were not alien to the Indian subcontinent in the ancient days . " In our ancient past, there was in fact some of the earliest human experience of institutional democracy. The Shanti Parva in the 'Mahabharata' to illustrate this point, refers to the benefits of democracy... The Lichchavi and Vajji democracies are well documented in our (Indian) history." 10.

The gradual increase in size and population of the political units and ultimately with the advent of modern nation-states, it became impossible to arrange for the people to assemble at a place to discuss matters of state and arrive at decisions smoothly. All forms of direct democracy, therefore, soon became practically extinct all over the world except in a few Swiss Cantons. Modern democracy has of necessity to be **representative democracy** where people exercise this sovereign power through their elected representatives.

---

10. Dr. Shankar Dayal Sharma, Democratic Process, (New Delhi, 1993), p.75.

Representative institutions in their modern connotation have had an organic growth in the Indian sub-continent through British connection for some two centuries. They grew through many relentless struggles for freedom from foreign rule and "successive doses of constitutional reforms grudgingly and haltingly conceded by the British rulers" <sup>11</sup>.

The term 'Parliamentary' refers specifically to a kind of Democratic polity wherein the supreme power vests in the body of people's representative called Parliament. The crucial element in the Parliamentary model is that the executive is responsible to the legislature. This responsibility may be enforced if executive is allowed to stand only as long as it has the support of the legislature. The executive may in turn have the power to force dissolution of the house to which it is responsible, thus requiring a new election.

It is self-evident that a legislature passes laws. It is a forum for debating issues. It performs routine chores for constituents and serves as a vital link between citizen and

---

11. Subhas C. Kashyap, Our Parliament. (New Delhi, 1992), p.

the government. "Some of the legislative functions are manifest, in the sense that their objective consequences for the system are intended and identified; some are latent, having unintended and unrecognized consequences. Whether manifest or latent, these functions contribute to the stability and maintenance of the system. It may be that there are common functions that all legislatures perform for their respective systems. If so, it seems likely that these functions performed by each legislature that are the products of the unique relationship between the particular institution and the system it serves"<sup>12</sup>.

It would not be out of context to quote here from a speech in the Lok Sabha (the Indian lower house of Parliament) delivered by Jawaharlal Nehru on March 28th, 1957. He cautioned the nation about the virtues that parliamentary democracy demanded. He said: "parliamentary democracy demands many virtues. It demands, of course ability. It demands a certain devotion to cooperation of self-discipline, of restraint ... we have to remember what parliamentary democracy means, more so in this time of change and

---

12. International Encyclopedia of Social Sciences.  
(London 1972), Vol.9, p.236.

ferment...Parliamentary Democracy is a delicate plant"<sup>13</sup>.

When the constitution of Bangladesh was promulgated on 16th December 1972, the people were assured that the fundamental human rights would be protected from any arbitrary action from any quarters. The Constitution ensured rule of law. The country was wedded to the principles of liberal democracy and multi-party system. The ideals of separation of power were enshrined in the Constitution. A separate judiciary was founded and numerous autonomous institutions, necessary for democratic functioning of the system were provided. Mixing of religion and politics was prohibited in order to build a secular polity. The Constitution aimed at development of an egalitarian society. "But the Constitution under the first three successive regime of Mujib, Zia and Ershad was drastically amended which had changed not only the form and content, but also had added many authoritarian and undemocratic elements in the fundamental law of the land"<sup>14</sup>. The

---

13. Sharma, n.10, p.88.

14. S.R.Chakaravarty, ed., Bangladesh Under Mujib, Zia and Ershad, (New Delhi, 1995), p.174.

government installed after the abdication of power by General Ershad in 1990 has rescinded the Presidential system and reverted back to parliamentary form of government.

It is essential to refer to the constitutional provisions relating to the parliament in Bangladesh which is to be found in Part Vth of the Constitution of Bangladesh. The Bangladesh National Parliament, Jatiyo Sangsad is unicameral. It has 330 members elected by universal adult suffrage, of which 30 seats are reserved for women.

The relevant portion from the Text of the constitution, (The Constitution of the People's Republic of Bangladesh; published by the Deputy Controller, Government Printing Press, Dhaka, 1990) is given below.

#### Some Constitutional Provisions Regarding Jatiyo Sangsad:

The " Temporary Constitution of Bangladesh Order" was promulgated by Sheikh Mujibur Rahman, the President of the new nation, on 11 January 1972. It vested the real powers in the council of ministers headed by a Prime Minister (P.M.), commanding the confidence of the majority members of the

Constituent Assembly, with the President as the nominal head of the State. "The Constituent Assembly was... almost an Awami League body rather than a national institution." <sup>15</sup> When the constitution was promulgated on 16 December 1972, Mujibur Rahman became the Prime Minister of the country. The fourth Amendment Act passed during the regime of Sheikh Mujibur in January 1975 changed the form of government from a multi-party parliamentary system to the single party presidential system of government.

The constitution under the first three successive regimes of Mujib, Zia and Ershad was amended in such a way that it became more authoritarian and far removed from the original. During the Rule of Ershad, corruption grew all around. Elections were farcical. It was "uniquely personalised political system which was institutionalised by Ershad".<sup>16</sup>

Gen. Ershad abdicated power in 1990. The BNP formed the government in early 1991. the Twelfth Amendment Act passed under the new government and widely accepted in a referendum in

---

15. Ibid, p.173.

16. Sobhan,n.5, p.51.

August 1991 restored parliamentary form of government in Bangladesh.

The **Part V** of the Constitution of Bangladesh containing **Articles 65 to 93** deals with the **Legislature**. Chapter I of this part deals with the parliament. Chapter II details the legislative and financial procedures. While Chapter III gives the provisions regarding the Ordinance Making Power.

It has been mentioned in **Article 65** that the Parliament shall consist of 300 members to be elected in accordance from single territorial constituencies by direct election. Further, 30 seats shall be reserved exclusively for women members, who shall be elected according to law by the Members of Parliament (MPs). However, a woman is free to contest from any constituency meant for the MPs.

According to **Article 66** a person shall be qualified to be elected as, and to be, a Member of Parliament if he is a citizen of Bangladesh and has attained the age of twenty-five years.

A person shall be disqualified for election as, or for



being, a member of parliament who-

- (a) is declared by a competent court to be of unsound mind;
  - (b) is an undischarged insolvent;
  - (c) acquires the citizenship of, or affirms or acknowledges allegiance to, a foreign state;
  - (d) has been, on conviction for a criminal offense involving moral turpitude, sentenced to imprisonment for a term of not less than two years, unless a period of five years has elapsed since his release;
  - (e) holds any office of profit in the service of the Republic other than an office which is declared by law not to disqualify its holders;
  - (g) is disqualified for such election by or under any law.<sup>17</sup>
- Clause 2A of Article 66 states that a person shall not be deemed to hold an office of profit in the service of the Republic by any reason only that <sup>18</sup> [ he is a President, Vice-President, Prime Minister, Deputy Prime Minister, Minister, Minister of State or Deputy Minister ].

---

17.The Clause was inserted by Zia, vide, Order No.IV,1978.

18.The words [ ] were substituted for the words *he is a Prime Minister*, 6th Amendment.

The Vacation of Seats by Members of Parliament (MPs) has been dealt with in Article 67. A MP shall vacate his seat, if he fails, within the period of ninety days from the date of the first meeting of Parliament after his election, to make and subscribe the oath of affirmation prescribed for a Member of Parliament in the Third Schedule, unless the Speaker may, before the expiration of that period, for good cause extend it. The seat of a MP shall fall vacant if he absents himself from Parliament for ninety consecutive sitting days ; upon dissolution of parliament ; if he has incurred a disqualification under clause (2) of Article 66; or in the circumstances specified in Article 70.

A member of Parliament may resign his seat by writing under his hand addressed to the Speaker or if the office of the Speaker is vacant or the Speaker is for any reason unable to perform his functions, by the Deputy Speaker.


The MPs shall be entitled to such <sup>19</sup> remuneration, allowances and privileges as may be determined by

---

19. The word was substituted for *Salaries*, 8th Amendment.



TH-5566

DISS  
320.95492  
G3463 In  
  
TH5566

191

Act of Parliament.

There is bar against Double Membership. According to **Article 71**, no person shall at the same time be a member of parliament in respect of two or more constituencies. In the event of a candidate having contested, and being elected from more than one constituency, he shall deliver to the Chief Election Commissioner, within thirty days of his last election, a signed declaration specifying the constituency which he wishes to represent. The seats of the other constituencies for which he was elected shall thereupon fall vacant.

**Article 72** deals with the provisions regarding the **Sessions of parliament**.

Parliament shall be summoned, prorogued and dissolved by the President by public notification, and when summoning Parliament the President shall specify the time and place of the first meeting.

The Parliament shall be summoned to meet within thirty days after the general election of MPs. Unless sooner dissolved by the President, it shall stand dissolved at the expiration of the

period of five years from the date of its first meeting. At the time of engagement of the Republic in war the period may be extended by Act of Parliament by not more than one year at a time but shall not be extended beyond six months after the termination of the war.

**Article 73 deals with President's Address and Messages to Parliament.**

The President is entitled to address parliament and send messages thereto. At the commencement of the first session after a general election of Members of Parliament and at the commencement of the first session of each year, the President shall address Parliament.

Provisions regarding the **Speaker** and the **Deputy Speaker** of the House are mentioned in **article 74**. It is stipulated that Parliament, shall at the first sitting after any general election, elect from among its members a Speaker and a Deputy Speaker, and if either office becomes vacant shall within seven days or, if Parliament is not then sitting, at its first meeting thereafter, elect one of its members to fill the vacancy.

While the office of the Speaker is vacant or the Speaker is  
20 [ acting as] President, or if it is determined by Parliament  
that the Speaker is otherwise unable to perform the functions of  
his office, those functions shall be performed by the Deputy  
Speaker or, if the office of the Deputy Speaker is vacant , by  
such Member of Parliament as may be determined by or under the  
rules of procedure of Parliament.

According to Rules of Procedure, Quorum, etc. mentioned in  
Article 75 the procedure of Parliament shall be regulated by  
rules of procedure made by it. A decision in Parliament shall  
be taken by a majority of the votes of the members present and  
voting, but the person presiding shall not vote except when  
there is an equality of votes, in which case he shall exercise a  
casting vote.

The quorum for the meeting of the Parliament to carry on  
legislative functions is to be minimum sixty members.

Article 76 deals with Standing Committees of Parliament.  
Parliament shall appoint from among its members

---

20. these words were substituted for *exercising the function  
of the....* by the 4th Amendment.

- (a) A Public Accounts Committee;
- (b) A Committee of Privileges; and
- (c) such other Standing Committees as the rules of procedure of Parliament require.

Some **Privileges and Immunities** have been granted by the Constitution to Parliament and its members. These are mentioned in **Article 78**.

The validity of the proceedings in Parliament shall not be questioned in any court [Article 78 (1)].

A Member of Parliament shall not be liable to proceedings in any court in respect of anything said, or any vote given, by him in Parliament or any committee thereof [Article 78 (3)].

Subject to this article, the privileges of Parliament and of its committees and members may be determined by Act of Parliament . [Article 78 (5)].

**Legislative Procedure** has been dealt with in **Article 80**.

Proposal for making a law is laid before the Parliament in the form of a Bill. When the Bill is passed it is presented to the President for his signature. The President, within fifteen days after a Bill is presented to him, shall assent the Bill or

in case of a Bill other than a Money Bill may return it to Parliament with a message requesting that the Bill or any particular provisions thereof be reconsidered and that any amendments specified by him in the message be considered; and if he fails to do so he shall be considered to have given assent to the Bill after the lapse of that period.

If the President returns the Bill, Parliament shall consider it together with President's message, and if the Bill is again passed by the Parliament with or without the amendments, it shall be presented to the President for his assent. Now the President shall assent to the bill within the period of seven days and if it has been presented to him, and he fails to do so he shall be deemed to have assented the Bill at the expiration of that period.

Provisions regarding **Money Bill** has been stated in **Article 81**.

In this part "Money Bill " means Bill containing only provisions dealing with any of the following matters -

- (a) the Composition, regulation, alteration, remission or repeal of any tax;

- (b) the borrowing of money or the giving of any guarantee by the Government, of the amendment of any law relating to the financial obligations of the Government;
- (c) the custody of the Consolidated Fund, the payment of money into, or the issue or appropriation of money from, that Fund.
- (d) the imposition of a charge upon the Consolidated Fund, or the alteration or abolition of any such charge.
- (e) the receipt of moneys, or the audit of the accounts of the Government
- (f) any subordinate matter incidental to any of the matters specified in the foregoing sub-clauses.

When a Money Bill is presented to the President for assent, it has to bear Speaker's certificate that it is a Money Bill, and such certificate shall not to be questioned in any court.

**Article 93 deals with Ordinance Making Power**

At any time when <sup>21</sup> [Parliament stands dissolved or is not in session ], if the President is satisfied that circumstances

21. The words within [ ] were substituted for *Parliament is not in session*. Order 1, 1977.



exist which render immediate action necessary, he may make and promulgate such Ordinance as the circumstances appear to him require, and any Ordinance so made shall, as from its promulgation have the like force of an act of Parliament.

An Ordinance so made shall be laid before Parliament at its first meeting following the promulgation of the Ordinance and shall, unless it is earlier repealed, cease to have effect at the expiration of thirty days after it is so laid or, if a resolution disapproving of the Ordinance is passed by Parliament before such expiration, upon the passing of the resolution.

#### **METHODOLOGY**

The methodology followed for the study is a combination of historical and analytical approach .

The primary sources for the study include government documents and reports. Secondary sources comprise of books, articles and paper clippings. News weeklies and dailies from Bangladesh have helped a lot in studying the functioning of the present Parliament.

## CHAPTER-2

### PARLIAMENTARY DEMOCRACY IN BANGLADESH : A RETROSPECT.

#### Background

The history of Bangladesh brings to light two very striking features - first the aspirations of the people for democracy and the saga of sacrifices for its accomplishment and second, the aspirations of those at the helm of affairs to concentrate more and more power in their hands at the cost of democracy and the saga of coups, counter-coups and erosion of democratic institutions.

Even before East Pakistan became an independent unit there have been a number of instances when democratic institutions, norms and processes have been disregarded. The exclusion of the people of East Pakistan from centres of policy making led to a movement for autonomy which ultimately took the shape of war of liberation.

After Bangladesh emerged as an independent country in 1971, it adopted a Constitution in 1972 that sought to direct the state power to achieve a socialist economic order through a secular parliamentary democracy.<sup>1</sup> Thus, Bangladesh started as a highly

---

1. Government of the Peoples' Republic of Bangladesh, Ministry of Law and Parliamentary Affairs, The Constitution of the Peoples' Republic of Bangladesh, (Dhaka, 1972), parts I and II.

democratic state, deeply committed to human rights and socio-economic welfare.

However, soon the political situation began to deteriorate even during the tenureship of the first Prime Minister. Long spells of authoritarian and military rule that followed eroded the nascent democratic institutions like the Parliament. The Parliament was, either not allowed to function most of the time or functioned within very restricted parameters. It acted as a legitimizing facade without real powers. Multiparty system of Ziaur Rahman and authoritarian rule of H.M. Ershad produced strong executives, 'rubber stamp' parliaments, subservient bureaucracy, weak judiciary and ruptured political institutions.

2

Towards the end of 1990, long and chequered popular movement in Bangladesh was successful in ousting the autocratic government of General Ershad. The fall of long years of autocracy paved the way for democratic transition in the country. Today, "Bangladesh is at a critical crossroad in its journey to democracy." <sup>3</sup>

Here in is an attempt to review briefly Bangladesh's

---

2. Ataur Rahman, "Challenges of Governance in Bangladesh," BISS Journal, vol.14, No.4, (Dhaka, 1993), P.464.
3. Iftekharuzzaman and Mahbubur Rahman, "Parliamentary Democracy In Bangladesh : Retrospect and Prospects" in Iftekharuzzaman and A.K.M.Abdus Sabur(eds), Bangladesh: Society, Polity, Economy, (Dhaka, 1993), p.33.

experimentation with parliamentary democracy which would be fruitful in analysing the achievements of the fifth parliament in the institution building process, dealt in the subsequent chapters.

### **The Pakistan Period: Experience of East Bengal**

As a part of British India, the region now comprising Bangladesh had experienced semblance of parliamentary government under the government of India Act of 1919 and 1935 although the real power remained with the Governor Generals.

The transfer of power from the hands of the British in 1946-47 resulted in the establishment of Pakistan. At partition it inherited a Constituent Assembly indirectly elected by the legislatures of those territories which formed the new state. Although this Assembly acted both as the country's Central Legislature as well as the constitution making body, its major responsibility was to frame the constitution.<sup>4</sup>

#### **Jinnah - Liaquat period**

The first session of this Constituent Assembly was held in Karachi from 10 to 14 August 1947 in which Mohammad Ali Jinnah was elected President of the Constituent Assembly.

Jinnah also became the Governor General of Pakistan. The manner in which Jinnah dispensed his powers was " in no way

---

4. Kabir Uddin Ahmed, Breakup of Pakistan.  
(London, 1972), P. 53.

conducive to the growth of parliamentarism".<sup>5</sup> Allocation of portfolios among ministers was at his discretion. The choice of Mr. Liaquat Ali Khan as the first Prime Minister did not come from the Constituent Assembly. It was Jinnah who brought him in.<sup>6</sup> Jinnah adopted a Vice-Regal System. As Jinnah did not have much experience of file work as a minister before, officials became more powerful during his time. The Parliament and Cabinet become subservient to the bureaucracy.<sup>7</sup>

The task of Constitution making was quite challenging. Pakistan was a multi-lingual and multi-national state with religion providing the only bond of unity. East Bengal and West Bengal and West Pakistan had very different cultures. How these two units of the country, separated by thousand miles of the Indian territory would share in the power structure at the centre posed another challenge to the making of a viable Constitution.

The fact of the matter was that East Pakistan, after the partition was disillusioned when the rulers of Pakistan started to treat East Bengal and its interests as subordinate to theirs.

---

5. Shamsul Huda, Parliamentary Behaviour in a Multi-National State (1947-1958): Bangladesh Experience, (Dhaka, 1984), P.4.

