

Parliamentary Democracy in Bangladesh: An Assessment.

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Abstract : The constitutional and administrative norms of Bangladesh have been subjected to tremendous stresses ever since the liberation of the country in 1971. The governmental outlook underwent several changes during the twenty-seven years of this country's history. True it is that the triumphant political leaders did adopt parliamentary democracy soon after they returned to liberated Bangladesh. But this changed to one-party presidential rule in January 1975. Eight months later, a brutal coup overthrew and killed Sheikh Mujibur Rahman, the "father of the nation". From August 1975 to early 1979, the country was virtually ruled by the civil-military bureaucracy. Following the national parliamentary elections in February 1979, a gradual transition to a somewhat controlled democracy took place. But this did not last very long. A little over five years after Sheikh Mujib was assassinated, his successor, General Ziaur Rahman, was also gunned down by an army faction in May 1981. In March 1982, the military led by its Chief-of-Staff, Lt. General H.M. Ershad, once again moved in to take over the reins of government. General Ershad ruled almost for nine years up until the mass upheaval in late 1990, following which he had to resign handing over power to an "interim government" headed by Chief Justice Shahabuddin Ahmed. In fact, the ouster of General Ershad paved the way for the restoration of parliamentary democracy soon after the February (1991) parliamentary elections.

Introduction

The movement for parliamentary democracy that had originated against the 'internal colonial' administration of Pakistan during the pre-independence period continued against the ruling authorities of Bangladesh even after independence. The 'nationalist coalition' witnessed in the pre-freedom movement, and which had successfully liberated their motherland from the clutches of the occupied forces, was found falling apart soon after the emergence of Bangladesh in

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December 1971. Bangladesh, in its first three years of independence, lived under three different form of government,² paradoxically under the same leadership. For all the three cases, the long cherished political process of parliamentary democracy not only got stagnated, but at times deteriorated. The new rulers' inability to resolve the clashes of the centripetal and centrifugal forces of social, economic and political cleavages clearly demonstrated their inadequacy as an agent for solving the problems of economic as well as political development facing the country. Instead of creating conditions for a democratic settlement to these and other crises the ruling elite deliberately abandoned the country's parliamentary democratic process and opted for authoritarian rule.

This paper seeks to analyse, in brief, the post-independence political measures of the ruling authority of Bangladesh which ultimately marked the end of democratic process in favour of authoritarian and personal rule. The circumstances that led to the revival of parliamentary democracy in 1991 are also examined.

Constitutional Development: 1971-1991

Unlike the Independence Act of 1947, which brought the partition of the Indian subcontinent into two independent dominions, Bangladesh inherited no such legal document except for the Declaration of Independence on 26 March 1971. From the very day of the Declaration till the surrender of Pakistan army on 16 December 1971, Bangladesh was run by a government-in-exile formed on 10 April 1971 at Meherpur (later named as Mujibnagar) bordering the Indian State of West Bengal. Thus, the Declaration of Independence served the legal basis of a Provisional Constitution which provided a

presidential system of government, empowering the President with absolute power in all areas.

According to the terms of the Declaration, sovereignty of Bangladesh was proclaimed on the "26th day of March 1971" and a Constituent Assembly was formed consisting of the 167 Bengali members of the National Assembly from former East Pakistan and the 298 members of the Provincial Assembly of former East Pakistan elected on the Awami League tickets in the first and last general elections of undivided Pakistan held in 1970. This Constituent Assembly empowered the Bangladesh government-in-exile to form a Cabinet with Sheikh Mujibur Rahman (popularly known as Sheikh Mujib) as President (Mujib was earlier arrested on the night of 25 March 1971 and was sent to a jail in West Pakistan), Syed Nazrul Islam as Vice-President and Tajuddin Ahmed as Prime Minister. Among the other members of the Cabinet included some prominent and senior-most office bearers of the Awami League, the party which had won the majority in the general elections of 1970. The proclamation of Independence also empowered the Vice-President to act as President of the country in absence of the President. It provided that the Vice-President in his capacity as President would be the supreme commander of the armed forces and he would exercise all the executive, legislative and judicial powers; and also do "all other things that may be necessary to give to the people of Bangladesh an orderly and just Government" until a new constitution was framed by the Constituent Assembly.³

