

**DEMOCRACY IN BANGLADESH:  
CHALLENGES & OPPORTUNITIES**

**Thesis submitted for the Degree of  
DOCTOR OF PHILOSOPHY (Arts)  
of  
Jadavpur University**

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2015**

**Certified that the Thesis entitled**

**Democracy in Bangladesh: Challenges and Opportunities**

submitted by me for the award of the Degree of Doctor of Philosophy in Arts at Jadavpur University is based upon my own work carried out under the supervision of Dr. Purusottam Bhattacharya, Professor, Department of International Relations, Jadavpur University and that neither this thesis nor any part of it has been submitted before for any degree or diploma anywhere/elsewhere.

**Counter-signature of the supervisor**

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**Date:**

**Date:**

## **ACKNOWLEDGEMENTS**

I would like to begin the acknowledgements by thanking my supervisor, Dr. Purusottam Bhattacharya, Professor, Department of International Relations, Jadavpur University. For me this is not just a ritualistic duty but a matter of immense pride that I worked under the supervision of Professor Bhattacharya who was extremely patient and tolerant with my research work, guiding me through my lapses and at the same time, allowing me the fullest intellectual freedom to shape it the way I wanted. The minutest details did not escape his eyes; had it not been for his invaluable guidance, this thesis would have been an impoverished piece of work. I would like to take this opportunity to also thank Dr. Shibashis Chatterjee, Department of International Relations, Jadavpur University. Not only did he share his knowledge of Bangladesh's political and social scene with me, but also helped immensely in arranging my field trip to Bangladesh.

I am grateful to the Department of International Relations, Jadavpur University as a whole which harboured me during the course of my study, and would specially like to thank the Departmental library staff for their patience and cooperation. In the same breath, I would also like to acknowledge my indebtedness to my teachers, Prof. Sobhanlal Duttgupta, Prof. Rakhahari Chatterjee, Prof. Satyabrata Chakrabarty and Prof. Bonita Aleaz of the Department of Political Science, University of Calcutta for initiating me to the methodologies of research. This was the department which nurtured me during my years as a student; had it not for the valuable guidance and interventions of my Professors in the department, I would never have emerged as a scholar capable of undertaking such a major piece of research work.

I spent endless hours at various libraries in Kolkata- National Library, Bangladesh High Commission Library, Library of the Netaji Institute of Asian Studies, Library of the Department of South Asian Studies, Calcutta University and Library of the Maulana Abul Kalam Azad Institute of Asian Studies; in Delhi- Jawaharlal Nehru University Library, Ministry of External Affairs Library, Govt. of India and South Asia Foundation Information and Documentation Centre; and Dhaka- Dhaka University Library, BRAC University Library- to give this research work a concrete shape. I take this opportunity to

acknowledge my heartfelt thanks for all the help and support the staff of each of these libraries extended to me during these reading sessions.

Special thanks goes to Prof. Jayanta Ray of the Department of Foreign Policy Studies, University Of Calcutta, Dr. Sreeradha Dutta, Director, Maulana Abul Kalam Azad Institute of Asian Studies, Kolkata and Mr. Sandeep Chakraborty, Deputy High Commissioner of India in Bangladesh, Dhaka for taking time out of their busy schedule to share their ideas and experiences with me and introducing me to several members of the political elite, press and media fraternity and the civil society in Bangladesh. In fact, I was overwhelmed by the cooperation extended to me by the Indian High Commission in Dhaka, Bangladesh during the course of my stay in that country and I sincerely wish to thank them for that.

Again, I wish to express my gratitude to all those academicians, government officials, politicians, lawyers, civil society activists, journalists, university students (and also common citizens on the streets of Dhaka and Chittagong) I interviewed during the course of this study and whose valuable insights were particularly helpful in comprehending the nature of politics and society in Bangladesh. Special thanks goes to Janab Abed Khan- Sr. journalist and former editor of Bhorer Kagoj and Kaler Kontho; Janab Raheed Ejaz- Special correspondent, Prothom Alo; Janab Shakil Ahmed- Circle Officer, Tejgaon Development Circle, Government of Bangladesh; Janab Amir Hossain Amu- MP, Bangladesh Awami League; Janab Moyeen Khan- Ex-minister and Standing Committee Member, BNP; Prof. Shantanu Majumdar- Dept. of Political Science, University of Dhaka; Prof. Imtiaz Ahmed- Department of International Relations, University of Dhaka; Prof. Monirul Khan- Chairman, Dept. of Sociology, University of Dhaka and Prof. Muntassir Mamoon, Department of History, University of Dhaka for their valuable time and support.

Being a full-time assistant professor of a college, I have to admit that balancing my busy work schedule and my studies would have been a major issue, had it not been for the constant encouragement and cooperation of my college principal, Dr. Sujit Kr. Das and my departmental colleagues. Prof. Somdatta Banerjee was always there to help me with

plenty of valuable suggestions, which invariably bolstered my confidence. I remain indebted to Prof. Devarati Mandal for ensuring that my field trip to Bangladesh was smooth and productive. Last, but not the least, I would like to thank Prof. Mithun Banerjee for his practical knowledge and help at every stage of my research process that helped me to complete my work with minimum hassle. I also need to thank Prof. Sabyasachi Chatterjee, Department of History, University of Kalyani, (a former college colleague of mine) for all his support and guidance; had he not motivated me, I might not have embarked upon this major research work.

Finally, I owe the completion of my work to the unending patience and support of my family; my son, Arpan Dasgupta who waited for the day when Mamma would finish her studies and give him more 'quality' time; my husband, Avik Dasgupta, who was always there as my constant companion, motivating me, sharing my worries, taking on most of my responsibilities so that I could devote more of my time on my research studies and of course, my parents, Gopa Dutta and Kamal Kumar Dutta, who remained there as my constant source of support and inspiration.

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## **LIST OF ABBREVIATIONS**

ABT	–	Ansarullah Bangla Team
ADAB	–	Association of Development Agencies in Bangladesh
AL	–	Awami League
AFD	–	Armed Forces Division
BARD	–	Bangladesh Academy for Rural Development
BELA	–	Bangladesh Environmental Lawyers’ Association
BFCCI	–	Bangladesh Federation of Chambers of Commerce and Industry
BKM	–	Bangladesh Khelafat Majlish
BNP	–	Bangladesh Nationalist Party
BRAC	–	Bangladesh Rural Advancement Committee
CFE	–	Citizens for Fair Elections
CHT	–	Chittagong Hill Tracts
CIVICUS	–	World Alliance for Citizen Participation
CPD	–	Centre for Policy Dialogue
CSO	–	Civil Society Organisation
CTG	–	Caretaker Government
EC	–	Election Commission
FEMA	–	Fair Election Monitoring Alliance
FNB	–	Federation of NGOs in Bangladesh
GDP	–	Gross Domestic Product
GNCC	–	GO-NGO Consultative Council
HuJIB	–	Harkat-ul- Jihad-al-Islami
HYV	–	High Yielding Variety

ICPPR	–	International Covenant on Civil and Political Rights, 1976
IPU	–	Inter-Parliamentary Union
ICS	–	Islami Chhatra Shibir
ICT-II	–	International Crimes Tribunal-II
IDPAA	–	Institute of Development Policy and Advocacy
IOJ	–	Islami Oikyo Jote
JMB	–	Jamaat-ul-Mujahideen
JMJB	–	Jagrata Muslim Janata Bangladesh
JP	–	Jatiyo Party
MFI	–	Micro-Finance Institutions
MP	–	Member of Parliament
NGO	–	Non-Governmental Organisation
NSI	–	National Security Intelligence
PMQT	–	Prime Minister’s Question Time
RAB	–	Rapid Action Battalion
SDC	–	Swiss Agency for Development and Cooperation
SDLG	–	Strengthening Democratic Local Governance(Project)
TIB	–	Transparency International Bangladesh
UNDP	–	United Nations Development Programme
UNHRC	–	United Nations Human Rights Council
UNROB	–	United Nations Relief Organization in Bangladesh
USAID	–	United States Agency for International Development
UP	–	Union Parishad
VPA	–	Vested Property Act

## **INTRODUCTION**

The issue of democracy in South Asia has always been a subject of considerable public debate. Frequent doubts have been raised about the nature of democracy established in the countries of South Asia as well as the understanding of democracy by its people. More so because, apart from India and Sri Lanka, most of the other states in the sub-continent do not have a consistent record of holding on to democratic practices. The fact that elections in Pakistan, Bhutan, Nepal and Bangladesh were held one after the other in fairly close succession, in the year 2008, was regarded significant as it pointed towards an encouraging shift of public opinion and political mores in South Asia. It was fairly assumed that the process of democratization in South Asia had been well launched and would bring about a healthier political environment in this part of the world.

Not however all South Asian states were seen marching to the same tune for a long time; Bangladesh, for example, has once again been drawn into a quagmire of political violence. A nation in an unending search for stability and identity, Bangladesh has experienced numerous instances of authoritarian, military and quasi-military interventions in the democratic experiments of the country since independence. But unfortunately none has worked for long. While the national elections in 2008 were generally regarded as among the freest and fairest in Bangladesh's history, ushering in a new era of effective democracy, the quality of the 10th Parliamentary elections held in Bangladesh on 5<sup>th</sup> January 2014, has been questioned in terms of credibility, inclusivity and participation. The elections, held against the backdrop of the Opposition alliance's boycott and blockade programme, amidst a whirl of apprehensions, tension and violence, has produced a unique political situation in the country. The current system of government might more aptly be described as 'electoral autocracy', rather than liberal democracy.

It is being often said that, in the absence of a consensus among the major political parties and their leaders on some basic democratic rules, the current political crisis in Bangladesh is fast approaching the point of no return and could gravely destabilise the country unless the opposing sides move urgently to reduce tensions. The country, today, bears witness to a lethal cocktail of death and dubious democracy, one that has claimed over a hundred lives and has led to the nation suffering major diplomatic setbacks.<sup>1</sup> On the one hand the Opposition BNP alliance, having boycotted the 2014 polls, appears bent on ousting the elected government via street power. In the first few months of 2015, it enforced a violent blockade across Bangladesh demanding a fresh election. On the other hand, the Hasina government, emphasise that the absence from Parliament of former Prime Minister Khaleda Zia and her BNP make them political non-entities. As such, the government is attempting to forcibly neutralise the political opposition and stifle dissent by bringing corruption and other criminal cases against Opposition party leaders, among whom are Zia and her son and heir apparent, Tarique Rahman. Heavy-handed uses of police and paramilitary forces and legislation and policies that undermine fundamental constitutional rights have further undermined the Hasina Government's political credibility.

As the mayhem escalates, so too have the attitudes on both sides of the Awami-BNP divide hardened, with neither side prepared to give negotiations a try. Political stability and democratic governance seem to have been traded with violence and extremism for absolute political gains. Unfortunately, the opportunities for political reconciliation are fast diminishing, as political battle lines become ever more entrenched. In fact, the severity of the existing situation has, once again, brought Bangladesh under the international scanner<sup>2</sup>; even so, the main opposition party has resorted to fake public announcements from external powers regarding the government's political repression to

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<sup>1</sup> See Press Statement of the U.S Department of State at <http://www.state.gov/r/pa/prs/ps/2015/02/237222.htm>, February 5, 2015 accessed on 2 April, 2015.

<sup>2</sup> 'Ban writes to Hasina, Zia; calls for dialogue', *The Statesman*, Kolkata, February 19, 2015; 'Solution to crisis exists within Bangladesh', *The Daily Star*, Dhaka, February 18, 2015.

garner support and international attention.<sup>3</sup> Thus, despite mass belief in democratic values,<sup>4</sup> Bangladesh, today, is a ‘fragile democracy’ in the perception of the world. Obviously, such a disappointing scenario raises vital questions regarding the level of democratic development in the country. The basic questions which bother any researcher on this South Asian State are quite simple but important- *Why has ‘democratic’ politics in Bangladesh degenerated into this mess? How grave are the challenges that generate this gap between the expectation and performance of Bangladesh as a democratic country? What opportunities still exist in the country that can help abridge this qualitative gap, at least in the near future?*

### **Research Questions Raised**

While democratic development in most of the countries of South Asia has been examined and debated at length, the studies in the case of Bangladesh have been largely limited to discussing the crisis ‘per se’ without addressing the question ‘Why’. This study essentially seeks to fill up this void by addressing the following research questions.

- It is widely believed that Bangladesh has a democratic framework of governance, though it is not substantiated by practice. How far is this true? Does Bangladesh have all the necessary trappings of a democratic state?
- The Eurocentric notion of contemporary political theory fosters the idea that democracy is not viable and active citizenship not possible where the Church and the State are not separated. Does this democratic truism apply for Bangladesh?
- To what extent are democratic values domesticated and internalized in Bangladesh society? How responsive a role has the civil society played in the process of legitimization and consolidation?

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<sup>3</sup> ‘No phone call to Khaleda: BJP chief confirms it to state news agency, 2 pvt TV channels; Tarique's aide sent fake US statement on Bangladesh’, *The Daily Star*, Dhaka, January 11, 2015.

<sup>4</sup> Interestingly, the US ambassador in Dhaka Marcia Stephens Bloom Bernicat in her first press briefing on 17 February, 2015 characterized ‘Bangladeshi people as having democracy in their very DNA.’

- How has the civil society responded to the incursions of Islam in the forays of active governance?
- Is a balanced relationship between the State, Civil society and the Church possible for a country, especially an Islamic one, like Bangladesh? Can such a relationship possibly increase the prospects of democracy in this part of South Asia?

The researcher did not come across a comprehensive work of this nature which addresses all the above questions. Hence, this modest attempt to contribute in to research studies by exploring the paradox of the ‘cosmetic’ liberal democracy currently at play in Bangladesh.

### **Methodology**

This research work has both an exploratory and a descriptive dimension. It is essentially based on historical and logical analysis of data gathered from both primary and secondary sources. A thorough reading of the literature available has been crucial to the writing of this thesis. Efforts have been made to assimilate the diverse perspectives of prominent thinkers on the subject and integrate the various fascinating debates about the Politics-Religion-Civil Society problematic within the argument of this thesis.

For the bulk of the empirical data, the work has relied on formal interviews and informal interactive sessions with several members of the Bangladeshi civil society and politics. A limited number of Bangladeshi academicians, bureaucrats, media persons and entrepreneurs have been approached to view their opinions on the subject. Though not a part of any structured sample, even common citizens on the streets of Bangladesh, were approached by the researcher to share their experiences and views on certain issues like electoral turnout, confrontational politics, Shahbagh protests and such others. The researcher has also held discussions with some political analysts of South Asia to support the findings of this study. Together all these answers and discussions yielded most valuable insights for corroborating or countering the arguments of the thesis. In addition to this, content analysis of various primary and secondary documents like books,

journals, research reports and newspapers have also been resorted to supplement the findings of this study.

## **Review Of Literature**

Over the years, books and articles on ‘democracy in Bangladesh’ and its various dimensions have multiplied. We select here some of the most important works written in the recent past which has shaped the writing of this thesis in a major way. A brief review of these works would also help us to establish the extent to which this subject has been covered so far and the gaps which remain to be filled up.

To begin with, important treatment of the political history of Bangladesh and its traumatic birth process can be found in *Bangladesh- Emergence of a Nation* by A.M.A Muhith<sup>5</sup> and Rekha Saha’s book entitled *India- Bangladesh Relations*<sup>6</sup>; both these books offer authoritative accounts of the Bangladesh liberation movement which is generally interpreted as an outcome of an identity crisis, a crisis which led to the resurgence of the feelings of solidarity in the then East Pakistan. The national unity demonstrated by the people of Bangladesh during the independence war had left no room for doubt that the idea of a sovereign democratic state remained at the very core of their concept of nationalism. Anthony Mascarenhas’s book, *Bangladesh: A Legacy of Blood* is another engaging account of the bloody coups and uprisings in the post-independence Bangladesh.<sup>7</sup> The book focuses on the two towering figures of Bangladeshi politics, Sheikh Mujibur Rahman and Ziaur Rahman, who are popularly credited as two key architects of modern Bangladesh though the rule of each was ended by assassination. Essentially valuable for comprehending the basic dimensions of Bangladesh politics, these narratives are however low on interpretation and do not delve in depth into the factors which challenge the institutionalization of democracy in this new nation. A book of similar genre, but with valuable insights into the civil-military relations and

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<sup>5</sup> A.M.A Muhith, *Emergence of a Nation*, The University Press Limited, Dhaka, 1998.

<sup>6</sup> Rekha Saha, *India- Bangladesh Relations*, Minerva Associates, Kolkata, 2000.

<sup>7</sup> Anthony Mascarenhas, *Bangladesh: A Legacy of Blood*, Hodder and Stoughton, London, 1986.

democratic challenges faced by the nation, during the initial years, is Lawrence Lifschultz's, *Bangladesh: The Unfinished Revolution*. Once banned by the Government of Bangladesh, this book is a fascinating account of the secret execution of Abu Taher, a patriotic leftist leader of Bangladesh and the killing of Sheikh Mujibur Rahman, the Father of the Nation. The author skillfully connects his analysis of these events to the history of the subcontinent since British colonial days, and powerfully projects the dilemma of practically most Asian countries: the necessity to adapt populist-socialism along with bourgeois capitalism to local needs; according to Lifschultz, it is the latter that remains rather unfinished in Bangladesh.

A range of writing is available on the interesting area of national identity dilemma and its impact on democratic development in Bangladesh. P.K Bandhopadhyay in his book *The Bangladesh Dichotomy and Politicisation of Culture* quite aptly notes that 'no culture of evolving the politics of consensus even on key affairs of the State has come into being despite three decades of independent existence of the country.'<sup>8</sup> Bandhopadhyay exposes the tendency in Bangladesh to overemphasize on individualistic and faction-oriented character of organizations which further exacerbates the polarized and confrontational political atmosphere existing in the country. He, however, feels that such political unrest stems from the deep cleavage which exist in society, the latter having its roots in the vertical split between the two major components of Bangladeshi nationalism, the religious-cultural and the linguistic-cultural. A similarly oriented book is *Bangladesh in International Politics (The Dilemmas of Weak States)* written by Muhammad Shamsul Huq<sup>9</sup>. In this book, Huq, interestingly points out that the State of Bangladesh's political underdevelopment is reflected in its lack of political stability and national cohesion; the latter arising out of a strange dichotomy. i.e, whether the people of Bangladesh were Bengalis or Bangladeshis. This dichotomy, says Huq, has both a political and religious undertone reflecting an inherited fear of external domination. Likewise Bangladesh's history, culture and domestic politics has been discussed in a set of three volumes edited

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<sup>8</sup> P.K Bandhopadhyay, *The Bangladesh Dichotomy and Politicization of Culture*, B.R Publishing Corporation, Delhi, 2004.

<sup>9</sup> Muhammad Shamsul Huq, *Bangladesh in International Politics- The Dilemmas of Weak States*, Sterling Publishers, 1993.



by S.R Chakraborty and Virendra Narayan. The first volume, *Bangladesh-History and Culture*, includes a very insightful paper by Mokhdum-E-Mulk Mushrafi entitled ‘*Problem of Consensus on National Identity in Bangladesh-Religion and Language*’<sup>10</sup>. In this paper, Mushrafi clearly argues that the ‘National identity of Bangladesh encounters the challenge of consensus.’ Duality of heritage of Bangladesh could not be intertwined into an absolute single whole to form a framework of consensus on national identity. Equally powerful as they are, both religion and language, have been equally self-assertive posing a threat of self-vivisection to the nation. Each of these works demonstrate the relevance of religion in the concept of Bangladeshi nationhood and also partly explain the recent upsurge of religious fundamentalism in the changing political and social context within the country. Special mention must be made here of K.Warikoo’s treatment of the subject in ‘*Islamic Extremism: Challenges to Security in South Asia*’<sup>11</sup> wherein Warikoo argues that the emergence of radical and extremist Islamist movements has proved to be the principal source of instability in South Asia since the late 1970s. The gradual Islamisation of Bangladesh polity after 1975, once the military rulers seized power, Warikoo explains blurred the distinction between Islam as a religion and as a form of nationalism. By doing so the nation, not only, denied its secular credentials, originally adopted, but also invoked new challenges to the fragile process of democratization underway.

More focused treatment of religious extremism in Bangladesh can be found in *Bangladesh- Treading The Taliban Trail* edited by Jaideep Saikia<sup>12</sup> and *Bangladesh, The Next Afghanistan* by Hiranmay Karlekar<sup>13</sup>. Both of these are well documented and authoritative works on the why and how of Bangladesh’s drift towards fundamentalist

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<sup>10</sup> Mokhdum-E-Mulk Mushrafi, *Problem of Consensus on National Identity in Bangladesh-Religion and Language* in S.R Chakraborty and Virendra Narain (ed), *Bangladesh-History and Culture, Domestic Politics, Global Politics*, ( Vol I-III), South Asian Publishers, New Delhi, 1986.

<sup>11</sup> K. Warikoo, *Islamist Extremism; Challenges to Security in South Asia*, *Strategic Analysis*, Vol.30(1), January, 2006.

<sup>12</sup> Jaideep Saikia, *Bangladesh- Treading the Taliban Trail*, Vision Books Limited, New Delhi, 2006.

<sup>13</sup> Hiranmay Karlekar, *Bangladesh- The Next Afghanistan*, Sage Publications, New Delhi, India, 2005.

Islam. Karlekar, for example, states in his book that terrorist attacks such as the serial bomb blasts of 2005 in Bangladesh were actually part of a systematic attempt to destroy the nation's Secular and democratic polity, as well as its vibrant intellectual and cultural life, and to convert the country into a hardline Islamic one. What is apparent from both Saikia's and Karlekar's writings are that, in the context of Bangladesh, it is unrealistic to even think of politics without religion playing some role in it. Both Karlekar and Saikia do not exaggerate when they express fears about Bangladesh's democratic framework being 'threatened'; one which is battling against the harsh edicts of theological orthodoxy; a battle that will have ramifications that go well beyond the internal stability of the nation. Unfortunately, however these writings do not include the bold new images of civil society engagement in today's Bangladesh which has the potential to chart out new routes to democratic success in this young nation.

Books on the role of civil society in Bangladesh and its impact on democratic development are rather few in number. Muntassir Mamoon and Jayanta Kr. Ray's book entitled *Civil Society in Bangladesh- Resilience and Retreat*<sup>14</sup> is a comprehensive study of how the civil society of Bangladesh has responded to the formidable challenges posed by a variety of antagonistic forces- successfully or unsuccessfully, actively or passively. Another very recent work in 2007 by the same authors *Essays on Politics and Governance- Bangladesh, India, Pakistan and Thailand*<sup>15</sup> also narrates several points of the civil society problematic of Bangladesh, analyses its process of formation and its scenario in the context of movement and mobilization. The authors pin their hopes on the country's past record of successful large scale social mobilisation to aid the civil society there in striking firm and irrevocable roots. This strategy, Mamoon claims, is bound to spur the process of democratization. Two more books by Muntassir Mamoon, *Bangladesher Rajniti: Ek Dashak*<sup>16</sup> and *Notun Shatak-er Rajniti*<sup>17</sup> are essentially

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<sup>14</sup> Muntassir Mamoon and Jayanta Kr. Ray, *Civil Society in Bangladesh- Resilience and Retreat*, Firma KLM Pvt. Ltd, Calcutta, 1996.

<sup>15</sup> Muntassir Mamoon and Jayanta Kr. Ray, *Essays on Politics and Governance- Bangladesh, India, Pakistan and Thailand*, M.K Baghchi, Towards Freedom, Kolkata, 2007.

<sup>16</sup> Muntassir Mamoon, *Bangladesher Rajniti: Ek Dashak (1988-1998) ( Politics in Bangladesh: A Decade)*, Ananya Publishers, Dhaka, June 1999.

collection of essays about the country's turbulent political situation written in various Bangladeshi weeklies, bi-weeklies and newspapers and can serve as a basic framework for any researcher on Bangladesh's domestic politics.

*Bangladesh, Promise and Performance* edited by Rounaq Jahan<sup>18</sup> deserves a very special mention. This book is one of the very few ones which provide a balanced assessment of the country's first three decades of independent existence since 1971. In doing so, the book contains a vast array of articles on diverse issues like the impact of Islam on politics and the position of women, the culture of intolerance and the visibly malfunctioning parliamentary democracy. Jahan emphasizes upon the need for upgrading the quality of political participation and a vibrant civil society to strengthen democracy and sustain it in the long run. And yet, in attempting to cover too many issues –growth, poverty, human development, social change and such others, the work somewhat inadequately deals with the politics-religion-civil society problematic.

*Political Culture in Bangladesh: Perspectives and Analyses* edited by Syed Saad Andaleeb<sup>19</sup> is another excellent collection of articles by prominent thinkers about the country's political culture, challenges of democratization, approaches to institution building, issues of leadership and legitimacy and the continuing saga of conflict between the main political rivals and possible solutions. These articles have been selected from the *Journal of Bangladesh Studies*, a premiere journal that addresses policy and development issues pertinent to Bangladesh.

Sreeradha Dutta's *Bangladesh: A Fragile Democracy*<sup>20</sup> and *Caretaking Democracy- Political Process in Bangladesh, 2006-08*<sup>21</sup> are quite well-researched works on the

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<sup>17</sup> Muntassir Mamoon, *Notun Shatak-er Rajniti(Politics of the New Century)*, Ananya Publishers, Dhaka, March, 2005.

<sup>18</sup> Rounaq Jahan (ed), *Bangladesh, Promise and Performance*, The University Press Limited, Dhaka, 2002.

<sup>19</sup> Syed Saad Andaleeb (ed), *Political Culture in Bangladesh: Perspectives and Analyses*, The University Press Limited, Dhaka, 2007.

<sup>20</sup> Sreeradha Dutta, *Bangladesh: A Fragile Democracy*, Shipra Publishers, New Delhi, 2004.

<sup>21</sup> Sreeradha Dutta, *Caretaking Democracy- Political Process in Bangladesh-2006-08*, IDSA, New Delhi, 2009.

political situation in Bangladesh in the post-Ershad period and have helped us in our analysis of the Bangladesh politics after 1991, i.e, after the reinstatement of the democratic order. In these books, the author has in particular delved deep into the highly personalized nature of Bangladesh politics and argues that intense animosities between the two political leaders, Begum Khaleda and Sheikh Hasina, have been primarily responsible for the weakening of the democratization process in the country. The author has also focused on the resurgence of Islam as the primordial identity of Bangladesh and the wave of violence against minorities as serious challenges to the consolidation of democracy in the country.

The essential idea of a ‘democracy in crisis’ has also received considerable attention in several articles in journals. ‘*Corrupted Democracy*’ by Liz Philipson<sup>22</sup>, for instance, talks about the threat posed by systemic corruption of the political, business and justice structures to the integrity of democracy in the country. Two particularly interesting articles that relate to the downfall of the Ershad regime and the restoration of parliamentary democracy in Bangladesh are ‘*Bangladesh: A Parliamentary Democracy, if they can keep it*’ by Craig Baxter<sup>23</sup> and also ‘*Bangladesh Votes-1991: Building Democratic Institutions*’ by Craig Baxter and Syedur Rahman.<sup>24</sup> In both of these articles Baxter notes that Ershad had been facing considerable pressure from both inside and outside the country to hold elections and to ‘democratize’. However, the authors claim that it takes more than a just a constitutional revision to create a democracy, whether parliamentary or presidential in form. Bangladesh, like many other emerging democracies has been slow to develop democratic structures and it remains to be seen whether the nation can continue to maintain them. Again, the article, ‘*Bangladesh and the Burdens of History*’ by William. B. Milam<sup>25</sup> traces the political crisis in the country in the first few months of 2007 after the scheduled general elections failed to take place in January that

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<sup>22</sup> Liz Philipson, ‘Corrupted Democracy’, *HIMAL South Asian*, August, 2006.

<sup>23</sup> Craig Baxter, ‘Bangladesh: A Parliamentary Democracy, if they can keep it’, *Current History*, Vol.91(563), March, 1992, pp.132-136.

<sup>24</sup> Craig Baxter and Syedur Rahman, ‘Bangladesh Votes-1991: Building Democratic Institutions’, *Asian Survey*, Vol.31(8), August 1991.

<sup>25</sup> William. B. Milam, ‘Bangladesh and the Burdens of History’, *Current History*, Vol.106, , April, 2007, p.699.

year. In this article, the author observes that the very idea of election produced such intense stress that the Bangladeshi political system could not cope with it. The emphasis is also on the toxic political culture of Bangladesh as the fundamental cause of abysmally bad governance in the country. Mehnaaz Momen in her articles '*Bangladesh in 2008: Deja Vu Again or a Return to Democracy?*'<sup>26</sup> and '*Bangladesh in 2009: The Peril Within*'<sup>27</sup> talks about the unprecedented BDR mutiny of February, 2009 in which several military officials were massacred and which completely marred the enthusiasm surrounding the return of democracy in Bangladesh after a two year long hiatus of a Caretaker Government. Momen also argues that the global recession, which began in the United States in 2008 and the cyclone Aila posed major challenges to Bangladesh's economic growth and political stability. '*Democratic Consolidation and Credibility of Governance Institutions in Bangladesh*'<sup>28</sup> by Syeda Naushin Parnini and Mohammad Redzuan Othman is another comprehensively written article which attempts to identify some of the major paradoxes that Bangladesh's democracy is faced with. This work argues that a lot remains to be done to improve the quality of the Bangladeshi governance system to consolidate a genuine democracy. The authors argue that democracy has more meaning than mere checks and balances in place but, despite a package of governance measures taken up by the Bangladesh government since 1991, much remains to be done. Unfortunately the right kind of a balanced approach in this respect is yet to take shape in the contemporary politics of Bangladesh. Other articles by Moazzem Hossain '*Home-Grown Democracy*'<sup>29</sup> and by Kirsty Hughes '*Moving towards or away from*

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<sup>26</sup> Mehnaaz Momen, 'Bangladesh in 2008: Deja Vu Again or a Return to Democracy?' *Asian Survey*, University of California Press, Vol. 49(1), 2009. pp. 66-73.

<sup>27</sup> Mehnaaz Momen, 'Bangladesh in 2009: The Peril Within,' *Asian Survey*, University of California Press, Vol. 50(1), 2010. pp. 157-163.

<sup>28</sup> Syeda Naushin Parnini and Mohammad Redzuan Othman, 'Democratic Consolidation and Credibility Of Governance Institutions in Bangladesh', *Journal of Asian and African Studies*, Vol.49(1), February, 2014, pp.34-48.

<sup>29</sup> Moazzem Hossain, 'Home Grown Democracy', *Economic and Political Weekly*, Vol XLI, no. 9, March 4, 2006.

*Democracy?*<sup>30</sup> also provide interesting perspectives on Bangladesh's experiments with parliamentary democracy since year 2000.

The present study basically intends to develop further on these treatments of democracy by comprehensively assessing the nature and extent of democratic consolidation and democratic development in Bangladesh. While doing so, the study also analyzes the Politics-Religion-Civil Society problematic in the context of Bangladesh.

### **Chapterization of the Thesis**

This thesis has been divided into five chapters. The first chapter entitled *Democracy and Democratization – A Conceptual Note* undertakes a detailed theoretical study of the highly contested concept of Democracy. While doing so, it discusses not only the fairly standardized Western model of democracy, but also, delves into the debate over the 'Asian' model of democracy which has aroused increasing global attention in recent times because of the challenge it poses to the liberal democracy orthodoxy and also to the assumptions of the long existing modernization paradigm. An attempt is made to identify the criteria or benchmarks which can help assess the progress towards democracy of a given country and discuss the universal acceptability of such standards. The basic idea of civil society and the existence and significance of this concept within the parameters of democratic politics and good governance is also discussed and debated upon. Finally, the chapter also briefly touches upon the religion-civil society-democracy matrix to pave the way for its better understanding in the Bangladesh specific context.

We proceed in our second chapter entitled *Birth of a Democratic Polity* to discuss and analyze the process of democratic development of the new nation. The chapter has been divided into three sections. The first section deals with the foundation laying stage of the new 'democratic' polity, wherein the political developments which took place during the Bangladesh liberation War, which was initiated as a movement for autonomy and democratic rights for the people of East Pakistan in the 1960s, is concentrated upon. The second section briefly discusses and analyzes the development and practices of

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<sup>30</sup> Kirsty Hughes, 'Moving Towards or Away From Democracy', *Economic and Political Weekly*, Vol.XLII, no.15, April 14, 2007, pp. 14-20.

democratic institutions and military interventions in the country's politics post 1971. Finally, the third section while trying to prove the basic premise that 'democracy cannot function if democratic values are not themselves domesticated and internalized', examines four interesting 'democratic yardsticks' i.e. electoral participation, role of the military, functioning of the legislature and independence of the judiciary.

The third chapter entitled *Religion- Identity-Politics: The Bangladesh Dilemma* probes into the complex relationship between religion, identity and politics in the specific context of Bangladesh. In the immediate post-Ershad period, Bangladesh was touted as a country where both the Islamic faith of its larger population and democratic principles seemed to have learnt the art of living together. But soon it was apparent that the lack of political culture and governance has created ideal conditions in the country for breeding of Islamic fundamentalists who were gravitating from the fringe of political discourse to the core. Keeping this development in mind, the chapter dwells upon the pernicious level that Islamic fundamentalism has acquired in Bangladesh in recent years and examines its genesis and also the factors which made such a major comeback at the national level possible. The impact of erosion of the country's secular tradition on its democratization process is also highlighted upon.

Chapter four entitled *Civil Society, Media And Democracy -Evidence From Bangladesh* attempts to re-evaluate the role of civil society in the promotion of secularism and preservation of democratic values in the country. The commitment and democratic responsiveness of Bangladeshi civil society has been subjected to intense scrutiny. The role of the Bangladesh media as a democratic watchdog has also been elaborately discussed. The response of the media, both print and electronic, to governmental corruption and democratic challenges and the reaction of the state to such media activism has been found to be a very interesting democratic yardstick as far as this South Asian nation is concerned.

Finally, the last chapter entitled *Democracy In Bangladesh: Development, Minority Rights And Local Governance* argues that three additional factors – Governance, especially at the local level; the Minorities of Bangladesh, their citizenship and rights;

and Growth, economic and social— need to be sufficiently institutionalised, protected and accelerated for Bangladesh to become a truly dynamic, democratic polity. The basic idea is to identify prospects for the consolidation of democratic and secular politics in the new millennium.

The Conclusion briefly summarizes the main findings of all the chapters and then ends with our observations and insights gathered from the research. The work is a substantive attempt to present a comprehensive and balanced account of the state of democracy in Bangladesh as seen in its highs and lows and also identify the opportunities for better consolidation in the coming years. The approach throughout the study is to focus on the art of the possible in the light of new challenges and changing opportunities.



## CHAPTER – 1

# DEMOCRACY AND DEMOCRATIZATION

## – A CONCEPTUAL NOTE

Throughout this century and especially since World War II, no theme has more preoccupied the fields of Comparative Politics and Political Sociology than the nature, conditions and possibilities of democracy. Yet, if one asks any six intelligent men what they understand by democracy, there will be six answers so different that one would find hardly any common basis at all. Abraham Lincoln famously described it as a Government ‘**of, by and for the people**’ which, though good, is considered inadequate, as ‘a system of Government cannot be built on a foundation of prepositions’<sup>1</sup>. In fact, the concept is so familiar, yet so variedly used that its meaning has often simply been assumed and the characteristics of this type of regime remain vague and obscure. **Thus, Democracy, in short, is a highly contested concept.**

### I

#### ORIGIN AND EVOLUTION

The Greeks coined the term democracy, or **Demokratia**, from the Greek words **Demos**, the people, and **Kratos**, to rule. Demokratia then was used to refer to a constitution in which the poorer people (demos) exercised power in their own interest as against interests of the rich and the aristocratic.<sup>2</sup> The Greeks regarded it as a debased form of constitution, and the word itself was sometimes used by its aristocratic critics as a kind of epithet, to show their disdain for the common people who had wrested away the

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<sup>1</sup> Carleton Kemp Allen, *Democracy and the Individual*, Oxford University Press, London, 1963, p.1.

<sup>2</sup> An extensive description of Greek Democracy can be found in Mogens Herman Hansen, *The Athenian Democracy in the Age of Demosthenes : Structures, Principles and Ideology*, by J.A. Crook, Blackwell Publishers, Oxford, 1991.

aristocrats' previous control over the government. It played relatively little part in subsequent political thought, largely because **Polybius, Aristotle** and other writers diffused the idea that only mixed and balanced constitutions (incorporating monarchic, aristocratic and democratic elements) could be stable.<sup>3</sup> Democracies were commonly regarded as aggressive and unstable and likely to lead (as in **Plato's** Republic) to tyranny. Their propensity to oppress minorities was what Burke meant when he described a perfect democracy as **"the most shameless thing in the world"**.

Two millennia later, after the focus of primordial loyalties and political order had been transferred to the far larger scale of the nation state, the theory and practice of democracy rebounded with renewed vigour bursting the narrow bounds of the Greek Polis to encompass the giant nation state. Democracy came to be the new name for the long entrenched tradition of Classical Republicanism which, transmitted through Machiavelli, had long constituted a criticism of the dominant monarchical institutions of Europe.<sup>4</sup> This transformation led to the emergence of a radically new set of political institutions geared towards a limited constitutional Government, central to the development of the liberal democratic tradition. Many adherents of this tradition regarded the British Constitutional Monarchy with an elected Parliament as the very model of a proper Republic. The idea fused in the 19<sup>th</sup> century with the demand to extend the franchise and the resulting package came to be called 'democracy.

The earliest conceptions of democracy along with their eclipse for nearly two millennia; their slow re-emergence in the course of the Renaissance and from the sixteenth century; the reformulation of these ideas in the late eighteenth and nineteenth centuries in both the Liberal and Marxist traditions; and the clash of contemporary perspectives, all of these have been singularly well dealt with in the *Models of Democracy* by David Held. It is generally accepted that, not until Western Christendom was under challenge, especially from the conflicts generated by the rise of national states and Reformation that the ground was created for the development of individual rights, elected governments and active

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<sup>3</sup> Adam Kuper and Jessica Kuper (eds.), *The Social Science Encyclopedia*, Routledge, London, 1996, pp.105-107.

<sup>4</sup> *ibid.*, p.109.

citizenship. Interestingly however, modern liberal democratic theory, in its classical form, was not at all democratic; much of it was essentially anti-democratic. It constantly sought to glorify the sovereign power of the state while at the same time justifying the limits on that power.<sup>5</sup> The history of this attempt since **Thomas Hobbes** is the history of arguments to balance might and right, power and law, rights and duties. The liberal concern with reason, law and freedom of choice could only be upheld properly by recognizing the political equality of all mature individuals. Such equality it was believed will ensure not only a secure social environment in which people would be free to pursue their private activities and interests, but also a state which, under the watchful eye of the electorate, would do what was best in the general or public interest. Thus, liberal democrats argued, the democratic constitutional state, linked to other key institutional mechanisms, particularly the free market, would resolve the problem of ensuring both authority and liberty.<sup>6</sup>

Liberal democracy, Held notes, has two identifiable variants: *Protective* and *Developmental*. The champions of protective democracy, **Jeremy Bentham and James Mill**, contended that a democratic government was required to protect citizens from despotic use of political power (whether by monarchy or aristocracy or other groups) and the representative state becomes an umpire or referee while individuals pursue, according to the rules of economic competition and free exchange, their own interests without risk of arbitrary political interference.<sup>7</sup> The Liberal State was deemed most able to maximize individual utilities like security of life and property, freedom of individual movement and others. State intervention was to be called for only to regulate the behaviour of the disobedient and to reshape social relations and institutions in the event of failure of *lassiez faire*. This conception of “negative freedom” from overarching political authority was tied to another notion: that of active capacity of individuals to pursue different

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<sup>5</sup> David Held, *Models Of Democracy*, 2<sup>nd</sup> edition, Polity Press, Cambridge, UK, 1996, pp 75- 94.

<sup>6</sup> *ibid.*

<sup>7</sup> *ibid.*, pp.95-98

choices and courses of action (positive freedom) which Bentham and James Mill never cared to seriously pursue. They were, in fact, ‘reluctant democrats’.<sup>8</sup>

**John Stuart Mill** may be regarded as the protagonist of *developmental democracy* in that he was the first liberal to take seriously and feel sensitively the claims of the nascent democracy. Mill regarded democratic participation in political life as vital to the ‘creation of a direct interest in government and the basis for an informed developing citizenry’.<sup>9</sup> Logically speaking, this called for universal adult franchise but here Mill stumbled, in that he refused to give the right to vote to those who were illiterate or to those who paid no direct taxes. In fact, Mill, rather paradoxically, had little faith in the judgment of the electorate and advocated “plural voting” so that those with knowledge and skill (and property) were not outvoted by the ignorant working masses.

Again the *Participatory Democracy* model of democracy can be used to cover a host of democratic models like the classical Athenian democracy or the Marxian version of direct democracy, but Held limits it to the ideas of some thinkers of the New Left ( Poulantzas , Macpherson and Pateman)<sup>10</sup>. In the 1840s, Marx, while recognizing that the movement towards universal suffrage and political equality was a momentous step forward, felt that the emancipatory potential of the modern liberal democratic state was severely undercut by inequalities of class and the consequential restrictions on the scope of people’s choices in political, economic and social life. The participatory model, therefore, while criticizing the liberal view of “free and equal” individuals, go beyond the Marxian parameters to argue that an equal right to self determination can only be achieved in a participatory society. However, in giving priority to democracy at all levels they too rely on ‘democratic reason’ – a wise and good democratic will – for the determination of just and positive political outcomes.

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<sup>8</sup> *ibid.*,p.100.

<sup>9</sup> *ibid.*,p.100.

<sup>10</sup> *ibid.*, pp. 220-270.

Finally, Held offers the *model of democratic autonomy*<sup>11</sup> wherein people would enjoy equal rights and, accordingly, equal obligations in the specification of the political framework which generates and limits the opportunities available to them; people would be free and equal in the determination of the conditions of their own lives, so long as they do not deploy this framework to negate the rights of others. Held stresses on the introduction of several new democratic mechanisms like ‘citizen juries’ and ‘voter feedback’ to enhance the process of enlightened public participation. The model, in essence, seeks to enact the principle of autonomy, around a process of ‘double democratization’ (the interdependent transformation of both state and civil society) such that the ideal of active citizenship can be truly preserved.

## **DEMOCRATIC REALITIES**

Democracy nowadays is not so much a term of restricted and specific meaning as vague endorsement of a popular idea. The concept is often equated with a dream of freedom. It is considered irresistible as a slogan because it seems to promise a form of Government in which rulers and ruled are in such harmony that little actual governing is required. However, as an ideal in the 19<sup>th</sup> century it took for granted enlightened citizens who were rationally reflective about voting choices open to them. Modern political scientists however concentrate their attention upon the actual irrationalities of the democratic process. Democracy, they explain, is possible only when a population can recognize both sectional and public interests, and organize itself for political action. Hence, no state is seriously democratic unless an opposition is permitted to criticize Governments, organize support and contest elections. Public contestation and political competition can be regarded as natural features of a democratic system. Not only that, democracy today, might be identified with popular sovereignty, majority rule, protection of minorities, affability, constitutional liberties, participation in decision making at every level and much else.

The representational feature of *Liberal Democracy* was adopted in an attempt to adapt pure democracy to the realities of governing a large scale nation state. Pure democracy

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<sup>11</sup> *ibid.*, pp. 324-334.

had suggested a form of Government in which all of the people governed themselves in all public matters all of the time. Such a form, however, could hardly be expected to function efficiently in a nation of continental proportions with millions of citizens.<sup>12</sup> Representation provided the ideal solution as it suggested a form of Government in which some of the people, chosen by all, govern in all public matters all of the time. Born as a medieval institution of monarchical and aristocratic government, notably in England and Sweden, representation became popular in the 18<sup>th</sup> century as it allowed democracy to take on a wholly new form and dimension.<sup>13</sup> Nothing reveals this more than Montesquieu's admiration for the English Constitution in 'The Spirit Of the Laws' (1748) where he declared that since it was impossible in a large state for the people to meet as a legislative body, they must choose representatives to do what they cannot do themselves.<sup>14</sup> J.S Mill too, in his 'Considerations on Representative Government' concluded that 'since all cannot, in a community exceeding a small town ,participate personally in any but very minor portions of the public business ,it follows that the ideal type of a perfect government must be representative.'<sup>15</sup> As such, within a few years, the transformation of democracy was complete and the representative form taken for granted and regarded as 'the solution of all difficulties, both speculative and practical'.<sup>16</sup>

However, the transformation of democracy resulting from its union with representation created its own problems. This representative approach purchased efficiency without sacrificing accountability, but it did so at an enormous cost to participation and citizenship. In fact, liberal democratic institutions removed government so far from the direct reach of the *demos* that, critics began to wonder if the new system could reasonably be called by the venerable name of democracy.

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<sup>12</sup> Benjamin R. Barber, *Strong Democracy- Participatory Politics For A New Age*, University Of California Press, California, USA, 1984, p.xiv.

<sup>13</sup> See for details, Robert A. Dahl, *Democracy and its critics*, Yale University Press, New Haven, CT, 1989.

<sup>14</sup> *ibid.*

<sup>15</sup> John Stuart Mill, *Considerations on Representative Government*(1861), Liberal Arts Press , New York, 1958, p.55.

<sup>16</sup> George Sabine, *A History of Political Theory* (3<sup>rd</sup> edition), Holt, Rinehart and Winston, New York, 1961, p.695.

**Benjamin Barber** interestingly calls this ‘thin’ democracy as it is based on premises about human nature, knowledge and politics that are genuinely liberal but not intrinsically democratic. It is concerned more to promote individual liberty than to secure public justice, to advance interests rather than to discover goods and to keep men safely apart rather than to bring them fruitfully together.<sup>17</sup> Liberal Democracy, Barber notes, fiercely resists every assault on the individual- his privacy, property, interests and rights- but is far less effective in resisting assault on community or justice or citizenship or participation. Ultimately this vulnerability undermines its defense of the individual for the individual freedom is not the pre-condition for political activity but rather the product of it.

The three pre-dominant dispositions of Liberal democracy - *Anarchist, Realist and Minimalist*;, Barber explains are all political responses to Conflict which is the fundamental condition of liberal democratic politics.<sup>18</sup> While the Anarchist disposition expresses a deep distrust of participation and favours a Government of minimal scope; the Realist disposition wishes to promote power as a defender of private liberties, a role that establishes and legitimizes it. Individuals remain free to a certain degree, but where their freedom ends, a kind of terror begins. The West today relies heavily on such liberal democratic realist politics. Legislature and courts alike deploy penal sanctions and juridical incentives aimed at controlling behavior by manipulating (but not altering or transforming) hedonistic self-interests. People are not made to reformulate private interests in public terms but are encouraged to reformulate public goods in terms of private advantage. Finally, the minimalist disposition, Barber explains, does not understand politics as free market (anarchist) relations or as power (realist) relations rather it sees politics as foreign relations; i.e., as relations among beings too dependent, too distrustful and too naturally competitive to live peacefully together. It is particularly scared of the ‘impulsive legislative tyranny’ of the masses and therefore it ‘promotes a politics of toleration in which every interaction is hedged with temperance, every abdication of personal liberty is circumscribed by reservations, every grant of authority is

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<sup>17</sup> Benjamin R. Barber, n.12, p. 41.

<sup>18</sup> *ibid.*, p. 5.

hemmed in with guaranteed rights, and every surrender of privacy is safeguarded with limits.’<sup>19</sup> Minimalism seeks to constantly reduce any friction that occurs when individual freedom and statist power meets and in doing so, it calls forth a vision of civil society as an intermediate form of association that ties individuals together non-coercively and that mediates the harsh power relations between atomized individuals and a monolithic Government. As such, to a certain degree, it offers a starting point for the alternative vision of ‘strong’ democracy.

Thus, liberal democracy’s all three dispositions, though distinct in their concerns and inclinations, are negative by nature, rather than affirmative & can be conceive of only a self-interested form of citizenship. All three have common faith in the fundamental inability of human beings to live in close association with each other, ‘considering them to be too small for civic affiliation and too mean spirited for communal participation. The liberal defense of democracy is a politics of bargaining and exchange and not a politics of invention and creation; a politics that conceives of human beings at their worst and never at their potential best.’<sup>20</sup>

And, it is in response to this need that, theorists like Benjamin Barber talk about strong democracy as a distinctively modern form of participatory democracy.<sup>21</sup> This form of Democracy, Barber explains, conceives of politics not merely as a means of eliminating conflict, repressing it or tolerating it, but also aspires to transform conflict through a politics of distinctive inventiveness & discovery. It rests on the idea of self-governing community of citizens who, despite having divergent interests and inclinations, are made capable of common purpose and mutual action by virtue of their civic attitudes and participatory institutions. Activity is its chief virtue and involvement, commitment, obligation and service are its hallmarks. ‘Strong democracy’ creates a public capable of reasonable public deliberation and decisions and is particularly sensitive to the element of necessity of public choice. As such strong democratic theory does not subscribe to the notions of abstract right or popular will; rather it emphasizes upon the character of

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<sup>19</sup> *ibid.*, p.12.

<sup>20</sup> *ibid.*, p.24.

<sup>21</sup> *ibid.*, p.117.



citizenship by demanding that participants reexamine their values and interests while reaching any political judgment<sup>22</sup>. Thus, Barber opines that ‘strong democratic theory’ challenges the politics of elites and masses that masquerades as democracy in the West and, in doing so, offers a very credible alternative.

## **DEMOCRACY – THE ASIAN CHALLENGE**

The fairly standardized Western model of democracy faces a new challenge as soon as it crosses over to the “Non Western” side. The concept of a certain type of democracy based on so-called ‘Asian Values’ has aroused increasing global attention not only because it represents a challenge to the liberal democracy orthodoxy, but also because it compels us to rethink the assumptions of the long existing modernization paradigm. The debate over ‘Asian democracy’ (as well as that over liberal democracy) has been mingled with emotional, rhetorical and ungrounded generalizations, given the far-fetched implications of the notion of Asian democracy in ‘real politick’.

The end of the cold war and its impact on world politics made the experts on democratization very optimistic. **Samuel Huntington’s** influential study of democratization(1991), first promoted the notion that the spread of democracy occurs in ‘waves’ with bursts of progress being succeeded by substantial reversals, two steps forward, one step backward pattern. Huntington defined a wave of democratization as a group of transitions from non-democratic to democratic regimes that occur within a specified period of time and which significantly outnumbers transitions in the opposite direction.<sup>23</sup> He located three waves of democratization in recent history. The first wave occurred between 1893-1924 when suffrage was gradually extended to disenfranchised groups of citizens in Europe. At its peak, there were only about 20 democracies in the world during this first wave.<sup>24</sup> After World War I, with the rise of Fascism and Communism, the wave started to ebb, and this ebb lasted until the end of WWII. The

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<sup>22</sup> *ibid.*, p.120.

<sup>23</sup> Samuel P. Huntington, *The Third Wave- Democratization in the late Twentieth Century*, University of Oklahoma Press, Norman, USA, 1991, pp.31-40.

<sup>24</sup> The figure cited above comes from a major democracy index namely Polity IV. Polity IV gives countries a score ranging from -10 to +10.

second wave which began following the allied victory in WWII culminated in the 1960s with around 30 democracies in the world.<sup>25</sup> The third wave occurred from 1976-1989 and featured the democratization of Latin America and the fall of the Berlin Wall. Thereafter, there occurred a fourth wave of democratization between 1989 and 2001 which has been overwhelming and global with democracy bursting out of its western borders and encompassing much of the developing world.<sup>26</sup> It began in 1990's with the collapse of the communist regimes of East Germany, Czechoslovakia and Romania. Soon Poland and Hungary moved towards democracy. Thereafter, Antlov and Ngo<sup>27</sup> point out that in Asia and Africa, there have occurred over 50 transitions to democracy. In Thailand, a military coup failed to oust the elected Government in 1992. In the Philippines, parliamentary and electoral politics were gradually normalized. In Cambodia, South Korea and Taiwan democratically elected governments came to power and even Indonesia took its first steps towards democracy with the 1999 elections. Last, but not the least, Nepal, Pakistan and Bangladesh all returned to democracy.

It was at this critical historical juncture that there emerged rejectionist views on the Asian receptivity of democratization as an alien implants from an incompatible Western culture. Leaders in Asia, who were once close allies of Europe and the US, began to criticize the use of the Western standards of democracy to measure the political progress of their countries. Among the most vocal critics were the Malaysian Prime Minister Mahathir Mohammed and also former Singaporean PM Lee Kuan Yew. In response to Western accusations about the illiberal nature of their polity, they criticized the West for promulgating a single universal conception of democracy. The global standards for evaluating diverse political systems that are fundamentally different in historical, economic and cultural terms were criticized as not merely ethno-centric arrogance but also a political intrusion of sovereignty.<sup>28</sup> This gave birth to the *culturist or essentialist*

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<sup>25</sup> *ibid.*

<sup>26</sup> Renske Doorenspleet, *Democratic Transitions- Exploring the sources of the Fourth Wave*, Indian Edition published by Viva Books Pvt. Ltd., 2006,p.48.

<sup>27</sup> Hans Antlov and Tak-Wing Ngo (eds.), *The Cultural Construction Of Politics In Asia, (Democracy in Asia Series No.2)* Curzon Press, Surrey, England, 2000,p.3.

<sup>28</sup> *ibid.*, p.3.

notion of democracy wherein each country had the right to choose its own political system according to its own cultural and historical condition, and any rhetoric of Western style democracy was deemed as an instrument for the continuation of Western hegemony.

By rejecting the supremacy of liberal democracy over other forms of political system, ‘proponents of Asian democracy’ argued instead that there are other ways of organizing power and authority that are more appropriate to indigenous culture and norms. This *shift of the locus of democracy discourse from the Global North to ‘Asia’ and most of the world* soon assumed the form of a nationalist rhetoric with high emotional overtones. Quite interestingly, this kind of an Asian democracy debate sometimes led to a polarized view that a political system can only be either a liberal democratic one or a non-Western one, corresponding to totally different civilizations. Samuel Huntington’s controversial thesis about cultural differences and political clash of civilizations injected further emotional and ideological dimensions into the existing democracy debate.<sup>29</sup>

Having said that, the critique of Western liberal democracy nonetheless adopts a rather ‘*Ultra Orientalist approach*’<sup>30</sup> assuming the existence of an undifferentiated notion of ‘Asian culture or Asian values’ an assumption which itself stands on rather shaky grounds as one can easily claim that there is no Promethean Asian cultural tradition. The cultural legacies of the ancient Asian civilizations have been overlaid by many subsequent layers of teaching and experience, articulated through a variety of languages, religious practices and competing statehoods. In fact diversity, hybridity and the continuous remoulding of identity can be regarded as the only constants of ‘Asian Culture’ if such a term can be used at all. Both Islam and Christianity demand recognition as component parts of any overall Asian cultural tradition, as do various European languages and the conceptual equipments they incorporate. Once this reality is accepted, it becomes obvious that liberal democracy (even if it originates as an external Western

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<sup>29</sup> Samuel P. Huntington, ‘The Clash Of Civilisations?’, *Foreign Affairs Journal*, Vol.72(.3),1993, pp.22-49.

<sup>30</sup> Donald K. Emmerson, ‘Singapore and the Asian Values ’Debate, *Journal of Democracy*, Vol.6(4), October 1995, p.100.

construct) can stand in no single clearly defined relationship to regional teachings, traditions and understandings.

### **A FINAL THOUGHT**

**There is thus a need to think about democracy in a democratic way.** The possibility of extending and deepening liberal democracy in Asia and rest of the world remain extremely open. There is much to be learnt from the comparative study of cultures, understood as alternative socially located angles of vision on the world, each shaped by a particular history , geography and language, Such alternatives are useful in so far as they pose a formidable challenge to the hegemonic, teleological universalism of Western democracy. Democracy, to be meaningful, has to learn to adjust to local idiosyncrasies. Therefore, the study adopts a pluralistic approach towards democracy and its attendant theoretical assumptions. It deliberately leaves the meaning of the enquiry open-ended to interpretation so as not to reach a hasty, pre-ordained conclusion. The idea is to focus on the interplay of certain specific factors which have helped shape the nature and character of Bangladesh democracy.

## **II**

### **MEASURING DEMOCRACY**

Democracy is not necessarily a dichotomous concept, that is, it is wrong to categorize a state as either wholly democratic or not. Most measures today prefer to regard it as a continuous concept with the possibility of varying degrees of democracy. Thus, as per The Economists Intelligent Unit's Democracy Index more than half of the world's population today lives in a democracy of some sorts although only some 13% reside in full democracies. This invariably leads us to the question of 'democracy measurement' and democratization.

*By what criterion or benchmarks can the progress towards democracy of a given country be assessed? How far are comparative levels of democracy subject to measurement, and*

if so, what kind of measurement and with what degree of precision? Can the same criterion be applied to developing democracies as to established ones? And are the standards used by Western scholars ethnocentric or universal? These questions, at once philosophical, analytical and empirical, are of interest not only to political scientists, but also to governments, which are now using progress in 'democracy and human rights' as consideration in their aid policies and to inform citizens who are concerned about the level or quality of democracy in their own countries.

**Robert Dahl's** book *Polyarchy* (1971) proved to be highly influential in developing widely accepted criteria for classifying a country as democratic. His procedural definition based on **Joseph Schumpeter's** *minimalist model of democracy*<sup>31</sup> significantly affected the conceptualization of democracy in the field of quantitative research. Dahl regarded a Government's responsiveness to the preferences of its citizens, considered as political equals as the key characteristic of democracy. Such responsiveness requires that citizens have opportunities to-

- a) formulate their preferences,
- b) signify their preferences to fellow citizens & to the Government by individual or collective action and
- c) have their preferences weighed equally in the conduct of the Govt.<sup>32</sup>

Dahl opened his treatment of democratization in *Polyarchy* by employing two broad indicators. One was *participation or inclusive suffrage* measured by the right to take part in elections and office. The other was *public contestation or competition* for office and political support.<sup>33</sup> There must exist institutions and procedures in a democracy, through which citizens can express effective preferences about alternative policies at the national

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<sup>31</sup> Joseph Schumpeter, *Capitalism, Socialism and Democracy* (2<sup>nd</sup> edition), Harper and Brothers, New York, 1947, p. 269. Here Schumpeter defined democracy as a system for "arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people's vote."

<sup>32</sup> Robert A. Dahl, *Polyarchy: Participation and Opposition*, Yale University Press, New Haven, CT, USA, 1971, p. 3.

<sup>33</sup> *ibid.*, pp. 5-7.

level as this is taken to be an important measure of liberalization. Each element, Dahl suggests, is possible in the absence of the other. Political contestation may increase without a corresponding increase in participation, thereby creating competitive oligarchies such as existed in nineteenth century Europe. Equally participation in elections may be provided without increasing political choice. Dahl, however, insisted that it is only when liberalization occurs in tandem with participation that one can speak of democratization.<sup>34</sup> (See Table 1.1)

**TABLE- 1.1**

**DAHL'S CLASSIFICATION**

<b>SUB TYPES OF POLITICAL REGIMES</b>	<b>COMPETITION</b>	<b>INCLUSIVENESS</b>	<b>EXAMPLE</b>
Non- Democratic Regime (Closed- Hegemony)	—	—	
Non – Democratic Regime (Competitive Oligarchy)	+	—	South Africa- racially restricted suffrage
Non- Democratic Regime (Inclusive Hegemony)	—	+	Cold War Period- USSR
Democracy (Polyarchy)	+	+	

Again, though in Dahl's view, additional requirements such as socio- economic equality, security and full guarantees of civil liberties need not be present per se in a state to classify as democratic, yet embedded within the first two dimensions itself are the non-electoral dimensions like the freedom to form and join organizations; freedom to speak and publish dissenting views and alternative sources of information which form

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<sup>34</sup> *ibid.*, pp.1-9.

important parts of Dahl's original formulation and later, more comprehensive efforts to measure Polyarchy.<sup>35</sup>

The significance to be attached to participation as a democratic indicator has its own nuances. While theorists like Pateman and Barber emphasize upon participation as an integral part of the democratic process, Realists like Schumpeter and Sartori seek to downplay its importance. Sartori, for example, contends that democracy is 'the by-product of a competitive method of leadership recruitment'.<sup>36</sup> The search for indicators of democracy will start with the competition between political leaders. It will not end there because competition is not itself democracy but produces democracy. It does so because leaders can only win the competition by appealing to the people. Hence democracy 'still results from the sheer fact that the power of deciding between the competitors is in the hands of the demos'.<sup>37</sup>

It also needs to be noted here that participation is a multi-dimensional factor and this has been stressed by most studies of 'participation'.<sup>38</sup> The various modes of taking part in politics – voting, party campaigning, group activity, contacting representatives and officials, protesting-have a number of different characteristics, not least their effects on political outcomes. While voting may undoubtedly be the prime indicator of political participation, it is a highly atypical measure of activism. Though it is egalitarian by nature, it also conveys relatively little information to elites as to policy preferences. To remedy the thin quality of voting, participatory democrats like Barber and Pateman, therefore, emphasize on supplementary modes of citizen activism so that a greater intensity and specificity of participation is possible. Thus, according to Parry and Moyser

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<sup>35</sup> *ibid.*, pp.2-3, app. A; Michael Coppedge and Wolfgang H. Reinecke, "Measuring Polyarchy" in Alex Inkeles(ed.), *On Measuring Democracy : Its Consequences and Concomitants*, Transaction Publishers, New Brunswick, N J and London,1991, pp.47-68.

<sup>36</sup> Giovanni Sartori, *The Theory Of Democracy Revisited*, Chatham House Publishers, Chatham, N J, 1987, p.152.

<sup>37</sup> *ibid.*,p.151.

<sup>38</sup> See for details, Sidney Verba and Norman H. Nie, *Participation in America: Political Democracy and Social Equality*, University of Chicago Press, Chicago, 1972 ; Geraint Parry , George Moyser and Neil Day, *Political Participation and Democracy in Britain*, Cambridge University Press, N Y, USA, 1992.

the different modes of participation can again be treated as distinct indicators of democratization.<sup>39</sup>

**Michael Saward** in *'Democratic Theory and Indices of Democratization'* emphasizes upon the *'Equality Assumption'* for measuring democracy.<sup>40</sup> The Equality assumption is an assumption that all citizens are equal with respect to their right to decide the appropriate political course of their community. The only general rule that reasonably follows from the Equality Assumption is that substantive policy and political and administrative actions performed under such policy, must correspond to express preferences of a majority of its citizens. Thus, Saward construes that a political system is democratic to the extent that it involves realization of responsive rule<sup>41</sup>.

Responsive rule however does not come easily. Various conditions need to be met before it can be said to be effectively in place. These conditions largely refer to rights, freedom and decision mechanisms, which Saward explains, follow logically from the equality assumption and are a must for the fulfillment of the responsive rule definition.

- **Basic Freedoms like-** the right to freedom of speech and expression; the right to freedom of movement; the right to freedom of association; the right to equal treatment under the law and right to freedom of worship are considered important.<sup>42</sup>
- **Citizenship and Participation-** The political community must have a common and standardized form of legal membership compatible with the basic freedoms mentioned. Citizens must have equal right to run for elective office and to serve in non-elective representative and decisional bodies. Citizens can vote in all elections and referendum and citizens' votes must be decisive under all decision mechanisms.

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<sup>39</sup> Geraint Parry and George Moyser, 'More Participation, More Democracy, in David Beetham (ed.), *Defining and Measuring Democracy*, SAGE Modern Politics Series, Vol.36, Sage Publications, London, New Delhi, 1994. pp.46-47.

<sup>40</sup> Michael Saward, 'Democratic Theory And Indices of Democratization' in David Beetham (ed.), *Defining and Measuring Democracy*, SAGE Modern Politics Series, Vol.36, Sage Publications, London, New Delhi, 1994, pp.13-14.

<sup>41</sup> *ibid.*, p.14.

<sup>42</sup> *ibid.*, p.16.



There must be a voting system which allows for the expression of a majority preference in multi-sided contests. Citizens must be allowed to vote directly on substantive outcomes. If elected officials deem a decision inappropriate for direct decision, the burden of demonstrating the grounds of such inappropriateness lies with those officials. Regular opinion polls must be conducted by an appropriate agency on all issues of substantive importance, whether or not these issues are to be decided by representative decision. The burden of demonstrating the appropriateness of not following citizen preferences on a given issue lies with the elected representatives. Again there must be a presumption that all issues will be decided by referendums and clear guidelines are to be provided for this.<sup>43</sup>

- **Administrative Codes** - There must be appropriate codes of procedure for employees in public bodies and evidence must be regularly produced that public decisions are being put into effect within the appropriate time limits. Adequate appeals and redress mechanisms with respect to public bodies and their functions must be constituted.. There must be freedom of information from all government bodies. The burden of proof of demonstrating the inappropriateness of full freedom of information in specific cases lies with the elected representatives.<sup>44</sup>
- **Publicity and Social Rights**- There must be a constant and formal process of public notification of decisions, options, arguments, issues and outcomes. Every citizen must have the right to adequate health care and adequate education.<sup>45</sup>

Following Sawards's logic, in principle each of these rights or freedoms must be guaranteed to each citizen of a country and must be protected by a judicial system which is not itself a part of the majoritarian decision processes. For a country that lacks one or more of these rights and freedoms, or such remains to be constitutionalized, to that extent that country has not sufficiently democratized. Thus, the process of democratization is an

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<sup>43</sup> *ibid.*, pp.16-17.

<sup>44</sup> *ibid.*, p.17.

<sup>45</sup> *ibid.*, pp.17-18.

ongoing process and does not end with a mere transition from a non-democratic to a minimal democratic regime.

Way back in the 1830's in USA, **Alexis De Tocqueville** had felt that democratic institutions were deeply planted and pervasive and democracy was about as complete as one could imagine it to become. Tocqueville was astounded by the multiplicity of associations into which Americans organized themselves and proclaimed that it was in this country that 'society governs itself for itself and the power of the majority was unlimited'.<sup>46</sup> Yet inclusive citizenship was even then missing. The rights to engage fully in public life were restricted to a minority of adults. It was not until the 20<sup>th</sup> century that the right to engage fully in political life was extended (with very few exceptions) to the entire population of adults permanently residing in a country.<sup>47</sup> Again in 1919, President Woodrow Wilson had optimistically proclaimed, after the end of World War I, that the World had at last 'been made safe for democracy'. Yet, the 20<sup>th</sup> century witnessed frequent democratic failures and rise of various authoritarian regimes. As such, there can be no 'end of history' as Francis Fukuyama (1992) suggested, and there is always plenty of room for further development of democracy.

Finally, democracy of the Polyarchal type may be achieved only through stages and transitions, particularly in a developing country. Rich literature abounds on democratic development and consolidation, like **Gunther** and **Diamondouros** in 1995, **Przeworski** in 1991 and **Sorensen** in 1993.<sup>48</sup> Accepting the views of Sorensen the stages for democratic transition turns out to be the following four with democratic consolidation as the last stage:

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<sup>46</sup> See Chapter XV, 'Unlimited Power of Majority and its Consequences' in Alexis De Tocqueville, *Democracy in America*, J. P Mayer and Max Lerner (ed.), (George Lawrence translated), New York, Harper and Row Publishers, 1966.

<sup>47</sup> Robert A. Dahl, *On Democracy*, East West Press, New Delhi, 2001, p.88.

<sup>48</sup> Check, Richard Gunther and P. Nikiforos Diamondouros, *Politics Of Democratic Consolidation: Southern Europe in Comparative Perspective*, Johns Hopkins University Press, Baltimore, 1995 ; Adam Przeworski, *Democracy and the Market: Political and Democratic Reform in Eastern Europe and Latin America*, Cambridge University Press, Cambridge, 1991; George Sorensen, *Democracy and Democratization: Processes and Prospects in a Changing World*, West View Press, Boulder, 1993.

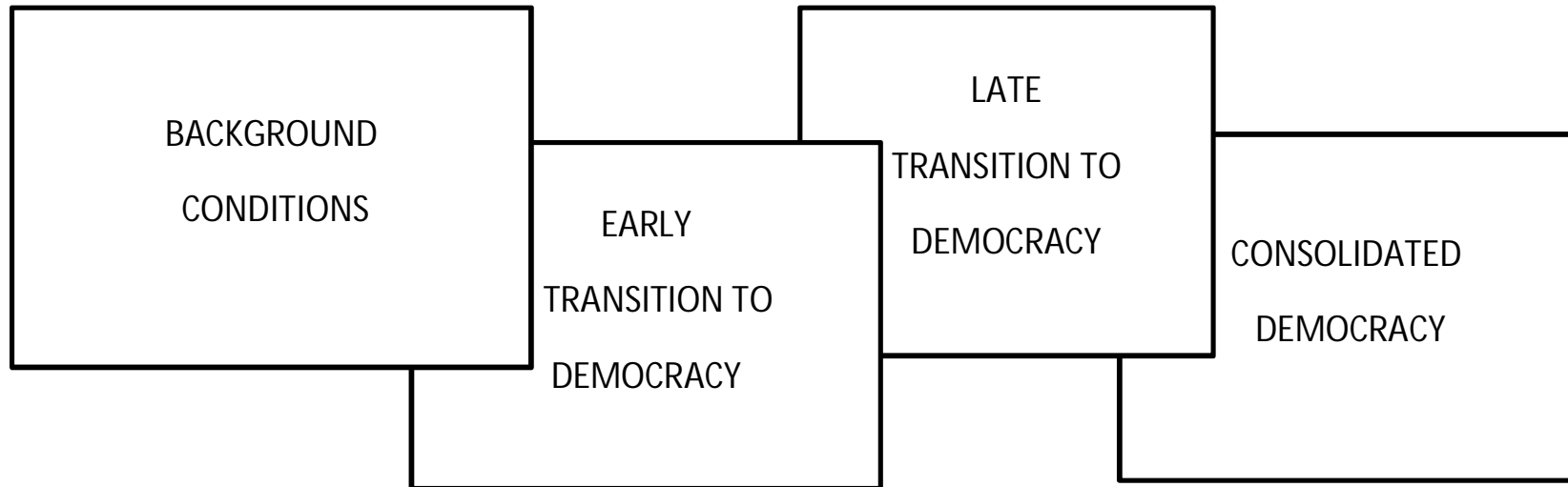
1. **Background condition**—Authoritarian regime where national unity is strong among the political communities;
2. **Early transition**— Political opening where the authoritarian regime gives concessions and a consensus has been developed among the citizens and leaders for democratic change;
3. **Late transition**—At this stage the regime is more democratic than the previous ones but not fully democratic. Political actors and governance institutions are yet to fully conform to the democratic rule and democratic consolidation. These changes in phases do not occur in a negotiated and linear manner. Often democracies in developing countries are found seesawing between authoritarianism and frail democracy.<sup>49</sup>
4. **Democratic Consolidation**—It is the last and final phase of democracy. In the ideal or strict form, at this stage of democracy all the democratic institutions are formed and the new democracy has proved itself capable of transferring power to an opposition party.<sup>50</sup>

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<sup>49</sup> *ibid.*, Sorensen, p.41.

<sup>50</sup> *ibid.*, p.45.

**FIGURE-1.2**



TIME



**FIGURE BASED ON GEORGE SORENSEN'S MODEL ON TRANSITIONS TOWARDS DEMOCRACY**

### III

#### **SUSTAINABLE DEMOCRATIZATION**

There are several explanations as to when and why societies democratize. Technically speaking, the emergence, deepening and survival of democracy are strictly distinct aspects of democratization. But they merge in the question of sustainable democratization that is, the emergence of democracies that develop and endure. Democratization is sustainable to the extent to which it advances in response to pressures from within a society.

**Dahl** pointed out certain underlying or background conditions in a country which are favorable to the stability or sustainability of democracy.<sup>51</sup> These conditions are -

Control of military and police by elected officials.

Democratic beliefs and political culture.

No foreign intervention.

Dahl noted that where these conditions are weak or entirely absent, democracy is unlikely to exist. Democratic political institutions are more likely to develop and endure in a country that is culturally fairly homogeneous and less likely in a country with sharply differentiated and conflicting sub-cultures. Cultural conflicts can erupt in political arena, and typically they do over religion, language and dress codes in schools and become a special problem for democracy as they are often considered non-negotiable. Adherents of a particular culture often view their political demands as matters of principle, religious conviction, cultural preservation or group survival. As a consequence they consider their demands too crucial to allow for a compromise. Yet under a peaceful democratic process settling political conflicts generally requires negotiation, conciliation and compromise.<sup>52</sup>

Again, for most of the past hundred years, a definite relation is also sought to be established between affluence and democracy. First published in the American Political

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<sup>51</sup> Robert A. Dahl, n.47, p. 147.

<sup>52</sup> Robert A. Dahl, n. 47, pp. 149-150.

Science Review in 1959, Seymour Martin Lipset's essay on 'Some Social Requisites of Democracy, Economic Development and Political Legitimacy' has proved to be one of the most controversial, durable and frequently cited articles in the social sciences. Asserting a broad and multi-stranded relationship between economic development levels and democracy, it broke new ground in what came to be known as the '**Modernization Theory**' and became an essential reference point, typically the 'starting point' for all future work on the relationship between political system and the level of economic development<sup>53</sup>. Lipset's general argument was simply that 'democracy is related to the state of economic development. The more well-to-do a nation, the greater the chances that it will sustain democracy'.<sup>54</sup> Lipset's thesis was strongly supported by Lerner,<sup>55</sup> Burkhart and Lewis-Beck<sup>56</sup>. They too, propounded the thesis that modernization is a decisive driver of democratization though, exactly what it is about modernization that operates in favour of democracy, remained slightly ambiguous.

Modernization, it must be noted here, is not mere 'economic development'; it constitutes a whole bundle of intertwined processes, including productivity growth, urbanization, occupational specialization, social diversification, rising levels of income and prosperity, rising literacy rates and levels of education, more widely accessible information, more intellectually demanding professions, technological advancements in people's equipments and available infrastructure including means of communication and transportation, and so on.<sup>57</sup> Which of these processes does exactly what to increase the chances of a country to become and remain democratic is however an unresolved

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<sup>53</sup> Seymour Martin Lipset, 'Some Social Requisites of Democracy: Economic Development and Political Legitimacy', *American Political Science Review*, Vol. 53(1), March 1959, pp. 69-105.

<sup>54</sup> Seymour Martin Lipset, *Political Man: The Social Bases Of Politics*(expanded edition), Johns Hopkins University Press, Baltimore, 1981, p.75.

<sup>55</sup> D. Lerner, *The Passing Of Traditional Society*, Free Press, New York, 1958.(In fact, Lipset demonstrated with data from Lerner's study of modernization in the Middle East.)

<sup>56</sup> Ross E. Burkhart and Michael S. Lewis-Beck, 'Comparative Democracy: The Economic Development Thesis', *American Political Science Review*, Vol. 88(4), December 1994, pp.903-910.

<sup>57</sup> Christian Welzel, 'Theories Of Democratization' in Christian Haerpfer, Patrick Bernhagen, Ronald F. Inglehart and Christian Welzel (eds.), *Democratization*, Oxford University Press, 2009,p.81.

problem but ‘modernization theorists’ agree on the fact that all these processes together enhance the resources available to ordinary people and increase the masses’ capabilities to launch and sustain collective actions for common demands, mounting effective pressures on state authorities to respond. All this, in turn, favours further democratization.

Finally, there is what **Welzel** and **Inglehart** calls the ‘**human empowerment path to democracy**’<sup>58</sup>. It follows a sequence such that 1) Growing action resources empower people materially by making them more capable to struggle for freedoms 2) Rising emancipative beliefs empower them mentally by making them more willing to struggle for freedoms and 3) democracy empowers them legally by allowing people to practice freedoms . The more human empowerment has advanced in its material and mental dimensions, making people capable and willing to practice democratic freedoms, the more sustainable the legal component of human empowerment- democracy- becomes. Welzel and Inglehart claim that the human empowerment path to democracy is definitely not the only path to democracy but, it is arguably the only path producing socially embedded and hence sustainable democracy.<sup>59</sup>(Figure 1.3 on next page)

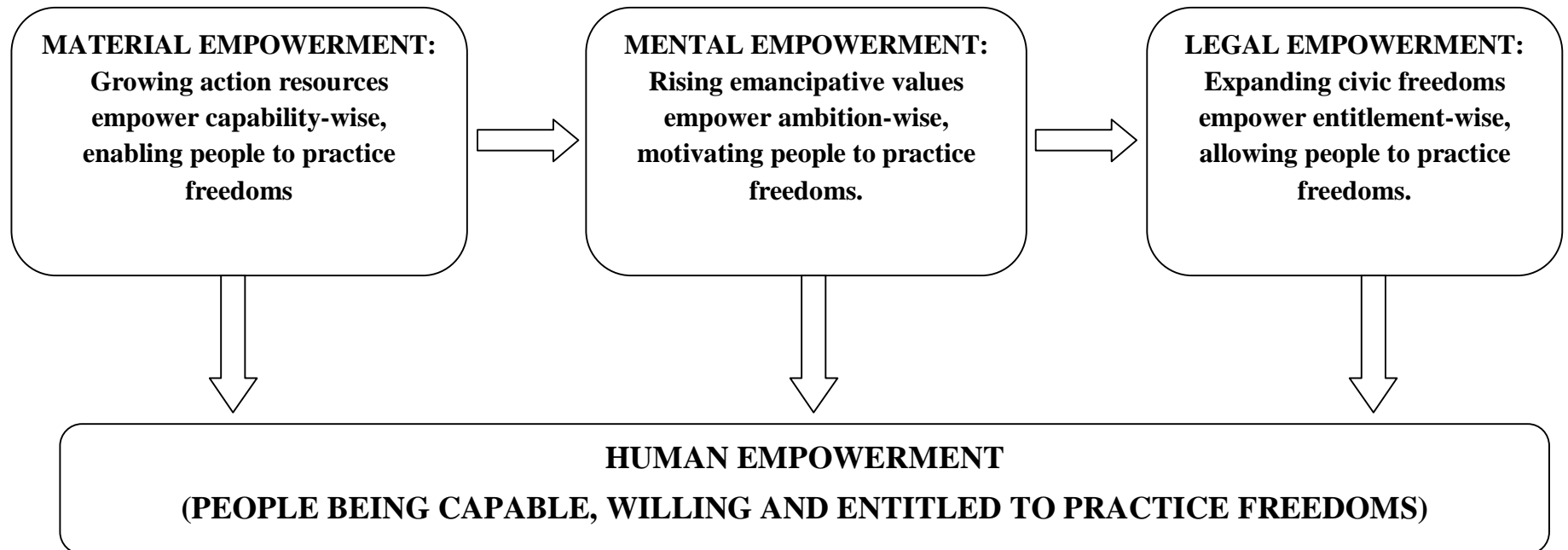
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<sup>58</sup> *ibid.*,p. 87.

