

**TRANSITION TO DEMOCRACY IN
BANGLADESH: PROBLEMS OF FREE AND
FAIR ELECTIONS**

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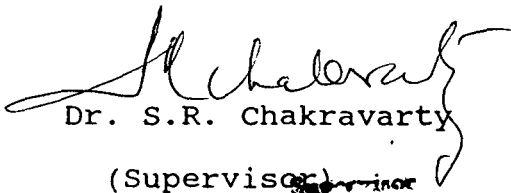
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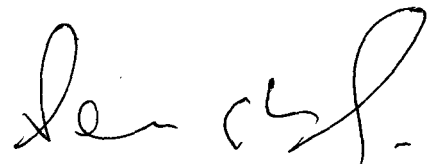
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This is to certify that the M.Phil dissertation entitled, "TRANSITION TO DEMOCRACY IN BANGLADESH: PROBLEMS OF FREE AND FAIR ELECTIONS" submitted by Mr. Babulal Naik in partial fulfilment for the award of degree of MASTER OF PHILOSOPHY of Jawaharlal Nehru University is his original work. This has not been published or submitted to any other university for any other purpose.

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Abbreviations

AL	Awami League
BNP	Bangladesh Nationalist Party
BUP	Bangladesh Unnayan Prishad
CJ	Chief Justice
DRP	Development Research Partners
EC	Election Commission
EP	East Pakistan
GF	Gono Forum
HCRC	Human and Civil Right Commission
IUF	Islamic United Front
JI	Jamaat-e-Islami
JP	Jatiya Party
JS	Jatiya Sangsad
LDF	Left Democratic Front
MRD	Movement for the Restoration of Democracy
NCG	Neutral Caretaker Government
PM	Prime Minister
UN	United Nation
WP	West Pakistan

PREFACE

The widely acclaimed free and fair election of 1991 triggered the much-awaited transition to democracy in Bangladesh. The event, for obvious reasons, coincided with what has been termed by an eminent democracy theorist, **S.P. Huntington** as "*Democracy's Third Wave*" and *Global Democratic Revolution*". Bangladesh is passing through a crucial phase facing varying challenges in its transition to democracy. Institutions which are most essential for democratic functioning of the government are still in a formative stage. In order to strengthen these institutions the demand for holding of elections under a neutral caretaker government is of immense significance, taking into consideration the surging aspirations for democracy.

Though the topic is very contemporary, it has a strong bearing upon the transition to democracy in Bangladesh. It is in this context, the dissertation has dealt with the movement demanding the holding of free, fair and impartial elections under a non-partisan and neutral caretaker government.

This work embarks on discussing these aspects related to Bangladesh's transition to democracy in five chapters.

Chapter I deals with the conceptual and theoretical dimensions of democracy in general, followed by a historical overview of democracy in Bangladesh.

In Chapter II, an analysis is done of the 1991

parliamentary election, the emergence of the BNP government and its functioning.

Chapter III is based on a study on the political movements in Bangladesh in 1990s, like the movement for the restoration of parliamentary system, the movement against anti-liberation forces and the movement to abolish the indemnity clause, etc.

Considering the significance of the movement for demanding a neutral caretaker government to ensure free, fair and impartial election in Bangladesh; a descriptive and analytical study on the subject is made in Chapter IV.

Chapter V concludes with a synoptic appraisal of the themes and contents of the preceding chapters. An attempt is also made to study the contemporary problems of Bangladesh and its prospects of democracy.

In preparing the dissertation serious attempts have been made to collect materials from all contemporary sources available in Delhi, including print and electronic media. Major Bangladeshi newspapers, journals and periodicals of the period under study have been referred. In addition, books on Bangladesh and of theoretical nature have been consulted.

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CHAPTER ONE

HISTORICAL OVERVIEW OF DEMOCRACY IN BANGLADESH

Democracy: Conceptual Basis and Theoretical Dimension

Democracy" is difficult to define, not only because it is vague, like so many political terms, but more importantly, because what one person would regard as a paradigm case another would deny was democracy at all. The word has acquired a high emotive charge in the past hundred years; it has become good tactics to apply it to one's own favoured type of regime and to deny it to rivals. The most diverse systems have been claimed as democracies of one sort or another, and the word has been comparatively redefined, to match changes into extension by appropriate changes in intention. However, there is still this much agreement; democracy consists in "government by the people" or "popular self government".¹

Democracy practised in Greece during the fourth century B.C. was the closest approximation to the literal meaning of the term. Greek democracy represents the maximum conceivable enlargement of a microdemocracy in which some thousands of citizens expressed their ayes and nays. The collective "self government" and the individual "governing in turn" Greek democracy was a direct democracy based on the actual participation of the citizens in their

1. Paul Edwards (ed), The Encyclopedia of Philosophy, vol. 2, McMillan Company & The Free Press, (New York, 1967), p. 338

government.²

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 the matters of the state and arrive at decision smoothly. All forms of direct democracy, therefore, soon become practically extinct all over the world except in a few Swiss cantons. Modern democracy has of necessity to be "representative democracy" or "indirect democracy".

Modern democracy is entirely different. It is based not on participation but on representation; it pre-supposes not direct exercise of power; it is not, in short, a system of self-government but a system of control and limitations of government.

Since World War II, "democracy" encompasses everything; as stated by a UNESCO report: ".....for the first time in the history of the Worldpractical politicians and political theorists agree in stressing the democratic element in the institutions they defend and in the theories they advocate".³

A democratic polity is usually identified as Schumpeter puts it, in a democracy "the role of the people is to

2. David L.Sill (ed), International Encyclopedia of Social Sciences, vol. 4, McMillan Company & The Free Press, (New York, 1968), p. 115

3. Ibid, p. 112

produce a government", and therefore "the democratic method is that institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people's vote".⁴ Thus, democracy is identified by the activity of its leader than by the manner of their selection. And the contention may follow that whenever one finds a "rule for the people" one finds democracy.

Democracy is a form of political organization, it must also be a pattern of leadership; nevertheless the way leaders gain and retain their authority, the extent to which their initiative respond to the interest of those they lead; their need to listen and answer criticisms.

The term democracy indicates a set of ideals and a political system. In its ideal and comprehensive form democracy essentially implies a way of life, an order of society, a pattern of culture, a model of economic relations, a form of political system and a type of state. It, as a socio-political system, is both an end and means to an end. Democracy is an objective that nation-states strive to attain in an apparently endless process of evolution.⁵ It is a mode of governance that includes some form of

4. Ibid, p. 117.

5. Iftekharuzzaman & Mahbubur Rahman, "Transition to Democracy in Bangladesh: Issues and Outlook", Biss Journal, vol. 12, No.1, 1991, p.97.

widespread participation of the people who are governed.⁶ It operates through the institutions of a representative, limited, accountable and legitimate government.

However, so far as the smooth functioning of democracy is concerned it requires some social, economic and political conditions. Some of the basic ingredients which democracy requires are to allow for the peaceful co-existence of diverse people, accommodate a plurality of ideological position,⁷ popular mandate, orderly change of the government, role of dominant social groups, free and fair elections, an autonomous Election Commission, an independent Judiciary, an independent legislature, free press and media, accountability of the executive to the legislature and the well-knit competitive party system with accommodation and tolerance.

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 freedom 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 states as their goal, the eventual establishment of

6. Ataur Rahman, "Challenges of Governance in Bangladesh", Biss Journal, vol. 14, No.4, 1993, p. 461.

7. Tazeen M. Murshid, Bangladesh: the challenge of democracy - language, culture and political identity, Contemporary South Asia, vol. 2, 1993, p. 67.

democracy".⁸ 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 revolution of democracy is not free from challenges and crises.

Democracy as indicated above, is an outcome of a continuing process. History of democracy has shown that this process has almost invariably been a chequered one. There have been ups and downs, and gaps and bridges. Democratic values and institutions took centuries to evolve and these are still in the process of evolution.

Moreover, no movement towards democracy has succeeded without violence, tragedies and traumas of one type or another. Significantly, however, these experiences of trials and errors and ups and downs have in all cases functioned as the premise for further progress towards democracy, towards building up its institutions and preservation and protection of its norms and values.

Bangladesh is a South Asian country which has emerged as a sovereign state on 16 December, 1971. Thereafter it has been facing persistent socio-economic and political changes in its transition to democracy, like any other newly emerged countries of Asia, Africa and Latin America. When Bangladesh was born out of a bitter and bloody struggle of independence, there were three overriding goals:

8. L.Diamond and Others, Democracy in Asia (New Delhi,1989), p.10.

(i) to fulfill democratic aspirations of the people through a participatory system of government which had not been possible in united Pakistan; (ii) to evolve an economic structure that could not only promote growth but also remove exploitation and injustice from the society; and (iii) to establish a national identity based on history, language and cultural heritage. Unfortunately, the past two decades of Bangladesh give a predominant impression of an era of missed opportunities and misdirected efforts.

The political heritage of Bangladesh is replete with authoritarianism and dictatorial rule. In its brief history, Bangladesh experienced extreme volatility in politics, violent changes of the government, military coups and urban mass upsurge. Bangladesh's dismal economic record in the past decades has put her almost at the bottom of Asian developing countries. On the other hand, the country's aid dependence has become overwhelming - the international donors financing the major part of the developing budget. The trade performance is poor and undermines the vulnerability of the country to extreme economic forces. Bangladesh longing for an exploitation-free society and self-reliant economy which remained a distant dream. Presently, more than 60 per cent people are living below the poverty line, 67 per cent people are unemployed and 70 per cent are illiterate in Bangladesh. While the country is still trying to achieve a respectable

economic growth, social justice and a democratic society.⁹

Bangladesh's fragile democracy is not free from challenges which most of the developed and developing democratic countries have been facing. Political views and ideologies which challenged the ruling ideology have been suppressed brutally both in pre and post independence Bangladesh.

While democracy has been the most favourite political ideology to the Bangladeshi people, authoritarianism and military rule negated the realization of the idea. On the other hand, desperate efforts to replace military-authoritarian regimes led to organised and widespread agitations, strikes, violence and hartals. The other challenges which the country is facing are, contradictory traditions of rule, serious erosion in institutional capacity of the state, two level political institutionalization, unhealthy modes of political competition, factionalism and over - politicization, violence and corruption, low quality of leadership, lack of accommodation, tolerance and ideological clash etc.

In this study the focus is on the evolutionary processes of democracy in the state of Bangladesh.

Role of East Bengal in the Formation of Pakistan

The emergence of Bangladesh as sovereign state is a landmark in contemporary history. The struggle for

9. Ataur Rahman, no. 6, pp. 462-63.

Bangladesh was not only a struggle for the emancipation of people; it was a struggle for the preservation of democratic and human values which were trampled under the foot by a ruthless military dictatorship. This struggle for the preservation of democratic and human values in Bangladesh as in other parts of the world, has developed through a historical process.¹⁰

For a long time South Asia was under the shackles of the British colonialism. In due course of time peoples awareness led to the national liberation movement and forced British colonialist to quit the sub-continent in 1947. When the British colonialists left the sub-continent, two independent states — the Indian Union and Pakistan were formed on the basis of "Two Nation Theory". Pakistan comprised of Muslim majority area, and in the form of two separate regions (west Pakistan and East Pakistan), between whose boundaries lay 1,600 kilometers of Indian territory.

In the struggle for Pakistan, Muslim League headed the movement for a separate Muslim state which had no strong base in the areas comprising West Pakistan (WP) and its leadership did not have any programme for nation-building with a democratic polity. But it had strong base in East-Bengal (East Pakistan). Within the framework of the Muslim League (ML) the Bengal Muslim League was the most democratic

10. A.F.Salahuddin Ahmad, "The Emergence of Bangladesh Historical Backgorund", in S.R. Chakravarthy & Virendra Narain's (eds.). Bangladsh History & Culture, vol. 1, (New Delhi, 1986), p. 133.

organisation which published a draft manifesto and a fairly democratic programme. ¹¹ Also the East Bengal people and the elites in the Muslim League played a vital role who have always been taken as a people cultured, nationalist, intellectuals, enlightened, more progressive, secular and democratic in nature".¹²

The birth of Muslim League through the adoption of Pakistani concept, Bengali leaders had to shape the movement and guide it. When election on the issue of Pakistan was held in 1946, Bengal alone returned the ML to power under the able leadership of Suhrawardy.¹³ The league was forced into coalition in Sind and was in opposition in the Punjab and the North Western Frontier Province (NWFP). Thus, one of the fundamental reason that inspired the Bengali Muslims to support and spearhead the cause of Pakistan was the prospect of fulfilling their democratic aspiration and the historical urge of having an independent state within the framework of Pakistan.

West Pakistan's Dominance and Exploitation over East Pakistan

The two regions of Pakistan (West and East) had no point of physical contact, people in these two areas were

11. V.D.Chopra, "Pakistan and Asian Peace", (ed.), Patriot Publishing (New Delhi, 1985), p.38.

12. Bhatnagar Yatindra, Bangladesh : Birth of a Nation, An ISSD Pub., 1971, p.42.

13. A.M.A. Muhit, Bangladesh : Emergence of a Nation, Bangladesh Book International Ltd. (Dhaka, 1978), p. 35.

completely different from one another in every respect except only in religion. The two regions were separated by about thousand miles and there were significant differences in the land systems, socio-economic conditions and relationships, the broad political traditions, linguistic, cultural, ethnological and opportunities of employment between them.¹⁴ West Pakistanis having forgotten the realities and mostly dominated the central government, consistently and systematically imposed a cultural, economic, linguistic and political hegemony upon the East Pakistanis (EPs).¹⁵ Almost in every sphere including army and bureaucracy, the East Pakistanis' were denied their honoured place in the system. East Pakistan was made the colonial hinterland of West Pakistan in the same fashion as it had been exploited by the British. The year of partnership also seen in latest Pakistani attempt to suppress the Bengali culture. The first attack was on the Bengali language which was one of the richest language of the continent of Asia and was spoken by 56 percent of population. In 1948 the central leadership in the Constituent Assembly planned to impose Urdu as the only state language for the whole of the state. Md. Jinnah and Khawaza Nozimudin in their subsequent visit to EP in March 11, 1948 and in February, 1952 declared

14. Badruddin Umar, "Society & Politics in East Pakistan" Published by Arijit Kumar for Papers & Ganendra Mitra Lane (Calcutta, 1980), p. 3

15. Jayant Kumar Roy, Democracy and Nationalism Or Trial: A Study of East Pakistan, (Simla, 1968), p.13.

that Urdu should be the only state language. This generated a great resentment among the Bengalis in EP. However, the constitution of 1956 and 1962 both accepted Bengali as one of the state languages but no effective measures were taken to introduce the language in official document or made popular in WP. Suppression of Bengali culture found expression in many subtle ways. The age-old name of East Bengal was changed into EP in 1955. Many Bengali poets and literatures were banned. The songs of Tagore, the noble laureate, were banned despite their universal appeal. During the regime of Ayub, these subtle onslaughts became very persistent and irritating.

East Pakistan in the 23 years of Pakistan rule was systematically exploited in diverse ways. Location of the central capital in WP and also of all other economic and administrative locus of power thus, contributed to the process of resource transfer from EP to WP. Foreign assistance received to alleviate the sufferings of the poor, millions was appropriated for the welfare of WP, even though it was less poor and less populous. Industries were developed in WP initially by transferring resources from agriculture of EP and they were developed by assuring protected market in EP. Export earnings of EP were utilised for imports in WP. Infrastructure facilities were deliberately not developed in EP, thus, made it unattractive for investment. Institutional credit was virtually monopolised for WP. Import licensing always favoured WP

and its people. Capital issue and development of money market also favoured WP. A parochially motivated administration and a unitary form of government did everything possible to convert EP into a colony of WP and every possible device was created to frustrate the objective of accelerated economic growth in EP.

Politics in Pakistan degenerated into intrigue. The ruling clique was predominantly West Pakistanis in composition and maintained itself in power. Throughout the period EP was being exploited for the benefits of WP. The dismissal of Fazlul Haq ministry in 1959, the establishment of One Unit in WP in 1956 and the imposition of Martial Law in 1958 were all parts of the same conspiracy to curb democratic and progressive forces in the country. In 1962 President Ayub Khan imposed an authoritarian constitution and instituted a system of so-called "Basic Democracy". It was virtually a dictatorship under a democratic garb. The National Assembly had little power, the independence of the Judiciary was severely curtailed and the Executive was made all-powerful. The Bangladeshis began to feel that only through a system of parliamentary democracy based on adult franchise and direct election they could expect to get their due share in the administration of the country.

East Pakistanis Reaction and Emergence of Bangladesh

During the period of Pakistan rule between 1947-70, Bangladesh's political history was the denial of self rule

for the Bengalis and their exclusion from effective participation in the share of state power in the centre. West Pakistani domination in the political and cultural life was already in a sore point. Economic exploitation was already beyond the limits of tolerance. There was no sign of the evolution of a common social denominator except religion.¹⁶ Under this circumstances a sense of deprivation and frustration began to develop among the East Pakistanis which gave a new sense of awareness regarding their separate political, economic and cultural identity and they reacted sharply at the time of the language controversy between 1948 and 1952.