The Provisional Constitutional Order

Returning from the Pakistani prison on 10 January 1972, President Sheikh Mujibur Rahman announced the Provisional

Constitutional Order on 11 January 1972, which abandoned the presidential system providing a parliamentary form of government.⁴ The political system outlined in the Provisional Constitutional Order was modeled on the parliamentary system of Britain. Under the terms of the Order, a cabinet form of government was formed. Justice A. M. Sayem was sworn in as Chief Justice of the Supreme Court of Bangladesh by President Sheikh Mujibur Rahman; and thereupon Sheikh Mujib resigned as President and formed a new government with Justice Abu Sayeed Chowdhury, ex-Vice-Chancellor of Dhaka University, as President of the country; Mujib himself became the Prime Minister of the 14-member Cabinet having absolute majority in the constituent Assembly. The country was ruled by the Awami League regime for about 11 months virtually without a Constitution in the strict sense. During this period 179 Presidential Orders were issued, most of which were incorporated in the 1972 Constitution in the Fourth Schedule of article 150 entitled "Transitional and Temporary Provisions".

The Beginning of Parliamentary Democracy

The main task of the Mujib government and the Constituent Assembly was to frame a constitution for the country. After announcing the Provisional Constitutional Order, the Constituent Assembly took only ten months to adopt a constitution on 4 November 1972, which finally came into force on 16 December 1972. It provided a parliamentary system of government similar to the Indian model and comparable to the Westminster type.

However, over the span of only three years of its introduction, the 1972 Constitution underwent three major

operations. In the process, thus it lost the basic character of parliamentary democracy, "the manifest hopes and aspirations of the people", at the hands of none but Sheikh Mujib's Awami League (AL), the ruling party which not only framed the 1972 Constitution but also won an overwhelming majority in the first national parliamentary elections held in March 1973. Article 47 of the 1972 Constitution, which provided every citizen with a right to hold private property, was the first to be amended on 15 July 1973 by taking away the right of the citizens to claim compensation for their private property if nationalised by the government.

On 22 September 1973, the Constitution (Second Amendment) Act was passed. It substituted the original article 33 of the Constitution by Act No. XXIV of 1973 to accelerate the passage of Special Power Act of 1974, as well as to make provision for the proclamation of emergency and suspension of the fundamental rights.

End of Parliamentary Democracy

On 25 January 1975, the nation witnessed the eclipse of the parliamentary democracy. The amendment which changed the pattern of the government from a parliamentary to presidential was the Constitution (Fourth Amendment) Act, 1975. It took less than 30 minutes to get the Fourth Amendment Bill passed by the members of Parliament. The Fourth Amendment of the Constitution not only altered the form of the government but also brought about drastic changes in the political processes of the country. It abandoned competitive party politics and introduced single party system named as Bangladesh Krishak Sramik Awami League (BAKSAL), curbed fundamental rights of the citizens, controlled the freedom of the press and

publications, and finally restricted the powers of the Judiciary a hallmark of the A constitutional government. Under this Amendment, Sheikh Mujib became once again president, the most powerful figure in the country.

The passage of the Fourth Amendment incurred widespread resentment at home and abroad. Not only the political opponents of the Mujib regime sharply reacted, but a section of the close associates of Sheikh Mujib himself also were opposed to the Fourth Amendment, particularly to the provision for one-party rule. A large section of the intelligentsia of the country also got agitated with the introduction of the Amendment. Even the members of the civil bureaucracy were annoyed with the enactment of the Fourth Amendment as their "traditional" powers and position were usurped by the politicians. On the other hand, the Bangladesh military personnel felt alienated because of the creation of the Jatiyo Rakkhi Bahini. The latter were set up virtually as parallel to the regular Army, and thereby to minimize its traditional importance. The story of Bangladesh economy and the AL regime's economic management seems laden with all failures.

