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TRANSITION TO DEMOCRACY IN BANGLADESH : ISSUES AND OUTLOOK*

INTRODUCTION

Sweeping waves of fast-moving political changes in Bangladesh marked the close of the year 1990. A spontaneous and determined mass uprising forced the fall of the autocratic rule of General Ershad. The victory of the anti-autocracy movement has opened the prospects for transition towards democracy in the country. The caretaker government has been taking preparations for holding free and fair elections aimed at such transition. The level of expectations of the nation, proud of its tradition of shedding blood for the cause of democracy, has been heightened. It now looks ahead with hopes that peaceful and neutrally held election will lead to the formation of a government that will be able to contribute to the establishment of democracy.

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Politics in Bangladesh may however, be too complex to permit a smooth and successful transition. Negativism, intolerance and violence and above all, autocratic tendency have become an invariable content of political activity. The victory of the mass movement has not necessarily ensured positive, tolerant, mutually accommodative and peaceful political activity in the country. The evil legacy of long years of autocracy will not be eliminated overnight, and it may be enigmatic to anticipate that the coteries of vested interests that functioned like institutionalized power network of autocracy would not like to take advantage of the complex situation to jeopardize the process of real transition. In the face of people's movement the armed forces have withdrawn its support to the autocratic regime, but whether or not the forces and factors that contributed to military intervention in Bangladesh politics have been eliminated remains to be seen. Polarization and feuding between the political alliances and within the component groups and parties have been an undeniable aspect of the anti-autocracy movement and the glue that bound them immediately before the fall of the government is by all indications too weak to sustain the subsequent pulls and pressures. Divergences in perspectives on some of the basic issues of national political life remain as sharp as ever which may continue to compound the vulnerabilities of the transition process.

The objective of this paper in this context is to undertake a critical examination of the road to democracy in Bangladesh. What are the factors and premises that contribute to institutionalisation of democracy in a country like Bangladesh? What are the experiences and lessons from the past two decades of democratic experimentation in Bangladesh? What went wrong and what are the relevances thereof? What are the problems of democratic transition

and what are the factors that may impede a smooth transition? And finally what is the evolving outlook of Bangladesh politics? In the backdrop of traumatic experiences of the past and in the context of events since the fall of the autocratic regime the objective is to examine the basic issues that are likely to define the possible directions that political development in the country would take in the foreseeable future. The paper begins with a brief review of the theoretical premise for democracy as a political system and as it relates to countries like Bangladesh. The second part will review the post-independence period of Bangladesh's experimentation with democracy. We will then take up the basic issues linked with the process of democratic transition in the country in an effort to highlight some aspects of the political outlook for the future.

II. SOCIO-POLITICAL PREMISE FOR DEMOCRACY

Democracy as a socio-political system is both an end and a means to an end, the latter being democracy itself. In other words, democracy is an objective that nations strive to attain in an apparently endless process of evolution. In this process the form, shape and content of democracy may vary from case to case and thus, no two democracies can be regarded as totally identical. Nevertheless, democracy essentially implies the presence of some standards which ensure that the ruling authority is *based on popular mandate and remains accountable to the people*. Even in states with oldest and most successful cases of democracies, the social and political fabric are in a continuum of evolution towards what can be conceived as closer to the "ideal" in democracy. Furthermore, democracy, *per se*, is no panacea to all human problems which need to be viewed from a comprehensive perspective including, social, economic and religio-cultural dimen-

sions. Presence of absence, success or failure and progress or regress of democracy can, therefore, be viewed only in relative terms and in the context of time and space. Each case may be different from the other though each experience may be immensely useful for the other. In any event, while there cannot be any set model or format that may be prescribed to be followed in course of a country's pursuit for democracy, certain conditions and factors are congenial.¹

Like many other concepts and their theoretical expositions in social science, the conditions or socio-political premise that facilitate establishment and smooth functioning of democracy are viewed in various ways. There are indeed no fixed set of such conditions. Social scientists differ as to what exactly they are and the order of priority in which they are to be treated. More importantly, any discussion on the conditions for democracy leads to an egg-and-chicken controversy, because in most cases conditions themselves are found to be the outcomes of a democratic process. Democracy and its favouring conditions are complementary to each other. Whether a successful democracy is the result of fulfillment of such conditions or whether it precedes them is intensely debated.

The dilemma is not to only confined to the theoretical plane. As experiences of most to the developing Third World countries suggest, it also leads to distortions in the practice and process of democracy. The ambitious generals of the armed forces and dictators in many developing countries often use this dilemma, particularly the pretext of absence of conditions for democracy, as the plea for their intervention in politics or continuing their illegitimate rule, and

1. David L. Sills (ed.), *Encyclopaedia of Social Sciences*, vol. 3, Macmillan Company & The Free Press, New York, 1972, pp. 112-121.

thereby damage the prospect of democracy itself. However, trial and error is an essential element in the process of a country's progress towards democracy. And absence of conditions or factors promoting democracy cannot justify the killing of democracy and imposition of autocracy, either civil or military. The interest of democracy can be best served by a simultaneous presence of both democracy and its favouring conditions as one can grow richly and faster only in the presence of the other.