They wanted a democratic system of government, recognition of Bengali as one of the national languages of Pakistan and proportionate share of national revenue for their development. But their demand was met with stiff resistance from the West Pakistanis,¹⁷ which gave birth to a national movement in EP for self-rule or autonomy. The movement was led by Awami League (AL), called earlier Awami Muslim League which was founded in 1949 by a faction of ML which had inherited power at the foundation of Pakistan. Such was the genesis of the Mujib's famous 'Six- point Programme' in Feb. 1966, which had opened the Pandora box of the cultural, economic and political exploitation of West

16. A.M.A. Muhi, n. 13, p. 80.

17. J.K.Ray, Op.Cit., p. 360.

Pakistanis and represented a programme for political and economic development within a broad democratic frame work.

Thus, Mujib's `six-point programme' and later Student Action committee's `Eleven-point programme' was unacceptable to Ayub who exercised power from an all-powerful centre. The six-point movement, thus, had to face much repression and Sheikh Mujib was put through the force of a trial of treason under the Agartala conspiracy case. While anti-Ayub movement had diverse causes in the West wing, in the East the issue of self-rule and release of Mujib was the dynamic part of the movement which forced Ayub to resign and transfer his power to General Yahya Khan in March 1969.¹⁸ Yahya had to promise for free elections to the constituent assembly as an inescapable measure to tranquilise the explosive situation in the East Wing. On 10th April 1969, Yahya announced that election 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. The AL led by Mujibur Rahman fought the election on the basis of `six-point' and `Eleven-point` programme and won an absolute majority in the Pakistan National Assembly winning 168 seats out of 313. Out of the 300 seats in the provincial legislature AL won 288. So this election of December 1970 to the constituent and provincial assemblies was thus, the

18. Rahman, Sobhan, Bangladesh Problems of Governance. Konark Publishers Pvt. Ltd, (New Delhi, 1993), p. 9.

third time in a quarter of century, after 1946 and 1954 that Bengalis voted overwhelmingly to assert their national identity and demand for self-rule. ¹⁹

According to normal democratic practice, Mujib should have been asked to form the government. But a conspiracy was made because the restoration of democratic process was totally against the interest of the rulers. The ruling circles of Pakistan refused to accept the result of the elections and to hand over power to the legally elected majority of the National Assembly which aggravated the situation to the extreme.²⁰ Mujib launched a country wide non-cooperation movement with the aim of complete independence . The national movement gradually developed into the war of independence. The people of Bangladesh fought relentlessly for their emancipation and to fulfil the democratic aspirations. The war ended with the complete defeat of western wing based Pakistan government on 16 December 1970 and East Pakistan emerged as a sovereign independent state, called Bangladesh.

Mujib's Regime and Democracy in Bangladesh

After the liberation of Bangladesh, one of the most important task was to establish a new political system to fulfil the long cherished dream of the people, for which they had been fighting for the last 20 years, to have a

19. Ibid, p. 17.

20. V.P. Puchkov, Political Development of Bangladesh:1971-85, Patriot Publishers, (New Delhi,1989), p. 6.

democratic government with accountability to fulfil their long suppressed aspirations.

Over the years the AL which had emerged as the standard bearer of the Bengali national movement, headed by Mujibur Rahman with his charismatic leadership formed the government in independent Bangladesh and the AL party which took power in 1971, had been built out of two decades of unrelenting struggle to establish democracy and self-rule for the people of Bangladesh.²¹ The Mujib's government was, thus, the first government to hold office in many years which was directly accountable to the people as no other government before it had been, to fulfil the long suppressed hopes and aspirations of the people of Bangladesh.

The representatives who were elected to the central and provincial legislature in 1970, formed the first Constituent Assembly of Bangladesh and drafted and adopted the constitution which provided for a parliamentary form of government, competitive party system, granted fundamental rights and freedom of the Judiciary. It also represented the "expression of the will of the people" and the liberation war and emphasized the democratic and progressive principles.

Although the initial arrangements seemed to have introduced a democratic system, the actual working of the system brought frustrating experiences. One of the

21. Sobhan, n. 21, p. 20.

outstanding reasons and manifestations was the tendency to concentrate power and authority in the dominant party and its charismatic leadership.²²

In the first general elections on 7 March 1973, the AL won 292 out of 300 seats in the parliament. Mujib was the head of the government as the Prime Minister, leader of the legislature as the leader of the parliamentary party, and head of the party as the president of the AL. All constitutional and political powers were concentrated on him. He governed more by his charisma than through institutions. Result of all these was that "three years of parliamentary democracy in Bangladesh was essentially a personal rule by Sheikh Mujib."²³

Throughout the life of Mujib's regime between 1972-75, it was exposed to no effective opposition in the national parliament. A parliament where one enjoyed such overwhelming support thus, became marginalised and hence endangered the democratic institutions. The parliament thus degenerated into a talking shop which could do little more than occasionally embraces the government at question hour and served largely to ratify GOB actions. Political opposition was registered outside the parliament in the form of a variety of armed insurgences which gave a sense of instability to the law and order situation. The response of -----

22. Iftekharuzzaman and Mahbubur Rahman, n. 5, p. 108.

23. Rounaq Jahan, Bangladesh Politics: Problems and Issues, University Press Ltd., (Dhaka, 1980), p. 133.

the regime to the threat to the stability of the realm was to set up the Jatyō Rakhi Bahini (JRB), which was seen to compromise the democratic character of the regime.²⁴

Mujib with subsequent Constitutional Amendments, curtailed the rights and power of the people and of the various institutions and undermined the democratic principles, norms and values. The constitution, First Amendment Act, 1973, could be considered undemocratic as it denied victims the right to appeal to the highest court for protection against the decision of lower courts. Thus, the first amendment initiated a trend towards curtailment of fundamental rights of the people.²⁵ The Second Constitution Amendment Bill sought to empower the President to issue a proclamation of emergency when the fundamental rights provided in the constitution would remain suspended. The bill also contained a provision extending the intervention period between the two sessions of parliament from 60 days to 120 days. The last provision would have curtailed whatever influence parliament had over the executive by reducing the frequency of the session.²⁶ The parliament passed without any serious discussion, a large number of

24. See, Sobhan, n. 21, p. 24-25.

25. Mohammad A. Hakim and Ahmad Shafiqur Huque, "Constitutional Amendment in Bangladesh", Regional Studies, vol. 12, No.2-3, 1994, p. 76

26. See U.A.B. Razia Aktar Banu, "The Fall of Sheikh Mujib Regime: A Analysis", The Indian Political Science Review, vol. xv, No. 1, January, 1981, p. 7.

laws providing interalia, for preventive detention, suspension of the activities of the unions and political parties, special trials and arrests without any warrant or cause, with no provision of appeal. So the Second Constitutional Amendment was Mujib's first draconian measure to acquire dictatorial power.

After the liberation, Mujib's government had to face threat from both internal and external forces. Law and order situation deteriorated. Underpressure from Marxist-Leninists and constitutional opposition parties, Mujib turned more authoritarian. He marginalised civil liberties, fundamental rights were suspended and powers of the court was curtailed. The press was muzzled. Some opposition newspapers were shut down. Leaders and workers of opposition parties were harassed and imprisoned. Mujib started toying with the idea of scrapping the parliamentary system and replacing it by one party presidential form of government.

The fourth amendment of the constitution had far reaching implications for the democratic principles and aspirations of the nation, was passed without any debate or discussion in the parliament unprecedented in the history of law making. The prominent features of this amendment were, replacement of parliamentary system by presidential system; substitution of multiparty democracy by single party autocracy; suspension of fundamental rights; termination of the independence of the Judiciary; and concentration of

powers in the office of the President.²⁷

Thus, Sheikh Mujib abandoned his life-long commitment to the parliamentary democracy and introduced one-party presidential system. In June 1975, he announced the formation of a national party called the Bangladesh Krishak Sramik Awami League (BAKSAL) and all other political parties were dissolved. He himself became the Chairman of the National Party. It was compulsory for every member of parliament to join the party. Members of the civil bureaucracy and the armed forces were allowed to join the party.²⁸

So one party authoritarian system was introduced and all powers of the government were transferred to the Chief Executive. This, obviously, set the stage for one party state though this was not inherent in the original constitution. Mujib's BAKSAL, the ill-fated experiment was one of suppressions of pluralism and democratic opportunities and established the institution of autocracy. The liquidation of all institutional outlets for opposition meant that the Mujib's regime was no longer exposed to democratic opinion whether in the House or in the press.²⁹

For the freedom loving and political conscious people of Bangladesh, the constitutional and political set up of

27. Mohammad A.Hakim and Ahmad Shakilul Haque, n. 28, p. 79.

28. Rounaq Jahan, n. 26, p. 119

29. Sobhan, n. 21, p. 27.

Mujib was in many respect, worse than the system introduced by Ayub Khan. To the end, the Ayub administration had provided some outlet for the opposition parties to ventilate their views, while Mujib's, new political system admitted no opposition no expression of people's grievances was considered legitimate; communication between the people and the government was allowed to be lost. The feedback became non-existent.

Therefore, it was Mujib who curbed the democratic rights and democratic processes in Bangladesh and set the first trend from a democratic to an authoritarian system in the history of Bangladesh.

Zia's Regime and Democracy

The August 1975 coup was a significant political event in Bangladesh. Thereafter, the coup and counter coups continued. On 7th November 1975, Zia assumed power but with the Chief Justice Sayem, the President and Martial Law Administrator and himself exercised de facto power as the Deputy Chief Martial Law Administrator. The era of military rule, in effect, really dates from the assumption of power by Ziaur Rahman on 7 November 1975, which paved the way for the military in Bangladesh to emerge as the ruling elite.³⁰

In his first two broadcasts to the nation on November 11 and November 23, 1975 Ziaur Rahman said:

"that he was a "soldier" and not a "politician",

30. Ibid, p. 31.

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that the regime was "interim, "non-partisan", and "non-political", and its aim was to restore "democracy to the people through free and fair elections". He stressed the importance of peace and order "to ensure healthy atmosphere for restoration of democracy."³¹

The more difficult task of establishing a stable political system eluded him. Similar to other military rulers, Ziaur Rahman tried to legitimise his regime by "civilianizing" and "democratising" his rule, and similar to other such "civilianized" and "democratised" regimes, Ziaur's too remained essentially a personal rule. As power continued to remain concentrated in his hands, the multiple political institutions Ziaur Rahman created as party of his grand design of "democratisation" became more faceds.

Zia in order to raise his support base revived the political use of religion. He lifted the ban on religion-based parties and politics and allowed multiparty system, rehabilitated the fundamentalists and extremist forces who directly or indirectly had worked against the liberation struggle, and amended the constitution, making Islam instead of Secularism, as one of its fundamental principles.³² He allowed military and bureaucratic elites to consolidate their power and had taken all the key advisors from the rank

31. Rounaq Jahan, n.26, p. 206.

32. See S.R. Chakravarty, (ed), Society, Polity and Economy of Bangladesh, Har Anand Publications, (New Delhi, 1994), p.ii.

of the civil military bureaucratic elites.

Ziaur Rahman continuously planned step by step process of "civilianization" and "democratization". On May 30, 1977, a National Referendum was held and he won a massive vote of confidence. An abortive coup attempt, in 2 October, 1977, pushed him to go more openly. He announced his design to launch a "political front" and underscored the need to initiate "a democratic process" to fill up the political vacuum. He launched a political party Known as Jatiya Badi Gonotantik Dal (JAGODAL). He conducted the presidential election in 1978. In order to broaden his base, in September 1978, he launched the Bangladesh Nationalist Party (BNP) with himself as the President. The party's goals and objectives included pledges to establish "people's democracy" and "production oriented politics", besides a Presidential form of government with a Sovereign parliament, existence of multiple political parties, economic self-reliance and social Justice but it did not specify any mechanism to achieve these goals. The organisational structure of BNP also supported the concentration of authority in party Chairman's hands. In the past parliamentary election, the BNP, in his bid to organise the party's students, youth and labour fronts used coercion and violence against political opposition. The use of patronages and the corruption of the body politic thus, became the central dynamic of the party. It brought debasement of political culture and wholesale corruption of the body

politic. Thus, the particular origin and character of the BNP and the top down character of the administration meant that the accountability of the system did not derive from the people.

The victory of the presidential election set the stage for the parliamentary election in 1979. The massive victory of the BNP in the 1979 parliamentary election was a testimony to the nature of this new political order. The BNP won 207 out of 300 seats with 41 percent of the popular vote. Zia's parliament was more or less a 'rubber stamp' in materialising the wishes of the all-powerful president. So one election was orchestrated with predetermined results and two other elections were held during the second martial law which were known to the people as election by 'vote dacoity media coup and voterless votes'.³³

An analyst had rightly mentioned that:

"The whole paraphernalia was democratic in form but authoritarian in content".³⁴

To quote another analyst, " because of Zia's politics of patronage, allowing widespread corruption, his authoritarian rule, the people did not identify themselves with his system...his system failed to get stabilized structurally, functionally and psychologically.

33. K.M. Subhar, "Democracy-Still a far cry" Dhaka Courier, vol. 9, issue 36, 23 April, 1993, p. 24.

34. Shamsul Huda Harun, Bangladesh: Voting Behaviour Study: A Prephological Study, Dhaka University, 1986, p. 223.

In a nut shell, his system finally stood as a big dysfunctional one" ³⁵ as it did not fulfil the democratic vision of the people of Bangladesh effectively.

Bangladesh saw many changes in the government, but none as a result of mass movement except Ershad's overthrow in 1990. The students ^{and} ~~literati~~ professional urban lumpen proletariat coalition had launched major political movements in 1970's, over all the middle class leadership of the various political parties and groups had found it difficult to mobilise the masses for political struggle. The liberation war of 1971 saw high mass participation and suffering. The independence of Bangladesh brought with it great expectations which later turned into great frustration, as a result, the masses were no longer enthusiastic about the political struggle as they were before independence.

Ershad's Era and Democracy:

Political instability recurred, however, Gen. Zia was assassinated on 30 May 1981 during an attempted military coup supposedly led by Maj-Gen. Muhammad Abdul Manzar, an army divisional commander who was himself later killed in confused circumstances. The elderly Vice President, Justice Abdus Sattar, assumed the role of acting President but was confronted by strikes and demonstrations in protest against

35. See A. Huq, Zia's Political and Strategies: Some Observations on their Limitations, paper presented at the Bangladesh Political Science Conference, May 30, 1984.

the execution of several officers who had been involved in the coup, and pressure from opposition parties to have the date for Presidential election moved. As the only person acceptable to the different groups within the BNP, Sattar was maintained as party's presidential candidate gaining an overwhelming victory at the November election. President Sattar announced his intention of continuing the policies of the late Gen. Zia. He found it increasingly difficult, however, to retain civil control of the country, in January 1982 he formed a National Security council, which included military personnel, led by Chief of army staff, Lt-Gen. Hussain Muhammad Ershad.³⁶

On 24 March Gen. Ershad seized power on a bloodless coup and proclaimed martial law as Chief Martial Law Administrator. The National Assembly was dissolved, constitution was temporarily suspended, President Abdus Sattar was removed and his cabinet was disbanded. All political parties were banned.³⁷ Ershad ruled for nine years between March 1982 and December 1990, more or less, in the same fashion as was designed by Ziaur Rahman, that is, imposition of Martial Law, ban on political parties, dissolution of parliament, referendum, launching of a government sponsored party, the Jatiya Party, direct mass

36. Europa Year Book, vol. 1, 1995, p. 485.

37. Rangalal Sen, "The Movement for Restoration of Democracy in Bangladesh 1982-1990: A Theoretical Framework and Social Background", in S.R. Chakravarty's (ed), Society, Polity and Economy of Bangladesh, Har Anand Publications, (New Delhi, 1994), p. 76.

contact, local bodies election followed by presidential and parliamentary ones and constitutional amendment to institutionalize actions taken during martial law, and also to change the further nature of the state.

Ershad conducted elections in 1986 and 1988, allegedly fake, to gain legitimacy for his regime. In 1986 parliamentary election only Awami League participated and was betrayed. In the subsequent elections, first, to parliament and then for the President were boycotted by the entire opposition and came to be known as the voter-less elections. These farcical elections had brought the entire institution of elections on to contempt and served to deny legitimacy to both the president and the 1988 parliament. Thus, policies under Ershad came to be based on invoking the lowest common denominator in human nature where politics was seen as part of a Hobbesian World where political life was nasty, brutish and short.³⁸

Thus, Ershad's regime was in essence a period of systematic attempt for destruction of all values, norms and institutions of democracy. The whole exercise was claimed in establishing "individual absolutism". In contrast to his effort for so called "civilianization" his military regime failed to provide him not only a civilian facade but also legitimacy. He not only crippled the civilian political institutions but also severely damaged the professionalism,

38. See Sobhan, n. 21, pp. 47-52.

dignity, integrity and self-respect of the armed forces. Accountability was totally ruined, while corruption and electoral malpractices were the basic foundation of his political survival. He literally destroyed the meaning, content and usefulness of elections.³⁹ In fact, General Ershad's rule was by all definition a total autocracy.