While the economic as well as political crisis of the country reached its peak, some junior officers of the Bangladesh Army staged a bloody coup in the early hours of 15 August 1975 that eliminated President Sheikh Mujib, his most family members and his close associates and disciples. Thereafter the country was kept virtually under martial law regulations until General Ziaur Rahman managed his presidency legalised, first by the referendum of 30 May 1977, and later by the presidential election of 3 June 1978 after

resigning from the military service. During this period certain undemocratic provisions of the Fourth Amendment were abandoned including the one-party polity. In the meantime, elections to the Second Parliament (Jatiyo Sangsad) were held in February 1979, and the newly formed Bangladesh Nationalist Party (BNP) of President Zia captured 210 out of 300 general seats in the Parliament. All the amendments and constitutional changes made after the August coup of 1975 were incorporated into the Fifth Amendment passed by the second Parliament. Thus a pseudo-constitutional government was revived in April 1979.

President Zia was assassinated in Chittagong by a group of rebel army officers on 30 May 1981. Vice-President Justice Abdus Sattar succeeded President Zia as the Acting President. He was formally elected President on 15 November 1981. Within less than a year of its restoration, the constitutional government of Justice Sattar was toppled by a bloodless coup led by the army Chief-of-Staff, Lt. General H. M. Ershad, on 24 March 1982, and he kept the administration of the country under his direct control for about 9 years. The Ershad government brought about further changes and amendments to the Constitution, the most important one was the Eighth Amendment which declared Islam as the State religion and changed the structure of the judiciary of the country. Of course, the part of amendment relating to judiciary was subsequently annulled by the Supreme Court of Bangladesh. Paradoxically, authoritarian characters of the presidential type incorporated in the controversial Fourth Amendment were kept undisturbed by the subsequent regimes.

From the very beginning, the Ershad regime was unacceptable to the most people because it overthrew an elected government of Justice Sattar by force. Moreover, the third parliamentary elections held under the Ershad regime in 1986 were alleged to have been grossly "rigged" by General Ershad's Jatiya Party. The BNP did not participate in the 1986 elections but the Awami League (AL) and the right-wing party Jamaat-e-Islami did participate in the elections. The fourth parliamentary elections held in early March 1988 were boycotted by the main opposition parties, including the BNP, AL, Jamaat-e-Islami, and also by most of the left-wing parties. Thus, the fourth parliament of Bangladesh lost its democratic credibility.

However, early in 1990, the main opposition parties, the BNP, AL, Jamaat-e-Islami and a group of five left-wing parties, got more united to wage a mass movement in order to force the Ershad government out from power. The anti-government movement finally turned into a mass upheaval. Following the prolonged and violent anti-government agitation, the Ershad regime ultimately had to step down in early December 1990, surrendering power to a Caretaker Government led by Justice Shahabuddin Ahmed, the Chief Justice of the Bangladesh Supreme Court.⁵

Bangladesh Returns to Parliamentary Democracy

The first and the foremost task of the Caretaker Government headed by Justice Shahabuddin Ahmed was to elect members for the 5th Jatiya Sangsad and thereby hand over powers to the elected representatives of the people. Thus, in February 1991, Bangladesh went to the polls for the 5th Parliament. The elections were highly acclaimed as free and fair, and were

fought between the two leading contenders-the Awami League(AL) led by Sheikh Hasina Wajed and the Bangladesh Nationalist Party (BNP) led by Begum Khaleda Zia. The other parties who fielded their candidates were Jatiya Party (JP) led by General H. M. Ershad (at that time the General was in the jail and in his absence his party's senior-most Vice-President Mijanur Rahman Chowdhury led the Party), Jamaat-e-Islami Bangladesh, and a group of five left-wing parties. Besides, a large number of candidates also contested the elections as independents.

