

# Democratisation in Bangladesh: An Analysis

Arun Kumar Goswami\*

## Abstract:

This paper attempts to inquire into the quest for democratisation in Bangladesh since 1990 and later on in 2000-2008. According to the theory of democratisation the process of democratic transition is followed by the process of democratic consolidation or institutionalization of democracy. Bangladesh has experienced democratic transition with the downfall of the autocratic regime in 1990 through an unprecedented pro-democratic movement involving all political forces of the country. Since then the country has been able to show its democratic credibility with the holding of five elections for Jatiya Sangsad (JS/National Assembly/Parliament). The last one has been held on December 29, 2008 for 9<sup>th</sup> Jatiya Sangsad (JS/National Assembly /Parliament). In this context, both the scholars as well as 'activists' of democracy seem to identify pre-election political process of the country as an attempt for democratic transition. We argue that 'transition' of power through constitutional means from the hand of a constitutionally designed caretaker government (CTG) to an elected government is somewhat a regular process. Though the 'transition' of 2008 and 'democratic transition' of 1990 could not reasonably be termed the same, they are never the less essential processes for democratic consolidation.

## Introduction

Since the downfall of autocratic regime in 1990's the enthusiasm for democratisation has never been bunged up in Bangladesh. Although some observers found Bangladesh's "political landscape same as before" and tend to term the step of 11 January, 2007 as a "major setback for nation (National Democratic Institute (NDI) 2008)<sup>1</sup>", however, the new development that have been evolved due to the steps of the caretaker government (CTG)<sup>2</sup> have 'demonstrated Bangladeshis' continuing interest and enthusiasm for democracy'. The successful holding of December 29, 2008 elections for the 9<sup>th</sup> Jatiya Sangsad (JS/National Assembly/Parliament) has further demonstrated it effectively. Nevertheless, the event of 1/11 could be viewed as an attempt to instil sustainable democratic values through temporary non-democratic process. Earlier, 'failing to achieve democratic values through democratic process Bangladesh parliament had amended the constitution (13<sup>th</sup> amendment) in February 1996 making the provision for general elections be conducted by a non-partisan CTG. "It seemed at the time to provide an acceptable basis for holding free and fair elections until needed institutions gain sufficient strength to ensure electoral integrity" (Khan 2008). Accordingly, apart from the support of Article 58b, 58c, and 58d of Bangladesh constitution, the strength of 1/11's changeover lies, to borrow Huntington's (1993, 258) point of view, in the firm believe that rulers should be

---

\* Associate Professor, Department of Political Science, Jagannath University

chosen through regular, fair, open, and competitive elections in which bulk of the population can vote. It appears that, the main sponsor of 1/11-CTG, the Bangladesh Army have also profound conviction for democracy.<sup>3</sup>

However, the problem lies elsewhere. After the successful 'democratic transition' in 1990's, the country had been facing severe challenges while undergoing the subsequent process of 'democratic consolidation'. That means, the situation from 1991 to 2006 had contributed to uncertainties surrounding the process of democratic consolidation. On the other hand, the changeover of 11 January 2007 had ignited the tension over Bangladesh's position in its journey towards democracy.

Democratisation is a process towards democracy. As a messy concept the process of democratisation has two parts- 'democratic transition' and 'democratic consolidation'. Which one of the two terms- 'democratic transition' and 'democratic consolidation' is appropriate to address the state of Bangladesh politics since 11 January 2007? There are at least two relevant points for this puzzle. One is comparative expansion of Political Science in general and democratisation in particular. The classical view regarding the consequences of comparative expansion of Political Science as an academic discipline has been delineated by a Professor of University of Florence, Giovanni Sartori (1970). Sartori said that the comparative expansion of the discipline has made it "conducive to indefiniteness, to undelimited and largely undefined conceptualizations". It just happens to the case of democratisation in Bangladesh. It is in this sense that, earlier the 1990's downfall of autocratic regime had also been marked as the point of 'democratic transition'. Using the same term- 'democratic transition' to mean a different situation with in the orbit of democratic consolidation is bewildering. On the other hand, keeping in mind the constitutional provision of caretaker government for conducting general elections, the transition of power to an elected government and 'democratic transition' could not justifiably be considered same. It may be mentioned that, for democratisation, election is a means, and not the end itself. The end is the governance through which democratic ideals are protected.