The MRD Movement and Overthrown of Ershad

The movement for restoration of democracy in Bangladesh from 1982 to 1990 was a determined attempt on the part of the various socio-political forces of the country which were opposed to the autocratic rule of lieutenant General Hussain Mohammed Ershad who had seized power on 24 March 1982, by ousting an elected government of the Bangladesh Nationalist Party (BNP); through a military coup d'etat. Ershad's regime continued up to 6th December 1990 when he was compelled to hand over power to the Chief Justice Shahabuddin Ahmed, according to the constitutional provisions of the country.⁴⁰

Ershad assumed power in 1981, there after, the movement for the restoration of democracy started. Agitation against Ershad was started by the lawers later joined by the students and political parties, workers and others from 1982. There were increasing demands in 1983, for a return to democratic government. The two principal opposition

39. Iftekharuzzaman and Mahbubur Rahman, n. 5, pp. 115-116.

40. See, Rangalal Sen. n. 37, p. 61.

groups that emerged were an eight-party alliance, headed by a faction of the AL under Sheikh Hasina Wajed (daughter of the late Sheikh Mujib), and a seven-party group which was led by a faction of the BNP under the former President Sattar (who died in October 1985) and Begum Khaleda Zia (widow of Gen.Zia). In September 1983 the groups formed an alliance, the movement for the restoration of democracy (MRD), and jointly issued demands for an end to martial law, for the release of political prisoners and for the holding of parliamentary elections besides other demands.⁴¹

In 1986, parliamentary election conducted by Ershad, AL alone participated. However, the BNP alliance, led by Begum Khaleda Zia, boycotted the poll. In 1987, the opposition groups continued to hold anti-government strikes and demonstrations, often with the support of the trade unions and student groups. On 6 December, only after 12 opposition members had resigned and 73 AL members had agreed to do likewise, President Ershad dissolved the Jatiya Sangsad. The movement followed by agitations to demonstrations snowballed and reached its climax in 1990. Ershad could not confront the movement and lastly he was overthrown on 4 December 1990.

Interim Government or Neutral Caretaker Government

Ershad handed over power to an interim government headed by Justice Shahabuddin Ahmed on 6 December 1990.

41. Europa Year Book, vol., 1, 1995, p. 486.

Justice Sahabuddin assumed the responsibilities of the acting President and was placed at the head of a neutral caretaker government, pending fresh parliamentary elections, purged local government and ordered a massive reshuffle in the civil service to remove persons appointed by Ershad from important posts. The opposition parties welcomed all these dramatic political developments and abandoned their protest campaigns.

The neutral caretaker government headed by Justice Shahabuddin declared fresh parliamentary elections on 27 February 1991. All the political parties participated freely. The BNP won majority of the seats and formed government. Almost all the observers appreciated the government and the 1991 election as the most free, fair and impartial election in the history of Bangladesh. It can be stated that the acting President, Justice Shahabuddin without trying to perpetuate himself in power encouraged to switch over to a parliamentary system of government and, thus, paved the way for parliamentary democracy, and Bangladesh's transition to democracy.

CHAPTER TWO

POST MRD GOVERNMENT

The movement for the restoration of democracy against the long autocratic rule of Ershad that persisted throughout the 1980s reached its climax towards the end of 1990. Ershad was overthrown and on 6 December 1990, Chief Justice of the Supreme Court, Justice Sahabuddin Ahmad, as an all party consensus candidate, was appointed as the President and head of the Neutral Caretaker Government(NCG).

The primary objective of the Sahabuddin Government or NCG was to hold an impartial election and hand over power to a sovereign parliament, restore accountability in all spheres and set the stage for democracy and economic development.¹

1991 Election

In the history of Bangladesh (and in the entire South Asian Region) for the first time, Justice Sahabuddin Ahmad as head of the NCG, held the election of Jatiya Sangsad on February 27, 1991. Almost all the political parties, like BNP, AL, Jatiya Party, Jamaat-e-Islami and their respective alliances freely participated in the election. The election was described as "free and fair" by non-government local and foreign observers.²

BNP announced a list of 292 people on January 8, 1991, for contesting the parliamentary poll. Begum Khaleda Zia had contested polls from five constituencies and BNP had made -----

1. Financial Express, (New Delhi), December 26, 1990.

2. See "Bangladesh Parliamentary Elections, February 27, 1991". In National, Democratic Institute for International Affairs, n.d.

secret arrangement with the fundamentalist Jamaat-e-Islami.

AL had announced a provisional list of 297 candidates to contest 300 seats. The candidates were selected from among tested party activists, particularly those who fought for Bangladesh's liberation. Sheikh Hasina contested from 3 constituencies and AL had made an alliance with the five-party alliance group.

A total of 2781 candidates were contested for the 300 parliamentary seats. Other major political parties and groups that participated in the election includes: Jamaat-e-Islami, Freedom Party, Zakar Party, three factions of the Muslim League(ML), Islamic United Front (IUF), Jatiya Samajtantarik Dal(JSD), Communist Party of Bangladesh, Workers Party and others, while more than a thousand independent candidates were in the fray.³

3. News Times, Hyderabad, February 9, 1991.

Table-1

Some Basic Statistics-Before the Election

Total number of elected seats in the Bangladesh Parliament	:	300
Seats reserved separately for women	:	30
Elections were held in	:	298 seats (Election countermanded in two)
Recognized Parties	:	90
Symbol in use	:	140
Recognized parties abstained from the election	:	20
Total number of candidates	:	2774
Total number of voters	:	6 crores and 22 lakhs
Major contestants	:	Awami League-led alliance, BNP-led alliance, Jatiya Party, Jamaat-e-Islami, and five party left alliance.
Number of deaths in violence connected with the election (till 26.2.91)	:	Between 50 and 60 (differentiated).
Election was held on	:	27.2.91/

Table-2

Candidatures of the major parties (according to the Election Commission)

BNP	:	298
Awami League	:	263
Jatiya Party	:	271
Zakar Party	:	250
Jamaat-e-Islami	:	221
Jasad (Rob)	:	161
Baksal	:	123
Muslim League	:	82
Freedom Party	:	64
Islami Aikyajot	:	58
NAP (Bhasani)	:	30
5-Party (left) alliance	:	155
Independents	:	424

Major Political Parties and their Election Manifesto

A major aspect of electioneering is the manifesto or the programmes and policies of every contesting party, which same as its approaches towards all major national and international issues which it pledges to follow if voted to power.⁴ In the 1991 election, the manifesto of all the major

4. Ujjawal K. Chowdhury, A Survey Report, "February 1991-General Election in Bangladesh: Background, electioneering and aftermath", Asian Studies, vol. 9, 1991, p. 73

political parties were as follows:

Bangladesh National^{ist} Party (BNP)

The BNP's election manifesto was declared by Begum Khaleda Zia on 28 January, 1991. It was based on Zia's 19 point programme, corruption free dynamic administration, independent judiciary, non-aligned foreign policy, free and competitive economy, promotion of Bengali culture and upholding of fundamental human rights, poverty alleviation, i.e. exemption of agricultural loan and interest upto Takas 5,000, supply for agricultural inputs at cheap rate, simplification of procedures for agricultural loan and ensuring of fair price to the farmers of their produces, multi party democracy, freedom of expression and freedom of the press, revival of Gram Sarkar, measures to meet five basic needs of the people and rehabilitation of the freedom fighters with full dignity.⁵

Awami League (AL)

The AL Chief, Sheikh Hasina, declared the party's election manifesto on the basis of seven-point programme, which was announced on January 30, 1988 included restoration of the spirit of the liberation war, re-introduction of parliamentary politics as envisaged in the pre-4th Amendment Constitution of 1972 and scrapping of the 5th, 6th, 7th and 8th Amendment ensuring freedom of the judiciary, democratization and pro-people decentralization of the

5. Bangladesh Public Opinion Trends Analysis. & News Services, vol. xvi, no. 19, February 7, 1991, p. 242-43.

administration.⁶ Withdrawal of all black Acts antagonistic to the fundamental rights guaranteed by the constitution, loans and interests exempted upto 5,000 for farmers, land-rent exempted upto 25 bighas. To distribute government land among landless peasants according to new laws to be legislated. Constitutional guarantee of the political neutrality of the armed forces and the sense of responsibility of the forces. Introduction of free and universal primary education and to end the tortuous plight in making the executive organs conscious of their duties and by proper implementation of the rule of law.⁷ Thus, AL's election manifesto was in tune with its traditional centrist position, petty-bourgeois class orientation, and secular and liberal democratic ethos.

Jamaat-e-Islami (JI)

Mr. Abbas Ali Khan issued Jamaat-e-Islami's 32 point election manifesto on 21 January, 1991, pledged to ensure five basic needs of the people-food, clothing, shelter, education and Medicare, an ideal Islamic state, end to all injustices, oppressions and anarchy, and restructuring of the society on the basis of Quranic values, preservation of independence and sovereignty and security, to eradicate poverty, measures to transform the population into "man power" and recast the existing land policy, abolition of un-Islamic laws and to revoke all restrictions curbing

6. Ibid, p. 243-44.

7. See, Chowdhury, n. 4.

fundamental rights. The manifesto explained Jamaat's industrial, commercial, bank and insurance policies and said shares of the public limited companies could be sold out among the people and the 'maximum share' would be fixed by the law.⁸

Jatiya Party (JP)

The Jatiya Party had no election manifesto, presupposing that its programme will not get adequate media attention. Perhaps JP never found electioneering through manifesto a worth while exercise at that time at all.⁹

5-Party Left Alliance

The 5-Party left alliance's manifesto presented basically a critique of the then "existing autocratic bourgeois order" and portrayed an alternative leftist politico-economic approach.¹⁰

Election And the Verdict

The effectiveness of the campaign for the elections held on February 27, 1991,¹¹ could be assessed the fact that 55.35 percent of the total voters cast their ballots. The election was held under an exemplary environment of peace and neutrality under the non-partisan neutral caretaker government of Justice Sahabuddin. All foreign observers

8. Bangladesh Public Opinion Trends Analysis. & News Services, vol. xvi, No. 23, February 13, 1991.

9. See Chowdhury, n.4, p. 74.

10. Ibid, p. 73.

11. Bangladesh Election Commission.

(notably from the USA, UK, Japan, SAARC and Amnesty International) in their Joint Press Conference at Media Centre (of Sona Gaon Hotel) on 28.2.91, unanimously praised the fair conduction of the polls.

The following table gives the results in different form.

Table-3

Result of the Election of Jatiya Sangsad held on February 27,1991.

Name of the Party	Number of the Candidates Elected	Percentage of total votes cast
Bangladesh Nationalist Party	139	30.81
Bangladesh Awami League (AL)	88	30.08
Jatiya Party (JP)	35	11.92
Jamaat-e-Islami	18	12.13
Pro-Moscow Leftists	11	3.50
Pro-Chines Leftists	1	1.23
Orthodox Islamic Parties	1	2.28
Independent and Others	6	8.05
Total	299	100

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. Begum Khaleda Zia and Ershad each won in five constituencies. As one member could hold only one seat in the Jatiya Sangsad (JS), by-elections had to be held in ten constituencies. Together with the constituencies where a candidate had died, by-elections were held in eleven constituencies. In these by-elections the BNP, JP and AL won 5,4, and 2 seats respectively. Thirty women members elected to due Jatiya Sangsad have not been included in

the analysis.

(Source: Bangladesh Election Commission)

As far as the result of the 1991 general election is concerned, the above table indicated that, the BNP secured 139 seats against 88 seats won by the AL. Ershad's JP won only 35 seats and Jamaat 18 seats. However, the percentage of votes secured by the two major parties was almost equal (above 31 percent).¹² Out of the total number of votes cast JP got 11.92 percent and Jamaat 12.13 percent. In the election sixty five parties did not get any seat in the polls.¹³ As the BNP could not secure an absolute majority in the election, it formed the government with the support of the Jamaat-e-Islami and the five party alliance.

BNP- its History and Association with the Military and Obscurantist Forces

The Bangladesh Nationalist Party was created by General Ziaur Rahman on 1st September, 1978, who came into power through a popular sepoy revolution on 7th November, 1975.¹⁴ General Zia was from the military background. He established himself on a more sound footing with a more stronger

12. Talukder Maniruzzaman, "The Fall of Military Dictator: 1991 Elections and the Prospect of Civilian Rule in Bangladesh", Pacific Affairs, vol. 65, p. 212.

13. Bangladesh Public Opinion Trends Analysis. & News Services, vol. xvi, NO. 39, March 12, 1991.

14. Golam Hussain, General Ziaur Rahman and the BNP, University Press, Ltd., (Dhaka, 1988), p. 10.

powerbase inside the army.¹⁵ General Zia offered the army a place of honour in national life. Zia followed a policy of balance between the armed forces and civilian groups, as a result, he launched the BNP to civilian legitimization of his Military regime as well as to ensure mass participation through political institutions.

During his time General Zia lifted ban on religious and fundamental parties like ML and Jamaat-e-Islami which were banned during the AL regime, as a result these obscurantist forces became active in the country. These pro-Islamic forces and religious based parties had never succeeded in gaining any noteworthy victories since 1937. That is why the Ulema groups strongly backed Zia in the same way as they had backed Ayub Khan in the 1960s.

Many radical politicians and Islami-Pasand persons, who had been imprisoned during Mujib's regime, had been released and almost all of them supported BNP. In addition people from other professions also joined. There were among them, retired military officers, bureaucrats, academicians, journalists, lawyers, businessmen, industrialists, doctors, engineers, landowners as well as peasants, workers, youths, women and students.¹⁶

Zia maintained close relationship with the army. He

15. Moudud Ahmad, "Democracy and the Challenge of the Development: A Study of Politics and Military Intervention in Bangladesh," Vikas Publishing House Pvt. Ltd., (New Delhi, 1995), p. 23.

16. See Hussain, n.14, pp. 45-46.

appointed many top ranking military officials in many important places. The most important ministerial jobs, like Home, Local Government, Rural Development and Cooperative, Petroleum, Shipping and Ports were given to retired army officers. President Zia also had his own loyal follower within the army. He used to visit the cantonment and exchange views with senior officers almost every night. Towards the last phase Zia tried to civilianise his military rule and legitimized it. The BNP declared the 19point programme with mass popular participation to democratize the administration.

Thus, the particular origin and character of the BNP and the top down character of the administration meant that the accountability of the system did not derive from the people.¹⁷ BNP was created by a military ruler (Ziaur Rahman) within the framework of a junta regime. It may be compared with the formation of the Republican People's Party of Kamal Ataturk in Turkey, the National Revolutionary Party of General Calles in Mexico, the Democratic Republican Party of Park Chung-Hee and Democratic Justice Party of Chan Du Huan in South Korea, or the Convention Muslim League of General Ayub Khan in Pakistan.¹⁸

However, BNP's Chief Gen. Zia was killed in a coup on May 30, 1981, in Chittagong. After his death his wife Begum

17. Sobhan, Rahman, Bangladesh Problems of Governance, Konark Publishers Pvt. Ltd., (New Delhi, 1993), p. 42.

18. See, n. 14, p. 22.

Khaleda Zia headed the BNP with the same background of the party.

BNP Under Khaleda Zia

The result of the parliamentary election held on February 28, 1991, were mildly surprising. Many observed that AL would receive a majority in the new parliament. But the BNP headed by Begum Khaleda Zia won 140 of the 300 seats. The BNP was short of a majority, but the Jamaat party agreed to work with it in subsequent indirect elections for 30 women's seats. These yielded 28 additional seats for the BNP, which gave the party a clear majority in the parliament¹⁹ and Khaleda Zia formed the government. The BNP headed by Khaleda Zia distributed the candidatures in 1991 election as shown in the table below:

Table-4

Distribution of Candidates of BNP

Student's and Youth Leaders	:	20%
Ex-Military men and Bureaucrats	:	30%
Business Men	:	20%
Others	:	30%

100%

As table-4 shows, the candidates of the BNP, those who

19. See, Craig Baxter and Syedur Rahman, "Bangladesh Votes 1991: Building Democratic Institutions", Asian Survey, vol. 31, No. 8, August 1991.

contested in the 1991 election, ex-military man, bureaucrats and businessmen constituted 50%, Student's Youth leader and others constituted 50%.

The occupational background of Khaleda Zia ministry which was formed in September 19, 1991 is given in the table below:

Table-5

Occupational Background of the Ministers of Khaleda Zia's Ministry, September 19, 1991.

Occupational Background	Number	Percentage of Total
Lawyers	8	20
Businessmen & Industrialists	18	45
Former Army Officers, Businessmen and Industrialists	5	13
Landholders	1	2
University & College Professors	5	13
Former Government Officers	2	5
Full-Time Politicians	1	2
Total	40	100

Source: Footnote No. 12

The above table-4 shows, BNP's candidates those who contested the 1991 election i.e. ex-military men, bureaucrats and businessmen were 55%. The data in table-5 clearly shows that the BNP headed by Zia's ministry which was formed on September 19, 1991, former army officers, businessmen and industrialists were 58% which constituted the dominant force in the Jatiya Sangsad.

The BNP government headed by Khaleda Zia followed the same path which Gen. Zia founded. Before the 1991 parliamentary elections Begum Khaleda Zia held a secret

meeting with Golam Azam (chief of Jamaat). They reached an understanding on sharing the seats and this unholy alliance also helped the BNP to get more seats than the number they could have normally expected to win. Yet, the BNP fell short of majority required to form a government. Once again Begum Zia met with Golam Azam. The outcome: sharing of the 30 seats reserved for women: Begum Zia formed the government with backing from Jamaat-e-Islami. Thus, Jamaat the religious based party and the fundamentalist forces once again became active during the period of Begum Zia.