However, the BNP emerged as the single largest party in the 5th Jatiya Sangsad polls, though slightly short of absolute majority. The Awami League became as the second largest party capturing 92 seats, while Ershad's Jatiya Party stood third in the race with 35, and Jamaat-e-Islami Bangladesh became fourth with 19 seats. The remaining seats were shared by the five left-wing parties and independent candidates. The elections were a stunning surprise for the AL as it failed to bag the majority seats, whereas it was a remarkable success for the BNP.⁶

One of the remarkable achievements of the 5th Parliament was that it scrapped the provisions providing the presidential system of the Constitution (Fourth Amendment) Act of 1975 through the passage of the famous Constitution (Twelfth Amendment) Act in September 1991. The amendment in effect restored parliamentary democracy in Bangladesh after long 16 years.

Earlier, in March 1991, Begum Khaleda Zia, the leader of the majority party in the Parliament, was sworn in as the Prime Minister by the Caretaker Government President, Justice

Shahabuddin Ahmed. She continued to hold the same office after the passage of the September (1991) amendment, but with more executive powers.

Government of Khaleda Zia

The first three and a half years of the government of Begum Khaleda Zia was a very brief period for a parliamentary democracy to take shape, in spite of the fact that the nation had come a long way in asserting itself through the democratic means. One notable feature of the parliamentary democracy was the formation of various parliamentary committees and sub-committees which were overseeing the activities of various ministries. Though structurally the committees seemed to be quite sound, operationally they failed to be quite effective. For instance, the committee on curbing terrorism in the university campuses, another on administrative corruption, as well as the committee on indemnity bill could not come out with positive recommendations owing to the lack of any consensus on their *modus operandi*. The opposition seemed also indifferent to parliamentary norms and practices by their frequent boycotts of the parliamentary sessions.

In addition to the continuance of the Special Power Act (1974), the Khaleda Zia's Government was implementing the Anti-terrorism Act with care and objectivity. This act, passed without the participation of the opposition parties, was however branded as a black law. But as times rolled on with its implementation, the opposition's fears seemed to be waning and the Act earned the confidence of the people as a deterrent measure against violences and physical damages to life and property.

The bureaucracy, though made constitutionally subservient, seemed to have remained dominant functionally due to the lack of administrative experience of the ministers. For the same reason it seemed that the ministers were suffering from the initial hesitancy of 'taking' or 'not taking' decisions which allowed a scope for the opposition to discredit the BNP government, as a government of indecision' and 'inaction'. Nevertheless, the Khaleda Zia's government was seen to have been facing the political as well as economic challenges with calm and patience and without much repressive measures as had been the cases during the previous regimes in Bangladesh.

Economic Front

The shattered economy inherited from the Ershad regime was getting much better gradually under the BNP government (1991-96), inspite of the catastrophic cyclone and tidal waves that swept over the eastern as well as the southern part of the country early in 1991, killing thousands of people, destroying more than eighty percent of the crops, and many more homes. True it is that the natural disasters of 1991 causing major infrastructural damages did make negative impact on the economy, especially in the aftermath of the earlier floods and cyclones of 1987 and 1988.

Thus, the first part of Begum Zia's governance was dominated by the management work in relation to crises following the cyclone and tidal wave of 1991 as well as the economy recovery programmes. Any assessment of Bangladesh economy during her regime must therefore be made in the context of economic constraints resulting from endemic natural disasters. Yet, there had been significant economic gains over the period of three and half years. The per

capita income, GDP, and the GNP marked creditable improvement.

Challenges to the Government

Despite the commendable achievements in the political as well as economic front, the subsequent political developments were not any better than before. Moreover, it seemed that the developments as such were getting from bad to worse because of a grand boycott by all opposition members in the 5th Parliament since the middle of 1994. While the sensitive citizenship issue of Golam Azam was yet to get settled, the nation was seen again plunged into another constitutional, if not political, predicament due to the prolonged boycott of the opposition members from the working sessions of the Parliament. The issue for boycott was a constitutionally guaranteed 'caretaker government' under whose supervision all the up-coming parliamentary elections to be held. While all the opposition members were very vocal in their demand for a caretaker government, the ruling BNP's uncompromising attitude on this vital issue was astonishing. True though it is that the demand for a 'caretaker government' was a unique one in political context, some prominent political leaders in the country seemed truly skeptical about the efficacy of this new type of government.