6. G.W. Chawdhury, Constitutional Development in Pakistan, (London, 1969).

7. Kamaruddin Ahmed, A Socio-Political History of Bengal And The Birth of Bangladesh. (Dhaka, 1975), P.93.

Punjabi domination in politics was resented by the political elites of East Bengal. A large section of East Pakistanis began to assert their right language and culture, demanded economic justice and equal political participation vis-a-vis West Pakistanis.<sup>8</sup>

Jinnah passed away on 11 September 1948. **Khawaja Nazimuddin**, the Chief Minister of Bengal who was a deeply religious man of mild and accommodating nature, was elevated to the post of Governor General. "He served as a figurehead in what emerged as a non-Bengal run administration".<sup>9</sup>

The First Prime Minister of Pakistan, Mr. Liaquat Ali Khan presented thereport of the Franchise sub-Committee of the first constituent Assembly to the country in 1950, according to which Pakistan was to have a bicameral Legislature with both the Houses having equal representatives from the two wings. That is, East Pakistan with 56 per cent population was to elect 200 members the Lower House and 60 members to the Upper House while all the provinces of West Pakistan together having 44 % of the total population would elect exactly the same numbers to the two Houses respectively. This formula made it abundantly clear to the

---

8. Tazeen M. Murshid, "Bangladesh: the Challenge of Democracy - Language Culture and Political Identity," Contemporary South Asia, 2(1),1993.

9. Sobhan, n.5, p. 6.

Bengalis that in the future political set up, East Bengal was going to lose her legitimate representation without having adequate constitutional guarantees against the eventuality of economic and political injustices inflicted upon her. 10

#### **Khwaja Nazimuddin Period**

On 17 October 1951, Khwaja Nazimuddin relinquished the post of Governor General to take over as the premier of Pakistan. Ghulam Mohammad, a former bureaucrat from Punjab, who was the Finance Minister become the Governor. " This was the first incursion of bureaucracy into the political arena"11.

On 22 December 1952, Basic Principles Committee's report was published. This envisaged parity of seats between East and the West in the two Houses of the Federal Parliament. This arrangement with divided West-the Punjab, Sind, and NWFP - would mean that East Pakistan would outnumber and thus dominate Centre<sup>12</sup>. This was seen as designs of Nazimuddin and his Bengali coterie to ensure Bengal's monopoly of the central power. In 1953, the Ulemas were joined by the Punjab Muslim League in the anti-Ahmadiya Movement. There was breakdown of law and order situation in the cities of Punjab. On 6th March,

---

10. Ahmed, n.7, p.54.

11. D.N. Banerjee, East Pakistan - A Case Study in Muslim Politics, (Delhi, 1969), p.54.

12. Ibid., P. 58.

Martial Law was imposed on Lohore. The situation was taken as a pretext for the dismissal of Nazimuddin by the governor general. The army - bureaucratic clique which was dominated by the western wing was apparently not pleased with Nazimuddin efforts to assert himself and not toe their line on certain policy matters. Nazimuddin was dismissed on 17 April 1953 inspite of the fact that he had a majority in the house. He was replaced by " a more pliable Bengali"; Mohammad Ali of Bogra.<sup>13</sup>

#### **Fazlul Haq Government In Bengal**

There was growing resentment in East Bengal since they are clearly kept away from wielding effective power at the centre whilst East Bengal was run by non-Bengali civil servants who controlled their weak Bengali Ministers. When the elections took place for the East Bengal legislature in March 1954, the fate of the Muslim League was sealed. United Front led by three of Bengal's popular leaders, Sher-e-Bangla Fazlul Haq, Suhrawardy and Maulana Hamid Khan Bhasani emerged victorious. United Front won an overwhelming 223 seats out of a total of 237. The Muslim League could win only 9 seats.

On 3 April 1954, A.K. Fazlul Haq formed the government. Upon entering office, Haq extended his cooperation to the centre on condition of fulfillment of the demands on the issues of language

---

13. Sobhan, n.5, p. 7.



Constitution and provincial autonomy. " Such an offer of 'Cooperation' proved an anathema to Karachi widening the hiatus between the East and the West wing.<sup>14</sup>

An analysis of the functioning of the East-Bengal legislature during 1947-1958 reveals that legislative institution had weak organisational structure. The Muslim League government, in power during 1947-54, seemed to have preferred a docile and inert legislative body which could be conveniently ignored and easily controlled.<sup>15</sup> Fragmentation of the parties, ministerial instabilities and the instances of suspension of parliamentary government during 1954-1958 (martial law was promulgated in 1958), prevented the legislature from taking strong institutional form.

In May 1954, there were severe disturbances in Adamji Jute Mill at Narayanganj. Fazlul Haq and members of his Cabinet went to confer with the Central Government at Karachi on issues confronting the unit. On 30 May, before Haq had returned to Dacca, the governor general abruptly suspended the provincial assembly and Governor's rule was imposed on East Bengal. Law and order situation prevailing in East Bengal was quoted as the ground

---

14. Banerjee, n.11, p.68.

15. Najma Chowdury, The Legislative Process in Bangladesh: Politics and Functioning of the East Bengal Legislature, 1947-1958, (Dhaka, 1980), P.339.

dismissal of a ministry which enjoyed the confidence of the legislature. Iskander Mirza, the Defence Secretary flew to Dacca in order to take office as the new Governor.

#### **Abu Hussain Sarkar's Coalition Government**

Consequent upon the withdrawal of the Governor's rule, on 6 June 1955, Abu Hussain Sarkar had formed his KSP - cum Nizam - e Islam coalition government.<sup>16</sup> Sarkar had no majority in the Assembly, and, therefore, avoided measuring strength with the Opposition by refusing to call the House to Session. He called the Assembly to sit only once to elect the Speaker and the Deputy Speaker. He held over all by-elections which he feared would result in added strength to the opposition.<sup>17</sup> It was difficult to pass budget without facing the legislature, hence governor's rule was imposed on 26 May 1956 to sanction government's expenditure.

By the first week of August 1956, the strength behind the Sarkar government in the House was reduced to 90-95 in a House of 309 members. Thus the Sarkar Ministry finally came to an end on 30 August 1956 when it lost the majority in the Provincial Assembly mainly for not supporting the joint Electoral System and the secular Constitution for the country in the Constituent

---

16. KSP stood for Krishak Sramik Party (Peasant-Worker Party).

17. Jyoti Sen Gupta, History of Freedom Movement in Bangladesh (1943-1973), (Calcutta, 1974), P.79.

Assembly of Pakistan.<sup>18</sup>

#### Deterioration of Democratic Norms

On 24 August 1958, Aatur Rahman Khan's Ministry came back after a lapse of the statutory two month's period of the governor's rule. The Speaker, Abdul Hakim, damaged the status of the legislature as he was not able to remain a neutral observer of party politics. On 20 September, Deputy Speaker, Shahid Ali, allowed the a Assembly to pass a resolution in the absence of the speaker, declaring the speaker to be of unsound mind. When the House met on 23 September, the opposition members **attacked the Deputy Speaker**. As a result of severe injuries he died two days later.

Even at the Centre, the intrigues instigated by the army-bureaucratic clique continued to instill feud in political parties and flout democratic norms. The stalemate in constitution-making persisted. The **Public and Representatives offices Disqualification Act of 1949**(PRODA for short) was a handy instrument by which the governor General could always terrorize a non-conformist politician.<sup>19</sup>

---

18. Ranglal Sen, Political Elites in Bangladesh, (Dhaka, 1956), P. 144.

19. Jayanta Kumar Ray, Democracy and Nationalism On Trial-a Study of East Pakistan. (Simla, 1968), p.105.

## Mohammad Ali Bogra

In 1954, Mohammad Ali Bogra, the then premier, proposed that the lower House would be constituted by representation on the basis of population, giving East Bengal 165 members and West Pakistan 135 members. And the Upper House was to be constituted on the basis of equal representation from all Provincial Assemblies giving East Bengal 10 and West Pakistan 40 seats. This was abandoned later by the central government and the Assembly in favour of unicameral legislature drawing equal numbers of representation from the two wings. According to this proposal, East Bengal was supposed to elect 155 members and West Pakistan another 155. This provision, grudgingly accepted by the Bengalis under military threat became the provision of the First Constitution.<sup>20</sup>

In 1955, came the One Unit Scheme. It was "brought about by a bureaucratic-feudal combination". When the landlords of the smaller provinces found out that in the united province power virtually resided with the big Punjabi landlords, they turned against it.<sup>21</sup> To East Pakistan it was threat which sought to efface its standing as majority province.<sup>22</sup>

---

20. Ahmed, n.7, p.55.

21. Talukdar Maniruzzaman, Group Interests And Political Changes: Studies of Pakistan and Bangladesh. (New Delhi, 1982), p. 47.

22. Banerjee, n.11, p. 77.

## Pakistan Politics (1958-1971 Phase):

### **Military-Bureaucracy Coalition**

In October, 1958, General Iskander Mirza, the then President, and General Ayub Khan, the then Commander-in-Chief of the Armed Forces staged a military coup d'etat. The subsequent history of Pakistan from 1958 to its breakup in 1971 was "an uninterrupted episode of military-bureaucratic dominance over the politics of Pakistan."<sup>23</sup> Ayub appointed the constitution commission in February 1960. Since the commission failed to produce a constitution which would guarantee his personal supremacy with the help of friends he devised the Basic Democracies which have been remarked to be "the finest examples of controlled democracies" dominated by officials which reduced them to "so many electrified dummies."<sup>24</sup>

### **Ayub Period**

Ayub set to civilianise his military regime based on franchise exercised by 80,000 Union board councillors known as Basic Democrats to elect the President and the Central and Provincial Legislatures. The swearing in of the members of the National Assembly ushered in the new constitution on 8th June, 1962. Martial Law was repealed and Ayub became the

---

23. Sobhan, n.5, p. 9.

24. Quoted in Ray, n.19, p. 194.

"Constitutional" President. He appointed his own cabinet whose members were only responsible to him and not to the National Assembly.<sup>25</sup>

President Ayub's regime, both in the martial law phase of 1958-62 and under Ayub Khan's Constitution after 1962, was essentially a perpetuation of the power structure that had existed before 1958<sup>26</sup>. The government was essentially bureaucratic-military in character.

### **Yahya Period**

There was mounting resentment against Ayub both in the East and West Pakistan. Eventually at the end of 1968 he had to resign and hand over power to Commander-in-Chief of Pakistan's Armed Forces General Yahya Khan in March 1969. The second martial Law was imposed on 25 March 1969.

The struggle for autonomy in East Pakistan manifested itself in the 6-point Programme of the Awami League. On 10 April 1969, General Yahya announced that the elections would be held on the basis of one-man-one-vote. On January 1970 he lifted the ban on political parties.

Elections were held all over Pakistan between 7 December 1970 and 17 January 1971, Yahya gave East Pakistan 169 seats in

---

25. Banerjee, n.11, p.126.

26. Mohammad Ayoob and K. Subramanyam, The Liberation War, (New Delhi, 1972). P. 28.

the contemplated National Assembly. The Awami League (AL) led by Mujibur Rahman won 167 seats and was in command of a clear majority in house of 313 members. Of the 300 seats in the provincial legislature AL won 288. When the military rulers of Pakistan prepared to annul the election results by force, nationalism in East Pakistan reached its peak. Mujib launched a country wide non-cooperation movement with the aim of complete independence. The Pakistan army retaliated in Dhaka and other towns on March 25, 1971 and the Bangladeshi national resistance began.

Thus the period between 1947-71 was one of denial of self rule for the Bengalis and the erosion of democratic institutions. Those who exercised political and administrative power over East Pakistan derived their authority from the centre and were accountable to the President of Pakistan. Even the local institutions were crippled. The Basic Democrats elected to the Union Councils were seen as creatures of Ayub rather than representing the electorate.<sup>27</sup>

#### **The Mujib Era in Bangladesh:**

Bangladesh within a year of its independence adopted a Constitution which came into force from December 16, 1972. The Constitution contained a Preamble, 153 Articles divided into

---

27. Sobhan, n.5, p.13.

eleven Parts and four Schedules.<sup>28</sup>

The objectives of the national movement-Nationalism, Socialism, Democracy and Secularism were clearly spelt the constitution.

Sheikh Mujibur Rahman, the first Prime Minister of Bangladesh took certain measures during his tenure which produced sharp contradiction to democratic governance.

In the first general elections on March 7 1973 Awami League (AL) won 292 out of 300 seats in the Parliament. Mujib was the head of the government, leader of the legislature as well as the head of the party. All constitutional and political powers were concentrated in him. He governed more by his charisma than through institutions. Results of all these was that "three years of parliamentary rule in Bangladesh was essentially a personal rule by Sheikh Mujib"<sup>29</sup>

During 1972-75, the opposition was virtually non - existent in the Parliament. The 1973 parliament was a kind of **single dominant party system**. "The single dominant party system and the constitutional provisions of party discipline reduced the actual

---

28. Abul Fazl Haq, "Constitutional Development (1972-1982)," in S.R. Chakravarty and Virendra Narain (eds.), Bangladesh (Vol-II): Domestic Politics, (New Delhi, 1986), p.50.

29. Rounaq Jahan, Bangladesh Politics: Problems and Issues. (Dhaka, 1980).



power of the legislature and it became more or less a rubber stamp of the wishes of the ruling party. In the last three years the parliament neither worked as a check on government nor did it mirror public opinion."<sup>30</sup>

Parliament met only for 118 days during its two and half years life from March 1972 to August 1975. During this period it enacted about 140 legislations. But 85 of the legislations (60% of the total) had been promulgated as ordinances by the President and placed before Parliament for re-enacting as laws. <sup>31</sup>

The manner in which the Second Amendment to the constitution, 1973 and the Fourth Amendment to the Constitution, 1975 were carried out in the Parliament clearly showed that "Parliament did not have any autonomy in the discharge of its functions".<sup>32</sup>

### **Second Amendment**

The second Amendment to the Constitution effected in 1973 curtailed fundamental rights by making them subject to any constitutional amendment passed by parliament. The first Article (Article 26) in Part II of the Constitution on fundamental rights

---

30. Ibid.

31. U.A.B. Razia Akhtar Banu, "The Fall of Sheikh Mujib Regime: An Analysis," Indian Political Science Review, Vol. XV., No.1, January 1981.

32. Iftekharuzzaman and A.K.M. Abdus Sabur, Bangladesh: Society, Polity, Economy, (Dhaka, 1993), p.47.

would be void. The 1973 amendment, however, added a clause to it which read, " Nothing in this article shall apply to any amendment of the constitution made under Article 142". The same amendment substituted the original Article 33, empowering government to arrest or detain any person under law providing for preventive detention. The changed version of Article 33 gave the government what came to be known as Special Powers Act, 1974.<sup>33</sup>

#### **Fourth Amendment**

The State, in the wake of political disturbances, abrogated the constitution by proclaiming an Emergency Act in 1974. In this manner AL staged a constitutional coup.<sup>34</sup> The climax of such anti-democratic trend was reached when the fourth Amendment to the Constitution was passed on 25 January 1975. It transferred the government to a presidential form and state into a one-party. Such a crucial amendment was passed just within an hour and the Parliament was not given sufficient time to discuss it. The rationale for introducing such systemic changes was spelt out as: the existing system had become irreparably inadequate.<sup>35</sup>

---

33. Syed Anwar Hussain, " Challenges of Democratic Governance in Bangladesh," in S.R. Chakravarty (ed.), Society Polity and Economy of Bangladesh, (New Delhi, 1994), P. 112.

34. The Times, 19 July 1974.

35. Sheikh Mujib's statement in Bangladesh Observer, 26 Jan. 1975.

The main features of the Fourth Amendment were as following <sup>36</sup>:-

- (a) President to be directly elected for five years and the President incumbent was to resign in favour of the incumbent P.M. as if he had been so elected.
- (b) President was removable by three-fourth votes of the Parliament for violating the Constitution, grave misconduct, physical or mental disability.
- (c) The existing Parliament was to continue for another five years unless dissolved by the President.
- (d) President was to appoint a Vice-President and a Prime Minister and a Council of Ministers to aid and advise him.
- (e) President might establish a single national political party automatically dissolving all other political parties, and would chalkout the details of such a party.
- (f) Members of Parliament refusing to join such a party or ignoring its instructions were to loose their seats.
- (g) Special courts, tribunals or commissions to be appointed by the Parliament to enforce the fundamental rights.
- (h) President could remove judges on grounds of misbehavior or incapacity.

---

36. Shyamali Ghosh, " Constitutional Changes in Bangladesh: Process of Political Development", in India Quarterly, 42 (4), Oct-Dec. 1986, P.396.

(i) The system of local government by elected representatives was abolished.

### **THE BAKSAL**

The Amendment paved the way for dissolution of all political parties and the constitution of a National Party known as Bangladesh Krishak Sramik Awami League (BAKSAL) on June 6, 1975. President himself became the Chairman of the National Party. It was compulsory for every member of Parliament to join the party. Thus one-party authoritarian regime was introduced and all powers of the government were transferred to the Chief Executive. The powers of the judiciary were curtailed strict censorship of the press was also imposed. It was an ill fated experiment of "suppression of pluralism and democratic opportunities and the institutionalization of autocracy".<sup>37</sup>

On August 15, 1975, Mujibur Rahman and most of his family were assassinated by a group of junior army officers and Martial Law proclaimed.

### **Bangladesh under Ziaur Rahman:**

After the coup and counter-coup in early November 1975, Major General Ziaur Rahman assumed defacto power on 7th November 1975 as Deputy Chief Martial Law Administrator with Chief Justice

---

37. Sobhan, n.5, p. 27.

Sayem as the President. The era of military rule dates from that date. He became the Chief Martial Law Administrator on 30 November 1976 and on 20 April 1977 he became the President of the country.

Zia moved into politics very cautiously. He sought referendum of "yes" and "no" votes held on May 1977. The results of which showed that the electorate overwhelmingly voted for Zia's proposition. "The credibility of this outcome was widely challenged and appears to have set the stage for future manipulation of elections to serve a predetermined political outcome".<sup>38</sup>

### **Religion And Politics**

General Zia put to use religion as a vehicle for enhancing his powers. The word secularism in the Preamble and other places was deleted and instead "Faith in Almighty Allah" was substituted and prohibition for the use of religion for political purposes removed.<sup>39</sup> The process of using Islam for legitimization process was given coherent speed and dynamism by Zia and later in Ershad regimes.<sup>40</sup> The absence of mechanisms

---

38. Sobhan, n.5, p.38.

39. Article 12 declaring Secularism was Omitted by the Proclamation (Amendment) Order No.1, 1977

40. Syed Anwar Hussain, "Religion and Ethnicity in Bangladesh", in Iftekhazzaman and Sabur (eds.), n.32, p. 21.

to ensure accountability gave the civil and military bureaucracy not only power of policy making but also patronage distribution. To include the rural elites in the local level power structure Union Parishad (local government) elections were conducted in 1977. Loan money for developmental purposes were channellized through the local bodies. All this ensured loyalty of the local representatives at the centre.<sup>41</sup>

### **The Bangladesh Nationalist Party (BNP)**

General Zia was successful in building a broad coalition with the anti-AL and anti-Indian right and left forces who sponsored him for the presidential contest held in June 1977. Many of them and other new entrants joined the Bangladesh Nationalist Party (BNP) when it was formed in September 1978 under the leadership of President Zia. In the General elections held in February 1979, BNP won 207 out of 300 seats. There were widespread allegations of rigging.