<sup>59</sup> *ibid.*

**FIGURE 1.3**

**THE HUMAN EMPOWERMENT PATH TOWARDS DEMOCRATIZATION**





## **CONCLUDING REMARKS**

To sum up, a democracy- or even a partial democracy- always exists within a unique set of background conditions. In a huge variety of ways, these background conditions can and do constrain the extent and character of the democratic regime achieved. It also needs to be remembered that democracy does not consist in mere formal institutional frames but must be understood in terms of the quality of substantially functioning institutions. Sooner or later, virtually all countries encounter fairly deep crises- political, ideological, economic, military and international. Consequently, if a democratic political system is to endure, it must be able to survive the challenges and turmoil that crises like these present. The prospects for a democracy to survive improve if its citizens and leaders strongly support democratic ideas, values and practices. The most reliable support comes when these beliefs and predispositions are embedded in the country's culture and are transmitted in large part from one generation to the next. Ironically, however, there are times when more democracy is not necessarily considered a good thing; political stability may seem more desirable than democracy. Rarely, however, is this said explicitly.

Our discussion on Bangladesh will therefore include the effectiveness with which democratic institutions in the country actually function in translating the popular & legitimate public demands into legislation and ultimately into honest & bereft of corruption implemented policies. The ultimate aim is to achieve public good through good governance.

## **IV**

## **CIVIL SOCIETY AND DEMOCRACY**

Democratic consolidation of the Polyarchal type, it is held, can be achieved not simply through legislation and constitutional amendments but through practices ensuring political stability, equality and representation of all segments of the society in state governance. The idea is very broad and the process requires involvement and

coordination of a good number of actors and factors. For a developing country, the most important of these factors would be political institutionalization, stable economic growth, development of a democratic culture and a participatory civil society. It is the last actor and its possible relationships with democracy which has been the subject of considerable debate and needs to be discussed in some detail.

**Civil society**, the term itself means “different things to different people... and the resulting picture is one of great ambiguity”.<sup>60</sup> On the one hand, there is one body of opinion which says that it is the ‘third sphere’ i.e., it is separated from the state and the market and it consists chiefly of apolitical non-governmental voluntary organizations which are uncontaminated by the motives of profit and a strengthening and swelling of this sphere can bring about positive results including development in society. On the other hand, there are those who contend that it is not a residual sphere set apart from the state and the market both and whose principal objective is to critique and transform entrenched forms and give rise to alternative forms of politics. **What is generally accepted however is that, it is very much a part of the project of democracy and is marked by plurality, multiplicity and diversity. It is a faith in the differences, a commitment to live with differences and rational arguments.** To that extent, it is therefore symbolized by contestations over its meanings and dimensions.

## **ORIGIN AND EVOLUTION**

The origin of the term can be traced to Roman Juridical concepts ( ius civile), but its contemporary usage to describe contractual relations, the rise of public opinion, representative government, civic freedoms, plurality and civility first appeared in the 17<sup>th</sup> and 18<sup>th</sup> century Western political theory of liberalism . The idea of society as enjoying an extra-political identity actually derives from two major traditions- one deriving from Locke and the other from Montesquieu.<sup>61</sup> Both of them were looking for ways to limit the

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<sup>60</sup> Adam B. Seligman, *The Idea Of Civil Society* , Princeton University Press, New Jersey, 1992, pp.1-2.

<sup>61</sup> Charles Taylor, ‘Modes Of Civil Society’ in Carolyn M. Elliott(ed.), *Civil Society and Democracy- A Reader*, Oxford University Press, New Delhi ,2003, pp.43-62.

potential for despotism of an absolutist state. Before Locke, Thomas Hobbes in his book 'Leviathan' while propounding the theory of the sovereign state had premised on the existence of two branches of society- political and civil- tied by a 'social contract'- between subject and the state. Although the political system was the dominant part, the civil and political were regarded as mutually sustaining systems, in which private activity, while governed by sovereign laws, was otherwise bound only by conscience and the rules of civic association.

It was, however, in the writings of **John Locke** that civil society received its first full-fledged treatment as a space for association, contract & property regulated by the law. Locke's major political work *Two Treatises of Civil Government* is a remarkable exposition of his views on what he considered to be the legitimate ends and purposes of a government.<sup>62</sup> It is the text which is taken to contain the first modern articulation of the importance and distinctiveness of civil society as well. Here, Locke explained that, when subjects enter a commonwealth of property they contract authority to the state for their self protection, but they do so conditionally, and political rule is answerable to law derived from natural rights that is inherent in civil society.

**Adam Ferguson**, one of the leading thinkers of Scottish Enlightenment, initiated the modern discussion of civil society with his '*An Essay on the History of Civil Society*' in 1767. In this major work he powerfully restated the classical Greek & Roman legacy which insisted on diligent self government and active virtuous citizenship.<sup>63</sup> He attempted to redefine civil society in modern civic terms closely associated with liberal market values and community involvement. Ferguson wrote that the greatest danger to civil society comes not from civil war but from political indifference of the people which paves the way for despotism . He, therefore, insisted on a public spirited citizenry and the creation and strengthening of citizens associations in large numbers to maintain a good society.

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<sup>62</sup> See John Locke, *Two Treatises On Civil Government*, Peter Laslett (ed.), Cambridge University Press, London, 1988.

<sup>63</sup> Adam Ferguson, *An Essay on the History of Civil Society*, 1767, Duncan Forbes (ed., and with introduction) Edinburgh University Press, 1966.

After Ferguson the virtues of Civil Society and its role in checking state despotism found further elaboration in the writings of distinguished thinkers like **Adam Smith** (1723-1790), **Thomas Paine** (1737-1809) and **Alexis De Tocqueville** (1805-1859). While they continued to use the term Civil Society in its classical sense, their arguments, in fact, established the separation that brought radical transformation in the meaning of the concept. It was, however Alexis de Tocqueville who made the most modern and noteworthy contribution on the importance of public opinion in the growth of democracy. De Tocqueville crafted his conception of civil society as a sphere of mediating organizations between the individuals and the state.<sup>64</sup> His conception of civil society was based on the limited state that would confine itself to the political sphere and guarantee the legal framework and other conditions, such as socio-economic equality, necessary for the effective functioning of the civil society. Tocqueville, based on his observation of the 19<sup>th</sup> century American society, established the importance of free human association in a society that seeks to be democratic , not only in theory, but also in practice. Though, he did not mention the term ‘civil society’ in his two volume book on *Democracy in America*, he argued that associational culture and civic activity preserve individualism, act against despotism and foster democracy.<sup>65</sup> He found the associations participated by different sections of the society as a check to the supremacy of the majority, the direction towards mass society and end of political inequality. Mutual interest among the members of the Government led to less reliance on the Government which ultimately checked against Government despotism and preserved individualism. Associational culture also taught the peaceful means and arts for demanding material equality which ultimately nurtures democratic culture. It is through such public civic engagement that the citizens of America actually became self-ruled.<sup>66</sup>

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<sup>64</sup> See Chapters V & VII, ‘Of the Use Which The Americans Make of Public Associations In Civil Life’ and ‘Connection of Civil and Political Associations’ in Alexis De Tocqueville, *Democracy in America*, n.46.Vol.2.

<sup>65</sup> Jude Howell and Jenny Pearce, *Civil Society and Development: A Critical Exploration*, Lynne Rienner Publishers, Boulder, Colorado, 2001, p. 44.

<sup>66</sup> *ibid.*

Mainly American scholars like **Robert Putnam, Larry Diamond** and **Lester Salamon** espouse the Tocquevillian doctrine. They advocate the coexistence of liberal markets and civil society which they claim ensures and enhances democracy,<sup>67</sup> Robert Putnam's massive study of Italy, for instance, concluded from a variety of statistical and historical studies that civil society makes democratic government more effective.<sup>68</sup> Putnam explained that associations in civil society allow individuals to express their interest and amplify voices that might not be heard. They provide forums where citizens get information and engage in deliberations over public issues, making their representations more reasoned and useful to Government. They strengthen democratic institutions and Government accountability by monitoring performance, insisting on proper procedures and pursuing civil rights.<sup>69</sup>

Following De Tocqueville, Putnam emphasized on the positive contribution of associations to democracy because of the social capital they produce. A rich associational life emerges when individuals interact with one another through modern intermediate institutions like local councils. Putnam argued that patterns of trust developed within such associations provide the basis for 'generalized trust' throughout the society, building a basis for civic engagement, public spiritedness and effective Government.<sup>70</sup> He ultimately goes to the extent of saying, 'Tocqueville was right: Democratic Government is strengthened, not weakened, when it faces a vigorous civil society'.<sup>71</sup>

Reflections of the same idea might be found in the writings and arguments of Larry Diamond (1989, 1992, and 1996). He, too, argued for the positive link between civil

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<sup>67</sup> See Robert D. Putnam, *Making Democracy Work: Civic Traditions in Italy*, Princeton University Press, Princeton, N.J, 1993 ; Larry Diamond, 'Rethinking Civil Society: Towards Democratic Consolidation', *Journal of Democracy*, Vol.5(3), pp.4-17; Lester Salamon and S. Wojciech Sokolowski , *Global Civil Society and an Overview*, Johns Hopkins University Institute Press, Baltimore, 2003.

<sup>68</sup> *ibid.* Robert D. Putnam.

<sup>69</sup> *ibid.* Also see, Robert D. Putnam, *Bowling Alone: The Collapse and Revival of American Community*, Simon and Schuster Paperbacks, New York, 2000, pp 48-65.

<sup>70</sup> Robert D. Putnam, 'Bowling Alone: America's Declining Social Capital', *Journal Of Democracy*, Vol-6(1), 1995, pp.65-78.

<sup>71</sup> Robert D. Putnam, n.67.

society and democracy and advocated the building of civil society where it was absent in order to bring about democracy and ensure good governance especially in the third world countries.<sup>72</sup>

However, there remain some differences between the idea of Tocqueville and these later scholars who belong to the Neo- Tocquevillean School. While Tocqueville saw the civil society as the key site for governance, decentralization for democratic governance, Neo-Tocquevilleans look upon the civil society as a supporting structure to democratize the state. Associational life is thought to provide social infrastructure for liberal democracy; supply the means to limit, resist and curb excesses of the state and the market; present alternative when they fail; facilitate service delivery at the local level; assist in conflict management, deepen democracy, offer a voice to disadvantaged groups and promote economic development.<sup>73</sup>

Eastern Europe and parts of the Third World prefer to see the benefits of association more from the Lockean perspective where the state and the civil society are viewed in opposition. Reacting to interventionist states, theorists here value Civil society for fostering democracy by limiting the state, providing space for protest groups, generating demands, monitoring excess , confronting power holders and sustaining a balance of power between state and civil society<sup>74</sup>. Drawing also on the theories of Gramsci, civil society is seen as a possible site for confronting the cultural hegemony of the state by offering alternative conceptions of politics.

## **CIVIL SOCIETY AND THE POLITICAL SUPERSTRUCTURE**

**Antonio Gramsci** (1891- 1937), the famous Italian Marxist scholar was the first to explain the survival of capitalism in terms of the civil society- an entity in the political

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<sup>72</sup> For details check Larry Diamond, J.J Linz and S.M Lipset (ed.), *Democracy in Developing Countries, Asia-Vol-2*, Lynne Rienner Publishers, Boulder, 1989.

<sup>73</sup> Muthiah Alagappa (ed.), *Civil Society and Political Change In Asia: Expanding and Contracting Democratic Space*, Stanford University Press, Stanford, U.S.A, 2004, p.41.

<sup>74</sup> Gordon White, 'Civil Society, Democratization and Development(I):Clearing the Analytical Ground', *Democratization*, Vol.1(2), Autumn 1994, pp. 375-390.

superstructure performing the vitally important task of ideological integration of all classes in the society. Quite different from the non-Marxist and pre-Marxist ways of analysis, the Gramscian theory of hegemony is a totally new way of looking at civil society. It shares very little in common with the Lockean or the Scottish interpretations of civil society, which to varying extents, form the dominant core of Western theorization on civil society. According to the Gramscian view, it is because Russia lacked a civil society, or had a 'primordial one', that capitalism (or more precisely, feudalism) could be defeated there; whereas, as the Western democracies have civil societies, capitalism continues to get new leases of life through the integrative functions of civil society. Gramsci likened the civil society to trenches that protect state power and shield the ruling class from the shock waves produced by economic crises in capitalism.<sup>75</sup> Thus, Gramscian model looked upon the civil society as an arena, separate from but enmeshed with the state and market, in which ideological hegemony is contested. It included a relatively wide range of institutions that are non production related, non-Governmental, and non-familial, ranging from recreational groups to trade unions, from churches to political parties. As such, there is both a separation and overlapping between the civil society and political spheres in this analysis.

The Neo- Gramscian or the New-left school, comprising of scholars and activists like **Jacek Kuron**, **Adam Michnik** as well as **Andrew Areto**, **Jean Cohen** and **Robert Cox** however look upon civil society as a sphere of action that is independent of the state but is capable of energizing resistance to a tyrannical regime.<sup>76</sup> Drawing upon Gramsci in their identification of civil society, they however look upon it as an important site for counter hegemonic struggle and assign it the key role in defending society against the state and market and in formulating the democratic will to influence the state.<sup>77</sup> Cox, for instance, went beyond the base-superstructure thesis of Marxism and identified creation of a vibrant civil society, emergence of organic intellectuals representing the

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<sup>75</sup> Antonio Gramsci, *Selections from the Prison Notebooks*, edited and translated by Quintin Hoare and Geoffrey Nowell Smith, ElecBook, London, 1999, pp.479-556.

<sup>76</sup> Michael W. Foley and Bob Edwards, 'The Paradox of Civil Society', *Journal of Democracy*, Vol-7(3), pp. 38-52.

<sup>77</sup> Muthiah Alagappa(ed.), n.73, p.30.

marginalized, participatory democracy, pluralism and multi-lateralism as key elements of his global transformational agenda.<sup>78</sup>

Researchers studying the development, functions, actions and outcomes of civil society on democracy in Asia have found relevance in explaining their studies from both the frameworks. A combination of both the liberal democratic model and the new-left model provides the best option for our study as well.

### **DISTINCTIVE FEATURES**

The category of civil society lost its importance between 1920's to 1970's under the international politics of Cold war and its accompanying geo-strategic compulsions. It returned to the centre of political discussion only after it was adopted by Central European dissidents in the 1980's (soon to be leaders and State builders after 1989) as a name for the complex non- governmental 'social capital' required for a liberal democratic society.

There are a series of distinctive features<sup>79</sup> associated with the modern coinage of civil society :-

- 1) The autonomy of the social- Civil society declares the moral and political autonomy of a society of citizens. A civil society recognizes the dependence of politics on society; it recognizes the priority of society as given to political processes and political power. Historically, those institutions which have dictated to society from above or outside are the Government and the Church. So a civil society is one in which the social is understood as having its own 'substance', its moral reality and weight independent of the Government and the Church.
- 2) Expansion of civitas to society- Ideally, civil society is a setting of settings: all are included, none is preferred. The Western tradition has been to treat the state, the

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<sup>78</sup> John S. Moolakkathu, 'Robert W. Cox and Critical Theory of International Relations', *International Relations Journal*, October 2009, Vol.46(4), pp.439-456.

<sup>79</sup> See for a detailed discussion of the features of civil society, Lawrence E. Cahoon, *The Conservative Meaning Of Liberal Politics*, Blackwell Publishers, Malden, USA, 2002.



sovereignty governed territory, as one *civitas*. To be a subject is to be a citizen. Thus, began the developments of nationalism which, soon, became an important trait of modern civil society. Politically or civically, what the aristocrat and commoner share eg. their 'Frenchness or Englishness'- began to matter more than what differentiated them. Nationalism was thus, the necessary 'cocoon' from which modern civil society emerged.

- 3) Spontaneous Order- Any modern civil society must be a society of 'spontaneous order' (emergent unplanned order) but that does not mean an anarchical situation. Modern civil society is characterized by spontaneous order but its social, economic and cultural spheres largely obey distinctive forms of spontaneous order.
- 4) Institutional Pluralism- Civil society is based on the acceptance of a plurality of institutions. No single agency dominates social life or is the sole arbiter of norms. Institutional pluralism comes in two forms: a pluralism of kinds of institutions, or spheres of life, and a pluralism of similar institutions within each kind. A modern society in crisis – crossed by institutions of all kinds – religious, political, voluntary interest associations, commercial corporations, nationalistic groups etc & none of these has unquestioned control over the others. Since the individual has a variety of places to go and associations to join, civil society allows meaningful individual liberty.
- 5) Market Economy- During the first phase of modern interest in civil society, all commentators, without exception, saw capital investment, production, exchange and the consumption of commodities –the forces and relations of production, mediated by nature- as a constitutive feature, a dynamic motor of civil society. Later, however, commentators started setting aside or ignoring markets. Today, a somewhat *purist* view of civil society prevails with the latter being treated as a market free zone. Civil society is seen as the protector of citizens against the ravages of money driven markets and governmental power. This 'third sector' or

‘third force’ is looked upon as a space of resistance to ‘colonization’<sup>80</sup> and a liberated base from which the despotic powers of markets and governments can be challenged and politically defeated.<sup>81</sup> Contrary to this, Cahoone feels that civil societies must have market economies. Economic activity cannot be completely excluded from civil society or its local mediating institutions. Since economies can only be organized in three ways- by tradition, command or markets,<sup>82</sup> then modern civil society must have a market economy as tradition is ruled out by modernity (at least, as the dominant organizing principle) and command would require vast state control. Markets are necessary but insufficient condition for modern civil society; a civil society must be partly constituted by markets, but it is not the markets itself.

Civil society is distinct not from economics per se, but from the systemic level of economic activity. It is a dimension of public social existence and experience which is relatively unintegrated by, uncoordinated by the system.<sup>83</sup> The dimension of life in which social members act and experience themselves as living together according to civil rules is a different dimension from that in which they act to increase marginal advantage and volatilize existing institutions and practices by placing them on the functional scale. Civil society needs its market, and its benefits from market rationalization, but again the rules of civility are not the rules of the market. Non systemic agencies and actors or better, agencies and actors in their non systemic dealings, are more truly part of civil society.

## **CIVIL SOCIETY AND RELIGION**

The relation between religion and civil society, like the one between state and civil society is a relation of ambivalence rather than of inherent contradiction.<sup>84</sup> As discussed

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<sup>80</sup> See for details John Brookshire Thompson, David Held ,et al, *Habermas,Critical Debates*, Macmillan, London, 1982.

<sup>81</sup> An extreme version of this understanding can be found in *Empire* by Michael Hardt and Antonio Negri, Harvard University Press, USA, 2000.

<sup>82</sup> As identified by Robert Heilbroner in *The Worldly Philosophers: The Lives, Times, and Ideas of The Great Economic Thinkers*, Touchstone Publishers, New York, 1999, pp.19-21.

<sup>83</sup> Lawrence E. Cahoone, n.79.

<sup>84</sup> Andr’e Be’taille, ‘Civil Society and its Institutions’ in Carolyn M. Elliott(ed.), *Civil Society and Democracy- A Reader*, Oxford University Press, New Delhi ,2003, p.203.

earlier, a modern civil society is necessarily pluralist by nature. It provides individual citizens belonging to different ethnic, cultural and religious groups with all the requisite democratic freedoms; debates are multifaceted, cross-cultural, cross-disciplinary, beyond all frontiers imposed by monolithic religious, ideological communities or nation-states. As such, the prospects for such a civil society are at best uncertain in a state whose legitimacy rests on a monotheist religion, a democratic state where multiple communities, different cultures and world visions are not juxtaposed within the same, shared space of citizenship.

Religion as such is not an enemy of civil society; it is only when it seeks to encompass every aspect of society and to regulate every individual and every institution that religion stifles the growth of civil society.<sup>85</sup> Historically, both the Church and the State have been extremely powerful institutions and civil society has grown not by destroying them, but by creating and inhabiting spaces outside their direct control. Alexis de Tocqueville, for instance, believed that religion provides essential support to political liberty and the growth of democracy though he also pointed out that it was most effective where there was a separation of the Church and the State. Tocqueville was of the opinion that religious institutions and individuals are at the heart of American society<sup>86</sup>, providing effectively for the welfare of individuals and communities in areas where government programmes are unable to address.

If civil society is to be really based on the acceptance of a plurality of institutions, it would be contrary to its spirit to wage a war against religious institutions. The culture of civility is a culture of tolerance: militant atheism is no less alien to it than the glorification of Holy War.<sup>87</sup> In other words, it needs to be remembered that religious tolerance and the respect for religion are fundamental components of the culture of civility. Faith-based organizations constitute a very important part of civil society, both from a sheer quantitative point of view and in terms of range, durability, and personal

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<sup>85</sup> *ibid.*

<sup>86</sup> Norman A. Graebner, 'Christianity and Democracy: Tocqueville's Views of Religion in America', *The Journal of Religion*, Vol.56(3), July 1976, pp.263-273.

<sup>87</sup> Andr'e Be'teille, n.84, p.205.

significance. They do not simply provide an opportunity for practicing a personal faith; they also serve a strong base for community and identity. This translates into both tangible social services for its members and a more subtle sense of belonging. In fact, secular institutions and the culture of civility often lack the energy and vitality that come from unshakeable religious faith. Proponents of secular ideas and institutions can never offer the promise of an incorrupt and unblemished future society with the same conviction with which religious believers can. Yet, the entry of religion into secular public spheres carries both dangers and possible benefits for democracy and civil society. The real challenge comes from those religions that advance totalizing claims. Aggressive expressions of religious belief lead to September 11, like events and are therefore feared by democracy and civil society activists.

Civil Society in Islamic contexts need a brief mention at this juncture keeping in mind the subject of our study, i.e, Bangladesh, an Islamic State. For the majority of Muslims , Islam is simultaneously religion, state and society, the inseparable three ‘ds’ – *din*, *dawla*, *dunya* – of classic Islamic thought.<sup>88</sup> This kind of a mindset constrains contemporary all so called Muslim societies from sharing in the modern debates on politics, ethics, law, history, social and economic order which are necessarily secular by nature. In fact, there have been sweeping, negative pronouncements about the alleged incompatibility of Islam with modernity. This is because the two separate entities ‘Islam’ and ‘Modernity’ is generally based on a definition of the former as religion and the latter as necessarily secular. The rule of law and civil society are essentially modern conceptualizations based on the autonomy of the religious sphere from the political one. The secular rule of law not only allows religious and ethical issues to be freely adjudicated and studied on a scientific basis in the public space of citizenship; it also allows those issues to be kept in their orthodox expressions in private institutions of learning and practice where so desired.<sup>89</sup> In Islamic societies, where an official religion is declared in the national constitution, it has often been the case that Muslim intellectuals who dare to express

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<sup>88</sup> Mohammed Arkoun, ‘ Locating Civil Society In Islamic Contexts’ in Ayn B. Sajoo (ed), *Contemporary Society in the Muslim World –Contemporary Perspectives*, I.B Tauris Publishers, London, New York, 2002, p. 43.

<sup>89</sup> *ibid.*, p.46.

critical attitudes on political or religious issues are often put on trial and eventually imprisoned. Others are obliged to practice self censorship to avoid attacks from conservative public opinion as well as official pursuits on issues involving problems of human rights, sharia and modern law which may allow the state to exercise arbitrary 'legal' violence. Such a situation of intolerance naturally has deeply negative consequences for attempts to generate a civil society.

This, however, does not justify the West's denunciation of Islam. Nor does this imply that the Islamic tradition can provide no resources for a contemporary discourse on civil society. Rather there has been a proliferation of literature which seeks to establish a rule of law with its civil society specific Islamic principles, attributes and style posing an intellectual, spiritual, ethical, juridical, and institutional challenge to the 'secular model' achieved and presented in Europe as universal. They find much in modern Western society that is incompatible with their moral intuitions and they, therefore, seek an Islamic foundation to a modern, democratic, tolerant, intellectually, enlightened order suitable for the conditions of today.<sup>90</sup>

## **CURRENT STATUS**

From the 1990's, Civil society organizations have begun to be highlighted both as service providers and in their role in promoting good governance and democratization<sup>91</sup>. The interest of the international development agencies in social capital, civil society and participation may be interpreted as another way of building on the micro social foundation of market solutions. With the end of the Cold War, people of Eastern Europe and other parts of the world began to protest and rise in organized opposition to the existing totalitarian regimes. Not only that, it became necessary for the West to accelerate a process of democratization in other parts of the globe to make way for the new thrust of trade liberalization and 'Globalization'. This emphasis is based on the belief that a

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<sup>90</sup> Aziz Ismail, 'Self, Society, Civility, and Islam' in Aryn B. Sajoo (ed), *Contemporary Society in the Muslim World –Contemporary Perspectives*, I.B Tauris Publishers, London, New York, 2002, p. 85.

<sup>91</sup> Peter R. Davis and J. Allister McGregor, 'Civil Society, International Donors and Poverty in Bangladesh', *Commonwealth and Comparative Politics*, 2000, Vol-38(1), p.53.

democratic and accountable state would further economic growth and development and allow the market to operate freely. To facilitate the free entry of goods and services, protectionist or authoritarian regimes had to be removed or democratized and weak Governments in the South had to be strengthened. Western donors began with the assumption that civil society was an important check on any Government and, as such, civil society assistance would reinforce external pressure on the states to reform. As such, these international organizations started funding development initiatives in the South through civil society initiatives. The Neo-Tocquevillean school provided the necessary theory to such a strategy plan of the Western donors particularly the USAID and the World Bank in the 1990s.<sup>92</sup> These Western initiatives were based on the developmental paradigm called 'Good governance Agenda' wherein it is suggested that a virtuous circle can be built with the state, economic and civil society which will foster and balance economic growth, equity and democratic stability.<sup>93</sup>

Recent studies on civil society in Asia, Africa and other non-western countries however do not fully support this thesis. The nature of civil society in socio-political specific and the boundary between the civil society and political society is highly porous. Civil society, though a necessary condition, is not always sufficient for democratic development in all these non-western countries.<sup>94</sup> Every region and country has its indigenous political norms and social relations that influence the political institutions as well as the nature and performance of civil society. International donor policies to assist civil society programmes, ignoring such local circumstances, may lead to grass-roots development & social empowerment but is not always effective in pushing forward issues like participation, democracy and good governance.

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<sup>92</sup> Jude Howell and Jenny Pearce, n.65, p.43.

<sup>93</sup> David Lewis, 'On Difficulty of Studying Civil Society: Reflection on NGOs, State and Democracy in Bangladesh', *Contributions to Indian Sociology*, 2004, Vol-38(3), pp.299-322.

<sup>94</sup> Muthiah Alagappa, n.73, p.11 ; For a detailed discussion also see, Jayant Lele and Fahimul Quadir (eds), *Democracy and Civil Society in Asia*. Vol. II, Macmillan, Palgrave, Hampshire, 2004.

## **FINAL OBSERVATIONS**

Trying to explain and analyze Democracy and Civil society in Bangladesh without a careful and sensitive prior analysis of these value laden concepts would have been absurd, inadequate and rather ahistorical. In this chapter, we have therefore attempted to bring in the philosophical and historical perspectives of the evolution and present connotation of these two concepts to avoid future shortcomings and to provide this research the required theoretical framework. It will be our task in the next few chapters to understand and evaluate the meaning and functioning of these concepts specifically in the context of Bangladesh.

## **CHAPTER – 2**

### **BIRTH OF A ‘DEMOCRATIC’ POLITY**

As mentioned in the earlier chapter, the concept of Democracy is often equated with a dream of freedom. It is considered irresistible as a slogan because it seems to promise a form of Government in which rulers and ruled are in such harmony that little actual governing is required. It was such an yearning for democracy, political freedom and rights as well as economic development that had triggered the broad nature of mass mobilization in East Pakistan between 1948-1971. The birth of Pakistan in 1947 (of which Bangladesh remained a part till 1971) was the result of a demand for a separate homeland for one of the principal religious communities of the Indian subcontinent, the Muslims. However, the philosophy or ideology which had assumed that Dhaka would feel itself closer to Lahore and Islamabad, 1200 miles away, than Calcutta and that religion can pave the way for complete cultural assimilation was proved completely false or baseless in the coming months.

#### **I**

### **LAYING THE FOUNDATIONS**

It needs to be noted that the movement for regional autonomy in East Pakistan grew quite early. This was due to two basic reasons. Firstly, at the time of independence, the political system in Pakistan did not have any effective Bengali participation; right from the outset, in the absence of landlords, businessmen-industrialists and upper level bureaucrats in the Eastern part, political and economic power had gravitated towards West Pakistan. Secondly, the policies that the ruling elites started pursuing during the early years-specially the one-economy policy based on an entrepreneurial approach which involved a huge transfer of resources from East Pakistan to West Pakistan- only



helped to perpetuate that imbalance.<sup>1</sup> **The demand for regional autonomy was, thus, not only, a demand for a fair share of the national pie, but also, for the instatement of a credible democratic process which would allow the Bengali elites to serve as equal partners in the policy making structures.**

The vibrant linguistic nationalism, centering on the promotion of Bengali as the National language, triggered the first set of conflicts in East Pakistan. Popularly known as the Language Movement, it started in 1948 in the form of a strong verbal protest from a small but determined group of Dacca University students after Jinnah proclaimed in Dacca that Urdu would be the State language of Pakistan. Urdu, at that time was the mother tongue of only 3.27 per cent of the population of Pakistan while *Bangla* the language of 56 per cent of the masses.<sup>2</sup> Obviously the use of Urdu, along with English, as the State language did not go down well with the educated East Pakistani middle class. The West Pakistani attempts to denounce the ceremonies on Bengali New Year Day or to eliminate Rabindra Sangeet from Bangladesh as evidence of infiltration of foreign culture further infuriated the intelligentsia of East Pakistan. They had already been publicly promoting the feelings of Bengali solidarity with an emphasis on the Bengali language and culture and any attempt to Islamicize it or show it disrespect was simply not acceptable to them. Soon the recognition of *Bangla* as the national language became the most sensitive issue in undivided Pakistan, making it to the daily headlines from March 1948 onwards. Yet, till 1952, the language movement remained largely confined to students and intellectuals, mainly University and college teachers. The bulk of the masses initially remained indifferent and, at times, even opposed the movement because of the continuous Governmental propaganda that the movement was being engineered by anti-state elements like the Communists, Hindus and Indian agents. The outburst of public

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<sup>1</sup> Emajuddin Ahamed, *Society and Politics In Bangladesh*, Academic Publishers, Dhaka, 1989, p.35.

<sup>2</sup> Immanuel Ness(ed), *The International Encyclopedia of Revolution and Protest*, Wiley-Blackwell Publishing Ltd, 2009, UK, Vol.4, pp.344-348.

resentment finally occurred on the historic day of 21<sup>st</sup> February 1952; where after the movement acquired mass proportions.<sup>3</sup>

Interestingly, public disgruntlement though there was, the Bengalis continued to repose their faith in the military-bureaucracy oligarchic setup<sup>4</sup> already in existence in the then Pakistan and strived to cultivate a working relationship with their western counterparts for effective participation both at the provincial and central levels. This spirit of compromise and cooperation between the political elites of the two regions resulted in the adoption of the 1956 Constitution which, though not an ideal arrangement, did provide a framework in which the disparate groups and factions could be accommodated to a certain extent. In fact, it was the only acceptable political formula evolved in 'Undivided Pakistan' and the Bengalis pinned their hopes on it. The new Constitution sought to rein in the unbridled powers of the bureaucracy and establish democratic/civilian rule in the country. It solved the language problem; it also adopted the principle of parity as the key political formula between the two regions.<sup>5</sup> In fact, the provisions of the 1956 Constitution stole away much of the thunder from the Bengali demands. Thereafter, pressure began to mount incrementally, throughout 1957, for holding free and fair elections as provided under the Constitution. But soon, all hopes of a democratic dispensation were dashed and any plans for forthcoming elections torpedoed with the proclamation of martial law in the country by army chief General Ayub Khan on 7<sup>th</sup>

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<sup>3</sup> The Dhaka University *Rashtrabhasa Sangram Parishad* had initially called a *bandh* in the whole of East Pakistan on 21<sup>st</sup> February, 1952 in support of their demand for the recognition of Bengali as a State language. The government retaliated by imposing Sec 144 from February 20<sup>th</sup> onwards for a period of 30 days. The situation started deteriorating once the students decided to resist the imposition of Sec 144. There was utter chaos and the police resorted to indiscriminate lathi charge and firing. Around 60 students were hurt and 3 died due to police action on that day. Police mishandling of the student resistance galvanised the general public; the latter empathised with the student demands and the movement thereafter acquired mass proportions. See for further details, Badruddin Omar, *Purbo Banglaar Bhasa Andolan o Tatkalin Rajniti* (Language Movement and Politics in East Pakistan), Vol.3, Agamee Prakashani, Dhaka, 1979,p.258-261.

<sup>4</sup> For elucidation, check Tahir Kamran, *Democracy and Governance in Pakistan*, South Asia Partnership – Pakistan, Lahore, 2008, pp.14-30.

<sup>5</sup> Emajuddin Aahmed, n.1, p.31. Consensus was acquired under this Constitution by declaring both Urdu and Bengali as the national languages. This Constitution, promulgated on 23<sup>rd</sup> March, 1956, however did not get operational opportunity as the country soon moved to martial law situation.

October, 1958. Ayub's coup dismantled the existing apparatus of constitutional government, which, in the eventuality of a general election, would have thrown up a new political leadership not pliable enough for the 'military-bureaucracy nexus'. **This was Pre-independent Bangladesh's (East Pakistan) first encounter with 'controlled democracy'<sup>6</sup>; a rather new form of power dispensation marked by the preponderance of the armed forces with the civil bureaucracy acting in a subsidiary role; an ideal power prototype for subsequent army autocrats to emulate in Independent Bangladesh.**

### **The 1962 Constitution and the Six Point Programme**

Introduction of basic democracies<sup>7</sup> and the 1962 Constitution were actually means to perpetuate the personal rule of Ayub Khan. The fundamental feature of the 1962 Constitution was concentration of all powers in the hands of the new military ruler. Hence, it warranted a form of government with much greater concentration of powers in the hands of the President than would normally be allowed under a genuine Presidential government.<sup>8</sup> Such enhanced Presidential powers and circumscribed role for the legislatures made it virtually impossible for the provincial governments to function in an autonomous manner. In fact, under the new Constitution, Undivided Pakistan practically ceased to be a federation, as the Centre personified by the President enjoyed overwhelming authority over the provinces in all important spheres.<sup>9</sup> It was the sole prerogative of the President to appoint Provincial Governors as his agent, whose prime duty was to keep the former informed about the ongoing political development in the

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<sup>6</sup> Tahir Kamran, n.4, p.46.

<sup>7</sup> Ayub Khan made an effort to civilianize his regime by introducing the 'Basic Democracies' system in October 1959. Ayub did not believe that that western parliamentary democratic model was suitable for Pakistan; hence this new arrangement sought to initiate a grass-root level democratic system by empowering local level officials and councils. The reality was that these minor positions were heavily circumscribed by the civil bureaucracy and the national government. As such these 'Basic Democracies' remained completely subservient to the Ayub regime. See for details, Anas Malik, *Political Survival in Pakistan: Beyond Ideology*, Routledge, New York, 2011, pp.82-83. Also check, Tahir Kamran, n.4, pp. 54-55.

<sup>8</sup> Tahir Kamran, n.4, p.49.

<sup>9</sup> Pervaiz Iqbal Cheema and Rashid Ahmad Khan(eds), *Problems and Politics of Federalism in Pakistan*, Islamabad Policy Research Institute, Islamabad, 2006, p.iv.

provinces. The Provincial Assembly was indirectly elected and nothing more than a 'rubber stamp'.<sup>10</sup> There was no space for political parties as they were held responsible for all the malaise in the country. The press and the academia were subjected to strict vigil by the State authorities. Ayub Khan firmly believed in controlling all forms of political, social and cultural expressions; even the judiciary was not spared. **In sum, the Ayub decade marked the demise of all pretence of democracy and the rise of an autocrat with unbridled powers in the region.**

Unequivocal faith in bureaucratic policy making and execution, the basis of the Ayub system of governance affected the East Pakistanis or the Bengalis, primarily, in two ways. **Firstly**, the Bengalis were virtually eliminated from the policy making structure since they had minimum representation in the bureaucracy. Interestingly, of the sixty six top ranking bureaucrats who greatly influenced the decision making process from 1960 to 1969, by occupying key positions in the crucial institutions of the country, only three were from East Pakistan.<sup>11</sup> Despite this lopsidedness, the Bengali elites could have influenced the policy making process only if there were free political process in the country, but sadly that was not to be. **Secondly**, the bureaucrats being secular in orientation began to underplay the ideological issues and concentrate on the achievement of economic growth. The economic growth that emerged was however highly segmented; segmented not only in societal terms but also in regional terms.<sup>12</sup> This kind of asymmetrical economic growth, primarily due to differential rates of industrialization, generated a deep sense of frustration among the East Pakistanis. In fact, the regional imbalance involving a huge transfer of resources from East Pakistan to West Pakistan became the most sensitive political issue of the 1960s as it directly affected the emerging middle classes in East Pakistan.

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<sup>10</sup> Tahir Kamran, n.4, p.50.

<sup>11</sup> Cheema and Khan(eds), n.9, p.19. In fact, the Bengali representation in the higher civil services remained less than 30%, and in the still higher echelons less than 5%. In the defence services, it was not more than 10%.

<sup>12</sup> Emajuddin Ahamed, n.1, p.42.

**The Six Point Programme** was a reaction of, and a challenge to, the policy measure of the bureaucratic elites in Pakistan. It was a significant political-economic document; **politically**, it sought to establish a confederal system; **economically**, it was designed to put the East Pakistani resource management at the disposal of the Bengali elites; **militarily**, it strove to make East Pakistan self sufficient. The ‘twenty three years of history of Pakistan’, Sheikh Mujib<sup>13</sup> pointed out, ‘was the history of our deprivation’ and he called the Six Point programme a ‘Charter of Bengali survival’.<sup>14</sup> Already by that time, the dynamism of the Language Movement, along with the ever increasing regional disparity had initiated a constant phase of mass protest and, this Six-Point Demand made by Mujibur Rahman, further strengthened this voice of protest. Exasperated with the draconian rule of Ayub, these demands evoked tremendous enthusiasm in East Pakistan, both among the Bengali elites as well as among the masses. It had great appeal to the petty bourgeois and the rising industrial class because in it they saw an opening to further prospects. Bengali bureaucrats supported it enthusiastically because they found in it the key to their independence from the Centre’s fiscal and administrative control and their promotion to the decision making structure. The army officers too hoped that it would consolidate their position in East Pakistan and offer unlimited scope for their promotion. Even, the rural peasants and the urban workers lent their support to the programme as it symbolized large scale change and promised equal opportunities for all. The Programme was projected, in sum, as the ‘**Magna Carta of the Bengalis**’;<sup>15</sup> it promised an environment of greater freedom from the Center and was strategically able to galvanize the masses, who came all out in active support of it.

The autonomy movement, based on the Six-Point Programme, soon gathered momentum and for about three months after its formulation, the urban centres of East Pakistan were

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<sup>13</sup> Sheikh Mujibur Rahman, the first President of Bangladesh, is also regarded as the founding father of this young South Asian nation. Along with H. S. Suhrawardy, he helped organize the Awami League in East Pakistan in 1949. He was an unequivocal critic of the Ayub Khan regime and had been jailed several times for his political beliefs. It was in 1966, at an all-party national meeting convention in Lahore, that he presented his Six-Points Program as the constitutional solution of East Pakistan’s problems in relation to West Pakistan.

<sup>14</sup> Emajuddin Ahamed, n.1, p.29.

<sup>15</sup> *ibid.*

in the grip of ‘a popular revolt’.<sup>16</sup> In January 1969, several opposition parties formed the Democratic Action Committee with the declared aim of removing the shackles of military dictatorship and restoring democracy through a mass movement. Widespread turmoil and agitations made it obvious that the Ayub regime was running out of all options; soon enough, there was a change in power as General Yahya Khan took over the reins of the land. The latter made a prompt commitment to return to the civilian rule under a re-drafted constitution (as the earlier one had already been abrogated) and Martial Law was proclaimed in the land. General Yahya also promised free and fair elections on the basis of universal adult franchise to the National Assembly and, most importantly, that representation in the Assembly would be determined by population distribution.

Thereafter, general elections to the National Assembly were held in December 1970, the first since the creation of Pakistan in 1947. The issue of ‘Six Points’ dominated the election campaign. Sheikh Mujib’s Awami League completely swept the polls. They won 288 of the 300 provincial seats and 160 of the 162 at the center in East Pakistan. Their electoral victory was so decisive that they won 75.11 per cent of the total popular votes cast in East Pakistan and yet, the AL failed to secure even a single seat in West Pakistan.<sup>17</sup> Despite this contradiction, the victory placed Awami League in a clear majority within the National Assembly (since East Pakistan had a majority of the seats in the Parliament). The situation was just right for a civilian takeover of the political establishment with Sheikh Mujibur Rahman, a Bengali, poised to be the next Prime Minister of Undivided Pakistan.

Such optimism was however short-lived. It soon became clear that the civil-military establishment in West Pakistan was in no mood to transfer power to East Pakistanis. The military seemed to have reached a tacit understanding with Zulfikar Ali Bhutto,<sup>18</sup> representing the West Pakistani establishment, on this issue. General Yahya postponed the convening of the National Assembly on March 1, 1971, not for any definite period

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<sup>16</sup> *ibid*, p.42.

<sup>17</sup> Hasaan Askari Rizvi, *Military, State and Society in Pakistan*, Palgrave-Macmillan, UK, 2000, pp.124-127.

<sup>18</sup> Zulfikar Ali Bhutto was the leader of the Pakistan People’s Party in West Pakistan.

but *sine die*.<sup>19</sup> Yahya Khan and his coterie of advisors were adamant to bring Mujib down for a compromise. The Governor of East Pakistan, Admiral S.M. Ahsaan, a moderate in the Yahya administration, was dismissed. Even the cabinet, with its component of Bengalis, was dismissed. All power came to be concentrated in the hands of the West wing Military Junta. The rapidly changing situation actually heralded the beginning of an end, the end of un-divided Pakistan.

### **The End Of Undivided Pakistan-A Moment Of Truth**

What followed thereafter was one of the bloodiest and long drawn engagements for liberation in the whole of recorded history of mankind. It began with a call for non-violent non-cooperation by Mujib on the 7<sup>th</sup> of March, 1971. The primary demand was to bring an end to the Martial Law administration and transfer power to the elected representatives of the people. Mass compliance with Mujib's directive was total; non-cooperation was complete. The entire civilian administration, including the police and the civil service of East Pakistan refused to attend office.<sup>20</sup> The people stopped supply of food to the army. Payment of taxes, revenue and all other dues including income tax, telephone, electricity, customs and land revenue to the government was completely stopped as part of this struggle. The writ of the State virtually collapsed<sup>21</sup> and the Awami League leaders took over the reins of power in their own hands. In such circumstances, Yahya decided to use the coercive power of the State to crush what he described as 'an armed rebellion'.<sup>22</sup> A programme of calculated genocide, the *Operation Searchlight*, was kicked off on the midnight of 25<sup>th</sup> March, 1971. "*Full scale military terror(was deployed)in defence of a unitary state and a vice-regal tradition on the part of a regime that preferred, in the long run, to lose half the country than come to terms with the*

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<sup>19</sup> M.Rahman, *Bangladesher Itihaas(History of Bangladesh)*, Somoy, Dhaka, 1998.

<sup>20</sup> *The Dawn*, March 11, 1971.

<sup>21</sup> Interview with Prof. Muntassir Mamoon, Dept. of History, Dhaka University on 21/4/2015. Prof. Mamoon also recounted incidents of the horrific genocide which the military action entailed. He was of the opinion that the scars of history are largely responsible for the flawed democratic development in the country.

<sup>22</sup> Tahir Kamran, n.4, p.76.

*democratic aspirations of the Bengali majority of the Pakistani population.*”<sup>23</sup> The Awami League was proscribed as a political party and all the prominent leaders including Mujib were put behind bars.

Soon after, the Proclamation of Independence of Bangladesh was issued on the 10<sup>th</sup> day of April, 1971.<sup>24</sup> Sheikh Mujibur Rahman was elected President of the Republic in absentia. Without going into the minute details of the *Mukti Yuddha* (the War Of Liberation)<sup>25</sup> of the Bengalis and the genocide it entailed in East Pakistan, which does not really fall within the scope of this study and is best avoided, suffice it would be to conclude that the outcome of this horrific and bloody struggle was the dismemberment of Pakistan and the birth of an independent State of Bangladesh.

### **A Final Thought**

**The owl of Minerva flies only at dusk, reminded Hegel.** What he meant was that it is always easier to understand an epoch when it has become past for us. Similarly the above *audit* of the political and economic developments in East Pakistan would make it easier for us to measure the progress towards democracy (the cherished goal which motivated the freedom fighters), understand the innumerable challenges it faces, and weigh its future prospects in post-independent Bangladesh.

It has been generally seen that the manner of a nation’s birth profoundly affects its subsequent political development and, it can be reasonably held that Bangladesh has not been an exception to this rule. In the case of Bangladesh, this truth is, perhaps, most clearly reflected in its lack of political stability and national cohesion; in the uncertainty

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<sup>23</sup> Ian Talbot, *Pakistan- A Modern History (2<sup>nd</sup> edition)*, Hurst and Company, London, UK, 1999, p.187.

<sup>24</sup> Immanuel Ness(ed), n.2, p.348.

<sup>25</sup> See for details on the Bangladesh Liberation War: Ian Talbot, n.23; Archer K Blood, *The Cruel Birth of Bangladesh-Memoirs of an American Diplomat*, The University Press Limited, Dhaka, 2002; Muntassir Mamoon, *The Vanquished Generals and the Liberation War of Bangladesh*, Somoy Prokashon ,Dhaka, 2000; Jahanara Imam, *Ekattorer Dinguli (The Days of 1971)*, Shandhani Prakashani, Dhaka, 1986; A.M.A Muhith, *Emergence of a Nation*, The University Press Limited, Dhaka, 1998; Siddiq Salik, *Witness to Surrender*, Oxford Publishers, Pakistan, 1998.



and violence which has blighted the country's political landscape; in the repeated military coups and countercoups since 1975; in the insurgent activities by radical fundamentalist groups; and finally, in the erratic developments and practices of the country's democratic institutions. Political vacillation and uncertainty bodes ill for any aspiring democratic state, and the inability of the new-born State of Bangladesh to depart from its past political exposures and build upon on its newly found strengths and opportunities has led to repeated attempts at subjugation of democratic values and institutions.

Concerns about the state of democracy in the youngest republic of South Asia despite having an 'elected' government have bothered scholars and diplomats (both Western and South Asian) alike and many hold the huge and complicated history of its birth as largely responsible for what is happening in the Bengali speaking nation today. As they said, "It is indeed unfortunate, but modern democracy in Bangladesh is a prisoner of its own history...."<sup>26</sup>

## II

### **DEMOCRATIC POLITICS & CHARACTER OF THE NEW STATE**

The year 1972 marked significant changes in the political history of the sub-continent. It was this year that the newly formed State of Bangladesh embarked on its journey towards democratisation by adopting the country's first Constitution based on the four guiding principles of Nationalism, Democracy, Socialism and Secularism. The **Constitution incorporated all the generally accepted democratic ideals - a unitary and Parliamentary form of government, multiple parties, elections on the basis of universal adult franchise, fundamental rights and independence of the judiciary.** Initially, the Proclamation of Independence Order had called for a Presidential form of

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<sup>26</sup> In conversation with Mr. Sandeep Chakraborty, Deputy High Commissioner-India, Indian High Commission Office, Dhaka, 22/4/2015. The same idea found resonance in Prof. Muntassir Mamoon's personal assessment of the present state of affairs in Bangladesh, n.21.

Government in order to handle the special situation arising out of the Liberation War.<sup>27</sup> However, within forty eight hours of Mujib's return to Bangladesh from Pakistani jail on January 10, 1972, a decree called the **Provisional Constitution of Bangladesh Order** was passed changing the Presidential form of Government into a Parliamentary one. By this, the President was made a titular head and the real executive power was vested with the Prime Minister and his cabinet. Sk. Mujibur Rahman came to occupy the powerful office of the Prime Minister of Independent Bangladesh since January 12, 1972.<sup>28</sup>

Formation of government by the Awami League, with Mujib as the Prime Minister, hardly raised any debate as both enjoyed impeccable representative credentials. Not only did Mujib's party, the Awami League, have a twenty year tradition of struggle for the democratic rights of the people of Bangladesh, it had been freely elected by them (in the 1970 elections) and had also led them through a bloody war of liberation. Such definitive representative credentials acted as a double-edged sword for the new regime; on the one hand, it helped win domestic as well as global support and recognition for the new State but, on the other hand, it let loose the tide of unfulfilled aspirations of the people accumulated over so many years as part of Undivided Pakistan. In reality, the Awami League regime was hardly prepared for this mammoth task.

Post-1971, Mujib was entrusted with the task of rebuilding an economy immobilised not just by war, but by its delinking from institutions at the centre; the centre which had for the last two decades run its finances, central banking, planning and foreign affairs. The new government also had to cope with the overnight withdrawal of Pakistani businessmen who had dominated private industry, commerce, banking, insurance, inland waterways, shipping, foreign and regional trade in the eastern part.<sup>29</sup> The newly independent State of Bangladesh faced an economy physically dislocated by war, with ten million refugees seeking immediate rehabilitation. Its communication network had

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<sup>27</sup> Emajuddin Ahmed, 'Bangladeshe Gonotantrik Sarkarer Roop' (Nature of Democratic Government in Bangladesh) in Muhammad Jahangir (ed.), *Gonotontra* (Democracy), Mowla Brothers Publications, Dhaka, Bangladesh, pp.15-34.

<sup>28</sup> *ibid.*

<sup>29</sup> Rehman Sobhan, *Bangladesh: Problems of Governance*, Konark Publishers, New Delhi, India, 1993, p.13.

been destroyed with bridges and rolling stock damaged, power system down, ports blocked by sunken wrecks, all foreign trade disrupted, factories closed, inventories low and disruption in the planting of two successive crops. The Mujib Government therefore, had multiple responsibilities on its shoulders: firstly, it sought to establish its authority over the land; secondly, it had to reactivate the economy; thirdly, it needed to fill in the entrepreneurial void created by the departing Pakistanis; and finally, it strived to feed and rehabilitate the dislocated millions.<sup>30</sup>

Given these formidable circumstances, most political analysts<sup>31</sup> feel that the record of the new government was not bad at all, at least in the initial years. (It was, after all, unreasonable to expect that anything approaching normalcy in Bangladesh could be established within three years and possibly five, if levels of activity prevailing in 1970 were to be restored.) With the help of the United Nations Relief Organization in Bangladesh (UNROB)<sup>32</sup> and generous assistance of many foreign countries, the Government was able to rehabilitate the thousands of people who had been rendered shelter less by the *Mukti Yuddha* (Liberation War) and its after effects.<sup>33</sup> Within a period of two years, the Mujib government also laid the foundations of a central government, built up a foreign ministry, laid the foundation of the armed forces, established a central banking system, founded a Planning Commission and drafted a democratic Constitution on the basis of which general elections could be held in March, 1973. Even at the international level, the Bangladesh Government was able to secure diplomatic recognition from all countries of the world (barring China and Saudi Arabia) within a year. All this together formed a considerable feat for a nation which was just a year old.

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<sup>30</sup> *ibid*, p.14.

<sup>31</sup> I discussed this in detail with Prof. Jayanta Ray, Ex-Director, Maulana Abul Kalam Azad Institute of Asian Studies on 12<sup>th</sup> March, 2014. Even Prof. Imtiaz Ahmed, Department of International Relations, University of Dhaka had similar views on the subject when I met him during an Observer Research Foundation In-house Discussion in Kolkata on 16<sup>th</sup> December, 2013.

<sup>32</sup> This was one of the largest relief and rehabilitation programs launched by the United Nations. It was initially titled *UNROD* but later renamed *UNROB* after Bangladesh's admission to the UN in 1974.

<sup>33</sup> S.R Bakshi(ed), *Bangladesh Gazetteer*, Vol.3, Cosmo Publications, New Delhi, India, March 2000, p.205.

And yet, the Mujib Government became unpopular to most Bangladeshis within a very short span of time. One of the primary reasons for this was the serious erosion of the democratic character of the regime which, in fact, was derived from its political inheritance and the resultant in-built contradictions.

To begin with, political analysts feel that, the **absence of a strong opposition** that could take the regime to task for its errors of omission and commission in governance proved fatal for this fledgling democracy.<sup>34</sup> The Awami League controlled all the seats in the post-liberation *Jatiya Sangsad* due to its massive victory in the national and provincial elections of December 1970. In the National Assembly elections called in March 1973, after the passage of the new Constitution, the AL won 282 seats out of 289 contested and almost 73% of the popular votes.<sup>35</sup> This meant that throughout the life of the regime, between 1972-75, the government was exposed to no effective opposition in the *Jatiya Sangsad*. **In such a situation, Mujib whose authority was virtually unchallenged turned the political order of Bangladesh into a one-man show but with all the trappings of a parliamentary government.**<sup>36</sup> The result was an 'ineffective' Parliament where one party enjoyed such overwhelming support that neither dissenting voices could be heard nor alternative agendas projected. The job of the legislature was restricted mainly to ratifying the Government's actions. As a result, political opposition came to be registered outside the Parliament in the form of a variety of armed insurgencies, as well as on the streets, in the press and finally, in conspiracies in the cantonments.

Meanwhile the Jatiyo Samajtantrik Dal, the Sharbahara Party of Siraj Sikder and the Abdul Huq group of the Communist Party along with a number of lesser known underground revolutionary activists engaged themselves in assassinating ruling party members, attacking police stations and various symbols of the State; this increasingly

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<sup>34</sup> Interview of Prof. Ray, Prof. Ahmed, n.31. Interestingly even Shri Bimal Pramanik, Director, Centre For Research in Indo-Bangladesh Relations (*CRIBR*) in an interview on 12<sup>th</sup> March, 2014(a *Mukti-Yoddha* himself), too felt that lack of a strong and constructive opposition has always hindered the attempts to institutionalize democracy in the country. The later part of the Mujib regime, with its authoritarian tendencies, is also largely to be blamed for this.

<sup>35</sup> Rehman Sobhan, n.29, p.24.

<sup>36</sup> Dilara Choudhury, *Constitutional Development in Bangladesh: Stresses and Strains*, The University Press Limited, Dhaka, 1995, pp. 37-38.

added to the sense of instability and disorder in the country. Being extremely intolerant of dissent and opposition, Mujib took drastic punitive measures to neutralise the political threat<sup>37</sup>; the ‘blackest’ among them being the ‘**Special Powers Act 1974**’, which stated that (i) any person could be detained if the government considered it necessary in the national interest; (ii) the government could arbitrarily impose curfew within a particular area or areas; (iii) the persons charged with offenses such as acquisition of arms and ammunition would be tried in the Special Tribunal; (iv) the execution of persons found guilty by the tribunal can be done by the ‘firing squads’; (v) action taken under the Special Powers Act could not be challenged in any Court of Law and (vi) no prejudicial report could be published in any newspaper.<sup>38</sup> **Interestingly the law stands till date and though all parties have repeatedly promised to repeal the law if elected, the Act continues to be one of the most resilient limits on democracy in Bangladesh.**

The increasingly **grave law and order situation** in the country was further compounded by the large number of arms carried over from the liberation war which still remained unreturned. It became clear that no effective arrangements had been made to complete the arms collection drive which gave opportunity to a group of people to loot and hijack public property. In fact, such unreturned cache of arms, in the hands of both the ruling party and the insurgents set the stage for terror, counter terror contributing to the image of lawlessness and insecurity in the country. The response of the regime to this threat was to set up the *Jatiyo Rakkhi Bahini* which was essentially a para-military counter insurgency force composed of pro-Mujib guerrillas.<sup>39</sup> In fact, a considerable part of the defence expenditure was allocated to the improvement of this *Bahini* rather than the regular armed forces, further alienating the latter. **The *Jatiyo Rakkhi Bahini* sought to fight**

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<sup>37</sup> J.N Dixit, *Liberation and Beyond: Indo-Bangladesh Relations*, Konark Publishers, New Delhi, 1999, p.226.

<sup>38</sup> See ‘The Special Powers Act, 1974(Act No.XIV of 1974) available at [http://bdlaws.minlaw.gov.bd/print\\_sections\\_all.php?id=462](http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=462) retrieved on 5/6/14.

<sup>39</sup> Shri Bimal Pramanik, Director CRIBR and a *Mukti-Yoddha* himself, spoke in detail, n.34, about the gradual deterioration of law and order post 1971 and Mujib’s inability to remedy the situation. He criticised the *Bahini* unsparingly which he feels was a source of much resentment among the Bangladeshis and soon became a liability for the State.

**terror with terror thereby acquiring a reputation for the use of excessive force which was seen to compromise the democratic character of the regime.**<sup>40</sup>

However, it was the **move to abandon pluralism** and establish a one party state in January 1975, which may be regarded as the most serious assault upon the democratic institution building process in the country. On 28<sup>th</sup> December 1974, Mujib proclaimed a State of Emergency in Bangladesh suspending all fundamental rights. Three weeks later, the Constitution Fourth Amendment Act, dated 25<sup>th</sup> January 1975, changed the Constitution beyond recognition. In place of the highly valued Parliamentary system of government based on a multi-party system, a Presidential form of government authoritarian in character on the basis of a single party was brought about overnight thereby. Fundamental right to form free association was denied; all political parties were banned and were asked to join a single national party called the Bangladesh Krishak Shramik Awami League (BAKSAL). Freedom of the press was drastically curtailed; independence of the judiciary was curbed by making the judges liable to removal at the wish of the Chief Executive. The fact that the Parliament overwhelmingly voted for these drastic changes in the Constitution and state structure only served to indicate the eroded authority of this vital democratic institution. **Mujib's moves, in essence, resulted in the political death for democratic Bangladesh as the country was transformed into an unknown totalitarian state.**<sup>41</sup>

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<sup>40</sup> Lawrence Lifschultz, *Bangladesh: The Unfinished Revolution*, Zed Publishers, London, 1979, pp 46-57.

<sup>41</sup> For details see, Salahuddin Ahmed, *Bangladesh: Past and Present*, APH Publishers, New Delhi, 2004, pp.212-213. Ironically, this was the same Mujib who had earlier denounced all such attempts in erstwhile un-divided Pakistan. He had, in his radio broadcast on 28<sup>th</sup> October, 1970 said: "The AL ...came into existence to defy the attempt of the ruling party to form a one-party system. We thus began the struggle to establish democracy in Pakistan." Prof. Monirul Khan, Dept. of Sociology, Dhaka University, refers to Mujib's actions as the 'dashing of hopes for all Bangladeshis'. (Interview held on 20/4/2015 at Dhaka)

## **The Ascendancy of the Armed Forces – Whither Democracy?!**

The military coup which assassinated Sheikh Mujib and most of his family on 15th August 1975 was declared a ‘*historic necessity*’ by Khandkar Mushtaque Ahmed,<sup>42</sup> who assumed office as the new President of Bangladesh on the evening of the aforementioned date. The situation changed dramatically as Martial Law was proclaimed in the country. **The last veneer of democracy was torn into shreds as the military junta became the ruling elite in the country.** Thereafter, a series of coups and counter coups took place, and finally the then Chief of Army Staff, General Ziaur Rahman assumed power on 7<sup>th</sup> November, 1975.

The new political dispensation in Bangladesh was however, not keen on promoting an unrepresentative military image; rather what was aimed at, was a regime deriving its powers from the armed forces but wearing civilian clothes. The best choice for leading such a dispensation was someone like Major General Ziaur Rahman- a hero of the liberation war with ‘an image of hard work, personal integrity and a willingness to go down and mix with the people.’<sup>43</sup> When the mantle of statecraft fell on Zia, he took advantage of the prevailing political vacuum to offer the country a stable political system. In fact, it goes to Zia’s credit that Bangladesh could restore some order out of the widespread lawlessness, social tensions and political unrest that had gripped the country in the last few years of the Mujib regime.<sup>44</sup> Despite improving upon Bangladesh’s dipping international image, Zia (and after him Ershad) was also well aware of the legitimacy crisis any military usurpation of power generally entails and therefore turned to the path of civilianizing his administration. In the process, **Bangladesh politics was subtly, but effectively, militarized.**

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<sup>42</sup> Anthony Mascarenhas, *Bangladesh: A Legacy of Blood*, Hodder and Stoughton, London, 1986, p.81.

<sup>43</sup> Rehman Sobhan, n.29, p.37.

<sup>44</sup> Prof. Imtiaz Ahmed, n.31, holds that Zia cleverly manipulated the domestic political situation to his benefit to improve his image. Again, Dr. Moyeen Khan, Standing committee member, BNP, Dhaka spoke very highly about the Zia regime’s programmes for social and economic amelioration of the masses. (In conversation with Dr. Khan at Kolkata on 26/8/2013)

In truth, the militarization of Bangladesh took place in two ways: first, the military became involved in the process of political party building, and retired military personnel were inducted into politics; and second, the military became a lasting factor in regime sustenance and regime change.<sup>45</sup> To begin with, Zia initiated his quest for legitimacy by emphatically denying any political ambition to capture power. He claimed that his intentions were purely to restore discipline in the armed forces and create conditions for the restoration of multi-party democracy. The presence of several groups and factions in the armed forces made the General unsure about the military and he could also not afford to ignore the demands of different political groups and parties already fighting for the restoration of democracy. As such, he tried to capitalize on his popularity to develop a strong support base, especially in rural Bangladesh. Zia's popular slogan was 'Bangladesh will survive if its 68,000 villages survive.'<sup>46</sup> On the advice of international lending agencies, Zia launched an ambitious rural development program in May 1977, which included a highly visible and popular food-for-work program.<sup>47</sup> This nineteen-point social and economic programme focussed on the need to boost Bangladeshi production, especially in food and grains, and integrate rural development through a variety of initiatives, of which population planning was the most important. Such measures, along with Zia's frequent visits to the remotest corners of the country, won him the allegiance of the countryside and helped him to expand as well as successfully consolidate his power base.

On the political front, it was a carefully stage managed referendum that heralded Bangladesh's return to electoral politics under Zia.<sup>48</sup> He sought to do away with the

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<sup>45</sup> Amena Mohsin, 'Bangladesh: An Uneasy Accommodation', in Muthiah Alagappa(ed), *Coercion and Governance: The Declining Political Role of the Military in Asia*, Stanford University Press, California, USA, 2002, p.215.

<sup>46</sup> *ibid.*

<sup>47</sup> 'The Zia Regime and its Aftermath' available at <http://countrystudies.us/bangladesh/21.htm> retrieved on 10/4/14.

<sup>48</sup> Five weeks after Zia's assumption of the Presidency, on May 30, 1977, Zia claimed electoral legitimacy for the first time in a national referendum held on the question: 'Do you have confidence in President Major General Ziaur Rahman and in the policies and programs enunciated by him?' The results of the referendum, which Zia called an 'exercise of the democratic franchise', showed 88.5 percent electoral turnout out of which 98.9 percent voted



wrong doings of the Mujib regime by lifting the ban on political parties and reinstating the freedom of the press; in the area of judicial independence, Zia removed the restrictive clauses and provisions imposed by the Constitution Fourth Amendment Act, 1975 during the earlier regime. All of these steps were hailed as major boosters for democratic revival in Bangladesh. Again, Zia consciously tried to change the military bearing of his government, eventually transferring most of the portfolios held by military officers to civilians; insisting on being called 'President' rather than 'Major general' and also prohibiting his military colleagues from holding both cabinet and military positions. He even chose as his Vice president, Supreme Court Justice Abdus Sattar, a civilian who had long been involved in Bengali politics, to give his regime a non-military appearance. Negotiations were initiated with different political parties to restore democracy and hold early elections. And finally, in April 1978, Zia announced that elections would be held to "pave the way for democracy," adding that the Constitution would be amended to provide for an independent judiciary as well as a 'sovereign Parliament'.

Holding a referendum without a political party is possible, but to fight an election requires the the instrument of a party; following this logic, Zia entered into an electoral alliance with six political parties consisting of the Jagodal (Jatiyotabadi Ganotantrik Dal), the National Awami Party-Bhashani(NAP-B), the Bangladesh Muslim League, the United People's Party(UPP), the Bangladesh Labour Party and the Bangladesh Scheduled Caste Federation to contest the Presidential elections of June, 1978. After emerging victorious, Zia chose to convert this broad political front into a new party, the Bangladesh Nationalist Party, with himself as President. In fact, the prevailing political situation, the dissensions within the Nationalist Front, the fragmentation within the opposition and also the power and position of the Presidential office helped him launch the BNP in September, 1978. It is generally believed that during this course of civilianization through party formation, military intelligence as well as the National Security Intelligence (NSI) were used extensively to set up new political organizations, curtail the opposition,

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for Zia. The credibility of the results of this referendum was widely challenged. This electoral exercise also set the stage for future manipulation of democratic institutions for securing the legitimacy of an authoritarian regime in independent Bangladesh. Such can be concluded after going through the news reports of the period and also on the basis of discussions by Charles Reynell, '*Pick Your General*', *The Economist*, June 5, 1978, p.79.

undermine their unity, buy support, and buy off opponents.<sup>49</sup> Besides the liberal promises of power and patronage used to build up this new organisation, there also existed the veiled threat that the BNP offered the only escape from a permanent sojourn in political wilderness. In fact, Zia is believed to have made the infamous remark that ‘I shall make politics impossible for politicians in Bangladesh’.<sup>50</sup> **Thus, under Zia, before long not only the BNP, but also the military had established itself as the most significant political force in Bangladesh.**<sup>51</sup>

With the massive victory of the Bangladesh Nationalist Party in the February 1979 Parliamentary elections (Zia’s party won about 42 percent of the votes cast), martial law came to an end and a purported ‘democratic’ government took office. This entire process of legitimisation and civilianization, however, brought Zia into conflict with senior military officers- mostly the freedom fighters. They were not only displeased by Zia’s leaning towards the rightist forces who had opposed the fight for liberation, but also alarmed by the civilianization attempts which meant less power for the military in state affairs. On May 30, 1981, Zia was killed in an abortive putsch spearheaded by a handful of disgruntled officers of the Chittagong Cantonment. It is learnt that the most probable reason for Zia’s assassination was that he had been pursuing a strategy of shifting his power base from ‘a military-bureaucratic-industrial combine to a mass oriented institutional frame.’<sup>52</sup>

After the assassination of Zia, Justice Sattar, the Vice-President took charge of the Presidency. Under Article 123 of the Bangladesh Constitution, a Presidential vacancy

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<sup>49</sup> In conversation with Prof. Muntassir Mamoon, n.21. Even Ali Riaz concurs with this view in *State, Class and Military Rule: Political Economy of Martial Law in Bangladesh*, Nadi New Press, Dhaka, 1994, p.30-31.

<sup>50</sup> A.N Shamsul Haque, ‘Military Rule and Prospects Of Democratic Development: The Case of Pakistan and Bangladesh’ in Asha Gupta(ed), *Military Rule and Democratization: Changing Perspectives*, Deep Publications, Delhi, 2004, p.97.

<sup>51</sup> Ali Riaz, n.49.

<sup>52</sup> Zilur R. Khan, ‘Bangladesh in 1981: Change, Stability and Leadership’, in *Asian Survey*, Feb, 1982, p.165. Other political analysts like Prof. Jayanta Ray, n.31, and Prof. Shantanu Majumdar, Department of Political Science, Dhaka University (interview on 19/4/2015) had similar views.

caused by death has to be filled by an election within 180 days of the vacancy occurring. Elections were subsequently held in November 1981. Sattar won an overwhelming victory<sup>53</sup> and assumed the Presidency in his own right. Though the military elite did allow the formation of the BNP's civilian Government, not before long they staked their claim for a constitutional right to handle the affairs of the State. The army chief General Ershad demanded that 'the army should be directly associated with the governance of the country' so that the military might have their 'commitment' in administration and do their 'best to arrest the tendency of an uprising' with a view to fulfilling their ambition or the lust for power.<sup>54</sup> Soon after, despite the Sattar government's aversion to military participation in Governmental policy making, a National Security Council consisting of the Chiefs of the three services, the Vice-president and the President as its head was formed. **The military thus, formally became a part of the Government's decision making body.** Subsequently, Sattar was forced to sack the Vice-President Mirza Nurul Hada due to pressure from the military elite and also reconstitute his cabinet with the exclusion of some party influentials. Such actions left the BNP in complete disarray and the regime soon began to suffer from legitimacy deflation. Unfortunately, in the performance failure of civil authorities, the military elite found their advantage embedded and they moved swiftly to acquire political power.<sup>55</sup>

Thus, it was barely four months into the landslide victory of President Sattar in the Presidential polls that Bangladesh experienced yet another bloodless coup on 24<sup>th</sup> March, 1982.<sup>56</sup> No violence was needed this time to establish the authority of Martial law and Lt. Gen. Hussain Muhammad Ershad declared himself the Chief Martial Law Administrator. The new ruler, Ershad, too began with protestations of his apolitical intentions and declaration of the standard Third World rationale for any military coup

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<sup>53</sup> 65.5% of the total votes cast were bagged by Sattar. The voter turnout in this Presidential election was 55.47%, 1.6 % higher than the voter turnout in the June 1978 presidential election in which Zia got elected.

<sup>54</sup> *The New York Times*, World News Section, November 14, 1981.

<sup>55</sup> Discussion with Prof. Imtiaz Ahmed, n.31, and Prof. Muntassir Mamoon n. 21.

<sup>56</sup> For details on the coup of 24<sup>th</sup> March 1982, see Emajuddin Ahamed, n.1, pp.168-173. Also see, Justice Sattar's statement in *The Ittefaq*, November 15, 1983.

that “it was unavoidable to safeguard the nation’s sovereignty and independence and to save and rescue the country from social, administrative and economic disaster.” The ritual of promising, within hours of the success of the coup, “a democratic system as soon as possible” was also meticulously performed.<sup>57</sup> The Constitution was suspended, the BNP-dominated parliament and cabinet was dissolved, and a ban was imposed on the activities of political parties. A crusade against corruption was announced and soon several hundred politicians, including several BNP ministers were jailed on charges of corruption. Ershad also took calculated measures to wipe out the threat of insurrection from within the armed forces. Officers were retired or dismissed from service or sentenced to death. Some were even posted in attractive positions in the civil administration or on diplomatic missions abroad. By doing so, Ershad was able to remove the potential threats to his position and tighten his grip over the entire State apparatus. In such manner, **Ershad ruled Bangladesh for nine long years; but, unfortunately he could never make inroads into the civil and political society of Bangladesh and continued to be looked upon as a usurper who had seized power from an elected civilian government.**

Militarisation of the Bangladesh administration that began with Zia was pushed to its extreme by Ershad. As Chief Martial Law Administrator, Ershad, divided the country into five martial law zones, each headed by a handpicked senior army officer. Twenty-four special and summary martial law courts directly involved the military in local administration. Although the civilian court system continued to function, violations of martial law ordinances were handled by these extra-constitutional martial law tribunals, where active-duty military officers met in secret sessions to try cases ranging from violations of press censorship to vaguely defined "antisocial activities." Those convicted of political crimes had no right of appeal, and defendants were tried in absentia. The Supreme Court was deprived of its jurisdiction over the protection of fundamental rights, and criticism of martial law was punishable by up to seven years' imprisonment.<sup>58</sup> A large

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<sup>57</sup> H.M Ershad made his first address to the nation over radio and television on March 24, 1982. For the full text of the address, see *The Bangladesh Observer*, March 25, 1982.

<sup>58</sup> Bangladesh Table of Contents, ‘The Ershad Period’ at <http://countrystudies.us/bangladesh/90.htm> retrieved on 12/8/2014.

number of military officers were awarded responsible positions in strategic civilian institutions such as the ministries of defence, establishment, home and foreign affairs. Military personnel were appointed to the police administration, state run corporations and diplomatic missions abroad. In 1987 itself, about 1500 members of the armed forces were appointed in civilian positions in the government.<sup>59</sup> Police administration at the district level was so thoroughly militarised that at one point of time, in as many as 53 out of 64 districts the Superintendents of Police were former military officers.<sup>60</sup>

And yet, **Ershad could hardly ignore the pressure building up both within and outside the country for renewal of the democratic process. Much of the external pressure came from international donors critical to Bangladesh's economic survival.** The U.S pressure came not only from the administration of President Ronald Reagan, but also from the Congress. The U.S House of Representatives approved an amendment proposed by Stephen Solarz to economic aid legislation for Bangladesh that threatened a cut off if the country did not satisfy the minimum five democratic requirements: develop a credible electoral process reflecting the people's will; build an effective Parliament within which both the government and the opposition could work; allow a free press; provide representative local government and respect an independent judiciary.<sup>61</sup> Ershad quite clearly realised that his time was running out; he quickly needed to legitimise his regime and hence, Ershad strived towards civilianization of his government. In this, he imitated his predecessor President Zia in many ways. Initially, he too installed a civilian president, Abul Fazal Muhammed Ahsanuddin Chowdhury (March 1982-December 1983), and became the President only on 11<sup>th</sup> December, 1983. Between 1983 and 1984, Ershad scheduled and re-scheduled dates for elections at all levels and despite stiff opposition, a referendum was held for his continuation in office until the next presidential

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<sup>59</sup> Hasanuzzaman, *Bangladesh: Rashtra O Sarkarer Shamarikikaran* (Bangladesh: Militarization of the State and Government), The University Press Ltd, Dhaka, 1991, p.41.

<sup>60</sup> Ahmed Shafiqul Huque and Muhammad Yeahia Akhter, 'Militarisation and Opposition in Bangladesh: Parliamentary Approval and Public Reaction,' *The Journal Of Commonwealth and Comparative Politics*, Vol. 27(2), July 1989, p. 184.

<sup>61</sup> Craig Baxter, 'Bangladesh: A Parliamentary Democracy, if They Can Keep it', *Current History*, Vol.91, no.563, March 1992, p.132. The amendment was eventually jettisoned in a House-Senate conference, but it was a clear signal to Ershad that Congress had taken an interest in democracy in Bangladesh.

election on 21<sup>st</sup> March, 1985. Thereafter, Ershad managed to hold the Upazilla (sub-regional) elections, a presidential election in 1986, and a parliamentary election the same year. He also floated a state-sponsored political party, Jatiyo Party (in January 1986), to facilitate his self-entry into politics. This party was hurriedly put into place, by buying allegiance and creating splits among the political parties united in the anti-Ershad movement, with the singular aim of contesting the 1986 Parliamentary elections. **The real intention was to provide a civilian platform to defend military rule.**

The Jatiyo Party comprehensively won the Parliamentary elections (data given in section III of this Chapter) despite widespread charges of voting irregularities and ballot box theft. In truth, despite all allegations, the Awami League's participation lent the elections a fair amount of credibility as well. Again, in a conciliatory gesture, Ershad resigned from the army in preparation for the Presidential elections (scheduled for October 1986) which he won quite easily taking 84% of the votes<sup>62</sup>. Ershad was sworn in as President on October 23, 1986. In November 1986, his government mustered the necessary two-thirds majority in the National Assembly to amend the Constitution and ratify all actions of the martial law regime. **The President, thereafter, lifted Martial Law on November 10<sup>th</sup> same year, in a desperate attempt to put the 'democracy' tag back onto the nation's garb.** Unfortunately however, 'real democracy' was nowhere to be seen.

In sum, it can be said that, despite all civilianization attempts, Ershad could not move away from the military because he failed to gain general acceptance by the people.<sup>63</sup> All the elections under Ershad were regarded as farcical and stage-managed by the military. Money and arms were issued liberally to trade unions and student leaders. Almost 40% of his Council of Ministers were drawn from the armed services; the Ershad government was often called a 'Parliament of Soldiers'.<sup>64</sup>

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<sup>62</sup> A.S.M Samsul Arefin, *Bangladesher Nirbachan* (Bangladesh Elections) 1970-2008, Bangladesh Research and Publications, Dhaka, March, 2011, p.23.

<sup>63</sup> Common view of most political analysts like Prof. Imtiaz Ahmed, Prof. Jayanta Ray, n.31, and Prof. Muntassir Mamoon, n.21.

<sup>64</sup> Veena Kukreja, *Civil-Military Relations in South Asia*, Sage, London, UK, 1991, p.156.

## **Fall Of The Ershad Regime-A Reinstatement Of The Democratic Order**

“We want to put an end to the culture of people, by virtue of their uniforms, ascending to power and then descending on the political scene.”<sup>65</sup> This statement, in sum, represented the mood of Bangladesh in the fall of 1987 when all the mainstream alliances and parties joined together to launch a movement calling for Ershad’s resignation. By this time President Ershad had virtually exhausted all means to earn political legitimacy for himself and his regime; the parliamentary and presidential electoral exercise had failed. The credibility of the polling exercises were questioned, not only by the opposition parties and alliances, but also by the neutral local and foreign observers. The opposition internalised the conviction that restoration of a democratic system in the country with Ershad as its President was impossible. The movement for Ershad’s ouster had begun.

The anti-Ershad movement crippled the administrative machinery, dislocated the economy, damaged whatever legitimacy the regime had been able to amass and moulded public sentiment against the regime. The period was one of extreme volatility and uncertainty; there were sporadic clashes between the law enforcing agencies and opposition political activists, general strike for days together, protest meetings, mass rallies and demonstrations. All of these virtually paralysed the administration but could not dislodge Ershad initially. On the contrary, it resulted in the Parliament’s dismissal with an emergency being declared in November, 1988. Khaleda Zia (leader of the seven-party alliance) and Sheikh Hasina (leader of the fifteen-party alliance) were interned at their houses; the third Parliament was dissolved and a new set of dates were announced for the fourth Parliamentary elections in an effort to quell the movement and save the regime. As expected, with the announcement of the election date, the first phase of the movement lost its momentum.