For our purpose we choose to identify few conditions that help create conditions congenial for establishment and eventually institutionalization of a democratic political system. Among such conditions required for the progression of a society towards the democratic goal a certain level of social and economic development is, in Neubauer's opinion, considered to be a 'threshold' for democracy.² Neubauer's explanation, based on the works of S.M. Lipset, Lerner, Cutright and Lucian Pye may be summarized in the following manner.³

Democracy in large states operates through the institution of representative government, which is meant to ensure a minimal level of citizen participation in the making of public policies. Such an arrangement requires that individuals and groups articulate, communicate and combine their opinions and preferences and that they

2. Deane E. Neubauer, "Some Conditions of Democracy" *American Political Science Review*, Vol. 61 (4), December 1967.

3. See S.M. Lipset, *Political Man* (Arnold Heinemann, 1973); David Lerner, "Toward a Communication Theory of Modernization", in Lucian Pye (ed) *Communication and Political Development*, (Princeton University Press, 1963); Phillips Cutright, "National Political Development: Measurement and Analysis" *American Political Science Review*, (APSR) Vol. 28, April 1963 quoted in Thomas Pantham, *Political Parties and Democratic Consensus* 1976, p. 3

form majorities on the basis of common preferences or priorities. These processes require a nation-wide system of mass communication which is itself a product of a modicum of general socio-economic development e.g., industrialization, urbanization and education. Mass communication is needed also for the socialization of the majorities and minorities so that they conform to the procedural norms of rules of the democratic game.

While some minimal level of socio-economic development is thus a threshold condition of democracy, it however, does not constitute the sufficient condition. In any society, as demonstrated by Neubauer, the impact of socio-economic development on politics is mediated through the political values and beliefs contained in its political culture.⁴

In order to understand the stability or success of democratic political systems, we have to take into account not only the extra-mural or environmental factors (viz., the level of their socio-economic development) but also intra-mural or political factors, such as the socio-political features and cleavages in society. Lipset states that a primary requirement of a stable democracy is a value-system allowing the peaceful play of power—the adherence by "outs" to decisions made by "ins" and the recognition by "ins" of the rights of the "outs".⁵ Berelson, Lazarsfeld and McPhee may be regarded as speaking for many other theorists when they state: "for political democracy to survive—a basic consensus must bind together the contending parties."⁶ At the other extreme, in a society whose mem-

4. Neubauer, *op. cit.*

5. Lipset, "Some Social Requisites of Democracy : Economic Development and Political Legitimacy" *APSR*, 53, March 1959.

6. Bernard R. Berelson, P. E. Lazarsfeld and W. N. Mc Phee, *Voting*, (Chicago : University of Chicago Press, 1954) quoted in Thomas Pantham, *op. cit.* p. 4.

bers have no basis or will for consensus or agreement political institutions would be altogether impossible. Lipset also writes, "inherent in all democratic systems is the constant threat that the group conflicts which are democracy's lifeblood may solidify to the point where they threaten to disintegrate the society. Hence conditions which serve to moderate the intensity of partisan battle are among the key requisites of democratic government."⁷ In an incisive treatment of political consensus in India, Rajni Kothari speaks of it as 'a shared minimum of values that cut across social pluralities, a framework for the expression and resolution of conflicts, and an institutionalization of the larger rules of the game without which no political system can survive for long.'⁸ Addressing the issues on which consensus is necessary, Ernest S. Griffith views that "they must be sufficiently widespread to be accepted as norms of desirable conduct, so that deviations therefore are subject to questioning and usually social disapproval."⁹

Looking at developing societies, it can be found that in vast majority of them the polity lacks unifying values and orientations and the social fabric is fragmented. And this is reflected in the political behaviour at the national level even on broad and basic issues of national interest. Because of lack of national consensus and distorted political institutions authority and power are easily acquired and easily lost. Authority is exercised without legitimacy which is usually asso-

7. S.M. Lipset, *Political Man*, p. 83.

8. Rajni Kothari, "Political Consensus in India : Decline and Reconstruction" *Economic and Political Weekly*, No. 11, October 1969, p. 1635.

9. Ernest S. Griffith, "Cultural Pre-requisites to a Successfully Functioning Democracy : A Symposium" *APSR* march 1956, p. 103-104.

ciated with praetorianism¹⁰ and recurrent intervention of the armed forces in politics. Transfer of power is most often violent and in the process it is democracy that becomes the inevitable casualty again and again.

So far as social setting is concerned, it needs to be further stressed that democracy cannot sustain in a society where a large middle class is absent. Moshe Lissak claims, "if a middle class is absent or its growth and quest for self-expression are severely curved, the stage would be set for the emergence of the military as an alternative political power."¹¹ Germane and Silvert have similar views: "military intervention is inhibited by the rise of middle strata in the social structure, since this middle strata have in special measure both the motivation and the ability to create and sustain stable civilian political institution."¹²

Abstracted from the above discussion, the basic premise of democracy may be identified as follows :

1. **Consensus on basic principles** : There is an inescapable imperative of striking and maintaining national consensus on some of the fundamental principles on which no scope of any two opinion exists. These may be classified as below :

10. The word praetorian is referred to characterize "a situation where the military class of a given society exercises independent political power within it by virtue of an actual or threatened use of military force". See for details, Amos Perlmutter and U.P. Bennett, (eds.) *The Political Influence of the Military : A Comparative Reader*. (New Haven London, Yale University Press, 1980), p. 199.