### **Fifth Amendment**

The first session of the newly elected Sangsad was called on 5 April 1979. Martial Law was lifted on 6 April 1979 and Fifth Amendment of the Constitution, which legitimated the four years of Zia's rule, was passed. In a Parliament, where the Prime

---

41. A.M. Quamrul Alam, "The nature of the Bangladesh state in the post-1975 period," Contemporary South Asia, 2 (3), 1993, P. 316.

Minister and the Council of Ministers were nominated by the President, and were responsible to him and not to the Parliament, all the proclamations that changed the fundamentals of the constitution were put together into one Act and legalised by the BNP-dominated opposition abstaining from voting.<sup>42</sup>

During the Winter Session of the Jatiya Sangsad in 1980, the government introduced the controversial **Disturbed Areas Bill** (DAB) which enabled the government the use of defence services in aid of the civil power to restore law and order in any part of the country. The DAB aroused tremendous popular opposition. The adoption of Islamic University Bill reinforced the zest for Islamization of the regime. During the same session, **Export Processing Zone Authority Bill** was also introduced which reflected the Pro-imperialistic character of the government.<sup>43</sup>

The interesting characteristic of the 1979 parliament was that a large number of BNP MPs were previously affiliated with other political parties. Some established businessmen and representatives of the trading families were also appointed as Ministers.<sup>44</sup>

### **The 1981 Coup**

The Parliament Provided civilian facade to a rule where

---

42. Shyamali Ghosh, n.36, P.400.

43. S.R. Chakravarty, Bangladesh under Mujib, Zia and Ershad, PP. 152-6.

44. Alam, n. 41.

the military and the bureaucracy remained dominant. The opposition demanded the restoration of Parliamentary government on the basis of 1972 constitution by repealing the fourth amendment. Amidst deterioration of law and order, rising prices and factional quarrels among military elites, General Zia was killed in a Coup attempt on 30 May 1981.

### **The Ershad Regime in Bangla Politics :**

Justice Abdus Sattar, the Vice-President succeeded General Zia as the Acting President and was nominated by the BNP as a compromise candidate for Presidential elections to be held within six months of the vacancy. The sixth amendment adopted in the Parliament on 8 July 1981 to enable Justice Sattar to contest the Presidential election without resigning his office, by excluding the offices of President and Vice-President or Acting President from being " Office of Profit". Most of the opposition parties boycotted the Parliamentary Session in which the amendment was adopted.

### **Martial Law**

Justice Sattar won the Presidential election held in November 1981. But he failed to resolve the factional quarrels within the BNP, escalating inflation and decline in law and order situation. In such circumstances Lt. Gen .H.M.Ershad led a peaceful coup against the BNP regime on 24 March 1982. President



Sattar was removed and his cabinet was dissolved. Martial law was declared and many provisions of the 1972 constitution were suspended, especially those relating to human rights. Political parties including the AL and the BNP, which were to be key in Ershad's eventual overthrow were banned.

The press was restricted, and arrests of dissidents were common. Trials were held in military courts, if they took place at all.<sup>45</sup>

Ershad faced considerable pressure, from both inside the country and the donor countries outside, to hold election and to "democratize". There was wide spread dissatisfaction among the students against the autocratic government of the country. Ershad sought to persuade the opposition parties to participate in national elections to be held in spring 1984. As the opposition demand for withdraw of Martial law and elections under neutral caretaker government was not met, the BNP and the AL did not take part in the elections.

#### **Jatiyo Party (JP)**

In January 1986, Ershad floated his own party-Jatiyo Party-which won a slim majority in the unicameral parliament. The party won 153 out of 300 seats with 42 percent of the vote. Awami

---

45. Craig Baxter, "Bangladesh: A Parliamentary Democracy, if They Can Keep It", Current History, 91(563), March 1992, P. 132.

League (AL) and its allies secured 89 seats and Jamaat-e-Islami got 10 seats. BNP had backed out of the election.<sup>46</sup> There was widespread charges of manipulation and rigging.

Awami League boycotted the Presidential election held in October 1986 which Ershad won easily. Martial Law was lifted in November and Ershad became the President of the country.

During the period of Ershad's regime the Jatiyo Sangsad passed four amendments to the constitution (seventh, eighth, ninth and tenth). Of these the Eighth Amendment is the most significant.

The **Seventh Amendment** was passed by the Jatiyo Sangsad in November 1986. It ratified, confirmed and validated the Martial Law Administration of Ershad from 24 March 1982 to November 1986.<sup>47</sup>

The **Eighth Amendment** to the constitution was passed in June 1988. It declared Islam to be the state religion of Bangladesh. The parliament was debarred from amending the Islamic clauses which were inducted undemocratically through martial law proclamation.

#### **Anti-Ershad Upsurge**

It was in 1987, that the two main opposition party leaders- Sheikh Hasina Wajed of Awami League (AL) and Begum Khaleda Zia

---

46. Sobhan, n.5, p. 48.

47. Chakravarty, n.43, p. 180.

of Bangladesh Nationalist party (BNP), mobilized the people against the regime of General Ershad. The mass movement was not successful in 1987 but in 1990 it was much more effective and forceful.

The major student parties agreed to submerge their individual ambitions and for All Parties Student Unity in a joint effort to bring down the autocratic government of General Ershad. The opposition parties grouped themselves which resulted in the formation of three Alliances. The Joint Declaration of the Three Alliances (November 1990) was in its content and tenor, "a fine document upholding and reflecting democratic aspirations".<sup>48</sup>

Ershad declared a state emergency on November 27 but agitation could not be kept down. Ershad announced his resignation on 4 December 1990. Vice-President Maudud Ahmed also resigned. Ershad appointed Chief Justice Shahabuddin Ahmed, the choice of the opposition as the new Vice-President. When Ershad's resignation took effect on December 8, Shahabuddin replaced him as "acting President". The Ershad era came to an end.

**The Interim Government of the Acting President Justice Shahabuddin Ahmed :**

Shahabuddin was both the head of the government and head of the state. He appointed advisors-not ministers-to assist him.

48. Hussain, n.33

His main task was to **organize elections**. Towards this end he permitted the political parties to operate freely.

The principal participants in the election were the AL, the BNP and Jamaat-i-Islami. Jatiyo Party was in a disarray after Ershad's downfall since most of its members were at that time in jail or hiding but the party, none-the-less, participated in the election campaign.

The Awami league (AL) favoured a parliamentary system in its campaign. Most of the programme put forward by the party stood for "**Bengali Nationalism**". AL also opposed steps taken by the earlier BNP government of Ziaur Rahman and by Ershad to associate the state more closely with Islam. The BNP favoured presidential system of government. It spoke more specifically of "**Bangladeshi Nationalism**." It gave recognition to the Islamic nature of the Bangladeshi population while staying far short of any concept of Islamic state. The BNP favoured continuation of the economic changes, including privatization, that had been instituted by Ershad government. The **Jamaat** campaigned on a programme that would lead Bangladesh to an Islamic polity. Jatiyo Party wanted the withdraw of cases registered against the Jatiyo leaders.

#### **Election Results**

The elections were held on February 28, 1991. Out of 300 Parliamentary seats the BNP secured the maximum number of 140

seats, AL won 88 seats, the Jatiya Party 35 and the Jamaat 18. As BNP was short of a majority, Jamaat Party agreed to support it in return for two seats when an indirect election (by Parliament) for 30 women's seats followed. Thus BNP secured 28 more seats and its strength increased to 168 seats in a house of 330 seats.<sup>49</sup>

### **Twelfth Amendment**

The Acting President Shahabuddin Ahmed appointed BNP leader Begum Zia as the Prime Minister on March 20, 1991. The Twelfth Amendment passed by the parliament on 6 August 1991 and approved by a referendum the following month restored parliamentary democracy in Bangladesh.

In this manner the Fifth Parliament of Bangladesh came into shape. The democratic aspirations of the people have been successful in defeating autocracy and ushering in an era of responsible government. How far the fifth parliament has been able to function such that the institution is itself strengthened and contributed to the strengthening of the fragile democracy in turn, would be examined in the subsequent chapters when the functioning of the 'Jatiyo Sangsad' during 1991-1994 period is studied.

---

49. Craig Baxter, "Bangladesh in 1991," Asian Survey, Vol. XXXII, No 2, Feb 1992, P. 163.

### CHAPTER-III

#### FUNCTIONING OF THE JATIYO SANGSAD DURING 1991 AND 1992

##### Composition of The Fifth Parliament :

Elections were held on February 27, 1991 to choose the members of the Bangladesh Parliament, Jatiyo Sangsad (JS). 55.35 percent of the total voters cast their ballot.<sup>1</sup> The Bangladesh Nationalist Party (BNP) secured 139 seats against 88 seats won by the Awami League (AL). However, the percentage of votes secured by the two major parties was almost equal (about 31 percent each). Table I shows the distribution of JS seats among various parties. (Table attached at the end of the chap.; p. 91)

An election generally reflects the configuration of social forces in the country. Table II reflects the configuration of social forces that the newly elected legislators of Bangladesh represent.<sup>2</sup>

By studying the above table we find that the business and industrial classes are dominant social classes among the members of JS, constituting about 53 percent of the total. As former army officers elected to the national assembly are all businessmen, (Table attached at the end of the chap.; p. 92)

---

1. Bangladesh Election Commission.

2. Source: Talukder Maniruzzaman. "The Fall of the Military Dictator : 1991 Elections and the Prospect of Civilian Rule in Bangladesh", Pacific Affairs, Summer 1992, P. 213.

they can be categorized as business groups too so that the number of members belonging to business and industrial class rises, constituting 59 percent of the total. The professional classes - lawyers, doctors, school teachers, college and university professors, journalists, student leaders and former government officers who led the mass upsurge of October to December 1990 against the Ershad regime - constitute only 36 percent of the newly elected members of the JS.

It is to be noted that there are many new entrants in the Fifth Parliament. More than half of the members of the new parliament have become legislators for the first time.

Among the newcomers, 78 belong to the ruling BNP. In AL, 44 out of 87 Members of Parliament (MPs) are new faces. Out of 18 MPs of Jamaat Islami, 16 are newcomers. Similarly, 4 out of 5 MPs belonging to the Communist Party of Bangladesh have been elected for the first time. In Bangladesh Krishak Sramik Awami League (BAKSAL) 2 out of the 4 MPs are new.

An Islami Oikya Jote member and a NAP(M) member are also in the Sangsad for the first time.

The Fifth Sangsad, began its first session on April 5th morning heralding the final burial of autocracy and restoration of democracy. The House elected BNP nominees Abdur Rahman Biswas and Sheikh Razzaque Ali as Speaker and Deputy Speaker. They got

187 votes while AL nominees Salauddin Yusuf and Md.Asaduzzaman received 97 votes after AL sought a division on the question of electing the Speaker and the Deputy Speaker.<sup>3</sup>

Thus the JS of Bangladesh embarked on a sojourn of dispensing its legislative duties. The institution of parliament is an important forum for democracy to take deeper roots. The JS "offers a platform to ventilate the people's grievances and to have discussions on any measure of the Government. The Opposition tries to use the platform as much as possible"<sup>4</sup>

#### The Year 1991 :

Throughout 1991 the main topic of discussion in the Jatiyo Sangsad (JS), among others was the deliberations regarding the switching over to Parliamentary form of government. Initially, the BNP was in favour of retaining the Presidential form with sovereign parliament, thereafter it took the stand that it would go by the decision of the JS. However, due to constant demand of the Opposition parties especially Awami League and also due to the fact that many members of the BNP also favoured parliamentary form, the ruling party opted for the same. Another issue constantly raised in the parliament was the demand for the repeal of the Indemnity Act of 1975. The Budget for the fiscal year 1991-1992 was also passed by the Sangsad.

---

3. Daily Star (Dhaka), April 6.

4. S.R. Chakravarty, Bangladesh Under Mujib Zia and Ershad, (New Delhi, 1995), p. 151.



## **FIRST SESSION**

The inaugural session of the new Parliament began on 5th April. It was adjourned for 16 days, barring normal weekly breaks, for holy Eid-ul-Fitr, and the situation arising out of the devastating hurricane in the coastal areas of the country. A total of 44 ordinances were placed before the Parliament. The House also passed 18 bills out of 24 introduced. A large number of members participated in the discussions on the motion of thanks for Acting President, Shahabuddin Ahmed's address. The session was prorogued by the Acting President on May 15th.

### **Inaugural Address**

The Acting President, Justice Shahabuddin Ahmed in his inaugural address to the Fifth Jatiya Sangsad on April 5th stressed the need for a drastic cut in unproductive expenditure and import of luxury items, to reduce the current heavy dependence on external assistance. He drew the attention of the Sangsad to the critical economic issues facing the country. He further observed that the new government would have to take effective measures to address itself to the major problems like population explosion, poverty, illiteracy and unemployment.<sup>5</sup>

Taking part in the debate on the Acting President's inaugural address to the House, AL and Jamaat members called for switch over to parliamentary form of government in line with the joint

declaration of 3 political alliances in November 1991. The Treasury bench was criticised for maintaining "unusual silence" on the vital question of the form of government.

Issues like the landing of Indian Helicopter in Bangladeshi territory, sharing of Ganges water between India and Bangladesh, the mutiny in Dhaka jail which resulted in the escaping of 30 prisoners and injury to some jail guards and the sending of the deposed President Ershad to Dhaka Central Jail were either raised or discussed during the initial days of the session of the Parliament.

The JS witnessed two walkouts on April 9, first by the Jatiyo Party members failing in their attempt to get the floor, and then by all the other Opposition and the Independent members in protest against the Speaker's rejection of an adjournment motion on the April 8 incidence in Dhaka Central Jail.

The JS rejected a resolution moved by Nurul Islam Moni, Independent members, to exempt agricultural loans upto Taka 10,000 on private members day on April 11.<sup>6</sup> opposing resolution, Finance Minister, Saifur Rahman told the JS that the country's outstanding agricultural loan stood at Taka 55,250 million. The decision to exempt agricultural loans upto Taka 5,000 will involve Taka 10,000 million. The Government has also exempted

---

5. Daily Star, April 6, 1991

land tax upto 25 bighas, he said. All such decisions have been taken to fulfil what he said was BNP's electoral commitment to give relief to poor farmers.

The JS passed the Hindu Religion Welfare Trust (Amendment) Bill, 1991, on April 21 with the majority of the members in the House giving their support in favour of its adoption. The bill was aimed at enhancing the capital of the Hindu Religion Welfare Trust to Taka 30 million from taka 20 million.

Foreign Minister, A.S.M. Mustafizur Rahman informed the JS on April 24, that the Tin Bigha corridor will be handed over to Bangladesh in the near future.

The 'intrusion' of Indian gunboats into Talpatty island came up for discussion when then Speaker, Abdur Rahman Biswas admitted the call attention notice from Maulana Obaidul Haq of Islamic Oikya Jote on April 28.

The JS rejected a private member's resolution for transforming Radio Bangladesh and Bangladesh Television into autonomous organisations free from government control.

Introducing the Arms (Amendment) Bill, 1991, in Parliament on April 28, PM Begum Khaleda Zia said the bill has been moved in the House in the interest of peace and security. The bill sought to extend the period of punishment to 7 years from the previous 3

---

6. Bangladesh Observer (Dhaka), April 12, 1991.

years. Begum Zia said the bill has been moved so that nobody could dare to use illegal arms and break peace in society.<sup>7</sup>

Various kinds of information are given by the 'Ministers' to the JS from time to time. Deputy Leader of the House, Prof.A.Q.M.. Badruddoza Chowdhury informed that about 150,000 people have died in Bangladesh due to **cancer** in 1990.

The Minister of State for Food, Barrister Nazmul Huda told Parliament that the country has a **food deficit** of 1.9 million metric tons. On another occasion he informed the House that the number of unemployed youth according to a survey was 13.8 million in the country.

The Minister of State for Finance Mujibur Rahman while replying to a query in the JS said that the total **bad debts** of five nationalised banks and two development financing institutions amounted to Taka 10,4567.8 million on December 31, 1989.

### **Cyclonic Storm**

Chittagong's Cox Bazar Coast was hit by a severe **cyclonic storm** at midnight on April 29 leaving a trail of destruction affecting at least 7 million people. The JS session was adjourned till May 3 afternoon in view of the emergency situation to concentrate all efforts to face th natural calamity. When the House resumed its session after a break of three days, Begum Khaleda Zia moved a condolence resolution.

On May 10th and 11th, there was full-dress discussion in the JS on the post-cyclone and tidal bore situation.

The Opposition members accused the government of monopolising relief operations and ignoring the Parliament during a national crisis.

Few other important bills were passed by the Parliament during the session. The bill relaxing provision on **election expenses** was passed by the House on May 3. The bill incorporates the amendments made by an ordinance earlier in January 1991 to add a clause to the Representation of People Order, 1972, raising the election expenses of a candidate to Taka 300,000 from Taka 100,000.<sup>8</sup>

The **Mahila Sangstha Bill, 1991** was passed by the JS on May 3.

The **Special Powers (Amendment) Bill, 1991** was passed in Parliament on May 4th night.

The House also adopted the **Penal Code (Amendment) Bill** and the **Code of Criminal Procedure (Amendment) Bill, 1991**.

The presence of **US troops** on the soil of Bangladesh came up in the Parliament on May 14 when two AL members wanted to discuss this particular issue through adjournment notice. Rejecting their adjournment notices, the Speaker said the US

---

7. Morning Sun (Dhaka), April 29, 1991

8. Bangladesh Observer, May 5, 1991.

troops had arrived here to carry out relief operations in the cyclone-affected areas and as such he (speaker) did not think that their presence had undermined the sovereignty of the country.<sup>9</sup>

### **Form of Government**

On several occasions the Awami League members raised the question of the **form of government**. It was contended that the joint declaration of three alliances stipulated a government accountable to a Sovereign Parliament. The leader of the Opposition Sheikh Hasiana blamed the ruling party leadership for not allowing Parliament to determine the future form of the government in utter disregard to their pre-election promise.

The Parliamentary Secretariat received 12 bills for amendments for change to Parliamentary Government. Of these one was brought by Deputy Leader of the Opposition Abdus Samad Azad, one by Shudangshu Shekhar Halidar, one by advocate Azaduzzaman, four by Rashed Khan Memon, four by Nurul Islam Moni and another by Major (retd.) Hafizuddin.<sup>10</sup>

However, these could not come up for discussion on the private members day, on May 9th as reviewing of the bills could not be done. The inaugural session was prorogued by Acting President Sahabuddin Ahmed, on May 15.