The reversal in the fortunes of the Ershad regime dated from the spring of 1990. This time around, the main catalyst was the reactivation of the *Chattro Sangram Parishad* wherein student leaders from different parties agreed to submerge their individual

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<sup>65</sup> Statement made by Sheikh Hasina in an interview with *India Today* on March 9, 1987.

ambitions and unite in a joint effort to oust Ershad.<sup>66</sup> Professional groups such as university teachers, lawyers, journalists, doctors, engineers, artists and others too lent their unequivocal support to the movement. Thousands came out into the streets defying curfew orders and shouted slogans demanding his resignation. Even Ershad's principal constituency, the military, is believed to have sent out a clear message to him that the matter needed to be settled politically and there would no longer be a rerun of the Martial Law drama.<sup>67</sup> That was the final nail in the coffin for the Ershad regime. The President agreed to step down and hand over power to any person designated by the principal opposition alliances. On 6<sup>th</sup> December, 1990, power was handed over to a caretaker government headed by Chief Justice Shahabuddin Ahmed. The Ershad era was finally over after more than eight and a half years. **More than two decades after its independence, the nation embarked on its second journey towards establishing a peaceful democratic society. Ironically, this was the first succession/transition of power in Independent Bangladesh through non-military means.**

**The ensuing 1991 election was the first democratic election ever held in the country, and while 73 parties participated, the AL and BNP dominated – marking the beginning of a persistent two-party system in Bangladesh.** The three-month neutral transitional government, headed by Chief Justice Shahabuddin Ahmed, initially declared a state of emergency, restored civil liberties, and was responsible for organizing elections in February, 1991. The elections ultimately resulted in a BNP government, and Khaleda Zia was sworn in as Bangladesh's Prime Minister. Thereafter, four national elections have taken place in Bangladesh at more or less regular intervals(1996, 2001, 2008, 2014) fulfilling the minimalist criteria of democracy, that is, regular elections and the military have, since 1991, not shown any further interest in formal political takeovers. And yet, political analysts feel that Bangladesh democracy has virtually degenerated into 'the

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<sup>66</sup> *The Economist* in its December 8<sup>th</sup>, 1990 issue wrote about how the Student Unity 'shamed the parties into cooperating on a one-point program of replacing Ershad with a neutral President' who would hold free and fair elections demanded by all opposition groups.

<sup>67</sup> Rehman Sobhan, n.29, p.58. Such was also the opinion of most political analysts whom I interviewed during my field trip to Bangladesh.



vendetta politics of the battling begums'.<sup>68</sup> Pertinent questions are raised like - *have these periodic elections brought in a truly democratic form of government?* or *Can such elections to representative bodies, which rarely function as an effective form of deliberation, be regarded as an yardstick of democracy?*<sup>69</sup> After all, the freeness and fairness of some of these elections continue to remain under scanner, as the 2014 one. As Gabriel Almond had observed, the environment in which it operates shapes a political system<sup>70</sup>, similarly, in Bangladesh, many feel that prolonged authoritarian rule and post-1991 focus on only cut-throat electoral competition have generated many dysfunctions in the body politic which ultimately jeopardises even the basic organisation of free and fair elections and the ability of the democratic institutions to strike 'deep' roots in Bangladeshi soil.<sup>71</sup>

### **A Final Thought**

A democratic competition assumes existence of agreed rules, an environment of tolerance, a referee whose arbitration is binding, accountability for violation of rules, and ultimately a rule of law enforcing the rules. It may be accepted that despite a strong record of 'formal democracy' in post-1990 Bangladesh, we find that the major political players in Bangladesh fail to abide by the rules of democratic competition. Political contests between the AL and BNP are mainly fuelled by personal rivalry between the parties' leaders instead of being issue-oriented and both parties casually violate agreed-upon rules which put the competition itself in jeopardy. The politics of winner-take-all in the country have produced a recurring pattern where the ruling party refuses a meaningful role for the opposition, the opposition walks out, and society is paralyzed by strikes and boycotts. Deep personal animosities and intertwined political and familial histories have so blighted the country's political landscape that rival contenders are unable to so much

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<sup>68</sup> In conversation with Prof. Jayanta Ray and Prof. intiaz Ahmed,n.31.

<sup>69</sup> In interview with Prof. Muntassir Mamoon, n.21 and Mr. Sandeep Chakraborty, n.26.

<sup>70</sup> Gabriel A. Almond and G. Bingham Powell, *Comparative Politics*, Little Brown and Company(Inc),USA, 1978, pp.3-15.

<sup>71</sup> In conversation with Dr. Sreeradha Dutta, Director, Maulana Abul Kalam Azad Institute of Asian Studies (MAKAIAS), Kolkata on 20/3/2015.

as have a talk together about the national state of affairs. In truth, such stifling political environment poses grave challenges to the democratic institution building process in the country.

### III

#### **DEMOCRATIC REALITIES**

This section focuses on four challenging features of democratic consolidation faced by Bangladesh since its birth; features whose existence (or non-existence) are identified with the very expression of 'democracy', but whose mere existence/non-existence do not necessarily answer to the requirements of truth.

#### **Electoral Participation- A Reality or a Charade?**

Participation or inclusive suffrage is considered a key indicator in any treatment of democratization. This is generally measured by the right to take part in elections and office. Regular holding of elections are considered vital as they help to produce a legitimate government, to ascertain popular will, to decide policies and to bring the decision makers under popular control.

In Bangladesh, the participation of the people in electoral politics is traced back to a period when present Bangladesh was still a part of colonial India. Direct participation of the people in electoral politics at various stages of the country's political evolution immensely contributed to their political socialisation and the politicisation of society. Some major 'political movements in the country crystallized around, if not originated with, electoral politics'.<sup>72</sup> The desire of the Bengalis for political and cultural autonomy found its first expression during the elections of 1954 and 1970 respectively. The 1954 elections, for instance, took place in the backdrop of the Language Movement and saw the complete rout of the Muslim League with its brand of communal politics. The cultural

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<sup>72</sup> Enayetur Rahim, 'Electoral Politics In Bangladesh: 1975-88' in Rafiuddin Ahmed(ed), *Religion, Nationalism and Politics in Bangladesh*, South Asian Publishers, New Delhi, 1990, pp.94-95.

unity forged by the Language movement generated a sense of deep rooted nationalism among the East Pakistanis and hence, *Jukta Front* (a coalition of many political parties) with its emphasis on regional linguistic demands came to power. The next National Assembly elections took place in 1970, and this time too, the Autonomy Movement with its Six-point demand had a deep impact on the election results. The Awami League won 288 of the 300 provincial seats and 160 of the 162 seats at the center in East Pakistan.

Since independence (1971), the people of Bangladesh have cast their votes directly in the following national level elections organized by the Bangladesh Election Commission:

- (i) 10 Parliamentary Elections held on 7 March 1973, 18 February 1979, 7 May 1986, 3 March 1988, 27 February 1991, 15 February 1996, 12 June 1996, 01 October 2001, 29 December 2008 and 05 January, 2014.
- (ii) 8 Presidential Elections held on 8 April 1973, 3 June 1978, 15 November 1981, 15 October 1986, 8 October 1991, 22 August 1996, 14 November 2001 and 16 September 2002.
- (iii) 3 Referendums held on 30 May 1977, 21 March 1985 and 15 September 1991.

The first elected regime of Bangladesh came to power in March, 1973 under the new Constitution framed by the Constituent Assembly. The Assembly itself comprised of representatives elected during the 1970 elections (to the National and Provincial assemblies) the results of which the civil-military establishment in West Pakistan had refused to accept. In the 1973 elections, 14 political parties took part and almost 56 per cent of the total population of the newly independent state cast their votes. The Awami League won 282 seats out of 289 contested and almost 73 per cent of the popular votes cast. Though there were some allegations of vote rigging, few could argue that this influenced the outcome of the elections in more than 20/30 seats.<sup>73</sup> This is because in 1973, inspite of reports of corruption and mismanagement by the regime,

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<sup>73</sup> Rehman Sobhan, n.29, p.24.

‘Bangobandhu’<sup>74</sup> Mujib was still the revered leader of the people and the Awami League was by far the strongest and most visible party in the country.

The next three elections to the *Jatiya Sangsad* (held in 1979, 1986 and 1988) were all held under the shadow of the guns. General Ziaur Rahman who had assumed power in Bangladesh after a series of coups and counter-coups, in the wake of Sheikh Mujibur Rahman’s assassination in August 1975, found it difficult to sustain his power solely as a military ruler. To consolidate his position, Zia first arranged for the holding of the Presidential elections in June, 1978 and thereafter, the Parliamentary elections in February, 1979. Political groups were practically polarized into two broad camps in the Presidential election. The pro-Zia camp, consisting of motley of politicians drawn from the old pro-Peking left parties, former Muslim Leaguers, retired army officers, bureaucrats, and some professionals sought mainly to defeat the ‘Awami-Baksalites’ rather than project a positive political platform for themselves. The anti-Zia camp led by the Awami League remained hesitant to enter what promised to be a controlled election manipulated by the army, though finally they did put up General Osmany, the former Commander-in-Chief of the *Mukti Bahini* as their Presidential candidate. Zia won this election comprehensively, securing almost 77 percent of the total of 54 per cent votes cast,<sup>75</sup> amidst claims of rigging and vote manipulation. The passions were however not strongly registered so, it can be reasonably assumed that the extent of such election fraud may have been limited.

It was the Parliamentary elections held next year which brought all electoral malpractices to the fore. It is believed that the art of stage managed elections, where some candidates are assured of victory and some consigned to inevitable defeat, was given its first field test in the 1979 elections.<sup>76</sup> Almost all important opposition parties put forward certain pre-conditions for participating in the polls like the lifting of Martial Law, restoration of the 1972 Constitution, sovereignty of the Parliament and the release of all political

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<sup>74</sup> Sheikh Mujib was given the honorary title of *Bangobandhu*, meaning ‘Friend of Bengal’ because of his immense popularity among the masses of East Pakistan, and later Bangladesh.

<sup>75</sup> Rangalal Sen, *Political Elites in Bangladesh*, The University Press Limited, Dhaka, Bangladesh, 1986, p.312.

<sup>76</sup> Rehman Sobhan, n.29, p.41.

prisoners. The Zia regime partially accepted these demands by announcing adequate steps to be taken to ensure free and fair polls and legal restrictions on political activities were considerably relaxed. But Martial Law remained in place and was withdrawn only after the election, at the first session of the newly elected *Jatiya Sangsad*. 29 parties participated in this election but it was the BNP (Zia's party) that led the electoral tally by securing almost 42 per cent of the total popular votes cast. They won 207 out of 300 seats in the National legislature while the main opposition party, the Awami League could win only 39 seats.<sup>77</sup> The government ensured that no sitting minister was defeated, and this included a number of political novices who had little or no exposure to constituency politics. Government patronage was not limited to the ruling party only; even the Muslim Leaguers and some left-wing radicals enjoyed a revival under Zia. The former, for instance, was able to secure 20 seats which seemed somewhat disproportionate to the known strength of a party which had been consigned to the political dustbin post-independence. In sum, **the parliamentary elections of 1979 had an air of improbability about it; the margins of victory for a barely six-month old party (BNP) were so wide that somehow it added substance to the alleged theory of 'creation of election results'.**

The 1986 and 1988 elections were the high watermark of the Ershad regime. Although Ershad commanded the total allegiance of the armed forces, political scenario of the country made him desperately feel the need for electoral legitimacy. The opposition parties, led by the BNP and the Awami League, had taken to the streets in protest against the Martial Law regime and refused to participate in any polls under Ershad. Their demand was that Ershad withdraw Martial Law, step down and let a neutral caretaker government preside over the election. The government, not in a mood to concede, announced the polls for 7<sup>th</sup> May 1986. (Both Ershad and the opposition appear to have appreciated the fact that elections held under the umbrella of Martial Law can be used to pre-determine a given result!) It was after much political manoeuvring that the Awami League joined the electoral fray. The BNP backed alliance refused to revise its decision

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<sup>77</sup> Government of People's Republic of Bangladesh, Press Information Department, A Background Paper on Bangladesh's Fifth Parliament (Jatiyo Sangsad) Election, Handout No. 429, February 20<sup>th</sup>, 1991.

of boycotting the polls as they held that polling under a military dictator could never be free, fair and impartial.

A total of 1527 candidates of whom 1074 represented 28 political parties and 453 independents contested for the 300 seat *Jatiya Sangsad*.<sup>78</sup> By this time, the civil bureaucracy and police administration had already earned the reputation of yielding to the pressure of the ruling oligarchy in manipulating election results in its favour. Hence, it was presumed that the Jatiyo Party (the party in power) would emerge as the majority party in Parliament, despite the fact that the organisational strength of the JP was too weak for such an electoral accomplishment. The poll results turned out to be as anticipated. The JP obtained 153 seats with 42.34 per cent of the popular votes cast. It was a clear majority for JP and the AL came second in the race with 76 seats. The official voter turnout was quite high at 60.31 per cent and, if true (the voter turnout as estimated by the local press varied between 10 and 30 per cent), it could reflect an increased politicisation of the people.

The poll results however generated a deep sense of frustration within the Awami League who believed they had actually been cheated out of their election victory through massive rigging.<sup>79</sup> This involved the hijacking and stuffing of ballot boxes, forcible eviction of election agents, denial of access to voters to the polls and, in places, to enough ballot papers. Most of these interventions were done quite openly by the Jatiyo Party, often as in Dhaka in the presence of the foreign press and observers. The election officials and machinery of law and order served as silent spectators. The opposition even accused the government of 'vote piracy' through a 'media coup'<sup>80</sup>. In sum, the right of the people to vote freely, fairly, fearlessly and judiciously, as in a democracy, appeared to have been undermined by the coercion and terrorism perpetuated by the ruling party. A British team

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<sup>78</sup> Government of People's Republic of Bangladesh, Election Commission Report, *Jatiya Sangsad* Election, 1986.

<sup>79</sup> Rehman Sobhan, n.29, pp.48-49.

<sup>80</sup> This novel concept related to the suspension of the announcement of the election results by the media after initially reporting the Awami League as leading in many seats. When the media resumed its reporting after a 24 hr silence, the tide was seen to have dramatically swung in favour of the Jatiyo Party.

of observers termed the parliamentary poll of 1986 a 'tragedy for democracy and a cynically frustrated exercise'<sup>81</sup>.

The next general elections, the Presidential poll of October 15, 1986, also lacked credibility. Though the mainstream opposition boycotted this election en masse, the official voter turnout was claimed at around 55 per cent. Ershad won a landslide victory, claiming around 84 per cent of the votes cast. The opposition criticised the election as a 'farce' and claimed that the voter turnout was less than 3 per cent. Neutral observers put the voter turnout in the vicinity of 15 per cent.<sup>82</sup>

Thereafter, as a last resort to save his regime, Ershad made another electoral attempt in March, 1988 when the fourth parliamentary polls were held. A total of 977 candidates, including 214 independents, contested this election. As the major opposition parties stayed off the race, not surprisingly, the ruling Jatiyo Party (JP) won almost all the seats, 251 out of 300 seats and 68.44 per cent of votes in an almost voter less election. And yet, the Election Commission claimed a very high voter turnout, at 54.93percent while the opposition ridiculed the official figure and claimed that not more than 1per cent voters voted in the elections.<sup>83</sup> In the face of gross electoral irregularities and misdeeds,<sup>84</sup> the electoral process lost the confidence of the voters; **in effect relegating to shambles any aspirations there might have existed for effective popular participation or inclusive suffrage under an autocratic regime.**

In truth, it was in the 1991 elections to the *Jatiya Sangsad*, under the Caretaker Government of Shahabuddin Ahmed, that the nation moved back onto the democratic track after a long spell of over fifteen years. This election was commonly hailed as 'the most free and fair' election the country had experienced till that date; not only local

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<sup>81</sup> *The Christian Science Monitor*, May 9, 1986.

<sup>82</sup> Samina Ahmed, 'Politics in Bangladesh: The Paradox of Military Intervention', *Regional Studies*, 9(1), Winter 1990-91, p.58.

<sup>83</sup> Muhammad A. Hakim, 'Legitimacy Crisis and United Opposition: The Fall of Ershad Regime in Bangladesh', *South Asia Journal*, New Delhi, Vol. 5(2), October-December, 1991, p. 188.

<sup>84</sup> Check for details, Craig Baxter, Yogendra Malik, Charles H. Kennedy and Robert C. Oberst, *Government and Politics in South Asia*, Westview Press, 1991, pp.262-263.

observers but also foreign observers were unanimous about the credibility of the poll results.<sup>85</sup> As election under a Caretaker Government (CTG) was a first of its kind in Bangladesh, not only, did it generate unexpected enthusiasm among the voters, but also, could create trust among the voters in terms of the government's fairness and neutrality. The CTG took several measures to re-establish the people's confidence in the electoral process.<sup>86</sup> In response to a long standing demand of the political parties, the Election Commission was reconstituted with three sitting judges to ensure free, fair and impartial polls. The Commission was empowered to suspend all government and semi-government officers deployed on election work, if found guilty, for election offences. In consultation, with the representatives of almost all political parties, the Election Commission formulated a 16-point code of conduct to be complied with by the parties and their workers. This was indeed a welcome development as it allowed all political parties to start campaigning from a similar footing and helped generate mutual trust, respect and tolerance among them. Punitive measures for election offences were expanded and, in addition to the regular law-enforcing agencies, military and para-military forces were deployed on the Election Day to maintain law and order. Such measures helped bring back the voters' confidence in the impartiality of the election process and raised hopes that their votes would indeed produce a legitimate government accountable to them.

The election, in itself, was a highly contested one with as many as 75 parties in the poll fray. A record number of 47 women, including Khaleda Zia, Sheikh Hasina and AL Secretary, Sajeda Chowdhury contested the elections. At least half a dozen teams of foreign observers, including experts from the US, the Philippines, Japan and the Commonwealth, monitored Parliamentary elections in Bangladesh on February 27, 1991.<sup>87</sup> The election results were full of surprises. Notwithstanding prediction of political observers that Awami league (AL) would sweep the elections, Bangladesh Nationalist Party (BNP) emerged as the single largest party with 140 seats. Although the percentage

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<sup>85</sup> Syed Aziz-Al-Ahsan, 'Bangladesh at the polls: Free and Fair Elections', *Asian Profile*, Vol. 20(2), 1992, pp. 171-174.

<sup>86</sup> For details see Democracy Report for Bangladesh, IDEA *State Of Democracy Project* at <http://www.idea.int/publications/sod/upload/Bangladesh.pdf> accessed on 20/3/2013.

<sup>87</sup> *The New York Times*, February 28, 1991 at A5.



of votes received by the BNP and AL were almost equal (BNP-30.81%, AL-30.08%)<sup>88</sup>, the percentage of seats won by the BNP was much higher than that by the AL (BNP-46.66%, AL-29.33%)<sup>89</sup>. Out of the three seats from which Sheikh Hasina contested, she was defeated in two by relatively unknown BNP candidates. Khaleda Zia however won in all the five constituencies she had contested from.<sup>90</sup> **This time, however, no one raised doubts about the representative character of the poll results; in fact, the general belief was that Bangladeshis had been able to exercise their voting rights in the election in an unfettered way to ensure a 'revival of democracy'.**

The success of the 1991 elections gave the concept of a Caretaker Government fair amount of acceptability; it came to be looked upon as the only way to ensure free and fair voting to institutionalize democracy in Bangladesh. Hence, as the end of Khaleda Zia's Prime Ministerial tenure of five years drew nearer, the major opposition party -the Awami League - backed by others, demanded the resignation of the ruling party and the formation of a neutral caretaker interim government to hold the next Parliamentary elections. The demand was based upon the widespread belief that it was not possible to hold free and fair elections under a partisan government.<sup>91</sup> The opposition resorted to mass movements, demonstrations, sit-down strikes and continuous 'hartals' (complete closure of normal activities) in the first quarter of 1996 to make the government agreeable to their demand. The ruling party, on the other hand, absolutely dismissed the opposition's demand of CTG as undemocratic and unconstitutional. Alternatively February 15, 1996 was fixed by the government to elect a new Jatiya Sangsad. Such uncompromising attitude of both the ruling party and the opposition led to a constitutional crisis and the process of democratic institution building that had started in Bangladesh with the fall of dictatorial regime came to an abrupt halt.

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<sup>88</sup> Source: Bangladesh Election Commission Report, *Jatiya Sangsad* Election, 1991.

<sup>89</sup> *ibid.*

<sup>90</sup> *ibid.*

<sup>91</sup> The BNP government was accused of massive vote rigging in the Mirpur and Magura by-elections. The opposition apprehended that future elections under BNP could never be impartial.

It was in this kind of a vitiated atmosphere that the sixth Parliamentary elections were held in Bangladesh in February, 1996 which was won by BNP after AL boycotted the elections. The voter turnout was dismal (not more than 5%-10%); observers, local as well as international termed it a 'voterless' election.<sup>92</sup> Faced by this bleak reality, the BNP was finally forced to dissolve the Parliament again and hold the seventh Parliamentary elections under a Caretaker Government on 12<sup>th</sup> June, 1996. 81 political parties and a total of 2574 candidates joined the poll fray.<sup>93</sup> The AL won the maximum number of seats, 146 in all, but fell short of a few seats to form the government. It entered into an alliance with the Jatiyo Party and formed what Sheikh Hasina called a "Government of National Consensus".<sup>94</sup> This time around there was an unprecedented turnout of enthusiastic voters all over the country. Domestic as well as foreign election monitoring groups, e.g the SAARC-NGO Observer Group, were quick to applaud the polls as free and fair.<sup>95</sup>

The Eighth Parliamentary elections were held in Bangladesh on 1<sup>st</sup> October, 2001. This was the third general election in the country under a Caretaker Government of Justice Latifur Rahman. Around 75 million voters including 18 million new voters cast their votes in this election, which made it the largest in Bangladesh's history.<sup>96</sup> Election Day was like a festival with a record turnout of 74.14%. Almost 250,000 local and 250 foreign observers monitored the election process. There were observer groups from the European Union, the Commonwealth, Japan and Canada and the general impression was that the elections had been free, fair and meaningful.<sup>97</sup> The Commonwealth Observer Group openly recorded that the majority of voters felt free and under no pressure from intimidation. The BNP emerged victorious with 191 seats and 40.86% votes while the AL

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<sup>92</sup> Reuters 9<sup>th</sup> April, 1996; *The Christian Science Monitor*, February 20, 1996.

<sup>93</sup> Bangladesh Election Commission Report, *Jatiya Sangsad* Election, 1996.

<sup>94</sup> Discussions with Prof. Intiaz Ahmed, n.31, and Prof. Shantanu Mazumdar, n.52.

<sup>95</sup> *ibid.*

<sup>96</sup> Source: Democracywatch's Monitoring Report of the Eighth Parliamentary Election 2001 in Bangladesh at [http://www.dwatch-bd.org/Election%20Monitoring/pe\\_2001.pdf](http://www.dwatch-bd.org/Election%20Monitoring/pe_2001.pdf) accessed on 19/7/14.

<sup>97</sup> *ibid.*

could secure only 62 seats.<sup>98</sup> Begum Khaleda Zia was sworn in on October 10, 2001, as Prime Minister of Bangladesh for the third time. Despite her August 2001 pledge of respecting the election results and all election monitoring groups declaring the election free and fair, Sheikh Hasina the rival PM candidate, condemned the election, rejected the results, and boycotted Parliament.

The elections to the ninth *Jatiya Sangsad* were held on 29<sup>th</sup> December, 2008, almost two years behind the scheduled date. During this time, not only did the electoral process remain suspended, but the country also remained in a state of internal emergency with most fundamental rights suspended. Bangladesh had plunged into a crisis when, on 27<sup>th</sup> October 2006, the BNP led coalition government stepped down but its nominee to head the Caretaker Government (CTG), retired Chief Justice K.M. Hasan, refused to take the reins of the CTG in the face of mounting street violence unleashed by the political opposition who challenged Hasan's nomination alleging his partisan loyalties to the BNP. Instead of choosing another retired Chief Justice, as provided for under the Constitution, the BNP-led government then chose to install President Iajuddin Ahmed as the CTG head. This choice blatantly compromised the neutrality of the CTG as Iajuddin was a known BNP loyalist.<sup>99</sup> The CTG's inability to introduce electoral reforms as demanded by the opposition led to the outbreak of country wide protests. The military finally stepped in on 11<sup>th</sup> January 2007, and compelled Iajuddin Ahmed to dissolve his own Caretaker Government and declare an emergency. The next day, a second Caretaker Government, under the leadership of Dr. Fakhruddin Ahmed, a former World Bank official, and a former governor of Bangladesh Bank was inducted into office. **Meanwhile, in order to provide an element of constitutional legitimacy, the military chose to remain in the background but emerged as the main power behind the new civilian government.** A modicum of political stability was restored for the time.

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<sup>98</sup> Bangladesh Election Commission, *Jatiya Sangsad* Election Report, 2001.

<sup>99</sup> Rounaq Jahan, *The Challenges of Institutionalising Democracy in Bangladesh*, ISAS Working Paper, no.39, National University of Singapore, March 6, 2008, p.6 available at [http://www.voltairenet.org/IMG/pdf/Democracy\\_in\\_Bangladesh.pdf](http://www.voltairenet.org/IMG/pdf/Democracy_in_Bangladesh.pdf)

The tenure of the Fakhruddin Ahmed government ended when the 14-party coalition headed by Sheikh Hasina secured a landslide victory in the 2008 elections. This ‘Awami League led grand alliance’ won 263 seats out of 300. The main rival four-party alliance received only 32 seats with the remaining going to independent candidates. The voter turnout was above 80%, the highest ever in the history of Bangladesh elections.<sup>100</sup> This was the first time voters used national ID cards with photographs to avoid bogus voting, which was an UN-funded initiative of digital electoral roll. **The elections were free, fair and transparent and enjoyed universal approval and endorsement from all electoral observer groups, including 2500 monitors from outside Bangladesh.**

The tenth and the last till date, *Jatiya Sangsad* election in January, 2014 was a disaster for Bangladesh. East Asia Forum called it ‘a paralysis of democracy’; it completely failed to reflect the will of the people.<sup>101</sup> It was boycotted by the major opposition parties, the BNP led coalition, and unilaterally ran by the incumbent Awami League in cooperation with a toothless Election Commission. The voter turnout was lower than 30.1 per cent (around 22%); a number significantly lower than the turnouts in the previous two Parliamentary polls.<sup>102</sup> It is worth mentioning here that the European Union, the United States, Russia and the Commonwealth Nations declined to send poll observers for this election. Interestingly, only India and Bhutan sent their poll observers to monitor the election. More than half of the candidates won the elections without even contesting and the remaining half easily romped home with a token fight between friendly parties. Consequently, the Awami League got a three fourth majority in the *Jatiya Sangsad* which

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<sup>100</sup> Bangladesh Election Commission, *Jatiya Sangsad* Election Report, 2008.

<sup>101</sup> Views of most political analysts I spoke to. In fact Dr. Sreeradha Dutta, n.71, even doubted if such an electoral farce would have been possible without Indian support. Local English daily, *Dhaka Tribune* had published a survey three days before the scheduled election on January 2, according to which, 77% of 2438 respondents opined that an election without participation of BNP, the main opposition party, was not acceptable; and 71% had said that the country was heading in a wrong direction.

<sup>102</sup> ‘Low Turn-out in Bangladesh Elections amid Boycott and Violence’, *The New York Times*, January 5, 2014; ‘Post-election Bangladesh sliding further into chaos’ at *World Bulletin*, January 10, 2014.

was an unprecedented victory, while the largest opposition in the country (BNP) has no representation in this House at all.<sup>103</sup>

**In conclusion**, it can be said that elections just provide the starting point for any democratic transition, whether or not a truly democratic system of governance subsequently emerges will depend on the future actions and behaviour of the elected government. Again elections need to be free, fair and vigorously competitive to be truly meaningful such that individual citizens who are honest, competent and committed to people's welfare have a chance to be elected, to run the affairs of the state. The Bangladesh case is interesting in that despite periodic and vigorously competitive elections, democracy continues to remain an elusive goal. This is mainly because elections in this country only churn out a system of "one-day-democracy" with hegemonic control by the ruling party over state power and resources – a sort of a democratic charade which is more a slogan than a true practice of democratic rules and norms. Till 1991, no general elections in the country were universally considered or acclaimed to be free and fair. They were essentially 'controlled' elections; basically strategies of 'legitimization' for autocratic governments and military regimes. Polling arrangements were made just to bring about a cosmetic 'civilianization' to what were essentially military administrations. Post-1991, the restoration of civilian rule and multi-party democracy had raised expectations but opportunistic alliances, immaturity of leadership, unwillingness to accept the people's verdict, and lack of responsible opposition continue to make the polity unstable and insecure. Neither of the main political parties (AL and BNP) accept the legitimacy of its rival (even when elected) or is willing to accept electoral defeat and serve as a "loyal opposition" in Parliament. Both the parties have attempted to control government and non-government institutions by appointing partisan supporters to head key institutions.<sup>104</sup> It can be contended that what Bangladesh really needs today is, not a minimalist form of democracy with a prolonged focus on only electoral competition (fair or foul), but a more substantive form of

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<sup>103</sup> Prof. Jayanta Ray, n.31, was of the opinion that an electoral victory in an uncontested election bodes ill for any democracy as it reeks of foul play. Bangladesh is no exception.

<sup>104</sup> 'Hasan unwilling to be the Caretaker Chief', *The Daily Star*, October 28, 2006. See also, Rounaq Jahan, n.99.

democracy with emphasis on other elements like rule of law, inclusive pluralism, accountability and such others. Only free and fair contests under a neutral government can be deemed meaningful and can prevent the progressive erosion of a fragile democratic process and gradual deinstitutionalisation of the same.

**TABLE 2.1**  
**Comparative Figures Of Voter Turnout In Bangladesh**  
**The Jatiya Sangsad Elections**<sup>105</sup>

<i>Year of Election</i>	<i>Percentage of Votes Cast</i>
1973	54.91%
1979	51.29%
1986	60.31%
1988	51.81%
1991	55.45%
1996	75.60%
2001	74.97%
2008	85.26%
2014	51.37%

**The Presidential Elections**

<i>Year of Election</i>	<i>Percentage of Votes Cast</i>
1973	Titular Head
1978	53.87%, 20,885,571
1981	55.47%, 21677560
1986	54.09%, 25916291
Since 1991	Titular Head(not directly elected)

Source: This is the voter turnout data for Bangladesh provided by the International Institute for Democracy and Electoral Assistance (IDEA), Sweden at <http://www.idea.int/vt/countryview.cfm?id=20> , retrieved on 28/7/2014.

<sup>105</sup> It needs to be noted here that there exists considerable difference of opinion as far as the extent of voter participation figures for the *Jatiya Sangsad* elections, 2014, is concerned. The data as provided by IDEA is different from the voter turnout figures mentioned in n.102. Even the official figures provided by the Bangladesh Election Commission are merely around 40%, lower than the IDEA figures.

## **Role of the Military- A Persistent Threat or A Murky Past?**

Robert A. Dahl had noted that democratic political institutions are more likely to develop and endure in a country where the military and police are controlled by elected representatives of the people.<sup>106</sup> In keeping with this belief, the Bangladesh Constitution ensures the supremacy of the civil over the military; it accepts democracy as a cardinal principle of state policy and, in principle, rules out any role for the military in the political affairs of the state. Article 61 of the Constitution vests the supreme command of the armed forces in the President and also states that the exercise thereof shall be regulated by law. Article 62, Clause 1, gives Parliament the power to regulate defence matters relating to the raising and maintenance of the armed forces, the granting of commissions, the appointment of Chiefs of Staff and disciplinary matters relating to the armed forces. Article 63 provides that the state cannot participate in a war without the assent of the National Parliament.<sup>107</sup>

And yet, **in spite of these limitations, the frequent seizure of state power by the military indicates the emergence of the latter as a formidable force in Bangladesh politics.** In truth, every succession of power in Bangladesh, prior to December 1990, was unconstitutional and effected by the military. In fact, the politics of the country, for a considerable length of time, was moulded the way the armed forces desired. The armed forces seized power whenever they wished, imposed moratorium on politics and lifted it as they felt expedient, organised referendums and elections without giving the voters the option to express freely their political preferences, and concealed the on-going process of militarisation of the state and government in the name of 'civilianization' whenever the pressure of Western donor nations for democratic pluralism mounted. This trend of military interventions along with its attendant constitutional and political changes came to an end only on December 6<sup>th</sup>, 1990 when President H.M Ershad was forced to resign in the face of popular upsurge against him. The anti-Ershad movement was a watershed in the political history of Bangladesh for it terminated fifteen years of military rule.

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<sup>106</sup> Robert A. Dahl, *'On Democracy'*, East West Press, New Delhi, 2001, p.147.

<sup>107</sup> See Constitution of the People's Republic of Bangladesh available at [http://bdlaws.minlaw.gov.bd/pdf\\_part.php?id=367](http://bdlaws.minlaw.gov.bd/pdf_part.php?id=367)

However, by this time, the process of democratization in this new Bengali nation had been significantly undermined and political institutions considerably weakened.

**The high level of politicisation of the armed forces in Bangladesh is evident from the significant number of coups and coup attempts<sup>108</sup> which have taken place in post-independent period and which completely goes against basic democratic rules.**

Among those only three (15 August 1975, 7 November 1975 and 24 March 1982) are considered successful as their leaders survived and ruled the country for a considerable period of time. In all cases of unsuccessful military coups, the coup leaders and participants faced trial in court martial and many of them received capital punishment. In contrast, none of the three successful coup leaders have so far been tried for toppling a government or illegally taking control of the government. Rather, they had the unsuccessful coup leaders tried and their own coups and rules made legal through constitutional amendment.<sup>109</sup>

To begin with, the 15<sup>th</sup> August 1975 coup, by a handful of junior officers with the help of two battalions of armoured corps, was the first indication of the armed forces' overt intention to play a political role in Bangladesh. Systemic weaknesses had been manifest in the new nation right from the start; the pre-1971 consensus on Parliamentary democracy based on competitive economy had not only been disturbed but a sharp polarization of the centrist and radical forces in the society had also occurred from the days of the Liberation War. With the passage of time these increased and, from the middle of 1973, Bangladesh began to be afflicted with social and political instability resulting in economic crisis. The ruling political elite (faction ridden and highly fragmented by this time) could neither handle the economic mess nor provide a sense of direction to the nation. They turned to the armed forces to pull the country out of this

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<sup>108</sup> According to one estimate there were as many as 26 coup attempts to topple the Zia government itself. Most of these coups were led by the 1971 freedom-fighter officers who were displeased by Ziaur's liaison with anti-liberation pro-Islamic quarters. Ershad, being well aware of this trend, took calculated measures to wipe out the syndrome of insurrection from within the armed forces soon after coming to power. This was important to ensure his consolidation and continuation in power.

<sup>109</sup> Talukder Maniruzzaman, 'The Fall of the Military Dictator: 1991 Elections and the Prospect of Civilian Rule in Bangladesh', *Pacific Affairs*, Vol. 65(2), Summer, 1992, pp. 206-208.



chaotic situation caused by extreme deterioration of law and order and grave economic crisis. The latter performed their assigned job adroitly and through their active participation in the affairs of the state (from 1973-1975) they became sensitive to political power on the one hand and aware of the weaknesses of the regime on the other. The military, which till then had not been able to consolidate their position because of the high level of internal schism and factionalism, soon regained their cohesion and unity and also became conscious of their corporate interests which, they believed were not adequately secure in the hands of the existing political elite.<sup>110</sup> Thus, systemic weaknesses as well as the military's organisational features (discipline, cohesion, hierarchy and centralised command) together paved the way for the emergence of the latter as the ruling elite in Bangladesh and accounted for the success of the 1975 August coup.<sup>111</sup>

Thereafter, the Zia regime (1975-1981) helped the armed forces, albeit unwittingly, to attain a new height of maturity till Zia himself was brutally killed by a group of about twenty mid-level officers at Chittagong in another abortive coup<sup>112</sup> on 30<sup>th</sup> May, 1981. As a soldier himself, Zia's loyalty to and reliance on the military had been deep. He had always tried to protect the corporate interests of the armed forces by increasing its size, raising the salaries, allowances and other benefits. The military budget had also been

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<sup>110</sup> Emajuddin Ahmed, *Military Rule and the Myth of Democracy*, The University Press Limited, Dhaka, 1988, pp.51-56. Prof. Ahmed also explains here that the military elite resented the fact that the AL government did not take quick and effective measures for the reconstruction of the training institutes and cantonments destroyed during the Liberation War. Consequently the defence services remained poorly equipped. Expenditure on defence services was not only minimal but was gradually reduced. In the 1973-74 budget, expenditure on defence was little more than 16 per cent; in 1974-75 it was reduced to 15 per cent, and in 1975-76 it was less than 13 per cent.

<sup>111</sup> Some observers of Bangladesh politics like Lawrence Lifschultz and Emajuddin Ahamed have suggested that the August coup leaders had the blessings of the American embassy in Dhaka and of certain Muslim countries. Though no conclusive evidence is available, nonetheless the fact remains that, the US Government had never been happy about Mujib's pro-Soviet and pro-Indian policies and economic and political changes following the coup do not entirely rule out such a possibility.

<sup>112</sup> So called because the coup failed. The then Chief of Army Staff Lieutenant General Hussain Muhammad Ershad remained loyal to the Government and suppressed the coup. The coup leader, Major General Abul Manzoor had to surrender and he was executed within twelve hours.

increased substantially from \$42 million in 1975 to \$140million in 1978. Even the *Jatiyo Rakhhi Bahini* (a source of much resentment among the armed forces) was dismantled and incorporated into the army under Zia. And yet the military dictator failed to satisfy them. It is generally held by political analysts that a probable reason for Zia's assassination was his increasing 'attempts to keep the military away from politics.'<sup>113</sup>

After Zia, the Ershad regime, which toppled the government of President Sattar in a bloodless coup on March 24, 1982, turned out to be a period of consolidation for the armed forces. What is interesting is that, even before the military, under Ershad, occupied the driver's seat in Bangladesh, they had begun clamouring for a constitutional role to ensure the protection of the political system as well as their own corporate interests.<sup>114</sup> Indications were loud and clear that the army was waiting in the wings and, if required, in the context of mounting popular discontent might choose to intervene, secure in the knowledge that such an intervention would not only appear incidental and natural to the people at home, but could also be explained abroad as an inevitable consequence of the failure of the politicians to run the country. The army finally took over on 24<sup>th</sup> March, 1982. Glib promises were made about re-establishing democracy and holding elections but Ershad's military-dominated civilian regime continued in power until December, 1990. It was the anti-Ershad movement of the 1990s which brought home the power of the people's wrath. The armed forces were able to realise that being a highly politicised society, any democratic process can be denied indefinitely in Bangladesh, only at the risk of being regarded as some kind of an occupation army.

Post-Ershad significant changes have taken place on the political front in Bangladesh. The post-1991 civilian governments have been cautious not to alienate the military. Both Hasina and Khaleda have sought to maintain their control over the military, not only in their capacity as the chief executive of government as provided by the Constitution, but

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<sup>113</sup> In conversation with Prof. Shantanu Majumdar, n.52, and Prof. Monirul Khan, n.41 .

<sup>114</sup> Ershad's interview with the correspondent of *The New York Times* in November, 1981 where he had suggestively spoken of an Indonesian model in which the army's top brass occupied both civil and military posts. For details on Ershad-Sattar relationship, see Ashish Kr. Roy, *Praetorian Politics in Bangladesh-1975-1981*, Progressive Publishers, Kolkata, 2002, pp.140-148.

also, through the Armed Forces Division (AFD). The AFD has a coordinating role among the three services and is responsible for formulating defence strategies and policies. It also controls the movement of units, the posting and promotion of senior officers, the procurement of weapons, and the mobilization of troops during national emergencies. Interestingly, though the AFD has emerged as the key institution pertaining to military matters, the Chiefs of services are not members of this body (an arrangement which causes tension between the two as the AFD is very significant in terms of role assignment). Again, the political leadership has also made several efforts (in recent years) to make their control over the military visible.<sup>115</sup> Ex-Prime Minister Khaleda Zia visited troop exercises and attended military ceremonies during her tenure. The present PM, Sheikh Hasina, too is known for her regular attendance of the AFD office and for taking a personal interest in military matters. Like her political predecessor, she too attends military exercises and ceremonies.

At the same time, the civilian governments have also tried to accommodate the military and ensure that their corporate interests are well taken care of.<sup>116</sup> The military's share of the budget has remained consistently high; it has more than doubled in the last six years. The army has received the best treatment. The government has increased rations and salaries and provided tiffin allowance and health insurance to the military. New academic and research institutes such as the National Defence College have been set up to provide the military with a broader professional outlook on issues not only military but also civilian. Moreover, army personnel strength has tripled since 1975. Navy and air force expansion has been less spectacular, although their capital outlays for such high-cost items as ships and aircraft represents an onerous economic burden for the state exchequer. In fact, analysts calculate that actual outlays for defence are even higher than what published government budgets suggest.<sup>117</sup>

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<sup>115</sup> Muthiah Alagappa(ed), n. 45, p.219.

<sup>116</sup> 'Defence to get extensive facelift', *The Daily Star*, June 23, 2009.

<sup>117</sup> According to 1985 data, the army received over 50 percent of defence outlays. A.M.A Muhith (former finance minister and a critic of the military) asserts that whereas public spending increased nine fold between 1974 and 1986, defence spending during that same

The military too, appears to have realized that, under the changed domestic and international circumstances, acquiescence to civilian control can best serve its own interests.<sup>118</sup> The truth is that 'Bangladeshis do not like military dictators. The army's isolation from the people is total.'<sup>119</sup> Since the armed forces of Bangladesh is not like the militia or the 'people's armies' in communist countries( who work in tandem with the party and the Government in every sphere), taking direct control of the country's governance is fraught with too many risks and can only harm the military's corporate interests.<sup>120</sup> The decision of the military in not supporting Ershad, against the popular movement in 1990, and its later decision to remain aloof from the country's partisan contestations, has improved the image of the military in recent years. Not only that, the Bangladesh military has also been increasingly involved in various nation building and disaster management activities which has only enhanced their respectability at home. Increasing involvement in UN peacekeeping missions has also improved the professionalism of the military. At the same time, peacekeeping missions have opened up opportunities for earning additional income, which is valued by the soldiers as well as the officers, as a source of improving their personal income security. **As an institution, the military, thus, seems to be no longer keen to take over direct control of governing the country as such intervention will risk international sanctions and prejudice opportunities to participate in UN peacekeeping missions.** Saying this, of course, does not mean that a few military leaders are not tempted to take over power (even in such changed circumstances),<sup>121</sup> but since there is no unanimity amongst the officers about taking direct control, it is unlikely that such leaders would either make a move for a

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period increased more than twentyfold. Source: Bangladesh Table of Contents at <http://www.country-data.com/cgi-bin/query/r-1225.html>

<sup>118</sup> 'Army Takeover, Martial Law Not Acceptable in Modern World', *The Daily Star*, January 20, 2008.

<sup>119</sup> Opinion of Janab Amir Hossain Amu , MP, Awami League at Kolkata on 26/8/2013.

<sup>120</sup> In conversation with Prof. Imtiaz Ahmed, n.31. Dr. Sreeradha Dutta, n.71, agreed with this view and confirmed that this realisation itself is an important deterrent for future military coups.

<sup>121</sup> Check Chief of Army Staff, General Moeen U. Ahmed views in 'Bangladesh should have its own brand of democracy', *The Daily Star*, February 20, 2008.

direct power grab, or even if they do, would succeed as they will face opposition within their own ranks.

**What is particularly disturbing in this entire civil-military matrix is the political opposition's constant attempts to dislodge the popularly elected government even before its stipulated five year period is over and draw the military into this 'toppling power game'- a strategy that has kept the military a relevant factor in Bangladesh politics even after 1991, while, at the same time, ensuring that every civilian government remains wary of the activities of the military.** The civilian regime maintains a total silence regarding defence expenditures and no one crosses the threshold which may, in any way, harm the corporate interests of the institution. Several such instances where the political leadership has itself tried to create a space for the military to reassert its authority and transcend the parameters set by a civilian democratic government are cited below-

- In 1994, in the wake of a mass opposition movement against the regime of Khaleda Zia, when the government deployed the navy to keep the Chittagong port operational, the opposition called upon the navy to disobey government orders. Such an action on the part of the armed forces would have amounted to insubordination and direct intervention in the affairs of the state in the name of law and order. Military officials however avoided walking into this mess as they were well aware that the general populace may not accept it lying down.
- During the AL tenure (1996), the Opposition criticised the government as undermining the status and position of the military. This was because the Awami League government had sought to involve the military in power and water management and even deployed the military police to manage Dhaka's severe traffic congestion. The opposition also raised strong objections to the proposed defence purchases of Indian trucks and Russian MiG-29 questioning the very wisdom of making defence deals with India. Khaleda, then in opposition, further alleged that the Hasina government aimed to turn the Bangladesh armed forces into a wing of the Indian army, knowing fully well that such allegations could have

profound implications as the Bangladesh military has always had a strong anti-India bias.<sup>122</sup> Apparently all these allegations were made by the opposition to drive a wedge between the military and the government; however, in the process, the weakness of the civilian political leadership was once again exposed to the military.

- Disruption of the political process through the involvement of the military again occurred in May 1996. On May 20<sup>th</sup>, in an unscheduled television speech to the nation, President Abdur Rahman Biswas declared that he had retired the then army chief, Lieutenant General Nasim, along with two other senior military officers, for disobeying his orders and for ordering troop mobilization towards Dhaka- actions that, according to the President were tantamount to rebellion. Major General Mahbubur Rahman was appointed as the new army chief. The two senior officers were alleged to be colluding with a certain political party in a bid to affect the result of the 1996 elections. The President's actions sparked rebellion in a number of cantonments and there were reports of troop mobilisation both in favour of General Nasim and in favour of President Biswas and the new army Chief. Clashes between troops were also reported. Troops loyal to the President guarded the President's house and the television and radio stations. Roads were sealed off to prevent the rebellious forces from marching on the capital. However, the retired army Chief denied the charges of rebellion. The situation was brought under control the next day with the formal handing of power to the new army chief. Though no clear evidence exists, it is believed that the President actually wanted to declare an emergency by dragging the army into politics in order to disrupt the elections and defame the Awami League in the process. This incident again exposed the polarized and confrontational nature of Bangladesh politics and the willingness of politicians to involve the military for the sake of electoral gains without consideration for the democratic process.
- Finally, in 2007 again, the military stepped in after months of political unrest raised fears about the credibility of the upcoming elections. It seemed nothing but direct

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<sup>122</sup> Muthiah Alagappa(ed), n. 45, p.222.

intervention by the armed forces could stop the downward spiral of political violence which had gripped the country. Encouraged by regional and western powers, the military installed a technocratic caretaker government though no one doubted who pulled the strings behind the scenes. This government ruled the country for two years before holding free and fair polls. This time however, a full military takeover could be avoided only because there was a perceived feeling on the part of the military leadership that such an action would arouse negative feelings, both at home and abroad, and have repercussions for the armed forces' acceptability as an accountable and legitimate peacekeeping force by the UN.

**In sum**, it can be said that crisis of democratic regimes provide a legitimate excuse for army intervention in political affairs; Bangladesh too falls in that category. The extreme polarization of the mainstream political forces in Bangladesh has so affected the development of a healthy democratic environment that the prospect of the military emerging as a third political force simply cannot be discounted. The military, however, realizes that given the changed political circumstances, the wisest course is to remain an apolitical institution. This realization is aptly manifested in the actions of the military in the wake of the Bangladesh Rifles (BDR) mutiny<sup>123</sup> on 25<sup>th</sup> February, 2009, when despite rumours of an army take-over, the army announced that it would remain 'subservient to the elected government.' Even, in the context of the ongoing political crisis in the country, Bangladesh's powerful military has denied plotting to overthrow the government and warned the media 'against disseminating information or comments based on

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<sup>123</sup> The BDR Mutiny broke out at the headquarters of the border guards in Dhaka on 25 February 2009 when some disgruntled soldiers of BDR took arms and revolted for better financial and working conditions. The mutiny which lasted for 36 hours saw the killing of fifty-nine officers of the Bangladesh Army, who were on secondment to the BDR, and some BDR personnel as well. These officers constituted the entire command structure of the BDR. The murder of such a large number of officers at the hands of the men they commanded left the entire nation stunned in horror and disbelief. Though the top army brass heavily criticized Prime Minister Sheikh Hasina's inept handling of the situation in a closed door meeting with her, yet in public, they remained subservient to the newly elected government. See 'BDR Mutiny over as tanks roll in', *The Daily Star*, February 27, 2009; Anand Kumar, 'The BDR Mutiny: Mystery Remains but Democracy Emerges Stronger', *Journal of Defence Studies*, Vol. 3(4), October, 2009, pp.103-117.

speculation and presumption'.<sup>124</sup> Such a reaction on the part of the highly politicised armed forces is definitely welcome. Civilian governments in Bangladesh, however, must be cognizant of the military and keep its privileges intact if they wish to prevent a reoccurrence of the 'murky' past. It can be reasonably assumed that only thus, can the trajectory for Bangladesh remain an assured continuation of the democratic process.

### **The Jatiya Sangsad- A Vibrant Institution or A Mere Showpiece?**

A Government's responsiveness to the preferences of its citizens is a key characteristic of democracy. For this, there must exist institutions and procedures in a democracy which reflect the preferences of the citizens with regard to alternative policies at the national level.<sup>125</sup> **The Parliament is one such premier representative institution in a democracy which facilitates transparency, accountability and responsiveness on the part of the government.** The Inter-Parliamentary Union (IPU), in its study *Parliament and Democracy in the Twenty First Century*, calls the Parliament the central institution of democracy as it embodies the will of the people and carries all their expectations that "democracy will be truly responsive to their needs and help solve the most pressing problems that confront them in their daily lives".<sup>126</sup> As the people's elected body that represents society in all its diversity, Parliaments are responsible for reconciling the conflicting interests and expectations of different groups and communities through the democratic means of dialogue and compromise. Again as the key legislative organ, they also have the task of adapting society's laws to its rapidly changing needs and circumstances; and as the body entrusted with the oversight of government, they are responsible for ensuring that the latter is fully accountable to the people. However, a gap between promise and actual performance of Parliaments is noticed in many parts of the world, including Bangladesh. This is mainly because, as the IPU study notes, **it needs to be recognised that Parliaments have relatively better prospects of contributing to**

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<sup>124</sup> 'Zia harbouring false hopes to unseat government', *The Statesman*, February 23, 2015.

<sup>125</sup> Robert A. Dahl, *Polyarchy: Participation and Opposition*, Yale University Press, New Haven, CT, 1971, pp.1-9.

<sup>126</sup> D. Beetham, *Parliament and Democracy in the Twenty-First Century: A Guide to Good Practice*, Inter-Parliamentary Union, Geneva, 2006.



**democratic consolidation only in those cases where the conflicting actors agree, among others, on the need to evolve rules to make Parliament a central site of conflict resolution.**

**The Constitution of Bangladesh provides for a Parliamentary democracy based on the Westminster model.<sup>127</sup>** The National Parliament is named as the *Jatiya Sangsad* (JS), the House of the Nation. It is a single chamber with 300 general seats to be directly elected from single territorial constituencies through the ‘first past the post’ system. Provisions are also made for 50 reserved seats for women which are apportioned on elected party position in the Parliament. The Constitution bestows the Parliament with supreme powers in making laws and approving budgets. The latter has almost unrestricted powers over the executive branch as the government is dependent on a Parliamentary majority to stay in office. The President is the ceremonial head of the state and is elected by the Parliament. The cabinet, headed by the Prime Minister, is vested with the real executive power and is made collectively responsible to the *Jatiya Sangsad* which has all the legislative powers. **Notwithstanding these Constitutional mandates, the Parliament’s performance in Bangladesh has fallen far short of its promise of being the central institution of democracy. A constant process of oscillation between civilian and military regimes being a common trait of the political culture of several countries of South Asia, including Bangladesh, there have been several changes in the country’s Constitution and several shifts between parliamentary and presidential system of government which, in turn, has left a deep impact on the power and role of the *Jatiya Sangsad*.**

In the first *Jatiya Sangsad* elected in 1973, the Awami League controlled 293 out of the 300 general seats, leaving only seven seats for the opposition.<sup>128</sup> This meant that there was no effective opposition in the national legislature which hampered the latter’s growth as a credible forum of deliberation and legislation. The overwhelming presence of the ruling

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<sup>127</sup> Even before the Constitution of Bangladesh came into effect on 16<sup>th</sup> December, 1972, the Provisional Constitutional Order which was promulgated by Sheikh Mujib, a day after his return from Pakistani prison to independent Bangladesh had noted ‘the manifest aspiration of the people of Bangladesh that a parliamentary democracy shall function in Bangladesh.’

<sup>128</sup> Rehman Sobhan, n.29, p.24.

party endangered the very institution itself, as *Jatiya Sangsad* could neither voice the grievances of the electorate nor project alternative agendas before the public. Moreover, such was the stature of Mujibur Rahman, as the founding ‘father of the nation’, that he completely dominated the party, the cabinet and the Parliament during this period. The Parliament thus degenerated into a ‘talking shop’ which could do little more than occasionally embarrass the government during question hour and served largely to ratify the Government’s actions.

The second, third and fourth Parliaments, all under autocratic or military governments, were largely marginalised institutions, elections to which were allegedly ‘engineered’ by the party in power backed by the military. At the apex of the system stood the President himself, be it Zia or Ershad, and the role of the Parliamentary majority was limited to simply ratifying all acts of the Martial Law regime so that Martial Law could be lifted as and when required. None of these Parliaments could complete their five year term, as all of them were dissolved prematurely either by the military or under popular pressure.<sup>129</sup> Also none of the Parliaments enjoyed the legitimacy needed to become an effective institution.

When General Ershad’s government was toppled in December 1990, Bangladeshis thought that democracy had finally arrived. Hopes were raised for a new beginning in Parliamentary politics as Bangladesh reverted back to the Parliamentary system of government<sup>130</sup> which had been originally chosen when the country became independent in 1971. The President again became a ceremonial head of the state, who must act in accordance with the advice of the Prime Minister. The latter, enjoying the majority support in Parliament, again became the executive head of the government. The fifth Parliamentary elections (held in February, 1991) were recognised as free and fair by domestic as well as international observers. This was further proved by the fact that,

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<sup>129</sup> The tenure of the first parliament was 30 months, the second was 35 months, the third parliament was 17 months and the fourth parliament was 31 months. In contrast, the parliaments elected after restoration of democracy in 1991 more or less served their full term.

<sup>130</sup> The fifth Parliament passed the twelfth amendment on 6<sup>th</sup> August, 1991 which restored the parliamentary form of government. A nationwide referendum held on 15<sup>th</sup> September 1991 overwhelmingly (84 per cent) endorsed this shift back to parliamentary democracy.

though the BNP won the majority of the seats in the fifth *Jatiya Sangsad*, there was a strong opposition presence as well. Bi-partisan consensus within the House on several issues was evident for the first few months. However, such consensus soon dissolved as the two main political contenders, AL and BNP, could not retain the spirit of moderation or inculcate the basic attributes of cooperation and compromise, vital for the functioning of a meaningful parliamentary democracy. Serious allegations were raised regarding the fairness of the electoral process and the partisan conduct of the administration after the Mirpur and Magura by-elections to Parliament leading the political opposition to start a nation-wide agitation demanding the institution of a non-partisan caretaker government to organise the next parliamentary election. In addition they initiated a boycott of Parliament and in December (1994) the Opposition comprising nearly half of the members (147 in total) resigned en masse from Parliament. The country was, thereby, plunged into a crisis; one which was further compounded with the ‘voterless’ February 1996 elections which elected the sixth Parliament. Thereafter the seventh parliamentary elections (June 1996) were acclaimed as relatively ‘fair and peaceful’; it temporarily resolved the long-term political impasse over the organisation of national elections but, within a year, from 1997 onwards, the political opposition again resorted to walking out and boycotting of parliamentary sessions, mounting street agitations and *hartals*, and repeatedly calling for the elected government’s resignation. The *Jatiya Sangsad* as a site for conflict resolution once again lost its importance, rendering the task of democratic consolidation further difficult.

It is to be understood here that Parliamentary systems work best when the government respects the opposition and vice versa, both inside and outside Parliament.<sup>131</sup> In the case of Bangladesh, such respect was, unfortunately, missing on both sides, right from the outset of the second journey of constitutionalism and democracy in 1991. **The weakness of the *Jatiya Sangsad*, post 1991, was manifest not so much in the absence of its initiatives in formulating laws and budgets, but in the absence of real discussion, debate and scrutiny of the proposals put forward by the executive branch of the**

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<sup>131</sup> In a Westminster type parliamentary system, the main responsibility for ensuring the government’s accountability falls on the shoulders of the Opposition inside the House (as the ruling party MPs are expected to support the government).

**government.** The political practice of boycotting the parliamentary sessions by the Opposition soon became a major impediment inhibiting the performance of the former. The Opposition developed a pattern of eschewing dialogue in Parliament in favour of confrontation on the streets, no matter who sat in power.<sup>132</sup> What is clear from this pattern of constant boycott is that parliamentary work is not prioritised and discussion and debate in the House is not being given much importance. This, in turn, has earned the Bangladesh *Jatiya Sangsad* a negative image. Interestingly, even as such ‘boycott culture’ continues, the MPs continue to draw their remuneration and enjoy other facilities as lawmakers. Explaining this trend for Bangladesh, Dr Iftekharuzzaman, executive director of Transparency International Bangladesh (TIB), said, ‘The percentage of boycott of the Jatiya Sangsad by the main opposition was 83.38 in the ninth Parliament and 59.79 in eighth, 42.67 in seventh and 33.75 in the fifth Parliament. Such a trend not only causes despair among the general electorate, but also has an adverse effect on the economy; Bangladesh incurred a loss of Taka 40m financially due to continuous Parliament boycott by the main opposition from 2009 to 2013’.<sup>133</sup>

A look at the Table 2.2(next page) reveals the crippling effect of such ‘boycott politics’ in Bangladesh which has made the *Jatiya Sangsad* virtually dysfunctional and democracy meaningless. The duration of Opposition walkouts and boycotts can range from few minutes to several months. Though Article 67(1) of the Constitution does state that a member of Parliament shall vacate his seat if he/she is absent from the House for 90 consecutive meetings yet, experts feel that, to ensure attendance of the lawmakers and to make the Parliament effective, the government must formulate a new act fixing the maximum time frame of continued absence at 30 days instead of 90 days. Ironically, this trend of boycott does not hold true for the tenth *Jatiya Sangsad* simply because there exists no opposition in this House. As TIB executive director Iftekharuzzaman opines

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<sup>132</sup> In the ninth *Jatiya Sangsad*, Leader of the opposition Khaleda Zia wrote her name in parliament boycott history attending only 10 days out of 418 sittings. The present premier and the ex-opposition in the eighth legislature, Sheikh Hasina, turned up 45 days, the previous lowest in history.

<sup>133</sup> Source: Transparency International Bangladesh Parliament Watch Report, Dhaka, June 2, 2013.

‘There is an opposition in the alphabetical meaning but not in any real sense in the present *Jatiya Sangsad*. Indeed, they are a part of the government.’<sup>134</sup>

**TABLE 2.2**

**Jatiya Sangsad And Opposition Participation ( Post-1991 )**

Parliament	Elected Year	Ruling Party	Tenure(Months)	Total No. of Sittings	Opposition Boycott of Sittings
Fifth	1991	BNP	56	400	135
Sixth	1996	BNP	12 days	4	No Opposition
Seventh	1996	AL	60	382	163
Eighth	2001	BNP led Four Party Alliance	60	373	223
Ninth	2009	AL led Grand Alliance	60	418	346
Tenth	2014	AL	15 and counting	60 and counting	No Opposition

Table compiled with help from several sources like ‘BNP sets Sangsad Boycott Record’, Shakhawat Liton, The Daily Star, 16<sup>th</sup> March,2012; ‘Series of Records in Ninth Parliament’, Newsnext bd.com, 19<sup>th</sup> March,2015, ‘Taka40m Loss due to JS Boycott’, Online Report, Dhaka Tribune, 2<sup>nd</sup> June, 2013.

Bangladesh’s ruling elite, on its part, does not show much tolerance either as far as bringing the Opposition into Parliament is concerned; the BNP (party in power) forcefully ran the *Jatiya Sangsad* for almost two years even after the Opposition resigned en masse from the house in 1994. During the ninth Parliament, 198 bills were passed in the absence of the opposition party, without due debate or discussion. Of them 90 were passed, even without due notices, in record time taking around 5-7 minutes each.<sup>135</sup> The Opposition seemed so disinterested about Parliamentary participation that they did not even elect a deputy leader of the Parliament for the opposition. And yet, the party in

<sup>134</sup> ‘TIB: Parliament has no opposition’, *Dhaka Tribune*, Dhaka, March 19, 2014.

<sup>135</sup> ‘Most bills passed without opposition’, *Dainik Ittefaq*, September 29,2013.

power remained quite un-perturbed or unfazed by these developments. Even, the current Parliament (2015) does not have any opposition presence. The Opposition (BNP) is at present enforcing a violent blockade across Bangladesh that has already claimed over 100 lives. But Hasina government seems least interested to engage in a meaningful dialogue with the Opposition; the routine activities of the *Jatiya Sangsad* is going on with the latter having already passed 19 bills in its four sessions held till March, 2015.<sup>136</sup> In other words, the ‘non-parliamentarisation of conflict’<sup>137</sup> is itself one of the most serious impediments to democratic development in Bangladesh. After all, *Andolan* politics (as opposed to Parliamentary politics) that is being practiced at present has only fostered the growth of political factionalism and violent confrontation in the country.

**In conclusion**, it is may be argued that reforms undertaken in recent years have not only restored the Bangladesh Parliament’s original constitutional status, but also have created better opportunities for its members to become proactive. The *Jatiya Sangsad* is now better suited, from a structural point of view, to perform its main functions of lawmaking, oversight and representation. Besides restoring the parliamentary system of government in 1991 and establishing its own independent Secretariat in 1994 (both of which can be considered as substantial improvements), the Parliament has also made several procedural reforms. Of them, the most important is the provision for Prime Minister’s Question Time (PMQT). Under this new arrangement, the Prime Minister answers the questions of MPs once a week for thirty minutes. Members are required to ask policy-related questions, and not questions that are routine and relate to general operations of the government. There also now exists better opportunity for the MPs to discuss the performance of ministers on the floor of the House. All these measures have the potential to upgrade the status of *Jatiya Sangsad* from a marginal body to a policy-influencing legislature, at least in a formal sense.

And yet, there remains a major gap between public expectations about the role of the Parliament and the way it has actually fared. The *Jatiya Sangsad*’s performance in terms

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<sup>136</sup> Data source: <http://www.parliament.gov.bd/> retrieved on March 25, 2015.

<sup>137</sup> Nizam Ahmed, ‘Parliament and Democratic Consolidation in Bangladesh’, *Australasian Parliamentary Review*, Vol.26 (2), Spring 2011, p.54.

of its core functions such as legislation, budget, scrutiny and oversight, lags far behind the Bangladeshi citizen's expectations and global standards. The Treasury and the Opposition members have repeatedly failed to participate in constructive debates to keep the House functional and vibrant. The problem compounds further because of the government domination of Parliamentary business. Initiatives for legislation generally originate from the Treasury benches and there is also the tendency to pass laws through ordinances which are later ratified by the Parliament. Debates on legislation, and particularly on the budget, are far from rigorous. The budget is not referred to committees, and only three weeks are allocated for budget discussion in the *Jatiya Sangsad*. Even scrutiny and oversight of the government's actions remain inadequate to the task of establishing accountability; citizens' involvement in the Parliament's core functions is also limited and not formalised. As such, the very ability of the *Jatiya Sangsad* to become an important and useful national institution is subject to scepticism, grievously hurting the prospects of the democratic institutionalisation in the country. It can therefore be contended that there are many more milestones to cover before the *Jatiya Sangsad* can firmly establish itself as the central institution of democracy in Bangladesh (especially in view of the prolonged opposition boycott of Parliament as earlier noted).

Table 2.3 (next page) is a summary of the changes in the political system, tenure and bills passed in the *Jatiya Sangsad* since 1972.

**TABLE 2.3**

<b>Parliament</b>	<b>Elected ( Year)</b>	<b>Political System Elected Majority Party Head of Government</b>	<b>Tenure (Months)</b>	<b>No. of Bills Passed</b>
<i>1972-1974: Parliamentary Democracy Provisional constitutional Order: 1972 Bangladesh Constitution 1972</i>				
First	<b>1973</b>	<b>Awami League (AL), Sheikh Mujibur Rahaman Prime Minister</b>	<b>30</b>	<b>154</b>
<i>January , 1975 Presidential Form of Government, 4<sup>th</sup> Amendment of Constitution</i>				<i>Sheikh Mujibur Rahaman President</i>
<i>1975-1981 Military Rule Presidential Form of Government Army Chief of Staff Major Ziaur Rahaman ( Zia)</i>				
Second	<b>1979</b>	<b>Bangladesh National Party (BNP) Ziaur Rahaman, President</b>	<b>35</b>	<b>65</b>
<i>1981-1982 : Civilian Rule ( Presidential Form of Government) Justice Abdus Sattar , Acting President</i>				
<i>1982-1990: Military Rule ( Presidential Form of Government ) Army Chief of Staff Lt.Gen. Hussain Mohammed Ershad , President</i>				
Third	<b>1986</b>	<b>Jatiya Party (JP) H. M. Ershad, President</b>	<b>17</b>	<b>38</b>
Fourth	<b>1988</b>	<b>Jatiya Party (JP) H.M. Ershad , President</b>	<b>31</b>	<b>142</b>
<i>1991: Restoration of Parliamentary Democracy</i>				
Fifth	<b>1991</b>	<b>Bangladesh National Party (BNP) Khaleda Zia , Prime Minister</b>	<b>56</b>	<b>173</b>
Sixth	<b>1996</b>	<b>Bangladesh National Party (BNP) Khaleda Zia , Prime Minister</b>	<b>( 12 days)</b>	<b>1</b>
Seventh	<b>1996</b>	<b>Awami League (AL) Sheikh Hasina , Prime Minister</b>	<b>60</b>	<b>189</b>
Eighth	<b>2001</b>	<b>BNP Led Four Party Alliance Khaleda Zia , Prime Minister</b>	<b>60</b>	<b>185</b>
<i>2007-2008 : Military Backed Caretaker Government</i>				
Ninth	<b>2009</b>	<b>AL led Grand alliance Sheikh Hasina , Prime Minister</b>	<b>60</b>	<b>239(till Sept 2013)</b>

Data Sources: The Parliament of Bangladesh(Representation and Accountability)-CPD-CMI Report at <http://www.cmi.no/publications/file/4422-the-parliament-of-bangladesh.pdf> (By Prof. Rounaq Jahan and Dr. Inge Amundsen); Dainik Ittefaq, September 29, 2013; The Daily Star, March 17, 2012.



## **Independence of the Judiciary- A Myth or A Truth?**

An independent judiciary is the sine qua non of democracy and good governance. By independence is meant not only, the institutional independence of the judiciary, but also, independence of the judges who form a part of the judiciary. While the judiciary as an institution should be independent in terms of finance and administration, the judges too need to be independent and free from all external factors in order to perform the judicial functions in an unbiased manner. Such independence depends on certain conditions like mode of appointment of the judges, security of their tenure in office and adequate remuneration and privileges. Satisfactory implementation of these conditions enables the judiciary to perform its due role in the society, inviting public confidence in it. However, absolute independence of judiciary is not possible without separation of the judiciary from other organs of the state. As such, the primary talk on the independence of the judiciary is based on the doctrine of separation of powers, which holds that the judiciary should remain separated and independent from the executive and the legislative branches of the government.

At a glance, the Judiciary of Bangladesh consists of two divisions, the Supreme Court and the subordinate courts. The highest court in Bangladesh, the Supreme Court, is actually composed of two divisions; the Appellate Division and the High Court Division. The functions of the two are distinct, and separate appointments of judges are made to each. The Chief Justice of the Supreme Court sits in the Appellate Division and is the Chief Justice of Bangladesh; there is no separate Chief Justice of the High Court Division. The President, sometimes-in consultation with the Chief Justice, appoints the judges of the Supreme Court. While some Chief Justices in the past have insisted on being consulted on these appointments, others were not so exacting, leading to “political” appointments by the party in power.

The lower judiciary in Bangladesh also consists of two parts: first, there are the District courts and Sessions courts. Second, there are the Courts of Magistrates. The Judges of the District Courts are under the jurisdiction of the Supreme Court and belong to the Bangladesh civil service, while judges in the Courts of Magistrates are members of the

country's administrative cadre, which is responsible for the general administration of its territories. The most notable executive interferences in the lower judiciary come through the appointment of judges, and more importantly, executive control over the magistrates. These bonds between the Executive and the Judiciary are important constitutional discrepancies that have resulted in the devaluation of the concepts of judicial independence and rule of law in Bangladesh.

The Constitution of Bangladesh which came into force on December 16, 1972, contained fairly stringent safeguards for the independence of the judiciary in Article 95 (Appointment of Judges), Article 96 (Removal of Judges), and Article 99 (Prohibition on Further Employment of Judges), although the formal separation of powers was not emphatically articulated. **Art 22 of the Constitution also states in unequivocal terms that 'the state shall ensure the separation of the Judiciary from the executive organs of the state.'**<sup>138</sup> As one of the fundamental principles of State policy, it is not however readily judicially enforceable. Over the years, these safeguards for judicial independence, rather than being strengthened and consolidated, were diluted through a number of constitutional amendments. The **Fourth Constitutional Amendment Act**, for instance, was a very controversial one as it undermined the nature and character of the original Constitution itself, thus destroying the independence of the judiciary in the process. By this amendment, the provision of 'consultation with the Chief Justice' by the President while appointing other judges of the apex court was deleted. The obvious purpose appeared to be to make appointments on the basis of political consideration and favouritism as opposed to merit and competence. Again, in relation to the security of tenure, the original Constitution provided that a Judge could not be removed unless Parliament passed a resolution supported by a majority of not less than two-thirds of the total MPs, on the grounds of the proven misbehaviour or incapacity. The Fourth Amendment deleted this provision of impeachment through Parliament and instead provided that the President could remove a Judge, including the Chief Justice, simply by an order on the ground of misbehaviour. The incapacity and misbehaviour of the Judge

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<sup>138</sup> Check The Constitution of the People's Republic of Bangladesh available at [http://bdlaws.minlaw.gov.bd/print\\_sections\\_all.php?id=367](http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=367)

did not need to be proved. The President's desire and wish, no matter how malafide it might be, became the sole reason to remove a Judge. The former thus became both the sole appointing and removing authority of the Judges. The subordinate judiciary was also made purely executive dependent through the Fourth Amendment by amending Article 115 and 116 of the Constitution. As such, despite constitutional mandates for separation of judiciary from the executive organs of the state, until 2009, the subordinate courts in Bangladesh remained formally subject to executive control, with magistrates performing the dual role of executive officer of the government as well as that of a judicial officer. In 1999, the Appellate Division of the Supreme Court had given a landmark judgment in *Secretary, Ministry of Finance vs Masdar Hossain* re-affirming the constitutional mandate for independence of the judiciary and laid out a roadmap to achieve separation of the judiciary from the executive with respect to the lower courts, both civil and criminal.<sup>139</sup> And yet, until 2006, this judgment too remained largely unimplemented.

It was finally **in 2007 that the Caretaker Government of Mr. Fakruddin Ahmed adopted a positive and firm stance to separate the judiciary from the executive.** In fact the government took initiatives to implement the judgment by promulgating two ordinances ( No II and IV of 2007), and by making four service rules namely (a) Bangladesh Judicial Service Commission Rules, 2007, (b) Bangladesh Judicial Service (Pay Commission) Rules 2007, (c) Bangladesh Judicial Service Commission (Constitution of Service, Appointments in the Service and Suspension, Removal & Dismissal from the Service) Rules, 2007 and (d) Bangladesh Judicial Service (Posting, Promotion, Grant of Leave, Control, Discipline and other Condition of Service) Rules, 2007. The Bangladesh Government, later in 2009, amended the Code of Criminal Procedure 1898 by Act No. XXXII of 2009, which formally removed the impediments in the separation of the lower judiciary from executive control, and in the appointment of judicial magistrates. Thus, the historic journey of the judiciary separated from the executive started from 1st November 2007.<sup>140</sup>

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<sup>139</sup> Dr. Zahidul Islam Biswas, 'Do we have an Independent Judiciary?', *Forum*, Vol.6(9), September 2012.

<sup>140</sup> *ibid.*

Despite this formal separation, politicization of the judiciary remains an issue in Bangladesh. The ground realities are somewhat different and need to be taken into consideration before arriving at any conclusion. To cite a few home truths;

- The Bangladesh Judicial Service Commission, since its establishment in 2007, has conducted eight judicial service examinations, and accordingly recruited and appointed judges to the lower judiciary. However, no separate secretariat has been established for the judiciary so far, and thus **appointment, transfer, promotion of the judges of lower judiciary are still administered by the executive through the Ministry of Law, Justice and Parliamentary Affairs, instead of the office of the Chief Justice.** It is alleged that this results in inhibiting judicial independence, as premature transfers and arbitrary postings/promotions/ removals exert political pressure on the judiciary.
- Serious controversy has arisen regarding the frequent appointments to the High Court Divisions of the Supreme Court. There are allegations that the appointments are based on political considerations. This is because **Bangladesh still does not have a legislation prescribing detailed 'qualifications' for the appointment of judges to the Supreme Court.** Despite a strong civil society demand and a recommendation in the landmark judgment in *Idrisur Rahman v Bangladesh* in 2008 for making law specifying appointment guidelines, the government has yet to enact such legislation.<sup>141</sup> Article 95 of the Constitution of Bangladesh provides for the appointment of judges to the Supreme Court. It dictates that a person cannot be qualified for appointment as a judge unless he or she is a citizen of Bangladesh and has practiced law in the Supreme Court for at least ten years, or has held judicial office in the country for at least ten years, or has other such qualifications as may be 'prescribed by law'.<sup>142</sup> In the absence of a legislation prescribing detailed qualification, the 'at least ten years' experience as a lawyer or judicial officer appears as a broad criterion, leaving room for political manoeuvring in selection

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<sup>141</sup> *ibid.* A similar ruling was again given by a ruling in the High Court Division in the *Raghib Rauf Chowdhury Vs Bangladesh and others*. Writ Petition No. 4403 of 2010.

<sup>142</sup> The Constitution of Bangladesh, n.138.

and appointment of Judges to the Supreme Court.<sup>143</sup> Again the 15th amendment of the Constitution in June 2011 brought back the provision of consultation with the Chief Justice. After this amendment, several judges have been appointed to the High Court (apparently with the CJ's assent) but the nature of those appointments has given rise to questions in media and among the public as to whether the Chief Justice was really consulted, and if consulted, then how the Chief Justice could select some judges who are allegedly less qualified to be appointed to the higher judiciary.

- Controversy surrounds the appointment to the highest office of the judiciary of Bangladesh as well. It is often seen that the principle of seniority, as reflected in Articles 96 and 97 of the Constitution and recognised in *Bangladesh v Md. Idrisur Rahman*, is ignored in the matter of appointment of Chief Justices. Repeated violation of the principle in recent years, with four of the last six appointments seeing the senior-most judge of the Appellate Division being superseded, has drawn considerable flak from the media as well as the civil society. For instance, the appointment of Chief Justice A.B.M. Khairul Haque by the President in September 2010 involving the supersession of two more senior judges of the Appellate Division drew considerable criticism from several quarters. The Supreme Court Bar Association, headed by members affiliated with opposition parties, condemned the selection. Again in the appointment of the last Chief Justice of Bangladesh, Justice Muzammel Hossain in May 2011, Justice Shah Abu Nayeem Mominur Rahman was superseded.<sup>144</sup>

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<sup>143</sup> One such extremely controversial appointment was that of Ruhul Quddus Babu, who was among 17 new judges appointed in April 2010. He was one of nine people accused in the 1988 murder of a leader of the student wing of the political party Bangladesh Jamaat-e-Islami. The charges against all nine accused were dropped shortly before his appointment was announced, causing a strong opposition by the Supreme Court Bar Association (SCBA). See, 'SC dismisses appeal challenging withdrawal of murder case against HC Judge and 8 others', *New Age*, Dhaka, June 10, 2014.

<sup>144</sup> Chief Justice Muzammel Hossain retired on January 16, 2015. Bangladesh today has a Chief Justice from the religious minority community.

- There is also criticism regarding the appointment of public prosecutors, who play a great role in aiding the judiciary to take proper decisions in state-led cases. A longstanding practice of appointing ruling party-affiliated lawyers as public prosecutors affects the neutrality of the judiciary. While there is no universal prescription for such appointments, states are nonetheless expected to ensure that persons appointed as prosecutors are individuals of integrity and ability, with appropriate training and qualifications. It is also alleged that politically motivated appointments are made to the Office of the Attorney General.<sup>145</sup>
- Again, there have been frequent reports of High Court Judges refusing to hear matters on the grounds of feeling ‘embarrassment.’ It is not clear what is meant by this or from where the ‘embarrassment’ emanates. In May 2012, for example, certain judges of the High Court said they were ‘embarrassed’ to hear the bail petitions of prominent opposition leaders.<sup>146</sup> A High Court Judge in 2013 felt embarrassed to hear the bail petitions of BNP acting secretary general Mirza Fakhru Islam Alamgir in five cases filed in connection with violence in the city.<sup>147</sup> This practice, where no valid reason is provided, undermines public confidence in the integrity of the justice delivery system and its institutions.
- Arbitrariness in judicial action has also raised questions about the independent and impartial functioning of the judiciary. Often it has been noticed that political leaders of opposition parties are refused bail on flimsy grounds, while cases against ruling party leaders are withdrawn on allegedly political considerations. In December 2009, the Dhaka Court refused to grant bail to opposition BNP leader Arif Islam for his involvement with the 21 August grenade attack.<sup>148</sup> In June 2010, another opposition leader Mirza Abbas, an ex-minister and member of the BNP Standing Committee, was arrested. He was granted bail but not released, as he was at the

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<sup>145</sup> Dr. Zahidul Islam Biswas, n.139.

<sup>146</sup> ‘HC judge feels embarrassed’, *The Daily Star*, May 3, 2012.

<sup>147</sup> ‘HC judge feel embarrassed to hear Fakhru’s bail petitions’, *The Financial Express*, April 29, 2013.