11. Moshe Lissak, *Military's Role in Modernization*, Sage Publication, 1976.

12. Quoted in Robert Putnam "Toward Explaining Military Intervention in Latin America," *World Politics*, 20 (1), 1967.

a) *Popular mandate as the basis of government* : Democracy is in essence a government based on people's choice and consent. There must, therefore, be an irrevocable national consensus that government will be formed and operate only and so far as it is backed by the mandate of the people. An essential aspect is that authority is never seized by force and policies and actions are never imposed on the society disregarding the choice of the people.

b) *Orderly change of government* : As an essential prerequisite for establishment of democracy and its sustained functioning there must be a national consensus that change of government will take place in an orderly manner without any violation of constitutional norms. By ensuring smooth transition of power, this will also provide political stability. As a corollary, there will have to be strong and active public opinion to resist any violation of the norms following from such consensus.

c) *Role and functions of key institutions* : There must be clear-cut delineation of the role and functions of the key institutions that are the pillars of democracy as a functioning political system. Of specific significance is the delineation between the powers of the executive, legislature and judiciary and more importantly, independence of the latter. Any interference of each other's authority, particularly, as it happens most often in Third World context, by the executive on the role and functions of the legislative and judicial organs is bound to be detrimental to the interest of democracy.

d) *Role of dominant social groups* : This is a factor of particular relevance to Third World countries like Bangladesh with praetorian syndrome. The

substance of the whole array of literature on the intervention of professional groups, particularly military in politics is that in the ultimate analysis there is no escape from a consensus on civilian supremacy as a precondition for democracy. The role of armed forces in the process of nation building can hardly be overstressed, but the clear-cut limit is provided by the fact that it must draw the scope and nature of its power from the civilian authority which is supreme. Any violation of this supremacy is bound to be detrimental to the cause of democracy.

2. Institutional Arrangement : From the operative point of view, it must be stressed now that democracy is not merely an ideal or a goal but also essentially a functioning system and nothing abstract. It has therefore to be built up on an institutional arrangement. The other aspect of the implications of the above preconditions is that democracy is by all means a *limited and accountable* government. To ensure this, democracy needs to be viewed in an institutional framework as defined in the following manner :

a) *Free and fair election* : People's participation and legitimacy are the two basic features of a working democracy. And to ensure this there can be no alternative to free and fair elections on the basis of universal adult franchise. Ascendance to and exit from public office must be on the basis of the people's verdict coming from elections. Lack of real popular mandate is associated with lack of legitimacy while any scope of manipulation in the verdict of popular elections leads to lack of accountability.

b) *Independent legislature* : Democracy as the government of the people and by the people has to

be based on such institutional arrangement as to provide independence of the legislative body which represents the voices and ultimate verdict of the people. There can be debate over the exact form and nature of government and as contemporary history of democracy suggest, there may be different forms of democratic governments including parliamentary and presidential. But the essential element of democracy is that irrespective of the type of government or irrespective of the nature of the body on which the executive power is vested, the legislature as the law making body has to be ensured its sovereignty. The absence of this sovereignty is synonymous with undue concentration of power and unaccountable exercise of the same.

c) *Accountability of the executive* : The executive organ, irrespective of the form of government, presidential or parliamentary or otherwise, must be accountable for exercise of the power bestowed upon it. And in the ultimate analysis the accountability is to the people who delegates this power to it and whether through the legislative or judicial process or through direct popular disapproval in the form of mass movement, the people must also retain its position as the authority to be accounted to. This must be clearly recognized by the executive in spirit and action so that it cannot apply its power in arbitrary manner.

d) *Competitive party system* : Free and unhindered functioning of a multi-party system is yet another of the pillars of the institutional arrangements on which democracy is based. Outside the confines of the parliament or legislative body, political parties provide the wider platform through which popular opinions, views, verdicts and mandates are generated, mobilized and ventilated. And

the presence of competitive party system is the essential precondition for true reflection of this function of political parties as a democratic institution. Any breach of the principles of the competitive multi-party system leads to various political vices including political intolerance, disrespect of each other's opinion and political violence.

e) *Independent judiciary* : Democracy is the other name of the rule of law and it is only through an independent judiciary that rule of law can be established. The essence of rule of law is the equality before law irrespective of social, political or any other status. Judiciary is indeed the watchdog institution in the democratic political system and ensures that power is exercised only within the prescribed legal framework. Any intervention in the authority of the judiciary is certain to constrain the functioning of democracy and practice of democratic values and norms.

f) *Free press and media* : There must be an uninterrupted flow of information and communication amongst the people. This can be ensured by allowing the press and media to function freely, objectively and without any constraints and obligations. The need for free press and media as a precondition for democracy has been stressed repeatedly not only in theory of political science but also by the movement of history.

3. Social Framework : Democracy is also based on certain social preconditions which may otherwise be described as supportive structure. Notable among these are :

a) the social terrain, which is the fountain of democratic ethos should be marked more by galitarianism, than by conflictual hierarchy. Hence

economic gains of the society which constitutes the life blood of any social group or class, should be distributed in such a fashion that every group or class is assured of a minimum level of decent living.¹³

b) social cohesion or a sense of solidarity of the dominant social groups.

c) the presence of a large and stable middle class and its active commitment and participation in defending democratic order.