Nirmal Sen, an important leader of the left wing Democratic Front, contended that there was no guarantee for free and fair elections under a caretaker government in a country where black moneys were in many hands, black laws in place, and no mechanism was yet to be worked out to implement the rules of the elections.⁸ Kamal Hossain, another prominent opposition leader, President of the Gano Forum, and

an eminent lawyer, echoed the voice of Nirmal Sen. Referring to the vicious effects of black moneys and terrorism in elections, he suggested that the all political parties on both sides of the fence must, to begin with, combat these evils unitedly. Kamal Hossain went on to the extent of saying that "there cannot be free and fair elections as long as these menaces are allowed to have a free play during polls.⁹ In order to overcome the political stalemate, Kamal Hossain finally asked the politicians "to hammer out a national consensus on fundamental issues at this critical juncture when our cherished values are in jeopardy and a hard earned democratic order is at stake". He did point out that "prolonged boycott of Parliament sessions could by no means help resolve the political crisis facing both part in power and opposition."¹⁰

One leading national daily, *The Daily Star*, initiated an open 'debate' about this time on whether or not the next general elections should be held under a caretaker government. The politicians participating in the debate from both ruling and opposition parties put forward their respective viewpoints for and against the issue. A section of the participants concluded that the 'debate' might not lead the nation to any solution. They contended in particular that the 'caretaker government' was obviously a political issue and, therefore, a political solution was an urgent need of the hour - a solution that would ensure an unfettered parliamentary democracy for the nation.

An eminent educationist as well as a political analyst, Zillur Rahman Siddiqui, observed that "the opposition may be wrong in thinking that caretaker government is the only answer to elections being massively rigged, then it behoves the ruling party to suggest an alternative which will make sense".

He maintained further that "more talk of perfecting election rules, when the EC is powerless to implement the rules, is idle talk".¹¹

However, the prolonged boycott and subsequent *en masse* resignations of the Awami League-led opposition members left no option for the BNP government but to go for elections for the sixth Parliament which were held in February 1996. All the major opposition parties boycotted the elections. Naturally the ruling BNP had no difficulty in securing the two-thirds of seats in the sixth Parliament, and which in effect enabled it to enact the Constitution (Thirteenth Amendment) Act, 1996 to hold all future national elections under a non-party Caretaker Government. Soon after the enactment of the Thirteenth Amendment, the sixth Parliament was dissolved, and the nation once again went to the polls in June 1996 for the seventh Parliament. In the June (1996) elections, the Awami League bagged 146 seats out of the 300 general elected seats, and with the support of Jatiya Party (JP) and the Jatiya Samajtantrik Dal (JSD), formed a "consensus" government on 23 June 1996. The BNP retained 116 seats and emerged as the single largest opposition party in the seventh Parliament.

Challenges for Hasina Government

After a protracted movement for long 21 years, the AL under the prime ministership of Sheikh Hasina formed a sort of "consensus" cabinet. Like most of the previous governments, the newly elected government seems poised also to face challenges from three fronts. First, how to institutionalize the revived parliamentary democracy? Second, how to attain the target rate for a sustainable economic growth for development

? Finally, how to improve the "fast" deteriorating law and order situation in the country ?

In all these three areas, the success of the AL government headed by Sheikh Hasina, seems not very good after the completion of 2 years of its 5-year term. On the political front, one notable feature of the present governance is the formation of a government of "consensus" with the support of its one time arch-rival, General Ershad's JP, seemingly an interesting development in the history of parliamentary democracy in Bangladesh. Yet, the fact remains that the BNP, with as many as 116 elected members in the seventh parliament, is well poised to be the its greatest challenge for the AL government; indeed a unique government-opposition setting in the Bangladesh Parliament.