---

9. Ibid., May 15, 1991.

10. Dhaka Courier (News weekly from Dhaka), May 9, P.3

## SECOND SESSION

The Acting President summoned the **budget session** of the JS on June 11.

The JS adopted a **condolence resolution** on June 11, on the death of former Indian Prime Minister Rajiv Gandhi who was killed in a bomb blast on May 21.

In response to a point of privilege raised by the Awami League (AL) member Tofael Ahmed on June 11, the Prime Minister, Khaleda Zia said that the warrant of precedence of MPs could be decided by the **Privileges Committee** of the House. The Prime Minister's announcement that all the MPs would get diplomatic passports was applauded by the entire House. **National Budget 1991-92**

The Finance Minister, M.Saifur Rahman presented the **national budget for fiscal year 1991-92** to the JS on June 12 with an estimated revenue earning of Taka 85030.9 million and revenue expenditure of Taka 80832.5 million.<sup>11</sup>

The revenue surplus has been estimated at Taka 4198.4 million which will be made available to plug the defects in the development budget.

Table III shows the allocation for different sectors made in the Budget for 1991-1992. (Table Attached at the end of the Chap;Pg3)

11. Daily Star June 13, 1991.

The government gave highest allocation to **education** which is 15.5 percent of the total estimated revenue expenditure. The proposed allocation in the education sector is Taka 12,555.7 million followed by Taka 1209.83 million for defence.

Some essential items which received tax relief were margarine, CJ sheet, aluminium utensils, hand sprayers for agricultural use, feeding bottles, base metal fittings and mountings for furniture, imported fresh fruits, auto rickshaw engines, automobile parts, foreign travel, wealth tax, different educational and pharmaceutical items.<sup>12</sup>

The Minister suggested a number of fiscal measures which would make many items costlier. These included essential items like edible oil, gas, ball pen, paper and paper board, condensed milk and powder milk.

Other comparable luxury items including VCR, VCP, refrigerator and deep freeze will become costlier besides fees relating to driving will be enhanced.

Explaining the principal objective of the budget the Finance Minister said, " we have to remain prepared for short-term sacrifice for the sake of long-term development."<sup>13</sup>

He further said that the major objective of the

---

12. Source for Table III : Public Opinion Trends, (Bangladesh), Vol. XVI, No.108, June 17, 1991, p.1426.

13. New Nation (Dhaka), May 13, 1991.



government's economic development policy was the **alleviation of poverty** through higher and **equitable economic growth**. He said the Jamuna bridge, the Meghna bridge, and the flood action plan will feature prominently in the programme for infrastructure development. He held out the assurance that the women-folk would be progressively involved in the mainstream of the economic activities for meaningful development.

The Finance Minister said the ultimate aim of the new government was to build a **self reliant economy** with proper and priority utilization of resources, derived from internal and external sources where democracy, rule of law, social justice and protection of human rights shall prevail.

#### **Opposition Reaction to Budget Proposals**

The Budget was severely criticised by the various Opposition parties and members like the Awami League (AL), the Jamaat, the Jatiyo Party (JP), the BAKSAL General Secretary Abdur Razzak and National Democratic Party (NDP) General Secretary Salahuddin Quader Chowdhury.

Sheikh Hasina, AL Chief and the Leader of Opposition in Parliament said the budget would add to the sufferings of the country's poor people.<sup>14</sup>

---

14. Ibid., June 13, 1991.

She described the budget as tax laden and observed that it had imposed taxes in quite a subtle way. The AL chief thought that the budget would neither boost up the national economy nor pave the way for stepping up the production.

Referring to the grim picture of the problem stricken sectors of the country, Sheikh Hasina stressed the need for giving adequate subsidy to strengthen the agro-economy. She noted with regret that the budget made no provision for subsidy in the agricultural sector. She feared that this budget was designed to protect the interest of the vested quarters. She said it would make the rich richer and the poor poorer.

#### **Parliamentary Form of Government**

The Opposition parties in the Jatiyo Sangsad (JS) reached consensus on **parliamentary form of government** at a joint meeting held at Sangsad Bhaban on June 13, held under the chairmanship of Leader of the Opposition and Awami League President Sheikh Hasina.

After initial dithering, the BNP opted for **parliamentary form of government** with adequate checks to stop floor crossings. The party leaders believed that if the BNP switches over to a **parliamentary form of government**, the AL will have no other issue to embarrass the BNP.<sup>15</sup>

---

15. Daily Star, June 10, 1991.

## **The Government Proposals**

The Constitution Amendment Bill formulated by a special committee of BNP members seeks to ensure that the President will not dissolve a parliament unless a written advice comes from the Prime Minister.

For more safeguards to ensure stability of the government the bill will seek to further restrict floor crossings in the House by prohibiting even formation of groups by dissident or deserting members or parties. Article 70 of the Constitution provides that, "A person elected as a member of Parliament in an election in which he was nominated as a candidate by a political party shall vacate his seat if he resigns from the party or votes against that party."

The amendment bill sought to abolish the posts of the posts of Vice-President and Deputy Prime Minister.

The bill proposed a transitional provision in the Fourth Schedule under Article 150 of the Constitution to validate the appointment of Justice Shahabuddin Ahmed as Vice-President and all his actions as Acting President and to allow him to go back to the Supreme Court Bench.

### **Points of Differences with AL**

The bill prepared by the AL differed from the BNP scheme on some points.

They differed over the provision enabling the government to appoint upto 1/5th of the Ministers from among non-MPs, which BNP will prefer to retain.

Another point of difference in the two amendment bills was on the issue of dissolution of Parliament by the President. While the AL amendment bill suggested that the President could dissolve the Parliament in consultation with the PM, the BNP bill provides for dissolution of Parliament by the President with a written consent.

The procedure of election of the President posed another point of discord. The AL proposed election for the post of President should be conducted by the Chief Election Commissioner, whereas the BNP favoured election to be held under the chairmanship of the Speaker of the JS.

On July 2, PM Begum Khaleda Zia placed the much awaited Constitution Amendment Bill for switching over to the parliamentary system replacing the existing presidential system in the JS 16

#### **Constitution 11th Amendment Bill**

The Law Minister, Mirza Golam Hafiz introduced the 11th Constitution Amendment Bill in the Parliament on July 2, providing for ratification and confirmation of the appointment of Chief Justice Shahabuddin as Vice-President and all actions taken by as the Acting President.

---

16. Bangladesh Observer, July 3, 1991.

The Amendment Bill which will be a part of the-Fourth Schedule of the Constitution, also sought to ensure the return of the Acting President to the Supreme Court in accordance with the assurance given to him by the principal political alliances. <sup>17</sup>

During the introduction of the Bill, independent member Majo (retd.) Hafiz raised objection to the effect that there should not be any amendment to the Constitution for an individual which might create a bad precedent.

However, Deputy Speaker Shaikh Razzak Ali who was in the chair, negated his objection saying that there was no law in the country that there could not be any law for any individual.

The 11th Amendment did not require to be submitted for referendum.

Discussions between members of the ruling party and Opposition parties continued for sometime to narrow down the differences regarding the Constitution Amendment Bills. On July 27, they reached a consensus on the Constitution amendment Bills for switch-over to parliamentary form of government.

The report of the Select Committee on the Constitution Amendment Bills providing for switchover to parliamentary democracy was submitted to the JS by Law Minister, Mirza Golam Hafiz on July 28. The 11th and the 12th amendment bills, as

---

17. Daily Star, July 3, 1991.

proposed by the committee, were also submitted along with the report.<sup>18</sup>

The bills were put to vote after five days of intensive discussion on their general principles and clausewise amendments. A total of 700 amendments to the bills were proposed; three amendments to the 12th Amendment Bill. The rest of the amendments were rejected by voice votes.

#### The Constitution 12th Amendment Bill

The Constitution 12th Amendment Bill proposed to bring about the following basic changes:

- (1) The President, to be the titular head of the state, will be elected by the Parliament.
- (2) The Prime Minister (PM) would be the Chief Executive .
- (3) The Cabinet will be collectively responsible to the Parliament.
- (4) MPs defying the leader of their party in parliament will lose their membership.
- (5) The President will act on the advice of the PM.
- (6) Written advice will be required in respect of all calling, proroguing sessions and dissolution of Parliament. However before dissolving a parliament the President will have the liberty to

---

18. *ibid.*

determine if anybody else enjoys support of a majority of the MPs to become PM.

- (7) Referendum will be required to amend the Preamble, Articles 8 and 48 of the Constitution.
- (8) Gaps between sessions of Parliament shall not exceed 60 days.
- (9) Treaties connected with national security shall be laid in secret session of the parliament.
- (10) One-tenth of ministers can be appointed from amongst non-MPs.

The Constitution-amending legislation passed by Parliament in August 1991 was approved in a referendum the following month.

Although the consensus on the amendment bill arrived between the AL and the BNP was hailed and appreciated, but on many occasions preceding the passage of the amendment bill the cordial atmosphere in the parliament was marred. The AL members were agitated when the Constitution Amendment Bill submitted by the party was numbered 13th and thus could be placed only after the Treasury bench sponsored amendment motions were moved.

The Parliamentary system of government proposed in the Twelfth Amendment Act on 6 August was ratified by a constitutional referendum on 15 September 1991. Unprecedented national consensus was reflected by the unanimous decision in the

parliament and the popular verdict obtained through the referendum.

In the context of Bangladesh, this change is significant since the change is more from an authoritarian than a Presidential system as such.

The Awami League made consistent demands for the **withdrawal** of the **Indemnity Act**, 1975 during the sessions of the parliament. The Act blocked the trial of the killers of Bangabandhu Sheikh Mujibur Rahman.

A **Bill to separate the Judiciary from the Executive** was introduced in JS by Salahuddin Yousuf of AL and the members of the Treasury lent their unstinted support to the introduction of the Bill.<sup>19</sup>

A Bill on value added tax (VAT) was introduced by Parliament by the Finance Minister Saifur Rahman. VAT, a new kind of tax, proposed to replace sales tax at import stage and excise duty on domestic manufactures and some service sectors for ensuring transparency in taxation. But it elicited a lot of criticism from the Opposition parties. The Opposition also staged a walkout on this issue. At last the government decided to drop the bill.

The government was further criticised by the Opposition parties, especially Awami League (AL) and Jatiyo Party (JP), for its intended move to abolish the posts of democratically elected public representatives through an ordinance.

---

19. New Nation, July 19, 1991.



The Worker's Party Leader, Rashed Khan Memon, moved four bills in the JS proposing amendment to some provisions of the Constitution to ensureing Human Rights. There was no objection from any side.

A letter issued by the JS Secretariat showing MPs in the 14th place in the "warrant of precedence" provoked serious criticism in the House. A ten-member Standing Committee on Privileges, headed by the Speaker Abdur Rahman Biswas was unanimously appointed.

On 5 December 1991, a government circular elevated only the status of the PM. The members of parliament continued to occupy fourteenth position and were below the three Chiefs of Staff, and Cabinet Secretary.

The Second Session has been a very significant and efficient session of the fifth parliament.

### THIRD SESSION

When Abdur Rahman Biswas became the new President of Bangladesh, BNP member of parliament and Deputy Speaker Razzak Ali became the new Speaker of the Jatiyo Sangsad (JS).

The Third Session began on October 12 and ended on November 5, 1991. During these 14 working days the significant happenings included Sheikh Razzak Ali being elected Speaker uncontested and the discussions on the famine in the northern regions of the country, and

terrorism in the nation's campuses.

### **The Year 1992:**

#### **Fourth Session**

Jatiyo Sangsad's Winter Session began from January 4, 1992. During this session the demand by AL for the Repeal of Indemnity Ordinance became more intense. There was demand for trial of Golam Azam. The deteriorating law and order situation and campus violence was discussed in the House and the Government was criticised for its Anti-Terrorism Resistance Bill.

The opening day was marked by a walk-out by the AL and the JP members. It was alleged by the members that the government was by-passing the parliament through issuing ordinances and that the PM was violating the protocol by virtually enjoying the status of head of state.

#### **Golam Azam Issue**

AL raised the Golam Azam issue in the JS and demanded his trial. Golam Azam lost his citizenship for having collaborated with Pakistani forces during the country's war of independence. He lost his citizenship in 1972. He entered the country with Pakistani passport in 1978 and since then, had been staying in the country illegally. He was also elected the Chief of Jamaat-i-Islami.

On January 9, the BNP lost to the combined opposition by 57-62 votes on a private members resolution that asked the

government to set up a **marine police force** to guard the country's coast against piracy. Although the BNP termed the defeat as a healthy precedent of democracy, this came about primarily because of the absence of many of its members.<sup>20</sup>

On January 16th, the Speaker had to **adjourn** the House half-way when a dispute between the Law Minister Mirza Golam Hafiz and Treasury Bench Member Abdur Rab Chowdhury arose over the introduction of a Bill for raising retirement age of public servants.<sup>21</sup>

The JS adopted a bill which raised the **salary of the Supreme Court Judges** to a monthly salary of Taka 12,000 in place of Taka 8000 and that of the Chief Justice of Bangladesh to a monthly salary of 12,800.

On February 11th the JS passed a Bill to further **amend** the 1973 Act providing for raising the **remuneration and privileges** of the Ministers, State Minister and Deputy Ministers.

The monthly salary of Ministers was raised to Taka 12,000 from Taka 6,000. While for the Ministers of State, it was raised to Taka 11,000 from Taka 5,000. The Deputy Ministers' salary was raised from Taka 4,000 to Taka 11,000.<sup>22</sup>

---

20. Morning Sun (Dhaka), January 11, 1992.

21. Bangladesh Observer, January. 29, 1992.

22. Morning Sun , Feb. 12 , 1992 .

### Duty-Free Cars

Parliament voted unanimously on February 16th enhancing the remuneration and privileges, allowing import of **duty-free cars** and making provision for pension for MPs.

Just one day before the end of the session State Minister for Law, Aminul Haq tried to introduce the "Suppression of Terrorism Bill". But in the face of joint resistance by the Opposition parties, he failed to do so. The bill was later sent to the permanent commission relating to law-matters. <sup>23</sup>

The 46-day long Winter Session concluded on February 18th, with a call given by leaders of both Treasury and opposition benches to strengthen democracy on the basis of understanding and consensus.

### FIFTH SESSION

The Summer session of parliament that started on April 12 took up the **Golan Azam** issue for general discussion. At the end of the four-day discussion on the issue on April 16th, the Opposition and the independent members staged a walkout from the House protesting government refusal to accept the Opposition's demand for the trial of Golan Azam and implementation of the verdict of the 'Gano adalat' (People's Court).

---

23. Ekter (Bengali weekly from Dhaka), March 5, p. 28

Public trial of Golam Azam was held on March 28 at Suhrawardy Udyan. It was convened by the Committee for Implementation of the Spirit of Liberation War and Annihilation of the Killers and Collaborations of 1971.

The JS was prorogued on April 19 after the Treasury Bench rejected the demand of the Opposition for the trial of Pakistani national and the controversial Amir of Jamaat Islami Golam Azam by a special tribunal for the war crimes during the country's Liberation war. However the ruling party passed the proposal of Deputy Leader of the House Badruddoza Chowdhury for the trial of Golam Azam under the law enshrined in the Constitution <sup>24</sup>

In the same session **Criminal Procedure Code Amendment Bill** was introduced in the JS.

The **Myanmar Refugee Crisis** also came up for discussion. Referring to the situation of Rohingya refugees from Myanmar, the Foreign Minister expressed in the House that " we are fully convinced that the problem would be solved through talks".<sup>25</sup>

#### **SIXTH SESSION**

The **Budget Session** of Parliament, the sixth session of the Fifth Parliament opened on June 18. The Opposition which boycotted the last two days of the previous session continued its boycott for sometime over the Golam Azam Issue. The stalemate was

---

24. Bangladesh Observer, April 4, 1992

25. Bangladesh Times, April 20, 1992.

broken by the signing, of an unprecedented **joint declaration** by the ruling party and Opposition on June 29th night.

The declaration, among other things mentioned that trial of Prof. G.Azam would be held in accordance with the law of the land. As regards the case against the 24 persons for holding 'Gano Adalat' it was decided that the cases against them would be withdrawn.<sup>26</sup>

The lone Opposition Party, **Jamaat Islami** which was attending the Budget session since June 18th staged a walk-out in protest against the accord between the Treasury Bench and the boycotting Opposition.

The **Jatiyo Party (JP)** continued to boycott the Budget Session to protest the restriction on Party Chairman Ershad's joining the parliament.<sup>27</sup> The JP subsequently withdrew this boycott and joined parliament from July 7.

#### **National Budget 1992-93**

The Finance Minister M.Saifur Rahman announced Taka 18,286.33 crore budget for fiscal year 1992-93 with an overall deficit of Taka 7,732.33 crore.

Revenue income for the next financial year was estimated at Taka 10,554 crore of which Take 8,550 crore was calculated to be

---

26. Morning Sun , July 1, 1992. 27. Banladesh Observer, July 2, 1992.

27. Ibid.

the expenditure. The Taka 2, 004 crore surplus would be spent to finance a part of the Annual Development Programme (ADP) of Taka 8,650 crore. The rest was to be met from foreign assistance.

After 65 hours of debate, the Parliament passed the National Budget for 1992-93 fiscal year on July 27, by approving the Appropriation Bill, 1992.

While the BNP described the Budget as timely and pragmatic, AL was critical of the same.

Awami League MP, Aktaruzzaman Baber, participating in the general discussion on budget in parliament on July 25, said that such a budget would make the country a market for Indian goods.<sup>28</sup>

During this session there was serious discussion on the law and order situation in the country.

The mob attack on July 2 on the Chinese Embassy came up for discussion. After referred to was the violence at Adamjeenagar. The government was chided for the lapse to ensure security of the general public.

Later, on August 2nd, JS discussed the increasing violence and the July 31 killing of CPB leader Ratan Sen in Khulna.

Government's Foreign Policy came up for discussion during the session on July 23rd. Begum Khaleda Zia and most of her ministers were absent in the House as the Foreign Minister opened

---

28. Daily Star, July 28, 1992.

the debate in a 30 minute written speech that focused on the current global scenario and the foreign policy achievements of the BNP government.

The Opposition participants based their offensive mainly on the issues of Rohingya refugees and the Tin Bigha corridor problem.

The Opposition criticised the government for the failure to repatriate the Rohingyas, the Muslim refugees from Myanmar in spite of the May 15th Bangladesh Myanmar agreement.

The Government was criticised for its failure to ensure the provision of India's leasing of the corridor to Bangladesh in perpetuity.