III. DEMOCRATIC EXPERIMENTATION IN BANGLADESH

Democracy, as we have already indicated, is an outcome of a continuing process. History of democracy has shown that this process has almost invariably been a chequered one. There have been ups and downs, failures and successes and gaps and bridges. Democratic values and institutions took centuries to evolve and these are still in the process of evolution.¹⁴ Moreover, there can hardly be a case of successful movement towards democracy which was not associated with violences, tragedies and traumas of one type or another. Significantly however, these experiences of trials and errors and ups and downs have in all cases functioned as the premise for further progress towards democracy, towards building of its institutions and preservation and protection of its norms and values. It is with this perspective that we now proceed to examine the experiences of Bangladesh's experimentation towards democracy. Bangladesh's liberation

13. See, Emajuddin Ahamed, "Crisis of Democracy in Bangladesh". in Salimullah Khan (ed.) *Politics and Stability in Bangladesh: Problems and Prospects*, Dana Publishers, Dhaka, 1985, p. 4.

14. See M. Abdul Hafiz, "Democracy in the Third World. Myth or Reality?" *BISS Journal*, Vol. 5, No. 3, July 1984, p. 362.

struggle and independence as a spirit, as an ideal and as a means was essentially a milestone in the democratic process itself. Twenty years in the life-time of a nation may not be too long, but certainly long enough to ask what went wrong and what lessons may be drawn as the premise for further progress towards democracy. We undertake a brief examination of this question in three periods as below.

The Mujib Regime

Bangladesh started off with a Westminster type of democratic government. Immediately after independence, the new government pledged its commitment to parliamentary democracy. On his return to Bangladesh from the Pakistani prison, Sheikh Mujibur Rahman announced the provisional constitutional order which stipulated a parliamentary form of government. Within a year of independence a constitution was adopted which provided for a parliamentary form of government, competitive party system, and granted fundamental rights and freedom of the judiciary. After the enactment of the constitution, the Awami League (AL) government of Mujib held the first general elections on March 7, 1973. The AL won in 292 out of 300 seats in the parliament.

Although the initial arrangements seemed to have introduced a democratic system, in actual working the system soon brought frustrating experiences. One of the outstanding reasons and manifestations was the tendency to concentrate power and authority in the dominant party and its charismatic leader. The massive popular mandate in favour of the AL drawn largely from its role and contribution in the country's independence struggle, weakness, if not absence, of alternative political force and to an agreeable extent

the abiding socio-economic imperatives in the war-ravaged country for strong leadership were among the *raison d'être* for the concentration of power. It may be argued also that political imperatives emerged further from the need to contain the undemocratic and ultra-radical activities and designs of some of the anti-government political forces which were considered detrimental to the national interest in that critical stage of history. In any event, the result was a substantive degree of deviation from the commitment to provide for independent parliament and accountability of the government. The need for strong and effective leadership was identified with curtailing the power of the legislative and enhancing that of the executive bodies.

The model of politics and government that the Awami League regime initially followed, therefore, as an analyst has mentioned, was characterized by single dominant party system.¹⁵ The single dominant party system and the constitutional provisions of party discipline (that if any member votes against his party in the parliament, he or she will lose his/ her seat in the parliament) reduced the actual power of the legislature and it became more or less a rubber stamp for authenticating the wishes of the ruling party.¹⁶ Eventually, the parliament failed to exercise its sovereignty and work as a check on the government. The parliament met only for 118 days during its two and half years life from March 1972 to August 1975.¹⁷ During this period it enacted about 140 legislations. But 85 of these legislations (60% of the total) had been promulgated as Ordinances by the President and

15. See Rounaq Jahan, *Bangladesh Politics : Problems and Issues*, UPL, 1980.

16. *Ibid.*, p. 111.

17. See U.A.B. Razia Akter Banu, "The Fall of the Sheikh Mujib Regime : An Analysis", *The Indian Political Science Review*, Vol. XV, January 1981, No. 1, p. 7.

placed before parliament for re-enacting as laws. The Second Constitution Amendment Bill sought to empower the President to issue a proclamation of emergency when the fundamental rights provided in the constitution would remain suspended. The Bill also contained a provision extending the intervening period between the two sessions of Parliament from 60 days to 120 days. The last provision would have curtailed whatever influence Parliament had over the executive by reducing the frequency of its sessions.¹⁸ Parliament passed, without any serious discussion, a large number of laws providing, inter alia, for preventive detention, suspension of the activities of unions and political parties, special tribunals, speedy trials and arrests without any warrant or cause, with no provision of appeals.

Between the party and the government, the former appeared to be more powerful. The morale of the services became low because of job insecurity. Under a government order (Presidential Order No. 9) any civil servant could be dismissed from the services without the right of appeal. The rigid seniority rule was also discarded. It has been alleged that the "loyalty and closeness to the regime was one of the criteria used for selecting appointees to the higher administrative posts."¹⁹ The civil bureaucracy was not only factionalized, it was also politicized. Same was the case with the armed forces. The party became in many ways more powerful than the government and the legislature because Sheikh Mujib identified himself more strongly with the party, and compared to the civil and military bureaucrats, party members had easier access to Sheikh Mujib. He was the head of government (as the Prime Minister), leader of the legislature (as the leader of the parliamentary party) and head of the

18. *Ibid.*

19. Rounaq Jahan, *op. cit.*, p. 132.

party (as the President of the Awami league). He combined in his person all the sources of authority. Thus "three years of parliamentary rule was very much of a personal rule by Sheikh Mujib, who governed more by his charisma than through institutions."²⁰