The resultant development was that the AL government, within two years of its taking office, was facing a series of boycotts of Parliament by the BNP parliamentarians. The BNP seemed much unhappy with the June (1996) election results and threatened political moves ever since the AL government took office. In fact their longest boycott began since August 1997 in the backdrop of such specific charges that the BNP parliamentarians were denied "proportional representation" in the parliamentary committees, that the government was tempering with the electronic media coverage of Parliament proceedings, and that the Speaker was biased towards the treasury bench members.¹² However, early in 1998, the AL government took an initiative to end the impasse through the office of the Speaker. In response the BNP put forward three pre-conditions for participating in the proposed Speaker-mediated dialogue with the ruling AL. These conditions were:

a) unilateral withdrawal of the "well-known" political cases against BNP lawmakers and other leaders; b) allowing at least two main roads for holding public rallies against which the authority imposed "ban"; and finally, c) reinstallation of the floating bridge leading to the tomb (mazar) of late President Ziaur Rahman. It may be mentioned that the temporary pontoon bridge which had been used earlier by the visitors and tourists to pay their respect to late President Zia (founder of the BNP) was withdrawn by the government to meet the communication need in the district of Sylhet. This might have been a sentimental issue for the supporters of the BNP. However, the three pre-conditions of the BNP for participating in the proposed dialogue with the ruling party were not rejected altogether.

The induction of two BNP lawmakers into the AL A "consensus" government further aggravated political situation vis-a-vis the strained relations with the BNP about the time of the dialogue was to begin. Indeed, the appointment of the two BNP lawmakers into Sheikh Hasina's cabinet did create a constitutional crisis, for clause (1) of Article 70 of the Constitution stipulates in clear terms that an MP of the Sangsad (Parliament) will lose his seat in Parliament if he resigns from or votes against the decision of the party which nominated him for his election.

The practice of floor-crossing is not a new phenomenon in Bangladesh's legislatures. But in the past the opposition parliamentarians were not lured with ministership, rather the opposition MPs themselves volunteered to join the government. In the latest case, it has been alleged that the ruling party used officials as well as various agencies to lure

BNP lawmakers to become ministers. The BNP Secretary General Abdul Mannan Bhuiyan, accusing the ruling party for alluring two of their MPs to its side, termed the "tactical move" devoid of parliamentary norms as well as inconsistent with the constitutional provisions.¹³ Moreover, the induction of the BNP MPs into the AL cabinet might undermine the former's stand inside and outside of the Parliament, and it might as well have a boomerang effect in that the process of expanding the cabinet with the outsiders might create confusion, if not frustration among the rank-and-file members ruling party itself. Obviously, the AL government's political horse-trading has weakened the bases of party politics in Bangladesh, on the one hand, and the tactical move, vicious indeed, might give rise to inevitable dysfunctional trends in political development processes, on the other.

Nevertheless, despite the occurrences of incoherent political developments, the 'historic' Ganges Water-Sharing Treaty concluded on 12 December 1996 with India and the Chittagong Hill Tracts Peace Accord with the Parbatta Chattagram Jono Sanghati Samiti (PCJSS)¹⁴ on 2 December 1997 are some of the AL government's success stories. Although the critics, both of political and apolitical variants, have raised profusely politico-economic as well as constitutional issues to reinforce their arguments against the Water Treaty and the Peace Accord, the fact remains that the Treaty with India at long last ensured Bangladesh's right over the Ganges Water and the Peace Accord with the members of the Shantibahini marked the end of bloody two-decade long conflicts between the government and the PCJSS in the Chittagong Hill Tracts.

Economic Challenges

In spite of some improvement in the country's law and order situations and achievements of foreign policy decisions, the AL government's economic performances during its two years in office seen not all praiseworthy. In respect of savings and investment, country's domestic savings declined to 7.7 percent in 1997 from 8.2 percent in 1995, and similarly the gross national savings marked decline in 1997 from 1995 position. Of course, the total investment marked slight increases; except for the agricultural sector which recorded an all time high growth rate of 6 percent in 1997 against 3.7 percent in the previous year, all other sectors, including industrial, construction, electricity, gas, water and sanitary services, declined considerably in terms of productivity. Soon after the Government took office the country's stock market got bogged down because of its faulty system. The downward trend in share price index began since November 1996 with no sign of improvement whatsoever as yet.¹⁵

On the other hand, the capital city's Metropolitan Chamber of Commerce and Industries (MCCI) did react when the bank rate was raised early in 1998, for they thought this would make the bank credit costlier, and thereafter would vitiate investments as well - leading to most serious economic problem in Bangladesh.¹⁶ Thus, it seems not unlikely for anyone to visualize a gloomy picture of the Bangladesh economy.