Abdus Samad Azad referred to Begum Zia's prospective visit to Pakistan in August and said she must seize the opportunity to ensure repatriation of 250,000 Pakistanis stranded in Bangladesh and settle the assets and liabilities issue with Pakistan.

Some important bills were introduced in the parliament during this session.

On July 7th, a bill seeking to establish universities in the private sector was introduced in the parliament by Education Minister, Zamiruddin Sircar. Another bill, Inland Water Transport Workers (Employment regulation) Bill, was introduced by Labour Minister, Abdul Mannan Bhuiyan on the same day.



**Tariff Commission Bill**, seeking to make Tariff Commission a statutory body was introduced in the Parliament on July 8th.

The Sangsad passed a bill to establish Private Universities on August 5th. A large number of opposition members opposed the bill on the plea that Private Universities would make education a "Commercial Commodity"<sup>29</sup>.

The JS also passed the **Bangladesh Export Zone Authority (EZA) Bill**, 1992 during the session. It made the PM the Chairman of EZA in place of the President.

The JS also passed two Bills on **Chittagong Hill Tracts Khagachari Hill District Local Government Council (Amendment) Bill, 1992**, and **Bandarban Hill District Local Government Council (Amendment) Bill, 1992**.

#### **Motion of No-Confidence**

A no-confidence motion against the 17 month old government of the BNP was moved by seven opposition political parties spearheaded by the Awami League (AL).

After a 12-hour discussion on the move on August 12th, the Speaker ordered a division vote. The no-confidence motion was defeated in Parliament by 168 to 122 votes.<sup>30</sup>

The long budget session which began on June 18 was prorogued on August 13th. Speaker Razzak Ali read out the

---

29. Bangladesh Times, August 8, 1992.

30. Daily Star, August 13, 1992.

prorogation order of President Abdur Rahman Biswas.

## SEVENTH SESSION

The **autumn Session** of the JS began on October 11. The session witnessed heated and stormy debate on the Anti-terrorism Ordinance laid before the House. The Indian 'Push-Back' issue also figured prominently during the session. In addition several other bills were moved by the government bodies transacting normal legislative business.

### Anti-terrorism Bill

The **Curbing of Terrorist Activities Ordinance** was promulgated by the President, Abdur Rahman Biswas under the Article 93 (1) of the Constitution. The gazette was formulated to curb some special types of crime plaguing the country. It provided for trial of the cases by special tribunals.

The JS witnessed a **stormy debate** for about two hours after the Anti-terrorism Ordinance and three other Ordinances were laid before the House on October 11th.

Sheikh Hasina and 14 other Opposition members argued against the laying of the Anti-terrorism Ordinance. When the Speaker gave a ruling admitting the bill, the opposition members staged a walk-out.

The JS rejected 33 resolutions moved by the Opposition members disapproving the Anti-terrorism Ordinance by 153-94 votes on October 26th. Stormy walkout by the opposition members marked

the placing of Anti-Terrorism Bill in JS.

Hasina led the walkout by the Awami League, Communist Party of Bangladesh, Ganatantri Party and JSD (Siraj) members closely followed by the the Jatiyo Party members by Mizanur Rahman Chowdhury.<sup>31</sup>

AL termed the Bill as "A Black Law" which violated rights enshrined in the Constitution and also mitigated human rights enunciated in the UN Charter.<sup>32</sup> The Opposition parties declared their intent to continue boycott till the Bill was withdrawn.

The Anti-Terrorism Bill became a law when the President gave his assent on November 6, while the opposition parties continued to boycott the parliament.

#### **Push-Back Action**

The Indian action of pushing into Bangladesh hundreds of Bangla-speaking Muslim nationals caused grave concern among all political parties.

Parliament adopted a resolution on October 21 "strongly" protesting the so called Operation Push Back. The Treasury bench resolution termed the action as "illegal, inhuman and contrary to diplomatic norms".<sup>33</sup>

The JS passed the **National University Bill** on October 13th

---

31. Daily Star, October 28, 1992

32. Morning Sun, October 30, 1992  
after a lengthy debate. According to the bill, the university

will look after and supervise and control academic and administrative functions of all the colleges numbering 547 at the time under Dhaka, Rajshahi and Chittagong Universities.

The JS on November 3rd, passed the **Paurashava (second Amendment) Bill, 1992** creating every municipality as an administrative unit for respective area. The Paurvasha (Third Amendment) Bill, 1992 was also passed a few days later. It provided 3 reserved seats for women to be elected indirectly by the elected chairman and the commissioners of paurvasha.

The Education Minister, Zamiruddin Sircar, on November 2nd introduced two bills in the JS the **Nuclear Security and Radiation Control Bill, 1992**, and the **Establishment of National Science and Technology Museum Bill, 1992**.

#### Reflections on Two years of Parliamentary Democracy:

The Opposition boycott on the issue of Anti-Terrorism Bill continued till the end of the session. "A tentative polarization of politics" began on the issue of Anti-Terrorism Ordinance with the ruling BNP "standing alone" and "the AL and the whole spectrum of Left-oriented parties" on the other.<sup>34</sup>

---

33. Daily Star, October 22, 1992

34. Holiday, October 30, 1992.

At the end of the year 1992, after almost two years of democratic government in power, it was clear that the road to the process of institutionalization of democracy is not an easy one. However, the Parliament proved to be a useful forum where various issues of concern were laid before the House and discussed in detail. There were several occasions of confrontation between the Treasury bench and Opposition and also few occasions of consensus and compromise between them.

The Twelfth Amendment to the Constitution, passed on 6th August 1991, restored parliamentary democracy. But a clause prohibiting floor-crossing by party members was inserted. "To all intents and purposes, such a provision negated the democratic norm."<sup>35</sup>

The Fifth Parliament was by and large represented by the urban elite. "This character of the Parliament was demonstrated when in its first session the government proposal to all members of the privilege of importing a car free of duty was unanimously endorsed. Such structural limitations coupled with the attitude of neglect of government have restricted the functional capability of this Parliament."<sup>36</sup>

---

35. Syed Anwar Hussain, 'Challenges of Democratic Governance in Bangladesh', in and Economy of Bangladesh, (New Delhi, 1994), P. 118.

36. *ibid.*, P.120.

The policies of the government as reflected in the National Budget and the Acts passed by the Parliament clearly indicated the swift pace of privatization and openness of the economy.

The Prime Minister and the Ministers frequently absented themselves from the proceedings of the parliament. It was for this reason that Rashed Khan Memon of the Workers Party tabled a resolution on July 8th, 1992, seeking the attendance of the PM Mrs Khaleda Zia every Saturday to answer questions on policies of the government.

There were several occasions when the Speakers would speak with charged up emotions which would hinder the normal functioning of the House. Wordy-duel and mud-slinging between the ruling party and the Opposition would lead to stormy-scenes and pandemonium in the House.

The mike of Sheikh Hasina was switched off on April 13th, 1992 when she was speaking in the Parliament in an angry mood. The Speaker reminded her that JS was not the Paltan Maidan.<sup>37</sup>

The issue of Golam Azam was stressed out of proportion and a large part of the budget session in 1992 was boycotted by the Opposition. Once again the Opposition resorted to boycott when the Anti-Terrorism Bill was placed in the Parliament.

The clash of personalities of Khaleda Zia and Sheikh Hasina

---

37. Daily Star, April 14, 1992

has hampered the process of institutionalization of democracy in Bangladesh.

The uncompromising attitude of the ruling party, resorting indiscriminately to boycott and street politics is not conducive to the growth of fledging democracy.

Table:1

RESULTS OF ELECTIONS OF JATIYA SANGSAD HELD ON FEBRUARY  
27, 1991

Name of the Party	Number of Candidates Elected	Percentage of Total Votes Cast
Bangladesh National party (BNP)	139	30.81
Bangladesh Awami League (AL)	88	30.08
Jatiya Party (JP)	35	11.92
Jamaat-i-Islami (Jamaat)	18	12.13
Pro-Moscow Leftists	11	3.50
Pro-Chinese Leftists	1	1.23
Orthodox Islamic Parties	1	2.28
Independent and others	6	8.05
<b>Total:</b>	<b>229*</b>	<b>100</b>

\* The election in one constituency was postponed due to the death of one of the candidates. It should be mentioned here that some of the candidates were elected in more than one constituency. Khaleda Zia and Ershad each won in five constituencies. Two AL leaders, Abdur Razzak and Tofael Ahmed, were each elected in two constituencies. As one member could hold only one seat in the Jatiya Sangsad, by-elections had to be held in ten constituencies. Together with the constituency where a candidate had died, by-elections were held in eleven constituencies. In these by-election the BNP, JP and AL won 5, 4, and 2 seats respectively. In the analysis of the members of Jatiya Sangsand have been considered as the whole House of 300 members, including the members of the elections. Thirty women members elected by members of Jatiya Sangasad have not been included in the analysis.

Source : Bangladesh Election Commission.



TABLE 2:

## OCCUPATION OF THE MEMBERS OF THE JATIYA SANGSAD ELECTED IN 1991

Occupation	Number	Percentage of Total
Lawyers	56	19
Businessmen and industrialists*	160	53
Former army officers**	17	6
Landholders	12	4
Doctors	8	3
Teaching in school and Madrassa	12	4
University and College teachers	16	5
Student leaders	1	1
Journalists	6	2
Former government officers	6	2
Full-time politicians***	6	2
Total	300	101 <sup>#</sup>

\* Of 160 members 143 were businessmen and 17 were industrialists.

\*\* Now all businessmen and industrialists.

\*\*\* Under category "Full Time Politician" are included Sheikh Hasina, Khaleda Zia and four members belonging to Bangladesh Communist Party (Pro-Moscow) who were paid by the party for devoting full time to politics.

<sup>#</sup>Total percentage exceeds 100 because of rounding.

TABLE III  
BUDGET AT A GLANCE

(In million of Taka)

Heads	Budget 1991-92	Revised 1990-91	Budget 1990-91
A - REVENUE BUDGET			
Receipt	85030.9	78220.3	80504.6
Expenditure	80832.5	73102.4	73000.0
Revenue Surplus (a)	4198.4	5117.9	7504.6
B - FOREIGN GRANT	29698.9	25753.4	29088.1
C - CAPITAL BUDGET			
Foreign Loan	43267.2	35281.5	33275.4
D - DOMESTIC CAPITAL NET:			
Domestic Loans and Advance and Capital expenditure excluding Food outlay and ADP (Net)	(-)5754.7	(-)5570.5	(-)8117.3
Public Account of the Republic (Net)	5382.4	5486.0	2478.2
Total - Domestic Capital - Net (d)	(-) 372.3	(-)84.5	(-)5639.1
Total Budgetary Resources (a+b+c+d)	76792.2	66068.3	64229.0
Extra Budgetary Resources			
Total - Resources Available X	79941.3	6987.3	67479.0
E - USE OF RESOURCES			
Annual Development Programme	75000.0	61210.0	56680.0
Food for Works	5058.8	5098.0	4589.5
Non-ADP Projects	1804.1	801.5	850.0
Agricultural Research	200.0	200.0	200.0
Grameen Bank	---	---	---
Food Budget	3420.1	2337.8	6250.0
Outlay in Food Operation	(7720.1)	(6637.8)	(10300.0)
Transfer to Public Account of the Republic	(-4300.0)	(-4300.0)	(-4050.0)
Total Resources needs Y..	85483.0	69897.3	68569.5
Additional Resources required X-Y*	(-)5541.7	---	(-1090.5)

\*Additional resources have been proposed to be mobilised through taxes and new fiscal measures.

## CHAPTER-IV

### FUNCTIONING OF THE JATIYO SANGSAD IN THE YEARS 1993 AND 1994

The Year 1993 began with the eighth session of the Jatiyo Sangsad, the Parliament of Bangladesh.

#### **EIGHTH SESSION**

The Eighth Session of the Jatiyo Sangsad (JS), the National Parliament of Bangladesh, began on January 3 and ended on March, 11, 1993. This session had 32 working days. Being the first session of the year and so, in keeping with the tradition, the President Abdur Rehamn Biswas presented the inaugural address. A record was created during this session as it was during this session of the JS that the Fifth National Parliament completed its 207th working day. No other Parliament of Bangladesh managed to complete so many working days. Prior to this, the Second National Parliament had held 206 working days.<sup>1</sup>

The eighth session also denounced the destructing of the the gun-battle at Awami League's public rally at Chittagong, the alleged rigging at Mirpur by-election, violence at Rajshahi University, the blockade of jute and textile workers. A number Babari Mosque. Other issues raised during this session included

---

1. Dhaka Courier, 21 May, 1993.

of bills were also passed during the session.

### **President's Address**

The session opened on January 3 with the President's address. The Awami League (AL) led opposition and the Jatiyo Party (JP) boycotted the President's address.

The Jamaat Islami and National Democratic Party (NDP), and ruling Bangladesh Nationalist Party (BNP), attended while the Communist Party of Bangladesh (CPB), though present at the inaugural session, went out of the House moments before the President arrived.

The Opposition's boycott was intended to register their protest against the President's frequent promulgation of undemocratic ordinances.

President, Abdur Rahman Biswas, in his inaugural address to the JS, called for forging Unity of all, irrespective of political opinion, in the new struggle for achieving national development, progress and prosperity, "In matters of ideology our opinion may differ, but national issues spare no chance for difference of opinion," he stressed".<sup>2</sup>

In his about hour-long address, the President gave a brief resume of progress achieved under the present Government. He referred to the Chittagong Hill Tracts (CHT) issue, the Taka

---

2. Daily Star, 4 January, 1993.

25,000 million **Jamuna Multipurpose Bridge Project**, freedom of speech as a precondition to institutionalise democracy and modernization of the process of election.

Meanwhile four ordinances were laid before the House by the Law Minister, Mirza Golam Hafiz.

The House entered into an unscheduled debate following the Jamaat Leader Matiur Rahaman Nizami's appeal to discuss the Babri Mosque incident and its political implications all over the region.

#### **Babri Mosque Issue**

The JS took up the Babri Mosque issue for discussion on Jan 17th, when the House resumed after 14 days. It began discussing the demolition of Babri Mosque at Ayodhya in India on the basis of the resolution drafted by the Parliamentary Advisory Committee earlier represented by the Treasury Bench and the Opposition members, demanding reconstruction of the mosque at its old site<sup>3</sup>.

A total of 14 MPs, belonging to both the Treasury and Opposition benches deliberated on the issue on the second day. The Opposition claimed that more than two thousand temples of Hindu community were demolished and about 3000 women belonging to the minority communities were raped following the Babri Masjid demolition incident.<sup>4</sup> They blasted the government for failure in

---

3. Bangladesh Observer, 18 Jan, 1993.

4. Daily Star, 15 Jan, 1993.

taking effective steps to control the situation.

The Treasury Bench maintained that the reaction was mild one and that quick measures taken by the government, brought the situation under control. However, Treasury benchers' interference in the speech of the Deputy Leader of the Opposition resulted in pandemonium and the Speaker had to adjourn the discussion.

After four days of discussion in the JS, spreading over seven hours, both the Treasury Bench and the Opposition condemned the demolition of the Babri Mosque by the Hindu militants and subsequent communal riots in India, but a unanimous resolution could not be adopted on 20th January.<sup>5</sup>

The resolution on the mosque issue, moved by the acting Deputy Leader Majidul Haq of BNP was passed by the JS on 20th January. Seven other resolutions, including one moved by the Opposition Leader Sheikh Hasina, were rejected.

#### **Mirpur By-Election**

Parliament, deviating from the Rule of Procedure, staged a heated "debate" on February 1, right after the AL expressed apprehension that the ruling BNP will rig the Mirpur by-election, scheduled for February 3, and the latter strongly protesting it<sup>6</sup>.

The forty-five minute unscheduled debate began with Tofael Ahmed (AL) claiming that the ruling BNP, with a view to

---

5. Herald (weekly), 22 Jan, 1993.

6. Daily Star, 2 Feb, 1992.

influencing the result of the by-election, recently disbursed a grant of Taka 7,500 to each of the 150 mosques in the Mirpur constituency from the public exchequer.

Sheikh Hasina accused the ministers of rigging the just held Paurashava (municipality) polls. On 4th February, the AL staged a walk-out in JS protesting against Mirpur "poll rigging" Abdur Salam Talukdar, BNP Secretary General and Minister denied rigging in the by-election.

Meanwhile, in an emergency meeting of the Central Working Committee of the party on February 7th with Sheikh Hasina in Chair, the AL decided against participation in any future election under the BNP government and campaign for holding Parliamentary election under a caretaker government.

The eight-hour hartal to protest against the alleged rigging in Mirpur by-election was marked by sporadic clashes, bomb blasts and indiscriminate firing, which killed two persons including a five years old.

Speaking in the JS on February 10, Sheikh Hasina accused the government of adopting strong-arm tactics, imitating Ershad government, to break up hartals.

The Election Commission (EC) on February 13, announced the cancellation of the result of the Mirpur by-election and ordered for recounting on February 15. After recounting at the

Election Commission Central Auditorium in Dhaka on February 15, under the direct supervision of the Chief Election Commissioner, Justice Md. Abdur Rauf and the Election Commissioner Justice Syed Meskahuddin Hossain, the BNP candidate Syed Md. Mohsin emerged victorious.

In an article, "Lessons from Mirpur", Mafuz Anam made an apt observation.<sup>7</sup> He wrote, "The BNP has just retained a parliamentary seat, but the real victor of the Mirpur experience is the Election Commission".

**Other Issues and Bills**

On February 2, Maulana Matiur Rahman Nizami, leader of the Jamaat Islami Parliamentary group, gave an adjournment notice for discussion on the **Farakka** issue. When the Deputy Speaker rejected it, the Jamaat MP's staged a walkout.

On the same day, the Parliament witnessed noisy reaction from the opposition over the **killing of Chatra League worker** in Dhaka. Home Minister, Abdul Matin Chowdhury, told the JS on February 2, that in the past eleven months there have been 2296 murders and 474 raped in the country and 904 cases of dacoity and 956 cases of hijacking were lodged.

On February 9, State Minister for Education Md. Yunus Khan informed the JS that the rate of **illiteracy** in the country was recorded at 75.18% as per the primary census of 1991. The rate

---

7. Published in Daily Star, 20 Feb, 1993.



of female illiteracy was 81.16% and of male illiteracy 69.20%.

Home Minister Abdul Matin Chaudhury came under intense opposition fire on February 10 night when JS discussed an adjournment motion on the recent student clashes on the **Rajshahi University Campus**.

The House had a two-hour discussion on the issue. Members of all political parties, except of Jamaat, observed that the Chatra Shibir (student wing of Jamaat) was resorting to violence and killing.