In many countries where leaders are democratically elected, citizens are regularly being deprive of fundamental rights and freedom. Since her democratic transition in 1990's, Bangladesh had been suffering from the same sort of problems. Moreover, the very election itself had been claimed as flawed by the losers, even though the process of 'consolidating' democratic achievements was going on. Apparently, there was no consensus among the political parties to win over the challenges of 'democratic consolidation', however, they narrowed down the goal of democracy for their personal or partisan gains at the cost of suppressing the opposition voice, which is by no means the ideal of democracy. A long line of

authors (Rustow 1970, 337-363) from Walter Bagehot to Ernest Barker has emphasized on the urgency of consensus as the foundation of democracy either in the appearance of a common belief in certain fundamentals or of procedural consensus on the rules of the game, which Barker calls "the agreement to differ".

Nevertheless, the situation of 1990's and the situation of January 11, 2007 to December 2008 are not same, and hence different terminology is needed for explaining different situation. The downfall of autocratic regime caused the 'democratic transition' of 1990. On the other hand, the January 11, 2007 step was taken amidst the crisis on the way of 'democratic consolidation', and hence the question how the term 'democratic transition' could be employed to assess the later situation? The problem of using terminologies in a comparative situation, has further been stated by Sartori (1970:1033-1053).

We lack a disciplined use of terms and procedures of comparison. This discipline can be provided, I suggest, by awareness of the ladder of obstruction, of the logical properties that are implied, and of the rules of composition and decomposition thus resulting. If no such discipline is obtained, conceptual mishandling and, ultimately, concept misformation is inevitable..."

Here Sartori urges for awareness. This awareness for using the terms is no less important, among others, in the case of democratisation in Bangladesh. The universality of democratisation has been recognised in the recent literature of Political Science. Nevertheless, with its ever increasing surge, the concept of 'democratisation has been able to develop itself as an independent subject of study in different places of the world including Bangladesh. Democratisation is a continuous process. As an independent concept 'democratisation' is meant for accomplishments of two stages of actions: 'democratic transition' and 'democratic consolidation'. In terms of Sartori's recommendation much awareness for disciplined use of these two terms is necessary, while studying the process of democratisation.

Another point is the changeover of 11 January 2007 and holding of elections on 29 December 2009 had generated fresh zeal of discourse among the academic Scholars, activists, donors, observers and different domestic and international stakeholders of Bangladesh politics. Nevertheless, the warmth of such polemic, very often overpass any boundary, hence confusion arises. Academic scholars of Political Science and other associating disciplines are in a consensus that within the paradigm of democratisation<sup>4</sup> transition occurs from an 'autocratic or 'non-democratic' regime to a 'democratic regime'. With the downfall of an autocratic regime in 1990s, Bangladesh experienced the successful 'transition' towards 'democracy'. The joint declaration of the three alliances of political parties with a workable reference of constitution' (see Appendix-I for the declaration) helped formation of CTG under which the elections for the 5<sup>th</sup> JS had taken place. Later

on the 5<sup>th</sup> JS had ratified the 12<sup>th</sup> amendment of the constitution that helped reintroducing parliamentary form of government. With the accomplishment of so many painful strides, the 'transition' process of democracy, then, allowed the process of 'democratic consolidation' to come in. In other words, the successful completion of 'democratic transition' paved the way for 'democratic consolidation'.

However, like the process of 'democratic transition' from the very beginning the process of democratic consolidation' had been facing many challenges from within and from outside. There are two ways of looking at the stage of democratic consolidation. One defines it in positive terms and another delineates it in negative terms. According to the positive terms the actors must adhere to the system of political democracy. The institution, in turn, must reinforce this process and must promote free elections (O'Donnell 1992)<sup>5</sup>. On the other hand, the negative assessment of democratic consolidation emphasise on exclusion of reserved domains of authoritarian rule', tutelary powers by still dominating lords, and fraudulent elections (Valenzuela 1992).<sup>6</sup> Even though the actors of Bangladesh politics have hardly shown their capability to adhere themselves with the system of democracy, they regularly participate in the process of elections. Besides, they are not unaware about their individual privileges as the elected representatives. On the other hand, if they get chance, they usually follow the ideals of authoritarianism. Use of 'money and muscle' in the elections appear as the game of the day. Thus from the positive and negative point of view the experience of Bangladesh in consolidating her democratic achievements is not utterly frustrating, if not wholly success. The country did not remove itself from the track of democratization process. Since 1991 the rules of the country has not ever turned into cavaliers or 'men on the horseback'. However, remaining on the track of democratization might help improving the situation. Thus the questions of correcting the course by the actors could be addressed duly.