However, like other Martial Law administrators Khaleda Zia used to live in Dhaka Cantonment military barracks. She included seven former army officers in her 41 members cabinet and herself kept the defence portfolio unlike all heads of the state governments who ruled Bangladesh. She repeatedly said defence would be strengthened to protect the country's independence and sovereignty. The low profile Gen. Nasim, a former Director General of the all powerful Field Intelligence (DGFI), considered close to the Prime Minister, Begum Khaleda Zia, and had superceded three or four seniors to be appointed to the top military force in the country.²⁰ The ex-military men, the soldiers-turned-politicians without their uniform dominated in certain decision making positions in the national politics in Khaleda Zia's BNP government.

Golam Azam was rehabilitated by BNP

20. Mahender Ved, "Bangladesh: Bad Portends for Democracy", Strategic Analysis, vol. xvi, No. 1, April 1995, p. 114.

Jamaat's Chief Golam Azam, betrayed the people of Bangladesh in 1971 by vehemently opposing their liberation war and by siding with the occupation armed forces of Pakistan.²¹ As a result he was stripped of his Bangladeshi citizenship in 1973. In 1978 he was permitted by Ziaur Rahman to enter Bangladesh with a Pakistani Passport, to see his ailing mother. He never left since then. He sought citizenship in 1979 and again in 1981, but was refused.²²

But after 1991 election Begum Khaleda Zia formed her government initially with the help of Jamaat and in due course of time helped Golam Azam to regain his citizenship.

On January 18, 1992 a committee known as Jahanara Imam's Committee was formed against the killers and collaborators of the 1971 independence war. Hasina Qadir, who was a member of the Imam's committee, appealed to both Khaleda & Hasina to expel Azam from the country.

Hasina charged that the "BNP's autocratic government had dashed to the ground the values of the great liberation war by assuming power" with Jamaat's support and called on the Bangladeshi's to cooperate with the trial of "war criminal and killer" Golam Azam.²³

The "People's Court":-

Golam Azam's political revival opened old wounds and

21. Dhaka Courier, December 9, 1994, p. 12.

22. See Nadeem Qadir, Bangladesh: Realities of Democracy and Crisis, Academic Publishers, (Dhaka, 1994), p. 170.

23. United News of Bangladesh Report, March 20, 1992.

led the way to demand his trial as a war criminal. The "People's Court" was organized as Suhrawardy Uddayan (Park) just opposite the Dhaka University Campus on March 26, 1992, the country's 21st Independence Day. The Uddayan on that sunny day soon turned out to be human sea, which was estimated between 100,000 to 200,000, many carrying the national flag. The prosecution brought in charges against Azam, including collaboration with the Pakistani army loot, rape and arson, and produced 15 witnesses, including five women allegedly raped by Pakistani Soldiers and followers of Jamaat leader who had then formed the Razakar Militias.

Amid chants of "Hang Azam, Hang Azam", well known advocate *Gaziul Huq* announced that the Jamaat leader has been sentenced to death in the people's court. "Such crimes would have resulted in the same penalty any where in the world", he told the dancing crowd. Soon after the verdict was announced Jahanara Imam told that, "since the court can not implement the people's verdict, I appeal to the government of Prime Minister Khaleda Zia to carry out the sentence".²⁴ The court had given the BNP government one month to execute the verdict.

The people's court verdict was criticized by the BNP government. Information Minister Nazmul Huda stated that "it was not a 'Gono Adalat' (Peoples' Court), it was a 'Hasina Adalat' (Hasina Court). He said Hasina had exposed herself by openly backing by what he called an "unlawfully

24. See n. 21, p. 75.

constituted people's court.... (she) was trying to create issues to destabilize democracy by not exercising tolerance after her party lost elections".²⁵

Thus, Azam's trial issue made to the floor of the parliament and plunged into a crisis in April after the opposition walked out following the government's refusal to budge into their demands that the fundamentalist leader be tried for war crimes. The BNP government wanted to quickly resolve the issue so the government said Azam would be tried according to the law of the land, but did not specify a time frame or under what law.

In due course of time, a two-member Bangladesh High Court Bench ruled that Golam Azam's detention was "illegal and without lawful authority" and ordered his immediate release. Thus, the High Court had declared the cancellation of Golam Azam's citizenship as unlawful. Justice Anwarul Haq Chowdhury of the High Court Division in his April 1993 judgement held that Golam Azam is a citizen of Bangladesh by birth.²⁶ A week later Azam officially assumed the leadership of Jamaat as its acting Chief or Ameer.

Golam Azam fought his way out of the court on July 15, 1993, after 16-month in jail, where he was held under the Special Power Act of 1974.

Jahanara Imam alleged that the High Court verdict

25. The Morning Sun, Dhaka, March 28, 1992.

26. Dhaka Courier, An Independent News Weekly, vol. 9, issue 39, April 30, 1993, p. 10.

regarding the citizenship of Golam Azam infact, had disclosed the understanding between the BNP government and Jamaat.

Thus, the people's court wanted the cancellation of Golam Azam's citizenship and awarding the death sentence to him because he was a war criminal. But the BNP government instead of giving death sentence to him, gave Bangladeshi citizenship.

BNP's Nation Building Programme:

The BNP headed by Begum Khaleda Zia formed the government after 1991 parliamentary election. The nation building programme of the BNP was based on the 19-point programme, which the founder of the party late Ziaur Rahman had declared.

The main thrust of the programme was self-reliance and rural development through people's participation in the administration. The main objectives were agricultural development, population control, self-sufficiency in food, administrative decentralization and greater incentive in the private sector. It pledged to meet all the basic needs of the people, such as food, clothing, shelter, education and health care, as well as the special needs of women, youth, workers and employees of the government. It also pledged to establish a political order based on social justice.²⁷

It was also based to encourage peace and stability against chaos and destruction, discipline against -----

27. See, n. 15, p. 65-66.

lawlessness, multiparty democratic order as opposed to the one-party totalitarian rule.²⁸

Begum Khaleda Zia accepted the 19-point programme of Gen. Zia as the basis of her nation building programme. The BNP government adopted women literacy programmes, measures to upgrade the primary education, family welfare programmes, to check the population growth, and in economic sphere it allowed foreign private investment. It also undertook measures in agriculture and industrialization to enhance the social, economic and political development of the nation and to make Bangladesh prosper like any other countries of the region. But the effectiveness of all these programmes is not visible. However, when the effort was being made regarding the nation-building programme, it was foiled by the united opposition who launched continuous movement to oust the government and they alleged that the BNP has made no achievement in the nation building process.

However, if nation building is viewed to cover the "vast range of human relationship, attitudes, activities and social processes... the development of a sense of nationality: the integration of political units into common territorial framework with a government which can exercise authority; the integration of the ruler and the ruled; the integration of the citizens and various social groups into a common political process, and... the integration of

28. Ibid, p. 96.

individuals into institutions for purposive activities".²⁹ Viewed from such a multi dimensional and comprehensive perspective, Bangladesh continues to be far from having achieved the objectives of nation building under the BNP government.

BNP Government's Performance Profile

The BNP in 1991 parliamentary election viewed to implement its election promises like consolidation of democracy, materialization of 19-point socio-economic programmes of Late President Ziaur Rahman, to pursue a strong nationalist stand in foreign relations, particularly vis-a-vis India. After holding power the BNP government had been able to achieve some notable successes under the first two and half years of its rule.

However, politically, the BNP government's greatest achievement was the Twelfth Constitutional Amendment, which was passed unanimously in the parliament that had changed the form of government from presidential to parliamentary system of government. Containing internal party dissension and factional infighting was another success of the BNP. Khaleda Zia's government in June 1992 resolved the Tin Bigha corridor issue successfully with India bilaterally. On 23rd November, 1994 the government also passed two bills including the suppression of the Terrorist and Offences (Special Provisions) Bill for disposal of the pending cases

29. See Iftekharuzzaman and Mahbubur Rahman, "Nation Building in Bangladesh, Perceiving, Problems and Approach", in M. Abdul Hafiz and Abdur Rab Khan, Op. Cit.

under the expired two-year old-Anti Terrorist Act. The BNP government continued to provide troops for the UN peace keeping missions- in Bosnia and Haiti during 1994.

The government of Begum Khaleda Zia pushed the economic reforms started in a haphazard manner in the previous regime of Gen. Ershad. A new system of Value Added Tax (VAT) was introduced. The government pursued a market oriented policy with emphasis on private sector investment to spur industrialization and reforms in the state dominated banking sector. The government had passed unanimously the Company Bill, 1994, to infuse dynamism in running the industries and commercial houses of the country to attract foreign investment for them. Foreign exchange reserve improved substantially and stood at 1.2 billion initially. Begum Khaleda Zia ratified South Asian Preferential Trade Arrangement (SAPTA) to enhance strong trade and economic linkages with its neighbours.

Although she began the economic reforms with a devastative cyclone that killed 130,000 people and brought the economy to stand still, Begum Zia had been widely perceived by the donor countries for setting the course in the right direction. The country has also done well in family planning, rural development and other social avenues, as per positive reports from the World Bank and other International Organizations. On the other hand, however, this is doubted, since much of it is not visible. Around mid-1995 Khaleda Zia government made some progress towards resolving the dispute relating to the sharing of the Ganga

water with India. Also the government renewed inland water pact for another two year from October 4, 1995 to October 3,1997.

Undemocratic Acts of the BNP Government

Soon after the 1991 parliamentary election, Bangladesh passed from a long authoritarian rule to a democratic transition. But the BNP government is alleged to have had alone a little for the institutionalization of democracy. Parliament was alleged to have made a rubber stamp, the opposition was often browbeaten, law and order situation deteriorated, judiciary, press and the other organs of the state were made dysfunctional and finally the government followed many undemocratic acts by passing few important bills like Post Office Amendment Bill, the Highway Amendment Bill and the Police Officers (Special Provision) Amendment Bill, without opposition, and mass promotion of bureaucrats including appointments of some judges of the Supreme Court without consulting the Chief Justice.

On November 23, 1991, the BNP government issued an ordinance when the parliament was not in session and abolished the upazilla (sub-districts) system which was established under Ershad, which had been intended to devolve the local units considerable decision-making authority, especially in matters concerning small level development.³⁰

Mass Promotion:- In February 1992, the BNP government,

30. See Craig Baxter, "Bangladesh: A Parliamentary Democracy if They Can Keep It", Current History, March, 1992, p. 155.

allegedly in an attempt to politicize the administration, promoted 192 Deputy Secretaries to the next higher post of Joint Secretaries. Like wise, as many as 450 officers below the grade of Deputy Secretaries were elevated to the grade of Deputy Secretaries. But interestingly enough, at that time, roughly 75 posts of Joint Secretaries and about 200 posts of Deputy Secretaries were lying vacant with the government. But the BNP government in its generosity towards the bureaucrats effected 367 promotions including 250 to the post of Deputy Secretaries and 117 to those of Joint Secretaries in excess of the actual number of vacant posts of Deputy and Joint Secretaries. Thus the new posts were created in anticipation and without adequate justification for them to accommodate bureaucrats with political objectives in view.³¹

The BNP government introduced the Anti-Terrorism Act in the middle of 1992 through an ordinance. The act was enacted in the house in September 1992 for a two year term. The term of the Anti-Terrorism Act expired in September 1994.³²

The BNP had passed the Representation of the People Bill and Enrollment of Voters Bill in the house in the absence of the entire opposition on 30 November and 4 December, 1994 respectively.³³ During the parliamentary

31. Dhaka Courier, An Independent News Weekly, vol. 11, issue 17, November 25, 1994, p. 15.

32. Dhaka Courier, An Independent News Weekly, August 12, 1994, p. 16.

33. Dhaka Courier, An Independent Weekly, December 9, 1994.

session in March 1994, the opposition boycotted the parliament, but the BNP government without opposition passed the budget in parliament which was against the tradition of democratic ethos in the world.

The BNP government undermined the judiciary. The fact that judiciary in Bangladesh is not separate from the executive branches and hence not independent which was once again demonstrated on February 4, 1994, when 9 judges were appointed by Khaleda Zia to the Supreme Court without the prior consultation with the Chief Justice Sahabuddin Ahmad, which was against the practice in Bangladesh. Justice Sahabuddin refused to conduct their oath. Thus unlike Ziaur Rahman & Ershad's period judiciary was seriously assaulted by the BNP government.³⁴

In the manner of a perfect authoritarian regime the BNP government retained total control over the electronic media. In this regard, the government failed to honour its pre-election pledge to transform radio and television into an autonomous institution.

34. Dr. Kamal Hussain, "The Status and Rights of Judges in South Asia", The Daily Star, February 10, 1994.

CHAPTER THREE

MOVEMENT IN 1990s.

The Movement For Restoration of Parliamentary System

With the attainment of independence, the new government of Bangladesh pledged its commitment to a system of parliamentary democracy. But within few years of his regime, Mujibur Rahman, the person who had laid the foundation for a parliamentary system, in 1975, perverted the edifice of the country's parliamentary system and turned Bangladesh into an authoritarian, one-party presidential system. Thereafter, Bangladesh experienced 16 years of presidential rule. In 1980s, the country witnessed the culmination of a long and chequered popular movement, resultantly, the fall of long years of autocracy paved the way for democratic transition in the country. The expectation of further progress towards democracy had been accelerated by the resolution of one of the most critical and long-standing issues in the Bangladesh Polity, viz, form of government.

The fifth parliamentary election was held on the 27th of February, 1991. The BNP won the election and proceeded to form the government. Here, a controversy aroused regarding the system of government that Bangladesh would adopt; whether to continue with the presidential system or to revive the parliamentary system for which the people had fought relentlessly. The AL strongly supported the demand for a parliamentary form of government, as it had been the election pledge of the AL; as well as a guiding force or a rallying point of the movement for the restoration of democracy. Parliamentary sovereignty was demanded by various

political and professional groups, and a bill proposing reversion to a parliamentary system was introduced by the Awami League in April 1991.

In August 1991, the Jatiya Sangsad approved a constitutional amendment ending 16 years of presidential rule and restoring the Prime Minister as the head of the executive (under the previous system both Prime Minister and the council of ministers had been answerable to the president). The amendment, which was formally enforced when it was approved by national referendum in the following month, reduced the role of the President who was to be elected by the Jatiya Sangsad for a five-year term, to that of a titular head of the state. While Begum Zia was sworn in as the PM, members of parliament elected their speaker Abdur Rahman Biswas as the new President of Bangladesh. In accordance with the Constitutional Amendment, brought into effect, Begum Zia became the head of the government, while Abdur Rahman Biswas, the ceremonial head of the state.

There were disagreements within the ruling BNP. However, support for the move by its ally, the Jamat-e-Islami, and demand from other minor parties made the BNP to reconsider its stand on the issue, although it had never championed a parliamentary system.

A select committee was formed to sort out the problems. and for the first time in the history of Bangladesh, a multiparty committee was sought to reach a compromise. The committee had eight members from the BNP and four from the AL, while the Jatiya Party, Jamaat-e-Islami and Workers

Party had one member each. This was necessary since amendments of the constitution must be supported by at least two-third members of the parliament, and this could not have been possible without the support of the AL. Two votes were taken on the amendment. In the first voting, 306 voted in favour and none against, while, 307 were in favour and none against in the second voting. A referendum on the issue was held in September 1992, and the citizens endorsed the amendment thereby, heralding Bangladesh's return to a parliamentary system; through unanimous endorsement of the legislature and an overwhelming mandate of the electorate.

Thus, parliamentary democracy is in essence the outcome of a long process of evolution. It is, however, that in the beginning of the 1990s Bangladesh experienced the parliamentary system with high expectations for establishing the democratic order.

Movements Against Anti-Liberation Forces

In the parliamentary election of 1991, the BNP emerged as the single largest party, but it did not get an absolute majority to form the government. Begum Khaleda Zia formed the government with the help of Jamaat-e-Islami, which had surprisingly won 18 of the 300 seats. Even before the election BNP had close links with the Jamaat-e-Islami and fundamentalist forces. It was Ziaur Rahman, the founder of the BNP, who lifted the ban on religion based parties and communal forces. These forces once again became active in 1990s.

The Jahanara Imam's committee, which was formed on

January 18, 1992, and the mainstream opposition political parties had pressurized the BNP government to ban the Jamaat, in particular, and religion-based politics, in general. The main party in opposition, the Awami League said, "They expected the ruling Bangladesh Nationalist Party (BNP) to back its bill expected to be placed in parliament in 1994".¹

Golam Azam was a war criminal, who collaborated with the Pakistani Army during the war of independence in 1970. He and many other fundamentalist, communal forces had opposed the liberation of Bangladesh. Azam's Bangladeshi citizenship was stripped in 1973. He entered Bangladesh in 1978, during the Ziaur's time and, thereafter, sought for Bangladeshi citizenship in 1979 and again in 1981 but was denied.

On March 26, 1992, a "people's court" was organized by the pro-liberation forces at the *Suhrawardy Uddyan* (park), just opposite to the Dhaka University Campus. A huge effigy of Azam was burnt. The trial organizers started their proceedings. The prosecution brought charges against Golam Azam and other collaborators. The people shouted "*Hang Azam, Hang Azam*", the well known advocate Gaziul Huq announced that the Jamaat leader had been sentenced to death by the court. "Such crimes would have resulted in the same penalty anywhere in the world", he told to the dancing crowd

1. Nadim, Qadir, Bangladesh: Realities of Democracy and Crisis, Academic Publishers, (Dhaka, 1994), p. 71.

gathered at the sight.²

Jahanara Imam the mother of a martyr, appealed to the government of Bangladesh, Prime Minister Khaleda Zia, to carry out the sentence on Azam and declared the court's decision of giving the government a time-frame of one month to execute the people's verdict. She further added, "Our victory will come when finally the government realizes it is a people's demand who are the actual power for any government".³

Thus, the issue of Golam Azam phase started, unfolding yet another volatile chapter in the politics of Bangladesh in the 1990s. Due to the mounting pressures from the pro-liberation forces, the BNP government arrested Azam on March 24, 1992, for violating Bangladesh's 'Foreigner's Act' by becoming the Jamaat chief, despite being a foreign national; but calls for his trial on alleged war crimes continued.