The Fourth Amendment of the constitution which had far-reaching implications for the democratic principles and aspirations of the nation was passed without any debate or discussion in the parliament—unprecedented in the history of law-making.²¹ It introduced a one-party presidential system of government. The President became the chief executive having supremacy over all organs of the government. It soon became compulsory for a member of parliament to join the "national party." Through a special provision in the constitution Sheikh Mujibur Rahman was exempted from the normal procedure of election so that he could assume the office of the President immediately after the changes had been made. The amendment took away the sovereignty of the Parliament. Now the President could withhold assent to any bill. The powers, functions and status of the judiciary was greatly curtailed. A Judge of the Supreme Court could now be removed by the President who could also appoint an additional judge of the Supreme court without any consultation with Chief Justice. The Amendment also took away the power of the Supreme court over the subordinate courts. The power of the Supreme Court to enforce fundamental rights under Article 44 and Article 120 of the original constitutions was given to a constitutional court while the High Court's power of enforcing fundamental rights was withdrawn by the Fourth Amendment.²² Moreover, the

20. *Ibid.*, p. 120.

21. A. N. Shamsul Huq, "Nation-building in Bangladesh : The process of Institution-building," in M.A.Hafiz and A. Rob Khan (eds.) *Nation-building in Bangladesh : Retrospect and Prospect*, BISS, 1986, p. 160.

22. *Ibid.*

enactment of the Special Powers Act Press and Publication Act, etc., were clear signs of undermining the Judiciary and arbitrary use of power by the government.

The Amendment provided for the creation, by the President, of a National Party and the dissolution of all political parties. Accordingly, a national party known as Bangladesh Krishak Sramik Awami League (BKSAL) was constituted on June 6, 1975. It was immediately compulsory for a member of the Parliament to join the party. Only the national party could nominate a candidate for Presidency and membership of Parliament. The government system introduced by the Fourth Amendment of the constitution essentially introduced a one party authoritarian regime and transferred all powers of the government and the party to the chief executive.

The rationale and justifications for the sweeping and far-reaching changes may be debated and agreeably enough, the merits and demerits need to be examined in the context of time and space. The fact remains, however, that "the massive transformation of the political system that followed the Fourth Amendment seriously undermined the faith in the constitutional system and the legitimacy of the government."²³ It thus contributed significantly to setting the stage for a group of army officers to act violently and change the regime in August 1975 through the unconstitutional means.

The Zia Regime

The series of traumatic events that took place in 1975 finally brought Ziaur Rahman into power. Zia, like

23. *Ibid.*

similar military rulers in developing countries, took a number of measures, step by step, in order to consolidate his power and legitimize his rule. He held a number of elections at national and local levels, including a national referendum. Political parties were allowed to operate alongside his own new political party sponsored and patronized by the government. Thus soldier Zia turned himself into a full-fledged politician. It is also true that "Zia withdrew Martial Law, revived the constitution, set in motion a parliament and allowed open political activities and himself became a civilian",²⁴ but his regime was more of a "military bureaucratic condominium"²⁵ than anything close to democratic. In fact, Zia continued to operate under the direct patronage of the army and maintained close control over all military arrangements. His widespread use of civil and military intelligence for political patronages and trade-offs are well-known and had long term deleterious impact not only on party politics but also on the overall political process of the country.

Moreover, Zia established the rule of an all-powerful president under a democratic facade. He had decreed several amendments to the constitution which he later managed to ratify by the parliament. For example, the parliament itself had been elected under terms and conditions set by the President, not by the constitution and could be summoned, prorogued and dissolved by him at his will. In December 1978, Zia decreed an amendment to the constitution, providing that (i) the president could appoint one-fifth of the members of the Council of Ministers from among people of his own choice who didn't need to be members of the parliament; (ii) the President had the

24. Shamsul Huda Harun, *Bangladesh : Voting Behaviour Study : A Psephological Study*. Dhaka University, 1986, p. 223.

25. *Ibid.*

right to withhold assent from any bill passed by the parliament which could be overridden only in a national referendum, and (iii) the President could enter into any treaty with any other country without informing the parliament. The Parliament had the power to enact laws, approve the budget and 'impeach' the President, who could not veto a bill passed by the parliament for the second time. But the "inability of the parliament to remove a minister through a no-confidence vote, the provision under which one fifth of the ministers could be taken from outside the parliament and the repeated practice of by-passing parliament when it was not in session, infringed upon parliament's sovereignty".²⁶ In fact Zia's parliament was more or less 'a rubber stamp' of materializing the wishes of the all-powerful President. An analyst has rightly mentioned that "the whole paraphernalia was democratic in form but authoritarian in content."²⁷

Zia's politics and policies had also a divisive and crippling effect on the opposition, resulting in a dangerous precedence in the country. In order to enlist support for his regime to ensure the growth and eminence of his party, to throw the opposition off balance, his tactics and strategies appeared to encourage defection from faction-ridden parties and to pick up the sympathizers from some of these groups. To quote an analyst, "because of Zia's politics of patronage allowing widespread corruption, his authoritarian rule, the people did not.....identify themselves with his system—his system failed to get stabilized structurally, functionally and psychologically. In a nutshell, his system finally stood as a big dysfunctional one."²⁸

26. A. Huq, "Bangladesh in 1979 : Cry for a Sovereign Parliament", *Asian Survey*, Feb. 1980.

27. S.H. Harun, *op. cit.*, p. 223.

28. See, A. Huq, "Zia's Politics and Strategies : Some Observations of Their Limitations", paper presented at the Bangladesh Political Science Conference, May 30, 1984.