During the session, bills for Direct Election to the post of Mayor of Dhaka, Rajshahi, Khulna and Chittagong city Corporation were passed. The Government refuted opposition charges of economic stagnation. State Minister of Finance, Mujibur Rahman told the JS on March 1, that the share of domestic reserves in the country's annual development programme had increased to 25% under the present government compared to that of 8% during the autocratic regime.

Mizanur Rahman Chowdhury, MP and acting Chairman of Jatiyo Party, had alleged in Parliament on February 28 that the Immigration and Customs officials at Zia International Air- port had insulted and harassed him when he was proceeding to Mecca. There was a row in the JS on March 8th over the reported "letter" carried by Mizanur Rahman. Home Minister informed the JS that a

criminal case was filed on March 7 against Miznur Rahman for carrying "objectionable papers and documents" on his visit Saudi Arabia on February 10th.

Another unfortunate incident occurred during this session. Before the Works Minister presented his statement about the much talked about **Hare Road Building** the Opposition Chief Whip AL leader Mohammad Nasim attempted to speak but was not given a chance. This enraged him and along with a few companions in a rather violently agitated manner he rushed towards the Deputy Speaker, who was presiding over the House at the time. <sup>8</sup>

The winter Session of Parliament which began on January 3, was prorogued on March 11.

#### **NINTH SESSION**

The ninth Session of the Jatiyo Sangsad (JS) was summoned by the President, Abdur Rahman Biswas on May 9. It was brief session of just five sittings, with last one meant for private members. The session was prorogued on May 13.

Sheikh Hasina, Leader of the Opposition in the Parliament and AL Chief, criticized the government for holding such a **brief session** "The opposition has been deprived of the chance to raise in the House issues like deteriorating law and order, the

---

8. Dhaka Courier, 21 May, 1993.

government corruption and misuse of power" she said.<sup>9</sup>

The proceeding of the session were dominated mainly by political issues, especially the **Nirnul Committee Movement** rather than the debates effecting the economic interests of the people.

The AL led Opposition walked out of the JS on May 9, the opening day of the session, when the Chair rejected their suggestion to adjourn the business to discuss the police action on the peaceful sit-in on the **Nirnul Samannay Committee** before the Sangsad Bhaban. The Committee was campaigning to press for the trial of Jamaat Chief Golam Azam. <sup>10</sup>

**Ganges Water Issue:** Ganges Water issue was discussed in the House on May 11th. Irrigation, Water Development and Flood Control Minister Majidul Haq told Jatiyo Sangsad on May 11th that Bangladesh was anxiously awaiting the receipt of Indian P.M., Narsimha Rao's formula to resolve the Ganges Water Issue between the two neighbours. He said that after BNP's return to power, the two governments had nine meetings, one was held at the PM's level, three at Ministerial level and five at the official level. However, the meetings had yet to produce any fruitful result. The Minister categorically told the House that Bangladesh had rejected the Indian proposal for a link canal to augment the flow

---

9. Daily Star 14th May, 1993.

of the Ganges Water by taking water from the Brahmaputra and Meghna basins.

#### **TENTH SESSION**

The Parliament went into budget session on June 6th, 1993.

Besides the presentation of the national budget for the fiscal year 1993-1994, the highlights of the session were discussions around the alleged distortion of the Jatiyo Sangsad (JS) proceedings in the television round-up and Opposition's allegations of corruption against the Irrigation, Water Development and Flood Control Minister Majidul Haq.

The non-functioning of the Speaker as Acting President when President Biswas was away in Saudi Arabia from May 26 to June 6 evoked a debate in parliament when it met on June 6.

The **Bank Company (Amendment) bill, 1993** was passed by the JS on June 6th. Piloting the bill, the Finance Minister, M.Saifur Rahman said it would safeguard the interests of the people and strengthen the banking institutions.

#### **T.V.ROUND-UP PROGRAMME ISSUE :**

AL led Opposition staged a walk-at on June 7th, following debate over the distortion of the June 6th proceedings of the

---

10. Bangladesh Observer, 10 May, 1993.

House as reported in the " TV round-up programme" 11

However, on conclusion of the hour-long debate, which blocked the house to take up legislative business, Speaker Sheikh Razzak Ali referred the matter to the Privilege Committee and asked it to submit a report within three days.

A proposal to remove the concerned writer of the round-up programme was taken at the meeting of Parliamentary Privileges Committee on June 8th. The Opposition returned to the Parliament on 9th June .

Foreign Minister, Mostafizur Rahman told the Jatiyo Sangsad on June 7th, that Taka 90 million were spent for holding the SAARC Summit in Dhaka from April 10 to 11.

The Foreign Minister also informed the JS that a total of 25,935 Rohingya refugees had so far been repatriated to Myanmar<sup>12</sup>.

Speaking in the JS, Home Minister, Abdul Matin Chowdhury said that the government would take sterner action against those who would resort to terrorism in the streets and damage public property. When the Minister referred to Ershad as terrorist who captured state power, Jatiyo Party staged a walk-out in Sangsad.

**National Budget :** Finance Minister M. Saifur Rahman presented the National Budget for the fiscal year 1993-94 in the JS on the

---

11. Ibid., June, 1993

12. Daily Star, June 1993.

June 10 with an estimated revenue income at Taka 12,335 Crore and revenue expenditure at Taka 9,300 Crore, showing an estimated gross revenue surplus at Taka 3,035 Crore. The revenue receipt in this budget is 12% higher than the revised estimates for the country. 13

According to Finance Minister, fiscal deficit has been brought to 6% of the GNP from 7.1% in 1990-91, and the current account deficit has also come down below 2% of GDP from about 7%, 3 years ago.

The Finance Minister said The government would invest over half of Annual Development Programme in the development of Human Capital and Poverty Alleviation.

#### **Budget Highlights**

- \* 7.5% duty on all imported books (previously nil)
  - \* Duty on imported rice 7.5% (previously nil)
  - \* Duty on imported wheat 15% (previously 7.5%)
  - \* Stamp duty doubled Revenue Stamp duty TK 4 instead of Tk 2
  - \* Increase in Foreign Travel Tax.
  - \* Income Tax ceiling raised from TK 40,000 to Tk, 50,000.
  - \* 50% reduction of duty on cotton.
  - \* Ceiling of Turnover Tax increased from Tk 5 lakhs to 7.5 lakhs.
- 

13. Bangladesh Observer, 11th June, 1993.

- \* VAT withdrawn from cotton and poultry, milk products,
- \* Reduction in duty on milk imported in bulk.
- \* Tariff reduction on uncut diamond, gold and silver.

The Finance Minister asserted in the Parliament that the budget would definitely help the nation to reduce its dependence on foreign aid.

The Finance Bill was passed by the JS on June 28. The Speaker Sheikh Razzak Ali dismissed almost 6,000 cut motions moved by Opposition members to hasten the passage of Appropriation Bill on 30th June.

**Supreme Court Order:** A Supreme Court Order on May 11, summoning the proceedings of the Sangsad in connection with a case of contempt of court against the Information Minister Nazmul Huda, was the topic of discussion in the JS on May 11. Quoting Article 78, the Works Minister, Rafiqul Islam Miah said that the Supreme Court Order infringed the right of Parliament members. <sup>14</sup>

The JS was to have discussion on the issue on June 21st but since the Division Bench of the Supreme Court recalled its earlier Order summoning Sangsad proceedings on May 11, no ruling of the Speaker was required.

**Corruption Charges :** Tofael Ahmed (AL) brought the corruption charges against Irrigation and Water Resources Minister,

---

14. Daily Star, 20 June, 1993.

M.Majudul Haq, in the parliament of June 26. He told the House that Taka 6000 million of a Taka 9000 million project has been misappropriated. He also accused the Minister of nepotism. Speaker, Sheikh Razzak Ali, on June 27, decided to form a **Parliamentary Committee** following the demands from both the minister and the accuser. The Committee was to be a 15-member Committee, with himself as the Chairman, to probe the specific allegations. However, in view of the lack of consensus on terms of reference, the Speaker ruled that the Committee died a natural death. Protesting against the ruling, the Opposition staged a walk-out in the parliament.

Behind the scene parleys continued to work out an agreed term of reference and ultimately bore fruit. On July 13, JS, unanimously, passed a resolution, providing for a 15 member Special Parliamentary Committee headed by Speaker Sheikh Razzak Ali.

For the first time in the fifth parliament the opposition parties acted together on corruption issue and gave the appearance of opposition unity. "Prejudices of some against Jatiyo Party (JP) and hatred of many against Jamaat have been subsumed in the Unity against the government".<sup>15</sup>

In the same session **Union Parishad (Amendment) Bill**

---

15. Holiday, 9 July, 1993.



seeking to make the lowest tier of local government, institutions, "self reliant and more democratic", was adopted by the JS on July 13. <sup>16</sup> The JS on July 14 adopted the **Nuclear Safety and Raiation Control Bill, 1993** to protect the people and the environment from the risk involved in using nuclear and radioactive material and equipment which generates radioactive rays. <sup>17</sup>

A **private member bill** seeking to amend the Muslim Family Laws Ordinance of 1961 was introduced in the JS by Begum Farida Rahman of the Treasury Bench. It was forwarded to the Standing Committee. The budget session was prorogued on July 15.

#### **ELEVENTH SESSION**

The Autumn Session of the Jatiyo Sangsad (JS) witnessed a lively debate on four bills which have been pending decision of concerned Parliamentary bodies since 1991. The bills related to separation of Judiciary from the Executive, repeal of the Indemnity Ordinance 1975, setting up of an independent Parliament Secretariat and holding national level election under a caretaker government were referred to four separate parliamentary bodies for reports. <sup>18</sup> During the debate, the Opposition accused

---

16. Bangladesh Observer, 14 July, 1993.

17. Ibid, 15 July, 1993.

18. Daily Star, 13 September, 1993.

the government of lacking the political will to resolve the problems. The Law Minister denied the allegations and said that in most cases the Opposition member were responsible for the delays.

The Foreign Minister Mostafizur Rahman told the JS on September 13, that 34,000 Rohingyas have been repatriated so far and that the Myanmar Government has given clearance to 130,000 more Rohingyas to go back to their homeland.

The Industrial Relation Amendment Bill, providing for a quick disposal of cases in labour courts and restricting trade unionism in the state-owned security Printing Press Corporation was passed in the parliament on September 13.

The Government introduced in the House the Bangladesh Jute Corporation (Repeal) Bill, 1993 with the view to winding up the Corporation.

Jute Minister , Hannah Shah announced in the JS on September 14 , that \$ 2.5 million revolving fund would be raised to salvage the Jute industry.

On September 14, a full-scale discussion was held in the JS on the violence in Jahangirnagar University. <sup>19</sup>

Raising a point of order in the Parliament on September 14, Sudhangshu Shekhar Haldar (AL) alleged that with the resignation

---

19. Bangladesh Times, 14 September 1993.

of the Industries Minister, Shamsul Islam Khan . On September 12, the number of technocrat ministers in the cabinet stood at four, which was more than 1/10th and a violation of Article 56(2) of the constitution.

Deputy Leader of the House, Badrudoza Chowdhury agreed that the matter was on important Constitutional point and would be clarified.<sup>20</sup>

In a debate initiated on September 15 by Tofael Ahmad (AL), the attack resulting in the injuries to five working Journalists and Staff of daily **Ajker Kagoj** was discussed. The Home Minister, Abdul Matir Chowdhury assured the parliament that culprits responsible for the attack would be brought to book and punished.<sup>21</sup>

The report on the draft **Anti Terrorism Bill, 1992**, referred to the Standing Committee of the Ministry of Law, Justice and Parliamentary Affairs for examination, was placed before the Jatiyo Sangsad on September 22 by Law Minister Golam Hafiz. <sup>22</sup>

The report recommended that there was no need to introduce the Anti - Terrorism Bill, 1992, in the House. The Sangsad in its fourth session referred the Bill for examination on February 18, 1992, before its introduction in the House as proposed by the

---

20. Morning Sun, 15 September, 1993.

21. Bangladesh Observer 20 September, 1993.

22. Daily Star, 23 September, 1993.

then State Minister for Law Aminul Haq.

Nevertheless, the Sangsad in its Seventh Session, passed the Suppression of Terrorist Offences Bill, 1992 on November 1, 1992 with almost similar object and aim of the Anti-Terrorism Bill, 1992.

On September 26, deliberations were held in the JS, on the ways and means of **poverty alleviation**. The MPs felt that united moves were imperative to rid the country of the problem of poverty. Stalwarts from both the Treasury and Opposition benches felt that political stability was necessary for economic development and poverty alleviation<sup>23</sup>.

The bill to raise the House Rent of the Ministers by more than 150% was passed on September 26.

Deputy Speaker, Humayun Khan Panni, readout the prorogation order of the President following the passage of the **Financial Institutions Bill, 1993**. The Opposition staged four separate walk-outs dissatisfied with the statement of the State Minister for Finance, Mujibur Rahman, in reply of Opposition criticism.

#### **TWELFTH SESSION**

When the winter session of the JS began on November 21, the Opposition demanded general discussion on the **reported comments of the P.M. Khaleda Zia** regarding parliament.<sup>24</sup> As many as 28

---

23. Ibid, 27 September, 1993.

24. Ibid, 22 November, 1993.

notices seeking a discussion on the issue were submitted to the Parliament Secretariat.

Khaleda Zia had, earlier on November 7, told a Dhaka rally that "untrue statements were made in the House by some members".

The Speaker, in a ruling on November 22, fixed November 28 for a two-hour discussion on the issue. Later it was deferred to November 29. The Sangsad question hour generated heat on November 22 as several Opposition and Treasray demanded disclosure of the political identities of the killers of Chattra Dal Leader Jinnatul Islam Jinnah and businessman Humayun Zahir. -

Meanwhile, Works Minister Rafiqul Islam Miah **accused** Opposition leader, **Sheikh Hasina of contempt of parliament** and submitted privilege notice, both as minister and as a member of Parliament the said that Sheikh Hasina on her return from China on November 19 told the newsmen that "the minister tells lies on the floor of the JS"<sup>25</sup> Seeking the Speaker's ruling, he observed in his notices, that Hasina's comments were a clear breach of privilege of an M.P as well as a Minister.

The Opposition parties barring Jamaat, began **boycotting the JS** on November 25 demanding withdrawal of the Speaker's ruling on November 24, allowing a privilege motion against Sheikh Hasina.

The boycott of the Opposition continued till the stalemate was resolved on November 28 night with the AL-led Opposition re-

---

25. Ibid, 29 November, 1993.

entering the House. The ruling BNP and the Opposition reached an understanding on the crisis through negotiations mediated by the Speaker Sheikh Razzak Ali.

JS **Public Undertakings Committee** Report, submitted to the House on December 2, has found that the **Sardar Shakhawat Hussain Bokul**, the **Managing Director** of the **Sonali Bank**, of manipulating the banking rules and granting a credit of more than Taka 60 million to his friends and relatives against fake assets.<sup>26</sup>

The report of the **Parliamentary Standing Committee on Minister of Civil Aviation and Tourism**, was placed before the House on December 2, According to it, no rule or procedure was violated in processing tenders and giving works order to Messers. **Jetway System** for the procurement of four boarding bridges for the **Zia International Airport**.<sup>27</sup>

The **Industries Minister**, **Zahiruddin Khan** told the JS on December 2 that the government planned to **disinvest** 36 more **nationalized industrial units**. These industrial units, among others, included the **Bangladesh Machine Tools Factory**, **Bangladesh Diesel plant**, **Bangladesh Blade Factory** and **Sylhet Paper and Pulp Mills Ltd**.

---

26. New Nation, 3 December, 1993.

27. Daily star, 3rd December, 1993.

The JS, on December 7, decided unanimously to send the disputed District Council Bill to a 15-member Special Parliamentary Committee. The Minister for Local Government,

Abdus Salem Talukdar had tabled the bill on July 4, 1993 but it could not be passed amid differences over its provisions within the ruling party and the opposition members' objection against some of the provisions.

The brief twelfth session (12th) of parliament was prorogued on December 8. After transaction of business for 14 days, the Speaker Sheikh Razzak Ali read out the prorogation order from President Abdur Rhaman Biswas.

Speaking in the JS, before it was prorogued on December 8, P.M. Khaleda Zia referred to the District Council Bill and said that it was for the first time in the country's parliamentary history that a bill was referred to a special committee in deference to the wishes of the opposition.<sup>28</sup>

The P.M. reiterated her call to the opposition to work together to resolve the problems facing the country.

### The Year 1994

The year witnessed the persistent demand by the opposition for the National election to be held under a National snowballing into deep political crisis.

An impasse was created following a remark by the Information Minister, Barrister Nazmul Huda on the demand by

Opposition for discussing the Hebron situation. The gap between the ruling BNP and opposition further increased on the issue of alleged large-scale rigging in the Magura-2 by-election.

The Opposition continued to boycott the Jatiyo Sangsad (JS) since March 1, 1994 and through the rest of the sessions. As no formula for NCG could be arrived at, the Opposition carried on their earlier threat of resigning from the Parliament in December.

The political crisis turned into a constitutional one. The Parliament was truncated and the process of Caretaker Government (NCG), institutionalization of democracy in Bangladesh severely paralysed at the end of the year 1994.

The 13th session of the fifth Parliament was summoned to meet on February 5, by President Abdur Rahman Biswas.

#### **THIRTEENTH SESSION**

**President's Speech** Inaugurating the JS session on February 5, the President referred to Ganges water sharing issue, the Chakma issue and the Rohingya problem. He stressed on the strengthening of Democracy and said, "This Sangsad is the nursing home for consolidating democratic spirit for the future. Democracy is not consolidated only in the hands of those in

28. Bangladesh Observer, 9 December, 1993.



power, its future also lies in the sincere efforts of the Opposition"<sup>29</sup>

The MPs belonging to Awami League and Jatiyo Party (JP) staged a **walk-out** and boycotted the speech of the President to protest the killings at Lalbagh (in Dhaka).

The Jamaat Islami, Islami Oikya Jote (IOJ), led by Moulana Huq and National Democratic Party, led by Salahuddin Kader Chawdhury, however, did not join them.

PM Khaleda Zia denounced the Lalbagh carnage and assured the House on February 5 that discussion in the JS on the killings would take place. It was decided on February 13 JS would take up the issue.

Taking part in an inconclusive debate in the JS on February 13 on the **post poll-violence** on January 31, which claimed 6 lives, members from both sides expressed their deep shock at the incident and unanimously urged that the killers be brought to the book and punished.

The Opposition blamed the ruling party Bangladesh Nationalist Party (BNP) for the **Lalbagh Killings** but the Treasury bench denied the charge and instead blamed the Opposition for politicizing the issue to maximize the gains. <sup>30</sup>

---

29 Daily Star, 6 February, 1994

30 Daily Star, 14 February, 1994.

Amid a walkout by the entire Opposition, the JS on February 14

adopted by voice vote a resolution condemning the Lalbagh (Dhaka) killings.