The AL chief, Sheikh Hasina accused the BNP in terms that the 'present autocratic government had dashed to the ground the values of the great liberation war by assuming power' with Jamaat's support and called on the Bangladeshis to cooperate with the trial of the 'war criminal and killer' Golam Azam.⁴

Azam's trial issue made to the floor of the parliament and plunged the functioning of the House into a crisis in -----

2. Ibid, p. 75.

3. Ibid, pp. 75-77.

4. United News of Bangladesh report, March 20, 1992.

April 1992 when the opposition walked out following the government's refusal to budge to their demands that the fundamentalist leader be tried for war crimes.

In 1992, Golam Azam, despite being a foreign national was declared by the Jamaat as the chief. He officially assumed the party leadership on July 26, 1993. Azam's political rivals opened old wounds that led to the demands for his trial as war criminal.

The High Court restored Azam's citizenship in April 1993. Reacting to the court's verdict Jahanara Imam stated that, 'the verdict regarding the citizenship of Golam Azam will have no influence on our movement. The movement demanding for Golam Azam be hanged as a war criminal will continue. We want Golam Azam's trial as a war criminal by a Special Tribunal. Until the court passes judgment upon Golam Azam as a war criminal, the movement will continue'.⁵

On May 9, 1993, the National Coordination Committee for the implementation of the spirit of the Independence War and the Elimination of the 'killers and collaborators' of 1971 liberation war announced its programme to march towards the Sangsad Bhaban; on the opening day of the 9th Parliamentary session, it demanded that Golam Azam be tried for war crimes, prohibition of communal politics, withdrawal of cases against 24 Gono Adalat persons and the fulfilment of the other issues included in the five point demand. Jahanara Imam stated that the movement would continue until the war -----

5. Dhaka Courier, April 30, 1993.

criminals including Golam Azam were put on trial.⁶The National People's Inquiring Commission forged by the Nirmul National Coordination Committee, at the meeting of May 18 and 23, 1993, called upon the people to give information about the activities of eight known anti-liberation collaborators of 1971. The Coordination Committee favoured an all out movement rather than the 'black badge move'. The leaders had begun visiting the districts, thanas and unions and holding rallies and public meetings in order to render the movement all the more dynamic. Imam stressed that the movement was not just against Golam Azam but against the fascist and communal politics.⁷

In 1993, the movement against anti-liberation forces continued. The movement gathered momentum in 1994 and 1995 in such a large measure that by itself emerged as a powerful, extended and broad based force to reckon with. The political parties also played a significant role in the movement against the anti-liberation forces.

The leaders of the Ekattarer Ghatak Dalal Nirmul Committee, at a rally in Dhaka on June 27, 1994, called upon all pro-liberation forces to build up a strong resistance movement against what they termed anti-liberation, communal, fundamentalist and 'Fatwabaz' elements and their June 30, hartal programme. They urged the government to take action against those who were publicly declaring prizes on the -----

6. Dhaka Courier, May 14, 1993.

7. Dhaka Courier, May 28, 1993.

heads of pro-liberation, progressive and respected personalities of the country. Otherwise, they warned: "we would be forced to retaliate."

Jay Bangla Sanskritik Oikya Jote also called upon all pro-liberation, patriotic and democratic forces to resist the heinous activities of the anti-liberation, communal and fundamentalist elements.

The Left Democratic Front(LDF) announced a programme of resisting fundamentalist and communal forces on July 1, 1994. The party coordinator Nirmul Sen called upon all the pro-liberation, democratic and progressive forces, including the AL, the Gono Forum, the Ganatontra Party, the National Awami Party and the Ganotantrik Biplobi Jote to extend their support. The declaration that was adopted observed, "the defected forces in the Liberation War had started creating a war-like situation at a time when the whole nation was getting united on the demand for trial of war criminals including the Jamaat Chief, Golam Azam".

The Ghatak Dalal Nirmul Coordination Committee, for the implementation of the spirit of Liberation War and elimination of killers and collaborators of 1971, had demanded the arrest and punishment of Maulana Obaidul Haq, Khatib of National Mosque Baital Mukarra, for his anti-state and anti-people remarks and activities. ⁸

On March 27, 1995, the commission said that the anti-liberation forces' offences were punishable by death and -----

8. The Bangladesh Observer, August 7, 1994.

demanded their immediate trial as war criminals. It recommended that the accused be put on trial under 1973 International Crime (Tribunal) Act. ⁹

The Ghatak Dalal Nirmul Committee's movement against the anti-liberation forces had slowed down after the death of Jahanara Imam on June 26, 1994. The movement again was renewed by its leader Shariar Kabir. The committee had set up reading centres at the ward level in Dhaka city to let the younger generation know the facts of the Liberation War. They launched a programme to collect the names of the people who sacrificed their lives during the liberation war of 1971. The committee under Kabir also demanded the trial of Jamaat Amir Golam Azam before a special tribunal for his alleged war crimes. ¹⁰

In June, 1995, Eighty-five founder-members of the Ekatturer Ghatal Dalal Nirmul Committee (EGDNC) and 18 members of its advisory council demanded the cancellation of the voting right of the "war criminals" and of those using religion in politics. In a joint statement on June 7, 1995, they urged the ruling and the opposition parties to exclude the trial of war criminals and banning the religion-based communal politics in their election manifesto. They also called for legislation to prevent the "War Criminals" from taking part in the coming election. ¹¹

9. The Bangladesh Observer, Dhaka, March 28, 1995.

10. New Nation, May 20, 1995.

11. The Daily Star, Dhaka, June 8, 1995.

Peoples' Response to the Communal & Fundamentalist Forces

A survey was conducted in 1994 by a PROBE News Agency in Bangladesh. The survey reported that 64 percent Bangladeshis opined that religion based politics should be banned as it was the cause of fanning communalism in the country. While, 87.456 percent of the people considered the Jamaat to be a religion-based party, 60 percent of them suggested for its ban.

The Bangladesh Unnayan Parishad (BUP) conducted a opinion poll in 60 districts of the country in the month of June and July, 1995. A total of 2161 respondents were recorded in the survey. Of them, 72 percent were from rural areas and 28 percent from urban areas. Replying to a question about the trial of war criminals, 65.6 percent of the respondents favoured a trial on the pattern those followed for the Nazi war criminals of the World War II. While 18.7 percent of the people did not respond to this question, a total of 15.7 percent opposed trial.¹²

However, so far as the above 1994, and 1995 survey is concerned majority of the people were against the anti-liberation and communal forces and opined for the banning of these forces in Bangladesh.

Awami League's Proposal for Amendment to the "Indemnity Clause"

After 1975 coup an ordinance was issued which put ban

12. Bangladesh Public Opinion Trends Analysis and News Services, August 8, 1995.

on the trial of the killers of Mujib's family in any court of law in the country. And this was approved by the parliament through the fifth Constitutional Amendment, which had become a part of the constitution. The AL's demand for the trial of anti-liberation forces and war criminals could not be met unless the constitution is amended they can not be put on trial. Since 1992, the Awami League has also been demanding the abolition of that indemnity clause which was, however, inserted by the fifth amendment of the constitution. In terms of political benefits, these changes helped Zia enormously to win the support of the conservative political forces, especially those who opposed the liberation movement of Bangladesh.

In 1994, the Awami League Chief Sheikh Hasina had demanded for the scrapping of the 'black' indemnity ordinance, as the act had been used by the BNP government to remain in power. Hasina said that the BNP was committed to repealing the 'black law' after the establishment of parliamentary democracy but it breached the commitments.¹³ She further stated that, "there is law in the country but no rule of law", as the trial of the Bangabandhu's killers were blocked by the black indemnity ordinance.

Noted jurists and intellectuals argued that the indemnity ordinance that blocked the trial of the killers of Sheikh Mujib can be scrapped by a simple majority in the

13. Bangladesh Public Opinion Trends Analysis and News Services, November 24, 1994.

parliament. The ordinance had been termed as contrary to the constitution and fundamental human rights.

Speaking at a meeting at the Supreme Bar Association premises on Aug. 19, 1995, former Chief Justice Kemaluddin Hossain said the ordinance had been abrogated the day the constitution became operative after the withdrawal of the Martial Law proclaimed by Khondaker Mostaque Ahmad. He said that as the parliament is incapable to abolish such law according to Article 7 of the constitution, it could not also sustain such ordinance.

Former Justice K.M. Sobhan called the ordinance "an illegal ordinance of an illegal President". Moreover, he considers Khandker Moshataque, who had declared himself as President on Aug. 15, 1975, totally illegal because the constitution was then still operative. He further argued that the 5th Amendment of the constitution that ratified the Indemnity ordinance which changed the basic structures of the state was not legal, moreover, the Amendment had tried to legalize an illegal law.

Official Response of the BNP

So far as the movement for the restoration of parliamentary system, movement against anti-liberation forces and abolition of indemnity clause is concerned, the BNP government had responded positively towards the restoration of parliamentary system. After the fifth parliamentary election in 1991, the BNP had moved a bill which was passed in the parliament. It brought about the Twelfth constitutional Amendment for strengthening the

parliamentary system in Bangladesh.

But in matters of action and trial against the anti-liberation forces, the BNP did not respond positively. It maintained close contact with the Jamaat-e-Islami with whose support it formed the government. Instead of punishing the war criminals, it rehabilitated Golam Azam, against the people's verdict, in 1993 and patronized the communal and fundamentalist forces. The BNP did not take any action against those people.

The BNP government was adamant on its position to retain the indemnity clause. Though the AL had pressurized the government to abolish it, the BNP did not take any initiative to that regard.

CHAPTER FOUR

MOVEMENT FOR THE NEUTRAL CARETAKER GOVERNMENT

Historical and Immediate Context of the Movement

The movement for restoration of democracy in Bangladesh continued against Gen. H.M. Ershad from 1982 to 1990. The 15-party alliance led by AL Chief Sheikh Hasina and a 7-party alliance led by the BNP chief Begum Khaleda Zia forged unity and formulated a 5-point programme for vigorous united political struggle to oust Ershad from power. The 5-point programme included among other demands: immediate restoration of democratic environment in the country and holding of elections to the sovereign parliament only under a non-partisan and neutral caretaker government in the country before any other poll.¹

Finally, Ershad was overthrown on 6th December 1990 and he was compelled to hand over power to the Chief Justice Sahabuddin Ahmad, who was installed as head of the NCG. He conducted the fifth parliamentary election in February 27, 1991, which was the most free and fair election in the history of Bangladesh and that paved the way for transition to democracy. Since then, the caretaker government issue has been in the air.

Since 1991 all the leaders of the opposition parties and eminent scholars demanded that it is in the interest of sustaining a democratic order that future general elections

1. See, Rangalal Sen, "The Movement for Restoration of Democracy in Bangladesh 1982-1992: A Theoretical Framework and Social Background", in S.R.Chakravarty (eds) Society, Polity and Economy of Bangladesh, Haranand Publications, (New Delhi, 1994), p. 78.

ought to be held for at least three to five terms under a non-partisan^{and} neutral caretaker government.

On 20th March 1994 a by-election took place in South West Bangladesh in Magura in two vacant parliamentary constituencies, where AL had strong hold. The parliamentary leader of AL, Ashaduddin always got elected. But in March 1994 by-election the BNP candidate got elected defeating the AL candidate. The AL alleged that BNP had rigged the election with the compliance of the Election Commission (EC) and the election was not free and fair. The AL chief Sheikh Hasina had demanded the scrapping of the by-election result and its re-polling, resignation of the BNP government and transfer of power to a caretaker government for holding national elections. Along with AL, Jatiya Party (JP) and Jamaat-e-Islami (JI) joined and had submitted separate notices of the draft bill for a neutral caretaker government. Finally, they unitedly presented a common bill in this connection to the parliament in April 1994. Thus, following the Magura parliamentary by-election, the movement for a NCG had acquired a significant place in the national politics of Bangladesh.

Basic Demands of the Movement

All the major opposition political parties launched a determined mass movement for NCG since March 1994 Magura-2 by-election. They lost their faith in the system led by the BNP government. The opposition parties complained that there can not be free and fair elections under the BNP government and declared that they would not participate in

any election except under a caretaker regime.²

The movement for NCG which was intensified by the major opposition parties were primarily based on the following major demands:

- (a) Resignation of the Prime Minister (PM) Begum Khaleda Zia and holding of an immediate election under a neutral caretaker government. The neutral caretaker government has to conduct all the future elections.
- (b) Amendment of the constitution to give the non-partisan neutral caretaker government, constitutionally, a permanent shape in Bangladesh, and
- (c) Restructuring of the Election Commission and introduction of photo identity card to all the voters. The main objective of the opposition's demand was to make constitutional provision for NCG to hold national election.

However, in due course of time the opposition changed their demand and provided detail formula and provision of the formation of a non-partisan and a neutral caretaker government.

Earlier in 1993, the major opposition political parties demanded constitutional amendment in this regard that a provision can be added to article 123 of the constitution to see that the PM resigns as soon as the parliament is dissolved and the president appoints a non-

2. Golam, Hossain, "Bangladesh in 1994: Democracy at Risk", Asian Survey, vol. XXXV, No. 2, February, 1995, p. 172.

partisan person as an acting PM who will form the council of ministers. The interim government will carry on the urgent administrative work and ensure free and fair election and resigns as soon as the President appoints a new PM under the constitution.

In November 1993, the AL prepared a legal framework for a caretaker government and demanded that, provisions of election under a caretaker government would require amendment of articles 118 to 226 of the constitution. The Election Commission should be empowered more by amending Representation of People's Order, 1972, in the interest of holding free and fair election. Constitutional Amendment is necessary for institutionalising democracy.

In April 1994, the opposition suggested for an amendment of article 59 of the constitution to make the President or the Chief Justice (CJ) as the head of the NCG.³ On May 28, 1994, the AL suggested the incorporation of a separate clause in the constitution entitled Chapter Four 11-A as it would not affect the basic structure of the constitution. The framework prepared by the constitutional experts of the AL were as follows:-

Within 90 days preceding the dissolution of parliament, the Cabinet including the PM shall be deemed to have resigned. And the President shall appoint the Chief Justice (CJ) as the head of the caretaker government to be known as -----

3. See Bangladesh Public Opinion Trends Analysis and News Service, May 11, 1994.

the interim PM and the interim PM shall appoint such other members of his cabinet as he deems fit, of persons of proven ability who will not participate in the next election.

If the Chief Justice, for any reason is unable to assume the post, the President shall appoint the next senior most Judge of the Appellate Division as the interim PM.

The interim PM shall enjoy all powers and responsibilities as are given under Article 57(3) of the constitution.

The interim PM shall hand over power to the PM of the elected government and the caretaker government shall cease functioning and the interim PM (the Chief Justice) shall revert to his original post.

Appointment of the Chief and other members of the EC by the President shall be made on the advice of the CJ. The power of discipline and control of the Chief Election Commissioner shall also extend to cover all law enforcing officials during the designated period. The Chief Election Commissioner shall have the power of contempt of court.⁴

The mainstream opposition political parties led by AL Chief Sheikh Hasina, announced a six-point formula on June 27, 1994, outlining the structure of a caretaker government for holding future elections. The formula was as follows:

As soon as the President dissolves the parliament with a view to holding general elections to the parliament under a non-partisan and neutral caretaker government—

4. The Morning Sun, Dhaka, May 29, 1994.

1. The Prime Minister shall resign.

2. The President, in consultation with the political parties engaged in the movement and having representation in the Parliament, shall appoint a non-partisan person enjoying acceptability as Prime Minister and this PM shall discharge his/her functions as the chief executive of the government in accordance with article 55 of the constitution.

3. The PM of the interim government shall not be a candidate in the parliamentary election and he/she shall form a cabinet consisting of persons who are not the members of any political party and will not contest in the election.

4. The main task of the interim government shall be to ensure a free, fair and impartial election, and to discharge only the usual duties and responsibilities as enshrined in the constitution as well as any urgent state business.

5. Elections shall be held within 90 days of the dissolution of parliament by the President.

6. After the election to the parliament when the President appoints a new PM under clause (iii) of Article 56 of the constitution, the interim government shall immediately stand dissolved.

Besides, the following measures shall be adopted for making the general elections under this caretaker government free and fair:

1. The Election Commission shall be restructured and measures shall be taken to enable the EC to fulfill its

responsibilities as an entirely independent body.

2. The framing of a comprehensive code of conduct shall be ensured.

3. New laws shall be framed, if necessary, for implementing the above measures.⁵

In November 1994, the opposition submitted a draft outline of an eleven member neutral non-party caretaker government to Sir Ninian Stephen. As per the demand, the President will appoint a non-partisan personage as head of the caretaker government in consultation with the leader of the House and the leader of the Opposition. A judge of the Supreme Court, a retired judge, or any respectable person acceptable to both sides might head such a cabinet. Of the remaining 10, who will also be non-partisan, leader of the house will nominate five and leader of the Opposition five others.