<sup>148</sup> Biswas, n.139.

same time ‘shown arrested’ in relation to two new cases. In May 2012, Dhaka Chief Metropolitan Magistrate's court rejected bail petitions of 33 top leaders of 18-party opposition alliance in an arson attack case, and sent them to jail.<sup>149</sup> (It was alleged by the opposition BNP leaders that the government was conspiring to keep the top opposition leaders away from participating in the next general election by convicting them under the Speedy Trial Act.) Again in several cases, the appellate division of the Supreme Court even overturned decisions granting bail to high-level corruption suspects mostly who were leaders of the opposition. A committee set up in February 2009 to review applications for withdrawal of cases filed (between 2001 and 2008) on the ground of their being politically motivated, recommended complete or partial withdrawal in 7198 cases, in most of which ruling party members were involved. What is more inexplicable is that among these many were related to murder (some in which the accused have even given statement admitting their guilt). At the same time, the committee appeared reluctant to approve similar applications filed against opposition party leaders or against journalists and human rights activists (including journalist Jahangir Alam Akash, whom the caretaker government had reportedly implicated in false criminal cases in retaliation for his protest against extrajudicial killings).<sup>150</sup> *Odhikar*, in its 2013 annual report, expressed its concern over ‘arbitrary’ withdrawal of such cases, bypassing the judiciary, which it felt was ‘an impediment to the criminal justice delivery system’ in Bangladesh.<sup>151</sup>

- The practice of exercising presidential clemency for the benefit of the ruling party men also is a severe blow to the rule of law in Bangladesh. In September 2010, President Zillur Rahman granted presidential pardons to 20 death row inmates (some allegedly affiliated with the ruling party) who were convicted of the murder

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<sup>149</sup> ‘Opposition top shots in jail’, *The Daily Star*, May 17, 2012; ‘No bail again’, *Asian Human Rights Defenders Report*, May 24, 2012.

<sup>150</sup> ‘A serious blow to the rule of law’, *The Daily Star*, February 3, 2014; ‘Many cases recommended for withdrawal in the name of politically motivated cases’, *Priyo News*, August 6, 2010.

<sup>151</sup> *Odhikar Annual Human Rights Report 2013* at [https://www.fidh.org/IMG/pdf/odhikar\\_ahrr\\_2013.pdf](https://www.fidh.org/IMG/pdf/odhikar_ahrr_2013.pdf) retrieved on 20/3/2015.

of the Jubo Dal (opposition party BNP's youth organisation) leader Sabbir Ahmed Gama, nephew of the former BNP deputy minister Ruhul Quddus Talukdar Dulu, who had been gunned down in 2004 in Natore. In July 2011, the President granted a pardon to AHM Biplob, son of ruling party leader Abu Taher of Laxmipur, who was convicted and sentenced to death for the murder of Nurul Islam, a leader of the main opposition party, the BNP.<sup>152</sup>

Apart from these, the court system is prone to corruption and severely backlogged with an estimated two million pending cases. Pre-trial detention is often lengthy, and many defendants lack counsel. The indigent have little access to justice through the courts.<sup>153</sup> The presence of judicial corruption specially is a very sensitive subject in Bangladesh - considering that one can be charged with 'contempt of court' simply if one raises the issue. In December 2010, the court issued arrest warrants against Dr. Iftekharuzzaman (executive director of Transparency International in Bangladesh) and two more Transparency International representatives in Bangladesh, accusing them of tarnishing the "image, honour and reputation of the judiciary" because the TIB had come up with a survey report that placed judicial institutions as the most corrupt service in the country. **The TIB report had said that corruption in the country's judiciary system had increased by 40.3 per cent over the last three years and staggering 75% households in Bangladesh had experienced different types of corruption and harassment while seeking judicial services.** The TIB report revealed that usually lawyers, court employees, court clerks and brokers take the money to hasten or postpone hearings, for withdrawing and destroying case documents and influencing the judgements.<sup>154</sup> In a similar case, in early 2010, against the Bengali daily newspaper 'Amar Desh', which had published a report that questioned the neutrality of certain judicial decisions, the then-Chief Justice Mohammad Fazlul Karim made it clear that truth was no defence. "We are not here to

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<sup>152</sup> See for further details, 'Universal Periodic Review of Bangladesh', *Submission of International Commission of Jurists*, October, 2012 .

<sup>153</sup> In conversation with Janab Rokon Uddin Mahmood, Barrister, Former President of Bangladesh Supreme Court Bar Association, Dhaka, 25/4/2015.

<sup>154</sup> For details of the Transparency International Bangladesh Report see, [http://www.transparency.org/news/pressrelease/police\\_then\\_judiciary\\_most\\_corrupt\\_public\\_institutions\\_in\\_south\\_asia\\_reveal](http://www.transparency.org/news/pressrelease/police_then_judiciary_most_corrupt_public_institutions_in_south_asia_reveal)



check [if the story is] true or false. We will look at whether the image of the judiciary has been damaged or not by the contents of the report," he said. The editor of the newspaper and reporter who had written the article were convicted for committing "contempt of court" and were sentenced to six months and one month in prison, respectively.<sup>155</sup> Unfortunately such trends may lead one to conclude that endemic corruption, weak rule of law and politicization of the judiciary are matters of grave concern in this democratic polity. The need of the hour, according to Dr. Iftekharuzzaman of the TIB, is to make Bangladesh judiciary more open to criticism and fair comments by the media and civil society members, for the sake of its own credibility and public trust. After all, 'as the institution of last resort for democracy, the judiciary needs to lead by setting an example for others.'

**In sum**, it can be said that, despite a 1999 Supreme Court directive, independence of the Bangladesh judiciary still remains on paper. The AL government in the past five years has taken no tangible initiative in this direction, although the ruling Awami League had pledged so in its election manifesto. As Barrister Rokon Uddin Mahmood lamented, 'The influence of the executive branch on the lower judiciary continues as the full control of the Supreme Court over the appointment, posting, transfer and promotion of lower court judges is yet to be established. Besides the judiciary is also caught in a vicious circle of delays and backlogs which have often led to injustice and violation of human rights in the country.'<sup>156</sup> And yet, all is not lost. It has to be admitted that the Bangladesh judiciary continues to enjoy a considerable amount of respect and goodwill, both at home and abroad, and this is probably because in certain spheres, like the protection of environment and gender rights, the judiciary has performed quite impressively striking a fine balance between the challenges of development and the protection of nature and women. Again the Supreme Court's decision to declare the Fifth Amendment and

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<sup>155</sup> 'Bangladesh, Where the Judiciary can be an Obstacle to Justice', *The Daily Star*, May 5, 2011.

<sup>156</sup> In conversation with Barrister Rokon Uddin Mahmood, n.153.

Seventh Amendment of the Constitution as illegal<sup>157</sup> has also attracted substantial attention. To reduce the problem of backlogs and delays, in 2009, the government also launched an initiative to form small courts in 500 rural administrative councils that could settle local disputes and reduce pressure on the legal system. Hence, it can be faithfully concluded that while certain structural and political factors have inhibited the full realization of the Judiciary's role in Bangladesh, it has, by and large, earned some brownie points in recent years in enacting constitutional justice. The journey towards a fully autonomous 'good governance court' however has just begun.<sup>158</sup>

### **Final Observations**

While tracing the political experience of Bangladesh since its pre-independent stage in this chapter, we realise that the people of the country desired both development and democracy-the latter both as an end in itself as well as a way of obtaining a wider distribution of benefits of growth. To establish a well functioning sovereign Parliamentary democratic system (which inspired the *Mukti Yoddhas*), involves a process of trial and error. This requires the growth of strong political parties that are internally governed in a participatory way bottom-up, a vibrant legislature, an independent judiciary, supportive civil society institutions as well as effective local government institutions.

Factual data shows that, though Bangladesh has passed about forty-three years of its independence, its achievements on many of these counts are not noteworthy. Its track record of democracy has been severely dented by intervening periods of undemocratic military regimes. Even after the reinstatement of Parliamentary democracy in 1991, the lack of political tolerance and the crisis of constructive leadership have hampered the development of constitutionalism in Bangladesh. Increasing politicisation of the

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<sup>157</sup> Following this verdict, all military regimes in the country stand illegal. This judgement is thus expected to strengthen democracy as it is expected to act as a deterrent for the military to capture power in future.

<sup>158</sup> The term 'good governance court' was first used by Nick Robinson to appreciate the Indian Supreme Court's role on promoting good governance. See N. Robinson, 'Expanding Judiciaries: India and the Rise of the Good Governance Court', *Washington University Global Studies Law Review*, 2009, 8(1), pp.1-69.

judiciary, bureaucracy and the police in Bangladesh have further added to the woes of this aspiring democracy. Again, it is often held that a democracy without discipline is a democracy without future; unfortunately, in Bangladesh, indiscipline and intolerance seem to be the rule rather than an exception. And yet, it may be contended that, Bangladesh is not an exception in any way. After all, most countries of South Asia are facing similar challenges. The truth is democracy is just a process, with no finality yet achieved in any society of the world.

In the next two chapters, we attempt to understand and evaluate the role of religion and civil society in the process of democratic consolidation in this South Asian democracy. The approach is to weigh their presence in Bangladesh in the light of new challenges and changing opportunities.

## **CHAPTER - 3**

### **RELIGION-IDENTITY-POLITICS**

#### **THE BANGLADESH DILEMNA**

For citizens of contemporary liberal democracies, the religio-political dynamics has always yielded a curious situation. On the one hand, most take it for granted that, the authority of the state is located in the people and that the people are religiously diverse, and may often doubt the rationality of religious belief and practice of any sort. But on the other hand, contrary to the predictions of many advocates of secularization theory, such as Karl Marx and Max Weber, this mix of democracy, religious diversity, and religious criticism has not resulted in the disappearance or privatization of religion. Religion, especially in liberal democracies such as the United States, is alive and well, shaping political culture in numerous ways. However, where there is a free flow of political activity, religious ideology generally remains separated from the mainstream of politics; only where the flow is thin or truncated, and where the political institutions are less developed and function under restrictions, religious activities get mixed up with politics and tend to flood the social terrain. Religious slogans are then used not only by the ideologues of national liberation movements and champions of progressive forces but also by conservatives and reactionary regimes.<sup>1</sup>

The tragedy of 9/11 and its aftermath have focussed the world's attention on Islam and the Muslim world in general. The shattering events raised hard questions about the compatibility of Islam with democracy and the democratic deficit in the Muslim world. Observers frequently assumed, in both the academic and popular discussions on the Muslim world, that there is no separation between the religious and political spheres in Islam. Such democratic deficit was ascribed to the totalistic character of Islam, its ability to penetrate interstate boundaries and the complete adherence of its believers to specific

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<sup>1</sup> Emajuddin Ahamed and Dr. J.A. Nazneen, 'Islam in Bangladesh: Revivalism or Power Politics?', *Asian Survey*, 30(8), 1990, p.795-808.

behavioural tenets of the Islamic culture.<sup>2</sup> According to this view, Islam constitutes the language of politics in the Muslim world, and, consequently, Muslim politics everywhere is unavoidably Islamic. Samuel Huntington<sup>3</sup> and Francis Fukuyama<sup>4</sup> also put forward a bolder thesis that the religious culture of a state profoundly impacts its democratic trajectory. The supposed incompatibility of Islam and democracy featured prominently in their discussions.

Those contesting this view however regarded this as misleading as they argued that the political language of Islam is not uniform nor does it have uniform impact on political and social action. Muslim politics, like politics everywhere involves a contest over state control. That locating the boundaries of state and society places Muslim politics into multiple and shifting contexts is therefore obvious. This need for contextualisation applies to all politics and, in this respect, Muslim politics is not unique.<sup>5</sup>

Keeping this view in mind, in our study, we refrain from discussing Muslim societies and politics in the abstract and/or as part of a unitary system called the world of Islam. Rather than develop a common basis for an ideal –type Islamic democratic polity, we move on to the relevance of Islam in the Bangladesh society and its impact on the country’s secular and democratic identity.

## **ISLAM IN BANGLADESH**

Bangladesh is today the fourth largest Muslim majority country in the world after Indonesia, Pakistan and India. Around 89.52 per cent of the population of Bangladesh

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<sup>2</sup> For an interesting opinion, see Ishtiaq Ahmed, ‘The Democratic Deficit in the Muslim World’, *Daily Times*, Pakistan, September 20, 2005 available at <http://archives.dailytimes.com.pk/editorial/20-Sep-2005/comment-the-democratic-deficit-in-the-muslim-world-ishtiaq-ahmed>

<sup>3</sup> Samuel P. Huntington, ‘Democracy’s Third Wave’, In L. Diamond and M.F Plattner(eds), *The Global Resurgence of Democracy*, Johns Hopkins University Press, Baltimore, MD and London, 1996, pp.3-25.

<sup>4</sup> Francis Fukuyama, ‘The Primacy of Culture’, In L. Diamond and M.F Plattner(eds), *The Global Resurgence of Democracy*, John Hopkins University Press, Baltimore, MD and London, 1996, pp.320-327.

<sup>5</sup> Anoushiravan Ehteshhami, ‘Islam, Muslim Politics and Democracy’, in *Democratization*, 11(4), 2004, p.93.

belong to the Islamic faith; most importantly they represent one of the poorest, least literate and most backward sections of the world Muslim population. The balance of the population, that is the remaining 10.48 per cent, are mostly Hindus (8.2 per cent), Buddhists (1 per cent), Christians (0.5 per cent) and some animist groups<sup>6</sup>. The majority of the Muslims are Sunnis consisting of 95 per cent of the Muslim population, and the remaining belongs to the Shi'a and other sects. However, despite the poverty, backwardness and preponderance of Islamic ethos in the mainstream of the country's politics and culture, Bangladesh is just not another Afghanistan, Iran, Saudi Arabia or even Pakistan.

Existing literature on sub-continental and Bengali Islam delineates three primary types of religious beliefs in Bangladesh Islam- *modern, orthodox and popular*. The *modernist version* tries to give a rational interpretation of the *Qur'an* and *Hadith*. It envisages a narrow, personal and specific role of religion in life, and stresses self determination rather than divine will in the affairs of man. The *orthodox or puritan version* enjoins total and literal acceptance of the *Qur'an and Hadith*. An orthodox Bangladeshi Muslim accepts Islam as a complete code of life and stands for rigid adherence to the religious laws and strict observance of compulsory religious injunctions. Finally, the *popular, folk or syncretistic version* has certain unique polytheistic and animistic dimensions. A 'popular' Bangladeshi Muslim quite readily acknowledges the supernatural powers of *pirs* and *dargahs* and resorts to idolatory and polytheistic rituals and practices to avoid danger and misfortune, to cure illness, or to increase the prospect of their success in mundane affairs and the like.<sup>7</sup> The difficulty however, lies in ascertaining the extent and strength of each segment of the Bangladesh Muslim population today and the consequent impact on the country's political culture. It would not be very wrong to claim that the constant shifting of balance in favour of any one of these segments, at regular intervals, has had a profound impact on the formation of a homogeneous national identity (or the lack of it).

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<sup>6</sup> Data Sources: Bangladesh Bureau of Statistics, *Census Report 2014* and *Report on Religious Composition of Population 2010*, available at [http://www.bbs.gov.bd/PageSVRS\\_Rpt\\_4\\_8.aspx](http://www.bbs.gov.bd/PageSVRS_Rpt_4_8.aspx)

<sup>7</sup> U.A.B Razia Akhter Banu(ed), *Islam in Bangladesh*, E.J Brill, Netherlands, 1992, pp.54-55.

Another unique dimension of Bangladeshi Islam is that it is primarily rural-based, agrarian and reflective of peasant culture and behaviour. Since peasants are, by nature, traditional, fatalist and religious (if not pious), religion is often used here as a means of identity as well as support and sustenance. Even a peasant's political behaviour and culture is not devoid of religion. All their activities, mundane or political, are inspired by their "moral economy,"<sup>8</sup> which again is subject to their religious belief system. Consequently peasants' violent acts and proclivity to anarchy in the name of religion, often classified as "pre-political" activities of the "pre-modern, get the epithets of Islamic militancy, fanaticism, and fundamentalism if the perpetrators happen to be Muslims.<sup>9</sup> Again, despite the significance of the peasant factor in Bangladeshi Islam and politics, urban Muslim elite and their rural counterparts, continue to represent the "great traditions" of Islam and remain the main custodians and guardians of Islam in the country.

### **Tracing Bengal's Islamic Roots**

A historical overview of the Islamization process in East Bengal shows that Islam arrived in this region of Bengal around the thirteenth century, mainly with the arrival of Arab traders, Persian saints and Turkish conquests. Among the many saints and Sufis who are credited with the spread of Islam in this region, the most well-known were Sufi Makhdum Shah who preached Islam in the Pabna district; Makhdum Shah Mahmud Ghaznavi (better known as Rah Pir) of Burdwan district; Bayaz Bistami whose shrine is found at Nasirabad near Chittagong; and Shaikh Jalal Uddin Tabrizi (popularly known as Shah Jalal) who is credited with the spread of Islam in the region around Sylhet.<sup>10</sup>

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<sup>8</sup> James C. Scott, *The Moral Economy of the Peasant: Rebellion and Subsistence in Southeast Asia*, Yale University Press, U.S.A, 1976, pp. 5, 9, 13–55.

<sup>9</sup> Taj-ul Islam Hashmi, 'Islamic Resurgence in Bangladesh: Genesis, Dynamics and Implications' in Satu Limaye, Robert Wirsing and Mohan Malik (eds), *Religious Radicalism and Security in South Asia*, Asia-Pacific Center For security Studies, Honolulu, 2004, pp.35-40.

<sup>10</sup> For more on influence of Sufism in Bengal see Idries Shah, *The Way Of the Sufi*, Penguin Publishers, Arakana, 1991, pp13-52 ; Richard M. Eaton, *The Rise of Islam and the Bengal Frontier 1204-1760*, University Of California Press, Berkeley, USA, 1993, pp. 71-82.

However, Islam actually entered in full force in the Bengal Delta only with the Turkish conquest towards the beginning of the thirteenth century.

Legend has it that Muhammad Bakhtiyar Khilji, a military commander in the army of Turkish Sultan Qutub-ud-din Aibak defeated Lakshman Sen, the then king of Bengal with just 18 horsemen. These Turkish conquerors came with their religion, culture and concept of governance with the avowed intention of establishing political power. Their coming changed the socio-religious pattern of Bengal as there began a continuous flow of Muslims in this region. First came the soldiers, who were, in fact, the backbone of political power; then the religious learned people, the *Sayyids*, *Ulamas* and the *Mashayikhs* to disseminate religion; the civil servants, experts in politics, finance and governance; the traders and businessmen, and also the artisans and craftsmen. They all came in search of employment and /or better livelihood. Thus, not only did the Turkish conquest sow the seeds of Muslim rule, but socially, it planted a Muslim society, opening the gates of Bengal to numerous immigrants from the then Muslim world resulting in the growth of one of the largest Muslim concentrations in the world, in the alluvial plains of Bengal.

While explaining Islam's expansion in this region, it needs to be noted that, Bengal as a geo-political entity did not exist in the beginning of the thirteenth century. There was no common name for the whole region; it was known by the names of its different units, Gauda, Radha, Sultan Vanga etc. It was much later, after Shamsuddin Iliyas Shah conquered all these three regions and united the whole of Bengal, that the name **Bangalah** emerged and he earned for himself the title of **Shah-i-Bangalah** and **Sultan-i-Bangalah**. Henceforth, the Muslim kingdom of Bengal came to be known as the kingdom of Bangalah.<sup>11</sup>

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<sup>11</sup> For details on the Kingdom of Bangalah, see James Wise ,'The Muhammadans of Eastern Bengal', *Journal of the Asiatic Society of Bengal*, Vol-63, 1894 ; Richard M. Eaton, n.10, Part-I, ch-2; and J.N Sarkar, *Islam in Bengal (13<sup>th</sup> to 19<sup>th</sup> Century)*, Ratna Prakashan, Calcutta, 1972.



The indigenous people of this region<sup>12</sup> were diametrically opposed to the incomers in every aspect of religious, social and cultural life; they were opposed not only in their fundamental beliefs but also in their day to day life from birth to death. To sustain Muslim power in these difficult conditions, the Muslim rulers of Bengal, from the beginning, sought to establish closer ties with the local population. They built mosques, *madrassahs* and *khanqahs*<sup>13</sup> for the purpose of disseminating Islamic learning and culture among the people. Since mosques form an important feature of Muslim society and culture (they afford opportunity to offer prayers, one of the fundamental pillars of the Islamic faith) whenever a new area was brought under control and a Muslim settlement was established, a mosque was built to facilitate offering of prayers by the Muslims. *Madrassahs* or schools or colleges were built to afford facilities to young Muslims to receive education often at state expense. Mosques also served as *maktabs*<sup>14</sup> to impart elementary religious education to the children. *Khanqahs* were built to afford facilities to the Sufi-saints to pursue their spiritual activities with their followers. They were built either by the rulers or by the Sufis themselves, but they received state patronage.<sup>15</sup> An interesting Mughal policy of enhancing revenue through agricultural expansion was to provide incentives, often tax exemptions for lands acquired on behalf of mosques and shrines that encouraged new settlements to develop around Sufi spiritual leaders. Such

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<sup>12</sup> The Bengal Delta was no social vacuum when Turkish cavalymen entered it in the thirteenth century. According to Richard Eaton (n.10), the early Indo-Aryan civilization (and its later Brahmanic/Hindu offshoot) had penetrated most quarters of the Bengal Delta by this time, though evidence also indicates that Bengal's northwestern and western sub-regions were far more deeply influenced by Indo-Aryan and Hindu civilization than was the eastern delta, which remained relatively less peasantized and less Hinduized. Many non- Aryan tribes, not enjoying a great degree of ritual purity, resided in this region, eg. the Pundras of North Bengal, and the Vangas of central and East Bengal.

<sup>13</sup> Classical Islamic education consists of two levels: elementary (*kuttab* or *maktab*) and secondary (*madrassah*). *Madrassahs* were originally places for spiritual worship that later became principal sites of Islamic theological education. *Khanqahs* were institutions for preaching and sermons. Source: Ludwig W. Adamec, *Historical Dictionary of Islam*, Scarecrow Press, USA, 2009, p.88.

<sup>14</sup> *Maktabs* arose as schools attached to mosques in Arab countries in seventh and eighth centuries. These schools mainly enrolled boys and mainly imparted teaching in Qur'anic texts. Source: n.13.

<sup>15</sup> For details, see R.C Majumdar, *History of Medieval Bengal*, G.Bharadwaj and Co., Calcutta, 1973.

State patronage, along with the immigration of foreign Muslims and the conversion of local people helped in the rapid growth of Islam in Bengal.<sup>16</sup>

A look into the political expansion of the Muslim power in India, however, does not necessarily mean that Islam spread in this region primarily through violence. Though the ‘Sword theory’<sup>17</sup> can be a partial explanation of this extremely complex expansion process, historians do believe that Islam also came as a relieving force from the persisting Hindu- Buddhist rivalry present in Bengal society of the time. Initially, at the time of the Muslim conquest, Bengal was predominantly a Hindu-Buddhist country. Buddhists had ruled Bengal for several centuries, though before Bakhtyar Khalji’s conquest, the Hindus- the Senas, were holding political power in this region. Again, some non-Aryan elements were also present in Bengal, particularly outside the urban centres and in the river-girt Bangalah. These non-Aryan communities, described in ancient texts as ‘Mlecchas’, were considered so impure that Brahmans who entered their territories later had to undergo ritual cleansing to regain their status. With the advent of Muslim rule, Bengal became a cultural frontier involving the spread of Muslim beliefs and practices. Islam also provided an easy way to salvation and success for the local people who were finding the rigid caste structure of Hinduism intolerable.<sup>18</sup> They voluntarily embraced Islam, a religion that proclaimed the equality of man. The Islamic principles of equality, fraternity and social justice appealed to the downtrodden masses who were steeped in inequality and caste oppression. Interestingly however, whereas in northern India Islam was confined to urban centres, in deltaic Bengal, mass conversion occurred in the rural society. Richard Eaton’s contribution in tracing the historical origins of Bengal Muslims, particularly the ethnic and cultural processes involved in the emergence of a Bengali Muslim agrarian society, is particularly noteworthy. Eaton’s analysis rests on his notion of Bengal, in particular

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<sup>16</sup> Md.Shah Noorur Rahman, *Hindu-Muslim Relations In Bengal*, Progressive Publishers, Calcutta, 2001, pp.23-32.

<sup>17</sup> Conversion by the *Sword Theory* stands for forcible conversion. The idea of Islam as a *religion of the sword* is generally associated with figures like Sultan Mahmud of Ghazni who is blamed for the destruction and plunder of the temple at Somnath, thus symbolizing Islam as alien to and dismissive of local Indian traditions. Source: The Oxford Handbook of Religious Conversion, Oxford University Press, New York, 2014, p.638.

<sup>18</sup> Abdul Momin Chowdhury, ‘Conversion to Islam in Bengal: An Exploration’ in Rafiuddin Ahmad (ed), *Islam in Bangladesh*, Bangladesh Itihaas Samiti, Dhaka, 1983.

Eastern Bengal, as a *'frontier'* in several senses of the term- *geographical, agrarian, cultural and political*. Geographically, a change in the course of the Ganges, with a decisive shift taking place in late 16th century, made the active Bengal delta move eastward, thus creating landmasses that eventually came under rapid and intensive cultivation, and marked the expansion of the *agrarian frontier*, specifically during Mughal rule (1576-1717). Culturally, Eaton explains that eastern Bengal was already a frontier as it had long been home to indigenous communities that were considered to be outside the Aryan fold. The advent of Muslim rule created an additional *cultural frontier* involving the spread of Muslim beliefs and practices. Finally, Bengal because of its relative remoteness was also *a political frontier* for the empires controlled from Delhi.<sup>19</sup>

Interestingly in his thesis, Eaton departs from the conventional view that mass conversion to Islam in this region took place to escape the stigma and oppression associated with the 'Hindu' caste society. According to him, Islam could easily strike roots in much of eastern Bengal as this was a part which had not been deeply penetrated by 'Aryan' or 'Sanskritic' models of social formation. In fact, as mentioned earlier, many indigenous communities possessing non-Aryan cultures resided in this deltaic belt and were much influenced by the spread of Islamic beliefs and practices. The Islam, that Eaton speaks of here, is not one that was introduced by the sword or through trade, but rather by charismatic Sufi spiritual leaders – known locally by terms such as *pir* and *aulia*– who are still spiritually alive, so to speak, at numerous *mazars* or *dargahs*(shrines) devoted to them in Bangladesh. These *pirs* provided the world view and cultural orientation necessary for indigenous communities to conquer uninhabited forests and marshlands full of feared beings such as tigers, snakes and spirits. In the process, local communities were absorbed into a new social formation, consisting of an expanding 'Bengali Muslim' peasantry that gradually emerged as Bengal's main productive force under Mughal rule, and subsequently during British colonial rule.<sup>20</sup>

Asim Roy's exposition is that, the Islam which spread in Bengal during the sixteenth century to the to the 18<sup>th</sup> century was "an uncommon paradigm of one religion

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<sup>19</sup> For details see, Richard M. Eaton, n.10.

<sup>20</sup> *ibid.*,pp. 113-134.

containing two great traditions juxtaposed to each other, one exogenous and classical, and the other endogenous and syncretistic.”<sup>21</sup> The Bengali Muslim peasantry emerged almost imperceptibly, going through phases in which indigenous cultural beliefs and practices co-existed freely with exogenous ones of both Islamic and Aryan origin. Contact between the Hindus and the Muslims profoundly influenced both, so that some practices of the Hindus entered into the life of the Muslims and vice versa. Many of the converted Muslims retained their long-inherited manners and customs, social behaviour and even love for Hindu epics. The outsiders had brought with them their food habits, culinary art and dress, but they had to adjust these to the local climate. Such assimilation gave Bengali Muslim society an indigenous temper which made rapprochement between the two religions quite easy and natural. An excellent example of this intermingling is the *Satya-Narayana (in the Hindu household)* or the *Satya- Pir (for the Muslims)* who is revered in both parts of Bengal till this day.

Even literary sources testify to Hindu-Muslim cultural synthesis during this period. Fortunately, the Muslim rulers were tolerant and encouraged the cultivation of local language and literature by patronising Hindu poets and thus some very important books were written in the Sultanate period. As an impact of Muslim rule, many Arabic and Persian words were assimilated into the Bengali language further enriching it.

### **The Colonial Period : Birth Of A Collective Bengali Muslim Identity**

The Battle of Plassey in 1757 ended Muslim rule in the region; within a few years the British assumed direct political and administrative authority of Bengal. Two policies of the British greatly affected the Bengal society- the introduction of the Permanent Settlement Regulations of 1793 and the introduction of Western system of Education.<sup>22</sup>

In order to maximise receipts from land revenue, the Zamindars were made the hereditary proprietors of the land and given a legal status which they did not enjoy under the Mughals. The actual cultivators were converted into ‘ryots’ or tenants without any

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<sup>21</sup> Asim Roy, *The Islamic Syncretistic Tradition in Bengal*, Princeton University Press, Princeton, 1983, p.250.

<sup>22</sup> A.C Banerjee, *History of India*, AMC Publishers, Kolkata, 1981, pp.573-576.

ownership rights such that they could easily be evicted from the land they had cultivated for generations. This new kind of land legislation created tensions around land ownership in the Bengal society as it helped accentuate the processes of differentiation among the Hindus and the Muslims.<sup>23</sup> Since the Zamindar class of Bengal (who had benefited from the legislation) were predominantly Hindus, it created resentment among the poor 'ryots' or tenants, who were generally Muslims occupying the lower rungs of society. The urban population of Bengal comprising of professional and trading classes were also primarily drawn from high caste Hindus such as Brahmanas, Kayasthas and Baidyas. Such **communal division of labour reinforced the different socio-economic identities of the Hindu and Muslim communities of Bengal.**

At the same time, the introduction of English education led to the renaissance and modernization of Hindu society. Hindus readily accepted the study of English and, thereby, came in contact with modern liberal and rationalist ideas of the West which greatly influenced their life and thought. On the other hand, the Muslim attitude to British rule and Western civilization remained largely negative and impractical.<sup>24</sup> By and large, the Bengal Muslim community remained alienated from modern education despite being provided all the educational opportunities by the colonial state, thus greatly thwarting their own economic and social progress. This further entrenched unequal conditions and opportunities among the Muslims, putting the two communities in a position of confrontation with each other.<sup>25</sup>

Again, the idea of Islam and non-Islam as closed systems with definite boundaries was also nurtured by the nineteenth and twentieth century reform movements.<sup>26</sup> The *Shuddhi* and *Sangathan* movements of the Hindus of Upper India and the *Tabligh*, *Wahabi*

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<sup>23</sup> Richard M. Eaton, n.10, pp.261-62.

<sup>24</sup> For details see, Azizul Huque, *History and problems of Muslim Education in Bengal*, Thacker, Spink & Co., Calcutta, 1917.

<sup>25</sup> For details check, Bipan Chandra, *History of Modern India*, Orient Longman, New Delhi, 2009.

<sup>26</sup> See for details on the Islamic revivalist and reform movements, Rafiuddin Ahmed, *The Bengal Muslims 1871-1906: A Quest For Identity*, Oxford University Press, Delhi, 1996, pp.41-46.

,*Faraizi*, and *Tarika-e-Mohammad* movements among the Muslims, such as those represented by Titu Mir and Haji Shariatullah, widened the gulf between the two communities. The *Wahabi* and *Faraizi* leaders brought the syncretistic Bengali Muslims, mainly peasants, into the fold of *shari'a* based, orthodox and puritan Islam. Started by conservative schools of thought, these Islamist movements stressed upon 'purist' Islam and urged the Muslims to give up Sufi practices.

However, the general belief is that **it was the failure of the Indian Revolt of 1857–58 which, not only, Islamized the bulk of the Bengali Muslims, but also, created a strong sense of belonging to an amorphous Muslim community of the subcontinent.**<sup>27</sup> British officialdom, in the last quarter of the nineteenth century, adopted a considerable bias in favour of the Muslim community, partly on the ground of closer sympathy, but more largely as a counter weight against the nationalist agitation of the educated intelligentsia comprising mainly the Hindus. To begin with, the Britishers had blamed the Muslim community for much of the rebellious activity, which the British saw as an attempt to 'restore the authority of the Mughal emperor'. So they preferred the Hindus in giving jobs, etc. and kept Muslims at an arm's length because of their conclusion that Muslim conspiracy was responsible for the revolt. Soon however, they realised the need to look upon the Muslims as 'a large and important class' and made it their political objective to conciliate them. This change in the British attitude towards the Muslims finds reflection in the British official policy towards them from the first half of the 1870s to the 1890s. Starting on the premise of adopting 'some general measures with regard to Muhammedan Education'(Mayo's Resolution of 7<sup>th</sup> August 1871), a situation was reached in 1882 ,when the Hunter Commission categorically stated that 'special classes' needed 'special treatment'. To encourage the Muslims to participate fully in the affairs of the State, the British Government considerably revamped the school curriculum in the 1880s. Special concessions in the form of separate scholarships and stipends, maintenance of their exclusive institutions for the study of their religious literature and appointment of Muslim teachers and inspectors to look after their special interests were

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<sup>27</sup> Amalendu De, *Roots Of Separatism In Nineteenth Century Bengal*, Ratna Prakashan, Calcutta, 1974, pp.22-46.

noted. Ironically, though these steps helped in abridging the Anglo- Muslim gulf, the Hindu – Muslim gulf only further widened.<sup>28</sup>

Further, new land legislations enacted in 1859 ensured the ownership of land for those cultivators who had tilled on the land for twelve consecutive years, and forbade rent hike and unlawful evictions by the Zamindars. These new laws helped the up and coming Muslim cultivator class of Jotedars (rich farmers) and positioned them against the Hindu Zamindars. Incidentally large parts of East Bengal were engulfed by agrarian unrest during this period between the 1870s and the early 1880s, mainly caused by the efforts of the latter to enhance rent beyond legal limits and to prevent tenants from acquiring occupancy rights under Act X of 1859. The Jotedars now placed on an equal footing with the Zamindars challenged their status as tenants and demanded the freedom of property and individual rights in accordance with the possessive quality of the bourgeois law of ownership. The importance of Western education for this new class was not only to ‘earn a living’ but was rather a means of self-assertion against the feudal economic system’. **Consequently, an incipient Muslim middle class emerged in Bengal with the new British policy initiatives.**<sup>29</sup>

The turn of the century witnessed significant developments in the history of Hindu-Muslim relations culminating in the Partition of Bengal in 1905. In fact, it was the partition of 1905 and the formation of the Indian Muslim League in 1906 which significantly increased politico-religious consciousness among the Bengali Muslims in British India. As a large and potentially troublesome territory, Bengal province had attracted the attention of the British government during the latter half of the nineteenth century. The main argument put forward by them was that the territories lying in the eastern section of the province were poorly administered and needed more attention from the Government. Lord Curzon himself toured East Bengal in February 1904 and addressed public meetings at Chittagong, Dhaka and Mymensingh in support of Partition. Curzon declared that Partition would make Dhaka the centre and possibly the capital of a

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<sup>28</sup> Nitish Sengupta, *History of The Bengali Speaking People*, UPS Publishers, New Delhi, pp.295-305.

<sup>29</sup> *ibid.*

new self sufficing administration which would give to the Mohammedans of Eastern Bengal, by reason of their numerical strength and their superior culture, the preponderating voice in the province so created. It would also invest in them with a unity 'which they have not enjoyed since the days of the old Mussalman viceroys and kings.'<sup>30</sup> *Amrit Bazar Patrika* wrote on December 14, 1903 that the Government wished to weaken the Bengali nation by placing it under two administrations. *The Bengali* newspaper described it as a manifestation of the policy of 'divide and rule'.<sup>31</sup>

Soon, however, a clear division of opinion emerged between the educated Muslims and Hindus over the question of partition. With the foundation of the Muslim League in Dakha in 1906 at the initiative of Nawab Salimullah, the Muslim politicians gradually, but firmly, consolidated their power base in the districts of Eastern Bengal. In fact, **it can be reasonably assumed that by the time the Partition of Bengal was annulled in 1911, the Muslims of this region were well on their way towards becoming an integral part of a pan-Indian Muslim community, even though for a relatively brief and uncertain epoch.**

### **United Pakistan and the Bengali Muslim Identity**

A significant development in Bengal society, after the 1920s, was the gradual emergence of a divide between Muslim Bengal politics and the politics of the Hindu 'Bhadralok'.<sup>32</sup> The newly emerging Muslim middle class intelligentsia in Bengal staked their claim to both political power and job opportunities. The Pakistan slogan, slowly but steadily, gained ground. The Muslim League, a small upper-class marginal party in Bengal to start with, was transformed from an elitist party to a mass-based one on account of a variety of

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<sup>30</sup> Speeches by Lord Curzon of Kedleston, Viceroy and Governor General of India, Office of the Superintendent, Government Printing, India, 1904, Volume III, pp. 303-4. Lord Curzon undertook the tour of East Bengal in February 1904 ostensibly with the object of ascertaining public opinion, but his oft-quoted speech at Dhaka betrayed his attempt to woo the Bengali Muslims to support partition.

<sup>31</sup> *The Bengali*, January 15, 1904.

<sup>32</sup> For a detailed discussion on the origins of the Hindu *Bhadralok* of Bengal and their domination of nationalist politics in the province for a considerable period of time see, Joya Chatterji, *Bengal Divided: Hindu Communalism and Partition 1932-1947*, Cambridge University Press, U.K, 1994.



circumstances. Hence it was no surprise, when, in the campaign for the Bengal Assembly elections, the Muslim League made Pakistan the single issue and asked Muslims to vote only for Muslim League candidates to show that the League alone represents the Muslims (even in Bengal). The last nail in the coffin of United Bengal were the communal riots which triggered off with the Great Calcutta killings of August, 1946 and the Noakhali riots in October, the same year. A clear mandate for Partition of Bengal emerged with the Hindu majority provinces voting in favour of staying on in India and the Bengali Muslims wanting independence from India. The *Two Nation theory* had succeeded; the forces of separatism rejoiced, but not for long, as Bengal was soon on its way to a second partition, one which, perhaps, left a deeper scar on the Bengali psyche than the first.

To begin with, **United Pakistan brought an end to the Bengali Muslim nationalism of the yester years and transformed it into secular Bengali nationalism in the second half of the 20<sup>th</sup> century.** The vast cultural, linguistic and ethnic differences between the east and west wings of Pakistan soon became so prominent that religion could no longer bridge the huge gap. Not ready to accept the exploitation of the eastern wing as a colony of the western wing of Pakistan, the bulk of the East Bengali Muslims started distancing themselves from 'communal Islam', showing preference for secular institutions for the sake of their Bengali identity. Bengalis were already disappointed with the location of the capital of United Pakistan in Karachi and the non-inclusion of any Muslim Bengali in the first cabinet. They felt that they were being denied a voice in the governing of Pakistan commensurate with their population. Their grievances were further aggravated when they realised that the nature of policy making being pursued in United Pakistan was fomenting regional imbalance involving a huge transfer of resources from East Pakistan to West Pakistan. Such economic and political factors vitiated the atmosphere to such an extent, wherein any attempt by the West Pakistani elite at cultural assimilation was viewed as a threat to the Bengali Identity.

The first such popular resentment came to the fore, very soon after 1947, centering on the promotion of Bengali language as the National language. Popularly known as the Language Movement, this conflict triggered off in 1948, in the form of a strong verbal protest from a small but determined group of Dacca University students after Jinnah

proclaimed in Dakha that Urdu would be the State language of Pakistan. Urdu was the mother tongue of only 3.27% of the population of Pakistan at that time, while Bangla the language of 56% of the masses.<sup>33</sup> Obviously this decision did not go down well with the East Pakistani middle class who had already been publicly promoting the feelings of Bengali solidarity with an emphasis on Bengali language and culture.

The cultural unity forged by the Language Movement generated a sense of deep rooted nationalism among the East Pakistanis. It became clear that, not only was the appeal of Islam as an integrating force limited, but also it gave rise to sectarian feelings, as the West Pakistanis viewed their East Pakistani co-religionists as inferiors and converts from low caste Hindus.<sup>34</sup> Segmented economic growth primarily due to differential rates of industrialization, the 1965 Indo-Pak war wherein East Pakistan was left defenceless, and the 1970 cyclone which led to the loss of more than one million lives in East Pakistan all together generated a sense of frustration among the East Pakistanis further nullifying the religious bonding between the two regions. The Awami League (which had by then emerged as a result of the Language Movement of 1952) with its firm commitment to secularism, cashed in on this popular resentment and started demanding regional autonomy as a solution to all problems of the Eastern part. The demand eventually culminated in the 1971 War of National Liberation that led to the emergence of the separate independent state of Bangladesh.

### **Islam, Secularism & Bengali Nationalism In Independent Bangladesh (1972-75)**

The Constitution of Independent Bangladesh proclaimed nationalism, socialism, democracy and secularism as the national ideals of the newly formed Republic. The anti-Islamic political mood generated in the wake of the atrocities unleashed by the West Pakistani Junta and the Liberation War, as well as the active involvement of India and

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<sup>33</sup> Immanuel Ness(ed), *The International Encyclopedia of Revolution and Protest*, Wiley-Blackwell Publishing Ltd, UK, 2009, Vol-4, p.345.

<sup>34</sup> Rounaq Jahan, *Pakistan: Failure in National Integration*, Columbia University Press, New York, 1972, pp.22-23.

U.S.S.R in their efforts to liberate their nation, encouraged the rulers of the new nation to prohibit the use of religion for political purposes and project their cherished homeland as a secular state.

The Original Constitution, drafted in 1972, indicated the means by which this was to be established. Article 12 of the Constitution specified that the principle of secularism would be realised by the elimination of –

- Communalism in all forms ;
- Granting by the State of political status in favour of any religion;
- Abuse of religion for political purposes;
- Any discrimination against, or persecution of, persons practicing a particular religion.

Article 38 provided for freedom to form associations but also mentioned that ‘no person shall have the right to form, or to be a member, or otherwise take part in the activities of, any communal or other association or union which in the name or on the basis of any religion has for its object, or pursues, a political purpose.’ The Constitution also prohibited the operation of a number of political parties which had striven to establish Islam in Bangladesh. Article 41 stated that every citizen had ‘the right to profess, practice or propagate any religion’, and that no person ‘attending any educational institution shall be required to receive religious instruction’.<sup>35</sup>

In order to implement the principle of secularism, during the initial years, all school textbooks were revised; Islamic stories in the primary and secondary school textbooks removed; all Islamic names of public places were changed; the tradition of initiating public gatherings or ceremonies with a recitation from the Holy *Qur’an* was eliminated; even the radio and television station openings had to stop the reciting from the *Qur’an*.<sup>36</sup>

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<sup>35</sup> See, The Constitution of the People’s Republic of Bangladesh available at [http://bdlaws.minlaw.gov.bd/print\\_sections\\_all.php?id=367](http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=367)

<sup>36</sup> The researcher had a detailed discussion on this with Prof. Muntassir Mamoon, Dept. of History, Dhaka University, Dhaka on 21/4/2015.

By virtue of Article 12 ,the new regime also prohibited any religious activities that had a religious agenda.

But, within a short span of time, it became clear that although Bangladesh was constitutionally secularized, the deep-seated Islamic culture of the society had not been altered. In fact, the popularity of Islamic sentiment among the general masses can be gauged from the fact that about 75 per cent of the people even then were in favour of having religious education as an integral part of general education.<sup>37</sup> In another survey, it was found that 50.6 per cent and 62.1 per cent of rural and urban respondents respectively held orthodox Islamic beliefs.<sup>38</sup> Soon Bangladeshis started openly criticizing the government's secularization programs. Many people felt that, in the name of secularism, the regime was particularly hostile to Islam rather than to all religions in Bangladesh. As Hashmi observes, "not a single Hindu, Christian, or Buddhist organization having religious identity or name was affected by the Awami League Government's secularization programme"<sup>39</sup> during this period. Besides, the abysmal failure of the Mujib Government to alleviate poverty and restore law and order eventually led to rapid disillusionment among the general masses with the new political order. Failure of the welfare state forced a large section of the underdogs to cling to Islam either as a means to escape from the harsh reality or to achieve their cherished Golden Bengal through piety, Islamic justice and egalitarianism.<sup>40</sup> The Government, too busy in consolidating power and dealing with the disastrous state of the economy, also found little time to develop and pursue a programme of educating the masses to legitimise the adoption of secularism as a state principle. Secularism came to be discredited as increased dependence on India and suppression of Islam, offending the masses in general.

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<sup>37</sup> U.A.B Razia-Akhter Banu, no.7, pp.85-87.

<sup>38</sup> Syed Serajul Islam, 'Islam in Bangladesh: A Dichotomy of Bengali and Muslim Identities', *Islamic Quarterly*, UK, Vol.41(3), 1997, p.224.

<sup>39</sup> Taj-ul Islam Hashmi, "Islam in Bangladesh Politics" in Hussain Mutalib and Tajul Islam Hashmi (eds.), *Islam, Muslims and the Modern State : Case Study of Muslims in Thirteen Countries*, Macmillan Press Ltd., London, 1994, p.121.

<sup>40</sup> Hashmi, n. 9, p.45.

## **The Political About-Turn –Trend under the Military Regimes**

A steady decline in the Mujib Government's popularity soon sealed the fate of secularism in this newly born nation. After Mujib's death, it was just a matter of time before secularism was removed from among the basic principles of State policy (6<sup>th</sup> Constitutional Amendment, 1979) and Islam, declared the State religion of Bangladesh (8<sup>th</sup> Constitutional Amendment, 1988). Religion again gained primacy, profoundly affecting the consensus essential to an effective national identity and the successful functioning of new-born democratic state.

We need to remember here that Sheikh Mujibur Rahman himself initiated the change in drift by declaring Islam to be 'the favoured religion of the vast majority of the population in Bangladesh' and that 'no law will be formulated or enforced in Bangladesh contrary to the laws of Islam well stabilised in the Holy *Qur'an* and *Sunnah*.'<sup>41</sup> A general amnesty was granted by Mujib for all politicians who collaborated with the Pakistani army during the 1971 liberation war. Mujib even participated in the Summit of Organization of Islamic Conference held in Lahore, Pakistan, in 1975 to garner the support of the Muslim world. Such contradictory acts of the Mujib government only added to the prevailing identity confusion of the newly formed state.

However, **the 'politics of Islam' flourished best in Bangladesh only after the disappearance of the basic liberal democratic tenets from Bangladesh polity with the coups and counter coups and military-cum-civilian politicians grabbing power in 1975.** The military rulers of Bangladesh found in religion their safest constituency to ensure their legitimacy, survival and longevity. After Mujib, the next leader, Major General Ziaur Rahman (1976-1981) was quickly able to gauge the power of religion in securing political as well as popular gains. Clearly Zia's vision of national identity contrasted sharply to the secular, socialist, statist, pan-Bengali national vision that the Awami League had brought with it in 1972. Zia defined Bangladesh by territory and religion, rather than the primordial definition, based on language and culture. In his estimation, the principles and provisions of the 1972 Constitution had aggrieved a lot of

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<sup>41</sup> Partha S. Ghosh, 'Bangladesh at the Crossroads, Religion and Politics', *Asian Survey*, Vol.33(7), July 1993, p.700.

people in Bangladesh and in April 1977 the Martial Law Administration sought to win these people over by amending Article 6 of the 1972 Constitution which described the citizens of Bangladesh as '*Bangalees*'. As such, the new term '*Bangladeshi*' was coined to replace '*Bangalee*'; the idea being to distinguish between the Bengalis in Bangladesh and the Bengalis in India. Zia, also, personally popularized the term '*Bangladesh Zindabad*' instead of '*Joi Bangla*', the latter being deemed as un-Islamic and rather ambiguous.<sup>42</sup>

The Bangladesh Nationalist Party (1978) clearly stated in its *Ghoshonapatra* (manifesto) that 'religious belief and love for religion are great and imperishable characteristics of the Bangladesh nation' and hence, Secularism was dropped from the Preamble in 1977 and replaced with '*faith in the almighty Allah*'. The invocation '*Bismillah-ir-Rahaman-ir-Rahim*' was inserted above the Preamble to the Constitution. Article 12 which defined what secularism meant in practice was repealed. A new clause was added to Article 25 declaring the intention of the state to stabilize, preserve and strengthen fraternal ties with Muslim states on the basis of Islamic solidarity. The regime also declared all Islamic parties legal and attempts were made to propagate the principles of *Sharia* and to introduce *Aazan* through radio and television five times a day. Such overt pro-Islamic stances adopted by the Zia regime led to the resurgence of Islam based politics in the country. Five Islam based political parties- Muslim League, the Islamic Democratic League, Khilafat-i-Rabbani, Nizam-i-Islam and the Jama'at, banned during the Mujib regime because of their role during the Bangladesh liberation war, resurfaced during General Zia's tenure. Again, as part of his strategy to widen and consolidate his support base, Zia granted permission to all these parties to function openly to counter Bengali nationalist and leftist parties. Thus, Zia's actions were bound to take a heavy toll on secularism and they quite clearly did so.

Efforts to Islamize Bangladesh continued with renewed vigour under General Hossain Mohammad Ershad (1982-1990). Ershad had seized power from President Abdus Sattar through a bloodless coup; to overcome his legitimacy crisis and to widen and consolidate his support base among the masses, he, too, resorted to Islam. The new regime's stand on

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<sup>42</sup> M.Rashiduzzaman, 'Islam, Muslim Identity and Nationalism in Bangladesh', *Journal Of South Asian and Middle Eastern Studies*, Vol.28, 1994, p.38.

the issue was clear. “Islam being the religion of the majority of the population will be given the highest place in the country’s future constitution and Islamic provisions will be included wherever necessary.”<sup>43</sup> Another interesting deviation from the fundamentals of liberal democracy at this juncture was the declaration of Islam as the State religion by the Eighth Amendment to the Constitution (June 1988), though with the proviso that other religions might also be practiced in peace and harmony in the Republic. The Ershad government also adopted an education policy in which the study of Arabic and Islamiat was made compulsory from grade one.<sup>44</sup> The Government also introduced an Islamic 'Zakat Fund' (poor fund) headed by the President himself, and an Islamic banking system of creditor-debtor partnership was substituted for interests on credit, and equal sharing of profit was instituted. Religious seminaries were set up in many mosques, *madrassah* teachers were granted special privileges and a programme to set up Islamic missions in all the 460 upazilas was announced. In 1986, Ershad called for the building of a mosque-based society in Bangladesh.<sup>45</sup> In sum, the political role of Islam reached its greatest heights during the eight and a half years of Ershad’s rule. At the constitutional level, Islam was deemed the most important component of national identity, but significantly, the regime refrained from an outright declaration of Bangladesh as an Islamic republic.

The death knell for the Ershad regime was sounded soon after the Presidential elections of 1986 in which the General had been proclaimed the winner. Opposition parties like the AL challenged the legitimacy of the electoral process and joined hands with the BNP and other Islamist groups in a concerted effort to oust the Ershad regime. This ‘joining of hands’ itself granted these Islamist groups a greater degree of legitimacy in the nation’s political scenario. Bangladesh’s educated classes also played a key role in the anti-Ershad movement as teachers, journalists, and doctors went on strike – further paralyzing activity in Bangladesh. Ershad finally agreed to resign as President on 6<sup>th</sup> December, 1990. A new government was formed in February 1991 under Begum Khaleda Zia (widow of President Ziaur Rahman). By this time, however, the cluster of fundamentalist

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<sup>43</sup> *Bangladesh Observer*, January 15, 1983.

<sup>44</sup> Government of Bangladesh, *Ministry of Education Report*, ‘Education Suitable to Nation’, November 1982, p.2.

<sup>45</sup> Hiranmay Karlekar, *Bangladesh, The Next Afghanistan?*, Sage Publications, New Delhi, 2005, p.53.

organisations had succeeded in becoming a formidable political force in Bangladesh. Flush with funds from Pakistan and Saudi Arabia, these hard core Islamist groups started spreading their tentacles deep into Bangladesh's countryside by setting up *madrassahs* for children and *Shariat* courts, the latter being particularly harsh on women, driving many to suicide by issuing arbitrary and inhuman *fatwas*.<sup>46</sup> These *madrassahs* whose number stood at 2386 in 1978 reached over 2700 in 1988.<sup>47</sup> Such Islamic educational centres offered very narrow religious curriculum, in contrast to state run schools, focussing on Quranic teachings and, very soon, they became the breeding ground for hardline fundamentalists.

### **Electoral Arithmetic and Islamic Resurgence – Post 1991**

Unfortunately electoral arithmetic has always compelled all parties in Bangladesh to appeal to the religious sentiments of the general masses for garnering votes. To begin with, Khaleda's BNP could not secure an absolute majority of seats in the *Jatiya Sangsad* in the 1991 election and therefore had to form a coalition with the *Jamaat-i-Islami*, which had 18 parliamentary seats to form the government. Consequently, electoral compulsions prohibited Khaleda from taking any steps displeasing to the *Jama'at*; in fact, certain incidents during Khaleda's tenure and her Government's inept handling of them only made apparent the shrinking of liberal democratic space in the so called 'democratic' nation. Most importantly, the Tasleema Nasrin case and the Golam Azam issue, both highlighted the dwindling fortunes of rationalism, secularism and democracy on the one hand and the rise of religious bigotry and fundamentalism within the country on the other.

The case of Tasleema Nasrin, a feminist writer from Bangladesh, first came to light in the year 1993. In February that year, Nasrin published her novel *Lajja* or *Shame* which recounted the tale of a Hindu family being persecuted by Muslims in alleged retaliation for the 1992 destruction of the Babri Masjid in a neighbouring country by Hindu

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<sup>46</sup> *ibid.*, p.53.

<sup>47</sup> See testimony of Samina Ahmed (South Asia Project Director, International to US Senate Foreign Relations Committee Hearing on 'Combating Terrorism through Education- The Near East and South Asian Experience', Washington D.C at <http://www.iacfpa.org/pnews/nit/iacpa-archieve/2005/04/29/cap-icgl-29042005.html>.



fundamentalists. Nasrin's book immediately sparked a controversy. Religious hardliners issued a fatwa<sup>48</sup> that accused Nasrin of blasphemy and conspiracy against Islam. In early 1994 the *Sirat Majlish*, widely known in Bangladesh as a frontal organisation of the *Jama'at* also declared that it would give US\$2500 to anyone who killed Nasrin. (The amount promised is a large sum in a country with a per capita GDP of less than US\$240.) To top it all, in 1994 even the Khaleda Zia Government charged her of blasphemy for her controversial comments on Islam and ordered her arrest. Nasrin was forced to flee Bangladesh.<sup>49</sup>

However, it was the Golam Azam issue which really brought out into the open the growing conflict of interests between the the secular, democratic forces with Leftist leanings on the one hand and the fundamentalist Islamist organisations on the other. The first salvo was fired, so to speak, by the *Jamaat-i-Islami*, when it elected Golam Azam as its Ameer on 29<sup>th</sup> December, 1991. Azam, an alleged collaborator with the Pakistani army during the Liberation War of 1971 and without a valid Bangladeshi citizenship, had emerged as a power broker after the 1991 election. Consequently, the main opposition party, the Awami League and a coalition of secular and liberal groups launched a vigorous campaign against Azam and his claim to Bangladeshi citizenship. The Khaleda government, bound by its political compulsions, openly opposed this movement. It filed sedition charges against the leaders and activists of the movement hoping to restrain them. However faced with mass discontent and also the pressure of opposition parties within the National Parliament, the Government had to send Azam to jail for his technical violation of a law which prohibited the operation of a political party by a person with no valid Bangladeshi citizenship.<sup>50</sup> Needless to say, the cacophony of pro-Azam and anti-

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<sup>48</sup> According to the dictionary of Islam, a fatwa is a decree or a formal legal judgement based on the *Qur'an* and *hadith*. In Islamic legal parlance, it refers to a clarification of an ambiguous judicial point by a *mufti* or a jurist trained in Islamic law. The dispensation of fatwa is ostensibly guided by established procedural rules and conventions. (In the case of Bangladesh however, many of the fatwas issued are not underpinned by any of the established procedural rules and conventions.) Source: Ian Richard Netton, *A Popular Dictionary of Islam*, Humanities Press International, Atlantic Highlands, N.J, 1992.

<sup>49</sup> For details, see S.M Shamsul Alam, 'Women in the Era of Modernity and Islamic Fundamentalism: The case Of Taslima Nasrin of Bangladesh', *Signs*, Vol.23(2), Winter 1998, pp.429-461.

<sup>50</sup> Hiranmay Karlekar, n.45, p.55.

Azam campaign brought out into the open the confused and truncated character of Bangladeshi society and the challenge religious radicalism posed to this liberal democratic polity.

Finally, the BNP Government's submissiveness towards fundamentalist forces further became clear when Begum Zia was forced to cancel her visit to Cairo to attend the UN-sponsored World Population Conference beginning on 5<sup>th</sup> September, 1994. Her decision followed harsh criticism of the conference by some Islamic clerics and groups holding birth control to be against Islam and alleging that the conference aimed at 'exterminating Muslims'.<sup>51</sup> Such actions only emboldened the fundamentalist Islamist clerics and politicians trying to forcibly recast Bangladesh's society according to their views and served to increase the persecution of women, NGOs and social workers involved in female education, family planning and women's income generation programmes.<sup>52</sup> Intolerance towards the minorities increased, specially the demand to declare the Ahmaddiyas, non-Muslims or *kafirs* for their un-Islamic practices gained momentum. Such efforts were partially successful when, during Khaleda's second term in power, the Government did impose a ban on all Ahmadiya publications<sup>53</sup>. The Government also systematically failed to denounce, investigate, prosecute or punish the guilty, thus boosting the confidence of the religious extremists who were issuing *fatwas* that were a direct incitement to violence. Quite naturally, all this does not augur well for Bangladesh democracy since the ability of the State to guarantee the basic fundamental rights granted by the Constitution itself becomes a subject of renewed scrutiny.

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<sup>51</sup> 'Khaleda Gives In To Radicals, Avoids Population Meet', *The Asian Age*, New Delhi, August 28, 1994.

<sup>52</sup> The period between 1993-1995 saw a spate of fatwas being issued against the use of contraceptives (June & Nov 1993), against families sending children to BRAC schools (Jan & Feb 1995) against adultery and also against women involved in income generation pgms. See instances in Zahirul Huq, 'Bangladeshe Moulabadi Kirti: Matha Mudiye, Jooto Mere Narishikshar Shaja', *Aajkaal*, Kolkata, March 27, 1994; 'Fatwa Against 13 year old Girl', *The Hindu*, New Delhi, June 30, 1994.

<sup>53</sup> Sreeradha Datta, 'Bangladesh and Religious Extremism', *Asian Journal on Terrorism and Internal Conflicts-Aakrosh*, Vol. 9(32), July 2006, pp.66-67.

Ironically, the next time round, that is in 1996, it was Awami League's turn to '*sup with the Jama'at*'.<sup>54</sup> The Awami League (the party of liberation), led by Sheikh Hasina Wajed, has always been straddled between secularism and the *Allah*-fearing citizens of Bangladesh. Despite her leftist and secularist leanings (being Mujib's daughter), Hasina realised quite early, the strength of Islam as a social force in Bangladesh. The 1991 electoral verdict had proved beyond doubt that simply secularism or '*Bangalee nationalism*' as an ideology would not get the required number of votes; '*Political Islam*' was a force to be reckoned with in the changed circumstances. As such, to secure the support of religious voters, Hasina started using Islamic symbols in her election campaign. She appealed to the masses with many examples from Islamic history and even performed her *Al-haj* just before the election to boost her Islamic credentials. In 2006, the Awami League signed a MOU with Bangladesh Khelafat Majlish(BKM) favouring *Shariah*, '*Blasphemy Law*' and 'qualified' mullahs' *right to issue fatwa* in its bid to overthrow the BNP led coalition government out of power.<sup>55</sup> Likewise, despite its proclaimed adherence to a secular ideology, the Awami League (on the eve of the 2001 elections) promised that it would oppose any legislation that runs contrary to *Sharia*. Unfortunately, such contradictory posturing only served to strengthen the fundamentalists vis-à-vis the secularists and further polarise the already divided nature of Bangladesh society. Interestingly, no measures were initially taken to eliminate the Islamic forces or bring back secularism as one of the state principles after the Awami League's return to power in 2008.<sup>56</sup>

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<sup>54</sup> Hiranmay Karlekar, n.45, p.55.

<sup>55</sup> For details of the Awami League-Bangladesh Khelafat Majlish deal, see 'Party faces protest from within; allies threaten to split unless pact scrapped', *The Daily Star*, December 25, 2006. Also see, 'What a pact with Khelafat-e-Majlish', *The Daily Star Editorial*, December 25, 2006.

<sup>56</sup> The situation has changed since then. Sheikh Hasina's Awami League led ruling alliance secured the passage of the Fifteenth Amendment Bill by the Bangladesh Parliament on 30<sup>th</sup> June, 2011 which restored Secularism as one of the fundamental State principles, but also retained Islam as the State religion. This return to secularism has been discussed in a later section of this chapter.

## **Birds Of The Same Feather –Jama’at, ICS,IOJ, HuJIB and Others**

On 29<sup>th</sup> July 1994, nearly 70,000 heavily armed fundamentalists staged a march through Dhaka, organized by the then newly constituted *Sammilita Sangram Parishad* (United Struggle Council) of thirteen fundamentalist organizations demanding the death of writer, Tasleema Nasrin, Bangladesh’s leading poet, Shamsur Rahman, National Professor Kabir Chowdhury and intellectual Ahmed Sharif, on the grounds that they were against Islam.<sup>57</sup> While this open show of strength by Islamic fundamentalists in Bangladesh was the first of its kind, it also was a sign of the changing tide; a foreboding for the years to follow. The military rulers’ policy of employing Islam for political gains had already created a favourable environment for Islam based parties (especially the *Jama’at* was able to restructure their organisational branches), but the final process of rehabilitation was enabled by the short sighted policies of the much touted popular democratic Governments of the country.

To begin with, the *Jama’at*, the largest religious party in Bangladesh, resurfaced as a legitimate and important player in the country’s politics only in 1991 with the first free multi-party elections held that year.(Refer Table. 3.1) Prior to that, the party had been banned during the Mujib regime for its anti-national stance during the Liberation War. At that time, it had collaborated with the Pakistani forces in its operations against Bengali nationalists, intellectuals and minority Hindus. Many of its leaders and activists had participated as paramilitary forces who were later implicated for their war crimes, such as mass murder (especially of Hindus), rape and also forced conversions of Hindus to Islam. The party was able to secure the formal stamp of approval only during the Zia regime when it took part in the farcical elections that bestowed legitimacy upon the military ruler. However when the political mood went against the continuation of military rule, *Jama’at* quickly switched sides and joined mainstream parties in demanding restoration of democracy.

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<sup>57</sup> Zahirul Huq, ‘Bangladesh:70 Hajar Moulabadi Long Marche’(Bangladesh: 70,000 fundamentalists on the long march), *Aajkaal*, Kolkata, July 1, 1995.

**TABLE 3.1**

**Electoral Fortunes Of the Jamaat (1991-2008)<sup>58</sup>**

<b>General Elections</b>	<b>% Votes</b>	<b>Polled Seats</b>	<b>Role Adopted</b>
<b>1991</b>	<b>12.1</b>	<b>18</b>	Became a key player in the formation of Govt.
<b>1996</b>	<b>8.61</b>	<b>03</b>	
<b>2001</b>	<b>4.62</b>	<b>18</b>	Holds the important portfolios of Agriculture, Industries and Social Welfare in the Govt.
<b>2008</b>	<b>4.55</b>	<b>02</b>	Part of a four party alliance with BNP, Islami Oikyo Jote and Bangladesh Jatiya Party.

Table compiled with help from several sources like Democracy Assessment Report on Bangladesh at <http://www.idea.int/publications/sod/upload/Bangladesh.pdf>; News Report by Syeed Ahaamed and Mashuqur Rahman, 'Getting The Math Right', The Daily Star, January 12, 2009.

Interestingly, democracy though it demanded for the time, the *Jama'at* continues to propagate that its ultimate aim is to establish Islamic rule in Bangladesh. In fact, electoral arithmetic belies *Jama'at's* growing influence in Bangladeshi society. In the party's scheme of things, capturing political power is less important than making Bangladesh an Islamist State *Jama'at's* website as accessed on 27<sup>th</sup> November 2013 clearly states in its subsection *Aamader Parichiti* (Information About Us) that *Jama'at is not merely a religious, political, cultural or social party. Its ultimate objective is the establishment of the Islamic system in all spheres of life. Since this objective cannot be realised without acquiring political power, hence Jama'at donned a political garb. It calls for the establishment of the sovereignty of Allah in all fields of human existence and proclaims itself as the vanguard of the Islamic movement in Bangladesh.*<sup>59</sup> One can therefore clearly gauge how the inclusion of such a party in the government, post 2001, not only encouraged the resurgence of other more extreme Islamic fundamentalist groups and individuals, but also signalled at the changing nature of Bangladeshi society and its increasing shift towards religious conservatism. Many members of these newly emerging radical outfits like the *Jamaat-Ul-Mujahideen Bangladesh (JMB)* and *Jagrata Muslim*

<sup>58</sup> The Table interestingly reveals a steady decline in the popular support for Jamaat reflected in the percentage of votes it has been able to secure since 1991.

<sup>59</sup> Jamaat's objectives and programmes are available on <http://jamaat-e-islami.org/aboutus.php>.

*Janata Bangladesh* (JMJB) were invariably found to be cadres of the *Islami Chhatra Shibir* (ICS), the student wing of the ruling *Jamaat-e-Islami*. Such unbroken linkages with a partner of the ruling coalition immensely helped the outfits not just in terms of unhindered growth but also in terms of providing relief in the event of intermittent official action.

The International Crisis Group in its October 2006 report on Bangladesh clearly stated that fundamentalism is on the rise in Bangladesh. “A creeping process of Islamisation is indeed underway; some of it being channelled deliberately by political organisations with long term agendas to transform Bangladesh into a strict Islamic State.”<sup>60</sup> Among the other religious parties and clandestine fundamental organisations which gained prominence in the period post 2001, were the *Islami Chhatra Shibir*(ICS), *Islami Oikyo Jote* (IOJ), *Harkat –Ul-Jihad-al-Islami*(HuJI), *Jamaat-Ul-Mujahideen Bangladesh*(JMB), *Jagrata Muslim Janata Bangladesh*(JMJB), *Hizbut Tauhid* and *Allahr Dal*. In fact, The Daily Star, a popular Bangladeshi newspaper identified that there are as many as thirty militant groups active in Bangladesh whose main aim is to turn Bangladesh into an Islamic State through *Jihad*. Their activities involve bomb/grenade attacks, propaganda, networking and abduction for ransom and such others.<sup>61</sup> These groups, it was clear posed a threat not only, to the existing democracy in Bangladesh, but also, to the other countries of the region.

If we take the case of the **Jamaat-Ul-Mujahideen Bangladesh (JMB)**, it is an extremist organisation that seeks to change the very political structure of Bangladesh, remove its democratic trappings and replace it with a theological form of government which follows the *Sharia* system of law. Its ideology is heavily guided by the writings of Abul Wahab and Ibn Tamiyyah, and adheres to the salafi understanding of Islam.<sup>62</sup>The followers of JMB propagate *Jihad*, which is essentially a violent method as it believes in the idea of an arms revolution, to attain their goal of an Islamic State. It is assumed that the JMB started

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<sup>60</sup> Jere Van Dyk, ‘Islamic Fundamentalism in South Asia’, *Of Interest*, Vol. 1, 2007, pp.1-34.

<sup>61</sup> Zohra Akhter, ‘Terrorism: A New Framework For Analysis’, *Bliss Journal*, Vol. 31(1), January 2010, p.47.

<sup>62</sup> The followers of Wahabism(1703-1792) are also known as Salafis. The Salafis argue that they have learned Islam from Hazrat Mohammad, therefore their interpretation is based on pure understanding of Islam.

its journey in Bangladesh in April 1998 under the leadership of Shaikh Abdur Rahman with the sole objective of establishing Islamic rule in the country by tackling the “near enemy” – proponents of democracy in Bangladesh – who were deemed far more important than the “far enemy”, the U.S. and its allies. The organisation grew quickly, building on discontent within existing Islamist organisations. Its golden age was between 1998 and 2003 when it was able to grow from 2001 to 2005 with either passive disinterest, or sometimes active support, from top officials of the Bangladesh National Party (BNP) Government. Virtually unnoticed by intelligence and security agencies, it recruited and trained, raised funds, ran operations and mobilised members without interruption across the north and in selected southern districts such as Chittagong, Jessore and Khulna.<sup>63</sup> It cooperated with the government in wiping out the threat of the *sarbahara*, leftist militant groups operating in Bangladesh. Adopting the name *Jagrata Muslim Janata Bangladesh* (JMJB or Awakened Muslim People of Bangladesh), it unleashed a violent month long campaign that included public beheadings and beatings of local Maoists, Hindus, Christians and political opponents.<sup>64</sup> Its existence came to surface only in May 2002 when police arrested eight JMB members at Parbatipur in Dinajpur district along with twenty five petrol bombs and documents detailing the outfit’s activities. However it was only after the serial bomb blasts across the country in 2005, when it detonated around 500 bombs in 63 out of 64 districts of Bangladesh, that the people and society at large became aware of the activities of this group. Between 2000 and 2005, the JMB members exploded more than a thousand bombs and killed at least 64 civilians and injured many more.<sup>65</sup> (See Table 3.2)

Again, the case of **JMJB( Jagrata Muslim Janata Bangladesh)** is not much different; in fact, it is said to be an outgrowth of the JMB. This radical Islamic outfit has also explicitly stated on more than one occasion that it does not subscribe to the prevailing political system in Bangladesh and seeks to "build a society based on the Islamic model laid out in Holy *Qur'an-Hadith*." It follows the ideals of the Taliban militia and seeks to usher in an ‘Islamic revolution’ in Bangladesh through *Jihad*. In most of the violence

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<sup>63</sup> For details see International Crisis Group Asia Report No.187, dated March 1,2010 at [http://www.crisisgroup.org/~media/Files/asia/southasia/bangladesh/187\\_the\\_threat\\_from\\_jam\\_aat\\_ul\\_mujahideen\\_bangladesh.pdf](http://www.crisisgroup.org/~media/Files/asia/southasia/bangladesh/187_the_threat_from_jam_aat_ul_mujahideen_bangladesh.pdf)

<sup>64</sup> ‘Trail of terror attacks’, *The Daily Star*, March 31, 2007.

<sup>65</sup> Zohra Akhter, n.61, p.49.

scripted out in Bangladesh during this period (1998-2005), both JMB and JMJB activists were involved as both shared similar views on Islam and society. (See Table 3.2)

**TABLE 3.2**

**Trail of Violence by the JMB and the JMJB (2002-2005)**

<b>Year</b>	<b>Violent Incidents</b>	<b>No. Killed and Injured</b>
2002	Bomb blasts in Cinema halls, Circus in Satkhira  Cinema halls in Mymensingh	More than 100 injured  19 killed and more than 100 injured
2003	7 Bomb explosions in the Choto Gurgola area of Dinajpur town Bombing at Sufi Shrine, Tangail Murder of Chistiya Shrine Employees	3 wounded  A number of people were killed and injured. 5 killed
2004	Attack on Prof. Humayun Azad at the Ekushey Book Fair  Bomb blast at Jatra stages in various districts including Gaibandha, Bogra, Sherpur, Tangail and Rajshahi	Grievously injured, died a few months later.
2005	Serial bomb blasts in 63 of the 64 districts in the country.500 bombs were detonated at 300 locations across Bangladesh within a span of 30 minutes.  Bomb blasts at Chittagong, Chandpur, and Lakshmipur Courts. Blast at Jhalakathi.  Bomb blast at the office of the district lawyers association in the court building, Gazipur. Blast at a Chittagong court.  Blast in front of an office of culturalorganization,Udichi,Netrokona.	2 killed and 104 injured    2 killed and several injured.  10 killed and many injured.  8 killed and many more injured.

Table compiled with help from several sources like the South Asia Terrorism Portal, Newspaper Reports of *The Daily Star*, *Prothom Alo* and a few others.



A look at Table 3.2 reveals that in most of the cases entertainment venues like cinema halls, circus or open air theatricals or musicals were targeted as they were considered anti-Islamic and spoiling the character of Bangladeshi society. Courts, DC offices, Press clubs were also targeted as these reflected Bangladesh's secular image and were therefore impediments in the way to establish *Allah's law or Islamic law* in the country. Respected literary figures like film-makers, playwrights, poets, writers and civil activists were often singled out for their outspokenness and modern or secular views; the aim was to silence any opposition to obscurantism as being promoted by fundamentalist Islam. NGOs like BRAC (Bangladesh Rural Advancement Committee), Grameen Bank, Caritas<sup>66</sup> were also targeted for allegedly 'spoiling women and plotting to control the country'<sup>67</sup>.

The **Islami Chhatra Shibir**(ICS), the youth wing of the *Jama'at*, is another outfit which has been quite vocal about Bangladesh's 'wild decadence' blaming it on an immoral system of education derived from the West and the mindsets promoted by a so-called democratic and secular culture.<sup>68</sup> It is one of the strongest student fronts in the Universities of Chittagong, Dhaka, Rajshahi and Jahangirnagar. It has also emerged as a dominant group in the Khulna and Sylhet Universities. Within the vast *madrassah* structure in Bangladesh, the ICS is reported to be a dominant and uncontested organisation. On its website,<sup>69</sup> it clearly states that its main aim is to earn the satisfaction of the Allah through a recasting of the total life of man along the way given by Allah and shown by the Prophet (*Rasul*). It seeks to mount a comprehensive effort to bring about an Islamic revolution to liberate humanity from economic exploitation, political repression and cultural slavery. The Shibir regards modelling and beauty contests as part of a conspiracy to destroy the youth and as 'an ugly and primeval trade'. It rejects modern

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<sup>66</sup> All these are Non-governmental organisations working in Bangladesh for improving the lot of the rural poor and marginalized sections of the society in diverse ways. At the same time, they work to ensure ecological sustainability and decent livelihood along with capacity building in disaster management.

<sup>67</sup> 'Two more JMJB men held', *The Daily Star*, February 17, 2005.

<sup>68</sup> Karlekar, n.45, p.141.

<sup>69</sup> Check, <http://shibir.org.bd/>

science as represented by Darwin's theory of evolution; calls for gender segregation and seeks to recast the entire system of education (as it prevails today) on the foundation of Islam. In short, it may be said that the Shibir is opposed to the forces of modernization, secularism and democracy.

Another radical Islamist outfit, the **Islami Oikyo Jote** (IOJ), first became known to the public as a smaller partner of the four party Coalition Government which assumed power in October 2001 and through which Begum Khaleda Zia became prime minister for the second time of Bangladesh. The IOJ has always been ideologically more radical, having previously expressed solidarity with the Taliban regime in Afghanistan and also talks about building up an Islamic state just like the *Jama'at*.

Finally, the most important component of Bangladesh's *jihadi infrastructure* is the **Harkat- ul- Jihad-al- Islami (HuJIB)** which has strong ties with the *Jama'at*, the ICS, the Islami Oikyo Jote and the Al Qaeda. It is believed to have been founded as an offshoot of a Pakistani group in 1992 with money and support from suspected global terrorist mastermind Osama bin Laden. Western intelligence officials believe a certain Fazlul Rahman, who signed bin Laden's February 23, 1998, declaration of '*holy war*' on the US on behalf of the Jihad Movement in Bangladesh is an associate of the now independent group.<sup>70</sup> The HuJIB's mission is to establish Islamic rule in Bangladesh and its supporters frequently raise the slogan –*Aamra sobai hobo Taliban/ Bangla hobey Afghanistan* (We will become Talibans/ Bangladesh would become Afghanistan).<sup>71</sup> Since 1999, HuJIB militants have been connected to various attacks, like those on Bangladesh's legendary poet and outspoken secular icon Shamsur Rahman, the stabbing of a journalist in July 2000, an abortive attempt to assassinate Prime Minister Sheikh Hasina, the attack on the US Center in Kolkata and numerous rallies against Indian security forces in Kashmir.<sup>72</sup> (See Table 3.3, next page)

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<sup>70</sup> Bertil Lintner, 'A Cocoon Of Terror', Far Eastern Economic Review, April 4, 2002.

<sup>71</sup> Karlekar, n.45, p. 167.

<sup>72</sup> Ali Riaz and C. Christine Fair(ed), 'Political Islam and Governance in Bangladesh', Taylor and Francis, U.S.A, 2010, p.72.

**TABLE 3.3**

**Trail of Violence by theHuJIB (1999-2005)**

<b>Year</b>	<b>Violent Incidents</b>
1999	Poet and secular icon Shamsur Rahman attacked Investigations revealed that the attempt was a part of campaign to eliminate 28 Bangladeshi intellectuals for their secular outlook and opposition to fundamentalist Islam.
2000	Two attempts to kill Sheikh Hasina foiled. Murder of a journalist Shamsur Rahman.
2001	Bomb blast at Dhaka on 14 <sup>th</sup> April,2001 during the Bengali New Year celebrations. 10 killed and more than 100 wounded. Explosion at a Roman Catholic Church at Baniachang at Gopalganj while the morning mass was in progress.10 killed and more than 24 injured.
2002	Attack on police personnel in front of the American Center, Kolkata. 5 killed, Over 20 injured.
2003	Two civilians murdered near the Basundhara Project.
2004	Grenade attack on the Awami League rally at Derai in Sunamganj in June. August 21, 2004 grenade attack on the Awami League rally at Dhaka with the intent of killing the AL President Sheikh Hasina. 23 AL activists killed. Grenade attack inSylhet on the British High Commissioner.Bomb attacks on Sylhet City Mayor Badar Uddin Ahmed Kamran and former Awami League lawmaker Syeda Zebunnesa Haque.

Data compiled with help from several sources like the South Asia Terrorism Portal, Newspaper Reports of *The Daily Star*, *Prothom Alo* and a few others.

According to the survey *Bangladesh Assessment 2003*, in the South Asia Terrorism Portal maintained by the Institute of Conflict Management, the outfit reportedly has around 15,000 members (of whom 2000 are hardcore) devoted to this mission.<sup>73</sup> An International

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<sup>73</sup> Karlekar, n.45, p. 167.