In substance, the Zia regime was characterized by a well-designed and calculated concentration of authoritarian power in the executive. Political institutions were tailored to suit the designs of the all-powerful president. By his carrot-and-stick policy Zia promoted politics of patronage thereby creating a vested interests groups who eventually became prominent in policies and actions. His mastery in utilizing the armed forces as his power base resulted in sharpening praetorianism which soon became counterproductive when his efforts to emphasize professionalism in the army was strongly resisted by other ambitious high-ranking officers. This dilemma contributed largely to his tragic assassination.

The Ershad Regime

The violent end of Zia in an abortive military coup in 1981 was followed by a short interlude of a constitutionally elected government led by Justice Sattar. The latter was, overthrown by another military coup led by Gen Ershad who ruled the country for almost nine years that followed. His regime was in essence a period of systematic attempt for destruction of all values, norms and institutions of democracy. The whole exercise was aimed at establishing individual absolutism. The practice of state patronage in launching the *sarkari dal* (ruling party) by using military intelligence and delivery of goodies which was started by Zia assumed a more cool, exposed and all-pervasive nature during Ershad. As a result, his efforts for so-called civilianization of his military regime failed to provide him not only a civilian facade but also legitimacy.

The ruling party throughout his regime functioned as the B-team while the main source of power remained in the cantonment. In the process of personali-

zing the state power and authority and establishing his one-man show he not only crippled the civilian political institutions but also severely damaged the professionalism, dignity, integrity and self-respect of the armed forces. Accountability was totally ruined while corruption and electoral malpractice were the basic foundation of his political survival. He literally destroyed the meaning, content and usefulness of elections.²⁹ The whole nation was made a hostage to his dictatorial monopolization of the press and media as an institution. He played a farcical mockery of sustaining his regime with a network of proxy-institutions including facade of elections, parliament, ruling and opposition parties all of which in the end collapsed to manifest the supremacy of the organized people's power.

After the assumption of power in March 1982 General Ershad declared Martial Law and suspended the constitution. To secure popular support and legitimacy, Ershad followed almost all the footsteps of Zia. Through the seventh amendment of the constitution, General Ershad validated all Martial Law proclamations and orders which were promulgated during his period of suspended constitution from March 1982 to July 1986. Under his rule all the civil and military apparatus of the government were forced to function as the pawns in the hands of the autocrat. His use of public office and money for his personal aggrandizement and for political patronage had gone beyond all conceivable proportions.

In fact, General Ershad's rule was by all definition a total autocracy. Under his system there was no safeguard against arbitrary government. All the civil and military authority remained concentrated in one

29. Taken from, Iftekharuzzaman and Mahbubur Rahman, "A Study on Public Representation System in Bangladesh", A Research Report, CDR, B. (forthcoming).

person who was the president of the country, active commander of the combined armed forces and overpowering and omnipotent chairman of the ruling party. There did exist a parliament to which neither the President nor his cabinet was responsible. The President used to allow the Parliament as an act of his benevolence to deliberate on topics of his choice to grant a sense of participation to the party in power as well as those in opposition.³⁰ There were indisputable evidences of the infringement on parliament's authority as the sovereign in the legislative process.

The parliament was indeed used merely for the implementation of the desires of the president and putting seal on his deeds. Moreover, the last parliament was elected with all the major parties boycotting it so the legitimacy crisis of his government reached its peak. Other institutions were also feeble. It was the highest degree of concentration of power with which he ruled the country for nine years without any checks and balances against the exercise of his personal wishes, decisions and actions. With formal political institutions rendered absolutely ineffective his exit from power was left only with the mass movement which in the end succeeded.

Highlights of the Experiences

Some aspects of the above review may be highlighted here as an indication of the major setbacks suffered by the democratic process and aspirations in Bangladesh. First of all, *the constitution and the constitutional process* was the prime casualty of the autocratic tendencies, designs and actions whether under civilian, military, quasi-military or civilianized military rule. Secondly, *orderly change of*

30. See, Muzaffer Ahmad, *State and Development : Essays on Public Enterprise*, UPL, 1987, p. 61.

government has not been practiced while use of force and violence became the *modus operandi* for replacing an incumbent regime with a new one. Since violence and use of force became the way to come to power these also gradually became an essential element of political behaviour. Thirdly, all means to ensure *accountability of the government* were destroyed. A common feature of all the three periods was the tendency to concentrate power—the authority of the executive was expanded at the expense of that of the legislature and judiciary. The parliament, or the legislative body was rendered literally ineffective and an instrument to justify the excesses carried out by the executive. Rule of law was rendered practically impossible while independence of the judiciary was severely curtailed. Fourthly, although mushroom growth of political parties took place, *competitive party system* was grossly undermined. In addition a pernicious tendency of regime-sponsored party system on the basis of various forms of patronage and political trade-offs has developed causing long-term damage to the institution. Fifthly, the *electoral process and election as an institution* has suffered the severest of set-backs. Rigging in election is not rare in politics, particularly in the context of developing countries. But the way the effectiveness of the institution has been destroyed by the use of all sorts of malpractice, manipulation, force and violence particularly during the latter part of the reviewed period has hardly any parallel. Sixthly, *press and media* were not allowed to function as freely as could promote the cause of democracy and its values and norms. Various legal and extra-legal acts and instruments have been used causing paralyzing effect on this institution. Last, not the least, long years of misrule and mal-development have led to sharpening socio-political cleavages and *fierce clash of group-interests*. Professional groups, particularly the armed forces and to an extent civil

bureaucracy have been dangerously politicized at the cost of professionalism.