The head of the proposed caretaker government and members of his cabinet will not contest any election. Its main responsibility will be to ensure free and fair election for at least three terms under such caretaker government to set up a system of smooth election.⁶

On 10th January 1995, the opposition offered two formulas for an interim government to conduct the election. The first one proposed an administration to be headed by a neutral person acceptable to all, and composed of non-

5. Holiday, Dhaka, July 1, 1994.

6. The Bangladesh Observer, Dhaka, November 18, 1994.

partisan personalities, while the second one suggested a council of neutral advisors under the President. In both the cases the incumbent PM must resign with the announcement of the schedule for the next general election.⁷

The opposition intensified the movement for a non-partisan neutral caretaker government and at last on September 6, 1995, they were determined to get their demand fulfilled i.e. the Prime Minister will resign 90 days ahead of the scheduled election. Parliament will be dissolved, and the Chief Justice will head a non-partisan neutral caretaker government to perform essential state functions and finally conduct a free and fair poll.

However, though AL, JP, JI and other political parties from time to time modified their formula of the demand for a neutral caretaker government, their basic demands remained unchanged.

Role of the Political Parties

Magura by-election had irrevocably brought about a total stand off between the BNP and the opposition political parties. A battle line was drawn. The opposition poised to fight out the agenda of 1991 — a caretaker government for any future polls.⁸ The major political parties like Awami League, Jatiya Party and Jamaat-e-Islami spearheaded the movement. Other political parties like Gono Forum and Left Democratic Front etc. also participated in the movement.

7. The Daily Star, Dhaka, January 11, 1995.

8. Holiday, Dhaka, March 4, 1994.

Thus, the political parties have played a significant role in the movement for NCG. They mobilized the masses for their support and revealed all the undemocratic acts of the BNP government. As Burke said "political parties are bodies of men united for promoting by their joint endeavours the national interests upon some political principles in which they are all agreed. In Bangladesh, for the movement for NCG all the mainstream opposition political parties stood unitedly for the national interest of the country. They created awareness among the masses against the corrupt administrative system of the BNP government. The political parties with the leadership of AL's Chief Sheikh Hasina, educated, instructed and activated the electorates to strengthen the movement for a NCG to establish a proper democratic order in Bangladesh.

The movement for a neutral caretaker government was basically a political movement for which all the mainstream opposition political parties provided a broad philosophical and ideological base. They opened the Pandora box of the functioning of the BNP government and made the movement for a non-partisan neutral caretaker government a countrywide mass movement. With strong determination without succumbing to the pressures of the BNP government, the opposition political parties became successful in achieving their objective of the movement in March 1996. When the BNP government brought a Constitutional Amendment for a non-partisan neutral caretaker government before 4 days of Begum

Zia's resignation, on March 30, 1996. So the political parties have played a vital role in the movement for a non-partisan neutral caretaker government to ensure free, fair and impartial elections in Bangladesh.

Tools and Tactics of the Movement

All the major opposition political parties applied different tools and tactics in the movement for a non-partisan neutral caretaker government. They followed different action programmes and methods of protest and agitation. The tactics which they applied were hartals, strikes, demonstration, mass processions, mass meetings, boycotts, picketing, rail, road and water blockades, siege, mass rallies, direct agitations, gheraoes and finally non-cooperation etc. They also followed the method of violence with different types of tools to achieve their demand.

During the movement, due to the application of different types of tactics and protests, life in Bangladesh was disrupted. The trains and buses could not operate, international airlines were suspended for sometimes, all private business establishments and offices including banks sometimes continued to remain closed. Government offices were functioning with skeleton staff. Commercial shops and educational institutions continued to remain closed during the protest.⁹

However, all the mainstream opposition political

9. Bangladesh Public Opinion Trend Analysis and News Services, October 31, November 1, 1995.

parties like AL, JP and JI called for street agitations and hartals, unitedly and separately also. Here below, the given tables indicate the place and hours of protest and how many times in the year 1994 and in 1995 the opposition jointly and separately called for different types of such protests.

Table-1

Name of the Political Parties	Date, Month & Year	Types of Protest	Place	Hours
AL,JP and JI (Unitedly)	21 March, 1994	Demonstration	Magura & Dhaka	
	22 March' 1994	--do--	Country wide	6
	23 March' 1994	Hartal	--do--	6
	9 April' 1994	Hartal	--do--	12
	11 Sep.' 1994	--do--	Dhaka	8
	12 Sep.' 1994	--do--	Five divisional headquarters including Dhaka	8
	13 Sep.' 1994	--do--	Nationwide	-
	27 Sep.' 1994	Road, & Rail Blocked	Nationwide	-
	31 Oct.' 1994	Hartal	Gopalganj	-
	9 Nov.' 1994	Sit in Programme	Near the PM's Secretariat	-
	12-13 Nov'1994	Hartal	Countrywide	12
	14-23 Nov'1994	Mass Contact	--do--	-
	24 Nov'1994	Padayatra	at all district headquarters	-
	7 Dec.'1994	Hartal	Countrywide	18
	8 Dec.'1994	Hartal	--do--	32
	25 Dec.'1994	Blockade	--do--	6
	29 Dec.'1994	Hartal	--do--	8

Source:- (The table is based on the data available in different newspapers and Bangladesh POT)

Table-2

Name of the Political Parties	Date, Month & Year	Types of Protest	Place	Hours
AL,JP and JI (Unitedly)	2-4 Jan.'1995	Hartal	Countrywide	6
	11-13 Jan.'1995	Blockade	--do--	-
	14-15 Jan.'1995	Mass contact	--do--	-
	19 Jan.'1995	Blockade	--do--	8
	23 Jan.'1995	Siege	State run radio and television centre	-
	24-25 Jan.'1995	Hartal	Countrywide	-
	12 March' 1995	Hartal	--do--	48
	13 March' 1995	Blockade	--do--	-
	16 March' 1995	Gherao	Thana admn offices	-
	19 March' 1995	Gherao	Admn offices and road	8
	23 March' 1995	Blockade	--do--	-
	28 March' 1995	Siege	Dhaka	-
	24 April' 1995	Demons.	In front of the office of the speaker	-
	26 April' 1995	Public meetings and rallies	at divisional headquarters	-
	4 May' 1995	Protest	-	-
	15 June' 1995	Demons.	-	-
	12 Aug.' 1995	--do--	Dhaka	-
	16 Aug.' 1995	Public meeting	In Dhaka and Nationwide	-
	27 Aug.' 1995	General Strike	--do--	-
	2-3 Sep.' 1995	Hartal	--do--	32
	5 Sep.' 1995	Demons.	Countrywide	-
	6 Sep.' 1995	Hartal	Dhaka	-
	13 Sep.' 1995	Demons. and Procession	Southern Districts	-
	14-15 Sep.' 1995	Demons. and Torch Proc.	Countrywide	-
	16-20 Sep.' 1995	Hartal	--do--	96
	26 Sep.' 1995	Mass Procession	--do--	-
	28 Sep.' 1995	Mass Procession & Grand Rallies	--do--	-
	7-8 Oct.' 1995	Hartal	At all six-division headquarters	32
	9-15 Oct.' 1995	Mass contact, Rallies, Demonstration and Processions	Countrywide	-
	6 Nov.' 1995	Blockade	--do--	-
	11 Nov.' 1995	Hartal	--do--	-
	12 Nov.' 1995	Hartal	--do--	6
	14-16 Nov.' 1995	Hartal	--do--	6
24 Nov.' 1995	Agitation	--do--	-	
7 Dec.' 1995	Barricade	--do--	Indefinite	
9-11 Dec.' 1995	Hartal	--do--	72	
17 Dec.' 1995	Hartal	--do--	24	
18 Dec.' 1995	Gherao	--do--	-	

Source: (The above table is based on the data available in different newspapers and Bangladesh POT)

The AL, JP and JI also launched the movement for NCG separately in adopting the methods which they followed unitedly. The AL launched countrywide Twelve-hour hartals on 10th, 20th and 26th April 1994. On 10th 1994, the AL declared Dhaka Siege. In June 21 and 22, 1995, it organized demonstration throughout the country. On 25 September, 1995, it organized mass processions in different parts of the country. Jatiya Party and Jamaat-e-Islami, Gono Forum and Left Democratic Front also independently adopted different tools and tactics as a means to fulfill their demands of the movement for a NCG.

A opinion poll was conducted in January 1995 by the Bangladesh Nagarik Adhikari Parishad to know the reaction of the people towards the methods and tactics which were adopted by the opposition. Ninety six percent of the people from all strata of the society felt that, a strike or siege programme adversely affected both professional and family life in the country.¹⁰

Boycotting and Resignation from the Parliament by the Opposition

The most significant event in Bangladesh politics in 1994 was the continuous boycott of parliament by opposition

10. The Bangladesh Observer, Dhaka, January 30, 1995.

parties as they pressed their demand for a constitutional amendment that would provide for holding all future national elections under a neutral caretaker government. The AL, JP and JI alleged that electioneering in the Magura-2 by-election in March had not been "free, fair and clean" due to the BNP government's interference and use of government machinery to win the seat.¹¹ In protesting against BNP's vote dacoity and rigging, all the major opposition political parties demanded for the resignation of Begum Khaleda Zia, its repolling under a neutral caretaker government and they boycotted the parliament since March 1994 and that they would not join in the parliament until their demands are met.

The 13th session of parliament witnessed the fifth parliament's malfunctioning of its worst. The session was prorogued on 7th March amidst a virtual boycott of the House by the entire opposition since March 1st.¹² Consecutively the BNP government continued the session of the parliament without conceding the demands of the opposition. The opposition parties continued the boycott of the 15th session of parliament which began on the June 6th 1994. The BNP on June 6 ruled out the possibility of introducing any bill on the NCG in the parliament.¹³

The 16th session of the parliament that began on August

11. See n.2.

12. Holiday, Dhaka, March 11, 1994.

13. Holiday, Dhaka, June 10, 1994.

30, witnessed the JP,AL,JI and some other political parties staying away from the Jatiya Sangsad to press their demands for a NCG. The 16th session of the Jatiya Sangsad was concluded on September 14 without the opposition.

On September 27, Sheikh Hasina asked the people to make it a success to force the government to quit or transfer power to a non-partisan neutral caretaker government. On 22 September, in addressing a public meeting, she said " our movement is to give democracy an institutional shape and ensure economic well-being of the people. This is not only AL's movement, it is the movement of the masses and the BNP is scared of polls under the caretaker government".¹⁴ Finally, the ruling BNP's initiative for dialogue with the opposition before and during the session totally failed due to unbravering attitude of the BNP government on NCG issue.¹⁵

The 17th session of parliament began from November 12, 1994 without the opposition. The opposition was determined not to join in the Jatiya Sangsad until their demands are met. There was no fresh initiative from the BNP government to resolve the impasse. So the political and parliamentary stalemate continued.¹⁶ From time to time the mainstream opposition political parties had been demanding for NCG and suggested some formulas. The BNP was adamant and did not

14. The Bangladesh Observer, Dhaka, July 2, 1994.

15. Dhaka Courier, Sptember 16, 1994. p.7.

16.Ibid. p.8.

concede to their demand. As a result, the opposition brought the matter to the street and threatened for enmasse resignation. When the diplomatic intervention failed to resolve the issue and the BNP government did not come forward for any dialogue, the opposition was disappointed. A total of 147 MPs submitted their resignation letters to the Speaker Sheikh Razzak Ali on 28th December, 1994, as a part of their programme to realize their demand for election under a non-partisan neutral caretaker government. Later, the number increased to 154.¹⁷

Thus, the enmasse resignation of so large number of parliament members was unprecedented in any democratic country of the world, which brought a political and constitutional crisis in Bangladesh. The event created a deadlock in the parliament and made it completely dysfunctional.¹⁸ In due course of time, the crisis deepened in 1994 and it had taken a turn from bad to worse.¹⁹ The opposition did not participate in any session of the JS through out the year 1995, which further made the crisis worse and more vulnerable for democracy in Bangladesh. The event added fuel to the movement for a non-partisan and neutral caretaker government.

Diplomatic Efforts to Solve the Crisis

Since March 1994, parliamentary Magura-2 by-election,

17. Dhaka Courier, January 13, 1995. p. 8.

18. Dhaka Courier, April 22, 1994. p. 27.

19. New Nation, Dhaka, November 11, 1994.

when the opposition boycotted the parliament , Bangladesh was plunged into a political crisis. The opposition demanded immediate resignation of the PM, Begum Khaleda Zia and to bring constitutional amendment to make provisions for non-partisan neutral caretaker government in Bangladesh. The stalemate continued between the ruling BNP and the opposition.

At this juncture, the Commonwealth countries and diplomats from other countries made efforts to solve the crisis. The diplomats, representing from 17 countries, on 13th April, in Dhaka insisted AL chief Sheikh Hasina Wajed to join the session of JS and to solve the problem with BNP within the four walls of the parliament.²⁰ Later, Commonwealth Secretary General, Emeka Anyaoku made a personal effort through telephonic conversation. He said to the opposition that free and fair election are possible under the BNP government. He suggested three measures such as: further strengthening of the Election Commission; formulation of the election code of conduct for all political parties; and permission for a Commonwealth observer's team to oversee future polls. But his three-point programme became ineffective due to the apathy of the BNP government.²¹

A Commonwealth brokered peace dialogue began from

20. Bangladesh Public Opinion Trends Analysis and News Service, May 4, 1994.

21. The Bangladesh Public Opinion Trend Analysis and News Services, September 13, 1994.

October 1994. Sir Ninian Stephen, a former Governor General of Australia, arrived in Dhaka on 13th October, as the first emissary of the Commonwealth Secretary General. He succeeded in making both the BNP and the opposition sit across the table and made several rounds of formal talks but his dialogue process failed.²²

In another round of talk, he met the PM Begum Khaleda Zia and the opposition leader Sheikh Hasina on 12 November and placed before them three formulas: First, the proposal suggested an interim government with the present PM as the chief of an 11 member cabinet; second, any ruling party MP other than Begum Khaleda Zia to be the interim PM; thirdly, that the President be given executive power and a non-partisan council of ministers be formed to assist him during the time of general election. An interim government with the President as its chief, would require an amendment to the constitution.²³

Sir Ninian Stephen who had strived hard to end the eight-month long parliamentary imbroglio, expressed deep anguish over the opposition's "uncompromising " attitude towards the non-partisan neutral caretaker government. His long effort was futile. He announced on 20th November, 1994 that, he had failed in his mission to broker the "desperately needed" political peace in Bangladesh at a

22. The Bangladesh Observer, Dhaka, October 27, 1994.

23. Bangladesh Public Opinion Trends Analyses and News services, December 2, 1994.

"crucial stage in its government". He gave a text of the proposal to the BNP government and the opposition , and when he left Dhaka on 20th November, 1994 he spoke:

"I leave with hope your leader will yet find a way to secure success in the vital continuing crisis and, I hope, ultimately successful effort to secure a future peace, prosperity and true democracy for the people of Bangladesh".²⁴

In 1995, when the opposition called for a 96-hour hartal on 16th October, the donor countries like USA made an effort to resolve the crisis. U.S Ambassador David Merrill and two other diplomats took an initiative to solve the problem of the movement for NCG between the BNP and the opposition. They favoured an interim government to be headed by Dr. Yunus, Managing Director of the Grameen Bank, as a non-partisan person. They proposed a solution within the constitutional framework. The proposals were as follows,²⁵

1. Prime Minister will make an announcement to the effect that the next election will be held under an interim government headed by a non-party person.
2. Thereafter, both the ruling and the opposition parties will sit together to select a non-partisan person and finalize that name.
3. The unanimously selected person will then be nominated

24.Ibid.

25.Bangladesh Public Opinion Trends Analyses and News Services, October 18, 1995.

as the consensus candidate, and will be elected from one of the vacated JS seats.

4. After the election and swearing in as an MP, the President will dissolve the Sangsad on the recommendation of the Prime Minister.
5. Following the dissolution of the Sangsad the PM will submit her resignation to the President according to the constitutional provision.
6. President will then appoint the non-party neutral person, elected uncontested in a by-election, as the PM.
7. The PM of the interim government will not have a cabinet, but an advisory council nominated by all the political parties.
8. The interim government will have no time limit, it will have completed its task with the sixth JS election and the appointment of a new PM.
9. The ruling and the opposition parties will, through discussions, bring about suitable alteration in any of these proposals, if necessary.

David Merryll met AL Chief Sheikh Hasina on 13 Oct. 1995 and contacted some of the key figures of both the opposition and the BNP but there had been no breakthrough in the crisis.

Response of the People to the Movement for NCG

Different research organizations in Bangladesh conducted opinion polls to know the responses of the common people to the movement for a non-partisan neutral caretaker

government, which was carried on by the mainstream opposition political parties. They had taken people from different socio-economic strata and from both rural and urban areas.