Crisis Group Report quoting a U.S State Department source asserts that the HuJIB has at least six military training camps in Bangladesh and its members are recruited from both local residents and foreigners.<sup>74</sup> The outfit has primarily two sections. The activists of the *jihad* section are those who train HuJIB activists to prepare them for the jihad in the country and also assist Muslims fighting anywhere in the world. The *dawat* and *irshad*<sup>75</sup> sections publish and distribute books and leaflets, organize seminars and conferences to motivate the public and build up a climate in their favour. The HuJIB is also known to have enjoyed the patronage of mainstream political parties such as the BNP, IOJ and the Jamaat and these political linkages have allowed them to indulge in extreme violence and still get away with it. HuJIB began receding into the background following the uproar over the killing of five and wounding of over 20 policemen in front of the American Center in Kolkata on 22<sup>nd</sup> January, 2002. The U.S.A declared HuJIB a terrorist organisation in May, the same year. However, it took the Bangladesh Government two more years and the August 2005 bombings to finally crackdown on the outfit's activities on Bangladeshi soil. The Khaleda Zia Government finally banned the HuJIB on 17<sup>th</sup> October, 2005.

One of the latest additions to this group is the **Hefazat-e-Islam**. Formed in 2010 by the teachers of more than a hundred *Quomi madrassahs* at Chittagong, to protest against the secular education policy of the Bangladesh government, this group shot to the limelight with its current crusade against the Hasina government and the country's secular forces. Its founder Allama Ahmed Shafi, who had always kept himself and his organisation away from party politics, even of the Islamic kind, was traditionally anti *Jama'at*.<sup>76</sup> However strangely enough, he and his Hathazari *madrassah* soon formed the bulwark of the latest crusade against the Government and its secularist policies.

The Hefajat leaders reject Sheikh Mujib's enunciation of the Bangladeshi identity issue, which he had spelt out on 10<sup>th</sup> January, 1972, in his first speech delivered on his return to

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<sup>74</sup> Bertil Lintner, n.70, p.77.

<sup>75</sup> These two form part of the non-military wing of the organisation and are mainly responsible for motivating people to adopt a pure way of life in conformity with Quranic teachings.

<sup>76</sup> Manas Ghosh, 'Bengali ethos and the battle for secularism', *The Statesman*, May 22, 2013.

the country. Rejecting the Bengali content of the Bangladeshi identity, the Hefajat claims that a Muslim, irrespective of the nationality he espouses, will always be a Muslim first and last.<sup>77</sup> The Hefajati threat, post Shahbagh, has indeed taken Bangladesh by surprise. In fact, the communal frenzy unleashed by the Hefazat's *madrassah* students and the *Jama'at* cadres in 2013 was an eye-opener as it became clear that they are indeed a potential political force in the country at the moment. The group carried out a concerted campaign that sought to create a halo around convicted *Jama'at* leaders and publicly vilify the protestors at Shahbagh as 'atheists out to discredit Islam'.<sup>78</sup>

On 5<sup>th</sup> May, 2013, the Hefajat organised a rally and a day long siege of Dhaka to highlight their 'Thirteen Point Demand'. Even previous to that, the group, on 6<sup>th</sup> April, 2013 had organized a long march towards the Motijheel area in Dhaka from Chittagong, Sylhet and Rajshahi to push for their Thirteen-point demand. Their demands include-

- Restore the phrase 'Complete faith and trust in the Almighty Allah' in the Constitution and repeal all the laws contrary to the *Qur'an* and *Sunnah*.
- Pass a law in Parliament keeping a provision of the maximum punishment of death sentence to prevent defaming *Allah*, the Islamic prophet Muhammad and Islam.
- Take measures for stringent punishment against self-declared atheists and bloggers, who led the so-called Shahbagh movement, and anti-Islamists who made derogatory remarks against Muhammad.
- Stop infiltration of all alien-culture, including free mingling of men and women and candle light vigils.
- Make Islamic education mandatory from primary to higher secondary levels and cancel the anti-Islamic women policy and anti-religion education policy.
- Officially declare Qadianis (Ahmadiyyas) as non-Muslims and stop their propaganda and all conspiratorial ill-moves.

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<sup>77</sup> *ibid.*

<sup>78</sup> The War Crimes Trials and the Shahbagh protests have been discussed in a later section of this chapter.

- Stop setting up sculptures at intersections, schools, colleges and universities across the country.
- Lift restriction on saying payers in all mosques across the country, including Baitul Mukarram National Mosque and remove obstacles to carrying out religious activities.
- Stop evil efforts to spread hatred in the mind of young generation regarding Islam through the misrepresentation of religious dresses and cultures in the media.
- Stop anti-Islam activities by NGOs across the country, including in the Chittagong Hill Tracts, and evil attempts of Christian missionaries for conversion.
- Stop attacks, mass killing, oppression and indiscriminate shooting on *Alem-Ulama* (devout followers of Muhammad) and *towhidi janata* (revolutionary people).
- Stop threatening teachers and students of *Quomi madrassah*, Islamic scholars, imams and khatibs and conspiracies against them.
- Free immediately all the arrested Islamic scholars, *madrassah* students and *towhidi janata* and withdraw all false cases filed against them, compensate the victims and bring the assailants to justice.

The sheer number of Hefajat protestors put the Hasina government on the backfoot. A moderate estimate is that an amount of Taka 85 crores has already been spent by the Hefajat on organising its ‘long march’ and demonstrations.<sup>79</sup> According to intelligence agency reports, the organisation has received handsome donations from expatriates in the Middle East and Saudi Arabia to organise its activities. With general elections around the corner in Bangladesh(in 2014), the Hasina Government, apparently in a bid to satisfy the Islamic right, tried to meet at least some of the demands of the group and arrested four bloggers for making "derogatory comments" against the Prophet Muhammad and also promised that they would be punished if found guilty.<sup>80</sup> Despite violent clashes between the security forces and the demonstrators, the Hasina Government remained somewhat

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<sup>79</sup> ‘Tk0.85bn spent on Hefazat rally’, *Dhaka Tribune*, April 9, 2013.

<sup>80</sup> ‘Violence on the streets’, *The Economist*, May 7, 2013.

ambivalent on the issue, probably keeping the religious composition of the country and its electoral compulsions in mind.

Finally, a brief mention must be made of the **Ansarullah Bangla Team** which has been making the headlines lately with attacks and murders of so-called ‘aethist’ bloggers, significantly Ahmed Rajib Haider, Asif Mohiuddin, Avijit Roy, Oyasiqur Rahman, Ananta Bijoy Das, one after another. The group also claimed responsibility for the murder of Rajshahi University Sociology Professor AKM Shafiul Islam in November 2014, for banning students from wearing the full-face veil in his class room and examination hall.<sup>81</sup> ABT has been claimed by police to be linked to Islami Chhatra Shibir, the student wing of Jamaat-e-Islami party and was officially banned by the Bangladesh Ministry of Home Affairs on 25<sup>th</sup> May 2015.

### **The Jihadi Influx-The Reasons Why**

Maulana Ubaidul Haq, the chief cleric of Baitul Mukarram National Mosque in Dhaka, while preaching to hundreds of thousands of people (including cabinet ministers) on the eve of the Eid-ul-Fitr festival in December 2001 condemned the U.S war on terrorism and called for a jihad against the Americans. He publicly proclaimed that President Bush and America are the ‘most heinous terrorists in the world’ and also declared that ‘the Americans will be washed away if Bangladesh’s 120 million Muslims spit on them.’<sup>82</sup> The implications of such an open challenge are grave and threatening both for the nation and the region.

Since the tragic events of 11 September 2001, media and political analysts have constantly paid enormous attention to a de-territorialized, supranational, uprooted activism conducted in the name of Islam. Undoubtedly this transnational movement dominates the mind of international security experts; however it is generally accepted that impacts of international events notwithstanding, the growing strengths of Islamists are actually shaped by specific national particularities and they are largely products of the

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<sup>81</sup> ‘Bangladesh outlaws Islamist militant group Ansarullah Bangla Team’, bdnews24.com, May 25, 2015 available at <http://bdnews24.com/>

<sup>82</sup> Bertil Lintner, n.70, p.16.

political culture and society of a given country. This phenomenon Ali Riaz describes as the “nationalization of Islamism.”<sup>83</sup>

The obvious questions that come to mind, at this point, are: *what factors have made it possible for the Islamic fundamentalists, who had been pushed out of the public space during the Bangladesh liberation war and soon after it, to stage such a major comeback at the national level? What can possibly explain such a fundamentalist deviation of Bangladesh; a deviation that threatens to erode its moderate face and one that robs the nation of its spirit of tolerance and its intellectual vibrancy, the two cardinal principles that dominated the liberation war and the following democratization process?*

We begin with a look into the external dimension of this fundamentalist deviation. In other words, it is often said that the bid to revive Islamic fundamentalism in Bangladesh actually began abroad. A number of charities from the Middle East and Persian Gulf countries, particularly the *Al-Jamiyat-ul-Ahyah-assaurah al-Islami* (Revival Of Islamic Heritage Society) and *Al-Jamiyat-ul-Ahya-assunnah* (Society for the Revival of the Sunnah of the Prophet) are suspected of providing funds to the Jamaat and the cluster of fundamentalist organizations allied with it or spawned by it. The Islami Bank, Rabita al-‘Alam al-Islami (an important Saudi Arabian NGO) and Al-Arafa Bank, it is believed, are a major source of fund supply for many of the Jamaat’s activities.<sup>84</sup> Again the HuJIB receives financial assistance from Pakistan, Saudi Arabia and Afghanistan through NGOs in Bangladesh including Adarsha Kutir, Al Faruk Islamic Foundation and Hataddin.<sup>85</sup> Investigations reveal that tens of millions of taka are channelled into Bangladesh every year to fund fanatics and politically motivated clerics whose dream is to turn Bangladesh into a theocratic Islamist state. In fact, in 2005, Prof. Abu Sayeed, former State Minister of Information in Sheikh Hasina’s Government, claimed that Islamist groups

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<sup>83</sup> Ali Riaz, ‘God willing-The Politics and Ideology of Islamism in Bangladesh’, *Comparative Studies of South Asia, Africa and the Middle East*, Vol.23, no.1&2,2003, pp.301-320.

<sup>84</sup> For details see ‘Other Islamic Parties and Militant Groups in Bangladesh’ at <http://commonwealth.sas.ac.uk/sites/default/files/files/Publications/Section3.pdf>; Also see, Karlekar, n.45, p.156.

<sup>85</sup> K.P.S Gill, ‘Bangladesh: A Lengthening Shadow Of Terror’, in *Islamist Extremism & Terrorism in South Asia*, January 2004, South Asia Terrorism Portal, [www.satp.org/satporgtp/kpsgill/2003/chapter10.htm](http://www.satp.org/satporgtp/kpsgill/2003/chapter10.htm)



mushrooming in the country had a net annual income of Taka 5 billion to realise their cherished dream.<sup>86</sup> It is this huge flow of funds from Saudi Arabia and other West Asian countries, as well as Pakistan, coupled with active patronage from the State which enabled these outfits to grow to a point wherein, by 1994, they could not only take on the secular and modernist forces in the streets, but also, issue death threats to writers and intellectuals, impose their anti-woman and obscurantist social and judicial codes in the countryside, and brutally assault social workers and the staff of NGOs with impunity.<sup>87</sup>

Since, much of this financial support comes in the name of funding Islamic education, it is imperative that any attempt at understanding the possible radicalisation of Bangladesh take, at the least, a cursory glance at the growth of *madrassah* education in the country over the last few decades. It is generally believed that the radicals' ranks are being swelled by graduates from an estimated 64,000 *madrassahs* (religious seminaries) which have mushroomed in Bangladesh over the past two decades (the number was roughly 4,100 in 1986) and are described by many as 'potential political time bombs'.<sup>88</sup> The inability of the State to provide basic primary and secondary education in the rural areas works in favour of the *madrassahs* which have a better network in these areas. With 31.3 per cent of an estimated population of 152,518,015 below the age of 14,<sup>89</sup> even an annual Government expenditure of 14.1 per cent on education<sup>90</sup> (expressed as a percentage of total government expenditure for all sectors in a given financial year) is insufficient to meet the ever growing demands on it. And it is exactly this void which the *madrassahs* have sought to fill in a country where basic education is available only to a few. According to a recent estimate, more than 6 million Bangladeshi students attend *madrassahs* every year and the number is constantly increasing. Over the past two decades, the numbers of students registered in junior and higher grade *madrassahs* have

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<sup>86</sup> 'Cops seize books from Abu Sayeed's house', *The Daily Star*, February 19, 2005.

<sup>87</sup> Karlekar, n.45, p.58.

<sup>88</sup> Bertil Lintner, n.70, p.15.

<sup>89</sup> Data Source: [http://en.wikipedia.org/wiki/Demographics\\_of\\_Bangladesh](http://en.wikipedia.org/wiki/Demographics_of_Bangladesh) accessed November 12, 2013.

<sup>90</sup> Data Source: Public Spending On Education, (total percentage of government expenditure) available at <http://data.worldbank.org/indicator/SE.XPD.TOTL.GB.ZS> accessed November 12, 2013.

recorded an increase by 818% as against 317% growth of pupils in ordinary secondary schools.<sup>91</sup> Not only this, while the government spends Taka 3000 per year per secondary student, the *madrassahs* spend more than Taka 5000.<sup>92</sup>

The *Madrassah Education System* is more prominent among the rural poor of Bangladesh as it provides a framework for the construction of cultural identities compared to other forms of formal education. This system focuses mainly on religious education and comprises of State regulated or sponsored *Aliya madrassahs* and private *Quomi madrassahs*. The *Aliya madrassahs* are funded by the state and the curriculum content is regulated by the Madrassah Education Board. They teach Science, History, Agriculture, Biology, English and Bangla in addition to religious texts. On the other hand, the *Quomi madrassahs* are unregistered private institutions. Before the government recognized the system in 2006, these *Quomi madrassahs* had little or no association with the government and were solely supported by religious endowments or donations, and contributions from individuals or local and international Islamic organizations. Their main focus is on providing religious instruction and they still largely follow the medieval-inspired *Dars Nizami* syllabus.<sup>93</sup> They mainly serve a low-quality market composed of lakhs of impoverished rural children and are very resistant to change. Pass outs from these *madrassahs* are poorly equipped to enter mainstream life and professions and employment is generally restricted to the *madrassah* system or its affiliated activities.<sup>94</sup> Driven by a radical world view and saddled with more or less permanent unemployment, the students of these *Quomi madrassahs* are easily lured by motivated quarters who capitalize on religious sentiment to create militants and fanatics rather than modern Muslims. *Madrassahs* have therefore been blamed for fomenting extremism in Bangladesh and are believed to play an important role in the training and recruitment of militants in the country.

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<sup>91</sup> News Report, *The Daily Star*, February, 2010.

<sup>92</sup> Abul Barkat, *Bangladeshe Moulabader Arthaniti (The Economics Of Fundamentalism in Bangladesh)*, Jatiya Sahitya Prakashani, Dhaka, 2005, p.13.

<sup>93</sup> A study curriculum used in traditional Islamic institutions known as Dar'ul Uloom, supposed to have originated as an Indian sub-continental phenomena.

<sup>94</sup> 'Market Solutions for Qawmi madrasas', *The Daily Star*, January 25<sup>th</sup>, 2009.

In addition to this *madrassah* factor, it is the specific dynamics of domestic politics in Bangladesh that has allowed the pre-eminence of Islamic forces in the country, and their success in the electoral process. As pointed out earlier, the secular political parties have always found in religion their safest constituency to ensure their legitimacy, survival and longevity. The two major parties, BNP and AL, were quick to recognise the utility and value of religious parties and their conservative agenda in furthering their larger political agenda of winning elections. Though these religious parties generally win not more than a handful of seats, the transfer of a definite percentage of votes (4%-8%) give the mainstream parties a distinct advantage over their rivals.<sup>95</sup> Besides being relatively disciplined cadre based parties, their effective organisational network in all the districts of Bangladesh also makes them extremely attractive as partners at the time of elections. As a result, the *Jama'at* has been able to emerge as the queenmaker in the country's politics; the general perception being that joining hands with the party can ensure a safe passage to the *Jatiya Sangsad*.

On its part, the *Jama'at* has also benefited immensely by being a part of the BNP alliance. As part of the Coalition government, the party was able to promote its agenda in religious as well as non-religious matters. Two instances of the power and pressure it wielded on the government may be cited here.

1. It was, with the tacit support of the *Jama'at*, that on 29<sup>th</sup> July 1994, nearly 70,000 heavily armed fundamentalists were able to stage a march through the main streets of Dhaka and demand the death of Taslima Nasreen, Shamsur Rahman and also the banning of the leading Bengali daily *Janakantha* on the ground that they were against Islam. Interestingly, the then BNP government, instead of adopting a tough stance submitted to the fundamentalists' demand by arresting Toab Khan and Borhan Ahmad, Advisory Editor and Executive Editor respectively of *Janakantha*, for allegedly having offended the religious sentiments of the people.<sup>96</sup>

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<sup>95</sup> The researcher was able to speak to Prof. Imtiaz Ahmed, Dept. of International Relations, Dhaka University, Bangladesh on this issue on 16/12/13 on the sidelines of the ORF Discussion (on Democracy in Bangladesh) in Kolkata.

<sup>96</sup> 'Police Case Against Janakantha, Toab Khan, Another Sent to Jail', *The Daily Star*, June 9, 1994.

2. During the investigations into the murder of Professor Mohammad Yunus, a highly respected academic of Rajshahi University, the police virtually stopped probing after preliminary probes revealed that one of the killers was an activist of the ICS, the youth wing of the *Jama'at*.<sup>97</sup>

Again, besides politics, the *Jama'at* is actively engaged in numerous social welfare activities such as primary education, rural health care, rural economy and women and child welfare issues. In 2005, it even sought permission to open a bank that would provide loan facilities to its rural electorate. None of the other political parties can claim similar welfare activities primarily aimed at the impoverished, underprivileged, less educated rural masses.

It is simple electoral arithmetic which prevents the BNP from abandoning the *Jama'at*. Similarly *the Jama'at's* presence in the government encourages radical Islamist groups to enjoy and benefit from the protection and patronage of the establishment. Despite BNP not being a fundamentalist Islamist party, the personal animosity between Sheikh Hasina and Begum Khaleda Zia and the abhorrent prospect of Awami League returning to power, has always made the party blind to the fundamentalist threat to the country's democratic structure. In pursuit of its electoral interests, the Khaleda Zia Government (time and again) adopted various intimidatory tactics reflecting its apparent lackadaisical attitude towards the threat from religious fundamentalism. Here are some examples:

- November 2001, noted journalist Shahriar Kabir was arrested for visiting India to document the plight of Hindu refugees who had fled Bangladesh following the October violence.<sup>98</sup>
- November 2001, journalists linked to the reporting carried out by a TV crew from Britain's *Channel 4* on the political situation in Bangladesh arrested and accused of activities against the state and participation in an international conspiracy. The police went so far as to torture some of them during interrogation, including noted

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<sup>97</sup> 'Prof Yunus Murder Probe Stalled after Shibir Link Found', *The Daily Star*, March 20, 2005.

<sup>98</sup> 'Shahriar Kabir cleared of sedition charges', *The Daily Star*, October 25, 2008.

'Reporters Without Borders' correspondent Saleem Samad who was charged with sedition and conspiracy.<sup>99</sup>

- April 2002, the Honkong based Far Eastern Economic Review carried a story by Bertil Lintner that highlighted religious extremism in Bangladesh. The government retaliated by ordering the confiscation of the offending issue.<sup>100</sup>
- An article exposing militant activities in Chittagong resulted in a mob attack against the Bengali language daily *Prothom Alo* in August 2004.
- Open incitement against journalists critical of the Islamic militancy has been ignored by the governmental authorities. For instance, Jamaat-e- Islami MP Maulana Delwar Hussein Sayeedi issued a warning in March, 2002, "The blood of journalists who cannot tell the difference between Muslims and Islamists should be analysed to see if they are true Muslims."

For a long time, the Khaleda Government (2001-2006) even tried to deny the very existence of militant Islamic organisations (besides the *Jama'at*) in this fragile democratic polity. The Government dismissed reports of the JMJB.'s vigilante violence as a figment of the media's imagination. Responding to the U.S listing of HuJI-B as a terrorist group, Bangladesh's Foreign Minister Moshed Khan said that he had not seen "such activity [terrorism] in Bangladesh. ... The way Bangladesh is being painted with the same brush time and again it seems that it is a conspiracy and an orchestrated campaign by some vested quarters."<sup>101</sup> It was however, the vicious grenade attack of 21<sup>st</sup> August, 2004 on an Awami League rally leading to a death toll of 22 and injuries to over 200 that made it amply clear to the whole world that, the presence of fundamentalist elements in the country and in the government was no longer a matter of speculation.

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<sup>99</sup> For details, see Reporters Without Borders Annual Report 2003-Bangladesh available at <http://www.refworld.org/docid/46e69148a.html>

<sup>100</sup> Taj I. Hashmi, 'Failure of the Welfare State: Islamic Resurgence and Political Legitimacy in Bangladesh' in Shahram Akbarzadeh and Abdullah Saeed (ed), *Islam and Political Legitimacy*, Routledge Curzon, London and New York, July, 2013, p.120.

<sup>101</sup> Sudha Ramchandran, *The Threat of Islamic Extremism to Bangladesh* posted in Terrorism, Asia at <http://www.worldsecuritynetwork.com/Terrorism-Asia/Ramachandran-Sudha/The-Threat-of-Islamic-Extremism-to-Bangladesh> accessed on 20/4/2014

Even though the *Jama'at* was not directly involved in those attacks, its mere inclusion in the Coalition Government served as a catalyst for the radical Islamist groups who felt that they could act with impunity under the then government. Not only that, the links between terror outfits and sections of the government also sent out a strong signal to the local police to refrain from apprehending those who were engaging in gun-running and violence. What was apparent was that the 'soft state' of Bangladesh with its ineffective governance and inefficient police force had become an ideal base for fundamentalist Islamist organizations with their highly organized, trained and armed cadres. The latter, through the skilful use of governmental machinery, enjoyed a great deal of latitude in the society and almost seemed to be above the law. Such spread of Islamist orthodoxy, it can be contended, was a direct challenge to the country's civil society, democratic governance and social, cultural and intellectual life.

### **War Crime Convictions- Attempt at Credibility/Identity Restoration?**

One of the main platforms of the Awami League's 2008 election manifesto was the reinstatement of the International Crimes Tribunal (ICT) to punish those accused of committing human rights atrocities during Bangladesh's war for independence in 1971. Previous governments had avoided prosecuting 1971 war crimes perpetrators, fearing unanticipated repercussions. Soon after coming to power, in late 2008, the Hasina government decided to revise the Constitution, making null and void all constitutional actions introduced since the military coup of Husain Muhammad Ershad in 1982, and also set up the war crimes tribunal in 2010. Presented as attempts to complete the 'unfinished revolution' of 1971 and introduce necessary constitutional reforms (this dramatic motion mandated that Bangladesh revert back to the 1974 constitution) to secure Bangladesh's fragile democracy, both these actions, though fraught with high risks, became possible only because of the Awami League's commanding majority in Parliament.<sup>102</sup>

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<sup>102</sup> The Awami League led grand alliance had won 263 out of 300 elected seats in the 2008 elections.

Holding the trials promised both emotional and political dividends for the Awami League. Firstly, it could justify the party's claim to be the only 'party of liberation', having led Bangladesh to independence in 1971 and secondly, it could drive a wedge through the opposition coalition, where *Jama'at* is the junior partner with the much-larger Bangladesh Nationalist Party (BNP). Besides there was, and still is, overwhelming popular support for holding the ICT-2 trials and for addressing the traumatic events of a war of independence that left countless victims, a shattered national consensus, and undelivered justice. The only risk came from possible violence, which a well-organised party with a youth cadre of fanatical followers could unleash. And a bigger threat from reopening these old wounds was to the country's long term stability.

Right from the outset, the severely flawed procedural framework of these trials and the absence of any meaningful outreach for national reconciliation made the process extremely divisive and exposed dangerous fault lines in Bangladeshi society. While supporters of Sheikh Hasina view the reinstatement of the International Crimes Tribunal as a principled move, the Opposition argues that holding the trials is merely a way for the ruling party to label its political opponents as unpatriotic or even traitors. Seemingly little effort has been given to establish a procedural structure in line with international practice. The international human rights community has raised questions about the impartiality of the tribunal's proceedings as there have been allegations of collusion between prosecutors and judges. One of the Chief Justices of the ICT-II, Justice Nizamul Huq, resigned in December 2012 following media leaks of Skype conversations in which he admitted to being under strong pressure from the government to convict the defendants quickly.<sup>103</sup> Again, not only, has the court accepted uncorroborated single-witness testimony and uncorroborated single-witness hearsay as basis for conviction but also, the tribunal has been selective in its choice of defendants. The list of accused includes no one from the ruling Awami League party but almost the entire *Jama'at* leadership is on the dock. In fact, the U.S.-based non-governmental organization Human Rights Watch criticized the Tribunal, pointing out that it has been compromised by a strong judicial

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<sup>103</sup> 'Bangladesh War Crimes Chief Judge Resigns over Hacked Calls,' *Dawn.com*, December 11, 2012, available at <http://dawn.com/news/770583/bangladesh-war-crimes-chief-judge-resigns-over-hacked-calls> accessed on 23/4/2014.

bias toward the prosecution.<sup>104</sup>The Amnesty International too, has also called for Bangladesh to overturn all war-crime death sentences given in 2013.<sup>105</sup>

The war crimes trials have, not only, turned into an impassioned political fight between the Hasina Government and the Opposition, but also, led to a renewed national debate on sharply opposed narratives of national identity. **Islam and secularism, once again, are being increasingly presented as competing ideological norms, threatening to render incapable the functioning of a democratic Constitution.** With their backs to the wall, *Jama'at* and its allies have sounded the old alarm bell again, claiming Islam itself is under attack. The trials are being branded as attacks on Islam and Muslims. A few lakh Islamists gathered at Dhaka to give an ultimatum to the Hasina-led government that if their demand for a stringent blasphemy law to punish those who insult Islam and the Prophet was not met within three weeks, they would lay siege to Dhaka. The organisers of this congregation were under the aegis of *Hefajat-e-Islam*, a powerful orthodox outfit which has presented a long list of demands before the government and is actively countering the popular movement by Bangladeshi liberals pressing for death sentences for war criminals.<sup>106</sup>

The latest fundamentalist upsurge is actually a reaction to the libertarian and anti-Pakistan Shahbagh upheaval that began on 5<sup>th</sup> February, 2013, with the verdict of the ICT-II which awarded a life sentence for *Jamaat-e-Islami* leader Abdul Quader Mollah, popularly known as the 'Butcher of Bengalis', for his role in the mass murders during the Liberation War of 1971. Amid *Jama'at's* countrywide hartals and threats of anarchy, the ICT-2 found the 65 year old Mollah, who was once the leader of the Islami Chhatra Sangha (the then student wing of *Jama'at*) guilty of five war-time criminal offences. The same tribunal had, earlier on January 21<sup>st</sup>, 2013 given death sentence to expelled *Jama'at*

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<sup>104</sup> News Report, 'Bangladesh: Government Backtracks On Rights', *Human Rights Watch*, February 1, 2013 available at <http://www.hrw.org/news/2013/02/01/bangladesh-government-backtracks-rights> accessed on 23/4/2014.

<sup>105</sup> News Report, 'Bangladesh must overturn all death sentences', *Amnesty International*, October 1, 2013 available at <http://www.amnesty.org/en/news/bangladesh-mp-war-crimes-death-penalty-2013-10-01> accessed on 24/4/2014.

<sup>106</sup> 'Bangladesh seethes with anger', *The Statesman*, April 13, 2013. The list of demands has been discussed earlier in considerable detail.



member Abul Kalam Azad, also known as Bachchu Razakar, for genocide and murder. Most people had expected the same death penalty for Mollah on charges of rape, murder and torture and hence scores of young Bangladeshis took to the streets to ventilate their anger and frustration over the verdict. Hundreds of students, activists and ordinary citizens blocked the Shahbagh intersection, one of Dhaka's busiest intersections, demanding death penalty for all war criminals and a ban on *Jamaat-e Islaami*, many of whose leaders had sided with the Pakistan army in perpetrating some horrendous atrocities during the 1971 Liberation war. Bloggers and Activist Network initiated the protest by organising a human chain in front of the National Museum, Dhaka. The air was festive, though with an underlying sense of determination, as the swelling crowds thronged Shahbagh with a single cry "*Phaanshi Chaayi*" (We want him to be hanged).<sup>107</sup>

In response to such tremendous public pressure, the Hasina Government passed amendments to the act governing the conduct of trials at the ICT in the Jatiya Sangsad which enabled the prosecution to appeal the decision and plead for the sentence to be revised to death.<sup>108</sup> Following this, on 17<sup>th</sup> September 2013, the Appellate Division of the Supreme Court overturned Mollah's life sentence issued by the ICT and sentenced him to death. Abdul Quader Mollah was finally executed on 11<sup>th</sup> December, 2013. He was the first person to be executed for crimes committed during the Bangladesh Liberation War, amid *Jama'at* threats to avenge his death and United Nations Human Rights Council (UNHRC) concerns about the credibility and fairness of the trial leading to the Islamist leader's execution.

Without delving into the UNHRC concerns, it can be fairly said that the War Crimes trials have unleashed certain opposing forces in Bangladesh which both threaten to bolster as well as threaten its fragile democratic structure. On the one hand, the 'silent

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<sup>107</sup> Eyewitnesses' account of the Shahbagh movement in Dhaka. During my field trip to Bangladesh in April 2015, I got the opportunity to talk to several sections of the society about this people's protest. Every interaction was highly personal and emotional as most of the interviewees had actively participated and identified themselves with the movement.

<sup>108</sup> The amendment allowed the Government, complainant or informant to appeal an order of acquittal or order of sentencing by the ICT. See, 'Amendment of International Crimes Tribunal Act of 1973', *The Bangladesh Trial Observer*, March 7, 2013.

majority' of Bangladesh have finally spoken at Shahbagh; they have finally broken their silence to put forward a six point demand, that was delivered on 21<sup>st</sup> February, 2013 coinciding with the International Mother Language Day that recognises those 'who fought for their right to speak' in Bangla in 1952. The six demands included<sup>109</sup> –

- Within seven days, the killers of martyrs killed at the hands of *Jama'at-Shibir* will have to be arrested.
- Legal processes must be initiated to ban *Jamaat-Shibir* as a war criminal organisation, which opposed the freedom of Bangladesh and led mass genocides.
- With no further delay, an independent investigative committee need to be established to identify *Jamaat-Shibir*'s funding organisations and bring them under legal process.
- The International war crimes tribunal be given a permanent set up to ensure continued momentum of the judiciary process.
- To ensure safety of the general public, the enforcers of law and order should immediately arrest terrorists, root out their hideouts and publish facts about their reign of terror in both national and international media.
- Steps must be taken against media outlets protecting war criminals and instigating fundamentalism.

The protestors who staged a round the clock sit-in at Shahbagh were not simply vying for death sentences of 'rajakars' or war criminals. They were essentially targeting the political structure of Bangladesh. They were demanding the end of religious identity politics in Bangladesh. Lurking behind this popular upsurge was the natural desire to bring to book the culprits of yesteryears who had been moving around with impunity and counter the wave of Islamist fanaticism; in short, to 'seek justice for a better tomorrow'<sup>110</sup>.

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<sup>109</sup> Nadine S. Murshid, 'The Shahbagh Uprising – War Crimes and Forgiveness', *Economic and Political Weekly*, Vol.XLVIII, no.10, March 2013,p.13.

<sup>110</sup> Indrani Bagchi, 'Bangla seeks justice for a better tomorrow', *The Times Of India*, February 18, 2013.

To counter the demands, the *Jama'at* and *Shibir* issued death threats against the protestors (one of the leading organizers of the Shahbagh protest, a 35 year old architect and blogger Rajib Haider was hacked to death on 15<sup>th</sup> Feb, 2013)<sup>111</sup> and even warned that they would use suicide bombers to uproot the 'atheists' at Shahbagh. Newly formed '12 Like Minded Islamic Parties' backed by *Jama'at*, took to the street in the capital Dhaka turning it into a virtual battlefield. Journalists were attacked, shops and vehicles were damaged or torched; the overall death toll from the violence unleashed soon touched the 200 mark. The Hefajat-e-Islam even threatened to cut off Dhaka from the rest of the country on April 30<sup>th</sup> in protest against the actions of the atheist protestors at Shahbagh. Full page ads in newspapers called upon Muslims to kill atheist freedom fighters like Muntassir Mamoon and Shahriar Kabir.<sup>112</sup> In sum, strikes and violence unleashed by the Islamists, for days on end, crippled life throughout the country. The fundamentalists got a boost with Ershad's Jatiyo party and Begum Khaleda's BNP expressing their open support for the campaign.

The Hasina Government has apparently adopted a tough stance towards the Islamists and also expressed support and sympathy with the protestors at Shahbagh. On the eve of *Poila Baishakh*, the Bengali New Year (seen by right wing Islamists as anti-Islamic practice), Hasina vowed to maintain the nation's secular character. She also declared that Bangladesh will be run in 'keeping with the spirit of the Madinah Charter of our beloved Prophet Mohammad' that charted out principles of religious harmony and co-existence.<sup>113</sup> As mentioned earlier, the Government amended the war crimes law to allow the State to appeal any verdict it deemed inadequate and out of step with public opinion. In an interview with the BBC, Hasina firmly rejected the demand for a new anti-blasphemy law as demanded by the Hefajat-e-Islam claiming Bangladesh to be a 'secular democracy' and her party as the champion of secularism.<sup>114</sup> Yet, despite all these claims, the Government's subtle hint to the Shahbagh activists to go slow signified a steady

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<sup>111</sup> 'Bangla on boil over atheist bloggers', *The Times Of India*, February 23, 2013.

<sup>112</sup> Manas Ghosh, n.76.

<sup>113</sup> News Report, 'Hasina vows to maintain nation's secular character', *The Times of India*, April 15, 2013.

<sup>114</sup> Haroon Habib, 'Sheikh Hasina rejects call for blasphemy law', *The Hindu*, April 8, 2013.

climbdown from its initial aggressive posturing on the issue. The AL logic is/was simple; it cannot afford to antagonise the small but significant section of the population who constitute the votebank of the hardline Islamic parties. With the Shahbagh movement slowly on the wane, Hasina was quick to perfect her balancing act lest religious hardliners got the better of forward thinking people and liberals. Not only did the government arrest a few ‘atheist bloggers’ on charges of defaming Islam and the Prophet (fuelling the fear that the government might after all be bowing down to the fundamentalists’ pressure), but also has, since then, maintained a somewhat ambivalent attitude even with regard to the brutal murders of bloggers in the last few months. The Government has a “fine line” to tread and everyone in the government these days must be careful to avoid being slurred as ‘atheists’.<sup>115</sup> Pathetically, that is the truth in this young nation. The constant and desperate struggle of Bangladesh’s politicians to stay in power at all costs has induced a kind of distraction verging on blindness and these blogger deaths may be counted as among the latest casualties of the war being waged between the democratic rights, fundamental freedoms and religious radicalism within the national frontiers.

### **On Banning The Jamaat**

The conscience of the people of Bangladesh stirred after 42 years. According to political and social analysts, Shahbagh symbolised that reawakening of the masses. Overwhelmingly they demanded that the war criminals of 1971 be hanged and *Jama’at* which had opposed the creation of Bangladesh and had abetted the war crimes be banned. After all, they claimed, the Constitution of the Bangladesh *Jamaat-e-Islami* does not conform to that of the State. Whereas Article 8(1) of the Constitution of the People’s Republic of Bangladesh states that ‘the principles of nationalism, socialism, democracy and secularism, together with the principles derived from those shall constitute the

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<sup>115</sup> Sheikh Hasina’s son, Sajeeb Wazed, seemed to concede as much. For details, check exclusive interview ‘Widow of slain US-Bangladeshi blogger lashes out at Dhaka’, Reuters, May 11, 2015 available at <http://www.reuters.com/article/2015/05/11/us-usa-bangladesh-assassination-exclusiv idUSKBN0NW04S20150511>. In the case of his own mother Prime Minister Hasina, Wazed said, she is simply too busy with the country’s political disorder to pay much attention to the bloggers being butchered.

fundamental principles of State policy’, the charter of the *Jama’at* (as amended in 2008) rules out the provision of socialism and secularism and aims at putting in place the rule of Islam. On this ground, a writ petition was filed in 2009, by a little known religious group—the Tariqat Federation, against the Election Commission for not scrapping the registration of this unconstitutional party. The petition claimed that *Jama’at* in principle does not recognize people as the source of all powers, nor does it accept the undisputed power of the people’s representatives to make laws; it acknowledges the absolute power of God and thereby violates the constitution. As such, the Tariqat Federation claimed that the registration of such a communal outfit as a political party contradicts the very spirit of the Representation of People Order (RPO). Based on this premise, in a landmark judgement in August 2013, the Bangladesh High Court deregistered the Islamic fundamentalist party, thereby banning it from participating in future elections.<sup>116</sup> The *Jama’at* can, however, still carry on with its other political activities. Besides, if it amends its charter, to bring it in conformity with the constitution and reapplies for registration, it can be re-registered.

The ban has supercharged the atmosphere in the country which is already reeling under the impact of the war crimes convictions. It has been described by many as being ‘politically motivated’. After all, *Jama’at* is an important partner of the BNP alliance. The BNP is acutely aware that if the *Jama’at* is banned, there will be no organised group to protest against the tribunals in which many of its leaders have been indicted. Hence, it has no intention of splitting its alliance with the party. The BNP views the court’s decision as an attempt to help the ruling party and rig the elections by banning political organizations.<sup>117</sup> Azam Khan, political advisor to BNP chief Khaleda Zia claimed that since the AL is not sure about coming to power, it is banning the political opposition. Many political analysts also felt that the ban on *Jama’at* may consolidate the hardliners’

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<sup>116</sup> ‘Bangladesh HC Bans Jamaat-e-Islami From Contesting Polls’, *Deccan Chronicle e-Paper*, August 1, 2013.

<sup>117</sup> Sanjay Kumar, ‘Is Bangladesh’s Ban On Jamaat-e-Islami Democratic?’, *The Diplomat*, August 7, 2013 available at <http://thediplomat.com/2013/08/is-bangladeshs-ban-on-jamaat-e-islami-democratic/> accessed November 15, 2013.

vote behind the BNP, thereby helping the Opposition grab power in Dhaka.<sup>118</sup> All such conjectures were however proved wrong as the BNP led opposition alliance simply boycotted the 2014 polls over the CTG issue and the AL had a cakewalk to the Jatiya Sangsad.

**But, the point is not who gained in the polls. Rather it is this landmark ruling which raises some serious questions about the nature of democracy in Bangladesh.** Though the *Jama'at* can be justifiably banned under the provisions of the present Constitution, the ruling, viewed in its entirety, runs somewhat counter to the very spirit of democracy that the Bangladeshis fought for. Few other countries in Asia have paid as high a price as Bangladesh for securing independence and for nurturing democracy. As such, the *Jama'at*, which had opposed the country's liberation from Pakistan, was always a bit of an oddity in its politics. The *Jama'at* merely used democracy in order to further its Islamist agenda; military coups and sectarian politics helped it not just to enter politics but expand its social base. However once reborn and reinstated, the question remains- *Can a democratic nation stamp out an ideology by simply banning it, rather than engaging it politically and testing its strength in the electoral arena?* After all, the ultimate test of a successful secular democracy is to accommodate all kinds of ideological parties, make space for all kinds of beliefs and still come out with flying colours. Though the ban might appear to be “great news”<sup>119</sup> for a brief period, yet we need to remember that it never takes long for communal and obscurantist ideologies to reappear in a new garb. Many fear that the *Jama'at* members, if they so desire, might easily form a new entity, one that is free of the charges of war crimes or its leaders might simply, stealthily, join the BNP.<sup>120</sup> Hence, it is best if the decision to wipe out the *Jama'at* with its communal beliefs is an electoral verdict and not a judicial one; after all, in a democracy it is up to the people to accept a party or not.

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<sup>118</sup> Azmm Moksedul Milon, ‘On Banning The Jamaat- Red Herrings Along The Trail In Bangladesh’, The Statesman, April 3, 2013. The court ban finally came in August 2013.

<sup>119</sup> This was Bangladeshi Author Taslima Nasreen (who has been living in exile for over two decades after facing the wrath of the Islamists) first reaction to the Jamaat ban as given in an interview with Indian investigative magazine called ‘Tehelka’ on August 1, 2013. Available online at <http://www.tehelka.com/2013/08/religion-is-the-biggest-bane-for-any-democracy/>

<sup>120</sup> Azmm Moksedul Milon, n. 118.

## **A Return To Secularism Almost- The Constitutional Journey**

**1972 Onwards**-Bangladesh had emerged in 1971 as an independent country and, although overwhelmingly Muslim dominated, it managed to cultivate and uphold a secular spirit, what they called ‘Bengali nationalism’. Indeed, it was the spirit of Bengali nationalism that influenced its people, irrespective of religion, to take part in the nine month war against the religio-military exploitation by the then Pakistani military rulers. The Preamble to the Constitution of independent Bangladesh stated secularism as one of its fundamental principles. It was to be realised by the elimination of: communalism in all forms; the granting by the State of political status in favour of any religion; the abuse of religion for political purposes; and any discrimination against, or persecution of, persons practicing a particular religion. Article 38 provided for freedom to form associations and also mentioned that ‘no person shall have the right to form, or to be a member, or otherwise take part in the activities of, any communal or other association or union which in the name or on the basis of any religion has for its object, or pursues, a political purpose.’ It was under this provision that the Constitution prohibited the operation of a number of political parties which had striven to establish Islam in Bangladesh. Art.41 echoed the prevalent national spirit when it stated that every citizen had ‘the right to profess, practice or propagate any religion’ and that ‘no person attending any educational institution shall be required to receive religious instruction’. In sum, Bangladesh was constitutionally secularized with the sole intention of reducing the significance of primordial factors like religion, caste and ethnicity within national identity construction, from influencing political choice and delineating economic opportunities.<sup>121</sup>

**1975 Onwards**-The situation underwent a drastic change within a couple of years. Secularism was dropped from the Preamble in 1977 and replaced with ‘*faith in the almighty Allah*’ by amending Art8(1) of the Constitution. The successor of Sheikh Mujib, Khondkar Moshtaque, began the process of abolishing secularism from the Constitution by omitting the provision that forbade the operation of religion based parties (Art.38). His

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<sup>121</sup> Md. Iftakharul Islam and Kaniz Marzia, ‘Abuse of the religious sentiment to gain political purpose in Bangladesh, *IOSR Journal Of Humanities And Social Science*, Vol.8(4),2013, pp.15-21.

successor, General Zia, simply legitimised the process of 'Islamisation', by introducing the Fifth Amendment which ratified all previous martial law proclamations including de-secularisation of the Constitution. The invocation '*Bismillah-ar-Rahaman-ar-Rahim*' was inserted above the Preamble to the Constitution. Art 12 which defined what secularism meant in practice was repealed. Socialism was redesigned to conform to the Islamic idea of social justice and a new clause was added to Art25 (2) relating to Islamic solidarity. Thereafter, during the Ershad regime, Islam was formally made the state religion by the Eighth Amendment to the Constitution (June 1988). However there remained a proviso that the State shall ensure equal status and equal right in the practice of the Hindu, Buddhist, Christian and other religions. Together, these amendments dealt a severe blow to the secular-democratic character of the young nation and brought about changes fundamental to the country's politics and cultural patterns.

**2005 Onwards**-The process for restoration of the true character of the State of Bangladesh was initiated in 2005 when the Fifth Amendment was struck down by the High Court. The Court emphasized Secularism as the guiding state policy and condemned, in unequivocal terms, the actions of the military junta to convert secular Bangladesh into a theocratic state. The Court's ruling was contested by the BNP which managed to secure a stay order on it. The stay order was ultimately vacated on 3<sup>rd</sup> January, 2010 when the apex court observed that the Parliament does not have the authority to suspend the Constitution or legitimize actions of martial law regimes. As a result, the original Art.38 of the Constitution became operative and barred the use of religion or communal connotations in politics.<sup>122</sup> In August 2010, the apex court again struck down the seventh amendment (which had legitimised the 1982 coup), thus invalidating General Ershad's decrees under the martial law.<sup>123</sup> In the wake of these verdicts, the Election Commission of Bangladesh, asked the three religious parties –

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<sup>122</sup> Arshi Saleem Hashmi, *Bangladesh Ban On Religion-Based Politics: Reviving The Secular Character Of The Constitution*, Paper on Regional Affairs, Institute Of Regional Studies, February, 2011,p.7.

<sup>123</sup> Barrister Muhammed Halim, 'The Apex Court's Judgement in the 5<sup>th</sup> Amendment Case: New Turn for Basic Structure and Condonation', *The Daily Star*, August 2, 2010.



*Jamaat-e-Islami (Bangladesh), Khelafat Andolan and Tariqat Federation-* to amend their charters as they were in conflict with the supreme law of the land.

**2011 Onwards-**The final turn-around in the Constitution has come with the Fifteenth Amendment (2011) which restored the four state principles of secularism, democracy, Bengali nationalism and socialism, earlier adopted by the original 1972 Constitution. However, the new Amendment retained Islam's status as the state religion, as well as the phrase '*Bismillah-ar-Rahaman-ar-Rahim*', both in English and Bangla above the Preamble to the Constitution, while the political rights of religious parties were left intact- all despite the amendment's purported intention to secularise Bangladesh. The AL maintained that an absolute return to the 1972 charter was avoided keeping in mind the 'ground realities'.

**2013 Onwards-** Bangladesh's biggest right-wing party Jamaat-e-Islami was declared 'illegal' and banned from contesting future polls by the High court which cancelled its registration in a landmark ruling on 1<sup>st</sup> August, 2013. The Court ruled that the party, which supports Sharia law, did not meet the constitutional requirement for all political groups to be secular. The verdict, however, does not ban the group from holding rallies, but from contesting constituencies. This leaves the once-most powerful fundamentalist party with an uncertain future.

### **Impact and Future Prospects**

From the above discussion, we gather that both religious and linguistic nationalism have served as ideological narratives in the formation of present day Bangladesh. However, their general appearance as opposing narratives at different times have made it difficult for Bangladesh to build up a homogeneous national imagery. Though secularism was imprinted on the nation right from its birth, Islam has continued to remain a dominant force in the socio-economic life of the people. Bangladesh could never become a 'secular' society in the Western sense of the term. The State's initial show of rigid neutrality irked many, and inhibited the burgeoning of a vibrant discourse on the nature and meanings of religion for the self and society. With on-ground realities quite in contrast to such theoretical impositions by the State, the space was easily created wherein

the contestations of Bangladeshi identity began (and continues till date) on embattled parameters of Muslimness, pitted against equally embattled limits of Bengalinness.

The question that is therefore asked is that- *Is the Islamic thrust in Bangladesh irreversible?* As a neutral viewer, I would like to contend that the people of East Pakistan/ Bangladesh had adapted to disciplining the yin (Bengalinness) and yang (Muslimness) of their identity to coexist peacefully within them. The country, with its traditional Sufi-inspired moderation and tolerant world vision, was (for long) considered a possible role model for developing Muslim nations because of its proclaimed secularist and democratic aspirations. However, over the last three decades, the syncretic tradition of *Bangladeshi Islam* – with its tolerance, openness, highly literary and artistic traits- has had to bear the violent onslaught of the *Wahabi-Salafi-Deobandi* doctrinaire interpretation of Islam (which had peaked post-2005 with brazen displays of the capacity and organizing powers of militant Islamist groups). Such ongoing contestations, both within and without, the religious denomination of Bangladeshi identity may be viewed as struggles for the heart and soul of Bangladesh and have had an undeniable impact on the fledging democratic polity. Again, the amendments to the Constitution's basic principles, brought about by the military rulers, (discussed earlier) have not only brought about changes in the country's politics, but also, in its cultural patterns which are not easily erasable. Even the so called established democratic parties have not been able to ignore the basic Islamic values and the growth of overarching religiousness in this region over the past three decades. The shift from moderate Islam (with its notional secularism) to greater Islamisation is perceptible in Bangladesh, even at the private level. Hence, in my view, a complete turnabout is difficult (if not impossible) to achieve by any standards. And yet, it is hard to believe, that any attempt to convert Bangladesh completely into a theocratic state will ever be successful. Such belief stems from the fact that Sufi Islam, as practiced in Bangladesh, manifests an essentially subterranean trait that connects contemporary Bangladeshi Muslims to their pre-Muslim Indic heritage. It's very qualities of flexibility and accommodation accounts for its popular appeal in this part of the sub-continent and also renders it indomitable against all radical versions of Islam. It may easily be contended that the very spirit of synthesis and diversity, which form an integral part of the Sufi sect, would never allow Bangladesh to

be turned into a bastion of *Wahabi* fundamentalism. And, I feel that the Shahbagh upheaval of 2013 only lends credence to this contention.

Though there is much truth in the fact that the Islamist forces have gained ground in the country as prominent legitimate political actors over the last few years, but such is more a direct outcome of domestic factors like the intense personal rivalry between the ‘Battling Begums’; the ‘softness’ of the State with its ineffective governance and inefficient police force; the unbridled corruption; political and electoral compulsions of the established ‘mainstream’ parties rather than as a sympathetic gesture to any extraneous organization or ideology. Informed observers of the Bangladesh political scene claim that the power of Islam in the country’s political arena lies in its capacity to form a coalition, to be co-opted by the major political parties as strategy.<sup>124</sup> That is why, perhaps, despite the cultural salience of Islam, electoral fortunes of the *Jama’at* have never been very bright (it could garner only 12% votes at the most, till date). The BNP, however, values this fundamentalist party’s partnership as a useful weapon to keep the Awami League in check. (On certain occasions, the AL too, as we have already discussed, has made overtures towards the *Jama’at* but without much success.) Consequently, initiatives to restore secular ideals and practices in the society, and secularism as a political construct, has been primarily assigned to the Awami League, the party of Liberation.

It would not be an exaggeration to describe Bangladesh’s democracy as a fragile one today, one which is battling against the harsh edicts of theological orthodoxy; a battle that will have ramifications that go well beyond the internal stability of the nation. The average Bangladeshi is uneasy with the steady Islamization of the country. The uprising at Shahbagh is a sign that a return to secularism is definitely on the cards; it needs to be remembered at this juncture that ‘secularism’ need not be a rigid concept and various permutations are possible within the ‘secular’. One may recall here that even the Mahatma, whose secular credentials cannot be faulted, had led the Indian nationalist movement with a robust moral and religious fervour. The so called ‘secularists’, in most

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<sup>124</sup> Samia Huq, ‘Defining Self And Other- Bangladesh’s Secular Aspirations and Its Writing Of Islam’, *Economic And Political Weekly*, December 14, 2013, pp.51-60.

countries, live with the reality of deviations from the ideal; this cushions the masses from the trauma of complete rupture from traditions. *Then why not Bangladesh?* Ultimately, it needs to be asserted that Shahbagh is important because it rekindles the hope for a vibrant secular democracy of Bangladesh. The country has a history of linguistic nationalism triumphing over religious nationalism and there is still a strong Bengali culture that Bangladeshi Muslims and Hindus share. The youthful exuberance spilling over from Dhaka's *Projonmo Chottor* (New Generation Roundabout as the Shahbagh intersection has been renamed) has sent a strong message to the Islamists and the Government at the same time to make way for a harmonious social living. However, more powerful brakes are needed to stem the rising tide of fundamentalism. Time is indeed running out. The best way to fight religious extremists is to create a broad and common platform of the democratic forces (personal animosity should be relegated to the background) such that the fundamentalists are unable to exploit the political vacuum. The question is, "*Are the Bangladeshis ready?*"

## **CHAPTER – 4**

### **CIVIL SOCIETY, MEDIA AND DEMOCRACY**

#### **-EVIDENCE FROM BANGLADESH**

As mentioned earlier, the concept of **Civil Society** actually means different things to different people... there are some who regard it as the ‘third sphere’, separated from the state and the market, consisting chiefly of apolitical non-governmental voluntary organizations, uncontaminated by the motives of profit, and hold that a strengthening and swelling of this sphere can bring about positive results including development in society. There are others who contend that it is not a residual sphere set apart from the state and the market both, but whose principal objective is to critique and transform entrenched forms and give rise to alternative forms of politics. With such contradictory interpretations, it is but quite clear that, the resulting picture of Civil Society is one of great ambiguity.<sup>1</sup> And yet, in all its plurality, multiplicity and diversity, the general conclusion drawn is that Civil Society is undoubtedly one of the most vital components of governance and decentralisation; a component that is supposed to vigilantly hold those in power accountable and thus, is **an inalienable part of the project of democracy**.

To repeat myself, democracy as a set of values and governance is actually a process of interaction between three sets of actors, the State, Civil Society and the Private Sector, and implies governance based on certain fundamental and universally accepted principles like participation, accountability, transparency and the rule of law. Simply put, civil society is that sphere of action independent of the State, within the realm of the private sector and civil organisations, capable of stimulating resistance to and change in undemocratic regimes. Associations in civil society provide forums where citizens get information and engage with one another in a kind of personal dialogue and deliberation that forms the essence not only of community building, but also, of effective democratic

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<sup>1</sup> Adam B. Seligman, *The Idea of Civil Society*, Princeton University Press, New Jersey, 1992, pp.1-2.

governance. To that extent, a participatory and vigorous civil society can definitely be held the sine-qua-non of any fledgling democracy like the one in post-independent Bangladesh.

It needs to be noted at this point that two main problems arise within this general frame of thinking on civil society. The first is with regard to its normative character. That civil society embodies particular types of organisational forms and certain kinds of positive values, has so influenced policymakers around the world that it has led to efforts to 'build' civil society where it has been considered 'absent', and to strengthen civil society where it is thought to be 'weak'. Such efforts are premised on the belief that civil society can balance the state and the market not only, in political terms by reducing the abuse of power, but also, in economic terms by becoming a third source of social service provision. While such ideas may resonate usefully within industrialised liberal democracies-although even here they are hotly debated- their value is generally limited in countries where the state itself remains weak and limited in its basic capacities.

The second central problem is related to the notion of public space, which in such general frame of thinking on civil society excludes the organisation and ties of family and kinship. Such exclusion of the 'household', Putnam argues<sup>2</sup>, allows the civil society organisations to generate horizontal relationships of trust and reciprocity, which can then form the basis for collective action, and contrasts these with the vertical relationships of patronage and kinship, which he sees as fostering dependence and self-interest rather than mutuality. This idea, again, is generally untenable in fledgling democracies like Bangladesh, where key civil society representatives are generally local and less professionalised in character and, therefore, unable to free themselves from the general ties of kinship loyalties in their structure and management.

Keeping these two problems in mind, I seek to explore the role of Civil Society in relation to Bangladesh politics and development. A brief review of primary and secondary sources had already led to the belief that the commitment and democratic

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<sup>2</sup> Robert D. Putnam, *Making Democracy work: Civic Traditions in Italy*, Princeton University Press, Princeton, N.J, 1993.

responsiveness of the Bangladeshi civil society was a matter of debate and scepticism. This understanding was further reinforced during my field trip to the country as I got the opportunity to interact with several members of the Bangladeshi Civil Society during this period.

Again it is also important to remember that any discussion on this ‘third sphere’ in Bangladesh must first begin by understanding the organisational and moral diversity as well as the historical complexity of the ‘Civil Society’ concept within the country itself.

## I

### **Tracing The Broad Contours Of ‘Civil Society’ In Bangladesh**

Civil Society, translated into Bengali as *Sushil Shamaj*( literally meaning gentle society), is the sphere that is engaged in the ‘business of reproducing consent or social capital.’<sup>3</sup> By this definition, academics, students, intellectuals, civil rights groups, political parties, media, cultural bodies, sports clubs and other associations, in fact, all kinds of actors and agencies engaged in reproducing social capital in the society fall within the broad contours of the ‘Civil Society’ concept. Interestingly, according to Professor Imtiaz Ahmed, even intellectual discourses and social networking or *adda*(as Bangladeshis call it), ‘trusts’ and ‘festivals’ are also key elements in reproducing social capital and consequently part of Bangladesh’s Civil society.<sup>4</sup>

And yet, the term has increasingly become a matter of public debate in Bangladesh. This is because much of the idea of ‘civil society’, as in contemporary Bangladesh, has been generated by the international aid agencies and their ‘good governance policy agenda of

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<sup>3</sup> Imtiaz Ahmed, *State, Society and Democratic Futures: Challenges For Bangladesh*, Paper presented at the World Conference on Recreating South Asia: Democracy, Social Justice and Sustainable Development, IIC New Delhi, February, 2011.

<sup>4</sup> In conversation with Prof. Imtiaz Ahmed, Department of International Relations, University of Dhaka on 16<sup>th</sup> December, 2013. I was able to talk to him during an Observer Research Foundation In-house Discussion in Kolkata on the same date.

the 1990s, and is concerned primarily with the increasingly high profile community of local and national development non-governmental organisations (NGOs) which have emerged in the country since 1980s. The local meanings to the term, derived from the long history of state/society struggles leading to the formation of the Independent State of Bangladesh, from local traditions of urban and rural voluntarism and, from the organisation of religious life are generally ignored or obscured in this kind of a narrow approach on the subject.<sup>5</sup>

Articles frequently appear in Bangladeshi newspapers and books, which also debate the possible meanings and roles of 'Civil Society'. Such academic and journalistic focus have resulted in division of the 'sector' into broadly two groups, which may be referred to as organised-unorganised / new-traditional; they have also imparted different value laden connotations to the entire subject. For example, while noted academics like Professor Rehman Sobhan have emphasised upon the potential role of civil society initiatives to challenge the prevailing pattern of confrontational politics in the country<sup>6</sup>, there are many others like, noted writer and journalist Iftekhar Sayeed, who have countered such expectations as just another 'eccentric idea exported by the West and leading people into a wild goose chase'.<sup>7</sup> It has been found that, not only, are Bangladeshi CSOs involved in service providing functions like education, health and economic empowerment, but also, in advocacy, awareness generation, election monitoring and governance related coordination efforts. However, due to the highly charged political environment in the country, entry into the second category of operations inevitably raises questions about the motivation of any organization and may result in criticism or, even, harassment. Despite this, even the government, in recent years, has taken to mentioning

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<sup>5</sup> S.M Hashemi & M.Hasan , 'Building NGO Legitimacy in Bangladesh: the Contested Domain', in D.Lewis(ed), *International Perspectives on Voluntary Action: Reshaping the Third Sector*, Earthscan, London, 1999. Hashemi and Hasan are of the view that such analyses of Bangladesh's civil society tend to see it as a new phenomenon and pay insufficient attention to wider historical and political processes in the country.

<sup>6</sup> See *The Daily Star*, Bangladesh, February 18, 2000. Also see, Rehman Sobhan, '*Bangladesh's Confrontational Political System: The Search For Solutions*', Paper Presented at a Seminar sponsored by the Governance Coalition on '*Rethinking Confrontational Politics: A Reform Agenda*', Dhaka, August 7, 2000.

<sup>7</sup> *The Daily Star*, Dhaka, July 10, 2000.



the need(from time to time) for consultations with NGOs and civil society members over a number of governance and policy issues. In fact, the GO-NGO Consultative Council (GNCC)<sup>8</sup> was established by the government in the mid-1990s, with the assistance of various donor agencies, as a committee to build better understanding between government and non- government organisations.

Simply put, therefore, the concept of civil society in contemporary Bangladesh is best understood as both a ‘system and an ‘idea, consisting of both ‘old and ‘new’ civil society traditions, resisting tendencies to privilege only one (external, policy-focused) definition of the term. A clear recognition of the different understandings of the concept not only helps illuminate aspects of the changing relationships between citizens and the Bangladeshi State, but also, assists in assessing the contribution of this ‘third sector’ in formulation and implementation of public policy, and in the building of democratic processes.



**To begin with, ‘Civil Society’ tends to acquire nuances varying with the history of a country.** For most of the time in the brief history of Bangladesh, the dominant experience of its people has been that of oppression, physical and mental, by military rulers or the ‘military society’. Members of the military society have often captured power in Bangladesh by sheer force of arms, and tried to reshape everything in the state and society in conformity with the military model. **As such, the contrasting of ‘civil’ with ‘militarised’ society is a common way in which the idea of civil society is understood in some quarters of Bangladesh.** Since the end of military rule in 1990 in the country, many have seen the challenge of building democracy in the post-military era in these terms. This perspective comes across clearly in the recently published writings of Siddiqi (2001), former Vice Chancellor of Jahangirnagar University and a Government Advisor.<sup>9</sup>

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<sup>8</sup> The GNCC was established by a Gazette notification, dated 17<sup>th</sup> October, 1996, to increase mutual understanding and cooperation between GOB and NGOs for the overall development of the country.

<sup>9</sup> Zillur Rahman Siddiqui, *Quest For a Civil Society*, Sucheepatra, Dhaka, 2001.

Again, academics like Prof. Muntassir Mamoon of Dhaka University and Prof. Jayanta Kumar Ray of the University of Calcutta hold the view<sup>10</sup> that Civil Society in Bangladesh derives its meaning from the history of social mobilisation prior to 1971, and also in the 1990s, rather than from the academic debates which are not quite germane to the vital experiences of the people of the country. In a similar vein, Justice K.M Sobhan in an incisive article on the civil society and the rule of law recommended that, from the standpoint of a social scientist, the most meaningful Bengali translation of civil society should equate it with democratic society.<sup>11</sup> After all, only a democratic system or a democratic society can ensure the predominance of the unarmed people.

**CIVIL Vs THE MILITARY**-- Viewed from this angle, the Civil Society in Bangladesh has provided inspiring examples of resilience and disquieting examples of retreat.<sup>12</sup> Traditional 'civil society' organisations in Bangladesh - students, lawyers, journalists, cultural activists and such others- have historically played a monumental role in the struggle for Bengali nationalism, for building a secular society and for democratic rights. The first demonstration of civil society resilience in Bangladesh was witnessed in course of the Language movement of the late 1940s- early 1950s, and also during the movement against the military dictatorship of Ayub Khan. Thereafter, social currents between 1969 and 1971 succeeded in uniting all aspects of civil society on a common platform with the ultimate aim of securing independence for the country from the colonial bonds in the economic, political and cultural arenas. The triumph of such unprecedented social mobilisation came with the formation of the Independent State of Bangladesh in 1971 and the drawing up of the first Constitution of the country in 1972. Representative governance was agreed upon, while secularism and socialism were adopted as two of the fundamental principles of the State. The assassination of Sheikh Mujibur Rahman in 1975, however brought an abrupt end to the success of this mobilisation and the dominance of the civil society. The latter moved into full retreat with the imposition of

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<sup>10</sup> Jayanta K. Ray and Muntassir Mamoon, *Essays on Politics and Governance, Towards Freedom*, Kolkata, November 2007, pp.158-169.

<sup>11</sup> Muntassir Mamoon and Jayanta Kr. Ray, *Civil Society in Bangladesh-Resilience and Retreat*, Subarna Publishers, Dhaka, 1998, pp.9-10.

<sup>12</sup> *ibid.*

martial law; there was hardly any protest- much less a resistance- to this political change; the civil society seemed thoroughly demoralised by the degradation of the primary political actors.

From 1975 to 1990, the country was first ruled by General Ziaur Rahman and thereafter by General H.M. Ershad, representing the military society. Both these generals repeatedly revised and amended the Constitution in order to weaken the influence of the civil society. Much of the 'traditional' civil society organisations had already been co-opted into official organisations and party-affiliated groups in the fields of rural development, welfare, arts and culture during the Mujib era itself. In fact, the Awami League Government had, by 1975, not only secured the suspension or destruction of rival trade unions, student and youth fronts, but also, established full control over pressure groups and potentially alternative points of organised political power.<sup>13</sup> As such, by the time the military junta captured political power, civil society of Bangladesh was just too weak and disorganised to put up any resistance. Thereafter, under the military regime, elections were reduced to a sham and religion was used and manipulated to control and contain the civil society and to stifle social mobilisation. Even, honourable members of the judiciary like Justice Nurul Islam, Justice Masood and Justice Ruhul Quddus let down the civil society by supporting autocracy and failing to safeguard the interests of a democratic society.<sup>14</sup> In the words of Ray and Mamoon, 'the civil society seemed to have staged an ignominious retreat.'<sup>15</sup>

But resistance and contestation of authority being an integral part of the political culture of Bangladesh, time and again people's power has been demonstrated through various protest movements and the civil society has bounced back with renewed vigour. The same happened during the Ershad regime. Initially, when Ershad captured power by

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<sup>13</sup> B.K Jahangir, *Problematics of Nationalism in Bangladesh*, Centre for Social Studies, Dhaka, 1986, pp.44-45. Also see, A. Jalal, *Democracy and Authoritarianism in South Asia: A Comparative and Historical Perspective*, Cambridge University Press, Cambridge, 1995, p.90.

<sup>14</sup> For elucidation see, Muntassir Mamoon, 'Je Deshe Manush Chhoto'(Where Man is Marginalised), *Khhamatay Na Thekeo Khhamatay Thaka* ( Enjoying Power Without Being in Power), Parama Prakashani, Dhaka, 1993.

<sup>15</sup> Mamoon and Ray, n.11, p.146.

ousting the Sattar Government, the 'civil society in general, and political parties in particular, was too weak to launch a stiff resistance. Deplorable manifestations of such weakness were that some newspapers as *Banglar Bani* and *Sangbad* wrote editorials welcoming martial law and also, some ministers of the Sattar government, who had earlier been arrested on charges of corruption, were subsequently elevated by Ershad himself to Cabinet posts.<sup>16</sup> However, all hell broke loose, as soon as Ershad aspired to earn substantial legitimacy by an overture to Islamisation. In September 1982, the Ershad government announced a new education policy which proposed the compulsory teaching of Arabic from Class1. According to Ershad, this was the way to insure the younger generation against moral degeneration. The secondary sector of the civil society showed the first signs of defiance against this governmental decision. Teachers and students started a mass signature campaign against the new education policy. There were boycotts of classes, strikes, police firing, and the closure of Universities. **As the civil society protests gained ground, the Ershad government was forced to withdraw its proposal to offer instruction in Arabic at the primary level. The civil society had triumphed.**

Soon after, different segments of the civil society began to resist the military dictator and his various policy decisions; the secondary sector-especially cultural workers, students, lawyers and other professionals played a leading part in organising the anti-Ershad resistance. Tertiary political actors, e.g workers in agriculture, trade and industry, also joined the movement (but, significantly not at the climactic stage). There were several groups which made their clout felt during this period (1987-1990): the unified students command, *Chhatro Oikyo Jote*, which gave prime leadership to the movement towards the end; numerous cultural organizations joined ranks under the banner of *Shammilito Shangskritik Jote*; numerous women organizations came together under a common platform *Oikkyobodhho Nari Samaj* and the workers' platform called the *Shramik – Karmachari Oikkyo Parishad*. Professionals like lawyers and doctors also made their demands for democracy felt and towards the end, even businessmen and government cadres took to the streets and declared non-cooperation with the government. It was only

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<sup>16</sup> Mamoon and Ray, n.11, p.197.

the infighting within the primary political actors, leaders of the two main political parties, which continued to weaken the resistance movement and prolong Ershad's rule for some time. Once these primary political actors mustered unity in defence of the civil society (the 15 party alliance led by Awami League and the 7 party alliance led by BNP formed the main channels through which demands for democratisation were orchestrated during this period), the Ershad regime collapsed. In short, the anti-autocracy movement from 1987-1990, and the ensuing elections of 1991, which brought back Parliamentary democracy to the political arena, demonstrated the strength and resilience of the civil society in Bangladesh. **The Bangladeshi civil society once again was able to prove its mettle and compel the military rulers to retreat to the barracks.**

**CIVIL Vs THE COMMUNAL** -- The fall of Ershad and the onset of democracy in the 1990s, however left some issues unresolved. Significantly, it did not alter the trend of extremism and fundamentalism set in place by the Zia and Ershad regimes. As mentioned in the earlier chapter, there was a tremendous rise in the attacks on minorities, moderate Muslims and liberal democratic forces including Opposition politicians. Islamic groups such as the *Jamaat-e-Islami*, *Islamic Chattrra Shibir* and *HUJI-B* gained legitimacy within the political landscape of Bangladesh. This was a very significant change, as forces that had once been shunned as collaborators now managed to occupy mainstream political space. The Golam Azam issue<sup>17</sup> brought out into the open the growing conflict of interests between the the secular, democratic civil society forces with Leftist leanings on the one hand, and the fundamentalist Islamist organisations on the other. Jahanara Imam, an eminent Bangladeshi writer and political activist, became the public face of the civil society establishment trying to thwart the fundamentalists and bring those accused of committing war crimes in the Bangladesh Liberation War to trial. She organised the *Ghatak-Dalal Nirmul Committee* (Committee to exterminate the Killers and Collaborators) calling for the trial of people who had committed crimes against humanity in the 1971 Liberation War in collaboration with the Pakistani forces. The *Ghatak-Dalal Nirmul Committee* set up mock trials in Dhaka in March, 1992. Thousands gathered at this *Gono Adalat* (Court of the people) and persons accused of being war criminals were

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<sup>17</sup> Discussed in detail in Chapter-3.

‘sentenced’ to death. Though the State, bound by its political compulsions, openly opposed this movement and deemed the activities of the committee unlawful, yet the government had to send Azam to jail for his technical violation of a law which prohibited the operation of a political party by a person with no valid Bangladeshi citizenship.<sup>18</sup> **The civil society of Bangladesh had again made its presence felt.**

Thereafter, in June 2001, leading intellectuals and public figures of Bangladesh like National Poet Shamsur Rahman, National Professor Kabir Chowdhury, Shahriar Kabir, Sultana Kamal and a few others organised a two day South Asian Conference on ‘*Fundamentalism: Role of Civil Society*’. The conference organisers had the blessings of the Awami League Government and the meet was attended by a large number of participants from several countries of the region like India, Pakistan, Sri Lanka, Nepal and Bangladesh. The Conference was considered important as the need for a proactive civil society to render the fundamentalist forces inactive was officially recognised by both the State as well as non-state actors.

Finally, February 2013, saw the birth of another popular urban civil society movement in the history of Bangladesh. This was a civil mobilisation aimed at restoring Bangladesh’s secular polity and eliminating the politics of religious fundamentalism that had afflicted the country, as indeed the rest of South Asia for the past few decades. This time, it started with the awarding of a life sentence to Jamaat-e-Islami leader Abdul Quader Mollah—popularly known as the ‘*Butcher of Bengalis*’ for his role in the mass murders during the Liberation War of 1971. Most Bangladeshis had expected the death penalty for Mollah, but the verdict of the three member International Crimes Tribunal (ICT-2) constituted for the purpose, disappointed scores of young Bangladeshis, who took to the streets in protest on the very day itself. Hundreds of students, activists and ordinary citizens had blocked the Shahbagh intersection, one of Dhaka’s busiest intersections, to ventilate their anger and frustration over the verdict. They had demanded death penalty for all war criminals and a ban on *Jamaat-e-Islami*, many of whose leaders had sided with the Pakistan army in perpetrating some horrendous atrocities during the 1971 Liberation war. The protest

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<sup>18</sup> Hiranmay Karlekar, *Bangladesh, The Next Afghanistan?*, Sage Publications, New Delhi, 2005, p.55

had been initiated by the bloggers and activist network by organising a human chain in front of the National Museum, Dhaka; for a few days, Shahbagh had resounded with a single cry “*Phaanshi Chaayi*” ( We want him to be hanged).

Interesting it is to trace those segments of the civil society who sought this ‘*phaanshi*’ (death sentence) for Quader Mollah. And here, I come to the most important part of my submission.<sup>19</sup> The students were the vanguard of this movement; the academics stood by their side; the press and the electronic media gave the movement free and complete coverage and of course, most formal civil society organisations lent their support to this movement. But it was the general populace who made the whole difference. They were ordinary housewives, who cooked and sent packed food for the demonstrators; they were bureaucrats, who joined the milieu after office hours risking government displeasure; they were tea stall owners who supplied free tea to the demonstrators on a regular basis ; and they were rickshaw pullers who offered free rides to all who were going to Shahbagh as a show of support- these were the people who made all the difference and impressed upon the Government the need for a relook at the verdict. In sum, **though not an organised civic engagement, the sheer level of participation and representation by all segments of Bangladeshi society in this mobilisation process once again brought to the fore the resilience and ability of civil society in nurturing and consolidating democratic and secular values in Bangladesh.**



Another common understanding of the concept of civil society in contemporary Bangladesh is **to simply equate it with the high profile NGO sector, thereby ignoring other organisations and forms of action.**<sup>20</sup> The country, presently, has an extensive

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<sup>19</sup> During my field trip to Bangladesh, I got the opportunity to talk to several sections of the society about this people’s protest. Every interaction was highly personal and emotional as most of the interviewees had actively participated and identified themselves with the movement. It was for all of them a matter of personal pride –whatever little contribution they had made for the *Gono Jagaran Mancha*, it was their show of strength and unity against the State and its institutions.

<sup>20</sup> Jude Howell & Jenny Pearce, *Civil Society and Development: A Critical Exploration*, Lynne Rienner Publishers, Boulder, Colorado, 2001, p.91.

NGO community providing services beyond the purview of the State, advocating for the poor and facilitating their mobilization, promoting freedom in politics and the market and also helping to make the State more accountable to its citizens. Many of these organisations have enthusiastically embraced the mantle of civil society, despite remaining somewhat isolated from elements of wider society, as part of their own quest for identity and legitimacy. In fact, the more than 18,000 NGOs in Bangladesh registered with the NGO Bureau or other government agencies such as the Department of Social Services and the Department of Women's Affairs, are undoubtedly the largest and the best-funded groups in Bangladesh's civil society.<sup>21</sup> Around 35 per cent of the country's population (both rural and urban) receive some services- usually credit provision, health or education services- from an NGO. In short, **Bangladesh can commonly be regarded as possessing a 'strong' civil society in terms of its NGO sector.**

**TRADITIONAL ROOTS**—There has long been traditions in Bangladesh, even before its emergence as an independent nation in 1971, of community organisation and voluntary action. Private voluntary work was undertaken by better-off members of the community in organising schools or mosques and relief was provided for the victims of natural disasters. Not only that, religious charity has long been part of Bangladeshi rural life mainly because, Islam, the religion of the majority people of Bangladesh gives a lot of emphasis on it.<sup>22</sup> The Islamic duty of *Zakat*, the annual compulsory charity for the purification of wealth, has an important bearing on the social life of Muslim Bangladeshis. Apart from *Zakat*, other forms of charity, such as helping the neighbours, donating a small amount of agricultural produce to charity is a culture followed by the

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<sup>21</sup> G. Shabbir Cheema, *Engaging Civil Society to Promote Democratic Local Governance: Emerging Trends and Policy Implications in Asia*, Working Paper no.7, Swedish International Centre For Local Democracy, Sweden, 2011, p.10 available at [http://www.icld.se/eng/pdf/icld\\_wp7\\_printerfriendly.pdf](http://www.icld.se/eng/pdf/icld_wp7_printerfriendly.pdf) accessed on 12/2/2105.

<sup>22</sup> Md. Al-Amin, Md. Nazrul Islam, Tofayel Ahmed, 'Local Governance and Sustainable Development in Bangladesh: The Need For Accelerated Voluntarism and People's Participation', *Asian Affairs*, Vol.29(4), Oct-Dec, 2007, pp.11-12.



Muslims in the rural areas. Even among the Hindus it had long been customary to provide food to *sadhus* and *fakirs*.<sup>23</sup>

The first efforts to institutionalize charity work and social welfare activities in the country were made by the Christian missionaries. Their efforts generally embodied elements of voluntary activity in the fields of education and health (setting up hospitals, schools and orphanages); in fact, these missionary efforts contained antecedents of some of the community development approaches of contemporary NGOs. Self help village level organisations such as the *Palli Mangal Samitis* (Village Welfare Societies), started by T.I.M.N, Chowdhury, became common in many districts from 1930s onwards<sup>24</sup>, often encouraged by local administrators in a combination of local good works and the building of local patronage relationships. Later, as part of East Pakistan, the village farmer cooperative model was introduced; although this was more a mechanism to distribute government patronage in the form of subsidised agricultural inputs than a spontaneous form of self-organisation by farmers. Akter Hamid Khan was the pioneer of this programme (also popularly known as Comilla Model) – a village based co-operative programme for comprehensive rural development. He also established the East Pakistan Academy of Village Development presently known as Bangladesh Academy for Rural Development, BARD, situated in Comilla.<sup>25</sup> The BARD is now a major organization in Bangladesh imparting rural development training to elected officials and to the members of public service.

The organized form of voluntary organizations was first established in this region (Bengal) following the Bengal famine of 1943, which claimed the lives of three million people. The 1970 cyclone, which registered a death toll of around five lakh people in Bangladesh, and the Liberation War of 1971, which followed immediately afterwards, provided the main stimulus for emergence of this sector. Reconstruction and rebuilding

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<sup>23</sup> S.M.H Zaidi, *The Village Culture in Transition: A Study of East Pakistan Rural Society*, East West Center Press, Honolulu, 1970, p.111.

<sup>24</sup> Md. Al-Amin, Md. Nazrul Islam, Tofayel Ahmed, n.22, p. 14.

<sup>25</sup> *ibid.* Also see S.A. Khan, *The State and Village Society: The Political Economy Of Agricultural Development in Bangladesh*, The University Press Ltd., Dhaka, p. 89.

the war devastated nation was the top most priority in the post-independent period and a remarkable number of voluntary agencies were formed spontaneously to take part in the relief, rehabilitation and nation building activities.<sup>26</sup> Gonoshasthya Kendra (Public Health Centre) used the example of the 'barefoot doctors' to start training a group of paramedics who would go from door to door looking after the health of the villagers.<sup>27</sup> Bangladesh Rural Advancement Committee (BRAC) was another such development endeavour borne out of the necessity of distributing relief to people who had been affected by the cyclone as well as the Liberation War. Besides, as Lewis explains, the massive international relief effort which followed independence also provided familiarity with the experience of the 'aid industry' and facilitated subsequent access to funds. The opportunity to gain access to external resources led to a new group of organisations, often led by a single entrepreneurial founder-leader, which built further on the local traditions of voluntarism and self-help, and which also came under the influence of ideas such as those of P.Freire and E.F. Schumacher.<sup>28</sup> Thus, developed the Non-Government Organisations (NGO) movement in Bangladesh, a movement which infiltrated into an operational arena which had traditionally been the 'exclusive domain' of the government; a movement which the country can today boast about.

**NATURE OF WORK** – Bangladesh's NGOs are unique in their mandate, size and orientation. Their scope of work goes well beyond the 'traditional' and they are quite diverse in terms of organisation and approaches as well. Most of the NGOs were established to provide social services to the poor and to advocate for the concerns of deprived groups. Also known as 'Development NGO(s)', their services are on par, not only, with the governmental agencies, but also, at times, far superior in quality and larger

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<sup>26</sup> See Report of the Task Forces on Bangladesh Development Strategies, Vol.2, 1991, Dhaka, pp. 374-375.