The House on February 5 debated the controversial appointment of 9 judges to the Supreme Court and a reported statement of Chief Justice, Shahabuddin Ahmed, about the unwillingness of on part of the Ruling party and the Opposition to separate the Judiciary from executive.<sup>31</sup>

The Supreme Court Bar Association demanded the immediate removal of law Minister Mirza Golam Hafiz for "unconditional" appointment of nine High Court Judges.

After hectic parleys among the parties concerned, a fresh revised test of 9 additional High Court Division Judges was finalized. The stalemate ended on February 9 with the dropping of controversial appointees, Mirza Asaduzzamaman and Md. Habibullah.

A fresh Gazette Notification on appointment of 9 judges was read out in parliament by Works Minister Rafiqul Islam Mia, who said the appointments were made in consultation with the Chief Justice.

State Minister for Planning, Abdul Moyen Khan told parliament of February 9 that about 45% of the country's population were

---

31. Morning Sun, 6th February, 1994.

living below the poverty line according to 1992 estimate.

Local Government and Rural Development Minister (LGRD), Abdul Samad Talukdar informed the parliament on February 13 that the government spent Taka 32.6 million for four-city corporation elections held on January 30.

The Opposition and Treasury Bench members on February 10, welcomed the long awaited beginning of repatriation of Chakma refugees to their homeland in the CHT from across the border in India.<sup>32</sup>

The Opposition members, speaking in the JS, thanked the government, especially the National Committee on CHT, headed by Communication Minister Col. (retd.) Oli Ahmed for the diplomatic success in solving the eight year long problem of Chakma refugees, who took shelter in Tripura (India).

The JS witnessed a brief pandemonium during the question - hour on February 14 over the reported letters of Opposition Leader Sheikh Hasina to the foreign aid Missions. The Select Committee report on the Constitution (Amendment) Bill seeking independence of the judiciary and the rule of law was placed before the House on February 24. The Select Committee recommended amendments to Articles 95, 95, 115 and 116 of the Constitution.

---

32. Bangladesh Observer, 17 February, 1994.

Leader of the Opposition, Sheikh Hasina. speaking in the JS after it was placed in the house, said that following the amendments by Select Committee to the original bill, its basic object has been foiled as it would not ensure independence to the judiciary.

The Opposition parties in the JS have agreed to introduce a common bill proposing future elections under a **caretaker government** and to take a uniform stand on the other issues like alleged corruption by the Ministers, widespread Terrorism and independence of Judiciary.<sup>33</sup>

The unprecedented consensus came at a meeting of all Opposition parties in parliament chaired by the Leader of Opposition Sheikh Hasina at her parliamentary office on February 24th.

While the Opposition parties and groups were moving forward to forge unity on common issues, the ruling BNP was in a quandry following its debacle in the City Corporation elections in Dhaka and Chittagong.

**Corruption Charges Against Ministers:** The JS witnessed heated, and at times, acrimonious debate over the alleged corruption charges against several ministers as reported in a Bengali daily

---

33. Daily Star, 25th february, 1994, .

'Lal Sabuj The discussion started when the Opposition Chief whip Md. Nasim raised the issue through an adjournment motion. Amid arguments and counter arguments to hold a full- drers discussion in the House on Corruption, the Speaker said he would give a decision on the subject on February 27.

The entire Opposition staged a walk out from the Sangsad on February 28, in protest against the Speaker's ruling disallowing general discussion on the charges of corruption against 17 Ministers. The Speaker said since the opposition had failed to submit the documents on the charges of corruption against the ministers, he had rejected the notices.<sup>34</sup>

A bill for separate JS Secretariat was introduced in the House on February 28. It was aimed at fulfilling the constitutional obligation of the government.

#### **Minister Nazmul Huda's Remarks in JS**

Jatiyo Sangsad witnessed pandemonium on March 1 following a comment of information Minister Nazmul Huda which opposition members termed as, " an insult to their religious feelings." The entire opposition, led by AL Chief and the leader of Opposition Sheikh Hasina staged a walkout in protest against Huda's speech, in which he had remarked, with an oblique

---

34. Bangladesh Observer, 1 March, 1994.

reference to the opposition members, that "they have suddenly become Muslims." The House was discussing the possibility of fixing a date for general discussion to condemn the Hebron Carnage in which more than 60 Palestinians were Killed.<sup>35</sup>

The Minister, however, withdrew his comment, while Deputy Speaker Humayun Khan Parmi expunged the concerned portions of his speech to pacify the opposition. But the opposition demanded his "unconditional apology."

President Abdur Rahman Biswas, prorogued the 13th session of the Jatiyo Sangsad on March 7 amidst continued Opposition boycott for five days.

Earlier LGRD Minister, Abdus Salem Talukdar, told the House that much efforts had been made to make Opposition return to the House, but it failed to respond to the Treasury Bench gesture.

The Magura-2 constituency, which had been, a strong hold of AL for last 30 years, fell vacant following the death of Advocate Asaduzzaman of AL. By-election was held to fill the vacancy on March 20 and Kazi Salimul Kamal of BNP was declared victorious.

Sheikh Hasina rejected the result and alleged that massive rigging by the BNP had taken place.<sup>36</sup>

She also demanded resignation of the government and

---

35. Daily Star, 12 March, 1994.

36. Bangladesh Observer, 21 March, 1994.

transfer of power to caretaker administration for holding national elections. She said the EC had shirked its responsibilities in ensuring free and fair poll.

She called for country-wide half-day hartal on March 23 to protest against the rigging in by-election.

#### **FOURTEENTH SESSION**

The Summer session of the JS was summoned by the president to meet on May 4, after 56 days' recess since March 7. It was a brief session of nine days. The JS was prorogued on May 12.

This was for the first time in country's parliamentary history that the **entire opposition remained outside for the whole session**

The Opposition announced that it would join the JS only if a bill for holding future general elections under caretaker government is moved by the BNP.<sup>37</sup>

The 15-member Special Parliamentary Body, constituted in July 1993 to inquire the allegations of corruption against Majidul Haq, presented its 323-page final report on May 9. It admitted failure to reach a decision on the terms of reference to probe the allegations of corruption.

**Bills Passed:** The JS passed few bills during the session. The Law and Legal Documents (Amendment) Bill, the Bangladesh Shilpkala Academy (Amendment) Bill, The Police Officers (Special

37. Daily Star, 17 April, 1994.

Provision)(Amendment) Bill and the Highways (Amendment) Bill, 1994 were adopted by the JS.

A Bill providing for the establishment of a separate Secretariat for Parliament was passed on May 11 without any discussion in the absence of the opposition parties from the House.

The ruling BNP leaders said that they were ready to consider any suggestion within the frame work of constitution to improve the electoral system for ensuring free and impartial elections in the country. Badrudoza Chowdhury of BNP said that an elected government rather than care taker government represented true democratic spirit.

#### **FIFTEENTH SESSION**

The fifteenth session of the fifth Parliament began from June 6. Besides passing the national budget for 1994-95 the 36 day budget session saw the passage of 7bills and introduction of three others.

The opposition MPs who were abstaining from the House since the 13th session of the 5th parliament were absent from the house during the entire budget session.

However ,Maulana Obaidul Huq, the lone member of Islamic Oikya Jote (10J) joined the House on July 11.

Finance Minister, M.SaifurRahman, presented Taka (TK)



271.33 crore budget for 1994-95 to the Parliament on June 9. The budget proposed major steps for further liberalization of the economy, and lowering tariff and income tax rates. It did not propose any new tax.

In the budget document Finance Minister showed the revenue receipt of Tk13,637 crore and revenue expenditure of Tk9,948 crore. In the process revenue surplus of Tk 3698 crore has been shown and same surplus is apparently diverted to development budget of Tk 11,000 crore. Calculated together, the revenue and development, budget turns out to be of Tk 20,948 crore. That being so, the budget for 1994-95 may be considered a deficit budget, with continual dependence on inflow of foreign assistance.<sup>38</sup>

### **Budget Highlights**

- \* The GDP growth target set at 6 percent as against 5 percent achieved in 1993-94.
- \* No new tax proposed.
- \* Kerosene, diesel, urea and furnace oil price reduced.
- \* Jamuna Surcharge and levy withdrawn.
- \* Duty reduced on edible oil, sugar and a host of industrial materials.
- \* Expansion of the VAT Coverage to wholesaler and retailers on voluntary basis.

---

38. Shiekh. M. Yunus, " Budget: Indivisible, inaudible ...," Dhaka Courier, 17 June, 1994.

- \* Highest custom duty rate is reduced to 60% from 75%.
- \* Highest Annual Development Programme Allocation (ADP) of Tk 1566 to education.
- \* Provision of TK 300 crore for voluntary retirement.
- \* Income Tax ceiling raised to TK 55,000 from TK,50,000.

On June 29, the JS approved the Budget for 1994-95 by voice vote.

Four adjournment motions against controversial author Taslima Nasreen were rejected by the speaker on June 6. The **Bangladesh Industrial Enterprises (Nationalisation)(Amendment) Bill, 1994**, seeking to turn the heavily losing public sector industries into public limited companies was introduced in Parliament on June 6.

A **Bill to strengthen Election Commission (EC)** was introduced by the Minister for Law, Justice and Parliamentary Affairs, Mirza Golam Hafiz in the JS on June 29 seeking to further strengthen and provide wide ranging powers to the EC to ensure free and fair polls.<sup>39</sup>

However, in the absence of any discussion with the Opposition in the House the bill was deferred by the speaker.

The Opposition continued to agitate on the issue of caretaker government.

On July 3, the JS passed the **Bangladesh Industrial Enterprises (Nationalization) Amendment Bill, 1994**. Mulana Obaidul Huq of IOJ joined on July 11. The Speaker allowed his

---

39. New Nation. 30 June, 1994.

notice for a short discussion on Talsima Nasreen issue.

### **The High Court Division Bench Notice**

The JS was prorogued on July 11. A High Court Division Bench on June 26 issued a notice upon Opposition Leader Shiekh Hasina, Maudud Ahmed (Jatiya Party) and Matin Rahman Nizami (Jamaat) to show cause under what authority of law they were abstaining from the session of Parliament and why they should not be directed to attend the parliament sessions and perform their constitutional duties and obligations as when the sessions were held.<sup>40</sup>

The Bench, however, turned down the prayer for injunction restraining the Speaker and Secretary of the Parliament Secretariat from making the payment of salaries, allowances and perks and privileges to these leaders.

The learned bench fixed 14 August for hearing. When the respondent Opposition leaders prayed on 27 July for time for submission of their reply.

The lawyers of opposition leaders argued that the P.M. Khaleda Zia frequently "boycotts" the parliament. She attended the parliament session in 1993 for six sittings only. The total sitting days of the five sessions of the parliament held in 1993 had 140 sitting days.<sup>41</sup>

---

40. New Nation, 26 June, 1994.

41. Mizanur Rahman Khan, "JS: Boycott with Allowances" Dhaka Courier, 12 August, 1994.

It was also pointed out that such a notice of High Court Division amounted to interference of the judiciary in the affairs of the parliament.

According to the officials of the Parliamentary Secretariat, the members of Opposition parties have been participating in regular work of the secretariat. Opposition members have been included in parliamentary delegation to Thailand, Korea and Canada.

Speaking in a rally in Dhaka on July 27, Sheikh Hasina declared that the overthrow of the government was her party's solitary aim. She described Khaleda Zia's government as "dishonest, corrupt and vote dacoit", saying the country as a whole was unsafe under such rulers.<sup>42</sup>

The use of such language on part of Sheikh Hasina caused concern among quarters trying to take initiatives for dialogue to solve the situation arising out of the continuous boycott of parliament.

#### **SIXTEENTH SESSION**

The Sixteenth Session of the fifth JS took place from August 30 to September 14 amidst continued boycott of the opposition members.

During the 16-day Session the Sangsad passed 4 bills

---

42. New Nation, 28 July, 1994.

including two important bills-**Company Bills, 1994** and the **Negotiable Instruments Bill, 1994**. The Sangsad also held a short discussion on the drought situation in the northern part of the country and its effect on the Aman cultivation.

The Prime Minister Khaleda Zia's offer of dialogue with opposition to end the stalemate received lukewarm response from the leaders of the opposition.

#### **Commonwealth's Mediation Efforts**

The Commonwealth Secretary General Emeja Anyoka proposed a government opposition dialogue on caretaker government and strengthening EC" in a bid to end the staggering political stalemate in Bangladesh.<sup>43</sup>

Sir Ninan Stephen, former Australian Governor-general arrived at Dhaka on October 13, as an envoy of Emeja Anyoku for mediation between the government and the opposition.

The crucial dialogue between the government and the opposition on the caretaker issue broke down on October 25-26 midnight but due to efforts of Sir Stephen the talks could be resumed.

On October 29, the BNP put forward a formula for a small cabinet for the interim government which could have " the

---

43. Bangladesh Observer, 21 Sept, 1994.

character of national government" with representative from all parties. According to the proposal the interim cabinet members other than the P.M. will not participate in the election.

However, the 40 day long mission of Sir Ninian Stephen could not find any acceptable solution. On November 20, the Commonwealth envoy told a Press Conference that he failed in his mission.

### **SEVENTEENTH SESSION**

Amid continued boycott by the opposition parties the JS began its seventeenth session on November 12.

During the session the Sangsad adopted **Terrorist Offenses Prevention Bill**, and the **Acquisition and Requisition of Immovable Property (Amendment) Bill, 1994**.

A bill for providing **Identity Cards** to the voters was introduced in the JS on November 28 as a step to ensure fair and impartial election to the parliament.

The JS passed the **Representation of People (Amendment) Bill 1994**, on November 30 to strengthen the EC in conducting free and fair election in the country. The High Court Division Bench asked the leaders of three major Opposition parties to return to the Sangsad but the Opposition was able to seek a stay order till January 15 by its petition to the Appellate Division of the Supreme Court.

The Opposition declared that if the demand for provision of at least three next general elections to be held under caretaker government was not accepted by the Government by December 27 then all the opposition MPs would resign from the JS.

#### **Proposal From The Government**

The government put forward a new proposal on December 28 in the JS. The proposal included 2 points ; resignation of the P.M. and her Cabinet 30 days after the announcement of schedule for election, and the formation of a non-partisan advisory council by the incumbent President in consultation with the government and the opposition to run the administration. But the proposal also envisaged that the opposition would not resort to any agitational programme.

#### **Enmasse Resignation**

Such a proposal was unacceptable to the opposition and all the opposition members of the Parliament, numbering 147 led by the Opposition leader Sheikh Hasina resigned enmasse from the JS on December 28.

The developments of the year 1994 proved a major set -back to the process of institution-building in Bangladesh. Even the credibility rating of the country among the foreign donors plummeted.

## CHAPTER V

### CONCLUSION

Legislative organ of the Government has far reaching impact on transparency in the conduct of affairs of a polity by the Government. The "Parliamentary proceedings, debates and Parliamentary Committee's performances on legislation, policy issues, national interests, national security, sovereignty and integrity and, of course, solution of national problem and tackling of emergencies constantly go to prove the willingness and ability of a party to serve the nation.<sup>1</sup>"

The Fifth Parliament in Bangladesh constituted in early 1991 passed many important legislations. The Twelfth Constitutional Amendment brought back the parliamentary form of government. Discussions and deliberations took place on national budgets and various other issues. Parliamentary committee was constituted to look into charges of corruption levelled against Ministers.

Although the legislative process was marked frequently by confrontations, bipolarization between the ruling and opposition camps, suspension of proceedings but still the Fifth Parliament

---

1. A.Q. Rasulpuri, " Transparency In State Affairs", The Bangladesh Observer, Jan. 7, 1995.



made some progress towards the process of consolidation of institution-building. However, the process got a severe jolt when the opposition resorted to continuous boycott of the Jatiyo Sangsad (JS) on the issue of Caretaker Government and ultimately resigned enmasse on December 28, 1994.

After the opposition's resignation the Parliament has lost its *raison d'etre* and gives appearance of dilapidated structure among the institutions of democracy. The deliberations and debates carried in a House without opposition are meaningless. A very basic feature of parliamentary democracy—collective responsibility—is negated in totality by the absence of Opposition from the Parliament.

Despite boycott and resignations, it is a fact that in the history of Bangladesh, right from 1947 no government could finish the whole term. Post-Resignation Scenario:

The resignation of the Members of Parliament (MPs) belonging to the opposition parties seriously destabilized the polity and endangered the democratic process and created a climate of uncertainty in the country. The nation was disappointed at the inability of the government and the opposition to resolve the crisis through negotiations and dialogue.

The Government continued to hold sessions of Parliament, even though what remained was mainly a truncated form of the

institution. PM Khaleida Zia claimed that the Jatiyo Sangsad (JS) remained fully legal with 172 MPs.

The PM urged the Opposition to return to the JS. Addressing the nation over radio and television on January 1, 1995, she said that despite being elected regime, her government had given enough concessions by offering to step down from power at the end of its tenure, thirty days before the general election.

The opposition parties, however, continued to demand fresh elections under a caretaker Government. They carried on street agitation and demonstration to compel the government to hold the general elections.

The Speaker, Sheikh Razzak Ali, withheld his decision on the resignation letters of the 147 opposition MPs for sometime. On February 23, 1995 he read out his 26-page ruling in parliament rejecting the resignation letters on constitutional and technical grounds.

Even after the constitutional limit of absence from parliament for 90 consecutive sitting days was over in June 1995, the Speaker refrained from taking any quick decision on the matter and inform the House about it.

The Speaker's time-buying tactics in the context of the resignation issue was criticised by the opposition parties.

The seats of the MPs belonging to the opposition continued to remain empty. If in any case the Government had tried to hold

the by-election to those seats, the purpose would have been defeated unless the opposition parties participated in the elections.

There are various impediments and challenges to the institution-building process in Bangladesh. How effectively the system is able to respond to these challenges would go a long way to determine road ahead for democracy in Bangladesh.

#### **Lack of Democratic Temper:**

Democratic temper means that criticism should be within limits. It calls for concession and compromise. It demands rising above petty selfish interests for the greater interest of democratic order and political stability. Above all it signifies respect for public opinion.

In Bangladesh, elite competition in political arena is fierce and the attitude of the competitors is not very congenial for sustaining a democratic environment. Political competition often takes place in a zero-sum game format.

The code of conduct necessary for the functioning of Parliament in a viable manner has so often been flouted by both the Treasury Bench and the Opposition in Bangladesh that the hard earned parliamentary democracy has been derailed.

The political leaders did not care for the kind of restraint that parliamentary democracy requires. The "speed,

drama and destruction that go with street politics"<sup>2</sup> have been resorted to by the political leadership more often than discussing contentious issues in the parliament.