The Development Research Partners (DRP), an organization for research and marketing analysis conducted an opinion poll in May 1994, in Dhaka city and its surrounding rural areas covering 1,000 respondents representing different socio-economic and professional groups. The opinion poll revealed that at least 70 percent of the people of Bangladesh favoured election under a non-partisan caretaker government. The opinion poll also indicated that 37.4 percent of the population opined that free and fair election is possible under the BNP government, 71.8 percent opted for election under a caretaker government and the rest 28.2 percent opined against it. Election under a caretaker government was supported by 66.8 percent of the 190 businessmen, 82.9 percent of the 70 professionals, 55.9 percent of the 202 students and 86 percent of the 57 teachers and 74 percent of the 131 workers covered under the survey. ²⁶

The Human and Civil Rights Committee (HCRC) conducted an opinion survey on the neutral caretaker government issue in the month of October in Dhaka city and its adjoining areas which reported that 57.15 percent of the people supported the concept of NCG to hold future parliamentary

26. The Bangladesh Observer, Dhaka, May 19, 1994.

elections in the country. The survey also reported that about 51 percent of the people support the idea of holding at least three parliamentary elections under a NCG. Among the participants, 46.67 percent replied that a caretaker government did not damage the constitution and the existence of a democratically elected government, whether the caretaker government was an alternative to an elected government 52.40 percent of the participants replied affirmative.²⁷

The Bangladesh Unnayan Parishad conducted a random survey in Dhaka on 29 Oct. 1995. The survey reported that 60.7 percent of the respondents gave their opinion in favour of a caretaker government, 60.4 percent viewed not only this time, but also the next three or four parliamentary elections should be held under a caretaker government, 80.3 percent suggested an all party national convention to cut the present political "Gordian Knot". 77.3 percent were of the view that politics of confrontation must be avoided and a solution should be found through discussions between the government and the opposition parties.²⁸

All the opinion polls reported that more than 80% were in favour of the opposition parties demand for a neutral caretaker government.²⁹

27. The Bangladesh Observer, Dhaka, October 30, 1994.

28. The Morning Sun, Dhaka, September 30, 1995.

29. See n. 18.

Response of the BNP Government

The issue of a non-partisan neutral caretaker government aroused a national intellectual debate after the Magura 2-by-elections in 1994. The opposition had demanded stepping down of PM Begum Khaleda Zia, and Constitutional Amendment in regard to NCG, to conduct free and fair election in Bangladesh.

However, the BNP government of Begum Khaleda Zia had consistently refused to concede the demand for holding elections under a non-partisan neutral caretaker government, on the plea that there is no such provision in the constitution. The government, in response, termed the opposition's demand as undemocratic, unconstitutional, illegitimate, absurd and in total disrespect to the people's mandate. In April 1994, the BNP geared up its organizational activities to counter the opposition and claimed that the fifth parliament will fulfill its term even if the opposition continues its boycott.³⁰

The Commonwealth Peace dialogue had failed and the opposition threatened for enmasse resignation from the parliament if their demands were not met. Fearing a deep crisis, the BNP then proposed an interim government for the election period to be headed by Prime Minister Zia and a cabinet of ten MPs from both sides. The opposition rejected

30. New Nation, Dhaka, April 22, 1994.

it.³¹

In May 1994, some BNP leaders, in Dhaka, disagreed with the opposition's plea for a NCG to conduct polls and said the concept is against the spirit of democracy and the constitution. The BNP government was ready to consider any suggestion within the constitutional framework to improve the electoral system in a bid to ensure free and fair election.

The Representation of the People (Amendment) Bill, 1994, was introduced in the JS on 28 November by the BNP government. It was a step to strengthen the Election Commission and to ensure free, fair and impartial elections, to provide voters identity card to avoid impersonation, formation of an Electoral Enquiry Committee to prevent pre-poll irregularities and penalty not exceeding Taka 5,000 for the violation of electoral procedures. The bill was passed in the JS in November 30.³² After the bill was passed the Election Commission took initiative to make the electoral process clean. The BNP government sanctioned 3,000 million Taka to provide identity card to every voter.

On November 28, 1994, Begum Khaleda Zia said that the BNP's Jatiyabadi Chhatra Dal (JCD) is enough to combat the opposition. The BNP government was unperturbed over the opposition's enmasse resignation from the fifth parliament. She termed the opposition's "intransigence" as "self-

31. See, Golam Hossain, n. 2.

32. The Morning Sun, Dhaka, November 29, 1994.

defeating and counter-productive", given what she called the popular mood of resentment of and indifference to unremitting street-actions. Begum Zia described the opposition's thrust as "blind and obstructive to the constitutional process, and repugnant of the imperative of politics and economic construction in a hard-won representative political order".³³

The BNP politically designed different strategies to counter the different programmes of the opposition. Begum Zia stated in December 1994 that "BNP's Jatiyabadi Chhatra Dal (JCD) is enough to tackle the opposition".³⁴

Thus, the BNP applied muscle power to suppress the movement for NCG and used its JCD to combat the opposition. It made the movement more confrontationist and decided to go on the offensive against the opposition.

After the October 16, to 20 (1994) four day long hartal, the BNP government seems to be demoralized and it declared to launch the counter movement with fresh programmes across the country aimed at countering the alleged destructive politics of the opposition political parties.³⁵ Big anti-hartal processions were brought out jointly by the BNP, Jubo Dal and JCD in Dhaka and in different parts of the country, which led to clash with the

33. Holiday, Dhaka December 2, 1994.

34. Bangladesh Public Opinion Trends Analysis and News Services, December 15, 1994.

35. Bangladesh Times, October 25, 1995.

opposition and a number of men were injured and dead.³⁶ From time to time, the BNP organized anti-hartal processions and in the name of protecting democracy had used brutal police force, killings and terrorist activities against the opposition to dislodge the movement instead of negotiation, dialogue and peaceful discussion.

When the opposition political parties resigned enmasse on 28 Dec. 1994 the parliamentary deadlock continued; without responding to their demand the BNP had taken steps to conduct by-election in the existing vacancies. The opposition strongly protested and followed the one-point programme to step down Khaleda Zia from power and formation of a non-partisan neutral caretaker government to conduct free and fair election in Bangladesh. The political crisis deepened and the situation became worse. Finally, on 24 November 1995, on the advice of the Prime Minister Begum Khaleda Zia, President Abdur Rahman Biswas dissolved the country's fifth parliament with a view to holding the next general election. According to the scheduled time set by the Election Commission, the election was held on 15 February 1996. The main opposition and many of the country's voters, intimidated by violence, stayed away too. While admitting that the turn out was poor, Begum Khaleda Zia declared the results as a victory for the party describing the election as "free and fair". The opposition claimed that the election was marked by "wide spread vote rigging and stuffing". This

36. New Nation, December 10, 1995.

situation aggravated the tension between the thuggish BNP and the Awami League supporters which flared up in Dhaka. Since then, the opposition kept mounting pressures on the BNP through various means and frouts to cede to their demands.³⁷ Finally, the BNP could not confront the opposition any longer, it succumbed to the pressures of the opposition's demand for a non-partisan neutral caretaker government. In March 1996, the BNP brought a Constitutional Amendment to give non-partisan neutral caretaker government permanently, a constitutional shape and resigned on 30 March, 1996.

Thus, Bangladesh's political crisis which was associated with the movement for a non-partisan neutral caretaker government to conduct free and fair elections ended in March 1996, when the BNP responded positively after a long time.

37. Asiaweek, March 1, 1996, p. 29.

CHAPTER FIVE

CONCLUSION

CONCLUSION

The disenchantment with democracy swept the post-colonial Afro-Asian countries soon after its spread following the World War II. In most of the newly-independent Afro-Asian countries there were dismantling of participatory institutions and rise of authoritarianism. The democratic West often supported and sustained authoritarian regimes in the Third World countries whose cooperation served the vital interest of the West.

Military coup d'etats became a respectable form of governance. Benevolent dictatorship was thought to be a better alternative than the politics of short term electoral cycles. Events came in full circle with the reversal of authoritarian regimes in 1990 originating or dating back to 1974. Not surprisingly, most of these authoritarian regimes were narrow based which served vested or entrenched interests. Bangladesh is not exception to this. Its political heritage is replete with authoritarianism and dictatorial rule. In its brief history, it has experienced extreme volatility in politics, violent changes of the government, military coups and urban mass upsurge. Democracy has been trampled ruthlessly by the authoritarian military rulers for the last two decades in Bangladesh.

The people of Bangladesh^{had} fought relentlessly to have a democratic order and society in the united Pakistan. This urge of theirs of having democratic aspirations led to the emergence of Bangladesh as a sovereign independent state in 1971. Thereafter, Bangladesh saw the becoming of the long

cherished dream of parliamentary democracy for a brief time during the regime of Mujibur Rahman. Soon, Mujib, who had introduced the system of parliamentary democracy turned the political system into a single party, Presidential system characterised by authoritarianism. He suppressed the democratic aspirations of the people, - with subsequent constitutional amendments - curtailed the fundamental rights and power of the people and of the various institutions and democratic norms, values and principles were dishonoured.

As in any other Third World countries, Bangladesh, because of its historical legacy with Pakistan, after the assassination of Mujib passed into the hands of the military. The military rule in Bangladesh can be dated back to Zia-ur-Rahman. The democracy was at stake. It was because of the corporative interest that the military came to the forefront of national politics. Gen. Zia tried to legitimize his rule, a facade of democratization. To give his rule the shape of democratic content Zia launched a party called Bangladesh Nationalist Party and conducted a general election in 1979. But all the opposition political parties highlighted his rule as that of a military regime. During his time, through various constitutional amendment he destroyed the basic structure of the constitution and exploited Muslim sentiment to perpetuate his remaining in power. Through the fifth Constitutional Amendment he made the anti-liberation forces active in Bangladesh. So Zia's rule was a 'military bureaucratic condominium' with a civilian facade. Basically, the content of his rule was

autocratic.

Gen. Zia was assassinated on May 30, 1981, as a result of a military coup. Thereafter, political unrest continued and finally, Gen. H.M.Ershad assumed power through a coup in 1982. He ruled in the same fashion as was designed by Zia-ur-Rahman. Ershad, in order to legitimize his rule, formed the Jatiya Party (JP), conducted two elections in 1986 and in 1988. In both the elections the opposition political parties did not participate. So, the elections sans participation of divergent political fronts, lacked the crucible of participatory democracy. The institution of elections had lost its meaning and content. There was lack of accountability which crippled the political institutions. Thus, unlike his predecessors, Ershad in his 9 years of autocratic rule undermined all the values, norms and institutions of democracy.

During the Ershad regime from 1982 to 1990, the movement for the restoration of democracy continued to oust Ershad from power. The movement was launched unitedly by the AL-led alliances and BNP led alliances. Finally, Ershad was compelled to resign. He handed over power to Chief Justice Sahabuddin Ahmad on 6 December, 1990.

Chief Justice Sahabuddin Ahmad as an all-party consensual candidate was appointed as the head of the neutral caretaker government. Basically, he conducted the fifth parliamentary election in February 1991, which has been characterized by the foreign observers and media as the most free and fair elections in the history of Bangladesh

after those two decades. Before 1991 parliamentary election, Bangladesh had experienced four elections in 1973, 1979, 1986 and in 1988. Almost all these elections were rigged or elections were held without the opposition political parties' participation. Thus, before 1991, none of the regimes fulfilled the basic imperatives, norms and values of democracy, which was demanded and aspired by the people in terms of having a free and fair election for a freely elected government.

The neutral caretaker government of Justice Sahabuddin served the purpose of its *raison d'être* by conducting the election in Feb. 27, 1991 and paved the way for the transition of democracy in Bangladesh.

In 1991, fifth parliamentary election, the Bangladesh Nationalist Party headed by Begum Khaleda Zia won the election but it could not get the absolute majority. Therefore, with the support of the Jamaat-e-Islami, Khaleda Zia formed the government. Before the election she pledged to consolidate democracy to abolish indemnity clause, to make judiciary independent and adopt necessary measures to strengthen democracy. But after assuming power, her bringing of the twelfth constitutional amendment was the greatest achievement which revived the parliamentary system in Bangladesh. In the economic sphere, the BNP government introduced economic reforms. Initially, it did well in the banking and industrial sector and continued the reforms programme. The government also ratified the South-Asian Preferential Trade Arrangement to enhance trade and commerce

with the neighbouring countries. However, the results of such economic measures that were taken was not visible.

As Khaleda Zia formed the government with the support of the Jamaat-e-Islami, again the anti-liberation, fundamentalist forces became active. Khaleda Zia rehabilitated Golam Azam, a war criminal, against the "People's Court" verdict, in 1993. In the name of protecting democracy the BNP government passed the Anti-Terrorism Law in 1992 and used it as a weapon to harass the opposition political parties and curbed the fundamental rights of the people. The BNP government had undermined the judiciary; press and media were not free from the government control; law and order situation deteriorated; parliament was made a rubber stamp and it was truncated without opposition. During the BNP regime, its seen that the government passed many important Bills in the parliament without the opposition who characterized the government as dysfunctional or "malfunctioning", corruption was pervasive, effecting mass promotions in the bureaucracy and moreover, the government was adamant in not conceding the demands of the opposition for a neutral caretaker government. Thus, it can be said that the system of governance, adopted by the BNP government was the hangover of an authoritarian past.

In 1990s also there were movements for the restoration of parliamentary system, movement against the anti-liberation forces and movement for abolition of the indemnity clause from the constitution, etc. After the 1991 election the AL in tune to its demand for the revival of

parliamentary system had introduced a bill. The BNP government fulfilled its pledge for parliamentary system of government by passing a bill in the parliament to restore the parliamentary system.

The AL demanded for the abolition of indemnity clause. The Ghatk Dalal Nirmul Committee headed by Jahanara Imam and the AL also demanded the trial of Golam Azam and the killers and collaborators of the liberation war. By the fifth amendment of the constitution, the indemnity clause was inserted by Zia-ur-Rahman as an inseparable part of constitution. This clause blocked the trial of the killers and collaborators of the liberation war. Later, the AL demanded the denial of voting rights to those anti-liberation communal fundamentalist forces. However, the BNP government had not taken any step to punish the anti-liberation communal and fundamentalist forces, instead it patronized them.

One of the greatest significant problem which the country has had been confronting till the recent past was the problem of free and fair elections which seemed to be resolved taking into account of the July 12, 1996 elections. The 1991 election which was conducted by the Sahabuddin neutral caretaker government was the first free, fair and impartial election in the history of Bangladesh. But with the anti-democratic functioning of the BNP government, the opposition political parties headed by the AL Chief Sheikh Hasina joined by eminent scholars launched movements demanding for a non-partisan and neutral caretaker

government to conduct the future elections of the country and to make necessary constitutional provisions for its effective exercise.

However, the issue of a non-partisan and neutral caretaker government aroused a national intellectual debate and gathered momentum, in March 1994. The BNP government conducted Magura-2 by-elections which was the stronghold of AL lost the election to the BNP. The AL chief Sheikh Hasina and other political parties like Jatiya Party and Jamaat-e-Islami alleged that the BNP had rigged the election through EC. They demanded for the immediate resignation of Prime Minister Begum Khaleda Zia and installment of a non-partisan neutral caretaker government with immediate effect. When the Khaleda Zia government remained adamant not to concede their demands, all the mainstream opposition political parties boycotted the parliament since March 1994, which created a political and constitutional crisis in Bangladesh.

The opposition parties pressurized the government by calling nation-wide strikes and organizing mass rallies and street agitations. The government, in response, termed the actions of the opposition as unconstitutional and introduced a bill in the parliament to strengthen the Election Commission. This did not satisfy the opposition who wanted to remove the BNP from the power. With no resolution in sight, a dead lock grasped the polity in the absence of opposition's participation.

At this juncture, the Commonwealth Secretary General Emeka Anayaoku intervened to solve the political impasse. As

a part of the Commonwealth endeavour, former Governor of Australia Sir Ninian Stephen arrived in Dhaka on October 13, 1994 to mediate between the opposition and the BNP. Finally, he failed to resolve the problem and left Dhaka on 23rd November, 1994.

In due course of time, when the Commonwealth mediation failed, the opposition threatened to resign from the parliament unless their demand is met. The BNP government did not agree with the proposals of the opposition. As a result, 147 members from all the mainstream opposition political parties on 27 December, 1994, resigned en masse from the parliament which further deepened the crisis in Bangladesh. According to the constitutional provision the by-election should have been held within 90 days. But the BNP government did not make any effort to conduct the by-election.

After the en masse resignation of the opposition political parties, the BNP government in 1995 continued the parliament session, passed the budget and passed many important bills in the parliament and continued to function. As a result the opposition political parties brought the issue in to the street and intensified the movement. They followed different tools and tactics like hartal, siege, boycott, blockade, demonstration, mass rally, public meeting and non-cooperation, etc. Lastly, the opposition jointly demanded for the stepping down of Khaleda Zia from power, and to hold election under a non-partisan and neutral caretaker government.

The mainstream opposition political parties though changed their formula of a neutral caretaker government from time to time, their basic demand remained unchanged, that is the resignation of PM Begum Zia, formation of a non-partisan neutral caretaker government to conduct the future elections and Constitutional Amendment to give neutral caretaker government a constitutional shape.

The stalemate between the opposition and BNP government continued for two years. Finally, the BNP government agreed to step down from power before 30 days ahead of general election to hand over power to a non-partisan neutral caretaker government to conduct the election. But the opposition were determined and demanded that Begum Zia should resign immediately, before the 90 days of general election. Begum Zia did not agree, so the opposition political parties in September 1995, launched a 72-hour and another 96-hour hartal and non cooperation which made the situation worse.

Finally, Begum Zia succumbed to the mounting pressures of the opposition and requested the President Abdur Rahman Biswas to dissolve the parliament on 24 November, 1995. She continued to stay in office. The Election Commission scheduled 15th February 1996 for the sixth parliamentary election.