<sup>27</sup> Meghna Guhathakurta, 'The Elusive Sonar Bangla : Political Economy and Participatory Democracy in Bangladesh', Paper uploaded Academia.edu at [https://www.academia.edu/8802488/THE\\_ELUSIVE\\_SONAR\\_BANGLA\\_POLITICAL\\_ECONOMY\\_AND\\_PARTICIPATORY\\_DEMOCRACY\\_IN\\_BANGLADESH](https://www.academia.edu/8802488/THE_ELUSIVE_SONAR_BANGLA_POLITICAL_ECONOMY_AND_PARTICIPATORY_DEMOCRACY_IN_BANGLADESH), accessed on 12/2/15.

<sup>28</sup> David Lewis, 'Old and New Civil Societies in Bangladesh', in Marlies Glasius, David Lewis, and Hakan Seckinelgin (eds), *Exploring Civil Society: Political and Cultural Contexts*, Routledge, London and New York, 2004, pp. 105-6.

in coverage. Many operate with grants from external resources and are involved in microcredit financing, skill training, health, and family planning services, and water supply and sanitation services. Bangladesh NGOs are also active in managing common property resources, extending non-traditional agricultural facilities and initiating income generation activities. The Grameen Bank, BRAC, Proshika and ASA are examples of a few such large and reputed Bangladeshi NGOs.

The **Grameen Bank**, for example, established by a Chittagong University Economics Professor (Prof. Muhammad Yunus), was initially started as an 'Action Research' project which later on developed into a model of credit provision for landless women without demanding collateral as an alternative to traditional moneylenders who demanded high interest rates and other favours or formal banks which catered only to the elites. The **BRAC** which too, began as a short-term relief and rehabilitation project post-independence, soon moved towards long term issues of poverty alleviation and empowerment of the poor. It diversified its activities and took up non-formal primary education programs in the rural areas; acted as a rural financial intermediary providing microcredit to landless women nationwide and also involved itself in agro-research activities like research on plant tissue culture to improve agro-business opportunities in fruit and vegetable cultivation. Again, **Nijera Kori** is another example of a radical empowerment-based NGO which has been active with a strong local political protest against shrimp production in the south west of Bangladesh and is also engaged in efforts to gain access to government *khas* land for the landless. In short, as per Lewis, the NGO activities in Bangladesh 'can be broadly situated along a continuum from primarily economic activities such as service delivery, credit and income generation to more radical political approaches which emphasise Freirean notions of conscientisation and empowerment.'<sup>29</sup> The reason is simple; with donors and policy makers looking upon these NGOs as ideal grassroots alternative to improve the lot of the poor and deprived (as against corrupt and inefficient state governments), the latter have, increasingly, come to

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<sup>29</sup> David Lewis, 'Old and New Civil Societies? Reflections on NGOs, State and Democracy in Bangladesh', *Journal des Anthropologues*, French Association of Anthropology, January, 2012, pp.93-121.

play a central role in poverty alleviation, good governance and policy reforms in the country.

External funding for the NGOs of Bangladesh have substantially increased, from US\$120 million in 1991 to US\$534 in 2008, as donors have been disillusioned with the capacity of the state to ensure effective delivery of services to the poor.<sup>30</sup> This has however created a strange situation. Though aid has enabled NGOs to expand access to services among marginalized and excluded groups, but there has been an increasing shift in favour of service delivery programs abandoning earlier efforts at social mobilization or community activism. Since NGOs have to obtain formal clearance from the NGO Bureau to receive and spend external funding, they are generally found to avoid those advocacy activities which are dis-favoured by the government. There has often been a conscious effort by many NGOs to sever the link between NGO activity and broader political involvement 'either due to pressure from donors, or domestic pressures or lack of response from those who would be mobilized'.<sup>31</sup> While such depoliticized NGO service delivery model of development has indeed achieved important successes in the sectors of education, healthcare, credit, sanitation and women empowerment in the country, yet at the same time, this prioritization of the service provider model has come only at the expense of the transformative potential of the NGOs. Such has affected, if not obscured, the potential value of other understandings of civil society alongside or in place of the neo-Tocquevillian<sup>32</sup> one. More radical perspectives argue that the subsequent 'NGOization' has served to undermine local and national movements in complicity with

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<sup>30</sup> G. Shabbir Cheema, n.21.

<sup>31</sup> K. Stiles, 'International Support for NGOs in Bangladesh: Some Unintended Consequences', *World Development*, 30(5), 2002, pp. 835-846.

<sup>32</sup> The neo-Tocquevillean school presumes that the more associations there are in a country the greater the possibility that democratic institutions will improve. It is believed that efforts to produce democracy through civil society engagements may bring about macro social outputs through micro social efforts; the democratic practices shaped in associational activities will have spill over effects in other context and the same associational structures will operate in similar ways in different socio-historical background. Such supposition has profoundly influenced the donor policies in developing countries like Bangladesh.

state and private sector interests.<sup>33</sup> It has also potently created a dependent ‘Franchise State’<sup>34</sup> where vital public services such as education, health, and banking are increasingly run by NGOs, funded by domestic and international donors, with ideological and policy preferences of their own, which, at times, run contrary to the specific needs of the beneficiaries and also prove to be inimical for long term structural change. Again, while the NGO service delivery programs may indeed bring quick benefits but their ability to address the deeper, systemic roots of the problems are limited because of the NGOs lack of independent abilities to negotiate changes in policy with the State. Finally, **the most important lacunae of this service delivery paradigm was that it further eroded the democratic institutions and practices in Bangladesh, making it more difficult to achieve the goal of a state responsive to its citizens’ needs.** As such, despite the strong position of NGOs among CSOs, the depoliticized nature of the NGO programmes were contested and heavily debated within Bangladesh. The general feeling was that despite using their identity as CSOs to consolidate their legitimacy, these new ‘sweethearts of development had increasingly divorced themselves from their civil society roots.’<sup>35</sup>

Given on the next page is a complete list of NGOs registered with the NGO Affairs Bureau, Bangladesh. While the facilitating role of the government was manifested with the creation of the NGOAB for one-stop service and easing of regulatory measures, cancellation of registration for alleged ‘unlawful activities’ is also quite common. So far, more than four hundred have had their registration cancelled by the NGOAB for various offences.

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<sup>33</sup> The term was used by D.Hilhorst in his book, *The Real World of NGOs: Discourses, Diversity and Development*(2003) to describe the strategy of attempting to build and diversify an elite power base by setting up an NGO as a vehicle for pursuing individual and community interests.

<sup>34</sup> G.D Wood, ‘Staying Secure, Staying Poor: The Faustian Bargain’, *World Development*, 31(3), 2003, pp. 455-471. Wood explains that in such a state individual citizens are transformed from political agents into economic consumers of goods and services and the very concept of individual political rights guaranteed by citizenship is threatened.

<sup>35</sup> Nicola Banks, David Hulme, Michael Edwards, ‘NGOs, States and Donors Revisited: Still Too Close For Comfort?’, *World Development*, Vol.66, February, 2015, pp.707-718.

**TABLE 4.1**

**Number of NGOs Registered with NGO Affairs Bureau, Bangladesh**

<b>Year</b>	<b>Local</b>	<b>Foreign</b>	<b>Total</b>
Upto June '90	267	80	347
1990-91	368	93	461
1991-92	485	105	590
1992-93	571	121	692
1993-94	679	128	807
1994-95	788	134	922
1995-96	880	137	1017
1996-97	995	143	1138
1997-98	1093	151	1244
1998-99	1215	154	1369
1999-2000	1347	167	1514
2000-2001	1448	173	1621
2001-2002	1506	173	1679
2002-2003	1621	179	1800
2003-2004	1705	184	1889
2004-2005	1802	186	1988
2005-2006	1870	190	2060
2006-2007	1999	198	2197
2007-2008	2114	206	2320
2008-2009	2164	219	2383
As on January 1,2015	2097	236	2333

Source: Office of NGOAB, 2009; NGO's list of Bangladesh at <http://ngonewsbd.com/ngo-list-of-bangladesh/>, retrieved on 20/4/15.



Clearly the NGOs of Bangladesh, with their depoliticized working agenda, failed to perform their ‘civil society’ functions of balancing and checking to some degree the powers of political society and commercial society, over the first two decades. The laws passed by the Zia and Ershad Governments respectively (in 1978 and 1982), requiring NGOs to seek approval from relevant government ministries in order to receive foreign donations only made it clear that such NGO activities that were perceived as being against the government would only result in logistical delays, harassment, and repression.<sup>36</sup> As such, most NGOs tended to confine their work to narrowly defined development activities to the extent that most played no role in the mass movement against Ershad between 1987 and 1990, belatedly lending their name to a statement of support in the last days of the campaign when it was finally clear that the government was going to fall.

The withdrawal of structural adjustment programs from the mid-1990s onwards marked a major shift, returning the state’s role in development back to center stage, but this time with an explicit focus on ‘good governance’. While this ‘re-governmentalization’ of aid drew attention away from NGOs, the language of democracy, human rights, participation and “strengthening civil society” that accompanied it consolidated their role as proxies for broader processes of citizen engagement that would enable them to act as a countervailing power against local and national governments.<sup>37</sup> **Thus was born a third type CSOs in the country; NGOs with special focus on policy advocacy and influence having a profound impact on the process of democratization in Bangladesh.**

Such NGOs took up voter education and awareness programmes to contribute towards the democratization of the polity. A few NGOs like *Proshika* and *Nagorik Uddyog* conducted civic rights education and awareness programmes to that effect. Groups within the democracy movement like *Shushashoner Jonno Nagorik, or Shujan*, carried out a

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<sup>36</sup> Sabeel Rahman, ‘Development, Democracy and the NGO Sector: Theory and Evidence From Bangladesh’, in Zillur R. Khan and Syed Saad Andaleeb (eds), *Democracy in Bangladesh: Political Dimensions of National Development*, The University Press Ltd., 2011, p.129.

<sup>37</sup> Nicola Banks, David Hulme, Michael Edwards, n. 35.

relentless advocacy, awareness and mobilisation campaign demanding clean candidates, clean politics and systemic reforms. At times, the involved organizations coordinated their activities through an umbrella organization called the Fair Election Monitoring Alliance or FEMA, which has also been involved in promoting reform of election laws in Bangladesh, through engaging in consultations with interested groups and formulating legislative and other proposals. One such significant civil society intervention for the purpose of creating mass awareness on electoral issues took place in 2002 when the '*Citizens For Fair Elections*' (new name *Shujan*) developed a questionnaire seeking information from candidates contesting the Union Parishad elections. This information included background on the candidates' education, profession, income, criminal records, assets and liabilities. Using this questionnaire, *CFE* volunteers collected information from UP chairmen candidates and were able to prepare candidate profiles, which they turned into posters and leaflets for distribution among voters. The volunteers then arranged 'Candidate-Voter, Face-to-Face interactions where contesting candidates had a chance to present their election manifestos and voters had the opportunity to ask questions. Despite warnings from several quarters that seeking such information would put volunteers; safety at risk, the exercise was successfully carried out in 55 Union Parishads in the country and the work received a great deal of acclaim. A subsequent survey showed that a significant proportion of voters had indeed changed their voting decisions based on the information they received. The same exercise was subsequently conducted in several *Paurashava* and Parliamentary by-elections. Again, advocacy for the trial of war criminals were also carried out by some civil society groups like the *Sector Commanders' Forum* (1997) and also supported by many citizen groups. Due to such pro-active advocacy and widespread media coverage, the call for war criminals was on the lips of a large section of voters by election time.

It is believed that the high rate of voters' turn out (over 74%) during the 1996, 2001 and 2008 elections was partly due to such awareness programs and initiatives by these new advocacy NGOs.<sup>38</sup> The movement for change, initiated and led by *Shujan*, culminated in

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<sup>38</sup> In Interview with Prof. Monirul Khan, Chairman, Department of Sociology, Dhaka University on 20/4/2015 and Janab Raheed Ezaj, Special Correspondent of Bengali Daily *Prothom Alo* on 23/4/2015 on my field trip to Dhaka and Chittagong.



a range of substantive electoral reforms, including the reconstitution and reform of the Election Commission, the preparation of electoral rolls with photographs, reform of the electoral process and the compulsory registration of political parties. Following these reforms, parliamentary elections were held in December 2008, which by all accounts were free, fair and peaceful. Crucially many tainted candidates were either not nominated at all or, when nominated, failed in their campaigns. Naturally, the work of these CSOs needs to be evaluated positively for the citizens of Bangladesh and the nation's democratic development.

Other NGOs that focusses on advocacy are- *Nijera Kori* (let us do it ourselves), *Samata* (Equality), *Ain-O-Salish Kendro* (law and conciliation center), *Mohila Parishad* (Women's Assembly), *Manush-e-Jonno* (for the people), *Democracywatch*, *Transparency International Bangladesh* (TIB), and the *Centre for Policy Dialogue* (CPD). The advocacy efforts of these NGOs cover such areas as gender, human rights, corruption, good governance, fair elections and policy reforms. *Nijera Kori* and *Samata*, for example, have focussed on social mobilization efforts in the form of enforcing rights of the poor to access *khas* (reclaimed) land and waterbodies, scrutinizing local authorities' allocations of welfare goods such as Vulnerable Group Feeding (VGF) cards, and supporting gender rights. The *Transparency International Bangladesh*, another reputed NGO, mainly focuses on corruption in various sectors of Bangladesh society. (Interestingly Transparency International ranked Bangladesh number one in corruption worldwide five times in a row from 2001-2005. In 2010 however, it ranked Bangladesh 145 out of 174 countries with the score of 2.5 in a scale of 0-10.)<sup>39</sup> *TI* Bangladesh has also carried out studies demonstrating the influence of money on elections and also sought to highlight both the inherent strengths and weaknesses in the functioning of the Election Commission and the *Jatiya Sangsad* in the country. Again, *Democracywatch* is another non-profit, non-partisan NGO which aims to establish good governance and uphold human rights through strengthening democratic institutions and the electoral process. Since 1996, *Democracywatch* has observed all the elections in Bangladesh and carried out regular voter education programs. The NGO has also gained reputation in

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<sup>39</sup> See for details, <http://www.transparency.org/cpi2014/results>

sensitizing people, especially the Bangladeshi youth, on issues related to gender and governance. Some other large NGOs such as *Proshika* have “graduated” from their advocacy roles and have associated themselves with political parties and alliances. The *Proshika* has also added a new dimension to its work with the creation of an Institute for Development Policy Analysis and Advocacy (IDPAA) in the early 1990s. IDPAA and its allies have campaigned on a wide variety of social, political and environmental issues.



Still other forms of civil society organisations, quite different from NGOs, at least from a democratization perspective, are **voluntary associations or ‘membership associations’** formed to pursue some common interest or aspirations. Since these are voluntary associations based on mutual interest, they can exist and operate without outside funding or government grants. CSOs are powerful in any democracy because of their membership. Rather than basing advocacy on a personal relationship and respectfully asking a favour from the government, CSOs make demands, threatening to remove those that do not accede to those demands by deploying their members at election time. CSOs of this sort make governments and politicians nervous, but then it is just this sort of advocacy power that is most missing in Bangladesh.

The CSOs of Bangladesh include the **business associations** headed by The Federation of Bangladesh Chambers of Commerce and Industry (FBCCI) which are essentially interest group associations that lobby the government about fiscal and financial policies and programmes. Again, **professional associations**, including those of doctors, engineers and lawyers, also have important voices in public life, though their leverage on public policies has generally been weak. Issue-based CSOs such as those dealing with environmental protection are usually sustained by contributions from members and by the voluntary services of activists. *Poribesh Rokkha Shopoth* is one such civic organization which aims to protect Dhaka city’s lakes, greenery and air. Again judicial initiatives by CSOs like *Bangladesh Environmental Lawyers’ Association (BELA)* have also been noteworthy. Human rights CSOs like *Odhikar* (Rights) have been in the forefront of protests against extra-judicial killings by the RAB, banning of the publications of the

Ahmadiyya community, attacks on the Hindu community and the indigenous groups in the CHT, political repression against opposition political parties and so on. They have been highly critical of the government for manipulating the judicial process and abusing Section 144 of the Code of Criminal procedure to repress the meetings, mobilisations protests of its political opponents.<sup>40</sup> Annual reports on the human rights situation in Bangladesh, as prepared by *Odhikar*, hold respect worldwide and have even been cited by Human Rights Watch in its World Reports on Bangladesh.

Citizens' groups or forums are also important and quite active too, in present Bangladesh. Though such platforms do not fall within the standard parameters of 'Civil Society establishment', their advocacy power holds weightage and makes the government nervous too. For instance, '*Worried Citizens*' repeated calls for national dialogue between the two main parties and putting an immediate end to the ongoing violence in the country so irked the ruling Awami League leaders that they not only trashed the idea of sitting across the table with Khaleda, but also, termed the civil society group members the 'cancers of the society'.<sup>41</sup> The *Worried Citizens* Group include members like former Chief Election Commissioner ATM Shamsul Huda, former Caretaker Government advisors like Akbar Ali Khan, M Hafizuddin, Rasheda K Choudhury, columnist Syed Abul Maksud, jurist Shahdeen Malik, former Bangladesh Garments Manufacturers and Exporters Association President Anwar-UI-Alam Chowdhury Parvez, Policy Research Institute of Bangladesh executive director Ahsan H. Mansur and Sushashoner Jonno Nagorik secretary Badiul Alam Majumdar. Again, there is the pro-Awami League citizens' platform called the *Sahasra Nagorik Committee* including noted poet-writer Syed Shamsul Haque, poet Hanif Khan, Bangladesh Federal Union of Journalists President Manjurul Ahsan Bulbul and such others. This citizens' forum upheld the just

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<sup>40</sup> See *Odhikar Annual Human Rights Report 2013* at [https://www.fidh.org/IMG/pdf/odhikar\\_ahrr\\_2013.pdf](https://www.fidh.org/IMG/pdf/odhikar_ahrr_2013.pdf)

<sup>41</sup> 'Civil Society again calls for dialogue- Wants immediate end to violence', *New Age*, February 14, 2015.

concluded Dhaka and Chittagong city corporation polls as free, fair and credible and criticised the BNP for failing to show its political responsibility by boycotting the polls.<sup>42</sup>

According to Lewis, religious organisations and philanthropic activities, largely shaped by community needs and government space for action, may also be regarded as part of ‘civil society’ in Bangladesh. In fact, such organisations have a long history in socio-political affairs in this region (noted earlier) and Bangladeshi elites either use these institutions as their support base or they avoid confrontation. Mosques, in Bangladesh for example, take on a number of responsibilities other than religious activities and form the niche of Islamic civil society.<sup>43</sup> Lewis recounts an incident in Dhaka’s Mirpur district (2001) where a religious organisation was seen to be acting in pursuit of the public good in response to local problems. It was found that a local mosque of Gopibagh area of Mirpur had helped organise a community initiative to resist the problem of organised crime. Whistles and wooden clubs issued to local shopkeepers and residents had successfully reduced the illegal activities of the local touts and extortionists in the neighbourhood.<sup>44</sup> Again, during his village field work in Comilla (2000), Lewis claims to have come across at least four different organisations co-existing with other forms of organised self-help, individual elite philanthropy and local patronage at the community level.<sup>45</sup> Even the government, on occasions, tries to take advantage of the social goodwill of these religious CSOs to promote their own development projects or simply as a medium for political communication (as was done by the military rulers).

During my own field trip to Dhaka and its outskirts, I came across several such charitable trusts, hospitals and dispensaries which were supposedly affiliated to the *Ja’maat*. Most of the services offered here were at twenty-five percent below the market price. Completely free services were only offered to some, on a case-by-case basis, depending upon their ability to pay. The people had confidence in the quality of services offered and

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<sup>42</sup> ‘Fair Poll, says Sahasra Nagorik Committee’, *The Daily Star*, April 30, 2015.

<sup>43</sup> In conversation with Prof. Imtiaz Ahmed, n.4.

<sup>44</sup> David Lewis, n.28.

<sup>45</sup> *ibid.*

the organisations were a huge success.<sup>46</sup> Examples of such charitable organisations with a religious fervour include the Islami Bank Hospital, IB Community Hospital, IS Diagnostic & Imaging Centre, Ibn Sina Trust and Darul Ihsan Trust. Thus, in Lewis' view the importance of social institutions, with a strong informal dimension, like mosque and temple committees, religious trusts and informal *Samaj* leaders at the local level must be included within the 'Civil Society' perimeters.<sup>47</sup>

In sum, each of the categories that we have identified within the broad contours of the 'Civil Society' concept have made their creative inputs towards the development of civil society and also contributed significantly towards the democratization of the State of Bangladesh. The boundaries of the concept have constantly shifted over time to absorb diverse forms of organisations and viewpoints with, not only NGOs, but also secular and religious organisations being included. Initially, the 'older' version of civil society was eclipsed by the emergence of 'newer' organisations of civil society in the form of development NGOs, pressure groups and various umbrella organisations. The crucial turning point, according to Lewis, for bringing the old and new streams closer together and into a more mainstream position in relation to the general public was the anti-autocracy movement of 1990 which brought about the downfall of Ershad and returned Bangladesh to a democratic system. Although the NGOs joined the movement at the last minute, they were publicly seen to play a political role alongside the rest of the civil society as far as challenging the military was concerned. Thereafter, new links were established between old and new civil society in the form of alliances which stretch

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<sup>46</sup> During my Dhaka visit, I spoke to a few members of the staff of Ibn Sina Diagnostic Center, Lalbagh, Dhaka and also a few residents of the area in which the diagnostic center was located. A premier institution in the field of health service in Bangladesh, it enjoys a lot of goodwill among the common people of the area.

<sup>47</sup> David Lewis, 'Beyond the Net? The Changing Rural Power Structure in Bangladesh', in David Gellner and Krishna Hachhethu (eds), *Local Democracy in South Asia: Microprocesses of Democratization in Nepal and its neighbours, Governance, Conflict and Civic Action (I)*, Sage Publications, New Delhi, India, 2008, p. 290. Lewis also cites B.Bode when he points out the ways in which the local mosque committee may be interlinked with formal political process through the weekly sermon (*khutba*). At election time, candidates favoured by the committee are invited to address the *jama'at* and even tour the village during their election campaigns, being careful to maintain a non-political façade by presenting themselves as 'patrons of the congregations' ready to donate materials for mosque repairs and improvements

between left-leaning NGOs, trade unions, women's organisations and sections of the press such as the *Oikkabaddho Nagorik Andol*?iety actors mobilised more than half a million people in February 2001 with a comprehensive set of demands on democratisation, human rights and poverty reduction. **It is necessary, however, to go beyond a mere scrutiny of the civil society concept and delve into its relationship/partnership with the state, political society and media to gain a better understanding of the civil society's contribution to the deepening of the democratic process in Bangladesh.**

## II

### **CIVIL SOCIETY AND THE NATIONAL POLITICAL SPACE**

If CSOs and NGOs are supposed to be the game changers of democracy, assessing performance only on their functional mission is not sufficient to legitimize their work. They have to move away from the narrow focus on apolitical service delivery and institutional advocacy that has been prioritized – lobbying to influence elites and nurture relationships with the state to gain some degree of insider status – toward a deeper engagement with broader politics by amplifying citizen voices and seeking structural adjustments as long term solutions. Keeping this in mind, the Busan Partnership for Effective Development Cooperation (November 2011), had called upon all development stakeholders and sovereign States to create an enabling environment for CSOs and NGOs to positively contribute to national policy and development; yet, till date, there is no international instrument which explicitly guarantees or protects the work of civil society and NGOs as independent development actors. As such, the political reality in many countries, like Bangladesh, is sadly one of shrinking space for the 'third sector'.

## **GOVERNMENTAL REPRESSION**

The institutional context of Bangladeshi political space has often been criticized for making it rather difficult for civil society actors to engage in the desired kind of mobilizational and oppositional activity expected of them. Intrusion of civil society into policy arena is often looked upon suspiciously by the Government. While civil servants resent the NGOs for being better resourced and paid, political leaders are wary of the latter's power and ability to successfully mobilize a large number of people. As such measures are often taken to curtail the freedom of CSOs in the forms of legal barriers to the formation of organizations, operational activity, advocacy and public policy engagement, communication and cooperation with others, assembly and resources (World Movement for Democracy Report 2012). The government tends to justify these obstacles as being essential in order to improve the accountability and transparency of CSOs, to harmonize or coordinate CSO activities, to meet national security interests by addressing terrorism or extremism and/or in defence of national sovereignty against foreign influence in domestic affairs. Moreover, political action by these organisations is generally equated with partisan action to be necessarily repressed, not only by the government, but also by the Bangladeshi national elite, reflecting a deep distrust of CSOs and NGOs which become politically active.<sup>48</sup> The product is therefore a civil society which can be characterized as rather 'benign', as opposed to the 'pro-active' type deemed essential for successful democratic consolidation.

As Stiles points out, historically the relationship between the government and the NGO sector in Bangladesh has ranged 'from benign neglect to co-option to smear campaigns and repression'<sup>49</sup>, depending on the State's perception of the balance of power between it and this 'third' sector. A number of NGOs and civil society groups have paid a heavy price for challenging the state. Government repression and NGOAB (NGO Affairs Bureau) regulation of donor funds has been used to regulate NGOs' policy approaches,

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<sup>48</sup> Interestingly, Prof. Imtiaz Ahmed, n.4, further qualified my statement (during my interaction with him) by noting that "the engagement of civil society is looked at with suspicion only when in power, while reaping benefits from it when in opposition".

<sup>49</sup> K.W. Stiles, *Civil Society by Design: Donors, NGOs and the Intermestic Development Circle in Bangladesh*, Praeger, Connecticut, 2002, p.125.

specifically to prevent these organisations from engaging in social mobilisation. NGOs engaging in social mobilisation programs not only find themselves under greater government scrutiny, but also face harassment and repression from the government for intervening directly within the political space that defines the status quo, threatening established relations of power which support the Government, Parliament members and their patrons.<sup>50</sup> Recent work by CIVICUS lists a series of violations of the freedoms of expression, association and assembly, as well as harassments and attacks against individuals and civil society organisations in the country.<sup>51</sup> CIVICUS noted the virtual governmental monopoly over television, bans on public meetings, cancellation of the registration of some 6000 NGOs and the arbitrary arrest, torture and disappearances of political activists, journalists, trade union and student leaders. In fact, the collapse of some of the renowned NGOs that have actively engaged in democracy promotion and politics only serves as warning to other Bangladeshi NGOs, seeking to stray into more democratic arenas, to beware.

A very well-known case that can be cited here is that of *Proshika*, one of the largest NGOs in the country. *Proshika* and a few of their allies were targeted by the BNP Coalition Government (soon after it came to power in 2001) for their alleged pro-AL sympathies. Several officials and workers of *Proshika* including its chief, Kazi Faruque Ahmed, were imprisoned on alleged charges of corruption and sedition and were freed after months of protracted legal battles. Donors funding *Proshika* refused to accept the government's allegations of corruption and instituted their own audit that cleared *Proshika*. However, the persecution of *Proshika* continued even under the Fakhruddin CTG. The government refused to release nearly US\$29 million of donor funding to *Proshika* in February 2007 on the grounds of its being engaged in "anti-government

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<sup>50</sup> S.H. Hashemi, 'NGO Accountability in Bangladesh: Beneficiaries, Donors, and the State', in Michael Edwards and David Hulme(eds.), *Non-governmental Organisation, Perspective and Accountability: Beyond the Magic Bullet*, Earthscan, London, 1996,p.125.

<sup>51</sup> CIVICUS is an international NGO which is dedicated to strengthening citizen action and civil society around the world. See CIVICUS press release of June 15, 2012, 'Government of Bangladesh's Systematic Clampdown on Civil Society' at <http://www.charitystar.org/?p=2636> and also press release of July 8, 2014 at <http://www.civicus.org/index.php/en/media-centre-129/press-releases/2076-human-rights-defenders-in-bangladesh-face-dire-threats> retrieved on 21/4/2015.



activities.”<sup>52</sup> *Proshika*’s chief, Kazi Faruque Ahmed, was again imprisoned, but was later released. ***Transparency International Bangladesh*** (TIB), another vocal civil society organisation focusing on government corruption, has also faced repeated harassment by successive governments. Their funding has been repeatedly audited. The office-bearers of TIB have had to similarly face repeated audits of their personal income tax returns. Again, the Government brought criminal charges against two top members of ***Odhikar***, for publishing a report on violence and fatalities by security forces during a protest by the ultra-radical Hefajat-e-Islami on 5-6 May, 2013. *Odhikar*’s report had claimed that sixty one people were killed in the overnight protest, a figure the Government of Bangladesh vehemently denied. In fact, the Amnesty International, International Commission of Jurists and Human Rights Watch together issued a joint statement, calling upon the Bangladesh Government to stop harassing workers and activists of *Odhikar*.<sup>53</sup> More recently, accusations of corruption and the forced resignation of Mohammed Yunus from the ***Grameen Bank*** – although publicly declared in the public interest to abide by the country’s retirement laws – are widely recognized as a government response to his post-Nobel prize attempts to create a ‘people’s’ political party to foster change in the country’s political culture, and to build a ‘new Bangladesh.’<sup>54</sup> The virtual sacking has also been interpreted as a side swipe at civil society, potentially a move by the AL Government to try and control the considerable resources built up by the big Bangladeshi NGOs.<sup>55</sup>

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<sup>52</sup> Rounaq Jahan, *The Challenges of Institutionalising Democracy in Bangladesh*, Institute of South Asian Studies Working Paper, National University of Singapore, March 6, 2008, p.28 available at [http://www.voltairenet.org/IMG/pdf/Democracy\\_in\\_Bangladesh.pdf](http://www.voltairenet.org/IMG/pdf/Democracy_in_Bangladesh.pdf)

<sup>53</sup> ‘Drop Charges Against *Odhikar*, Int’l Rights Bodies Tells Bangladesh’, *The Statesman*, January 17, 2015.

<sup>54</sup> See, ‘Yunus’ age a legal issue’, *The Daily Star*, March 2, 2011. The Grameen Bank Controversy was also diligently pursued by BBC News; see *BBC-South Asia*, ‘How Grameen Founder Muhammad Yunus Fell From Grace’, April 5, 2011 and also, ‘Grameen: Norway gives all-clear to Bangladesh Bank’, December 8, 2010.

<sup>55</sup> In conversation with Prof. Monirul Khan and Raheed Ezaj, n.38.

An idea of the bleak situation facing Bangladeshi Civil Society comes through in the words of Nicholas Kristof (New York Times Columnist and two times Pulitzer Prize winner for Journalism)

‘Bangladesh has thrived in recent decades because of the strength of its civil society — especially Grameen and the equally amazing organization BRAC. Government governance has frankly been disappointing, but civil society has helped account for Bangladesh’s enormous gains. If the government is now going to crush the country’s strongest sector, heaven help it....If Grameen is turned into a state bank that would be a catastrophe— above all for the impoverished people who depend on it. And if a Nobel Peace Prize winner can be shunted aside, then all of civil society is in jeopardy’.....<sup>56</sup>

### **PARTISAN CIVIL SOCIETY**

Another weakness which seriously impedes the Bangladeshi civil society’s ability to serve as a catalyst in social and democratic development of the country is the politicization of these supposedly neutral institutions for partisan purposes. Frankly, the CSOs of Bangladesh are not free from politics, as either they are affiliated with a political party or the political elite come to them for support. Their relation with politics serves the purpose of staying close to power and they thus, fall in line with party politics. This kind of political affiliation, however, has little relation to the democratization process.

A prominent academic during one of my interviews said, “There is an AL civil society and a BNP civil society in the country. So the findings of any CSO or NGO must be ‘taken with a pinch of salt’. In short, what he meant was that we must always keep in mind the political leanings of an organisation and not take its assessments or surveys simply at face value.”<sup>57</sup> The statement reflects the weakening trust in the very institutions meant to protect and promote the interests of the general public.<sup>58</sup>

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<sup>56</sup> Nicholas Kristof, ‘Is Bangladesh Trying to Take Over Grameen Bank?’, *The New York Times*, January 5, 2011.

<sup>57</sup> In interview with Prof. Shantanu Majumdar, Department of Political Science, University of Dhaka, on 19/4/2015. Ironically, this description was echoed by several journalists, diplomats and even CSO representatives on both sides of the political divide.

<sup>58</sup> In one estimate, it was found that more than half of the population of Bangladesh (53%) says they have no trust in the police, 29% have no faith in the judicial system, and 25% don’t trust

Politicization, or at least the perception of it, affects every government body and civil society organization and is a key factor attributed to this low level of trust. According to another prominent historian and civil society activist, “most civil society groups represent the liberal and secular voices; they believe that an Awami League government is their government. Had a BNP government done exactly the same things (talking about the 2014 election fiasco), these groups would have been much more vocal; they would have skewered it”.

Evidence shows that Bangladeshi CSOs and NGOs do try and ally themselves with one of the two major political parties, which can then expose them to criticism from the other party and opens up the whole sector to accusations of being politically partisan. (Some of the more mature agencies try to avoid such accusations by ensuring that they have alliances with people from both parties, for example on their boards.) But, members of the civil society taking a stance for or against the government is a most common sight at various local or even the national level elections. In the just completed Dhaka Corporation elections on April 28, 2015, the *Sahasra Nagorik Committee*, for instance, including noted poet-writer Syed Shamsul Haque and Bangladesh Federal Union of Journalists President Manjurul Ahsan Bulbul among others, openly took a stance for AL-backed mayoral candidates for the Dhaka North and South City polls. Similarly, the *Adarsha Dhaka Andolan*, another civil society platform including former Dhaka University Vice-Chancellor Emajuddin Ahamed and *Peshajibi Samannay Parishad* leader Shawkat Mahmud among others, was formed to formally support the BNP backed mayoral candidates. Again, most civil society observers feel that pro-democracy civil society groups, regardless of party loyalties, should have pushed against unconstitutional policies and actions and for constructive AL-BNP re-engagement to resolve the ongoing national crisis, post-2014 elections. However, thanks to the extreme partisan policies of the successive elected governments, instead of pressing both sides to exercise restraint, these so-called ‘pro-democracy’ groups are as deeply polarised as the rest of the polity.

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NGOs. For details see, The Asia Foundation, Occasional Paper no. 13, *Strengthening Democracy in Bangladesh*, June, 2012 available at <https://asiafoundation.org/resources/pdfs/OccasionalPaperNo11FINAL.pdf>

Since 1990, clear-cut partisan divisions exist not only within professional groups like academicians, journalists, lawyers, doctors, artists etc. but also, within labour unions, NGOs, Chamber federations and religious CSOs. In fact, the entire third sector has become divided into ‘warring camps based on affiliations, direct or indirect, to major political parties and the most common instruments used to achieve such divisions include appointments, promotions and other forms of rewards and punishments in various fields based on partisan considerations; the latter are, of course, in addition to the distribution of spoils.’<sup>59</sup> Even the bulk of the lawyers, at all levels of the judiciary, are divided along party lines, and hence every change of regime brings about a major reshuffling of the judiciary. Perhaps, this would explain the controversy surrounding the appointment of A.B.M. Khairul Haque as Chief Justice of Bangladesh by President Zillur Rahman. Because the appointment was made by superseding two senior judges of the Appellate Division, it was considered ‘technically faulty’ and hence ‘politically motivated’. And predictably, while the pro-government office bearers of the Supreme Court Bar Association thanked the government for the appointment, the pro-opposition office bearers of the same organization protested the supersession of the two senior judges and termed the appointment as ‘politically motivated and harmful for the image of the apex judicial body.’<sup>60</sup> The successive government’s high-handedness in matters of appointment has led to growing concerns within the legal circles about increasing executive encroachment and politicisation of the judiciary. But, it is a bleak situation as the legal community, which itself could have potentially played a constructive role in checking such executive and judicial excesses is, unfortunately, as divided as the rest of the polity.

Again student activism, which spearheaded past pro-democracy movements, such as the one against General Ershad in the latter half of the 1980s, has also been constrained by

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<sup>59</sup> John Coonrod and Badiul Alam Majumdar, ‘Role of Civil Society in Bangladesh’s Democratic Transition’, Paper presented at the *Conference on Ideas and Innovations for the Development of Bangladesh: The Next Decade*, John F. Kennedy School of Government, Harvard University, USA, October 9, 2009 available at <http://advocacy.thp.org/2009/10/09/role-of-civil-society/>

<sup>60</sup> M. Abdul Latif Mondal, ‘Averting Controversy in Appointment of Chief Justice’, *The Daily Star*, October 10, 2010.

the State or dominated by the parties' violent student and youth wings. Newspaper and media reports have repeatedly highlighted violent clashes between rival student organisations in public universities following every change of regime in Bangladesh.<sup>61</sup> "In most cases, the authorities are forced to close down universities after violence and this is hampering academic activities in universities," lamented several academicians during my interviews. It is even rumoured that the ruling party's student wing holds sway over the university authorities, controlling everything from places in the halls of residence to the management of campus businesses. In exchange for their support, students are provided with various benefits including opportunities of earnings from toll collections, holding onto seats in the residential halls, getting jobs, likelihood of future political appointments<sup>62</sup> and, most importantly, getting away with committing crimes within the campus. The outcome of such partisan student politics has been an undermining of the greater interest of the students at large, as well as the University campus environment in particular.

An interesting case study of co-option and political penetration of civil society along partisan lines can be that of ADAB (Association of Development Agencies in Bangladesh), the umbrella organisation charged with lobbying the government for pro-NGO policies in Bangladesh. This organisation had become increasingly split on the issue of NGOs' involvement in politics. It all started during the second half of the 1990s when, a wide range of mass demonstrations and civil society alliances were effectively coordinated by *Proshika* and the Association of Development Agencies in Bangladesh (ADAB). Such kind of political activism by NGOs clearly rattled some nerves, especially because *Proshika* was broadly identified with the secular nationalist vision of a democratic Bangladesh, the one that was associated with the Awami League. The result

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<sup>61</sup> See 'Student Clashes in Bangladesh', *BBC News*, November 13, 2001. Also see, 'Campus Violence Woe for Public Universities', *The Independent*, December 31, 2014.

<sup>62</sup> At a public meeting, H.T. Imam, senior government political affairs advisor, told Chhatra League activists that to get government jobs, all they had to do was to sit for the written section of the civil service examination, they (the government) would take care of the rest. He went on to say that placing activists in official positions helped Awami League win national elections in January 2014. Mr. Imam later claimed his statements had been misinterpreted. For more see, 'PM annoyed with HT Imam', *Prothom Alo*, Dhaka, November 15, 2014.

was that, soon after the 2001 elections, the BNP government set about sidelining ADAB which it argued had ceased to act as a neutral NGO apex body with an ability to coordinate NGO work effectively. It denounced ADAB as a politicized obstacle to building an effective regulatory environment for NGOs. In early 2003, an invitation from the Government was issued to development NGOs to attend a meeting intended to create a new alternative NGO forum with which the governmental authorities could work. Subsequently, an alternative umbrella organization called the Federation of NGOs in Bangladesh (FNB) was set up. The new set up was to be more ‘government-friendly’ with a comprehensively laid out organizational structure that was specifically designed to promote clearer lines of accountability than had previously existed, and with strong barriers to deter party politicization. The Memorandum of Association for the FNB clearly stated that “no organization shall be recognised as an NGO if it or any of its office bearers is aligned or associated with any political party in any form whatsoever”. This issue was given particular prominence because the *Proshika* President, a known Awami League sympathiser, had himself previously occupied the position of ADAB chair for more than one term.<sup>63</sup>

To sum up, analysts of state-society relations point out that democratization of the state requires civil society, as much as civil society requires the democratization of the state, for its own expansion and emancipation. However, there is no single, linear, universal approach for materializing this. Unfortunately, **the case is that in Bangladesh, the ‘Civil Society’ is so penetrated by the two party struggle for state power that, it is left bereft of the oppositional strength required for holding a ‘democratic’ state accountable to the demands of its citizens. Because there is no distinction between partisan activity and political action, each political party supports only those NGOs and CSOs viewed as friendly to its agenda.** Subsequently, policy elites move to ‘either co-opt or exclude oppositional civil society actors’. The earlier discussion on the exclusion of *Proshika* and the co-option of ADAB only serve as reminders. The outcome of such a co-opted and benign civil society is low popular legitimacy and lesser

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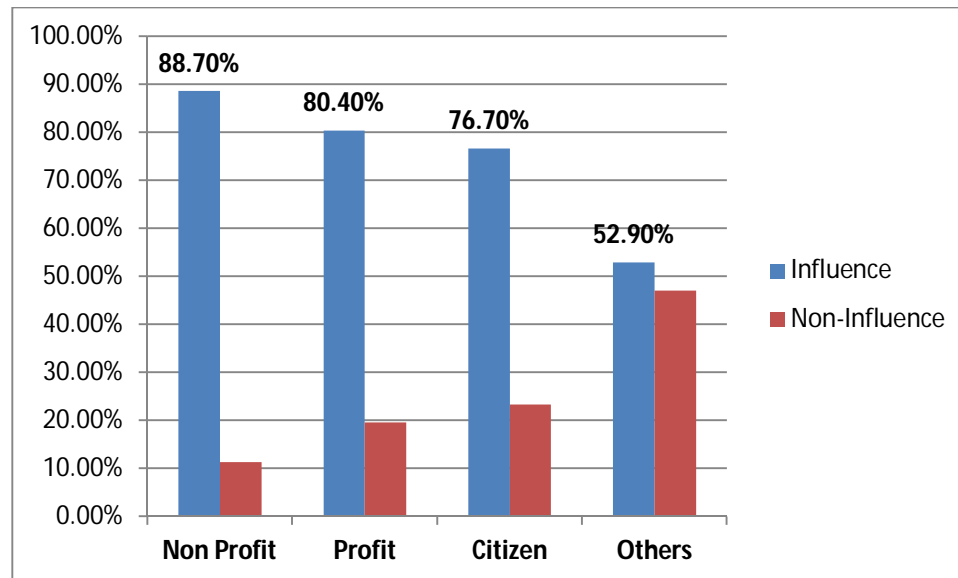
<sup>63</sup> David Lewis, ‘Disciplined Activists, Unruly Brokers: Exploring the Boundaries between NGOs, Donors and the State in Bangladesh’, in David N.Gellner(ed), *Varieties of Activist Experience: Civil Society in South Asia*, Sage Publications, New Delhi, 2010.

alternative avenues for the people to voice their grievances and demand policy reforms. Sadly, CSOs like the major labour unions of Bangladesh or the student unions of the universities are usually dismissed by the common people as mere self serving tools of party elites. The general perception is that such politicized CSOs and NGOs can hardly influence public policy in a broadly beneficial manner. When asked about CSOs and lobbying groups' potentiality to deliver beneficial reforms, the common sentiment among lower and middle class Bangladeshis, is usually one of distrust; political action is viewed as synonymous with corruption, patronage and often violent competition between thugs or *mastaans* tied to individual patrons and parties.

Given below is a graphical representation of the policy influence of civil society organisations in Bangladesh. The Bar chart reveals that non-profit making organisations generally have the highest influence over policy making.

**FIGURE 4.2**

**Policy Influence of Civil Society in Bangladesh(2000-2007)**



Source: Shakil Ahmed, Ph.D Dissertation on 'The Civil Society Of Bangladesh', University of Tsukuba Retrieved from <https://journal.hass.tsukuba.ac.jp/interfaculty/article/viewFile/16/64> on 12/4/15.

### III

#### CIVIL SOCIETY AND THE NATIONAL MEDIA

The role, media can play, as a watchdog, in a democracy is universally acknowledged. For this reason, initiative to strengthen the freedom of the print media, as well as the electronic media, throughout the world has been underscored; Bangladesh is no exception. Since 1991, civil society organisations and media are the two groups who have been in the forefront in pointing out the deficits of democracy in the country and demanding substantive changes. The media especially has emerged as a very effective institution of vertical accountability in Bangladesh.

Earlier, during the military regimes of Zia and Ershad, radio and television were monopolised by the ruling party and access was denied to the opposition. In fact, the gagging of the Press had begun under the Mujib regime with the passage of the infamous Printing Presses and Publications Act 1973. Under this Act, newspapers were subject to licensing and some influential journals were confiscated by the regime. The government closed down weeklies like *Mukhapatra*, *Spokesman*, *Lalpataka*, *Haq Katha*, *Charampatra*, *Swadhikar*, *Swadhinata* and *Nayajug*.<sup>64</sup> In short, Mujib's 'nationalisation' of the print media had effectively stripped it off its independence. Thereafter, under Zia, some of the newspapers were again 'deregulated' but were under constant dictation through official orders.<sup>65</sup> In 1982, the Chief Martial Law Administrator (CMLA) General Ershad further intensified press censorship and put journalists under severe control. Section 15 of his Martial Law Regulations made penalty provisions for criticizing Martial Law or writing against Martial Law.<sup>66</sup> It was around the mid-1980s, as unrest against the Ershad government began to mount, that Bangladesh saw the rise of a new kind of media

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<sup>64</sup> Abul Mansur Ahmed, 'Freedom of the Press and its Constraints: A Study of Press regulations in Bangladesh', *The Canadian Journal of Media Studies*, Vol.1(1), January 2006, p.22 available online at <http://cjms.fims.uwo.ca/issues/01-01/ahmed.pdf> accessed on 12/3/2015.

<sup>65</sup> For elucidation see, George T. Kurian, *World Press Encyclopedia-Bangladesh*, Vol.1, Facts on File, New York, 1982.

<sup>66</sup> *Martial Law Regulations*, Reg. no.1, Office of the Chief Martial Law Administrator, Secretariat, Dhaka, 1982.



outlet – 32 page weeklies printed on inexpensive newsprint and carrying extensive political and social commentary. These new brand of weeklies led by *Jai Jai Din* became instantly popular. Though barely viable commercially, they served as spontaneous outlets of resistance against military rule. *Jai Jai Din* was banned twice, and its editor was thrown into jail. Other papers such as *Bichinta* and *Kagoj* too met a similar fate. However, as the anti-Ershad movement gathered strength in the late 1980s, journalists became increasingly bold, eventually resulting in a media non-cooperation movement with the government and a refusal to publish in solidarity with the opposition’s campaign. It is believed that this non-cooperation by the media played an important role in the eventual down-fall of autocracy, thus elevating the status of media and certain editors and journalists in popular perception.<sup>67</sup>

Winds of change swept over this sector with the fall of the Ershad regime and the establishment of a parliamentary democracy. The abusive and undemocratic Printing Press and Publications Ordinance was annulled and the media became relatively free from state control. *Ajker Kagoj* was the first newspaper to be bank-rolled by a businessman and had a more contemporary approach to news. About the same time, *The Daily Star* also emerged as a leading and influential national newspaper of record. Both its treatment of news and get-up was different, and the paper was printed at a modern computerized press, giving it a more contemporary look. Slowly, other new entrants joined the market as Bangladesh’s economy grew at a rate of five to six per cent and corporates became more aware of creating brand awareness through advertising. In the Bangla newspaper domain, *Banglabajar*, *Manab Jamin*, *Jai Jai Din*, *Bhorer Kagoj*, *Prothom Alo*, *Shomokal*, *Jugantar*, *Naya Diganta*, to mention a few, entered the fray.<sup>68</sup>

In addition to the print media, the electronic media also recorded a steady growth post-1990. For the first time, the Government of Bangladesh gave permission to broadcast

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<sup>67</sup> I got the opportunity to discuss the history of Bangladesh press and media in detail with Janab Abed Khan, a prominent Bangladeshi journalist and columnist, and ex-editor of *Bhorer Kagoj* and *Kaler Kantho* on 25/4/2015.

<sup>68</sup> Asif Saleh and Mridul Chowdhury, ‘Media and politics’, Seminar, no. 603, November 2009, available at [http://www.india-seminar.com/2009/603/603\\_a\\_saleh,\\_m\\_chowdhury.htm](http://www.india-seminar.com/2009/603/603_a_saleh,_m_chowdhury.htm) retrieved on 12/3/2015.

satellite channels commercially, as a result of which the audience who, till then, had only the experience of Bangladesh Television (BTV), was flooded by a variety of foreign television channels. Ekushey TV (ETV) entered the scene in 1999 and effectively changed the media landscape by infusing high levels of professionalism in the field of television journalism. ETV acquired a wide reach because it had a terrestrial license, soon by passing the popularity of the national TV channel, Bangladesh TV. Within a short time, ETV built a wide following among the public, with its newscasters and reporters gaining instant celebrity status. The growth of such privately-owned media – newspapers and television channels – boosted a healthy competition amongst the different media houses in the country, significantly contributing to the strengthening of the democratic process and social responsibility aspect of the media; though questions pertaining to their economic viability, ownership by business magnets and dependence on political patronage remained.

In truth, the Bangladesh media, post-1990, has done an outstanding job in investigating and reporting on governmental and political corruption, rise of extremists, particularly Islamist fundamentalist groups, the role of *mastaans* in party and electoral politics, partisanship of civil bureaucracy and judiciary and other such democracy deficits. During the Fifth Parliamentary Elections (1991), the first to be held in a non-authoritarian environment, newspapers were able to provide adequate coverage of the manifestos and views of all political parties for the first time. Though the Bengali newspapers favoured certain political parties, the English language press maintained a balance between the two main alliances and played a neutral role. All newspapers gave equal prominence to the news and statements of the NCG and the Election Commission.<sup>69</sup> Television also provided equitable coverage to all political parties according to their number of candidates. From early February 1991, television allocated forty five minutes to each party fielding at least thirty candidates to make their presentations. However Ershad's Jatiyo Party, despite nominating more than 30 candidates, was not allocated any television time. The Jatiyo Party complained to the EC about this discriminatory

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<sup>69</sup> Muhammad Yeahia Akhter, *Electoral Corruption in Bangladesh*, Ashgate Publishing Ltd., Britain, 2001, p.185.

treatment by the media. To this complaint, the other party leaders argued that since the Ershad regime had earlier abused its use of the media and had been removed from power by a widespread popular movement, allowing equal access to television was too sensitive an issue.<sup>70</sup>

**TABLE-4.3**

**Time Distribution of TV Programmes On Election**

(Prior to the 5<sup>th</sup> Parliamentary Election)

9 February-1 March, 1991.

<b>Programmes</b>	<b>Duration</b>	<b>% of time devoted to the programme</b>
Speeches of the Acting President, CEC and political leaders	9:55:45	50.08
Documentary films on election	2:57:30	14.92
Short dramas on election	1:21:00	6.81
Announcements on election rules, regulations, voting slogans and duties of the election officials	1:37:53	8.23
Advertisements, slogans, teleops on election	2:12:10	11.11
Discussions and dialogue on election	1:45:15	8.85
Total	19:49:33	100

Source: Father R.W Timm(ed), Fifth Parliamentary Elections, 1991: Observation Report(in Bengali), Coordinating Council For Human Rights in Bangladesh, Dhaka, 1991, p.68.

Thereafter, successive elections in Bangladesh have seen both the press and the electronic media playing a very active role, scrutinising government actions, mobilising public opinion and creating pressures on the government to be answerable. Though concerns have been raised about some of the privately owned media propagating a partisan

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<sup>70</sup> *ibid.*

viewpoint, yet news dailies such as *The Daily Star*, *Prothom Alo*, and TV channels such as *ETV* have created such a public appetite for professional and unbiased news, that the fear of losing audiences or readers, if they appear too biased in their treatment of news, has served to modulate most in the media's political inclinations, thus strengthening the foundation for democratic behaviour.

Over the years, both sections of the media have consistently campaigned for political party reforms, clean and honest candidates and strengthening of democratic institutions like a stronger Election Commission and a reformed Public Service Commission. In its editorials, the print media has repeatedly criticised the patrimonial and personalized politics followed by the two major parties, the violent power-play that has rocked the nation in recent years, the Government's high handedness in dealing with the Opposition and has repeatedly called upon the country's political elites to find a path forward through meaningful talks to a more inclusive and peaceful political process in which the will of the people can be fully expressed. Some of the nation's leading dailies like *The Daily Star*, *New Age* and *Prothom Alo*, have shown considerable even-handedness in the coverage of the two major parties in the post-2014 election scenario, criticising not only, the violent blockade enforced by the Opposition (which took many innocent lives) but also, the enforced disappearances and extra-judicial killings that is likely to show the AL Government in a bad light. One gets a good idea of their potentiality by just glancing through the articles and editorials sharply critical of the AL Government's handling of BNP's 'Dhaka Cholo' programme on March 12, 2012 and the BNP-Jamaat's mindless violence during the first three months of year 2015.<sup>71</sup> In fact, a content analysis of the news reports and editorials of the Bengali daily *Prothom Alo* (from June 2014 to March 2015) revealed more than fifty three articles calling for restraint and meaningful dialogues in resolving the latest political crisis in the country. Such, it may be contended, fairly reflects the dynamism of the Bangladeshi press, which remains relatively unfettered having tremendous potentiality and possibility to articulate ideas for reform and mobilize public opinion for positive change.

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<sup>71</sup> See 'Awami League's Moral Defeat', *The Daily Star*, Dhaka, March 13, 2012 ; 'Has the AL lost its way?', *The Daily Star*, March 14, 2012; 'BNP-Jamaat's Mindless Violence, Again', *The Daily Star*, Dhaka, January 16, 2015

Similarly, the electronic media sector in Bangladesh too, has made its contribution to the promotion of democratic awareness, combating of social injustice and attempts to establish the rule of law in the country. This sector is highly competitive, with about twelve independent satellite channels and one government controlled terrestrial channel and the degree of professionalism and public acceptance of the channels vary widely. As in the print sector, most of the channels are not economically viable and survive only due to political patronage. Most of these channels hold talk shows on variety of issues ranging from corruption, partisan politics, political violence, policy reform and such other socio-economic issues. The pioneer of the talk show trend in Bangladesh was the BBC *Sanglap* (2005), which started off as an experimental programme of the BBC World Service Trust. The aim of this show, where lawmakers were questioned by the audience, was to demand greater accountability from the government. The Government was influenced enough to react to people's wishes expressed on this programme. The programme became so popular with Bangladeshi audiences that soon other talk shows began to emulate this format. TV channels flocked to embrace this 'talk show' concept where expert analysts from different fields, holding differing views, came together to analyze the day's events. *Tritiyo Matra* by Zillur Rahman on Channel i has been one such very popular and celebrated political talk show in the country. Typically, the shows are telecast in the evening and within a 12 hour news cycle, any event of consequence is subjected to detailed scrutiny and analysis. Over the past decade, the shows have technically improved to incorporate call-ins from the audience to ensure greater public participation.<sup>72</sup> A TV programme of a slightly different variety is *Amader Sthaniyo Sarkar*. This programme highlights examples of good governance, and is broadcast by Boishaki TV once a week. Important governance issues covered by this programme with considerable positive impact have been-the role of local government in disaster management; the political economy of local government and also *Upazilla* long term planning.

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<sup>72</sup> I got the opportunity to watch some of these talk shows when I was in Dhaka. These shows used to bring in the mayoral candidates, who were then subjected to a volley of questions not only from the host but also from the phone-in callers. Subjects like the role of the Election Commission and the deployment of the army at the time of elections were subject to intense scrutiny.

During my own field trip to Dhaka (April 2015), I found the print and the electronic media extremely pro-active, covering the Dhaka and Chittagong Corporation elections. Interestingly, they were not only acting as electoral watchdogs reporting on electoral code violations<sup>73</sup>, criticising AL attacks on Khaleda's motorcade<sup>74</sup>, informing the general public about the ongoing criminal cases against the electoral candidates,<sup>75</sup> calling upon a more active Election Commission, but also, arranging round table discussions for the contesting mayoral candidates so as to allow them to put forward their views with regard to Dhaka's problems and their proposed solutions.<sup>76</sup> Interestingly, another daily *Kaler kantho* gave special focus on the city elections, not only in the main section, but also, in the supplementary section of its paper. The supplementary entitled *Ghorar Dim* sought to raise public awareness through poems, short write ups and even jokes.<sup>77</sup>

### **MEDIA PARTNERSHIP WITH CIVIL SOCIETY**

Although made up of profit making entities, the Bangladeshi media has been playing an important role, not only, as a catalytic agent, but also, as an ally and partner with a stake in the process of democratisation and diffusion of human rights in the country. In fact, the Bangladeshi CSOs have found a most willing ally in the media often regarded as democracy's 'fourth estate'. The media and a limited number of CSOs, especially *Shujan*, have worked shoulder to shoulder to generate public demand for political reform, including a demand for clean candidates. Unique civil society-media initiatives like 'Election Olympiad' and 'Electoral Debates' have helped identify important electoral issues leading to public awareness and education and consequently a movement for reform. One such unique civil society-media initiative for accountable development was a

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<sup>73</sup> 'Candidates care little about Electoral Code', *New Age*, Dhaka, April 22, 2015.

<sup>74</sup> 'Six injured as AL attacks Khaleda's motorcade', *New Age*, Dhaka, April 21, 2015.

<sup>75</sup> '*Maamlar Tathya Lukiye Nirbachoney 60 Prarthhi*', *Kaler Kontho*, Dhaka, April 21, 2015.

<sup>76</sup> Prothom Alo had organized such a roundtable conference, '*Aamio Jodi Mayor Hoi ( If I become the Mayor)*' at the Daily's Dhaka office on 20/4/2014 . 6 mayoral candidates from Dhaka North and South City Corporations participated in this conference.

<sup>77</sup> See Broto Ray, '*Maarkata ki?*' (What is the symbol?) and Fakhru Islam, '*Netar Nirbachoni Jorip*' ( Leader's Electoral Instructions) in *Ghorar Dim*, Supplement of *Kaler Kantho*, Dhaka, April 21, 2015.

Citizen's Dialogue held at Bogra just prior to the national elections to be held in 2007.<sup>78</sup> Under the joint sponsorship of CPD, *The Daily Star*, *Prothom Alo* and Channel-i, members of the citizens' committee, leaders of various political parties, people belonging to various professions and walks of life had joined the dialogue. The aim was to mobilize public opinion so that political parties give nominations to honest, capable and patriotic citizens. The demand was also to make required changes in the various provisions of the electoral rules of procedures so that dominance of black money and muscle power at the time of elections could be reduced.

Strengthening local government is another issue which has received considerable civil society and media attention. A large number of academics, thoughtful citizens and CSOs like *Shujan* and The Hunger Project had been advocating reforms to strengthen the local government system in the country for a long time. This demand was taken up by the media which transformed it into a major national issue. As a result of such intense pressure from CSOs-media, the CTG in June 2007 formed a 'Committee to Revitalize and Strengthen Local Government' which recommended sweeping changes in the local government system. Again on the human rights front, CSOs and media have worked together to document alleged atrocities against non-Muslim minorities, Hindus as well as the Ahmadiyya community, on several occasions. Transparency International Bangladesh (TIB) has initiated competitions to encourage objective reporting on corruption and to enhance skills of reporters since 1997. Interestingly, TIB published a compilation of 13 selected investigative reports in 2005 and another book in 2013 with the aim of helping journalists expose corruption and irregularities of different service sectors of government and non-government organizations. The idea was not only, to let the audience of mass media know about the extensiveness and depth of corruption and irregularities that took place in the first place, but also, to take adequate steps for redressal. Again, Bangladesh Centre for Development, Journalism and Communication (BCDJC), a NGO, has been providing financial and editorial support to encourage investigative reporting since 1994. This organization also conducts competitions to award investigative reporters and publishes books to provide with trainings. However, those involved with such investigative reporting or human rights issues in the media and civil society often have to

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<sup>78</sup> 'Civil Society Initiative For Accountable Development', *The Daily Star*, Dhaka, November 13, 2006.

severe pressure through threats of violence and other intimidation. The arrest of Muslim journalist and human rights activist Shahriyar Kabir , on charges of treason, on his return from India where he had been interviewing Hindu refugees from Bangladesh proves this point.<sup>79</sup>

For a better understanding, see the chart on the next page highlighting the different ways in which the media and the civil society have cooperated on a variety of issues ranging from thwarting corruption to raising voter participation at the time of elections.

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<sup>79</sup> Ruth Baldwin, 'The Talibanization of Bangladesh', *The Nation*, May 27, 2002.



**TABLE-4.4**

**Civil Society-Media Interactions and the Creation Of Public Awareness**

<b>Civil Society Initiatives</b>	<b>Media Coverage</b>	<b>Creation of Public Opinion/Awareness</b>
During elections Campaign for political reform -Campaign for strengthening local government -Legal battle for disclosures -Legal battle for rectifying electoral roll -Clean candidate campaign by Nagorik committee -Candidate-Voter Face-to -Face meetings and distribution of candidate profiles during local as well as Parliamentary elections. -‘Vote For Whom?’ -Election Olympiad -Awakening through songs and cultural activities -Courtyard meetings, marches and human chains	Issue-based Roundtables/Debates/Election Olympiads,Citizens’ Dialogues Candidate Profiles EC Dialogues Highlighting Inaccuracies in the Electoral Roll Hosting Talk Shows	In favour of honest, clean and competent candidates. In favour of reforming the electoral process and its institutions. In support of strong local government. In support of negative voting. Against hooliganism. Against vote buying. Against religious extremists/war criminals. Against corruption.

Source: John Coonrod and Badiul Alam Majumdar, ‘Role of Civil Society in Bangladesh’s Democratic Transition’, Paper presented at the *Conference on Ideas and Innovations for the Development of Bangladesh: The Next Decade*, John F. Kennedy School of Government, Harvard University, USA, October9, 2009 available at <http://advocacy.thp.org/2009/10/09/role-of-civil-society/>

## **STATE-MEDIA RELATIONS**

Writing and reporting have never been particularly safe professions in Bangladesh. During the twenty years of democratic rule, journalists in the country have faced undue pressures from state as well as non-state actors. Despite constitutional guarantees of press freedom, media houses in Bangladesh still face restrictions while individual journalists can suffer personal and repeated harassment from the authorities, police, and the Rapid Action Battalion (RAB), the country's secretive para-military police force. Newspapers often have criminal libel suits filed against them, by politicians from the ruling party, for articles published that the latter claim to be false and defamatory. Individual journalists are also targeted for 'unfavourable' news reporting and may even be subjected to incarceration when criminal libel proceedings are filed against them. A recent report published by the New York-based Committee to Protect Journalists (CPJ) observed that the dividing line between politics and journalism is "more blurred than ever" in Bangladesh. The report identified nine countries, Bangladesh among them, as experiencing a decline in press freedoms.<sup>80</sup> It noted that journalists in Bangladesh were "attacked from all sides" during the political turmoil of 2013. The country ranks 144th out of 179 countries on the Press Freedom Index (2013) of the group Reporters Without Borders. Again, Freedom House (in its 2011 report on Bangladesh)<sup>81</sup> ranks the country as, 'partly free' stating that, 'although the Constitution guarantees media freedom, a series of draconian laws enables the government to control the media'. Obviously, such reports only raise questions about the so-called 'democratic' governments' attitude towards the 'fourth estate'. Is the Bangladesh media really dynamic enough to take on the Government? What is the Government's approach to such media activism?

The first Caretaker Government which assumed power after the fall of the Ershad regime in 1991 annulled the abusive and undemocratic Printing Press and Publications Ordinance but the 1974 Special Powers Act, Code Of Conduct for the Media

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<sup>80</sup> Committee to Protect Journalists (CPJ) Report, '*Attacks on the Press in 2013: Bangladesh*', at <https://www.cpj.org/2014/02/attacks-on-the-press-in-2013-bangladesh.php> accessed on 20/4/2015.

<sup>81</sup> See, Freedom House Report at <https://freedomhouse.org/report/freedom-world/2011/bangladesh>

1993(amended in 2002) and a few other such laws enabled the government to maintain rigid control over virtually all radio and television stations in the country for quite some time. As a result, the activities of the Prime Minister occupied the bulk of prime time news bulletins on both television and radio, followed by the activities of members of the Cabinet. Opposition party news got little coverage. The situation underwent considerable change after March 1999; after private channels were allowed to go on air under certain restrictions. Thereafter, on July 12, 2001, the Parliament approved two bills granting autonomy to state-run Bangladesh Television (BTV) and Bangladesh Betar (Bangladesh Radio). However, even after the passage of these laws, the public still believes that there is no real autonomy for BTV and Bangladesh Radio as government intrusion into the selection of news remains a pervasive problem.<sup>82</sup> Besides, many journalists at these stations themselves exercise self-censorship, out of regard for what they feel are the government's wishes.

Incoming governments often target media outlets that have a perceived political bias in their reporting. They tend to exploit an increasingly politicised judiciary to close down or restrict the power of media houses seen as pro-opposition. According to some of my interviewees, 'television and radio licences tend to be issued only to those sympathetic to the government of the day and the media houses are expected to show their gratitude to the government by being careful while reporting news. Those who do not fall in line have to face difficulties.'<sup>83</sup> A clear example of media harassment that can be cited here is that of ETV (Ekushey TV), a privately owned channel which had been allowed to go on air by the end of 1999 after it had agreed to follow certain censorship guidelines. The channel soon built a huge following among the general public. However, in 2001, ETV was shut down by the BNP government, ostensibly because of some legal complications. Managing Director Simon Dring and three other executives had their work permit cancelled. Insiders claim that it was a political decision after the change of government

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<sup>82</sup> In interview with Abed Khan on 25/4/2015, n.67.

<sup>83</sup> In interview with journalists of Maasranga television and Channel 9 during my field trip to Chittagong.

in early 2001.<sup>84</sup> The station was again permitted to resume transmission only in March, 2007 during the time of Fakhruddin CTG. Very recently, the AL government again ordered the network off air, a day after it broadcast a speech by Khaleda's son, BNP Senior vice-chairman, Tarique Rahman; the head of the television station was also arrested by the authorities for alleged airing of "pornographic" material. But most in the know of things have dismissed the official explanation as false allegations.<sup>85</sup> Again, on May 6, 2013, the broadcast signal of Diganta Television was suspended on charges of broadcasting sensitive religious news and encouraging extremism.<sup>86</sup> Authorities approved the country's first community radio licenses in April 2010, but later that same year ordered the closure of the private Channel 1 television station and Jamuna TV, citing violations of broadcasting regulations.<sup>87</sup>

Though the Print media is generally given more leeway when covering sensitive topics than broadcasters (particularly private television channels that provide 24-hour news coverage), yet it is not completely immune from government pressure. In June 2010, the pro-opposition newspaper *Amar Desh* was closed by the current Awami League Government, and its editor Mahmudur Rahman arrested. Rahman was initially charged with fraud and publishing without a valid license, but then was also charged with sedition. The sedition charge allowed authorities to hold him indefinitely; Rahman was released nine months later. Meanwhile, the High Court had reversed the government decision after 10 days, and *Amar Desh* was allowed to continue publication. On 11<sup>th</sup> April 2013, the Bangladesh police again closed down the *Amar Desh* newspaper for publishing materials from the Skype conversations, between the lead justice of Bangladesh's war crimes trials, Justice Nizamul Huq and Ahmed Ziauddin, a Bangladeshi

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<sup>84</sup> In conversation with Abed Khan, n.67, and Raheed Ezaj, n.38, during my field trip to Bangladesh.

<sup>85</sup> 'Broadcasting of ETV Shut Down for airing Tarique's speech', *Newsnext bd.com*, January 5, 2015.

<sup>86</sup> Tithi Farhana, ' Bangladesh's Media: Development and Challenges', *The Diplomat*, March 21, 2014.

<sup>87</sup> BBC Media Action, *Country Case Study: Bangladesh(Executive Summary)-Support to media where media freedoms and rights are constrained* at <http://downloads.bbc.co.uk/mediaaction/pdf/bangladesh.pdf> retrieved on 14/4/2015.

lawyer and academic specializing in international courts of law. The editor was charged with incorrect reporting about the 2013 Shahbag protests.<sup>88</sup> The Asian Human Rights Commission reports that they are informed that Rahman has been tortured in police custody.<sup>89</sup> Again *Inqilab*, one of the nation's oldest Bengali language newspapers was closed temporarily in January, 2014 after the daily reported that Indian troops had taken part in a crackdown in Sathkhira. The newspaper continues to be published online. Four journalists including Ahmed Atiq, lead reporter of the story, were arrested at the *Inqilab* office.<sup>90</sup>

Again, individual journalists who make themselves unpopular with the authorities can have their press accreditation withdrawn and face attacks by both political party activists and police. Virtually all print journalists practice self-censorship to some degree, and are reluctant to criticize politically influential personalities in both the Government and the Opposition; most cite fear of possible harassment, retaliation, or physical harm as a reason to avoid sensitive stories. Those who do criticise remain ever prepared to face violent attacks by party activists and intimidation by government leaders or face libel cases against them. The case of journalist and human rights activist Shahriar Kabir is a case in point. The BNP government arrested him twice in the early 2000s, both times charged with sedition and tarnishing the image of the government.<sup>91</sup> Observers claim that the Khaleda Government felt threatened by his activism and sought to restrain him; however, each time his arrest was declared illegal by the judiciary on technical grounds. Again, in November 2000, a sedition charge (there was another sedition charge already pending against him) was filed against editor of *Inqilab*, Bahauddin, for publishing a parody of the national anthem mocking the AL administration. When the police arrived at Bahauddin's residence to arrest him, he was not there, so they arrested his brother,

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<sup>88</sup> '19 Amar Desh Press Staff Sent To Jail', *The Daily Star*, April 14, 2013.

<sup>89</sup> 'Freedom of Press Stifled and Democracy in the Decline', AHRC News, at <http://www.humanrights.asia/news/alrc-news/ALRC-STM-005-2015> accessed on May 15/5/2015.

<sup>90</sup> 'Bangladesh Police Shut Major Newspaper', *The Wall Street Journal*, January 20, 2014.

<sup>91</sup> Human Rights Watch, *Bangladesh Ravaging the Vulnerable: Abuses Against Persons at High Risk of HIV Infection in Bangladesh*, Vol.15, no.6(C), August 2003, p.17.

Mainuddin instead under the SPA(Special Powers Act which allows for the arbitrary arrest and detention of any citizen suspected of engaging in activities that threaten national security.) and, therefore, not eligible for bail. Mainuddin was however not charged; after 16 days he was released. Charges against editor Bahauddin remain pending in both sedition cases.<sup>92</sup>

Such attacks on scribes are very common during times of political street violence, and some have also been injured in police actions For Tipu Sultan, an award-winning freelance reporter from Bangladesh, writing the truth almost cost him his life. On January 25, 2001, Sultan was abducted and savagely beaten by about fifteen thugs wielding baseball bats, hockey sticks, and iron rods after he wrote an article accusing a local legislator of criminal activity. Joynal Hazari, the politician identified in the wire report, ordered his private army to smash the young journalist's legs and hands so that he would never be able to write again. The gang did as they were told and especially targeted Sultan's right hand-his writing hand. Although his assailants left him for dead on the side of the road, Sultan, miraculously survived. Though the politician Hazari, also known as "the Godfather of Feni" for his brutal rule of the area, denied any involvement in the attack, evidence of his complicity was well documented in the local media which was outraged by the viciousness of the attack and aggressively pursued Sultan's story, naming those responsible and holding the government accountable for its failure to prosecute his assailants.<sup>93</sup> Similarly in 2004 alone, five journalists were killed, and 111 injured in the line of duty. Cases were lodged against 63 journalists and 263 received death threats. Again, in 2012, four journalists were killed in Bangladesh, making it the world's sixth deadliest country for media personnel.<sup>94</sup>

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<sup>92</sup> For more details, see CPJ Letters-Bangladesh, 'Government Attacks Newspaper For Publishing National Anthem Parody' at <https://cpj.org/2000/11/government-attacks-newspaper-for-publishing-nation.php> accessed on 14/4/2015.

<sup>93</sup> CPJ, *International Press Freedom Awards, 2002 Awardee: Tipu Sultan- Bangladesh* at <https://www.cpj.org/awards/2002/sultan.php><https://www.cpj.org/awards/2002/sultan.php> retrieved on 16/4/2015.

<sup>94</sup> 'Bangladeshi Journalists attacked', *The Guardian*, February 25, 2013.

Given below is a table of the number of journalists or scribes killed, injured or attacked in Bangladesh between 2009-2013. The figures are indeed worrying and prove that though the media sector is growing, journalism remains a risky profession in Bangladesh.

**TABLE-4.5**

**REPRESSION OF JOURNALISTS IN BANGLADESH (2009-2013)**

Journalists	2009	2010	2011	2012	2013	Total
Killed	3	4	0	5	0	12
Injured	84	118	130	161	146	648
Attacked	16	17	24	10	7	74
Assaulted	45	43	43	50	37	218
Threatened	73	49	53	63	33	271
Total	221	231	259	289	223	1223

Source: Odhikar Annual Human Rights Report 2013 at

[https://www.fidh.org/IMG/pdf/odhikar\\_ahrr\\_2013.pdf](https://www.fidh.org/IMG/pdf/odhikar_ahrr_2013.pdf) retrieved on 20/3/2015.

**I**n conclusion it can be rightly said that, despite such formidable challenges, the media in Bangladesh has a rich tradition of independence. It can, in general, speak out on most issues, and its right to do so is guaranteed under the Constitution. The National Media reports regularly on, what Freedom House calls, “Endemic corruption and criminality, weak rule of law, limited bureaucratic transparency, and political polarization [which] have long undermined government accountability.”<sup>95</sup> Many editors, journalists and TV producers and presenters publicly say things that may upset vested interests, even if it results in a jail term. In other words, the participation of mass media and journalists in improving the governance, human rights situation and the overall democratisation process is quite evident.

In a recent gathering organised by the leading Bengali Daily *Prothom Alo* on the occasion of the daily's 16th anniversary, it was clear that the Bangladeshi readers/masses too,

<sup>95</sup> Freedom House, *Report on Bangladesh, 2011* at <https://freedomhouse.org/report/freedom-world/2011/bangladesh#.VW3RaWHX6zw> accessed on 16/4/2015.

wanted the media to gear and equip itself to play its unique role as the defender of democracy and human rights in future Bangladesh. Public faith in media, print or electronic, is not yet broken, though media outlets – particularly at local level – do face pressure and intimidation from national and local administrative, commercial and even criminal bodies, and self-censorship is common at every level. While legislative changes, such as the Right to Information Act (RTI) in 2009,<sup>96</sup> seem to demonstrate the commitment of the current Awami League Government to media freedom, yet the same Government's brazenness in shutting down some media and online outlets and arresting editors make it clear that the media landscape is still very unsafe. The ideas for a new media bill submitted to the Parliamentary Standing Committee on Information rang many alarm bells in 2011. The document suggested, among other things: barring programmes that were derogatory about national figures, satirised national ideology or criticised friendly foreign countries; forbidding any promotional or advertising content about non-Muslim festivals and making it mandatory for broadcasters to air government-approved programmes. The reaction from the media, the urban middle-classes and foreign diplomats, was so negative that the Government shelved it for the time.<sup>97</sup>

The Bangladesh media, as of today, stands at a critical juncture where it needs to constantly re-evaluate itself to avoid the threat of once again being placed under a restrictive regulatory frame. As Janab Abed Khan, former editor of *Kaler Kontho* says, "Clearly the challenges for Bangladeshi media are many. Given the binary nature of Bangladeshi politics, the media also tends to cleave down the fault line between the two major political parties, Awami League and the BNP. Since, there are vested interests in the media too; the media sometimes isn't clear about what its role should be. And yet the media in Bangladesh has not done a bad job at all. Its attempts at promotion of democracy and advancement of human rights need to be recognised and lauded. That would help it to preserve its integrity and prevent it from succumbing to external pressures."

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<sup>96</sup> Md. Ariful Islam, 'Understanding Right to Information', *Dhaka Tribune*, November 14, 2013.

<sup>97</sup> BBC Media Action, n. 87.



## **SUMMING UP THE EVIDENCE- CSOs ,NGOs AND MEDIA**

Civil society , and its potential to contribute to democracy is determined not by any single factor but a combination of different factors like history, political culture, external influence, regulatory framework and such others. In truth, however, it is the political structures and culture that influence civil society most, and simultaneously the nature of democracy. This fact is evident not only in Bangladesh, but also in other developing democracies in Asia. Stable democracy may not necessarily facilitate strong civil society just as strong civil society may not always lead to consolidated democracy. In Bangladesh, the political parties and their all powerful penetrative control as well as the culture of political patronage has significantly retarded the participatory strength and voice of the vibrant civil society to contribute to democracy. Ironically, in Bangladesh, the civil society which is expected to fight against the negative forces of clientelism, patronage, nepotism and corruption working within the society and politics is practically found to be completely entangled in the current mesh. As such, the CSOs are discriminated against based on their links to ruling party or the opposition, and educational institutions, especially universities and colleges, are used by the major political parties to further their political objective. The Press and the private electronic media are relatively free but most newspapers tilt to either side of the political coalition and often the private television channels are owned by political and business magnets. Though democratic, practically no regime have provided enough space or showed adequate responsiveness to the participation of civil society organizations in the country. Foreign donation is also often accused of providing the necessary resources for corruption and patronage.

And yet strangely, Bangladesh in 2015, may be identified as a nation where the CSOs and NGOs and media have played a very significant role in the nation's development process and have the potential to play a more pro-active role as political agent for positive democratic change. In spite of all their limitations, these vertical accountability institutions have not only, scrutinised government actions and mobilised public opinion, but also, created pressures on the government to be answerable with considerable

success. Their various advocacy programmes and important development initiatives seem to have had some effect as there are signs of revitalization of local democracy within decentralizing political structures at various levels over the past two decades. The ultimate focus of the media and civil society activism in Bangladesh is on active and empowered citizens who can participate in decision-making, claim rights and hold institutions accountable. And the reality is that it has not fared poorly on all these counts. As indeed, of all worldwide governance indicators put forward by World Bank for Bangladesh, the country has consistently scored the highest in civic engagement and monitoring and media independence (See Figure on Voice and Accountability, Bangladesh, Appendix I ).