The cumulative result of all these, as it stands now, is a nightmare of autocratic claws hanging over a nation that has the tradition of trading blood for democracy. Autocracy took recourse again and again to democratic facade for ensuring incumbence. Democratic institutions have been damaged and the bases of their self-sustenance shattered leading to a fragile and unstable political situation. The forthcoming elections will by all means be no more than a step forward in a long and fluid process leading to the end of the tunnel.

IV. DEMOCRATIC TRANSITION : THE EVOLVING OUTLOOK

Bangladesh is at a very critical stage of its national life-time with its political fate pausing at the crossroads before the elections. The unprecedented mass upsurge that brought the fall of the autocratic government is a watershed, not certainly the culmination, of a process that has a time-span going way beyond the Ershad regime. The democratic aspirations and popular expectations of the people nourished for long years have assumed tremendously heightened dimension. The situation is one of great opportunity. On the other hand, it is pregnant with so many unforeseens and imponderables that there is no scope for complacency in this fluid stage. In the light of what we have discussed so far in this paper, we now highlight how the evolving political outlook for this country can be viewed.

a) **People's power, no authoritarianism** : The massive political upheavals of 1990 have once again demonstrated that authoritarianism, whether civil or military

has no acceptance in Bangladesh. Military rule, direct or so-called civilianized is detrimental to the democratic future of the country. The 1990 movement has established once again the universal dictum that there is no alternative to popular mandate expressed through free and fair polls for going to power and public office and to form a popularly acceptable and legitimate government. Overriding all other issues today, therefore, is the question of smooth and peaceful conduct of really free and fair election. Holding of free and fair elections is not merely an insurance of each citizen's right to vote, but also a national preparedness to behave according to the values and principles that would ensure that the election really reflects the popular opinion, its results lead to the formation of a government that may contribute to democracy and to functioning of an effective and responsible political opposition to ensure a popular check and balance.

These are issues that transcend the questions or doubts about the use of violence or other malpractices in the election as such. The winning candidates or parties or alliances must behave in a way not to claim or show that they have won it all in a zero-sum game, but only that the people has given them only a chance to show their worth in facing the country's problems. They must also be aware that in actual functioning of the government which they may be forming, and thereby in steering the political course towards real transition they would need to secure some fundamental level of cooperation and understanding with the losers. It must be clear that failure to do so would unseat them and that they would always be accountable to the people for their deeds. The losing side for its part must not consider that they have lost it all in a zero-sum format, but they would now essentially constitute the part of the institution that would ensure

the political check and balance. They must also be aware that their responsible and effective behaviour will not only ensure an accountable government but will also bring future popular confidence in them.

This type of electoral behaviour of the political leaders and parties will be able to provide the crucial unity between the pride of the winner with the glory of the loser. Such mental preparedness of the winners and losers in the forthcoming election is indispensable also to avoid post-election violence which, if anything, would be extremely detrimental to the cause of democracy and provide the remnants of autocratic forces a fresh opportunity to intervene. The burden in this context, is obviously more prominently on the major political parties and alliances who must acknowledge the implications of any failure to learn from past experiences. There are certain indications for at least guarded optimism in this connection as manifested by efforts on the part of some of the major political parties to take a hard look on the past. Parties which today are committed to parliamentary democracy include those who in the past were instrumental in causing damage to the same. Some of the parties which fought this time against the military-backed autocratic rule had at one stage themselves been at the root of such trends in Bangladesh. Whether or not today's pro-democracy role of these parties will sustain the test of time remains to be seen. But the very change is significant.

One other aspect of the recent political changes in the country is the widespread recognition of the need for an effectively competitive multi-party system. The course of anti-autocracy movement has shown that despite divergences in ideological, political and other commitments and viewpoints various political parties and groups can learn not only to live with each other

but also to fight for a common cause. Significantly also, the evolving political landscape including the forthcoming parliament appears to be one, in all likelihood, not to be dominated too excessively by a single political party, as it happened in case all the three regimes reviewed in this paper. The future course of democratic transition in the country will depend to a great extent on the way this type of understanding and cooperation can be sustained within a framework of competitive multi-party system.

b) Form of Government and transfer of power : The next basic issue facing the political future of the country is the one related with the nature of the government that would be formed after the election and for that matter, also the nature of the constitution itself. The 1972 constitution provided the essential framework for a parliamentary form of government with a sovereign parliament and accountable government. But subsequent developments brought some substantive changes as to dilute this framework and the constitution as it stands now provides for neither presidential nor parliamentary form of government. The parliament under the present constitution has no power of its own, not to speak of its sovereignty. Its law-making capacity is drawn from the blessings of the president who like the cabinet is not accountable to the parliament. The president retains the power to convene, prorogue and suspend the parliament whereas the cabinet instead of being able to function as a counselling body to the president is absolutely subservient to the president. There is no instrument to provide the accountability of the president who retains all executive, legislative, and to a great extent judicial powers.