The main opposition political parties did not participate in the elections on the basis that their demands, for the stepping down of Begum Zia and a caretaker

government to be appointed to prepare for the poll, are not met. Moreover, they apprehended that the election would not be free and fair as no evidence of a free and fair election is found under any regime in the past except that of under a neutral caretaker government in Bangladesh.

With the opposition political parties abstaining, the ruling Bangladesh Nationalist Party swept the polls. Begum Khaleda Zia declared the results - a victory for her party - describing the election as "very fair and free".¹

The opposition leader Sheikh Hasina Wajed called for fresh elections and threatened to launch a civil disobedience campaign from February 24. She characterized the election as "farcical, one-party" election and warned the Election Commissioner to ignore the results because of "widespread vote rigging and stuffing".²

The election which was supposed to end the 23-month-long political impasse instead aggravated the tension between thuggish BNP and Awami League supporters.³

However, the united opposition led by Chief Sheikh Hasina continued the movement with vigour pressurising Begum Zia to come to terms with their demands.

Prime Minister Khaleda Zia had to finally recognize the validity of the opposition's demand for holding future national election under a neutral caretaker government. In -----

1. Asiaweek, March 1, 1996, p. 29

2. Ibid.

3. Ibid

an effort to end the protracted conflict, Begum Zia offered three proposals in a nationally televised address, on March 3, 1996. It said that, first, all future national elections will be held under a neutral government (a clear concession to the oppositions' demand for a neutral authority to oversee the next three elections); second, for this to happen, the first session of the sixth parliament will take necessary measures to amend the constitution and put it up for a referendum; and third, elections to the seventh parliament would be held soon.⁴

All the three main opposition parties rejected her offer, saying that it was a move designed to legitimize the illegal sixth parliament elected through fraudulent methods and false voting. They were also sceptical of her offer to hold elections soon, noting that Begum Zia had not specified time-frame for this. The opposition demanded the dissolution of the sixth parliament and the immediate resignation of the Prime Minister and her government. The ruling BNP initiated for striking a dialogue with the opposition which failed.

The mainstream opposition political parties strengthened the protest movement against Khaleda Zia and at last even civil servants had joined the protests against her. The Khaleda Zia government had to succumb to the pressure and, finally, had to amend the Constitution on 26th March to allow a caretaker government to arrange fresh elections. Four days later, Begum Zia dissolved the

4. Outlook, March 20, 1996, p. 30.

parliament, handed over power to the retired Chief Justice Habibur Rahman and herself stepped down, which opened a new chapter in the history of Bangladesh.

Thus, the opposition succeeded in their relentless struggle for the restoration of democracy as the stalemate which had continued for the last two years for a non-partisan neutral caretaker government, to ensure free and fair and impartial election, ended in March and paved the way for Bangladesh's transition to democracy.

Bangladesh with a population of 110 million, is one of the poorest nations on the planet.⁵ It ranks very low among the least developed countries in terms of human resource development measures by such indicators as literacy, health, nutrition, quality of life, status of women, employment and income.⁶ While there is an abject poverty pervading the society, the inequality in the distribution of income and wealth is glaring. The available data shows that 42 per cent of Bangladesh's national income is distributed to the highest quantile while the lowest quantile gets only 12 per cent.⁷ In terms of land distribution, the top 10 per cent of owners occupy 49 per cent of land, while the lowest 10 per cent own only 2 per cent.⁸

5. Asiaweek, December 8, 1995, p. 25

6. UNDP, Human Development Report, 1992

7. Report of the Task Force on Bangladesh Development, (UPL, Dhaka, 1991)

8. World Bank, World Development Report, 1992

Along with this factionalism, over-politicization, violence and corruption, competitive political culture, lack of accommodation and ideological clash has become the order of the day which are detrimental to the functioning of democracy. The country's chronic political instability and socio-economic frustration in process of complex interface with its external vulnerabilities have so far seriously impeded the process of development.

The last two years movement for NCG has, moreover, crippled the economy. The government estimated that a one-day nationwide hartal robbed the country's business of \$ 15 million. It may be noted that in 1995, the Awami League called more than 150 hartals, each lasting anywhere from six hours to six days.⁹

However, keeping in mind the above factors such as economic conditions and social deprivations, it can be mentioned here that the backward state of affairs in the country with its deep-seated problems may undermine democracy in Bangladesh. Its success and future of democracy depends largely upon the success of leadership and their ability to produce a record of better governance. Political parties should negotiate or work out the power conflicts in a peaceful manner because political conflicts that violently split elites lead to a crisis of governance, and often results in the demise of democracy. Recent trend shows that the Thirteenth Constitutional Amendment, i.e. the neutral

9. Asiaweek, February 16, 1996, p. 24

caretaker government to ensure free, fair and impartial elections in future has heralded the process of democratic transition in the country. The trend also reflects the greatest degree of constructive cooperation between the government and the opposition towards strengthening of the process of institutionalization of democracy in Bangladesh.

BIBLIOGRAPHY

DOCUMENTS AND REPORTS:

Asian Development Outlook, Oxford University Press, Hong Kong.

Bangladesh Mukti Nirbichan Andolan (BAMNA), Report on "Elections to the fifth national Parliament, Dhaka, 1991.

Bangladesh Documents, Ministry of External Affairs, New Delhi,

Bangladesh Towards 21st Century, Published in 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, Sydney and New York.

BOOKS :

Ahmad, A.F. Salauddin, Bangladesh Tradition and Transformation, University Press, Dhaka, 1987.

Ahmad, Emajuddin, Bangladesh Politics, General Editor, Dacca, Centre for Social Studies, Dhaka University, 1980.

Ahmad, Emajuddin, Military Rule and the Myth of Democracy, University Press Ltd, Dhaka, 1988.

Ahmad, Kamruddin, A Socio-Political History of Bengal and the Birth of Bangladesh, Zahiruddin Mahmood Inside Library, Dhaka, 1975.

Ayoob, Mohammad, Bangladesh: The Challenge of Bangladesh, Prakashan, Bombay, 1971.

Ahmed, Moudud, Democracy and the Challenge of the Development: A Study of Politics and Military intervention in Bangladesh, Vikas Publishing House Pvt. Ltd, New Delhi, 1995.

Banerjee, D.N., East Pakistan: A Case Study in Muslim Politics, Vikas Publications, Delhi, 1969.

- Barua, Tushar Kanti, Political Elites in Bangladesh: A Socio-Anthropological and Historical Analysis of the Process of their Formation, Bern, Peterlony, 1978.
- Bhatnagar, Yatindra, Bangladesh: Birth of a Nation, ISSD, Delhi, 1971.
- Bhargava, G.S. Pakistan in Crisis, Delhi, 1969.
- Bhuiyan, Abdul Wadud, Emergence of Bangladesh and Role of Awami League, Vikas Publication, New Delhi, 1982.
- Badruddin, Umar, Politics of Society in Post Pakistan and Bangladesh, Dhaka, 1974.
- Chakravarty, S.R., (ed), Bangladesh Under Mujib, Zia and Ershad, Har Anand Publications, New Delhi, 1995.
- Chakravarty, S.R., Evolution of Politics in Bangladesh, 1947-1978, PPH, 1978.
- Chakravarty, S.R., The Nineteen Seventy-Nine Elections, South Asian Publications, New Delhi, 1988.
- Chakravarty, S.R. (ed), Society, Polity and Economy of Bangladesh, Har-Anand Publications, New Delhi, 1994.
- Chakravarty, S.R., and Virendra narain, (eds.), Bangladesh, History and Culture (vol. i), Domestic Politics (vol. ii), Global Politics (vol. iii), South Asian Publications, New Delhi, 1986.
- Chakrabarti, S.K., The Evolution of Politics in Bangladesh, New Delhi, 1978.
- Chopra, V.D., Pakistan and Aisa Peace, (eds.), Patriot Publishing, New Delhi, 1985.
- Choudhury, G.W., Constitutional development in Pakistan, Scorpion Publishing Ltd. Essex.
- Cohen, Athens, Democracy, University of Georgia Press, 1971.
- Franda, Marcus, Bangladesh: The First Decade, South Asian Publications, New Delhi, 1977.
- Gankosky, Y.V. and L.R. Gordon-Polonskaya, A History of

Pakistan, Naukya Publishing House, Moscow, 1964.

Hakim, M.A. Muhammad, Bangladesh Politics: The Sahabuddin Interregnum, University Press Ltd., Dhaka, 1993.

Hassuanuzaman, and J.K. Roy, An Uncertain Beginning : Perspectives of Parliamentary Democracy in Bangladesh, Naya Prakash, Calcutta, 1992.

Harun, Shamsul Huda, Baqladesh: Voting Behaviour Study: A Prephological Study, Dhaka University, 1986.

Hossain, Golam, General Zia-ur-Rahman and the BNP: Political Transformation of a Military Regime, Dhaka University Press, 1988.

Iftekharuzzaman and abduS Sabeer, A.K.M. (eds.), Bangladesh, Society, Polity, Economy, Pragati Prakashani, Dhaka, 1993.

Islam, Rafiqul M., Bangladesh Liberation Movement: International Legal Implications, University Press, Dhaka, 1987.

Islam, Serajul, Bangladesh: state and Economic Strategy, University Press, Dhaka, 1988.

Islam, Sarurajul, and Harunoor Rashid (eds.), History of Bangladesh, Asiatic Society, Dhaka, 1994.

Jackson, Robert, South Asia Crisis, Bombay, 1978.

Jahan, Rounaq, Bangladesh Politics: Problems and Issues, University Press, Dhaka, 1980.

Jalal, Aisa, Democracy and Authoritarianism in South Asia, Cambridge University Press, 1995

Karim, A.K. Nazmul, The Dynamics of Bangladesh Society, Vikas Publishing House, New Delhi, 1980.

Khan, Muhammad Mohabbar and Zafrullah, Habib Muhammad, (ed.), Politics and Bureaucracy in a New Nation: Bangladesh, Centre for Administrative Studies, Dhaka, 1980.

Lifschuttz, Lawrence, Bangladesh: The Unfinished Revolution, Zed Press, London, 1979.

Mamoon Muntassir and Jayant, K.Ray, Inside Bureaucracy Bangladesh

Muhith, A.M.A., Banladesh: Emergence of a Nation, Bangladesh Books International, Dhaka, 1979

Muhith, A.M.A., Banladesh: Emergence of a Nation, Bangladesh Books International, Dhaka, 1978.

Munirazzaman, Talukdar, Radical Politics and the Emergence of Bangladesh, Bangladesh Books International, Dhaka, 1975.

Muniruzzaman, Talukdar, Banladesh Revolution and its Aftermath, BBI, Dhaka, 1980.

Muniruzzaman, Talukdar, Group Interests and Political Changes, South Asian Publishers Pvt. Ltd., New Delhi, 1982.

Puchkov, V.P., Political Development of Bangladesh(1971-1985), Patriot Publications, New Delhi, 1989.

Qadir, Nadeem., Banladesh: Realities of Democracy and Crisis, Academic Publishers, Dhaka, 1994.

Rahman, Matiru., Banladesh Today: An Indictment and a lament, News and Media Book, London, 1978.

Rahman, Mirzanur., Emergence of a Nation in a Multi-Polar World: Bangladesh, Bangladesh University Press. 1977.

Roy, J.K., Democracy and Nationalism on Trial: A Study of East Pakistan, IIAS, Simla, 1968.

Salahuddin, A.F., Banladesh: History and Culture, New Delhi, 1986.

Sayeed, K.B., Pakistan: The Formative Phase, Karachi, 1960.

Sen, Gupta, Jyoti, eclipse of East Pakistan, Renco, Calcutta, 1963.

Sen, Rangalal, Political Elites in Bangladesh, University Press, Dhaka, 1986.

Sobhan, Rahman, (eds.), The Decade of Stagnation: Bangladesh Economy in the 1980s, University Press, Dhaka, 1991.

Sobhan, Rahman., Bangladesh: Problems of Governance, Konark Publishing, New Delhi, 1993.

Sobhan, Rahman., The Crisis of External Dependence, Bangladesh University Press, Dhaka, 1982.

Ziring, Lawrence, Bangladesh-From Mujib to Ershad, An Interpretive Study, OUP, Karachi, 1992.

ARTICLES :

Ahmad, A.F. Salahuddin, "Historical and Cultural Background of the Emergence of Bangladesh", Indo-British Review, Sep-Dec. 1989.

Ahmad, Nizam, 2nd BNP Government: A Mid-term Appraisal, Regional Studies, vol. xii, No. 3, Summer, 1994.

Alam, S.M. Shansul, "Military and the Crisis of Political Hegemony of Bangladesh", South Asia Bulletin, 10(2), 1990.

Amin, Md. Nurul and Md. Rafiqul Islam, "Twenty Years of Bangladesh Politics: An Overview", Regional Studies, vol. x, No. 2, Spring, 1992.

Baxter Craig, "Bangladesh in 1991: A Parliamentary System", Asian Survey, vol. xxxii, No. 2, February, 1992.

Baxter, Craig, "Bangladesh: A Parliamentary Democracy if they can keep it", Current History, March, 1992.

Baxter, Craig and Rahman Syedur, Bangladesh Votes 1991: Building Democratic Institutions, Asian Survey, vol. 31, No. 8, August, 1991.

Baxter, Craig, "Bangladesh in 1990: Another New Beginning?", Asian Survey, vol. 31, No. 2, February, 1991.

Choudhary, Ujjal K., "February 1991-General Election in Bangladesh, Background, electioneering and aftermath", Asian Studies, vol. 9, 1991.

Ghose, Partha S., "Bangladesh at the Cross Road: Religion and Politics". Asian Survey, vol. xxxiii, No. 7, July, 1993.

Ghosh, Shyamali, "Constitutional Changes in Banglaesh", India Quarterly, vol. xlii, No. 4, Oct-Dec. 1986.

Gupta, Anirudha, "Bangladesh: Democracy Dhaka Style", Economic and Political Weekly, vol. xxvii, No. 30, 25 July 1992.

Hakim, Muhammad A., "Fall of Ershad Regime and its Aftermath", Regional Studies, vol. x, No. 1, Winter 1991-1992.

Hakim, Muhammad A. "Parliamentary Elections in Bangladesh: A Comparative Analysis", Regional Studies, vol. x, No. 2, Spring, 1993.

Hakim, Muhammad A. and Huque, Ahmad Shafiqul, "Constitutional Amendments in Bangladesh" Regional Studies, vol. xii, No. 2, Spring, 1994.

Hossain, Golam, "Bangladesh in 1994: Democracy at Risk", Asian Survey, vol. xxxv, No. 2, February, 1995.

Iftexharuzzaman, and Mahbubur Rahman, "Transition to Democracy in Bangladesh Issues and Outlook", BISS Journal, vol. 12, No. 1, January, 1991.

Khan, Muhammad Mahabbat and Zafrullah, Habib Muhammad, "Trends in Bangladesh Politics 1972-88", Round Table, No. 315, July, 1990.

Khan, Zillur R. "Bangladesh in 1992: Dilemma of Democratization", Asian Survey, vol. xxxiv, No. 2, February, 1994.

Kukreja, Veena, "Parliamentary Democracy in South Asia: A Regional Comparative Perspective" India Quarterly, vol. xlii, No.2, June, 1986.

Macorthy, Florence E, "Decentralization and Regime Politics in Bangladesh during the Ershad Regime" Journal of Social Studies, July, 1993.

Maniruzzaman, Talukdar, "Fall of the Military Dictator: 1991 Elections and the Prospect of Civilian Rule in Bangladesh", Pacific Affairs, vol. 65, Summer, 1992.

Murshid, Tazeen M., "Bangladesh: The Challenges of Democracy-Language, Culture and Political Identity", Contemporary South Asia, vol. 12, January, 1993.

Rahman, Aatur, "Challenges of Governance in Bangladesh", BIISS Journal, vol. 14, No. 4, April, 1993.

Rahman, Hussain Zillur, "Land Scape of Violence: Elections and Political Culture in Bangladesh", Journal of Social Studies, July, 1990.

Rahman, Mahbubur, "Elite Formation in Bangladesh Politics", BISS Journal, vol. 10, No. 3, October, 1989.

Rahman, Syedur, "Bangladesh in 1988: Precarious Institution Building Amid Crisis Management", Asian Survey, vol. xxix, No. 2, February, 1989.

Rizui, gowher, "Bangladesh: Towards Civil Society", World Today, vol. 47, No. 8, September, 1991.

Sen, D., "Bangladesh: Towards a New Policy", World Focus, Annual Number, vol. 11, Nov.-Dec. 1990.

Shamsul Alam S.M; "Military and the Crisis of Political Hegemony of Bangladesh", South Asian Bulletin, 10(2), 1990.

Ved, Mahendra, "Fall of Ershad: what Next in Bangladesh", Strategic Analysis, vol. xvi, No. 1, April, 1995.

News Papers

Dhaka Courier (Weekly), Dhaka.

Holiday (Weekly), Dhaka.

The Bangladesh Observer, Dhaka.

The Daily Star, Dhaka.

The Morning Sun, Dhaka.

New Nation, Dhaka.

Financial Express, New Delhi.

The Times of India, New Delhi.

The Hindustan Times, New Delhi.

The Pioneer, New Delhi.

The News Times, Hyderabad.

Dailies: Bangladesh Public Opinion Trends Analysis and News Services, 1991, 1994 & 1995.