However, the AL government's economic diplomacy for attracting the foreign investors seems to be a praiseworthy effort, and its policy decisions in this regard have been acclaimed both at home and abroad. The government has taken

quick decisions to restructure certain agencies entrusted with attracting the foreign investors as well as those charged with providing necessary services to them. As a result foreign investments in the country have been increasing in recent months.

Concluding Observation

Everyone who has followed the developments knows it well that Bangladesh achieved its independence after a bloody liberation war and its political history of about twenty-six years is full of traumatic events. The triumphant new political leaders were indeed duly prompt in establishing the system of parliamentary government after liberation - to be regularised soon by provisions included in the Constitution adopted in November 1972 but the latter was drastically amended in January 1995 to provide for a one-party presidential system, i.e., less than four years after the parliamentary system was adopted.

It is not that Bangladesh has since liberation been enjoying an uninterrupted civilian rule. Eight months after the January (1995) amendment of the Constitution, a "brutal" coup overthrew and killed Sheikh Mujibur Rahman, "the father of the nation". Almost simultaneously a martial law was proclaimed in the country, resulting in the suspension of the Constitution and democratic political processes as well as the dissolution of Parliament. From August 1995 to April 1979, the country was ruled by the military with the help of the civil bureaucracy.¹⁷

Following the national parliamentary elections in February 1979 and the withdrawal of martial law in April the

same year, a gradual transition to a somewhat controlled democracy took place. But this did not last very long. A little over five years after Sheikh Mujib was assassinated, his successor, Lt. General Ziaur Rahman (General Zia) was also gunned down by a faction of the Bangladesh army in May 1981. On 24 March 1982, i.e. two days before the national holiday (March 26) marking Bangladesh's split from Pakistan eleven years ago, army Chief-of-staff Lt. General Ershad (General Ershad) successfully led a lightning coup and ousted President (Justice) Abdus Sattar, who had been installed in place of fallen President General Zia. General Ershad proclaimed martial law, suspended the Constitution and installed himself as the Chief martial Law Administrator (CMLA). Later, in December 1983, he took over the presidency as well.¹⁸

General Ershad ruled for nine years as the longest serving president up until the mass upheaval in late 1990 following which he had to resign handing over the presidency to Chief Justice Shahabuddin Ahmed. Thereafter Bangladesh was able to return to a parliamentary polity again in 1991 when both the treasury and opposition bench members of the fifth Parliament agreed unanimously to adopt the Constitution (Twelfth Amendment) Act. in September 1991. The spectacular display of "unanimity" was indeed a historic event, though a similar unanimity on another occasion to enable the MPs get duty-free luxurious cars has been considered by many an utterly disgraceful legislative act.

However, after the passage of the Twelfth Amendment of the Constitution, it was expected by everybody that the ruling party (BNP) would go by the parliamentary norms: it would

pay due heed to the opposition views in Parliament, and the prime minister would attend its sessions consistent with the norms of the newly adopted system of government. But the post-amendment euphoria of excitement of the people soon began to subside in the wake of the ruling party's unparliamentary acts; finally it paid the penalty of losing power for its obstinate on the "caretaker government" issue.

True it is that the BNP paid dearly for its follies, seemingly being diffident in policy decisions and nonchalant to parliamentary norms, thereby facilitating the comeback of the AL in power after long twenty-one years. The victorious AL on its part seemed to have taken a tactical move in forming a sort of "consensus" government perhaps to keep the "largest" opposition in Parliament at bay. This time it appeared that the government was tolerant to opposition views both in and outside the parliament, and its policy making styles seem to be better than before. Yet, the present ruling party seems to have been bogged down in a political quagmire in the face of the BNP MP's boycotts of parliament in succession, plus the "foul play" in its bid to entice two of the BNP's MPs into the "consensus" cabinet. In addition the party in power seems stuck ever since the assumption of the reins of government to encounter governance challenges its power sector, stock market, and in efforts to salvage the national economy from sinking.