Mere holding of elections to the parliament in such a framework can hardly provide for democracy in the

country. This was effectively recognized by the whole nation in the form of a national consensus on 19 November vide the joint declaration of the three political alliances which led the movement against autocracy. The declaration signed by the leaders of the three alliances clearly recognized the need for establishing a sovereign parliament and an accountable government on that basis.³¹ It appears, therefore, that the issue of appropriate revision of the constitution to provide for sovereign parliament and accountable government is a foregone conclusion and should not have been affected by the outcome of the election. As a section of the signatories have indicated signs of feet-dragging, things already appear to be complex. In the event of a two-thirds majority of a single party or coalition, which is not however the likelihood, the question of appropriate constitutional revision would not be a problem. But in any other eventuality of election results there is every likelihood of a constitutional crisis unless the parliamentary parties follow up their 19 November commitment and agree to amend the constitution appropriately. It needs to be stressed that without this not only that new parliament will continue to be a rubber-stamp house but also transfer of power from the interim government will have to await a presidential election. It should be stressed further that whilst there is no scope of an *a priori* conclusion about whether a parliamentary form is more suitable in the context of Bangladesh, there must be no two opinions about the need to ensure the accountability of the executive to the legislative, and thereby to the people. Any failure to do so by appropriate constitutional revision to enhance the power of the parliament is bound to set the nation to square one.

It should be stressed further that accountability of a government, whether parliamentary or presidential,

31. See, *Khoborer Kagaz* (Weekly/Bangla), 22 and 29 November, 1990.

can never be assured in the absence of free press and media and independent judiciary. Safeguarding of fundamental rights and protection against suspension of the same on any pretext is severely detrimental to the cause of democracy. A national commitment to this effect, both in spirit and practice, ranks high amongst the priorities. Consensus is also required in favour of democratization of decision and policy-making process. Imposition, extremism and intolerance must be avoided both in inter-and intra-party behaviour. The role of leadership and the need for the use of political party as the leadership-making institution as against authoritarianism within the party is also to be stressed.

c) **Fate of the autocratic forces :** As the political situation remains in a fluid stage the way the ousted autocratic ruler and his accomplices is eventually dealt with may become critical to the process of smooth democratic transition in the country. The more a decision on this issue is delayed the greater are bound to be complications around it. Questions of "human rights" have already been added to the need for ensuring legal process. The issue may be debated endlessly in legal and related framework. In any event, there is hardly any doubt that the autocrats are guilty of damaging, if not anything else, the interest of the nation by massive abuse of public position, power, money and resources. Decision for punishing for such crimes, even for the sake of setting precedence for the future, may be difficult for a state that remains vulnerable to pressures and machinations of vested coteries, both national and foreign. But the fact that the nation has given its verdict for it in course of ousting the autocratic government needs no legal justification. History is replete with examples showing people's judgment as the ultimate, the latest and

closest example being the transfer of power itself in the wake of anti-autocratic movement in Bangladesh.

d) Professionalism of the civil and military bureaucracy : There is a general impression and expectation that the armed forces, in view of recent experiences, would prefer to keep itself away from directly intervening in politics in the foreseeable future. Considering the way it withdrew support to the autocratic regime of Ershad on the eve of its fall in the face of popular upheaval there is little doubt that the army as an institution has come to realize the damages caused by the army intervention in politics. It is aware of the setbacks suffered not merely by the nation as a whole but also by the armed forces *per se* in terms of its integrity, professionalism, effectiveness and overall image as a social and professional group. Despite this there is hardly any scope of jumping into a definitive conclusion denying the prospect of its recurrence in any future opportunity. The Bangladesh military has now withdrawn from the "commanding heights" of political power. But as long as the country continues to be a praetorian society, and the armed forces remains even partially politicized, there may be still a long way to go before the civilian political leadership would be left in an unfettered position to determine political goals and make all "decisions of decisive consequences" for the state. Under an ideal model, "the army does have influence on decisions affecting defense and foreign policies of the state, but in this respect the military performs only staff functions. It provides expert advice but does not challenge the authority of the civilian political leadership even if the decisions of the civilian authorities is contrary to the advice submitted by the military."³² Whether or not the 1990

32. Talukder Maniruzzaman, *Military Withdrawal from Politics : A Comparative Study*, UPL, Dhaka, 1988, pp. 19-20.

withdrawal of Bangladesh military from politics can be viewed to be of this nature remains to be seen and studied. The need for professionalism in the civil bureaucracy which in the past has often been instrumental in conjunction with its military counterparts in strengthening the hands of the autocratic forces should also be particularly emphasized in this context.

e) Dependency or self-reliance in development : As already indicated elsewhere in this paper, for democracy to take a firm root it is imperative to ensure a sustained process of economic development and a minimum level of social equity in terms of results of such development. From this perspective, the outlook, if anything, is far from encouraging. The marginally impoverished country, as it remains dependent on external aid narcotically, has formidable economic challenges to face, most of these are structural but many are legacies of past failures. The present critical stage of Bangladesh's political life has a very significant coincidence with a crisis in the international scenario which in the backdrop of the Gulf war is likely to be deeper than ever. The new government, whichever party or alliance forms it and whenever it takes over, will have to face the realpolitik in the economic life of the nation. The greatest challenge will come from the need to devise ways and means to alleviate poverty and prevent further growth, if not reduce, the present level of external economic dependency and vulnerability. Deeper reflection on this is, however, beyond the scope of this paper.