The major political parties lack in-party democracy and leadership hierarchy. In Bangladesh Nationalist Party (BNP) and Awami League (AL), it is Khalada Zia and Sheikh Hasina who are the supreme leaders. The clash of personalities of these two women and their total dislike for each other has hampered dialogue and compromise so necessary for parliamentary democracy.

In her speeches, PM Khalaeda Zia has time and again condemned the opposition as "anti-nationals". Sheikh Hasina likewise has called the ruling party "vote-dacoits" and "robbers of people's right to food and vote". The Opposition Leader, while criticising the government on its performance has distorted the figures. In one speech she said that the poverty line under the BNP government has shot up to 86% from 50%.<sup>3</sup>

The intolerance and repression of the party in power on the one hand and the opposition's constant preoccupation to bring down the government instead of resorting to methods of bargaining for conflict management in legislation have impeded the process of

---

2. Jamal Uddin Ahmed, "Is Parliamentary Democracy Safe in Bangladesh", Dhaka Courier, 6 May 1994. 3. The Independent (Dhaka), 21 June, 1995.

development of healthy democratic behaviour.

Most of the bills brought by opposition members fail to become Acts. The Bill on the Amendment of Constitution to separate judiciary from the executive got stuck at the Select Committee stage.

A private member's bill for Muslim Family law, which was introduced by Begum Farida of BNP in 1993, was referred to Standing Committee for scrutiny and forgotten.

Society remained riven with divisive issues like repeal of Indemnity Ordinance and trial of Golam Azam.

The lack of consensus on Major national issues and spirit of accommodation among the political elites have hindered institutionalization of democracy in Bangladesh.

#### **The Election Commission (EC):**

Free and fair elections lay the foundation of democracy. In Bangladesh EC is a division under the PM's Secretariat and thus there are chances that it may not remain neutral while conducting elections. Although the bill proposing the issuance of identity cards and appointment of judicial officers as Returning officers is a welcome measure, it is essential that EC should be turned into independent institution as per the constitutional provision.

The organ of Judiciary plays by far the most important role in making transparency a national norm. It helps establishing rule of law in the country.

In Bangladesh Judiciary is not separate from the Executive branch. The appointment of nine judges to the Supreme Court without prior consultation of the Chief Justice in the beginning of the year 1994 clearly indicated the persistence of authoritarian streak behind the facade of democracy.

Yet, it goes to the credit of the existence of the institution of democratically elected parliament that the hue and cry raised over the issue by the opposition members in the JS led to the revision in the list of the judges to be appointed.

The High Court's ruling with regard to continued boycott of Parliament was resented. It was felt that such a ruling was tantamount to interference in the sovereignty of the House.

### **The Local Bodies:**

The Constitutional provision for the local government is enshrined in Article 59 (1) as follows :

"Local Government in every administrative unit of the Republic shall be entrusted to bodies, composed of persons elected in accordance with law."

In the celebrated case of Kudrat-Elahi Panir and others Vs Bangladesh, 44 DLR (AD) 319, the Appellate Division directed the Government in July 1992 to update the local government

Bangladesh, 44 DLR (AD) 319, the Appellate Division directed the Government in July 1992 to update the local government legislations to bring them in conformity with Articles 59 (1) of the constitution, replacing non-elected persons by elected ones. In pursuance of this direction local government legislations have been changed and updated and Union Parishad, Paurashava, Municipality and City Corporation elections were held during 1993-94, to make the local government institution a part of the democratic frame work as envisaged in the Constitution.<sup>4</sup>

#### **The Press:**

The Press enjoyed greater degree of freedom during the period 1991-94, than in the past.

Nevertheless, the Government continued to own the official news agency BSS and two major newspapers, the Bengali language 'Dainik Bangla' and English language 'Bangladesh Times'. There have been instances of undue patronization of government-owned and pro-government newspapers through liberal advertisements. "The newspapers which are critical of the Government are the underdogs, a policy the Government allegedly uses to punish them."<sup>5</sup>

The government continued to control the electronic media Radio Bangladesh and Bangladesh Television.

- 
4. Justice Mustafa Kamal, " Democracy, Constitutionalism And Compromise", The Bangladesh Observer, January 5, 1995
  5. Dhaka Courier, 26 August 1994.

Journalists have been targetted by anti-social elements. There were bomb attacks on, the offices of the Bengali language dailies 'Banglabazar Patrika', 'Ittefaq', and 'Ajker Kagoj' during 1993-94.

### **Violence and Corruption:**

Violence and corruption have become major impediments to democratic governance in Bangladesh. Student groups affiliated with major political parties resort to violence and destruction so often that campuses in Bangladesh have become unsafe place.

The nexus of money power and politics breeds corruption. People often enter politics since it is avenue for economic power. Huge amount of money is spent in the elections by the candidates or provided by contributors because they expect something in return.

Corruption in administration is deep malaise in Bangladesh as in other Third world countries. It is a great impediment to the growth of democratic government to the growth of democratic governance. In Bangladesh "civilian and military bureaucrats, often engage in forms of auto-corruption by utilizing their positions for their own personal and corporate gains. They also turn their structural advantage to give benefits to politicians and legislators".

### **State of Economy:**

Democracy does not merely rest on the political functioning



and framework but also on the country's rapid growth of economic development, the growth of the country's GNP (including per capita) and general economic situation of the population in general. The last factor is of considerable importance for growth and strengthening of democracy. This is so because the low levels of living of the masses, their low income and the ever growing menace of unemployment with their "circular and cumulative causation" in the words of Gunnar Myrdal, pose a formidable challenge to planning in a country and to the existence of democracy.

The low capital formation in Bangladesh has led the country into the trap of under-development and aid. Aid invites foreign intervention and hinders strengthening of democratic institutions.

Although the poverty ratio has come down from 69.8% in 1971 to 38.9% in 1991, the country still remains one of the Least Developed Countries in world.<sup>6</sup>

#### Hope For The Future:

"Bangladesh will remain a parliamentary democracy-if Bangladeshis can keep it".<sup>7</sup> The future of democracy in Bangladesh rests a lot on the vigilant and politically active citizens of Bangladesh. The orientation of the armed forces in

---

6. Official Figures, Statistical Year Book, Bangladesh, 1991.

7. Baxter, n.45, p.136.

the country seems to have undergone some changes. They treated the movement against Ershad in later part of 1990 as a political problem. The triumph of democratic order all over the world, and especially in South Asia, may help further deepen the changing orientation of the armed forces in Bangladesh. The democratic order is more likely to be sustained and strengthened if the political parties and ruling elites can keep up the emerging consensus and compromise.

In a country where democratic institutions have been eroded and mutilated by long years of autocratic rule, it requires patience and careful nurturing for the institutions to strike deep roots.

## BIBLIOGRAPHY

### Documents and Reports :

Asian Development Outlook, (Oxford: Oxford University Press; 1993).

Bangladesh Documents, Ministry of External Affairs, New Delhi.

Bangladesh Statistical Digest, Bangladesh Bureau of Statistics, Dhaka.

Bangladesh Mukti Nirbichan Andoloan (BAMNA), Report on Elections to the Fifth National Parliament, Dhaka, 1991.

Bangladesh Towards 21st Century, Published by External Publicity, Ministry of Information, Govt. of the Peoples Republic of Bangladesh, PIB Press, Dhaka, March 1994.

The Cambridge Encyclopaedia of India, Pakistan, Bangladesh, Sri Lanka, Nepal, Bhutan and Maldives, (Cambridge : Cambridge University Press ; 1981).

International Encyclopedia of the Social Science, (London: Macmillan Publication; 1992).

### BOOKS :

Ahmed, A.F. Salauddin, Bangladesh Tradition and Transformation, (Dhaka: University Press; 1987).

Ahmed, Emajuddin, Military Rule and the Myth of Democracy, (Dhaka: University Press Ltd.; 1988).

Ahmed, Kamruddin, A Socio-Political History of Bengal and the Birth of Bangladesh, (Dhaka: Zahiruddin Mahmud Inside Library 1975).

- Ayoob, Mohammed and K. Subramanyam, The Liberation War, (New Delhi: S. Chand & Co. Pvt. Ltd.; 1972).
- Banerjee, D.N., East Pakistan - A Case study in Muslim Politics, (Delhi: Vikas Publications; 1969).
- Baral, Lok Raj, (ed.), South Asia: Democracy And The Road Ahead, (Kathmandu: Polsan; 1992).
- Beer, Lawrence Ward, ed., Constitution in Asia- Asian view of the Amercian Influence, (California: University of California Pr 1979).
- Bhatnagar, Yatindra, Bangladesh : Birth of a Nation, (Delhi: ISSD; 1971).
- Bryce, James, Modern Democracies, (Vol. I), (Calcutta: The World Press Pvt. Ltd.; 1962).
- Campbell, Robert D., Pakistan : Emerging Democracy (Princeton: D. Von Nostrand Company; 1963).
- Chakravarty, S.R., The Nineteen Seventy-nine Elections, (New Delhi: South Asian Publications; 1988).
- Chakravarty, S.R., (ed), Society, Politiy and Economy of Bangladesh, (New Delhi: Har-Anand Publications; 1994).
- Chakravarty, S.R., (ed.), Foreign Policy of Bangladesh, (New Delhi: Har-Anand Publications; 1994).
- Chakravarty, S.R., (ed.), Bangladesh Under Mujib, Zia and Ershad, (New Delhi: Har-Anand Publications; 1995).
- Chakravarty, S.R. and Virendra Narain, (ed.), Bangladesh: History and Culture (Vol I), Domestic Politics (Vol.II), Global Politics (Vol.III), (New Delhi: South Asian Publications; 1986)
- Choudhury, G.W., Constitutional Development in Pakistan, (Essex: Scorpion Publishing Ltd.; n.d.).
- Douglas, Greenberg and others, (eds), Constitutionalism and Democracy, (Oxford: Oxford University Press; 1993).

- Feldman, Herbert, From Crisis to Crisis : Pakistan 1962-69, (London: Oxford University Press; 1972).
- Franda Marcus, Bangladesh : The First Decade, (New Delhi: South Asian Publication; 1982).
- Gankoshya, Y.V. and L.R. Gordon-Polonskaya, A History of Pakistan, (Moscow: Nauka Publishing House; 1964).
- Iftekhharuzzaman and A.K.M. Abdus Sabur, Bangladesh : Society, Polity, Economy, (Dhaka: Progoti Prokashani; 1993).
- Islam, Rafiqul M., Bangladesh Liberation Movement: International Legal Implication, (Dhaka: University Press; 1987).
- Islam, Serajul, Bangladesh: State and Economic Strategy, (Dhaka: University Press Dhaka; 1988).
- Jahan, Rounak, Bangladesh Politics : Problems and Issues, (Dhaka: University Press; 1980).
- Kang, Jangseok, Conflict Management in Legislatures : Partisan Clashes in Korea, (Seoul: Sokang Press; 1990).
- Karim, A.K. Nazmul, The Dynamics of Bangladesh Society, (New Delhi: Vikas Publishing House; 1980).
- Larry, Daimond and J.J Linz, S. Martin, Lipset (eds.), Democracy in Asia, (New Delhi: Vikas Publications; 1989).
- Lifschuttz, Lawrence, Bangladesh: The Unfinished Revolution, (London: Zed Press; 1979).
- Mamoon, Muntassir and J.K. Ray, Inside Bureacracy Bangladesh, (Calcutta: Papyrus; 1987).
- Maniruzzaman, Talukdar, Bangladesh Revolution and its Aftermath, (Dhaka: BBI; 1980).
- Muhith, A.M.A., Bangladesh : Emergency of a Nation, (Dhaka: BBI; 1979).
- Puchkov, V.P., Political Development of Bangladesh (1971-1985), (New Delhi: Patriot Publications; 1989).

- Qadir, Nadeem, Bangladesh : Realities of Democracy and Crisis, (Dhaka: Academic Publishers; 1994).
- Rahman, M., Bangladesh Today : An Indictment and a Lament, (London: News and Media Book; 1978).
- Ray, J.K., Democracy and Nationalism on Trial: A Study of East Pakistan, (Simla: IIAS; 1968).
- Sayeed, K.B., Pakistan: The Formative Phase. (1857-68). (London: Oxford University Press; 1968).
- Sen, Ranglal, Political Elites in Bangladesh, (Dhaka: University Press Ltd.; 1986).
- Sen Gupta, Jyoti, History of Freedom Movement In Bangladesh, (Calcutta: Naya Prokash; 1974).
- Sharma, Shankar Dayal, The Democratic Process, (New Delhi: Sterling Publishers Pvt. Lmt.; 1993).
- Sobhan, Rehman, ed., The Decade of stagnation: Bangladesh Economy in the 1980s, (Dhaka: University Press; 1991).
- Sobhan, Rehman, The Crisis of Externational Dependence, (Dhaka: Bangladesh University Press; 1982).
- Sobhan, Rehman, Bangladesh : Problems of Governance, (New Delhi: Konark Publishers; 1993).
- Wass, Doughlas, Government And The governed: BBC Reith Lectures, (London: Routledge and Kegan Paul Publication; 1984).
- Ziring, Lawrence, Bangladesh-From Mujib to Ershad, An Interpretive Study, (Karachi: OUP; 1992).

#### ARTICLES :

- Ahmed, Nizan, " Second BNP Government : A mid - term Appraisal", Regional Studies, (London), 12 (3), Summer 1994, pp. 57-75.
- Alam, A.M. Quamrul, " The nature of the Bangladesh State in the post-1975 period," Contemporary South Asia, (Abington), 2 (3), 1993, pp. 311-25.

- Alam, S.M. Shamsul, "Military and the Crisis of Political Hegemony of Bangladesh", South Asia Bulletin, ( Los Angeles) 10 (2), 1990, pp. 32-41.
- Amin, Md. Nurul and Md. Rafiqueel Islam, "Twenty Years of Bangladesh Politics : An Overview", Regional Studies, (London), 10 (2), Spring, 1992, pp. 109-23
- Banu, U.A.B. Razia Akhtar, " The Fall of Sheikh Mujib Regime: An Analysis", Indian Political Science Review (New Delhi) Vol. XV., No. 1, Jan. 1981.
- Baxter, Craig, "Bangladesh in 1991: A Parliamentart System", Asian Survey, (Berkeley), 32 (2), Feb. 1992, pp.162-67.
- Baxter, Craig, "Bangladesh : A Parliamentary Democracy If They Can Keep It ", Current History, (Philadelphia), 91 (563), March 1992, pp. 132-36.
- Baxter, Craig and Syedur Rahman, " Bangladesh Votes 1991 : Building Democratic Institution", Asian Survey, (Berkeley), 31 (8), August 1991, pp.683-93.
- Chakravarty, S.R., "Bangladesh : The Communal Scenario", Mainstream, (New Delhi), 31 (10), 16 Jan. 1993, pp.12-16.
- Ghosh, Partha S., " Bangladesh at Crossroads: Religion and Politics", Asian Survey, (Berkeley), 33(7), July 93.
- Ghosh, Shyamali, " Constitutional Changes in Bangladesh", India Quarterly, (New Delhi), 42 (4), Oct.-Dec. 1986, pp.391-404.
- Gupta, Anirudha, " Bangladesh: Democracy Dhaka Style," Economic and Political Weekly, (Bombay), 27 (30), 25 July 1992.
- Hakim, Muhammad A., " Fall of Ershad Regime and its Aftermath", Regional Studies, (London), 10 (1), Winter 1991-92, pp.65-90.
- Hakim, Muhammad A., " Parliamentary Elections in Bangladesh : A Comparative Analysis", Regional Studies, (London), 11 (2), Spring 1993.
- Iftekharuzzaman and Mahbubur Rahman, " Transition to Democracy in Bangladesh : Issues and Outlook ", BISS Journal, (Dhaka), 12 (1), Jan. 1991.

- Kamal, Mustafa, " Democracy, Constitutionalism And Compromise ",  
The Bangladesh Observer (Newsdaily from Dhaka), January 5, 1995.
- Kamal, Sultana, " Move Towards State sponsored Islamization in  
Bangladesh", South Asia Bulletin, (Los Angeles), 10 (2), 1990,  
pp. 73-75.
- Khan Zillur R., Bangladesh in 1992 : Dilemmas of  
Democratization ", Asian Survey, (Berkeley), 33 (2), Feb.  
1993, pp. 150-56.
- Kukreja, Veena, " Parliamentary Democracy in South Asia : A  
Regional Comparative Perspective". India Quarterly, (New Delhi),  
42 (2), June 1986. pp. 166-75.
- Lahiri, Pratul, " Parliamentary Democracy in South Asia : A  
Regional Comparative Perspective", Indian Quarterly, (New Delhi),  
42 (2), June 1986.
- Maniruzzaman, Talukdar, "Fall of the Military Dictator : 1991  
Elections and the Prospect of Civilian Rule in Bangladesh",  
Pacific Affairs, (Vancouver), Summer 1992 pp. 303-24.
- Murshid, Tazeen M., " Bangladesh: the challenge of democracy -  
language, cultural and political identity", Contemporary South  
Asia (Abington), 2 (1), 1993, pp. 67-73.
- Public Opinion Trends Analysis and News Service, Bangladesh  
Series, (New Delhi), Vol. XV-XX, Jan. 1990-April, 1995.
- Rahman Aatur, "Challenge of Governance In Bangladesh", BISS  
Journal, (Dhaka), Vol. 14, No.4, 1993, pp. 461-77.
- Rahman, H.Zillur, " Landscape of violence : Local elections and  
political culture in Bangladesh", Economic and Political Weekly,  
(Bombay), 27 (47), 24 Nov. 1990, pp. 2622-2624.
- Rasulpuri, A.Q., " Transparency In State Affairs", The Bangladesh  
Observer (Newsdaily from Dhaka), Jan 7, 1995.
- Rehman, Syedur, " Bangladesh in 1988: Precarious Institution  
Building Amid Crisis Management", Pacific Affairs (Vancouver),  
Summer 1992, pp. 216-222.



Syed Humayun, "Student Politics and Bengali Nationalist Movement", Journal of Social and Economic Studies, (Kingston), (3) : New Series. 1990, pp. 17-32.

Ved, Mahendra, " Bangladesh : Bad Portends For Democracy", Strategic Analysis, (New Delhi), April 1985, pp. 111-28.

**NEWSPAPERS :**

Dhaka Courier (Weekly), Dhaka.

Holiday (Weekly), Dhaka.

The Bangladesh Observer, Dhaka.

The Bangladesh Times, Dhaka.

The Daily Star, Dhaka.

The Independent, Dhaka.

The Morning Sun, Dhaka.

The Hindustan Times, New Delhi.

The Times of India, New Delhi.

The Pioneer, New Delhi.