## **CHAPTER - 5**

### **DEMOCRACY IN BANGLADESH:**

#### **DEVELOPMENT, MINORITY RIGHTS AND LOCAL GOVERNANCE**

There is no doubt that the infrastructure of Bangladesh democracy, i.e its procedural and substantive forms, were laid down at the time of independence itself, yet its pragmatic usage unfolded many additional dimensions, discussions on which simply cannot be avoided in our attempt to gauge the dynamism of this young 'democratic' polity. In other words, if the challenges faced by Bangladesh's democracy is to be correctly appraised, we must delve, even if briefly, into three important sets of factors namely economic development, the condition of minorities and governance at the local level before reaching any conclusion. In truth, it needs to be remembered that, though democracy is, in essence, a 'numbers' game, capital investment, labour standards, minority demands and rights etc. are all very critical when it comes to assessing the democratic credentials of a nation. Certain pertinent questions which immediately arise and demand investigation include :

- What role does the State play in reproducing democracy?
- How effective is grassroots participation and pluralistic structures in mobilizing resources for social purposes and ensuring transparency and accountability?
- What promises does a genuine devolution of powers at the local level hold for a stable political democracy?
- How essential is a robust economy for a nation's democratic development? Does it create conditions for political democracy to prosper?
- What constitutes 'the people' in a democracy? Or rather, how essential is the protection of minority rights in a 'majoritarian' democracy?

Each of these queries deserve detailed attention as they reflect the prospects as well as the challenges to democratic development many young Asian nations, including Bangladesh, are likely to face. However, for the sake of brevity, we shall limit our attention to only certain key elements of the state, economy and society and see how best they have contributed to the deepening of democracy in Bangladesh.

## I

### **DEVELOPMENT AND DEMOCRACY**

Way back in 1959, Seymour Martin Lipset's essay on 'Some *Social Requisites of Democracy, Economic Development and Political Legitimacy*' broke new ground by asserting a broad and multi-stranded relationship between economic development levels and democracy. Popularly known as the *Modernization Theory*, it essentially stated that 'democracy is related to the state of economic development of a given country. The more well-to-do a nation, the greater the chances that it will sustain democracy'.<sup>1</sup> As Lipset put it, 'All the various aspects of economic development — industrialization, urbanization, wealth and education — are so closely interrelated as to form one major factor which has the political correlate of democracy.'<sup>2</sup> This list of factors (as enumerated by Lipset) constitute the conditions but, not necessarily the causes for democracy.

Without doubt, this 1959 seminal piece of work by Lipset typically became the 'starting point' for all future work on the relationship between political system and the level of economic development. Lipset's thesis was strongly supported by Lerner,<sup>3</sup> Burkhardt and

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<sup>1</sup> Seymour Martin Lipset, *Political Man: The Social Bases Of Politics* (expanded edition), Johns Hopkins University Press, Baltimore, 1981, p. 75.

<sup>2</sup> Seymour Martin Lipset, 'Some Social Requisites of Democracy: Economic Development and Political Legitimacy', *American Political Science Review*, Vol.53(1), March 1959, pp. 83-84.

<sup>3</sup> D. Lerner, *The Passing Of Traditional Society*, Free Press, New York, 1958.(In fact, Lipset demonstrated with data from Lerner's study of modernization in the Middle East.)

Lewis-Beck<sup>4</sup>. They too, propounded the thesis that modernization is a decisive driver of democratization ( though it must be noted that ‘modernization’ is not mere ‘economic development’) as it enhances the resources available to ordinary people and increases the masses’ capabilities to launch and sustain collective action for common demands, mounting effective pressures on the state authorities to respond. All this, in turn, favours further democratization.

Lipset’s proposition actually initiated a line of thinking which believes that democracy has the best chance of survival in a state that has a strong financial sector. And, in order to achieve the latter, democratic values and political rights may be suspended temporarily, if need be, so as to enable the State to focus primarily on economic growth and create and implement the required policies in a fast and efficient manner. The one region that is regarded as the absolute example of economic success based on the Modernization model is East and South-East Asia, where the Asian Tiger economies have thrived over the past 40 years. Proponents claim that Japan, Hongkong, Singapore, Taiwan and South Korea, all had, and some still have, questionable political regimes in power during their economic rise. Indeed Lee Kuan Yew, former Prime Minister of Singapore, openly argued that political leaders in the Third World countries should be committed to the eradication of poverty before pushing forward other reforms such as democratization.<sup>5</sup>

Opponents of the Modernization model however argue that ‘economic development first, democracy later’ is a concept which is frequently used by corrupt authoritarian regimes to consolidate power in the hands of a few and subjugate the rights of the general population. Robert Mugabe’s government in Zimbabwe is cited as an example of such a regime. Dissenters also contend that economic development does not necessarily lead to democracy, as in the case of Communist China which despite having made massive economic strides over the past few decades still remains an authoritarian regime. At the

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<sup>4</sup> Ross E. Burkhardt and Michael S. Lewis-Beck, ‘Comparative Democracy: The Economic Development Thesis’, *The American Political Science Review*, Vol-88(4), December 1994, pp.903-910.

<sup>5</sup> Daniel A. Bell, ‘The East Asian Challenge to Human Rights: Reflections on an East West Dialogue’, *Human Rights Quarterly*, Vol.18(3), USA, 1996.

theoretical level, this school argues that statistical analysis of economic development in poor democracies versus poor autocracies reveal that there is not much difference in the rate of economic growth under either political system; on the contrary, poor democracies tend to have a higher level of social well being, fare better on corruption indices and rule of law, allows better distribution of opportunities and resources, and is more responsive to citizens. Hence the argument is, since there is no distinct difference in economic growth between poor democracies and poor autocracies; there is no need to sacrifice democratic principles at the altar of authoritarianism. **In truth, economic development does play a significant role in sustaining democracy once it is established, but it alone cannot lead to the establishment of a democratic government per se. Theorists like Adam Przeworski and Fernando Limongi also hold the view that political institutions do matter in bringing about economic development, but examining in terms of ‘political regimes’ per se is faulty as regimes do not capture the relevant differences.**<sup>6</sup> In sum, the debate over the relationship between democracy and economic development largely remains an unresolved one as there is no clear evidence as to whether democracy fosters or hinders economic growth. At the most, it can be concluded that certain democratic preconditions (if not total democracy) along with good governance, is necessary even under autocratic regimes for developing the economy.

***The Bangladesh Case-*** Bangladesh provides a unique case to study the democracy-economic growth relationship in the sense that the country has experienced a variety of systems of governance since its independence. Bangladesh’s governance transformations can be divided into four broad phases: the era of elected civilian regime (1972-1975); the era of military and military-dominated rule (1975-1990); the era of democratic civilian governance (1991-2006; 2009-2015); and the era of military-backed caretaker government (2007-2008). The Liberation War of 1971 had destroyed about a fifth of Bangladesh’s economy, and the post-war dislocations left the country on a slow

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<sup>6</sup> Adam Przeworski and Fernando Limongi, ‘Political Regimes and Economic Growth’, *Journal of Economic Perspectives*, USA, Summer 1993, pp.51-69.

growth trajectory for better part of the first two decades, post independence.<sup>7</sup> (Indeed independent Bangladesh did achieve a faster rate of growth in GDP than was there in erstwhile East Pakistan prior to independence. The rate of growth of GDP between 1950 and 1970 was only 3.2% per year.) The annual growth rates, post-independence has been given in Table 5.1.

**TABLE 5.1**

**Post-Independence Annual Growth Rates in Different Sub-Periods**

1975-1980	4.2%
1980-1990	4.3%
1990-1997	4.7%
1998 onwards	Above 5%

Source: These growth rates are from World Bank, 1995; Bangladesh: Recent Economic Developments and Priority Reform Agenda for Rapid Growth, Washington D.C and World Bank, 1999. World Development Indicators 1999, Washington D.C.

Domestic saving was extremely low and inadequate for the first two decades; it remained between negative rate to a high of 4% and the dependence on concessional external assistance was rather high, reaching about 12.4% of GDP a year. The devastation caused by the war demanded inflow of relief supplies and capital from outside on a very large scale, and initially this was mobilized and coordinated under the UN umbrella, with a number of bilateral donors also extending their hand. Soon, however, Bangladesh moved under the wings of the World Bank and, the Bangladesh Aid Group was formed in mid-1974 to direct Bangladesh's development strategies and monitor the implementation of the reform programmes undertaken by the incumbent Government. Since then, development partners have been very influential in Bangladesh, with the latter following the prescriptions provided by them rather obediently.

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<sup>7</sup> During the liberation war of Bangladesh, Henry Kissinger, the then U.S. secretary of state, is said to have famously remarked that Bangladesh was going to be an "international basket case" and be permanently dependent on foreign aid. This demeaning term actually reflected the scepticism many had regarding the country's long term economic viability.

**What appears most interesting is that, a significant acceleration in Bangladesh economy was noted from the mid-1990s (post reinstatement of parliamentary democracy), driven largely by a remarkable turnaround in the growth of multi-factor productivity.** The growth rate rose above 5% (from 1995-96), gross domestic investment went up with domestic saving rate picking up beyond 7% and foreign aid declining below 5%.<sup>8</sup> In fact, over the last three decades (1980-2010), the size of the GDP in Bangladesh has expanded four-fold, with GDP growth rate increasing by 1.0 per cent in each decade on an average; the growth rate of GDP in 1980s was around 3.4-4%, in 1990s it reached 4.8%, in the 2000s the average GDP growth rate was recorded to be above 5.5% and, finally in 2013, Bangladesh reported a GDP growth rate of 6.01%.<sup>9</sup> At present, Bangladesh's GDP stands at about one third of Denmark's; almost half of this GDP is generated by the service sector, though agriculture with its 20% share remains the mainstay and employs half of the working population. The economy is gradually seen shifting from agriculture to manufacturing. Overall poverty levels have also fallen from 57 percent in 1991-92 to 31.5 percent in 2010 to 25.6% in 2014.<sup>10</sup> The rate of reduction has been faster in the present decade compared with the last decade, lifting out of poverty more than 2.8 million people a year. (The irony however is, despite these encouraging figures, Bangladesh remains amongst the poorest countries in the world, ranking 146 out of 187 on the 2011 UN Human Development Index.)

The twin drivers of Bangladesh economy post-2000 have been robust remittances from the expatriate workers, mainly from the Middle East (from USD 237 million in FY1979-80 to USD 14.5 billion in FY2012-13)<sup>11</sup> and major expansion in export-oriented

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<sup>8</sup> A.M.A Muhith, *Issues of Governance in Bangladesh*, Mowla Brothers, Dhaka, 2001, p. 217.

<sup>9</sup> Bangladesh Bureau of Statistics at [http://bbs.gov.bd/WebTestApplication/userfiles/Image/GDP/GDP\\_2013-14.pdf](http://bbs.gov.bd/WebTestApplication/userfiles/Image/GDP/GDP_2013-14.pdf). Also see, Debapriya Bhattacharya, Shouro Dasgupta, Dwitiya Jawher Neethi, *Does Democracy Impact Economic Growth? Exploring the Case of Bangladesh – A Cointegrated VAR Approach*, CPD-CMI Working Paper Series, no.5, September, 2013, p.6 available at <http://cpd.org.bd/wp-content/uploads/2013/10/CPD-CMI-Working-Paper-5.pdf> accessed on 26/5/2015.

<sup>10</sup> 'Country's Poverty Rate now 25.6%', *Prothom Alo*, July 28, 2014. Also check the Bangladesh Bureau of Statistics Data on Poverty available at <http://www.bbs.gov.bd/PageWebMenuContent.aspx?MenuKey=366>

<sup>11</sup> Bhattacharya, Dasgupta and Dwitiya Jawher, n. 9, p.7.



readymade garments (RMG) sector (from USD 31.6 million in FY1983-84 to USD 21.52 billion in FY2012-13).<sup>12</sup> Along with these two, crop production has also trebled during the last four decades further accelerating the change in Bangladesh's economic scenario. The trend growth in food-grain output in the decade from 1984-85 to 1994-95 was 2.6%. The growth of output of food-grain in the later part of the nineties, that is from 1995-2000, registered a record increase at 7.5%.<sup>13</sup> In sum, while growth in services sector has remained consistently high and agricultural growth has been appreciable, it is industrial growth, led by the garment sector, which has taken the lead in bringing about changes in the sectoral composition of the country's economy. (See next page)

***Economic Diversification-*** Apparently diversifying the economic structure has been one of the key reasons for Bangladesh's improved economic performance post 1990 and therefore demands further attention.

- It is generally held that one of the primary ways in which Bangladesh managed to restrain the fall in rural household incomes (that usually increases extreme poverty in developing countries), since the mid-80s was by diversifying its agricultural production. Earlier Bangladesh's agriculture had been largely dependent on the monsoon based *Aman* crop, which was the main source of food grain production. The situation has changed since. With Bangladesh no longer dependent on a monsoon driven crop, the irrigated *Boro* crop has become equally important, reducing the risk of a harvest failing in a way that shocks a household into abject poverty. In fact, the irrigated HYV crops have given Bangladesh a significant cash-cum-subsistence food crop, making the country's farmers less vulnerable to the vagaries of nature. Consequently, between 1971 and 2010, rice harvest in Bangladesh more than trebled, though the area under cultivation increased by less than 10%, making the country once supposedly doomed to dependence on food aid a small exporter of rice.<sup>14</sup> Wheat production also increased significantly soon

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<sup>12</sup> *ibid.*

<sup>13</sup> Abul Kalam (ed), *Bangladesh in the New Millenium*, The University Press Limited, Dhaka, 2004, p.72.

<sup>14</sup> 'The Path through the Fields', *The Economist*, November 3, 2012.

exceeding a million tons. The result was that, between 2007 and 2012, Bangladesh went through three global food-price spikes and two cyclones. Almost everyone expected a spike in poverty to follow, yet it did not.

- The phenomenal rise of the RMG (Ready Made Garments) sector in the country, post 1990, has also been a key factor in reducing poverty, generating employment and sustaining economic growth in this era of globalization. Bangladesh had traditionally remained heavily dependent on jute and jute goods for sustaining the dynamism both of its manufacturing and export sector. However, since the 1990s, Bangladesh's principal industry jute was faced with an exponential decline in its global fortunes largely due to the impact of technology on the global market for jute. This normally would have spelt disaster for Bangladesh's balance of payment, yet it was the country's ability to move into an entirely new manufacturing activity, exclusively tied to the export market for readymade garments, which allowed it to retain its good performance as far as the total volume of exports was concerned. During the financial year 2001-2002, Bangladesh's export earnings from ready-made garments reached exceeded \$ 4.5 billion, representing almost 76% of Bangladesh's total exports' earnings.<sup>15</sup> The country overtook India in apparel exports in 2009 with its exports amounting to \$2.66 billion (in the first nine months of the year),<sup>16</sup> ahead of India's \$2.27 billion. In fact, in the last fiscal year 2014/15(that ended in June), Bangladesh's apparel exports had risen by 3.35 percent from a year earlier to nearly \$31.2 billion.<sup>17</sup>
- A third factor contributing to structural change of the country's economy was the micro-credit revolution pioneered by the Grameen Bank, and also by BRAC, and

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<sup>15</sup> See World Bank Data available at <http://info.worldbank.org/etools/docs/library/192862/Module1/cases/MCS3Ready-madeGarmentIndustry.pdf> accessed on 25/9/2015.

<sup>16</sup> Saurabh Gupta, 'Bangladesh overtakes India in apparel exports in 2009', *SME Times*, December 31, 2009 Business News web portal available at <http://www.smetimes.in/> accessed on 25/9/2015.

<sup>17</sup> 'Bangladesh exports up 3.4 pct in 2014/15 as garment sales surge', *Reuters*, July 7, 2015 available at <http://www.reuters.com/article/2015/07/07/bangladesh-exports-idUSL3N0ZN2B820150707> accessed on 25/9/2015.

which is now being replicated by a number of other NGOs in the country. Started off as a private initiative by Prof. Muhammad Yunus in 1976, the Grameen bank essentially sought to assist poor villagers by extending credit without any collateral. The underlying assumption behind this venture was that, the availability of resources will lead the poor people to productive self-employment without any external assistance.<sup>18</sup> In other words, this novel micro-credit initiative brought about an ‘economic revolution’ in Bangladesh, enabling the rural poor to graduate from the informal capital market controlled by money lenders and local elite to institutionalised banking. At the same time, these Micro-Finance Institutions also demonstrated that the poor are credit worthy borrowers who can be relied upon to service their debts without the compulsion of pledging collateral. The growth of these MFIs since has been so explosive that, Bangladesh today stands as the world leader in the delivery of micro-credit, which now extends to more than 12 million families drawn from the poorer, if not poorest rural families and serving mostly women. In fact, Grameen today has about 8.4m borrowers and outstanding loans of over \$1 billion and BRAC, around 5m borrowers and loans of \$725m.<sup>19</sup> The poor account for roughly a fifth of the total loan portfolio of the country, an unusually high proportion for any less developed economy. It needs to be noted that the recovery rate of such loans, till date, is ninety nine percent.

- Again, Bangladesh’s significant export growth not only allowed it to have a healthy balance of payments position but also allowed it to reduce the country’s external dependence. The country, whose donor dependence had once been legendary, stands today as more a trade, than an aid-dependent country. As Bangladesh’s economy grew, the flow of aid as a proportion of gross domestic product (GDP) or a percentage of investment also declined over time. In the 1970s through to the early 1990s, the net flow of aid as a percentage of GDP was more than 6 percent, but this has declined to less than 2 percent of GDP, since 2005.<sup>20</sup> External

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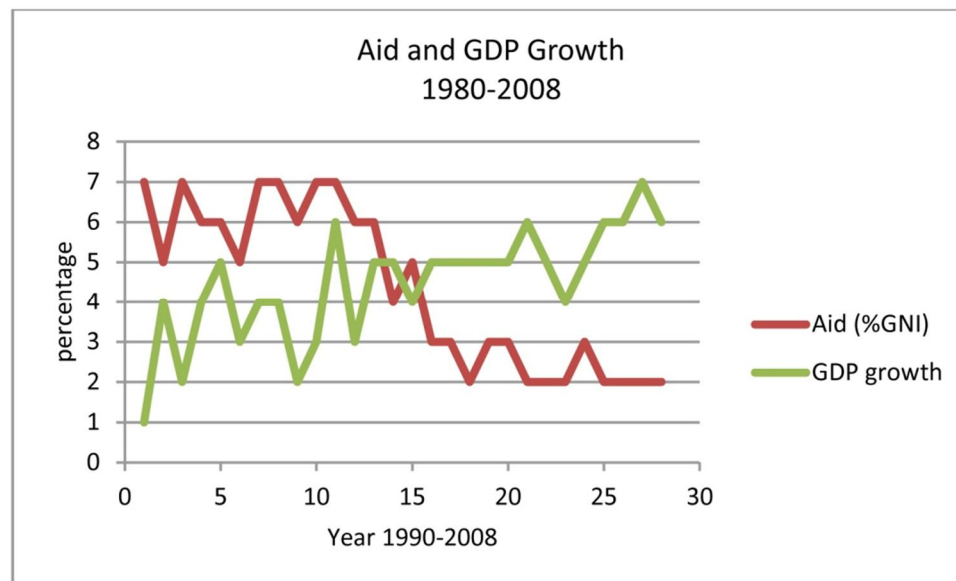
<sup>18</sup> M. Hossain, *Credit For The Rural Poor-The Grameen Bank In Bangladesh*, Bangladesh Institute of Development Studies, Dhaka, 1985.

<sup>19</sup> Abul Kalam(ed), n. 13, p.74.

<sup>20</sup> World Bank, *World Development Indicators*, 2007.

resources which had earlier financed more than 70 percent of the country's investments fell to less than 10 percent in 2005. Currently, aid accounts for approximately 40–45 percent of the country's annual development budget, including social and infrastructural development (compared to close to 100% in the early 1980s).<sup>21</sup> Such reduction of aid dependence augurs well for the country's economy as it reflects, on the one hand, the government's relative success in mobilizing domestic resources and, the increasing vigour of the private sector on the other. (See Figure 5.2 )

**FIGURE 5.2**



Source: <http://www.economics.illinois.edu/docs/seminars/Aid-Effectiveness-inBangladesh.pdf>

- Finally, Bangladeshi economy has found resources from beyond agriculture and industry —and, indeed, even beyond Bangladesh itself. It is in the global market that the country has carved out a niche for itself as an exporter of labour services. Remittances from the expatriate workers have become a major contributor to the country's economy with the World Bank recording almost \$14.5 billion of

<sup>21</sup> 'Challenges and Opportunities in Bangladesh', DANIDA (Ministry of Foreign Affairs of Denmark), 2011 available at <http://um.dk/en/danida-en/goals/country-policies /bangladesh/ challenges-and-opportunities-in-bangladesh/> accessed on 24/7/2015.

remittance to Bangladesh, as of June 2013. Around 6 million Bangladeshis work abroad, mostly in the Middle East, and they remit a larger share of the national income than any other big country gets from migrants. In the year ending in June 2012, they sent back \$13 billion, about 14 per cent of annual income—more than all the government’s social-protection programmes put together. By 2007, Bangladesh’s debt service ratio was below 8 per cent, one of the lowest among the LDCs and could be favourably compared with a number of South and South-east Asian countries.<sup>22</sup> Again, since the majority of migrant workers come from better off households, their families benefit the most, as remittances are directly sent back to family members in the villages. This has knock-on effects on rural wages, which at the end benefit landless labourers. Consequently as per World Bank calculations, between 2000 and 2010 real agricultural wages in Bangladesh rose 59 per cent, compared with 42 per cent for all the sectors. Again, while most countries had seen a reduction in rural living standards during this aforementioned period, and a resultant increase in extreme poverty, Bangladesh had not.<sup>23</sup>

In sum, a brief glance at the Bangladesh’s economy shows that the country has experienced strong economic development over the past two decades. The impact of the global economic crisis has been relatively limited and prospects of continued growth are relatively good. However, as is well recognized, the progress of a country cannot and should not be measured only through the metric of economic growth. Such a measure should take into account the impact of growth on poverty and its contributions in improving a country’s social development indicators, which brings us to a discussion on the social development indicators of Bangladesh.

***Social Development Indicators***- Since independence in 1971, Bangladesh has made significant social strides despite the myriad challenges it faced in the forms of famines, natural disasters and political and social instability. Notwithstanding its large population, the country has achieved a significant measure of food self-sufficiency (although the

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<sup>22</sup> United Nations ESCAP, *Statistical Yearbook For Asia and The Pacific 2009*, United Nations Publication, Thailand, p.148.

<sup>23</sup> *The Economist*, n.14.

food-population balance still remains precarious). In the face of low per capita incomes and widespread illiteracy, Bangladesh has made successful strides toward demographic transition and reduced its population growth rate from 2.5 per cent per year in the 1980s to less than 1.5 per cent per year in 2005.<sup>24</sup> The last measured annual growth rate of population in Bangladesh was 1.22 per cent in 2013.<sup>25</sup> Family planning is primarily held responsible for this successful reduction of population growth rate. Soon after independence, birth control was made free and government workers and volunteers fanned out across the country to distribute pills and advice. In 1975, 8 per cent of women of child-bearing age were using contraception (or had partners who were); in 2010 the number was over 60 per cent.<sup>26</sup> In 1975 the total fertility rate (the average number of children a woman can expect to have during her lifetime) was 6.3. In 1993 it was 3.4.<sup>27</sup> After stalling for some time, it resumed its fall in 2000. Significantly, after one of the steepest declines in history, the fertility rate in Bangladesh is now just 2.3, slightly above the “replacement level” at which the population stabilises in the long term. Because of this Bangladesh is soon about to reap a “demographic dividend”; the number of people entering adulthood will handsomely exceed the number of children being born, increasing the share of the total population that works.

Again, over the past 20 years, Bangladesh has made some of the biggest gains in the basic condition of people’s lives ever seen anywhere. Between 1990 and 2010, life expectancy rose by 10 years, from 59 to 69 (See Figure 5.3). Bangladeshis now have a life expectancy four years longer than Indians, despite the Indians being, on average, twice as rich. Even more remarkably, the improvement in life expectancy has been as great among the poor as the rich. In a number of other social indicators also, such as infant mortality, child immunization, primary school enrolment, female enrolment in school, and adult literacy, the country has made considerable improvements over the years. The story behind the successful change in these social indicators can be traced to the high priority accorded by the Bangladesh government to the education and health

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<sup>24</sup> Source: Bangladesh Bureau of Statistics Data, 2007.

<sup>25</sup> Source: World Bank data available at <http://data.worldbank.org/indicator/SP.POP.GROW/countries/BD?display=graph> accessed on 24/5/2015.

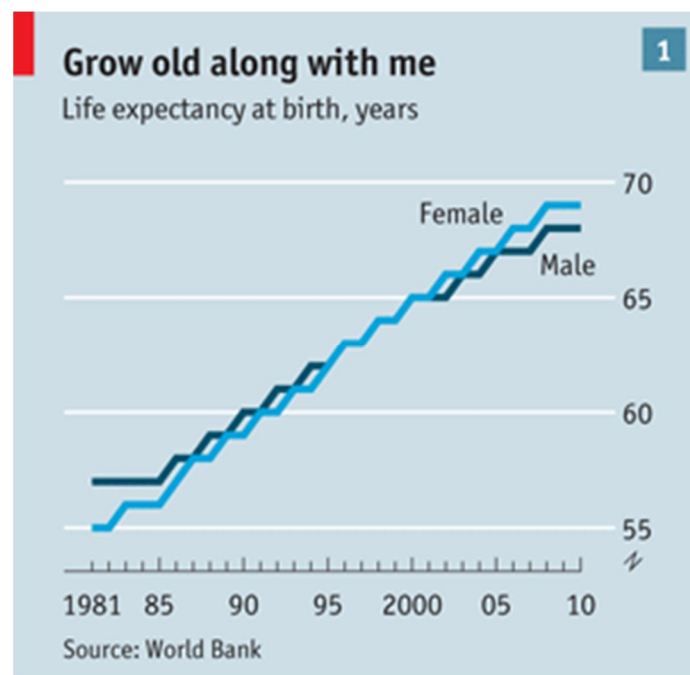
<sup>26</sup> *The Economist*, n.14. Also see, ‘Out of the Basket’, *The Economist*, November 2, 2012.

<sup>27</sup> *ibid.*

sectors. In the area of education, for instance, the country has achieved almost 100% enrolment at the primary level, which is one of the highest among the low income countries. It has already achieved one ‘Millennium Development Goal’,<sup>28</sup> that is gender parity in primary and secondary education; more than 90% of girls were enrolled in primary school in 2005 itself, slightly more than boys. That was twice the female enrolment rate in 2000. In the area of health, infant mortality has more than halved, from 97 deaths per thousand live births in 1990 to 37 per thousand in 2010 (See Table 5.4). Over the same period child mortality fell by two-thirds and maternal mortality fell by threequarters.<sup>29</sup> It now stands at 194 deaths per 100,000 births. Interestingly, even in 1990, Bangladeshi women could expect to live a year less than men; but now they can expect to live two years more.

**FIGURE 5.3**

**Life Expectancy at Birth- Bangladesh**



Source: ‘The Path through the Fields’, *The Economist*, November 3, 2012

<sup>28</sup> The Millennium Development Goals (MDGs) are the eight international development goals that were established following the Millennium Summit of the United Nations in 2000, following the adoption of the United Nations Millennium Declaration.

<sup>29</sup> Bharat Dogra, ‘Bangladesh pulls ahead of Pakistan’, *The Statesman*, Kolkata, May 8, 2013.

**TABLE 5.4****Wealth and Health Indicators- Bangladesh**

(Poor But Impressive)

<b>Wealth &amp; Health( By Year)</b>		<b>Bangladesh</b>	<b>India</b>	<b>Pakistan</b>
Income per person \$ PPP*	1990	540	874	1200
	2011	1,909	3,663	2,786
Life expectancy at birth, years	1990	59	58	61
	2010	69	65	65
Infant(aged<1) deaths per 1000 live births	1990	97	81	95
	2011	37	47	59
Child(aged <5) deaths per 1000 live births	1990	139	114	122
	2011	46	61	72
Maternal deaths per 100,000 live births	1990	800	600	490
	2010	194	200	260
Infant immunisation rate (%)	1990	64	59	48
	2008	94	66	80
Female (aged 15-24) literacy rate (%)	1991	38	49	N.A
	2009	77	74	61
Underweight children, (% of total)	1990	62	60	39
	2007	36	44	31

Sources: World Bank; UNICEF; WHO; National Statistics

\*Purchasing Power Parity

Now, such achievements in social indicators though impressive are quite intriguing as well, given the fact that Bangladesh is still a very poor country with limited resources for social expenditures. The reasons cited for these improvements are many and varied. To begin with, it has been noted that despite much political instability and violence, Bangladesh's elite have been able to maintain a consensus in favour of social programmes and this has definitely worked in the country's favour. At present,



Bangladesh spends a little more than most low-income countries on helping the poor. About 12 per cent of public spending (1.8 per cent of GDP) goes on social safety-nets to protect the poorest: food for work, cash transfers and direct feeding programmes, which most poor countries do not have.<sup>30</sup> Again, another significant feature of post-1990 Bangladesh has been the change in the status of women due to conscious interventions of the government, NGOs and microcredit institutions in the country. National figures reveal that economic opportunities for women have grown faster than those for men in the last few decades; especially in the readymade garment industry, rural women account for nearly 90 per cent of the 1.5 million people employed.<sup>31</sup> These women, many of them unmarried, are drawn mostly from poor rural families who have come out of the seclusion of their village homes to live in an exclusively urban environment, establishing themselves as first generation factory workers. The State too have exalted these women for their ability to attract foreign aid, to contribute to the nation's GDP, to help control the population growth and thus present positive images of Bangladesh on foreign television and at international summits on women's rights and poverty alleviation.<sup>32</sup> In sum, over the last 25 years rural women in the country have become the most important recipients of education, credit, employment opportunities and health care. It is generally believed that such dedicated focus on the education and empowerment of women has ushered in 'a social revolution' in the country bringing about significant improvements in Bangladesh's social development indicators.

**The question which however remains unanswered in the aforesaid arguments is that whether such improvement in socioeconomic indicators has anything to do with the advent of 'new democracy' in the country since the 1990s. After all, a casual glance at these indicators do reveal that their performance has indeed been better during the democratic phase (post 1990) than the preceding periods of military and quasi-military rule. (Refer Figure 5.5 and Table 5.6).**

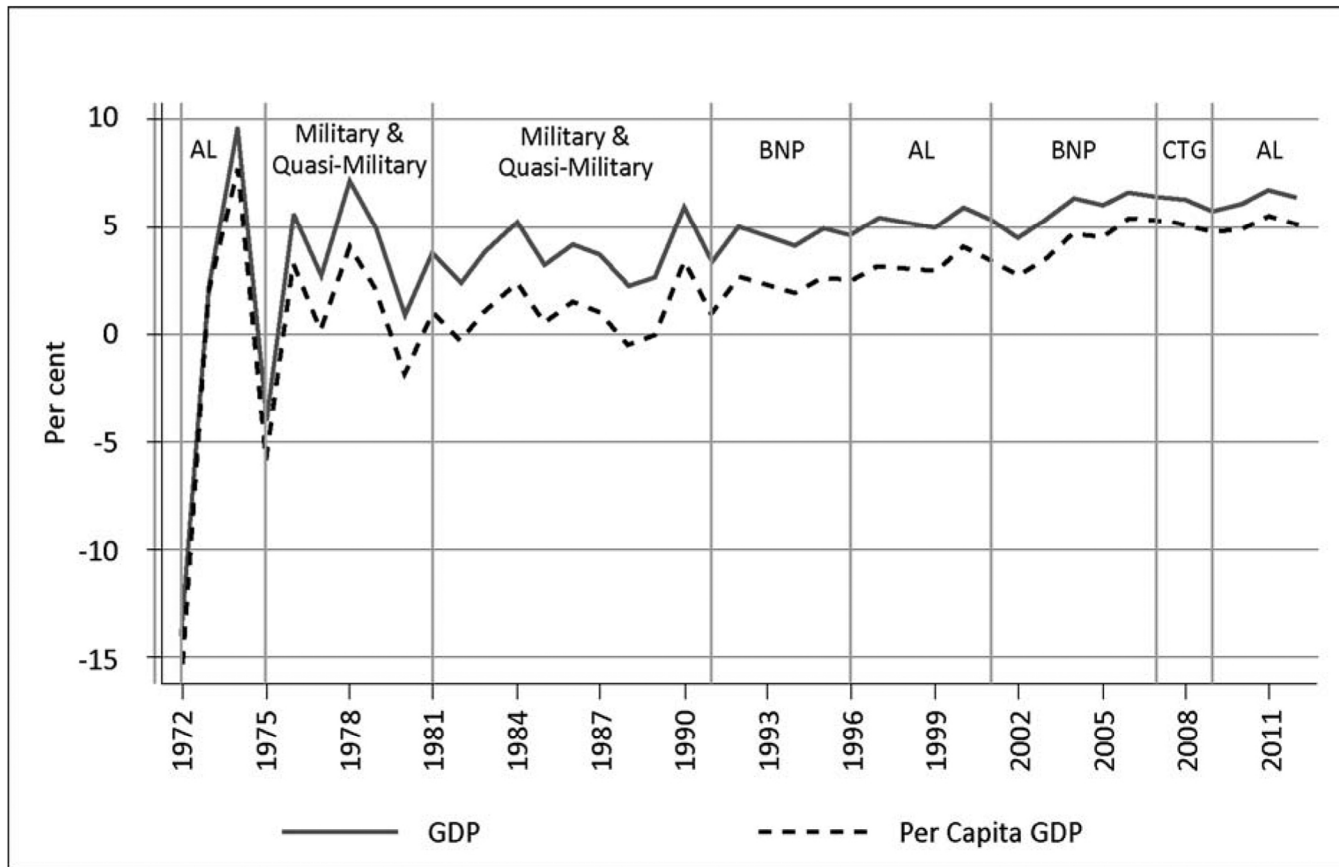
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<sup>30</sup> Source: Bangladesh Bureau of Statistics available at <http://www.bbs.gov.bd/home.aspx>

<sup>31</sup> Abul Kalam (ed), n.13, p, 73.

<sup>32</sup> Shehabuddin Elora, 'Contesting the Illicit: Gender and the Politics of Fatwas in Bangladesh' in Therese Saliba, Carolyn Allen and Judith A. Howard (eds), *Gender, Politics and Islam*, Orient Longman, New Delhi, 2005, p.209.

**FIGURE 5.5**  
**GDP & PER CAPITA GDP GROWTH BY REGIME - BANGLADESH**



**Source:** Collated from the World Development Indicators (WDI) (2012).

**Note:** CTG: Caretaker Government.

**TABLE 5.6**

**Performance of Key Socio-economic Indicators of Bangladesh During  
Pre-Democracy and Post-Democracy Periods**

<b>Indicators</b>	<b>Pre-Democracy (FY1980-81 – FY1989-90)</b>	<b>Post-Democracy (FY1990-91 – FY2009-10)</b>
GDP Growth (%)	3.7	5.3
Population Growth (%)	2.2	1.5
Government Expenditure/ GDP (%)	4.3	4.9
Gross Capital Formation/GDP (%)	16.8	21.9
Manufacturing/ GDP(%)	13.8	15.7
Secondary Enrolment Growth (%)	3.3	4.9
Infant Mortality(per thousand Live Births)	97.0	37.0

Source: Calculated using data from World Bank (2012) and Ministry of Finance, Government of Bangladesh.

And yet studies on the impact of democracy on economic growth in Bangladesh has remained largely inconclusive with many researchers like Bhattacharya, Dasgupta and Dwitiya Jawher suggesting in their paper<sup>33</sup> that democratic governance had not much of a role to play in precipitating the observed progress in these indicators. By deploying a standard econometric growth model based on Solow’s framework<sup>34</sup>, these researchers have argued that since democracy, as practised in Bangladesh, is essentially limited to casting votes once in five years (democratic decision making being virtually absent), democratic stock<sup>35</sup> seems to have had no significant impact on economic growth in

<sup>33</sup> Bhattacharya, Dasgupta and Dwitiya Jawher, n.9.

<sup>34</sup> See R. M Solow, ‘A Contribution to the Theory of Economic Growth’, *Quarterly Journal of Economics*, Vol. 70(1), 1956, pp.65-94.

<sup>35</sup> Stock being a measure that extends back over many decades. The idea of ‘democratic stock’ was provided by J.Gerring, P.Bond, W. Brandt and C. Moreno in ‘Democracy and Growth: A Historical Perspective’, *World Politics*,57(3), 2005. They claimed that a country’s level of democracy in a single year has no measurable impact on the growth rate, rather, a country’s democratic stock or democratic experience over a period is positively associated with

Bangladesh as of yet. Rather the country's economic performance may have been boosted by other explanatory variables like physical capital, human capital, government spending and such others.<sup>36</sup>

**On a similar note, many economists also hold that, despite having a democratic framework, the very nature of confrontational and violent politics being followed in Bangladesh has been hampering the developmental efforts of the country in a major way.** Political instability for the most part of year 2013, along with frequent *hartals* and street violence, have had its impact on export-oriented industries, small businesses and transport eating up about 0.6 percentage points of the country's gross domestic product (GDP) in the fiscal year 2012-2013.<sup>37</sup> Even the World Bank, in its April 2015 Report, clearly states that the confrontational political environment in the country has hit the economy hard. Direct production losses are estimated at around 1 percent of GDP due to disruptions in economic activities caused by political disturbance.<sup>38</sup> The garment industry was the worst hit in this regard. The sector lost about Tk. 4.50 billion (450 crore) in the 12 days after Opposition led *oborodh*(blockade) started as daily production fell by 20 per cent and many shipments had to be cancelled. The transport sector incurred losses of Tk. 2.00 billion (200 crore) for each day's suspended operation. At this rate, the total loss of the blockade on January 14, 2015 stood at Tk. 20 billion (2000 crore).<sup>39</sup> (This is excluding the cost of about 200 vehicles fully or partially damaged in arson attacks.) Political turmoil of such nature, thus, not only diminishes investor confidence, but also,

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economic growth in subsequent years. In other words, they concluded that that long-term democracy leads to stronger economic performance.

<sup>36</sup> R.J Barro in his *Determinants of Economic Growth: A Cross-Country Empirical Study* (1996) had also pointed out the positive effects of other variables like rule of law, free markets and high human capital on economic growth. Barro held that once variables of this kind and the initial level of GDP are held constant, the overall impact of democracy on growth is weakly negative.

<sup>37</sup> 'Confrontational politics to impact economy adversely', *The Financial Express*, August 18, 2013.

<sup>38</sup> See *Bangladesh Development Update: Economy Moving Forward Despite Internal and External Challenges*, World Bank Report, April 2015 at <http://www.worldbank.org>

<sup>39</sup> Hasnat Abdul Hye, 'Cost of Hartal and Oborodh: The long and short of it', *The Financial Express*, January 19, 2015.

causes continuous dislocation in almost all sectors of the economy leading to fears of a decreased GDP growth rate and an increase in the incidence of poverty.

***A Balance Sheet*** - Though Bangladesh is no longer ‘the international basket case’<sup>40</sup>, it still remains a poor country, with a GDP per head of \$1,900 at purchasing-power parity. It still has formidable problems. Its nutritional standards are still low and were even stalled for a few years in the early 2000s. While the government has managed to increase school enrolment, the quality of education is abysmal and the drop-out rate exceptionally high (only 60% of pupils complete primary school, much less than the regional average). Only a quarter of eleven-year-olds have reached the required standards of literacy and numeracy. Even maternal and neo-natal mortality rates remain unacceptably high. According to a report published in *The New Age*, income inequality in the society has remained almost at the same level since independence, undermining all the successes the country has made in alleviating poverty, reducing child mortality, increasing primary school enrolment and improving sanitation. The Gini coefficient, a measure of the inequality of wealth or income distribution, stood at 0.458 in 2010 while it was 0.36 in 1974.<sup>41</sup>

In addition, widespread corruption in the public and private domain has also become a matter of great concern. Currently close to a third of the budget goes to public procurement, the largest portion for infrastructure, with tenders allegedly used to reward political allies and cronies. Extortion, backed by powerful local political figures, is allegedly mushrooming, including the demands for protection money, and bribes for everything from permission to build homes to garbage collection.<sup>42</sup> Oversight bodies, such as the Auditor General’s office and the Anti-corruption commission, are dysfunctional, while parliamentary scrutiny is virtually non-existent. In 2011, Bangladesh

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<sup>40</sup> The term was famously used by Henry Kissinger to describe Bangladesh’s condition at the time of the Liberation War. This was said in reference to the endless international assistance that had to be poured into Bangladesh during the early years of her existence.

<sup>41</sup> Economic Disparity undermines the Spirit of Independence War’, *The New Age*, Dhaka, March 27, 2012.

<sup>42</sup> ‘Mapping Bangladesh’s Political Crisis’, *International Crisis Group- Asia Report*, February 9, 2015, p.20 available at [http://www.crisisgroup.org/~media/Files/asia/south-asia /bangladesh /264-mapping-bangladesh-s-political-crisis.pdf](http://www.crisisgroup.org/~/media/Files/asia/south-asia /bangladesh /264-mapping-bangladesh-s-political-crisis.pdf) accessed on 23/6/2015.

ranked number 120 out of 183 on Transparency International's Corruption Index, the justice and police sectors reportedly being the worst affected. The extent to which this malady has endangered the growth and development of the country by exerting negative impact on public and private investment, misusing scarce resources and demoralizing people's confidence has been reflected in a recent UNDP Report on 'Corruption and Good Governance' in Bangladesh which found that bureaucratic corruption and inefficiency were taking a heavy toll on the economy causing hundreds of millions of dollars loss in terms of unrealized investment and income. The Report hoped that 'If Bangladesh were to improve the reliability and competency of its bureaucracy, its investment would rise by more than five percentage points and its yearly GDP rate would also register a rise by over half a percentage point.'<sup>43</sup>

In sum, though agriculture, foreign remittances and garment exports continue to sustain Bangladesh's economy, yet these are inherently volatile avenues, depending upon the vagaries of nature or the policy swings of other countries.<sup>44</sup> As such these cannot be deemed enough for sustainable economic growth in the long run.<sup>45</sup> Sustainable growth demands significant domestic and foreign direct investment which continues to remain very small, largely due to concerns about political stability and labour standards. Any improvement of the general business environment requires, along with steps to combat corruption, a stable and truly democratic political climate in the country. As reputed Bangladeshi economist, Professor Wahiduddin Mahmud said in an interview, **"Bangladesh is no more considered a 'test case of development', but the country still remains a test case of whether economic development and democracy promotion can proceed hand in hand in a low-income yet resilient and dynamic society."**<sup>46</sup>

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<sup>43</sup> Mohammad Habibullah Pulok, *The Impact of Corruption on Economic Development of Bangladesh: Evidence on the basis of an Extended Solow Model*, MPRA Paper no. 28755, Stockholm University, September 15, 2010 available at [https://mpra.ub.uni-muenchen.de/28755/1/MPRA\\_paper\\_28755.pdf](https://mpra.ub.uni-muenchen.de/28755/1/MPRA_paper_28755.pdf) accessed on 12/5/2015.

<sup>44</sup> Remittances have already slowed as the Middle Eastern countries are imposing limits on Bangladeshi labour migration. See 'A Year of Stunted Labour and Remittance Flow', *The Daily Star*, January 1, 2014.

<sup>45</sup> At present, growth remains below what is needed for Bangladesh to be in the comfort zone of middle-income by 2021.

<sup>46</sup> 'We are losing social capital', *Prothom Alo*, Dhaka, March 22, 2015.

## II

### MINORITY CITIZENSHIP AND RIGHTS

The term 'minority' refers to a category that is differentiated from the social majority, that is, those who hold the majority of positions of social power in a society; this differentiation can be based on one or more observable human characteristics including (but not limited to) ethnicity, race, gender, wealth, health or sexual orientation. Members of minority groups are often prone to differential treatment, because of their physical or cultural characteristics, by the dominant majority in the countries and the societies in which they live. It is this form of 'collective discrimination' which prevents their assimilation in the larger society and foments unrest at the political and social level.

The term gained frequency alongside the discourse of civil rights and collective rights which acquired prominence in the twentieth century. The UN's International Covenant on Civil and Political Rights, adopted in 1966, defined not just individual rights but also minimum protection for minorities. Article 27 of the Covenant<sup>47</sup> clearly asserted that, 'Persons belonging to [ethnic, religious, or linguistic] minorities shall not be denied the right in community with the other members of their group to enjoy their own culture, to profess and practice their own religion, or to use their own language.' Again the Indigenous and Tribal Peoples Convention<sup>48</sup> of 1989 and The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities<sup>49</sup> of 1992, further defined protections for ethnic, religious, and cultural minorities to preserve their cultures, languages, and beliefs and to protect themselves from discrimination. These treaties thus established clear international moral standards based

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<sup>47</sup> See 'International Covenant on Civil and Political Rights', *Office of the High Commissioner for Human Rights* at <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

<sup>48</sup> See, C169- Indigenous and Tribal People's Convention, 1989( No.169), ILO, Geneva available at [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P1\\_21\\_00\\_ILO\\_CODE:C169](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P1_21_00_ILO_CODE:C169)

<sup>49</sup> See, UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities available at [http://www.ohchr.org/Documents/Publications/Guide\\_MinoritiesDeclarationen.pdf](http://www.ohchr.org/Documents/Publications/Guide_MinoritiesDeclarationen.pdf)

on the belief that the minority's rights must be protected in a 'sovereign democratic state', no matter how singular or alienated that minority is from the majority society as otherwise, the majority's rights would lose their meaning.

**Indeed a fundamental principle of 'substantive democracy', as is conceived of, in today's world, is protection of minority rights in the face of the tyranny of the majority.** A 'substantive' democratic state must understand the need and the right of minorities to maintain their unique identity (national, religious, ethnic, or others), their culture and heritage, and make attempts to protect their rights. Such is imperative for building up a relationship of trust between the minority and the majority groups in any society, an essential condition for the harmonious co-existence of different groups that live within the boundaries of the state.

### **In Bangladesh**

With a population of about 158 million, Bangladesh is a predominantly Muslim country with 89.52 per cent of the population believing in Islam and the remaining 10.48 per cent comprising of religious and ethnic minorities.<sup>50</sup> Among the minorities, the Hindus are the largest group with 8.2 per cent of the population. The Buddhists and Christians are the third and the fourth largest groups in the country respectively, comprising the remaining 1.7 per cent. There are also several small factions within the Muslim population – they are the Biharis, the Ahmadiyyas, Ismailis, Shias, Memons etc. The Ahmadiyyas are about 100,000 in number and the Bihari population is estimated at around 400,000. Thus, though the Muslims and the Hindus account for about 99 per cent of the country's population, Bangladesh, in sum, represents a multi-ethnic, multi-religious and multi-lingual pluralistic society.

### **Constitutional Status**

**The Constitution of Bangladesh recognizes no minority in the country and contains no special provision for their protection and promotion.** This is because,

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<sup>50</sup> Bangladesh Bureau of Statistics, Census Report 2014.



constitutionally, every citizen of Bangladesh gets equal treatment of law. The first and foremost right, which has been made justiciable under Part III of the Bangladesh Constitution, is the right to equality before the law and the equal protection of laws.<sup>51</sup> Literally, this means persons similarly situated would be dealt with in a similar way under Bangladeshi laws. Article 28(1) clearly states that the State shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth. Article 41 of the Constitution stipulates that, subject to law, public order and morality, every citizen of Bangladesh has the right to profess, practice and propagate any religion and, every religious community or denomination has the right to establish, maintain and manage its religious institutions. Again no person attending any educational institution is required to receive religious instruction or to take part in or to attend any religious ceremony or worship which relates to a religion other than his own. Secularism, a fundamental state principle, which had been deleted in 1977 under the Zia regime, has also been restored by the fifteenth amendment to the Constitution in 2011. The ultimate idea of all these provisions is to secure the rights of the religious minorities in the country and preserve religious pluralism. Furthermore, the Constitution adopts a similar ‘equality of opportunity’ stand as far as employment in the public services is concerned.<sup>52</sup> In fact, Article 23 of the Constitution also calls for the State to adopt measures to conserve the cultural traditions and heritage of the people while, at the same time, emphasising upon the people’s participation in the enrichment of the national culture.<sup>53</sup>

In truth however, according to political observers, all these equality clauses have become rather meaningless because of the highly discriminatory provisions included in the Constitution by the 5<sup>th</sup> and 8<sup>th</sup> amendments which not only talked of reposing ‘absolute

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<sup>51</sup> Check The Constitution of the People’s Republic of Bangladesh available at [http://bdlaws.minlaw.gov.bd/print\\_sections\\_all.php?id=367](http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=367)

<sup>52</sup> Article-29(1) of the Constitution of Bangladesh says, ‘There shall be equality of opportunity for all citizens in respect of employment or office in the service of the Republic’ and again, Article 29(2) lays down that, ‘No citizen shall, on grounds only of religion, race, caste, sex or place of birth, be ineligible for, or discriminated against in respect of, any employment or office in the service of the Republic.’

<sup>53</sup> Critics of this article feel that since ‘national culture’ generally indicates the culture of the dominant majority Bengali Muslim culture, this article, in effect, is rather ambiguous and contradictory.

trust and faith in the almighty Allah’ but also, declared Islam the state religion making the people professing other beliefs virtually second class citizens of the country. At the same time the Constitutional declaration of Bangla as the only State language and clear avoidance of other smaller linguistic groups distinctly reflects a discriminatory approach towards the rights and existence of the latter groups.<sup>54</sup> And finally, any major public step to conserve and protect the cultural traditions and heritage of the minority people in the country also remains to be taken.

### **Acknowledged Variants**

Minorities in Bangladesh can be classified under three distinct heads:

- Religious Minorities;
  - Ethnic Minorities; and
  - Other minorities
- Among **the religious minorities** in Bangladesh, the Hindus are the largest group with 8.2% of the population; people of other faiths register their presence in a very negligible manner. In fact, Bangladesh is the third largest Hindu state in the world after India and Nepal. Most Hindus are Bengalis and do not stand out as a minority with a political edge; and yet, at critical times, their position is weak, eg. just after the 2001 October elections when the BNP-Jamaat came to power or just after the Babri Masjid demolition incident in India. Over the last few decades, this minority community has not only been intimidated and attacked, but also, situations have been so created, that have led to fairly substantial numbers of them leaving the country for neighbouring India. A quick look at Table 5.7 below reveals this bitter reality.

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<sup>54</sup> Article 3 of the Constitution of Bangladesh clearly states that ‘The State language of the Republic is Bangla.’

**TABLE 5.7**

**Declining Hindu Population In Bangladesh Region**

<b>Year</b>	<b>Percentage (%)</b>
1941	28%
1951	22.05%
1961	18.5%
1974	13.5%
1981	12.13%
1991	11.62%
2001	9.58%
2011	8.2%

Source: Government of India Census 1941, Bangladesh Government Census, 2001, 2011.

Another discernible religious minority in Bangladesh these days is a Muslim sect called Ahmadiyya or Kadiyani. Around 100,000 in number, these Ahmadiyyas or Kadiyanis are Muslims who broke away from mainstream Islam a century ago and believe that Mohammed is not the last prophet of God. The community believes that Ahmad (the founder of the sect) conceived the community as a revivalist movement within Islam and not as a new religion. On the other hand, virtually all mainstream Muslim sects reject this Ahmadiyya claim and regard them as non-Muslims. In such a situation, the members of this community in Bangladesh live in constant fear, especially after a campaign of violence and widespread intimidation was unleashed against them by Islamists in recent years.

- Like other countries of South and South-east Asia, Bangladesh has her share of **ethnic minorities**. There are some 14 ethnic minorities that live in Bangladesh and they mainly reside in the Chittagong Hill Tracts, Sylhet Division, Rajshahi Division and Mymensingh District. The total population of indigenous ethnic minorities in Bangladesh were estimated to be over 2 million in 2010 itself.<sup>55</sup>

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<sup>55</sup> Check , <http://www.minorityrights.org/?lid=5632>

Among these, the tribal groups (aborigines) which share a common descent with the Indian hill populations on the south-eastern border of Bangladesh are often treated as suspect and their activities, believed to be seriously compromising the security and strategic options of the state. This is because, ever since the creation of Bangladesh, the elected representatives of the Chittagong Hill Tracts (CHT) had demanded regional autonomy and an "excluded area" status in order to protect their language, culture and religion, and also to prevent exploitation by the non-indigenous people coming from outside the area. Their demands were perceived by the Governments in power as secessionist and led to the massive deployment of Bangladesh Armed Forces in the CHT. In response to this State challenge, the indigenous people of CHT formed their own militia called the Shanti Bahini. The activities of the Shanti Bahini, along with the demands of these ethnic groups, openly challenged the conventional parameters of a sovereign state, such as territory and population, and duly became a major national problem and an electoral issue in Bangladesh. Finally, it was the signing of the Chittagong Hill Tracts Peace Accord in 1997, under the Hasina regime, that brought an end to this decade long insurgency of the Shanti Bahini and the response of the government forces. The Accord concluded within the framework of the Constitution, reposed full and firm allegiance in the sovereignty and territorial integrity of the State of Bangladesh; at the same time, the agreement also recognised the distinct ethnicity and special status of the tribes and indigenous peoples of the Chittagong Hill Tracts, and established a Regional Council consisting of the local government councils of the three districts of the Hill Tracts.<sup>56</sup> The Shanti Bahini insurgents formally laid down their arms and received monetary compensation. More than 50,000 displaced tribals were able to return to their homes. However, the complete success of the new political arrangement is contingent on cooperation among the tribes and their continued dialogue with the government, neither of which seems to be guaranteed.

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<sup>56</sup> See for details, *Building Lasting Peace: Issues of the Implementation of the Chittagong Hill Tracts Accord*, Paper by Bushra Hasina Chowdhury, Dept. of International Relations, Dhaka University, Bangladesh, August, 2002.

- In the **third category of minorities**, fall the quarter million *Biharis* who have been living in Bangladesh since its inception. These people immigrated to Bangladesh during British rule, primarily as skilled craftsmen on the railways. During partition in 1947, there was mass movement of people between India and Pakistan and, of the eight million who moved from India to Pakistan, about 1.3 million moved into the eastern wing. During the December 1970 elections, most *Biharis* supported the pro-Pakistani Muslim League and consequently a majority of them expressed the wish to be repatriated to Pakistan once Bangladesh gained independence, describing themselves as stranded Pakistanis. Post-1971, successive Bangladeshi governments have urged Pakistan to repatriate these people of *Bihari* origin and, till 1981, the Pakistani Government did indeed take nearly 200,000 of them. Thereafter, there was no further acceptance; and the remaining *Biharis*, unable to completely assimilate themselves into the wider Bangladeshi society, continue to live in squalid camps under miserable conditions. The majority perception of misplaced *Bihari* loyalty have only worsened their predicament and all new initiatives for some kind of political solution to this problem have yet to bear any positive results.

### **Minority Rights Violations In Bangladesh - The Real Picture**

As a member of the United Nations and many of its arms, Bangladesh is legally and morally obligated to respect and uphold internationally recognized principles and values, and human rights stay in the heart of these norms. Being a party to the International Covenant on Civil and Political Rights (ICPPR), 1976, Bangladesh is also bound to ensure the religious and political freedom of its citizens. It is legally bound to comply with all major international human rights treaties and conventions it has ratified but, unfortunately, the record of compliance so far as the minorities are concerned leaves much to be desired.

***Violence Against the Religious Minorities*** - Societal abuses and discrimination based on religious affiliation, belief, or practice is the most recurring phenomenon in the country. Religious minorities generally at the bottom of the social hierarchy have always the least political recourse against discrimination and violence committed by the Muslim majority, and the growth of religious extremism in the country, post 2001, has only compounded their plight.<sup>57</sup> During the election violence in 2001, there were more than 10,000 reported cases of attacks on minorities (mostly Hindus) and more than 500,000 Hindus sought refuge in India.<sup>58</sup> The Hindu-inhabited areas in Barisal, Bhola, Pirojpur, Satkhira, Jessore, Khulna, Kushtia, Jhenidah, Bagerhat, Feni, Tangail, Noakhali, Natore, Bogra, Sirajganj, Munshiganj, Narayanganj, Narsingdi, Brahmanbaria, Gazipur and Chittagong were the worst hit. Hindu women were particularly targeted – in many cases rape of female family members made it impossible for the family to stay in their villages.<sup>59</sup> In most cases, it was alleged that the police and the civil administration had not provided adequate protection to the victims and no judicial enquiry was initiated. In fact, violence against minority women has been used as an effective weapon of subjugating and repressing the minority community in Bangladesh with female members of the community frequently facing systematic kidnappings, rapes, and forced conversions. According to media reports, there were more than 145 incidents of rape of Hindu women/girls between 2004 and 2010 (most of which went officially unreported). Again, in 2002, the media also reported 9 cases of abduction and 54 cases of forcible evictions of minority communities from their land and homestead. In some cases, the evictions were caused on a mass scale as in

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<sup>57</sup> During 1999-2005 national dailies published the names of 58 different fundamentalist/militant groups in the country who mainly targeted the minorities. By June 2007, the number had increased to around 100.

<sup>58</sup> People's Republic of Bangladesh, Policy Brief 2010-2011, Hindu American Foundation at [www.HAFsite.org](http://www.HAFsite.org) accessed on 3/6/2015.

<sup>59</sup> By a letter dated 10 December 2002, the Special Rapporteur, CHR, informed the Government that she had received information that more than 2,000 women in Bangladesh between the ages of 7 and 80 had been raped, gang-raped, beaten and subjected to degrading treatment by fundamentalist groups following the October 1, 2001 elections.

Durgapur (in March 2002) about 20 villages inhabited by minorities came under attack and about 500 inmates of those villages were evicted from their homes.<sup>60</sup>

The election of the Awami League Government in 2008 resulted in a slight reduction in the number of attacks against Hindus and other minorities, yet the situation did not vastly improve.<sup>61</sup> Minorities continued to face institutional and legal discrimination and acts of violence, including rapes, forced conversions, killings, assaults, abductions, torture, extortions and land encroachments with consistent regularity. News of damage, destruction, or desecration of religious places is also quite common in Bangladesh and, at least, 232 Hindu temples have been attacked since 2004. In the 2012 Ramu violence, local Muslim mobs torched 22 Buddhist temples and monasteries and around 50 houses in Ramu Upazila of Coxbazar district on 29<sup>th</sup> September in reaction to the tagging of an image depicting the desecration of Quran on the timeline of a fake Facebook account under a Buddhist male name.<sup>62</sup> Thousands of holy Tripitakas written on palm leaves, believed to be 250 years old, were destroyed. Even Sikh gurdwaras and Hindu temples were not spared from the mob fury. The worst part was that, irrespective of political affiliation, local political leaders were alleged to be involved in this communal frenzy against the minority population. Again, in 2013, Bangladesh witnessed another particularly brutal wave of attacks on the houses, temples and businesses of the minority community. This time around the attack was triggered by the verdicts of the International War Crimes Tribunal trying the war criminals of 1971 and also because the ruling AL decided to go ahead with the January, 2014 elections without the opposition. Activists of the Jamaat-e-Islami and its student wing, Islami Chhatra Shibir, in their hundreds carried out systematic attacks for hours in Hindu villages for “violating” their directive to refrain from voting.<sup>63</sup> As observers of Bangladesh politics say, ‘the grim reality is that when

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<sup>60</sup> Amena Mohsin, ‘Rights of Minorities in Bangladesh’, in *Human Rights in Bangladesh-2002*, Ain O Salish Kendra, Dhaka, 2003, p.229-230.

<sup>61</sup> In 2011 itself, 183 people belonging to religious minorities became victims of injury, assault, extortion and land grabbing according to data collected by Ain-o-Shalish Kendra, Bangladesh.

<sup>62</sup> ‘BNP to Probe Ramu Violence’, *The Daily Star*, October 1, 2012. Also see for details, Kaber Gayen, ‘Ramu-nisation of Bangladesh’, *Forum*, Vol.6 (11), November, 2012.

<sup>63</sup> ‘Bangladesh post-poll violence hits minorities’, *The Hindu*, January 8, 2014.

anything happens in Bangladesh or neighbouring India, Hindus are attacked'.<sup>64</sup> On a similar note, Professor Nim Chandra Bhowmick of Dhaka University, who is also a senior member of the Hindu, Buddhist and Christian Forum, laments that 'such incidents of minority violence are an attack on the very character of the Bangladesh Constitution and undermines the very spirit of Bengali nationalism which fuelled the liberation war of 1971.'<sup>65</sup>

**TABLE 5.8**

**VIOLENCE AGAINST RELIGIOUS MINORITIES(2010-2015)**

Year	Homes Grabbed/ Destroyed	Businesses Destroyed	Temples, Monasteries and Statues vandalised	Rapes	Deaths	Injured
2010	20	-	43	06	02	244
2011	44	-	67	03	00	107
2012	13	-	139	01	00	69
2013	278	208	495	00	01	188
2014	761	193	247	02	01	255
2015(till May)	92	06	132	00	00	28

Source: Odhikar Human Rights Report on Bangladesh, 2013 and Ain-O-Salish Kendra Minority Violence Data.

A look at Table 5.8 (given above) gives us a fair impression of the plight of the religious minorities in 'secular' Bangladesh. Increasing polarisation of the society into 'secularists' and 'Islamists' has created political conditions for persecution of minorities from both sides. The secularists accuse the Islamists of attacking the places of worship and villages of non-Muslims, while Islamists respond by claiming that all incidents are a ploy of the government to show them in bad light. Because of the blame game, it

<sup>64</sup> Based on an interview with a high ranking Indian Diplomat.

<sup>65</sup> 'Islamic Fundamentalists Terrorize Minorities in Bangladesh', *The Diplomat*, January 15, 2014.



becomes really difficult in actual terms to protect the minority citizens by the state and perpetrators of heinous crimes conveniently escape and remain outside the law.

Finally, a thorough appraisal of the rights and status of religious minorities in Bangladesh makes a discussion on the *Vested Property Act of 1974* imperative. It is this Act which stands testimony to the less than equal status of the Hindu citizen in Bangladesh. Initiated in 1965 (after the Indo-Pakistan War) as the Enemy Property Act, this act identified the minority Hindus as enemies and allowed the Government to confiscate their property or business (of those who had fled to India during the war to save their lives) and lease it out to others. After the formation of independent Bangladesh, it was hoped that the scrapping of this discriminatory law was just a matter of time. Surprisingly however, the President of Bangladesh in his Order No. 29 of 1972 did nothing more than merely change the nomenclature of the previous act to Vested and Non-Resident Property Act(VPA) and all the alleged enemy properties were taken over by the new Government of Bangladesh. Quite clearly, despite the fact that India had been a determinant factor in the liberation of the new State, the fate of the Hindu minority in the country changed little after independence.

As per this Act, *Properties* meant 'properties of any kind, movable or immovable and included any right or interest in such properties, debt or actionable claim, any security or negotiable instrument, and any right under a contract and any industrial or commercial undertaking'. *Security* included 'share, stock, bond, debenture or debenture stock, or other marketable security of a like nature in or of anybody corporate and Government securities'. Clause 2 of this Order further stipulated that, 'Nothing contained in this Order shall be called into question in any court of law' in the country. Thereafter, in November 1976, General Zia-ur-Rahman brought further changes by abrogating the VPA Act of 1974 with Ordinance XCII of 1976, the latter order making the Government owner of vested properties instead of protector of the same.<sup>66</sup> This encroachment of the right of ownership by the Government amounted to gross violation of the existing laws pertaining to the right to private ownership and the Hindu minority community remained the

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<sup>66</sup> Ruchira Joshi, 'Situation of Minorities in Bangladesh', *Himalayan and Central Asian Studies*, Vol.7, no.3-4, July-December 2003, p. 133.

primary target of this legislation. Subsequently, in November 1993, the Law Ministry of Bangladesh in a direction to all Deputy Commissioners called for a “verification of the census list of vested properties”; it expressed doubt about the dependability of the existing list, as it held that properties in fact belonging to the enemies may not have been incorporated in it.

According to various estimates, some 12 lakh or 44 per cent of the 27 lakh Hindu households in the country have been affected by the Enemy Property Act 1965 and its post-independence version, the Vested Property Act 1974.<sup>67</sup> The estimated total land dispossessed is around 10.5 million acres. Such dispossession has often occurred in agreement with the authorities either as members of political parties or as supporters. According to one estimate, in 1995, members of the BNP acquired 72 per cent of all vested property and, in 1998, 48 per cent was acquired by the Awami League and 32 per cent by the BNP.<sup>68</sup> Thereafter, between 2001 and 2006, of the politically powerful land grabbers, 45 per cent were affiliated with the BNP, 31 per cent with the Awami League, 8 per cent with Jamaat-e-Islami and 6 per cent with the Jatiya Party and other political organisations. It is believed that, more than two million acres of land have been seized from Hindu landowners in this manner, post 2001 itself.<sup>69</sup> These estimates (though based on various plausible assumptions) sufficiently reflect the gravity of the situation as the EPA/VPA not only led to land loss for the Hindus but also resulted in the widespread economic marginalization and disenfranchisement of the community. After repeated calls for the repeal of this discriminatory Act, the Government of Bangladesh finally did abolish the VPA in 2001 and passed the Restoration of Vested Property Act to purportedly return previously confiscated properties to their owners (provided that the original owners or their heirs remained resident citizens).<sup>70</sup> The new legislation, however, retained much of the same discriminatory language of the earlier VPA and created

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<sup>67</sup> Rabindranath Trivedi, ‘The Legacy of Enemy Turned Vested Property Act’, *Asian Tribune*, Vol.12, no.1168, Dhaka, May 29, 2007.

<sup>68</sup> Ruchira Joshi, n.66, p.133.

<sup>69</sup> Interview of Prof. Abul Barkat, Dept. of Economics, Dhaka University, Published in the *New Age*, Dhaka, May 26, 2007.

<sup>70</sup> Ruchira Joshi, n.66, p.134.

several burdensome legal requirements, inhibiting the ability of Hindus to recover their properties.<sup>71</sup> Soon after, in October 2002, the newly elected BNP led coalition government passed another amendment which virtually shelved the return of confiscated properties by allowing unlimited time to return them. The amendment also gave the government the right to lease such properties until their return. Since then, successive governments have failed to publish the details of the “vested” property lists, rendering the Restoration Act virtually meaningless and impeding the ability of victimized Hindus to access any real form of justice. As such, even a decade after the abolition of the VPA, even today nearly 200,000 Hindu families stand dispossessed of approximately 122,000 bighas of land (or the equivalent of 195,200,000 square yards).<sup>72</sup> In sum, it can be said that such inequitable and discriminatory laws need to be suitably changed, to bring back the dwindling confidence of the minorities in Bangladesh State machinery, as well as to revert their demographic declination in the last few decades.

***Plight of the Ahmaddiyas-*** Violence towards the Ahmadiyya community has also been a common occurrence in Bangladesh for the last three decades. What began as sporadic attacks and threats against Ahmaddiyas in Bangladesh in the early seventies, became more systematic since the early nineties after the country returned to the parliamentary democratic fold. Attacks against this community began in earnest during the BNP government (1991-96), continued through the period of Awami League rule (1996-2001), and acquired renewed vigour as the BNP led coalition returned to power in 2001. Members of the community were attacked; their houses looted; their mosques vandalised and set on fire; their religious books stolen and destroyed and even their publications proscribed. While in the normal mode of administering a state, it is the government which takes stern action against law breakers to desist them from transgression, in the case of Bangladeshi Ahmaddiyas, it has been the other way round. The anti-Ahmaddiya elements under the banner of the International Khatme Nabuwat Movement-Bangladesh(IKNM-B) has repeatedly pressurised the Government to declare Ahmadis as non-Muslims in order

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<sup>71</sup> Hindus who fled to India and had resettled there were not eligible to have their land returned and no provisions were included for compensation for or return of properties that the Government had sold.

<sup>72</sup> Rabindranath Trivedi, n.67.

to show respect for the sentiments of the Muslim population of Bangladesh. They have also threatened to drive out the Ahmadiyyas from the country through a series of programmes if the government failed to do their bidding.<sup>73</sup> To cite a few instances of violence against the members of this minority community in recent years, a quick glance at Table 5.9 below is sufficient.

**TABLE-5.9**

**Persecution of the Ahmaddiya Community in Bangladesh**

<b>Date</b>	<b>Incident</b>	<b>Reported In</b>
5/11/2004	Religious bigots threaten to seize mosque at Nakhalpara, Tejgaon.	The Daily Star, 6/11/2004
23/ 6/2006	KNMB activists gherao the Nadda Qadiani Mosque at Uttara, Dhaka	The New Nation 23/ 6/2006
25/6/2006	KNMB activists give 48 hour hartal call to whip up anti-Ahmaddiya sentiments, Dhaka North	New Age, 26/6/2006
13/7/2006	Anti- Ahmaddiya campaign at Sarishabari, enforced incarceration on the Ahmadiyyas	New Age,11/7/2006 TheDailyStar,16/7/06
25/4/2010	Radicals obstruct Ahmaddiya burial at Nakhalpara, Tejgaon	The Daily Star 26/4/2010
17/6/2010	Ahmaddiyas in Tangail attacked	TheDailyStar19/6/2010
18/10/2010	Fresh attack on Ahamaddiyas in Tangail, Houses vandalised	The Daily Star 20/10/2010
7/2/2011	Ahmaddiyas barred from holding 87 <sup>th</sup> Annual Convention	New Age 9/2/2011
25/10/2012	Homes of local Ahmadi Muslims pelted with stones and their entrances obstructed at Rangpur district	The Daily Star 26/10/2012
6/2/2013	Religious mobs torch Ahmadi festival site at Kaliakoir	Dawn.com 9/2/2013

Source: Compiled From Newspaper Reports, Bangladesh. (Post 2001).

<sup>73</sup> ‘Ahamaddiyas: A Beleaguered Minority’, *New Age*, Dhaka, June 22, 2006.

***Discrimination faced by the Bihari Community-*** The plight of the unfortunate, abandoned *Bihari* minority community in Bangladesh is an altogether different story. This community had openly supported the Pakistan armed forces during the 1971 Bangladesh Liberation War. After the creation of Independent Bangladesh, they found it difficult to assimilate with the Bengali population of Bangladesh and most wished to be repatriated to Pakistan. Because of their pro-Pakistani stance, they faced reprisals and persecution from Bengali mobs and militia even after independence. After Pakistan's initial acceptance of a few thousand of them, the rest were left behind as 'stateless' refugees languishing in filthy and unhygienic refugee camps, battling malnutrition, lack of medical facilities and abject poverty. An estimated 250,000 to 300,000 Biharis presently live in 66 camps in 13 regions across the country.<sup>74</sup> All camps have one thing in common – they are severely overcrowded. Till this day, more than 80% of these *Biharis* remain illiterate, as the schooling facilities inside the camps are extremely inadequate. Those *Bihari* families, who want to send their children to schools outside the campus, fail to enrol because of simple technical requirements such as nationality, home address or parents' occupation; it has been observed that school authorities generally refuse to take children from the camps.<sup>75</sup> The inhabitants of these camps are unable to own any property outside the camp boundary and most work as day labourers in the city; the camps are also well known for embroidery work, dyeing, thread making, weaving of Benarasi saris. Along with institutionalised discrimination faced by the Biharis because of their citizenship status, they also have to battle social stigma on a daily basis. The irony is that these *Biharis* are not refugees (so that at least international law or bodies can extend their humanitarian assistance to them) yet, they are outside their country. Again, they do not get the minority treatment simply because, technically, they do not constitute a part of Bangladeshi nation. Pakistan, the country whose citizenship they craved for and wanted to go back to, did not want to take them; and the country where they are left stranded doesn't respect them or want them.

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<sup>74</sup> 'Stateless Biharis in Bangladesh: A Humanitarian Nightmare', Refugees International Field Report, December 13, 2004 available at <http://refugeesinternational.org/policy/field-report/stateless-biharis-bangladesh-humanitarian-nightmare>

<sup>75</sup> *ibid.*

In a recent development in 2008, the Dhaka High Court granted right of Bangladeshi citizenship to the second generation of Biharis who were born in the camps. The court held that any Urdu speaker (*Bihari*) born in Bangladesh, or whose father or grandfather was born in Bangladesh, and who was a permanent resident in 1971 or who has permanently resided in Bangladesh since 1971 is a citizen “by operation of law.” With this judgement, the *Bihari* community in Bangladesh has definitely moved a step ahead in the right direction. It can only be emphasized that the almost 40 years of suffering of this minority community needs to be immediately addressed by the Governments of Bangladesh and Pakistan, the United Nations, and non-governmental agencies.

***Human Rights Violations in the CHT-*** As mentioned earlier, the Chittagong Hill Tracts Peace Accord, signed in December 1997, ended a 25-year low-intensity guerrilla war between 11 indigenous groups (*Jumma*) and the Government of Bangladesh; it was intended to establish self-governance in the south eastern part of Bangladesh, home to half a million people from the ethnic minority community. Prior to the signing of the Accord, during the years of insurgency, gross human rights violations were reported from this area which included arbitrary arrests by the government, torture and extra-judicial killings by the military, forced evictions and expropriation of ancestral lands from the tribals by burning their villages, sexual harassment and rape, forced marriages of indigenous women to Bengali men and harassment of rights activists.<sup>76</sup> In the course of army searches of villages suspected to harbour members of the *Shanti Bahini*, houses as well as property of the tribal population were frequently reported to have been destroyed by military personnel or the paramilitary Bangladesh Rifles. Some of these violations, it was reported, were deliberately committed to force the tribal population to move to cluster villages, also called cooperative villages. The Peace Accord, it was hoped, would bring to an end ‘an era of bitter conflicts between brothers, cruel exploitation over the

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<sup>76</sup> Human rights violations in the CHT have been well documented by various international human rights organizations like Amnesty International, Cultural Survival, International Working Group for Indigenous Peoples and also by the international press. For details check, Human Rights Violations in the CHT( December 1991) at <https://www.amnesty.org> & CSQ Issue (Winter 1987) at <http://www.culturalsurvival.org/about>

oppressed class in the area, brutal killings in the name of political cause and ethnic cleansing.’<sup>77</sup>

Unfortunately however, even the post–Accord situation is not particularly a satisfactory one as grievances exist over the Bangladesh Government’s failure to make the CHT a completely demilitarized zone (though the government has its own considerations in deciding to maintain army camps in the region); in fact, it is reported (in 2012) that the Border Guard of Bangladesh has been taking lands from *Jumma* people in the hill tracts to build camps and outposts. The tribals are also unhappy with the lack of full implementation of resettlement benefits for the indigenous returnees to the area. The Chittagong Hill Tracts Commission,<sup>78</sup> in its Press Release in October 2011, also expressed concern over the continuing ‘allegations of human rights violations’ including allegations of land grabbing, torture and unprovoked attacks on the indigenous tribes by the security forces, even after the apparent reconciliation of 1997.<sup>79</sup> Such allegations indicate that the indigenous peoples of the CHT continue to suffer from marginalization and abuse by state (the border guards) and non-state (Bengali settlers) actors even fourteen years after signing of the Accord. The government which vowed to protect the rights of the people and are signatory to various international treaties continues to ignore their obligations towards minority populations. The CHT Commission has also called for

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<sup>77</sup> Dalem Ch.Barman, M.Golam Rahman, Tasneem Siddiqui, *Democracy Report For Bangladesh*, IDEA State of Democracy Project, p.3 available at <http://www.idea.int/publications/sod/upload/Bangladesh.pdf>

<sup>78</sup> The Chittagong Hill Tracts Commission was first set up in 1990(jointly by the IWGIA & the Organising Committee CHT Campaign) with five international members. Over the next 10 years, the Commission published a series of reports titled “Life is not Ours”, which documented widespread human rights violations of the indigenous populations in the CHT at a time when hardly any thorough documentation existed.The Commission, then dissolved itself in 2000 but was re-established in 2008 in response to limited implementation of the CHT Accord, especially with regards to resolving land disputes, as well as worrying reports of continued violations of human rights in the region, continuous influx of Bengali settlers and continued presence of the military. The re-established Chittagong Hill Tracts Commission, which now comprises members from both Bangladesh and abroad carries out intensive lobby work at the national and international level on a regular basis.The Commission is entrusted with the task of monitoring the implementation of the 1997 Accord. The impartiality of the Commission has sometimes been questioned by the Bengali settlers in the CHT area.

<sup>79</sup> Chittagong Hill Tracts Commission, Press Release, October 1, 2011. Also see, ‘Attack on CHT Commission Car in Rangamati,’*The Daily Star*, July 5, 2014.

the full implementation of the 1997 Accord, urging the Government of Bangladesh to investigate all allegations of human rights violations in cases that remain pending for lack of investigation.<sup>80</sup>

### **A Final Thought**

It can be justly said that the persecution of the minorities (religious or ethnic) still features prominently within the political development of Bangladesh. Since the State Constitution does not reflect the existence of the minority population in the country, it, in essence propagates majoritarian rule and the minorities find themselves politically, economically as well as culturally marginalised. Not only do they continue to suffer from discrimination in key areas of public life like employment, higher education and access to justice, their very right to ‘life and property’ continues to remain at stake even within the boundaries of the ‘sovereign democratic’ state.

What Bangladesh needs to realise is that democracy requires minority rights as equally as it does majority rule. After all, the essence of democracy lies in fostering meaningful participation of the people (both minority as well as majority) in governance. Simply ‘getting elections right’ but failing on the other parameters of democratic constitutionalism is not the sign of health in a democracy. The plight of minorities in Bangladesh is altogether an affront, not only to basic democratic values, but also, to the spirit of religious harmony and needs to be redressed at the earliest. This calls for the due recognition, protection and treatment of the minority community in Bangladesh with full honour and dignity.

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<sup>80</sup> *ibid.*



### III

#### **LOCAL GOVERNANCE AT WORK**

The decentralisation of power to the local level is an essential component of democratisation, good governance, and citizen engagement. The devolution of real power to localities is considered one of the key prerequisite for establishing effective local government institutions (LGIs) as only then can policies in line with citizen aspirations be formulated and implemented; thereby improving the quality of public services and also promoting local development. As a matter of fact, 'decentralisation' provides the much needed space for community members to participate in local developmental activities that can ensure efficient allocation and mobilisation of local resources with an improved accountability pattern.<sup>81</sup> The more aware, vigilant and active the local community becomes through its participation in the local government units, greater is the pressure on central level institutions to become transparent and accountable. As such, the demand for democracy and local governance has always moved in tandem.

The general emphasis on decentralisation, since the mid-1970s, is commonly attributed to a shift in the directions of development strategy requiring a particular form of planning and development administration. The increasing tendency towards decentralisation of planning and administration, (from Central Government to state, region, districts, localities and field units of central ministries) primarily arose from three converging forces:-

- disillusionment with the results of central planning and control of development activities during the 1950s and the 1960s;

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<sup>81</sup> H. Blair, 'Participation and Accountability at the Periphery: Democratic Local Governance in Six Countries', *World Development*, 2000, 28(1), pp. 21-39.