Democracy has by far been the most tested political system, but its journey from ancient times to the present has never been smooth. At times its operation had to encounter traumatic experiences, and often it met a tragic end, mostly at the hands of elected "brute" majority. There were occasions as

well when minority opinions on national issues, important or trivial, were not taken into consideration by the majority in power. And one finds it most often than not that the application of rules in conformity with the norms of democracy has no or little relevance to the majority governance of the third world countries.

To conclude this narrative with a cautionary note, the author is tempted to assert that the ruling as well as opposition parties should get themselves involved in a dialogue and debate both inside and outside of the Parliament, and they should try to find out mutually agreeable solutions on issues of national importance. If the contending parties fail now to address the national issues in a spirit of collaboration and in conformity with the democratic norms, then extra-constitutional measure seems inevitable - a measure which will not only undo the opportunity of establishing parliamentary democracy, but will eventually destroy the whole fabric of the country's body politic.

Notes

1. The term "internal colonialism" generally refers to the process of exploitation and domination of one ethnic group by another within the same country. For details, see Rounaq Jahan, *Bangladesh: Problems and Issues*, Dhaka: University Press Ltd, 1980, p. 631; Zillur R. Khan, "Leadership, Parties and Politics in Bangladesh". *Western Political Quarterly*, vol. 29, no. 2, (March 1976), p. 102.
2. These include (i) Government-in-exile (Presidential Type), 10 April 1971 to 15 December 1971; Presidential type continued in independent Bangladesh from 16 December 1971 to 10 January 1972. (ii) Parliamentary type (under the Provisional Constitutional

- Order), 11 January '72 to 15 December '72 and it continued (under the new Constitution of 1972) from 16 December '72 to January '75; (iii) One party presidential type from 25 January '75 to 15 August 1975.
3. For full text of the Declaration of Independence, see *Bangladesh Documents*, New Delhi: Ministry of External Affairs, 1971, pp.281-282; M. Nazrul Islam, "Bangladesh" in J. C. Johari et. al, *Government and Politics of South Asia*, New Delhi: Sterling Publishers Ltd, 1991, pp. 377-386.
 4. *Bangladesh Documents*, *Ibid.*; also see *The Bangladesh Observer*, Dhaka, 12 January 1972.
 5. At present General H. M. Ershad is out on bail from the jail after about 6 years of detention. A number of court cases for his alleged corruptions and misuse of powers are still pending.
 6. 28 of the 30 reserved seats for women, filled through indirect elections by the members of Parliament, went to the BNP and the remaining 2 to Jamaat-e-Islami Bangladesh.
 7. *The Morning Sun* (Dhaka), 8 December 1993.
 8. *The Daily Sangram* (Dhaka), 30 May 1994.
 9. *The Daily Star* (Dhaka), 31 May 1994.
 10. *Ibid.*
 11. *Ibid.*
 12. *The Daily Star*, 14 February 1998.
 13. *Ibid.*
 14. The peace accord was signed between the Bangladesh Government and the PCJSS on December 2, 1997. For more details of the accord, see *The Daily Star*, 3 December 1977.
 15. A.R. Bhuyan, "The Economy of Bangladesh: Present Performance and Challenges for the Future", paper presented on 25 February

1998 at the Center for Advanced Research in Social Sciences, University of Dhaka.

16. See *Chamber News*, December 1997; also see *Holiday*, Dhaka, 2, January 1998.

17. See Syed Giasuddin Ahmed, *Bangladesh Public Service Commission*, Dhaka: University of Dhaka, p. 113.

18. See S. G. Ahmed and M.M. Khan, "Bangladesh", in V. Subramaniam, ed., *Public Administration in the Third World*, Connecticut: Green Wood Press, 1990, pp. 17-41.