- the implicit need for participatory management of development programmes to conform to the growth with equity strategy of 1970s; and
- realisation that with the expansion of governmental activities and its resulting complexities, it is difficult to plan and administer all development activities from the Centre.

It was also recognised that this paradigmatic shift from centre to local involved changes that were not ‘just technical and administrative’, but also very much political in nature; after all, it involved a transfer of power from the groups who dominate the centre to those who have control at the local level.<sup>82</sup> It was in conformity with this rationale for decentralisation and devolution of powers that local self governance was introduced in the Constitution of Independent Bangladesh in 1972 itself.

### **Evolution and Constitutional Position**

The dream of a functional, development-centric and pro-people local government was evident from the very early days of the emergence of Bangladesh. In fact, the legal basis and responsibilities of the local government organization in Bangladesh were incorporated in Articles 9, 11, 59 and 60 of the Original 1972 Constitution itself. Article 59 and 60 of the original Constitution provided the outline of a strong local government system with elected representatives to plan and develop their respective units of administration. Article 60 further stipulated that ‘for the purpose of giving full effect to the provision of Article 59, the Parliament shall, by law, confer powers on the local government bodies referred to in that article, including the power to impose taxes for local purposes, to prepare their budgets, and to maintain funds.’<sup>83</sup> Despite such emphasis on strong LGIs (at all levels of administration below the centre) right from the beginning, no continuity however could be achieved for a long time as these local bodies underwent

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<sup>82</sup> Hasnat Abdul Hye(ed), *Decentralisation, Local Government Institutions and Resource Mobilisation*, Bangladesh Academy For Rural Development, Comilla, Bangladesh, 1985, p.2.

<sup>83</sup> The Constitution Of Bangladesh, 1972, n.51.

frequent changes in their functions and responsibilities with every change in the political regime.

To begin with, the 4<sup>th</sup> amendment of the Constitution in January 1975, buried the whole concept of local government. The entire Chapter II of Part IV of the Constitution dealing with 'Local Government' was deleted. Also the democratic provision for having elected representatives in administration at all the levels was deleted<sup>84</sup> and a new administrative structure was instituted by appointing governors at the district level who were usually selected because of their political affiliations.<sup>85</sup> After Mujib's death, the Zia regime reinstated the provision relating to elected LGIs with much more clarity and emphasis. The Local Government Ordinance 1976 made provisions for the formation of three types of rural local government, Union Parishad, Thana Parishad and Zila Parishad.<sup>86</sup> Provisions were also made with regard to the qualifications and removal procedures of the Union Parishad chairman/members as well as how the Union Parishad proceedings were to be conducted. The *Swanirvar Gram Sarkar* was started to make the villages self reliant and self sufficient. Special representation was to be given 'as far as possible' to peasants, workers and women in all these local level bodies. And yet, the government retained much controlling power over the LGIs; its prescribed authority, i.e. SDOs (Sub-division Officer) in the case of Union Parishads for instance, could veto any of the Union Parishad's decisions. There were also some criticisms about the implicit objectives of the reform package of Zia's decentralization initiatives.

After Zia, the new military regime of Ershad, which seized power in March 1982 also embarked upon an ambitious decentralization scheme to bring responsible government to the local level. The new government initiated the reform measures to decentralise administration by abolishing the former subdivisions, including the earlier *Swanirvar Gram Sarkar*, and it sought to recognize the administration at *Thana* level by upgrading

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<sup>84</sup> Article 11 of the Constitution of Bangladesh states that 'effective participation by the people through their elected representatives in administration at all levels shall be ensured.'

<sup>85</sup> Moudud Ahmed, *Democracy and the Challenge of Development – A Study of Politics and Military Interventions in Bangladesh*, The University Press Limited, Dhaka, 1995, pp.62-63.

<sup>86</sup> Kamal Siddiqui(ed), *Local Government in Bangladesh(third edition)*, The University Press Limited, Dhaka, 2005,p.66.

them into *Upazillas* and establishing the *Upazilla Parishad* as an elected local government body at that level.<sup>87</sup> All the vital subjects of development, indeed everything linked to self reliance, creation of job opportunities and poverty alleviation were transferred to the *Upazilla Parishad*. Yet, there remained some major problems with this scheme of decentralized administration as well. First, the electoral system tended to represent only the wealthiest and most influential members of society. These persons made decisions that strengthened their own patronage networks and influence at the local level; the poorest strata in society had little direct voice in elected committees. Second, the sub-district councils were designed to create and implement development activities in their areas, but they were typically slow to draft five-year plans or carry through broad-based development efforts. Finally, the entire system of *Upazilla Parishads* was politicised in favour of the ruling military regime; the decentralized politics mainly sought to attract local elites to the party of the regime in power instead of further promoting democracy.<sup>88</sup>

After the reinstatement of Parliamentary democracy in Bangladesh in 1991, the newly formed BNP (Bangladesh Nationalist Party) government appointed a high-powered 'Local Government Structure Review Commission'. The new Prime Minister, Begum Khaleda Zia chose to abolish the Upazilla system and reinstate the previous bureaucracy-dominated Thana administration by promulgating the Local Government (Upazilla Parishad and Upazilla Administration Reorganization) (Repeal) Ordinance, 1991. Her decision to depoliticise the Upazilla system was prompted by the fact that her party Bangladesh Nationalist Party (BNP) had only a handful of chairmen in the Upazillas of the country (since the BNP had not taken part in the first Upazilla election in 1985 and BNP was placed at the 5th position in the second Upazilla election held in 1990, getting only 24 Upazillas, out of 460, under its control.) The abolition was also seen as a victory for the bureaucrats who sought to exploit the changed political situation to their own benefit. Such renewed emphasis on bureaucratisation, along with the effective incursion

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<sup>87</sup> *ibid.*,p.71.

<sup>88</sup> Zayed Sharmin, Md. Amdadul Haque and Fakhrul Islam, 'Problems of Strengthening Local Government in Bangladesh : Towards a Comprehensive Solution', *Shah Jalal University of Science & Technology(SUST) Studies Journal*, Vol.15(1), 2012, pp.76-84.

of foreign funded NGOs in the rural areas, post 1991, only rendered the LGIs weak and purposeless.

Thereafter, with the coming of Awami League Government (led by Sheikh Hasina) to power in 1996, another high-powered Local Government Commission was formed to suggest viable local bodies based on the principles of local democracy.<sup>89</sup> The Commission in its Report(1997) recommended a four-tier local government structure including Gram/Palli (Village) Parishad at village level, Union Parishad at UP level, Thana/Upazilla Parishad at Thana level and Zila (District) Parishad at District level. Again, under the changed regime, while local government bodies' exercised some degree of local autonomy, the central Government or a higher body in the administrative hierarchy of the state closely supervised them. In short, this time also, 'like all previous local government systems, the local bodies were controlled by the central government in all aspects.'<sup>90</sup>

Further changes were initiated in the local government structure by the BNP Government in 2001, by the Care-Taker Government in 2008 and again by the Hasina Government post-2008. In reality, the restructuring of local government has been an ongoing process in Bangladesh purportedly aimed at increasing popular participation in the governmental process. In truth, however each incumbent Government has sought to leave its own imprint on the LGI structure in the country in a manner which would accrue it maximum political benefits. It can thus be contended that the BAKSAL of Mujib, the Swanirvar Gram Sarkar of Zia and Gram Sarkar of Begum Zia, the Upazilla and Palli Parishad of Ershad and finally the Gram Parishad of Sheikh Hasina have been like the same wine in different bottles and have all aimed at centralising power in a putatively decentralisation process within Bangladesh.<sup>91</sup>

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<sup>89</sup> *ibid*, p.102.

<sup>90</sup> Kirsten Westergaard, *Decentralization in Bangladesh: Local Government and NGOs*, Colloquium on Decentralization and Development, Yale University, April 7, 2000, available at <http://www.yale.edu/ycias/events/decentralization/> accessed on 12/6/2015.

<sup>91</sup> Md. Nadiruzzaman, Ph.D Dissertation on 'Rural Government and State Politics in Bangladesh,' Durham University, 2008 available at <http://etheses.dur.ac.uk/2238/> accessed on 12/6/2015.

## Existing Scenario

Administratively, the central government, at present, is territorially divided into six administrative divisions which are further subdivided into 61 Zila Parishads (districts) along with 3 Hill District Parishads. In rural areas, districts are further organized into 484 Upazila Parishads (Sub-District Councils) and 4,498 Union Parishads (Union Councils) further sub-divided into wards.<sup>92</sup> Urban areas have two alternative structures: 10 City Corporations in the six largest cities and 314 Paurashavas (municipalities) in the rest of the country that are further sub-divided into wards.<sup>93</sup> The Union Parishads Chairpersons, and Paurashava and City Corporation Mayors are directly elected by popular vote of the entire constituency while the ward members/commissioners are elected by their respective constituencies. Administratively all employees and senior officials at the devolved government levels are appointed by the central government directly or its representatives at the district level.

Again the main legislations on the basis of which the local government institutions operate at present include-

- The Upazila Parishad Act 2009
- The City Corporation Act 2009
- The Hill District Local Government Parishad Act 1989
- The Zila Parishad Act 2000
- The Paurashava Act 2009
- The Union Parishad Act 2009

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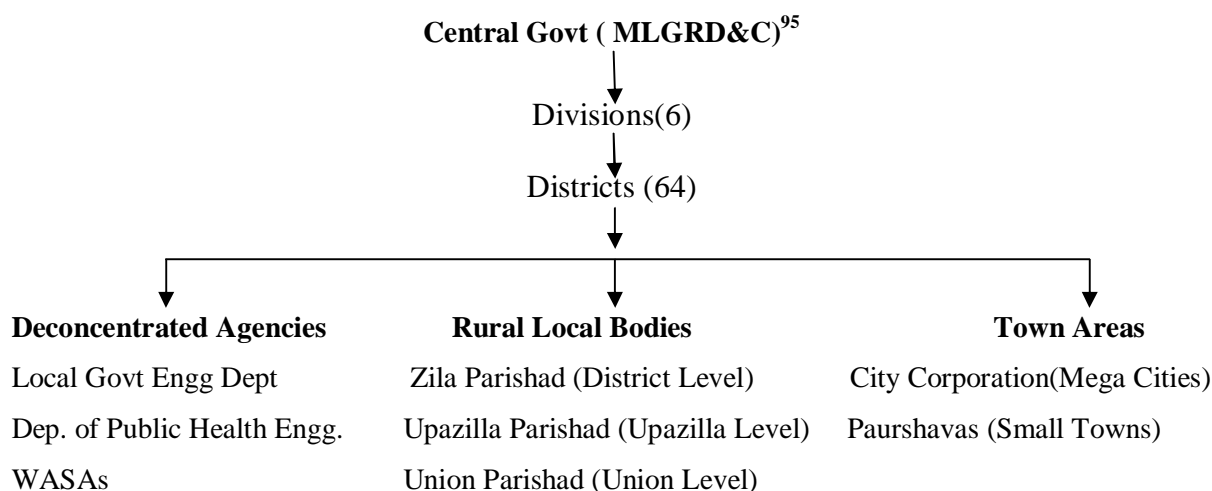
<sup>92</sup> Abul Barkat, M.Badiuzzaman, Md. Abdullah, 'Local Government Institutions in Bangladesh: An Overview' in *Local Governance and Decentralisation in Bangladesh: Politics and Economics* by Abul Barkat, Sayeedul H. Khan, Shantanu Majumdar, Muhammad Badiuzzaman, Nazme Sabina, Kawsher Ahamed, Md. Abdullah, Pathak Shamabesh Publication, Dhaka, January, 2015,p.37.

<sup>93</sup> *ibid.*

A look at Figure 6.1 below gives us a clear idea about the existing structure of LGIs in Bangladesh (as given on the official website of Local Government Division, Bangladesh)<sup>94</sup>

**FIGURE 6.1**

**Existing Scenario For Sub-national Government Structure in Bangladesh**



**Distribution of Service Delivery Responsibility and Revenue Sources**

The first principle for empowering Local Government Institutions is devolution of powers to it in such a way that the National Government does not interfere in the matters devolved to the districts. Generally those functions which concern people at large, both regulatory and developmental, and are best performed at the field level need to be devolved to the district bodies. The LGIs in Bangladesh mobilize local resources and attempt to establish good governance at the local level; providing civic/utility services to the citizens of municipalities and city corporations, rural and urban infrastructural development (constructions of feeder road, box culvert, bridges, growth centre for

<sup>94</sup> [http://www.lgd.gov.bd/index.php?option=com\\_content&view=article&id=2&Itemid=81&lang=en](http://www.lgd.gov.bd/index.php?option=com_content&view=article&id=2&Itemid=81&lang=en)

<sup>95</sup> MLGRD& C stands for Ministry of Local Government and Regional Development and Cooperatives

expansion of market facilities) supplying of safe drinking water, solid waste disposal and sanitation all over the country, monitoring public health, hospitals, health centres and medical aid, and such other functions. LGIs are also responsible for planning and implementation of development projects at the local level, conducting survey/research regarding local government and arranging training programmes for enhancing knowledge and efficiency of the elected representatives. These activities, directly and indirectly, contribute to the national goal of socio-economic development through poverty reduction, human resource development and creation of employment opportunities.<sup>96</sup>

Effective performance of all these functions however calls for adequate revenue resources and therein lies the crux of the problem. It has been observed that, at all levels of local government, both revenue and expenditure are rather nominal and that itself, according to critics, is reflective of the poor performance of the LGIs.<sup>97</sup> Local Government bodies are compelled to take loan or grants from Central government on almost every aspect as they are in constant shortage of funds. The sources of LGIs income are generally taxes, rates, fees and charges levied by the local body, and rents and profits accruing from properties of the local body and sums received through its services. Contribution from individuals and institutions, government grants, profits from investments, receipts accruing from the trusts placed with the local bodies, loans raised by the local body and proceeds from such services are the other sources of income. Major financial aspects such as tax, budgetary allocations and project expenditure are controlled by the Central government through its administration. For example- The Union Parishads have no direct control even over resources generated from their jurisdictions. Such practice of regulating and controlling of the financial resources by the national government functionaries keeps the local government units forever resource-poor and dependent on the national government.<sup>98</sup>

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<sup>96</sup> In one such interesting report by Nilufar Ahmad for Local Governance Support Project(LGSP) conducted by World Bank, the functionaries of Majidpur UP in Titas Upazilla established cooperatives of unemployed youth to start fish farming in the ponds created in the area during the monsoons. See Field report at <http://blogs.worldbank.org/endspoverty/insouthasia/bangladesh-local-governance-work-learning-field>

<sup>97</sup> A.M.A Muhith, *Issues of Governance in Bangladesh*, Mowla Brothers, Dhaka, 2001, p.103.

<sup>98</sup> In fact, Bangladesh is said to be one of the fiscally most centralized countries in the world. On the revenue side, most major tax bases remain under the control of the central government.



In a field survey of Union Parishads, carried out in collaboration with Democracy Watch, DLGP and USAID (between November 2007 and January 2008),<sup>99</sup> covering all six subdivisions of the country, it was found that there could be no alternative to financial autonomy for comprehensive development of LGIs like the UP; in fact, the absence of effective financial management only makes them a weaker and less acceptable institution. Most of the time, the UP implements programs and decisions imposed by the Central government, which mostly are at variance with local needs. This finding stands true for other LGIs in the country as well. Increasing intrusion of the Central government into the rightful domain of the local government resources and inadequate allocation as well as untimely disbursement of resources in favour of the local government only makes it heavily dependent on the Central government. This, on the one hand, causes wastage of scarce resources and fails to yield the desired impact on the target group, on the other. At times, pressure from the locally influential people, corruption, and ignorance of the elected representatives also act as major constraints on the effective performance of service delivery responsibility.

In addition to such excessive dependence on Central grants, leading to lack of financial autonomy, the LGIs in Bangladesh are also subjected to excessive Central Government control in matters pertaining to conduct of elections, business, powers and duties of chairmen, assessment of taxes, preparation of budget, making of contracts, appointment and service matters of local government employment, accounts and audit and many other important areas. The Central Government even has the final authority in the determination of the size and boundaries of the local body's territory and substantially controls the personnel system of local bodies, particularly the appointment of the Chief Executive Officer in City Corporations and Paurashavas as well as other officials. The Centre also has the power to dissolve a local body on charge of gross inefficiency, abuse

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Interestingly, LGIs own sources of revenue potential varies vertically across the different levels as well as horizontally across different entities at each level; on an aggregate, less than 2 percent of total Government revenue is collected at sub-national levels, again placing Bangladesh at the lowest end internationally. Source: <http://siteresources.worldbank.org/SOUTHASIAEXT/Resources/223546-1214948920836/5174107-1229027894612/FactsaboutLocalGovernment.pdf> accessed on 12/6/2015.

<sup>99</sup> Field Survey Report on *Functioning of Local Government ( Union Parishad): Legal and Practical Constraints* by Mohammad Mohabbat Khan, Department of Public Administration, University of Dhaka , 2008.

of power, or inability to meet financial obligations.<sup>100</sup> An inquiry may be ordered into the affairs of a local body on the orders of the Central Government generally, or into any particular affair, either on its own initiative or on an application made by any person to the government.

In sum, inadequate budgetary allocation and limited sources of revenue for the LGIs in Bangladesh, coupled with zealous central control and supervision over every aspect of their functioning and administration, describes the relationship between national and local government in Bangladesh. It is a clear instance of a ‘patron-client relationship’<sup>101</sup> and effectively limits the autonomy and efficiency of local government bodies in the country.

### **Extent of People’s Participation in LGI Activity**

Since local government is pointless without effective participation of the local people, it is imperative to examine the extent of such participation in local government institutions (LGIs) in Bangladesh for the purpose of our study. For that I have carefully perused the field reports of a series of USAID and SDC funded projects on strengthening democratic local governance in the country. The field findings on popular participation in Union Parishads and Paurashavas have been highlighted as the common people are expected to be directly involved with the functioning of these two institutions in various ways.

Interestingly the field studies<sup>102</sup> revealed that there existed two quite divergent views (that of the elected functionaries and that of the common people) as far as the extent of

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<sup>100</sup> n.86, p.79.

<sup>101</sup> Kamal Siddiqui, n.86, p.212.

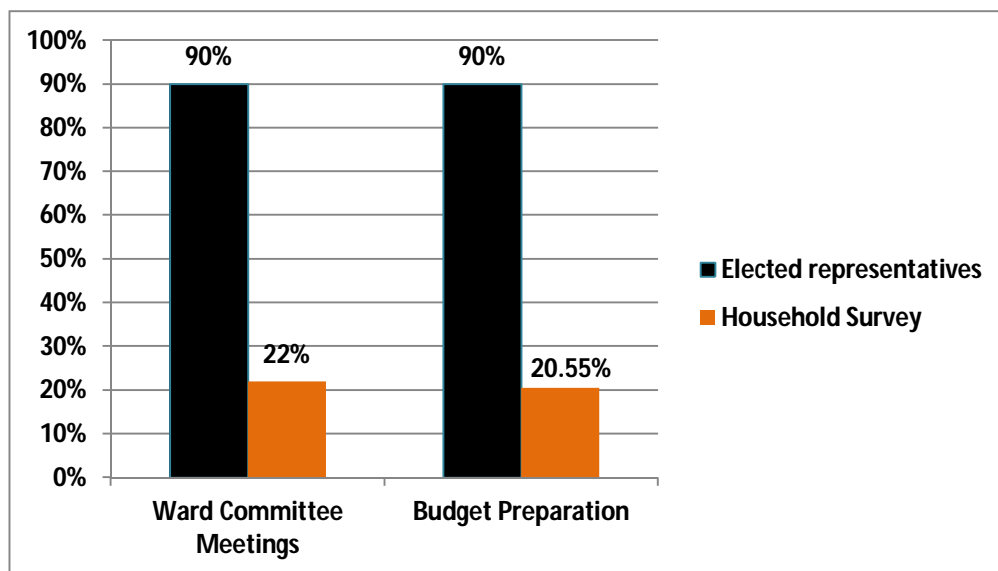
<sup>102</sup> I have primarily relied on two field study findings-the first one is the Field Survey Report on ‘Functioning of Local Government (Union Parishad): Legal and Practical Constraints’ by Mohammad Mohabbat Khan, Department of Public Administration, University of Dhaka , 2008 and the second one was mailed to me by Prof. Shantanu Majumdar, Department of Political Science, University of Dhaka in 2014. Prof. Majumdar was himself part of the Swiss Agency for Development and Cooperation (SDC) and HDRC funded Project and vouched for the authenticity of the findings from the field. The latter findings have since then been published as part of a book titled *Local Governance and Decentralization in Bangladesh: Politics and Economics* by Abul Barkat, Sayeedul H. Khan, Shantanu Majumdar, Muhammad Badiuzzaman, Nazma Sabina, Kawsher Ahmed and Md. Abdullah, Pathak Shamabesh, Dhaka, January, 2015.

information dissemination about LGI activities and the level of people’s participation in such activities were concerned. While the majority of the elected representatives of LGIs in rural and urban areas (above 90%) clearly felt that proper attention had been given to inform people of various activities of the respective LGIs, the common people seemed to hold a different view. Less than 25% in a household survey acknowledged the receipt of information regarding *Wardshava* of Union Parishad and Ward committee meeting of *Paurashava* . Again only 18% rural and 23% urban households mentioned about receiving information related with open budget session and budget preparation respectively. Only as far receiving information about fixation and collection of taxes, fees, and tolls were concerned, the estimates were higher at more than 50% of the surveyed households. (See Figure 6.2)

**FIGURE 6.2**

**DISSEMINATION OF INFORMATION ABOUT LGI ACTIVITIES**

(As Per Elected Functionaries And Household Surveys)



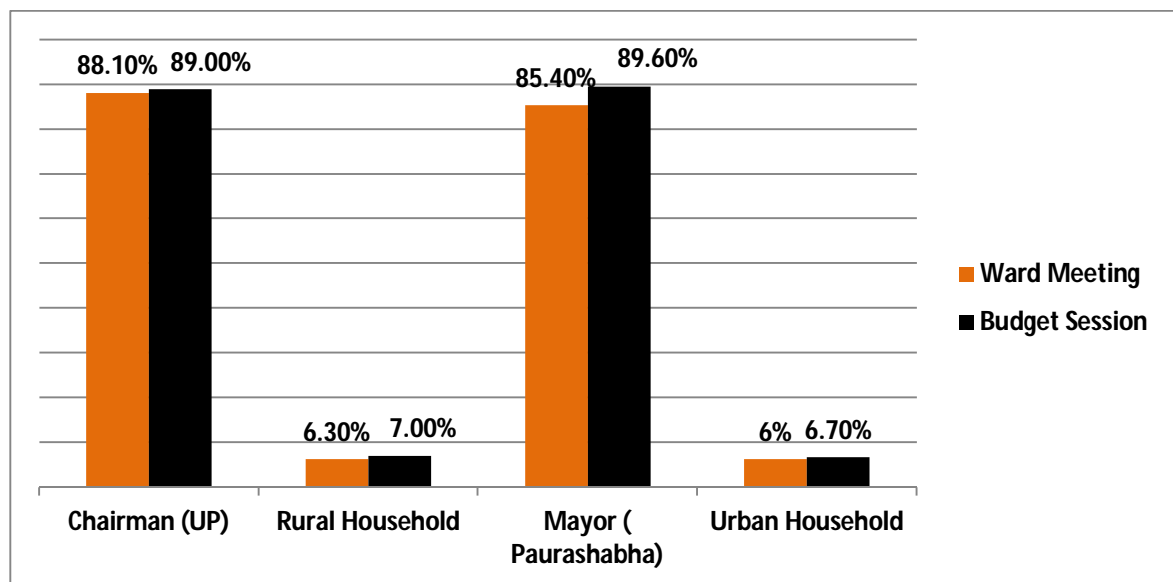
Again most elected representatives were found quite satisfied about the level of people’s participation in various events like preparation of annual budget, *Wardshava*, beneficiary selection for SSNPs, celebration of national days and occasions, formation of different committees, and others. Rural people generally have easy access to participate in *Wardshava* and open budget session of Union Parishad. At the same time, urban people

too have easy access to participate in Ward committee meeting and preparation of annual budget of Paurashava. Consequently, an 89% Union Parishad Chairmen and 85.4% Mayors validated that people widely participated in *Wardshava*/Ward committee meetings. A relatively large number of Mayors (89.6%) also claimed that the common people spontaneously participated in the annual budget making process. Interestingly, however, the status of this participation differs for different segments of the society; not only is there a clear rich-poor division but also a minority- majority difference as far as participation in different activities of LGIs is concerned. On the other hand, as per household survey estimates, it was found that only one- fourth of the rural households (27.3%) and slightly less than one-third of the urban households (around 31%) participated in at least one activity of Union Parishads and Paurashavas. (See Figure 6.3 )

**FIGURE 6.3**

**PEOPLES PARTICIPATION IN LGI ACTIVITIES**

(As Per Elected Functionaries And Household Surveys)



Field findings also revealed that despite Bangladeshi law allowing citizens to participate in local decision making through mandated committees, most elected representatives and citizens were not even properly aware of this, and almost all committees exist only on paper, if that. (The SDLG’s citizen mobilization initiatives and training programmes for the elected representatives in recent years, as part of the USAID funded project, has

helped improve the situation in, at least, some wards.) Of the various reasons cited by households for such low level of participation, the most important were lack of timely information, favouritism, political interference and lack of faith in the ability of these institutions to bring positive results. In contrast, elected representatives were more positive about the level of participation but they too cited several reasons which had direct bearing on the effective functioning of LGIs and also affected meaningful involvement of the people in LGI activities; the most important constraints cited were undue political interference, lack of proper legal authority in carrying out public programs and delivering public services and also lack of public awareness on different issues related to local body's functions.(See Table 6.4)

**Table 6.4**

**Constraints affecting Functioning of LGIs and People's Participation**

<b>Subject</b>	<b>Constraints cited</b>
In respect of law and order	insecurity, excessively limited legal authority, and political pressure
In health and family welfare services	lack of general awareness, insufficient supply of medicine, absence of professionalism, and financial insolvency.
In respect of educational services	limited legal power, financial insolvency, insufficient number of educational institutions, and unavailability of accurate information from the concerned authority.
In respect of development and maintenance activities	political pressure, administrative complexities, and red tape
In respect of revenue collection	tax evading tendency among the people, politics of vote, and widespread poverty
With respect of violence against women, fighting of dowry and child marriage	lack of public awareness, lack of proper legal authority, lack of cooperation from the administration, pressure from the locally influential people.
In respect of resource management	monopolistic dominance of the chairman, internal conflict between chairmen and members, corruption, and ignorance of the elected representatives themselves.

Data Source: Table has been prepared based on interactions with varied segments of the society including academicians, research scholars, local level political functionaries and the general public. Secondary material has also been consulted.

### *Elections to LGIs: Some Home Truths-*

Free and fair local government elections are a pre-requisite for good governance and sustainable democracy. Elections to local government bodies -City Corporations, Upazillas, Municipalities and Union Parishads -- in Bangladesh are officially non-partisan but parties openly endorse and campaign for their selected candidates. The candidates are however prohibited from running partisan campaigns or using the logo, names or pictures of the leaders of political parties, according to the electoral code of conduct. Almost all the elected Chairs of Union and Upazila Parishads, as well as the Paurshava Mayors, are affiliated with political parties. In view of this situation, there has been a strong pitch for local government elections along party lines by the ruling Awami League to ensure more transparency and accountability in the election process but the law remains to be amended as of yet.<sup>103</sup>

During my field trip to Bangladesh in April 2015, I was able to witness the heated campaigning for the Dhaka City North, Dhaka City South and the Chittagong City Corporation elections from very close quarters. From what I gathered by talking to a number of eligible voters from varied segments of society was that the image of a candidate is of considerable importance to most city dwellers. People look out for honest, pleasant, well behaved, educated candidates from a non-tainted background. Political affiliation of a candidate as an attribute to attract voters is of very less importance in these local elections. Having said so, it also needs to be admitted that most political analysts and civil society members (whom I interviewed) were of the opinion that a candidate's financial background is of extreme importance for securing his candidature as well as getting a official party backing for him. In a political culture which reveres wealth and physical strength, most of my survey respondents opined that there is no guarantee of success even for the most competent candidate, since the use of money and muscle power carried more weightage and could drastically influence electoral outcomes. As Prof. Muntassir Mamoon explained<sup>104</sup> 'money is spent in local government elections in different forms and innovative ways. Day to day expenditure for election campaign, which includes hiring microphones and vehicles, refreshment for supporters, printing

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<sup>103</sup> 'Hasina pitches for local government elections along party lines', bdnews24.com, 1/4/2015.

<sup>104</sup> In conversation with Prof. Muntassir Mamoon, Dept. of History, University of Dhaka on 21/4/2015.

posters, handbills and banners, is huge. In many places, a group of people campaigning day long for a candidate even get unofficial honorarium.’ Again, in other places, local touts and *mattabars* are used on behalf of a candidate in a systematic way to buy or guarantee votes. Clanship, religion and local customs play important roles in these LGI elections.’<sup>105</sup> *Prothom Alo* Special Correspondent Raheed Ejaz also noted that ‘use of both money and muscle power at such elections being a common phenomenon, often leads to pre and post election violence which not only hinders free and fair polls by intimidating voters, but may also, lead to public disillusionment with the outcome of very electoral exercise itself.’<sup>106</sup>

### **The Way Forward**

Local Government Institutions in any country are an integral part of the whole governance process. Good governance at the national level is very much dependent on effective governance at the local level. This is because effective governance at the latter level not only facilitates democratization, but also, creates effective demand for further decentralization, a *sine qua non* for overall development of the country. LGI performance is crucial for local people as these are the institutions primarily entrusted with provisioning of the various services needed for decent living, well-being and dignity of the common citizens.

In Bangladesh, historically different innovations in the form of reforms and reorganizations have been tried out at the local level. But qualitative change in governance at these levels still remains a far cry as local government bodies are yet to emerge as truly decentralized bodies. Overall, the estimated governance status (at aggregate levels) of LGIs in Bangladesh does not qualify them as good governed institutions.<sup>107</sup> Irrespective of their types, all of them have a very low score on the governance ladder and they are yet to engage the community people in a more comprehensive manner. (See Figure 6.5, next page)

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<sup>105</sup> Shantanu Majumder & Sayeedul H. Khan, *Local Government Election: Instrumental For Governance*, n. 92, p.226.

<sup>106</sup> In conversation with Raheed Ejaz, Special Correspondent, *Prothom Alo*, Chittagong on 23/4/2015. Post-election, media reported innumerable cases of booth capturing and voter intimidation within the city of Dhaka itself by ruling party members in the presence of the police.

<sup>107</sup> n.92, p.302.

**FIGURE 6.5**

**Performance Score of LGIs on the Governance Ladder -Bangladesh**

<u>60 and above</u> 16% Union Parishad, 3% Upazila parishad 21% Paurashabha
<u>50-60</u> 32% Union Parishad, 31% Upazila parishad
<u>40-50</u> 32% Union Parishad, 42% Upazilla Parishad
<u>Below 40</u> 20% Union Parishad, 24% Upazilla Parishad 12% Paurshavas

Source: Abul Barkat, Sayeedul H. Khan, Shantanu Majumdar, Muhammad Badiuzzaman, Nazma Sabina, Kawsher Ahmed and Md. Abdullah, *Local Governance and Decentralization in Bangladesh: Politics and Economics*, Pathak Shamabesh, Dhaka, January, 2015, p. 240.

At present, the Local Government Institutions in Bangladesh function like service delivery institutions, which is not healthy for their growth. They are constantly seen knocking Central government offices even to get their budget allocations.<sup>108</sup> To improve the situation, the current jurisdiction of LGIs (functions and activities) and legal framework need to be securitized and re-formulated with the aim to establish real and functional autonomous bodies. LGIs need to involve people more in the planning, implementation and monitoring of the projects. This will encourage administrative openness and accountability including taxpayers' compliance and sacrifice. Also appropriate and effective steps such as tier setting, size of constituency, women participation, local government financial commission, self-budgetary allocation, conducting training, removing administrative control and so on should be embodied to make a strong and effective local self-government system in Bangladesh.

<sup>108</sup> In most cases, it is seen that LGI representatives of the ruling political party are favoured by the government decision makers regarding budgetary allocations.



**In truth, the people of Bangladesh, are yet to get accustomed with the art of ‘delegation of powers’, partly because, by holding on to power one can manoeuvre policies for his own benefit. In Bangladesh, power turns into money through political process and money turns into power through economic process, together becoming the political-economy of (mis) governance in the country.** To stamp this out, urgent policy reforms are required at all levels of government, true political commitment and a change in the mindset of politicians as well as the common citizens. After all, ignoring the very principles of decentralisation and basic importance of participatory and accountable LGIs can be very dangerous for an ‘aspiring democracy’ in the long run.

## **CONCLUSION**

Summing up a nation's democratic character or weighing the representative credentials of its 'democratic' institutions is indeed a very daunting task, and becomes more so in the case of South Asian nations like Bangladesh, which have historically never experienced a linear progression towards democracy (South Asia's has generally been a story of forward movement followed by setbacks and regressions). It is also often argued that, historically, democratic politics in the sub-continent refuses to be contained within any given set of rules and institutions and plays itself outside any generally defined ambit. In fact, a predominant view holds that, while democracy continues to be the reigning ideology and by far the most preferred political arrangement in the region, the South Asian experience of democratization is unique in that it operates in a multi-dimensional socio-economic environment facing myriad challenges like religion, culture, identity, ethnicity, so on. As such, it is often said that the 'idea of democracy has transformed South Asia as much as South Asia has transformed the idea of democracy itself.'<sup>1</sup> Keeping all this in mind, this study has only expatiated multiple aspects of the 'democratic' reality in Bangladesh without laying any claims to answer to the requirements of a definitive truth. This work is but a modest attempt to present a comprehensive and balanced account of the state of democracy in Bangladesh as seen in its highs and lows and identify the opportunities for better democratic consolidation in the coming years. The approach throughout has been to explore all possibilities in the light of new challenges and changing opportunities.

### **In Retrospect: Sorting through the Chapters**

Since Democracy, by itself, is a value laden concept( and thus a highly contested one too) we initiated our investigation into the 'democratic' reality of Bangladesh through a careful perusal of the 'idea of democracy' itself, as well as the basic characteristics an ideal democratic regime is expected to uphold. While doing so, not only were the earliest

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<sup>1</sup> CSDS, SDSA Team, 'Introduction', *State of Democracy in South Asia*, Oxford University Press, 2008, p.3.

conceptions of democracy, along with its later reformulations in the late eighteenth and nineteenth centuries (in both the Liberal and Marxist traditions) summarized, but also, the actual irrationalities of the democratic process were briefly delved into. It was fairly understood that the standardized Western model of democracy today, might be identified with popular sovereignty, majority rule, protection of minorities, affability, constitutional liberties, participation in decision making at every level and much else. Thereafter, to further bolster our theoretical foundations, we also delved into the debate over 'Asian democracy', with its rejectionist views of the global democratization barometers giving birth to the *culturist or essentialist* notion of democracy; herein each country has the right to choose its own political system according to its own cultural and historical conditions, and any rhetoric of Western style democracy is deemed an instrument for the continuation of Western hegemony. A clear outcome of these discussions was perhaps the general realization that **there is an inherent need to think about democracy in a democratic way**. Since democracy( we gathered) to be meaningful has to adjust to local idiosyncrasies, hence, this study on the nature and character of Bangladesh democracy has attempted to adopt a pluralistic approach towards democracy and its attendant theoretical assumptions, thus deliberately making way for open-ended interpretations so as not to reach a hasty, pre-ordained conclusion.

As we sought to identify the criteria or benchmarks to measure the progress towards democracy of a given country, we were able to identify a few decisive arguments: that of Robert Dahl and his treatment of democratization by employing two broad indicators, that is, *participation or inclusive suffrage* measured by the right to take part in elections and office, and *public contestation or competition* for office and political support; that of Michael Saward whose '*Equality Assumption*' for measuring democracy construes that a political system is democratic to the extent that it involves realization of responsive rule; and finally, that of George Sorenson who delineated the stages for democratic transition in developing countries (like Bangladesh), wherein the last stage is regarded as democratic consolidation, a stage in which all the democratic institutions have been formed and the new democracy proves itself capable of transferring power to an opposition party. We were also able to gather that the emergence, deepening and survival of democracy are strictly distinct aspects of democratization, the last aspect being very

much dependent on the specific democracy's ability to advance in response to pressures from within the 'national' society. It was also amply clear, by this time that sooner or later, virtually all countries encounter fairly deep crises- political, ideological, economic, military and international; consequently, if a democratic political system is to endure, it must be able to survive the challenges and turmoil that crises like these present. And the prospects for such survival improves if the democratic ideas, values and practices are strongly supported by the citizens and leaders of the nation; in fact, the most reliable support comes when these beliefs and predispositions are embedded in the country's culture and are transmitted in large part from one generation to the next. Thereafter, the basic idea of civil society and the existence and significance of this concept within the parameters of democratic politics and good governance and also the religion-civil society-democracy matrix was also briefly touched upon in our discussions. The ultimate aim was to provide a conceptual base for our in-depth study on Bangladesh's democracy which intended to judge the effectiveness with which democratic institutions in the country actually function in translating the popular & legitimate public demands into legislation and ultimately into honest & bereft of corruption policies.

Conceptually well equipped, we pitched straight forward into the Bangladeshi political arena dealing first with the political developments leading to the birth of the Independent State of Bangladesh and then proceeded to discuss and analyze the developments and practices of democratic institutions and military interventions in the country's politics post-1971. The intention was essentially to measure the country's progress towards democracy from an exclusively historical perspective. It is generally held that the manner of a nation's birth profoundly affects its subsequent political development; in the case of Bangladesh, we came across several instances (in the course of our study) wherein it may be easily argued that this country has been no exception to this rule. One such instance perhaps, is the uncertainty and violence which has blighted the country's political landscape both in the pre-independence and post-independence periods. Since Bangladesh had the misfortune of experiencing colonialism twice, (first, under the British and then the so-called 'internal colonialism' under Pakistan) as such political parties in the country could not help resorting to violence and becoming polarized following protracted campaign to displace the colonial and semi-colonial regimes. This legacy of

violence and polarization which began pre-1972 has continued even after independence, ironically often for championing the cause of democracy when the incumbent government has turned non-democratic - tyrannical, military or totalitarian. (One indicator of this would probably be to see the number of *hartals* /work stoppage, often violently enforced, taking place in pre- and post-independence Bangladesh.)

It also becomes clear, in the course of our investigation that, though Bangladesh started its political journey with a Parliamentary system after independence in 1971, it failed to sustain it; slowly but steadily the Parliamentary form of government degenerated into an authoritarian one. Right from the outset, the absence of a strong opposition that could take the ruling regime to task for its errors of omission and commission in governance proved fatal for this fledgling democracy. Sheikh Mujibur Rahman's virtually unchallenged authority turned the political order of Bangladesh into a one-man show but with all the trappings of a Parliamentary government. The job of the legislature was restricted mainly to ratifying the Government's actions. Not only, was such an 'ineffective' Parliament (one of the central institutions of democracy) a huge liability for this new founded South Asian state, but also, it started the practice of political opposition being registered outside the Parliament in the form of a variety of armed insurgencies, as well as on the streets, in the press and finally, in conspiracies in the cantonments.

The inability of the new-born State to institutionalise democratic values and institutions was further compounded with the ascendance of the military junta which became the ruling elite in the country after 1975. Though both Zia and Ershad were well aware of the legitimacy crisis any military usurpation of power entailed and quickly turned to the path of civilianizing their administration (by holding referendums and elections which were allegedly manipulated, by lifting the ban on political parties which facilitated the re-emergence of Islamic parties and promoting a free press and an independent judiciary), yet the damage proved to be irreparable. Legitimacy of the Zia and Ershad governments had been too greatly deflated owing to the repeated coups and countercoups post-1975; consequently, despite calculated steps taken by them to maintain the 'democratic' veneer, the country's politics was subtly, but effectively, militarized under them.

With the first succession/transition of power in Independent Bangladesh through non-military means in 1991, democracy was restored in the country nearly two decades after its independence. The 1991 election was, in fact, the first democratic election ever held in the country in which seventy three political parties participated; the AL and BNP however dominated the scene marking the beginning of a persistent two-party system in Bangladesh. And yet, in this chapter, we see how a genuine form of democracy continues to elude Bangladesh, confronted as it is by a fragile political scenario and frequent violent disruptions inimical to the development of a peaceful democratic society. A study of four distinctive features identified with the very expression of 'democracy', i.e. the level of electoral participation; the absence of any political role for the military; the existence of a vibrant legislature; and finally, the independence of the judiciary leads us to realize that though Bangladesh has managed to achieve *formal democracy*, the transition from *formal* to *substantive* form yet remains to be complete. Much like other countries of the sub-continent, it remains vulnerable to the *fallacy of electoralism*<sup>2</sup> i.e. privileging elections over all other dimensions of democracy. This has resulted in the political elite to borrow cunningly some of the features of democracy in order to substantively avoid it.<sup>3</sup> Consequently, the risk of collapse of the democratic framework and the corresponding rise of authoritarianism never seems to leave this South Asian nation. This dire possibility has been amply demonstrated not only during the Zia and Ershad regimes, but also, after the reinstatement of parliamentary democracy in the country, post-1991; especially when the military backed caretaker government led by Fakhruddin Ahmed took over the reins of governance in 2007 with the promise of restoring democratic rule through free and fair elections by the end of 2008. It used its nearly two years to launch sweeping political reforms, central to which was the *Minus Two* project which aimed at sidelining from politics Khaleda Zia and Sheikh Hasina, the women leaders of the two main political parties in the country. By removing the pair, the caretakers and their military backers believed that they would be able to reverse the corrosive, corrupt and confrontational pattern of national politics and also fundamentally reform the BNP and AL, a step not

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<sup>2</sup> Richard Rose, Doh Chull Shin, 'Democratization Backwards: The Problem of Third Wave Democracies,' *British Journal of Political Science*, April 2001, 31(2), p.334.

<sup>3</sup> Andreas Schedler, 'The Nested Game of Democratization by Elections', *International Political Science Review*, January 2002, 23(1), p.103.

really in conformity with the universally accepted norms of democracy. Again, many like Kuldip Nayar, a senior Indian journalist, after a quick visit to Bangladesh last year could not help warning that the incumbent Hasina government's style of functioning also has a touch of authoritarianism. "Indira Gandhi had the same trait and India had to pay the price during the two-year-rule of emergency. Hasina appears at times too impatient, too impressionable and too impetuous. She has more to fear from herself, rather than the hapless opposition."<sup>4</sup>

It needs to be remembered that Bangladesh has been facing a protracted political crisis since the 2014 elections. The hope, both at home and abroad, was that Sheikh Hasina would use her 2008 mandate to revitalise democratic institutions and pursue a policy of national reconciliation, ending the pernicious cycle of zero-sum politics between her AL and its rival, the Bangladesh Nationalist Party (BNP). Six and a half years on, this hope has been replaced by deep disillusionment, the *Jatiya Sangsad* continues to remain a non-functional entity in the absence of a credible opposition. During the ninth Parliament, 198 bills were passed in the absence of the opposition party, without due debate or discussion. Of them 90 were passed, even without due notices, in record time taking around 5-7 minutes each.<sup>5</sup> The National Opposition seems more interested in *Andolan* politics rather than in parliamentary participation, and yet, the party in power remains quite unperturbed or unfazed by the developments. Even, the current (tenth) Parliament does not have any credible opposition presence. The Jatiyo party which officially occupies the opposition benches is also a part of the government. The only credible opposition party, the BNP, is out on the streets fighting it out with the government through unconstitutional means but, ironically, the Hasina government seems least interested to engage in any kind of meaningful dialogue with them, thereby only fostering the growth of political factionalism and violent confrontation in the country. The independence of the Bangladesh judiciary also continues to remain on paper despite a 1999 Supreme Court directive to the contrary; the AL government in the past six years has, in fact, taken no tangible initiative in this direction, although it had pledged so in its election manifesto. Instead of changing the old pattern of politics, the AL government has systematically

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<sup>4</sup> Kuldip Nayar, 'India must not let Bangladesh down,' *Gulf News*, February 6, 2010.

<sup>5</sup> 'Most bills passed without opposition', *Dainik Ittefaq*, September 29, 2013.

used Parliament, the executive and the courts to reinforce it, including by filing corruption cases against Khaleda Zia, the BNP chairperson, and employing security agencies to curb opposition activities. Most worrying, however, is the AL-dominated Parliament's adoption of the fifteenth amendment to the constitution, which scraps a provision mandating the formation of a neutral caretaker administration to oversee general elections. The caretaker system had been a major practical and psychological barrier to election-rigging by the party in power; removing it has only undermined opposition parties' confidence in the electoral system. In sum, while we tentatively touched upon only four challenging aspects of Bangladesh's democratic scenario in this chapter, our contention is that almost all familiar aspects of democracy in Bangladesh is marked by a disjunction between the script and practice of those aspects, that has taken varied forms: between constitutional design and political practice, between formal ideology and political orientation and also between theoretical expectations and real life outcomes.

The third chapter took up the complex relationship between religion, identity and politics in Bangladesh and the pernicious level that Islamic fundamentalism has acquired in the country in recent years. Since, the Eurocentric notion of contemporary political theory fosters the idea that democracy is not viable and active citizenship is not possible where religious ideology and State politics are not separated, hence the appearance of hardline Islamic fundamentalism in the country, in recent years, has alarmed most democracy proponents in the region. Our investigation therefore primarily sought to find an answer to the question relating to the impact of erosion of the country's secular tradition on its democratization process.

In the course of our study, our contention has been that, though secularism was imprinted on the nation right from its birth, Islam has always been a dominant force in the socio-economic life of the people of Bangladesh; as such, Bangladeshi society could never become a 'secular' society in the Western sense of the term. Tracing Bengal's Islamic roots, we were able to gather that Islam had actually entered in full force in the Bengal Delta way back in the 13th century. And right from the beginning, Bengali Islam (later Bangladeshi Islam) was unique in that, in contrast to the pure monotheism of modern and orthodox Islamic beliefs, Bengali Islam had various polytheistic and animistic



dimensions. Historical investigation reveals that the very culture and society in Bengal had evolved with a set of syncretised values that emphasised religious inclusion. In other words, one could identify the harmonious coexistence of both Brahmanical and Islamic identities within this syncretic Bengali society. In fact, it was this culture of tolerance and co-existence of religious and linguistic identities which went on to turn the alluvial plains of Bengal into one of the largest Muslim concentrations in the world. As is sometimes claimed, 'Islam has been so finely woven into the Bengali fabric that it is almost impossible to determine where one thread coming from local beliefs, and another from Islamic belief, begins and ends.'<sup>6</sup>

In such a social and religious milieu, the newly independent state of Bangladesh's adoption of 'secularism' as one of the cardinal principles of state policy ( a logical corollary of the Bangladesh Liberation War) quite significantly departed from the western connotation of the term, involving strict separation of the affairs of religion from the business of the State. In fact, Sheikh Mujib's understanding of secularism did not actually require an exclusionary insulation of state and religion from each other; rather it demanded equal respect from the State for all faiths. Now, such an understanding of secularism generally complicates matters for the State 'which knows not whether to subscribe to the principle of equidistance from all religions, to practice a policy of equal proximity and pro-active equal engagement to all faiths or simply, to stand aloof with unflinching impartiality.'<sup>7</sup> A similar situation arose in Bangladesh as the new regime's show of rigid neutrality irked many making the State vulnerable to critique from all sides particularly as 'secularism' failed to provide the basis of a consolidated nation to a state troubled with genuine anxiety over territorial integrity and national identity construction since its birth. With on-ground realities quite in contrast to such theoretical impositions by the State, the contestations of Bangladeshi identity mounted (and continues till date) creating, in turn, the necessary space for the emergence of religious fundamentalism in the country.

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<sup>6</sup> Sanjay K.Bhardwaj, 'Contesting Identities in Bangladesh: A Study of Secular and Religious Frontiers', Working Paper no. 36, Asia Research Centre, London School Of Economics, UK, 2010.

<sup>7</sup> Shibashis Chatterjee and Sulagna Maitra, 'Democratization in South Asia' in P.P.Basu, P.Bhattacharya, D. Chatterjee, Shibasis Chatterjee (eds). *Democracy and Democratization in the 21<sup>st</sup> Century*, Har-Anand Publications, New Delhi, 2012, p.167.

Initially, the trend towards Islamisation began with the military rulers finding in religion their safest constituency to ensure their legitimacy, survival and longevity. Clearly Zia's vision of national identity contrasted sharply to the secular, socialist, statist, pan-Bengali national vision that the Awami League had brought with it in 1972. Secularism was dropped from the Preamble in 1977 and replaced with '*faith in the almighty Allah*' during his regime. After Zia, General Ershad too continued the efforts to Islamicize Bangladesh with renewed vigour; the ultimate aim being to consolidate his support base among the masses. Interesting deviations from the earlier social and democratic traditions were noticed during the Zia and Ershad era: firstly, Islam was declared the State religion by the Eighth Amendment to the Bangladesh Constitution (June 1988) and secondly, the less tolerant and more orthodox types of Islam (Gulf-backed Wahhabism and Salafism and Pakistan-backed versions of Deobandism) began making steady inroads among the Bangladeshis, who traditionally had embraced the syncretic Sufi traditions of Islam.<sup>8</sup> Both military rulers increasingly permitted the Islamist agenda in their bid to win political and popular support, not taking into account the long-term consequences of their narrower agenda. This process of forcibly realigning the polity to the right did not however change even after the reinstatement of pluralist democracy in 1991. Unfortunately, electoral arithmetic compelled both the main national parties, Sheikh Hasina's AL and Khaleda Zia's BNP, to ignore the spreading tentacles of hardline Islamic fundamentalism in the country, posing a serious threat to the fundamentals of liberal democracy. The *Jama'at*, the largest religious party in Bangladesh (once banned for its anti-national stance during the Liberation War) resurfaced as a legitimate and important player in the country's politics in 1991 with the first free multi-party elections held that year.

Since then, radical Muslim groups with links to international religious groups have been on the rise in the country. These include *Islami Chhatra Shibir(ICS)*, *Islami Oikyo Jote (IOJ)*, *Harkat-Ul-Jihad-al-Islami(HuJI)*, *Jamaat-Ul-Mujahideen Bangladesh(JMB)*, *Jagrata Muslim Janata Bangladesh(JMJB)*, *Hizbut Tauhid*, and the latest additions include *Hefazat-e-Islam* and *Ansarullah Bangla Team*. Inclusive cultural values have

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<sup>8</sup> Saudi and Gulf money poured into mosques, charities, social organizations, and madrassahs that promoted Wahhabist and Salafist versions of Islam. See Bhardwaj, n.6.

taken a backseat with the growth of religious intolerance and increasing attacks on moderate Muslims, minorities and of course, the so called ‘aethists’. And the incumbent government seems rather helpless (or unwilling) to stem the ascendant religious tide.

While the banning of the *Jama’at* (from electoral participation) and the Shahbagh protests (in 2013) does rekindle hope in the secular and inclusive character of Bangladesh, it does raise some pertinent questions about the nature of democracy in the country. *Can a liberal democracy simply ban a political party for propagating a radical religious ideology? Can democracy afford to automatically delegitimize dissenting voices, simply because it threatens the official ideology of secularism and nationalism, without significantly eroding its own legitimacy at both ideational and institutional levels? Can a constitutional return to secularism reverse the ground reality of steady Islamization in Bangladesh?* While these answers are difficult to come by, our contention is that the average Bangladeshi is uneasy with the steady Islamization of the country. The average Bangladeshi is definitely upset over the killing of bloggers in the country but then again he is intensely religious too, and does not want his religious sentiments to be hurt. The uprising at Shahbagh is a sign that a return to secularism<sup>9</sup> is definitely on the cards but it may as well be remembered that ‘secularism’ need not be a rigid concept and various permutations are possible within the ‘secular’. Besides, the Bangladeshis need to resolve their inherent crisis of identity before the secular spirit can be reinstated and democracy consolidated within the nation.

An important part of our investigation revolved around the attempts of the civil society and the media in promoting and consolidating secular and democratic values in Bangladesh society. Our attempts to scrutinize their role as democratic watchdogs provided us with very valuable insights which have been recorded in Chapter Four of this thesis. The chapter essentially begins by tracing the broad contours of the idea of ‘Civil Society’ in Bangladesh; the traditional understanding of the concept identified in

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<sup>9</sup> What I mean here is the secular ethos; secularism in its formal sense has already been restored. In June, 2011, the *Jatiya Sangsad* passed the Fifteenth Amendment Bill to the Constitution restoring the original four state principles of the 1972 Charter-secularism, democracy, Bengali nationalism and socialism. Interestingly, however, the new amendment bill retained Islam’s status as the state religion as well as the phrase –*Bismillahi-ar-rahman-ar-rahim*- both in English and Bangla above the preamble to the Constitution.

opposition to ‘military society’ including students, lawyers, journalists, cultural activists so on<sup>10</sup> and the newer understanding identifying it with the high profile NGO sector, and also including various pressure groups and umbrella organizations concerned with poverty, civil rights, gender and democracy.<sup>11</sup> While the traditional forms have historically played an important role in Bangladeshi society, in the struggle for Bengali nationalism, in the struggle against military usurpation of democratic rights and also in resisting the fundamentalist forces; it is the emergence of the highly successful NGOs along with their counterparts (pressure groups, advocacy CSOs) which have been much touted for adding to the vibrancy of this third sector. The crucial turning point, according to Lewis, for bringing the ‘old’ and ‘new’ streams closer together and into a more mainstream position in relation to the general public was the anti-autocracy movement of 1990 which brought about the downfall of Ershad and returned Bangladesh to a democratic system. Thereafter alliances were forged between the old and new forms which have done appreciable work as far as democratization, protection of human rights and poverty reduction in the country was concerned. In fact, the country’s impressive performance on the social development index is largely attributed to the extensive service delivery work done by this sector (often substituting for absent or inadequate government provisions) in the spheres of health, education and rural development. Again, CSOs and NGOs with special focus on policy advocacy and influence have also had a profound impact on the process of democratization in Bangladesh. They have not only taken up voter education and awareness programmes to contribute towards the democratization of the polity but few like *Shushashoner Jonno Nagorik, or Shujan*, have carried out a relentless advocacy, awareness and mobilisation campaign demanding clean candidates, clean politics and systemic reforms. (It is believed that the high rate of voters’ turn out of over

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<sup>10</sup> S.M Hashemi and Mirza Hasan, ‘Building NGO legitimacy in Bangladesh: The Contested Domain,’ in D. Lewis (ed), *International Perspectives on Voluntary action: Reshaping the Third Sector*, Earthscan, London, p.130.

<sup>11</sup> David Lewis, ‘Old and New Civil Societies in Bangladesh’, in Marlies Glasius, David Lewis, and Hakan Seckinelgin(ed), *Exploring Civil Society: Political and Cultural Contexts*, Routledge, London and New York, 2004, pp. 105-7.

74% during the 1996, 2001 and 2008 elections was partly due to such awareness programs and initiatives by these new advocacy NGOs.)<sup>12</sup>

In addition to the civil society organisations, the media has also emerged as a very effective institution of vertical accountability in Bangladesh. The steady growth of private print and electronic media, post 1990, have not only boosted a healthy competition amongst the different media houses in the country, but significantly contributed to the strengthening of the democratic process and social responsibility aspect of the media; though questions pertaining to their economic viability, ownership by business magnets and dependence on political patronage remain. Along with the CSOs, they have been at the forefront in pointing out the deficits of democracy in the country and demanding substantive changes like a stronger Election Commission and a reformed Public Service Commission. Not only have they sought to mobilize public opinion against political corruption, but also, their attempts have been to make required changes in the various provisions of the electoral rules of procedures so that the dominance of black money and muscle power at the time of elections can be reduced.

In the light of these findings, our contention is that, in Bangladesh, an active civil society along with a vigilant media has undoubtedly attempted to play a strategic role in strengthening the process of democratization. And yet, to say that they have completely succeeded in their attempts would be incorrect. And this is because the internal governance system of these CSOs are often accused as being corrupt, non-accountable and influenced by nepotism, clientism, patronage and such other irregularities. Moreover, they are extremely fragmented and often accused of partisanship; in fact, they are often found to be entangled within the very mesh of negative forces within the society and politics that they are expected to fight against. In addition, there exists a wide range of civil society structures that have a strong informal dimension, particularly religion and kin-based social institutions like *Samaj*, *Gusti*, *Jama'at* (meaning assembly or congregation), in Bangladesh that have served to partially constrain the rich; obliging them to engage in redistributive activities and to provide minimal safety nets if they wish to command respect and secure sustained political support. Though forming a crucial

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<sup>12</sup> In interview with Prof. Monirul Khan, Chairman, Dept. of Sociology, University of Dhaka on 20/4/2015 and Raheed Ezaj, Special Correspondent, Prothom Alo, Dhaka on 23/4/2015.

element of the overall power structure and also performing an important role in the economic domain, these structures only reinforce the already prevalent patron-client relationship in the society, thus not really contributing much on the democracy barometer. Intrusion of civil society into policy arena is also generally looked upon suspiciously and the State often resorts to repressive tactics to contain and curtail their activities. Nevertheless, we hold that the potential or ability of civil society and the media in Bangladesh in consolidating democracy does provide us with reasons to be optimistic about.

Finally, the fifth chapter takes up three important sets of factors namely economic development, the condition of minorities and governance at the local level in the attempt to gauge the dynamism of this young 'democratic' polity. The study notes that, in the post-independence period, there has been remarkable improvement in the level of economic and social development, notwithstanding the myriad challenges the country has faced in the form of famines, natural disasters and political and social instability. However, sustainable growth demands significant domestic and foreign direct investment which continues to remain very small, largely due to concerns about political stability, corruption and poor labour standards in the country. Absence of dialogue and uncompromising tendency among the parties makes the political climate more complex and uncertain. Such uncertainty only serves to divert the resources that would otherwise have gone into productive long term investments; consequently, the suggestion is that a stable and truly democratic situation is urgently needed to retain the growth momentum in the country, more so, if Bangladesh wishes to become a middle income country by 2020.

Again in the sphere of minority rights, we note in this chapter the status of the religious, ethnic and other minorities in Bangladesh. The real picture as regards the persecution of the Hindus, Ahmaddiyas, Biharis and the tribals in the Chittagong Hill Tracts have been highlighted leading one to conclude that discrimination and violence against the minority population (religious or ethnic) still features prominently within the political development of Bangladesh. Since the State Constitution does not reflect the existence of the minorities in the country, it, in essence propagates majoritarian rule and the former find themselves politically, economically as well as culturally marginalized. Such

discrimination, however, goes against the basic tenet of a pluralist and representative democracy for it prevents meaningful participation of the entire populace in governance.

A brief investigation is also made into the nature of governance at the local level in the belief that decentralization of power to the local level is an essential component of democratization, good governance, and citizen engagement. After going through the variety of *Local Government Institutions* (LGI) structure instated in the country since 1972, our contention is that despite much emphasis on strong LGIs (at all levels of administration below the centre) right from the beginning, no continuity could be achieved for a long time as these local bodies underwent frequent changes in their functions and responsibilities with every change in the political regime. While looking into the existing scenario for sub-national government structure in the country, it also becomes clear that effective performance of these institutions have been seriously affected for lack of adequate revenue resources. The crux of this problem lies in the practice of regulating and controlling of financial resources by the national government functionaries which keeps the local government units forever resource-poor and dependent on the center. In addition to such lack of financial autonomy, excessive Central Government control on the LGIs exist in matters pertaining to conduct of elections, business, powers and duties of chairmen, assessment of taxes, preparation of budget, making of contracts, appointment and service matters of local government employment, accounts and audit and many other important areas. In fact, the relationship between the national and local government structures in Bangladesh can best be looked upon as a clear instance of a ‘patron-client relationship’<sup>13</sup>, a relationship which permeates every aspect of the Bangladesh polity and society. Again on the subject of people’s participation in LGI activity, the study holds that more people need to be involved in the planning, implementation and monitoring of the projects. Urgent policy reforms are required to encourage administrative openness and accountability including taxpayers’ compliance and sacrifice. It needs to be realized that ignoring the very principles of decentralisation and the basic importance of participatory and accountable LGIs can be very dangerous for an ‘aspiring democracy’ in the long run.

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<sup>13</sup> Kamal Siddiqui(ed), *Local Government in Bangladesh (3<sup>rd</sup> edition)*, The University Press Limited, Dhaka, 2005,p.212.

## **Democracy in Bangladesh at last:**

### **Building an Edifice With Caution and Expectation**

In the *Myth of Sisyphus*, Albert Camus tells us that the gods had condemned Sisyphus to ceaselessly roll a rock to the top of the mountain only to see the rock falling back to the ground of its own weight. When discoursing on democracy in Bangladesh one cannot help thinking of Sisyphus. *Is Bangladesh, like Sisyphus, condemned to slide down every time in its quest to democratize the state? Is it going to be perpetually bogged down by political intolerance and violence raising questions about the efficacy of its elected governments? Will the nation's political volatility continue to traumatize its economy and claim the lives of its innocent citizens? Can the qualitative gap between electoral and liberal democracy in Bangladesh ever be abridged?*

Final answers to such questions are, indeed, difficult to come by. Mainly because, despite the general appeal for democratic values among the people of this young South Asian nation and a democratic political system always having been their cherished goal, the nation's story (in reality) has been far from a narrative of unalloyed democratic triumph. Since gaining independence in 1971, the People's Republic of Bangladesh has been continuously driven by internal power struggles and economic chaos while attempting to develop a democratic society. Since its genocidal birth (in 1971), there has been a periodic sliding into authoritarianism and political uncertainty, incidentally at the hands of both military and non-military regimes.

Perhaps part of such political instability and violence stems from the political parties themselves being so *leader-centric* or bereft of democratization from within. In fact, the major political parties of Bangladesh (the AL and the BNP), while having a popular party president or chairperson, suffer from lack of internal democracy. The allegiance of the party's rank-and-file remains limited solely to the leader, not surprisingly often by denigrating the concerns of the party and the state. In this sense, the difference between the two main parties is only nominal. Unfortunately, such a democratic set up, where the masses remain fanatically glued to the leader and the leader craves only for power, the



resultant situation can best be referred to as ‘liberal fascism.’<sup>14</sup> In such an unique situation, and with the level of democratic institutionalisation in the country being minimal, even representative institutions like the *Jatiya Sangsad* with its 300 elected members, end up becoming a two-persons House. And since there is little to be gained from a predictable dialogue between two persons of uneven strength, the weaker one almost always decides to stay out of the House! The general understanding is that, without dissent there cannot be any democracy, and that is something which has becoming increasingly difficult to practice in present day Bangladesh, especially given the extreme nature of political polarisation in the society.

But for us, to conclude that Bangladesh has failed on the democracy barometer would be a gross misconstruction of the whole scenario. After all, it can be easily contended with enough certainty, that despite reeling under the present crisis, a democratic strategy of keeping the military at bay has, in the least, been evolved in the country. Despite much political instability, the army has not only gone back to the barracks, but has shown little inclination to re-enter the political arena.<sup>15</sup> Again, the record of the elected political leadership in responding to the country’s enormously difficult economic crisis has also been far better than authoritarian solutions in many other comparable cases. The ferment of popular discontent against the traditional elites and an acute paucity of vital resources also promise the consolidation of the multi-party political system, despite veritable shortage of political institutionalization.<sup>16</sup> What is more, the Bangladesh judiciary, despite its multiple failures, has also managed to carve out a special niche for itself in the polity; it has generated considerable amount of trust and goodwill, both at home and abroad, through its impartial and impressive pronouncements in tackling the challenges of development along with the protection of nature and women.<sup>17</sup> Present Bangladesh

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<sup>14</sup> Jonah Goldberg, *Liberal Fascism: The Secret History of the American Left, from Mussolini to the Politics of Change*, Broadway Books, New York, 2007, p.21. This term incidentally was coined by H.G. Wells who went on to tell the Young Liberals at Oxford in a speech in July 1932 that they must become ‘liberal fascists’ and ‘enlightened Nazis’!

<sup>15</sup> Amita Shastri and A. Jayaratnam Wilson (eds), *The Post Colonial States of South Asia: Democracy, Identity, Development and Security*, Curzon Press, Surrey, 2001, p.7.

<sup>16</sup> Shibashis Chatterjee and Sulagna Maitra, n.7, p.173.

<sup>17</sup> The Bangladesh judiciary’s landmark judgement with regard to the illegality of fatwas; its several guidelines pertaining to protection of women rights and prevention of child trafficking;

also provides considerable evidence of the empowerment of marginal groups, particularly women, and improvement in many crucial social and human development indicators. Other sectors, like the media and the civil society, have not been doing a bad job either; balancing and checking to some degree the powers of political society and commercial society and also striving to support activities aimed at changing public and internal understanding and expectations about the appropriate role of political parties, elections, local bodies, religious associations and such other institutions and factors in a democracy.

As far as the concept of ‘reproducing democracy’ is concerned, that is not always easy, and such is true for both ‘democracy deficit’ and ‘democracy surplus’ societies.<sup>18</sup> Bangladesh is a good example of the second. We can contend so on the ground that, in the 2008 national election in Bangladesh, for instance, above 80 percent of the voters came out to vote, but that did not free Bangladesh from intolerance and violence. Often education, which is supposed to nurture a peaceful and harmonious mind, becomes a part of the problem, and this is as much the case with religio-centered education as it is with secular education, whether public or private.<sup>19</sup> This is also where the relationship between public reason, social cultural ethos and democratic orientation becomes important. The average Bangladeshi citizen believes that democracy can solve major socio-economic problems, establish people’s rights, provide legitimation opportunities and generate trust; in essence, the democratic ethos permeates the entire Bangladeshi society and that itself can be looked upon as the harbinger of a stable democratic future. Bangladesh has always had a history of being excessively democratic, but such a democratic orientation has thrived and got reproduced not so much politically as it has culturally. In other words, despite poor growth of formal political institutions, festivals and other socio-cultural events like *Pahela Falgun*, the first day of Spring on 14 February; *Language Day* on 21

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and its various directives and injunctive relief in PIL cases on environmental protection, primarily related to industrial and vehicular pollution, river encroachment, environmental hazards of shrimp cultivation and even the defacing of public and private property in the name of election campaign has won it several laurels, not only from the general public but also, from its worst critics in the country as well as outside the national frontiers.

<sup>18</sup> Imtiaz Ahmed, ‘State, Society and Democratic Futures- Challenges For Bangladesh’, Paper at *World Conference on Recreating South Asia: Democracy, Social Justice and Sustainable Development*, IIC, New Delhi, February 2011.

<sup>19</sup> *ibid.*

February; *Dol-Purnima* in February-March, commemorating the mystic poet Lalon and the Bauls and *Pochishey Boishak*, Tagore's Birthday on 7 May have made a difference, indeed, not only in reproducing cultural democracy but also in containing the rise of fundamentalism in the country. Irrespective of the kind of regime in power, the majority of the Bangladeshi citizens, old and young, male and female, rich and poor, belonging to various religious, ethnic and linguistic communities, have participated in these celebrations reflecting the supremely tolerant, democratic and emancipatory spirit that is so much a part of the cultural identity of the Bangladeshi people. It is this cultural approach to democracy that needs to be further extended and deepened in the belief that any deepening of cultural democracy is bound to democratize the state.

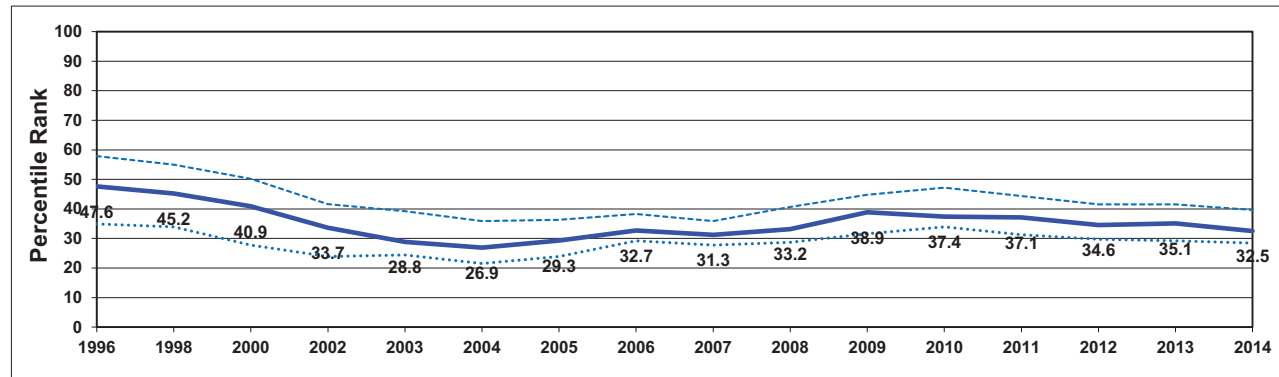
**In sum**, we can contend that Bangladesh is still at the crossroads in its march towards a genuine democratic order. Given the heightened level of mistrust, confrontation and violence in the country, it is imperative that a broad-based reconciliation process be adopted to achieve consensus on the constitution and the rules of the political game. Equal emphasis needs to be placed on the development of democratic attitudes as well as on democratic institutions. Without such, this fledgling democracy will be probably doomed to more periods of political upheavals and unnecessary violence, hampering further democratic consolidation. Things, at present, may look very much Sisyphean but we need to keep our fingers crossed because (remember) Camus tells us that 'one must imagine Sisyphus happy.'

# APPENDIX I

## Worldwide Governance Indicators

Bangladesh, 1996-2014

Aggregate Indicator: Voice & Accountability



### Individual Indicators used to construct Voice & Accountability

Code	Source	Website	1996	1998	2000	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
AFR	Afrobarometer	<a href="http://www.afrobarometer.org">http://www.afrobarometer.org</a>	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
BTI	Bertelsmann Transformation Index	<a href="http://www.bertelsmann-transformation-index.de/">http://www.bertelsmann-transformation-index.de/</a>	..	..	..	0.58	0.64	0.64	0.61	0.61	0.61	0.61	0.64	0.64	0.64	0.62	0.62	0.53
CCR	Freedom House Countries at the Crossroads	<a href="http://www.freedomhouse.org">http://www.freedomhouse.org</a>	..	..	..	..	..	0.56	0.53	0.53	0.60	0.60	0.60	0.60	0.60	0.60	0.60	..
EIU	Economist Intelligence Unit	<a href="http://www.eiu.com">http://www.eiu.com</a>	0.31	0.31	0.31	0.25	0.25	0.19	0.19	0.40	0.40	0.37	0.40	0.42	0.42	0.42	0.42	0.41
FRH	Freedom House	<a href="http://www.freedomhouse.org">http://www.freedomhouse.org</a>	0.59	0.58	0.52	0.45	0.44	0.44	0.44	0.45	0.38	0.46	0.54	0.54	0.55	0.55	0.54	0.49
GCS	World Economic Forum Global Competitiveness Survey	<a href="http://www.weforum.org">http://www.weforum.org</a>	..	..	0.18	0.36	0.35	0.36	0.37	0.42	0.41	0.40	0.47	0.46	0.43	0.44	0.40	0.37
GII	Global Integrity	<a href="http://www.globalintegrity.org/">http://www.globalintegrity.org/</a>	..	..	..	..	..	..	..	..	0.49	0.42	0.42	0.54	0.54	0.54	..	..
GWP	Gallup World Poll	<a href="http://www.gallupworldpoll.com">http://www.gallupworldpoll.com</a>	..	..	..	..	..	..	..	0.44	0.42	0.63	0.76	0.57	0.62	0.62	0.67	0.62
HUM	CIRI Human Rights Database	<a href="http://www.humanrightsdata.com">http://www.humanrightsdata.com</a>	0.63	0.50	0.31	0.25	0.19	0.31	0.44	0.38	0.19	0.31	0.44	0.44	0.56	0.56	0.56	..
IFD	IFAD Rural Sector Performance Assessments	<a href="http://www.ifad.org">http://www.ifad.org</a>	..	..	..	..	..	0.52	0.57	0.64	0.73	0.73	0.73	0.58	0.58	0.59	0.59	0.61
IPD	Institutional Profiles Database	<a href="http://www.cepii.fr/">http://www.cepii.fr/</a>	..	..	..	..	..	..	..	0.68	0.68	0.68	0.67	0.67	0.68	0.68	0.68	0.68
IRP	IREEP African Electoral Index	<a href="http://www.ireep.org">http://www.ireep.org</a>	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
LBO	Latinobarometro	<a href="http://www.latinobarometro.org">http://www.latinobarometro.org</a>	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
MSI	IRES Media Sustainability Index	<a href="http://www.irex.org">http://www.irex.org</a>	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
OBI	International Budget Project Open Budget Index	<a href="http://www.internationalbudget.org/">http://www.internationalbudget.org/</a>	..	..	..	..	..	..	0.39	0.39	0.42	0.42	0.48	0.48	0.58	0.58	0.58	0.58
PRS	Political Risk Services International Country Risk Guide	<a href="http://www.prsgroup.com">http://www.prsgroup.com</a>	0.67	0.67	0.67	0.46	0.42	0.46	0.50	0.46	0.38	0.33	0.54	0.50	0.50	0.50	0.50	0.50
RSF	Reporters Without Borders Press Freedom Index	<a href="http://www.rsf.org">http://www.rsf.org</a>	..	..	..	0.56	0.57	0.42	0.44	0.56	0.54	0.57	0.68	0.60	0.56	0.54	0.53	0.57
VAB	Vanderbilt University Americas Barometer Survey	<a href="http://www.lapopsurveys.org">http://www.lapopsurveys.org</a>	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
WCY	IMD World Competitiveness Yearbook	<a href="http://www.imd.ch">http://www.imd.ch</a>	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
WJP	World Justice Project	<a href="http://www.worldjusticeproject.org">http://www.worldjusticeproject.org</a>	..	..	..	..	..	..	..	..	..	..	..	..	..	0.46	0.40	0.40
WMO	IHS Global Insight Country Risk Rating	<a href="http://www.globalinsight.com">http://www.globalinsight.com</a>	0.50	0.50	0.50	0.56	0.50	0.39	0.56	0.56	0.44	0.50	0.50	0.50	0.38	0.38	0.31	..

## APPENDIX II

### Questionnaire

(For academicians, diplomats, journalists, lawyers & such others)

1. How should one categorise the System of Government in Bangladesh? Give reasons.
  - A Strong Democracy
  - A Fragile Democracy
  - A Democracy with some authoritarian features.
  - Not a Democracy.
  
2. What essential features of a democratic form of government does Bangladesh have in practice? You can choose more than one option.
  - Free and Fair Elections
  - Civilian control over the military and police.
  - Freedom of press and media
  - An effective Parliament
  - An independent and impartial judiciary
  - A watchful and active civil society
  - Freedom of movement, expression and association
  - Representative local governments
  - Effective protection of minority rights.

Please explain your position. -----  
-----

3. What are your views on the 2014 election and the resultant political turmoil in the country? How do you feel this problem can be resolved? -----  
-----
4. The Military in Bangladesh has often used such unstable political situations to capture power. How great is the threat this time? Do you perceive the military as a threat to Bangladesh democracy in future?-----  
-----
5. How far do you feel is the political leadership responsible for the military's intervention in Bangladesh politics? There have been numerous instances when the Opposition has openly called upon the armed forces to disobey governmental orders. Such is generally considered extremely detrimental for democratic development. -----  
-----
6. How free is the media and press in Bangladesh? Has there been any difference in Press freedom pre and post 1991? Does the government adopt discriminatory approach towards some newspapers when distributing government advertisements?-----  
-----
7. There was an article in 'The Daily Star' on March 15<sup>th</sup>, 2012-'Bring killers of Journalist couple to book by March 18<sup>th</sup>, or face agitation'. There was a call for greater unity to protect professional rights and dignity of journalists, 'which they lost due to political reason since 1992.' Can you explain the statement .-----  
-----
8. Can partisan organizations be called civil society? Professional groups such as doctors, lawyers, teachers, artists and even journalists have become divided into warring camps based on affiliations, direct or indirect, to major political parties. How do you think this affects the functioning of the Civil Society? -----  
-----

9. Has the media and the Press played any role in mobilizing Civil Society actors in Bangladesh?-----
  
10. There are, at present, several reports, of civil society actors like newly formed citizens' forum 'Worried Citizens' on Friday 14<sup>th</sup> March, 2015 calling for a national dialogue and putting an immediate end to the ongoing violence to create a congenial atmosphere for the dialogue. How come they failed to perform their role and influence earlier governmental decisions, 2014 elections and removal of CTG?  
-----
  
11. NGOs, like BRAC and Grameen Bank, have played a key role in the empowerment of the masses in Bangladesh. In fact, NGOs are chiefly responsible for much of the success the country has registered in the Social Index level, and yet as far as democratic development is concerned they have not left any lasting imprint. Can you explain this?-----  
-----
  
12. The Dhaka City and Chittagong City elections are just around the corner. This time the BNP led alliance is participating in the elections. Do you perceive any difference in the electoral mood compared to the last National elections? Has a level playing field been created for all the candidates in this electoral race?-----  
-----
  
13. What would be the costs and benefits for the two sides in case of a manipulated ballot or even a genuine electoral bout, especially in view of their political face-off? Can these elections save the crisis of national elections and overall politics?-----  
-----
  
14. How would you view the Shahbagh Movement, a movement which was appreciated internationally? To what extent were the Shahbagh protests a Government orchestrated campaign? Did it really reflect the country's mood or was it just a Dhaka students phenomenon?-----  
-----

15. Finally, one last question- How should we categorize the new generation Bangladeshi?

- A Secular One
- A Moderate Muslim One
- An Islamic One

Your Comments,-----



## **APPENDIX III**

### Questionnaire

(For Students, Research Scholars and the general public)

- Are you voting in this (Corporation) elections? Yes/No
- Is there a level playing ground for all the political parties in this election? Yes/ No
- Do you feel that the BNP stands to gain by participating in this electoral fray?  
Yes/No

Could you explain your views?\_\_\_\_\_

- Did you vote in the 2014 National level elections? Yes/No
- Do you feel that elections should be held under a Caretaker Government? Yes/No
- Do you feel that elections held under a party government can be free and fair?  
Yes/No
- Do you feel that the ongoing violence can lead to fresh national elections?
- Will the presence of the military forces ensure that elections are free and fair?  
Please give your views. -----  
-----

- Could you give your views about the (2013) Shahbagh demonstrations -----  
-----  
-----

- How do you feel about the banning of the Jamaat and the recent killings of  
'aethist' bloggers? -----  
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