Since the democratisation of 1990s the institution responsible for election the Election Commission (EC) remains, virtually, under the dictate of ruling party. Most vices of the authoritarian rulers could be found in the activities of the democratically elected officials. Besides, the money-hungry politicians and their parties by and large disobey electoral law to reveal even their resources. It is expected that they may not dissociate themselves from the financial tycoons in the near future. Another point to ponder is Bangladesh has a strong mental frame for a cult of superman. Bewildered by political vocabularies and artful propaganda of the contender for political power, people gradually lost confidence in political leaders who failed to hold a free, fair and impartial elections because of their inability, corruption, nepotism etc.

At one point it appeared that the process of 'democratic consolidation' was like a 'golden deer' to paraphrase the term of Poet Rabindranath Tagore, which could never be caught. So it very much clear that the insurmountable nature of the problems faced by the country during the period of its democratic consolidation led to a compelling situation. That caused the takeover of governmental power by a CTG for the second time within one period. Further interpretation is needed on the duration of CTG. Even though going beyond the "sacrosanct (?) 90 days' duration the CTG has generated a sharp debate; however, the constitutional acceptability of the CTG headed by Dr. Fakhruddin Ahmed has not been totally ignored by the concerned actors and observers. There is no denying the fact that this CTG has taken some positive steps that might help the consolidation process of democracy in the country.

The steps of the CGT, on the other hand, were long overdue and supposed to be taken by the elected governments for removing the uncertainties surrounding democratic consolidation. Nevertheless, the success of democratic consolidation or institutionalisation of democracy depends upon the cleansing of real suspicions on the process. For elucidating the study we can consider the whole process of democratisation in Bangladesh since 1990's. We can remember the courses of politics that begun with the downfall of autocratic regime in 1990's until the starting point of renewing hope and aspirations ignited by the event of 11 January 2007.

On the other hand, in the backdrop of several recent cases of elections in Pakistan, Nepal and the Maldives and in the USA, the Bangladesh have been very much anxious for their 'pending' elections. These tensions for elections might not restrain the researchers of Political Science in using the terms and concepts in its proper perspectives. Accordingly, there is no denying the fact that the academics might be cautious while using two terms-'democratic transition' and 'democratic consolidation' within the paradigm of democratisation. The present undertaking is an attempt to enquire into the rationale behind the call for awareness in using the term- 'democratic transition' and 'democratic consolidation' for Bangladesh. However, 'democratisation' is a messy concept, and hence the root issues are those of mind and spirit and their institutionalisation, how is the crisis to be understood and democratisation to be defended? In this we must employ some sense of the scope and meaning of 'democratisation' in order to substantiate our analysis. To assess the standpoint of 'democratisation' in contemporary Political Science of Bangladesh, we need a better articulation of the concept of 'democratisation' alongside it associating two concepts 'democratic transition' and democratic consolidation'.

### **Objectives of the study:**

The main objectives of the study are:

- 1) Formation of the concepts of 'democratisation', 'democratic transition' and 'democratic consolidation';
- 2) Delineating different stages of democratisation in Bangladesh; and
- 3) Reconciliation between the concepts and the present state of Bangladesh politics;

### **Formation of the Concepts:**

The concept of democratisation has been stemmed up due to wide expansion of democracy throughout the world. In recent times different interpretations over the meaning and effectiveness of democracy have been growing. Besides, formation and utility of the concept 'democratisation' and its associating concepts- 'democratic transition' and 'democratic consolidation have been due to the growing need for reformation and reinvigoration of the processes of democracy.

Dunkwart A. Rustow's<sup>7</sup> (1970) 'Transitions to Democracy' is considered as the first ever effort to theories in general terms about transition to democracy in general, both with Europe and elsewhere, and it remains highly distinguished within a field that is becoming ever powerful. Rustow begins with sound methodological remarks about the necessity for a inherited explanation of transformation processes. It is not enough to specify social pre-requisites since these are sometimes ignored; what is necessary is an account of the politics of the transition. To that end, Rustow offers us concepts-the need for national unity, the importance of pact, the need to combine genuine quarrels with understanding as to its limits-that retain usefulness today. According to Rustow's concepts we can say that Bangladesh exhibited national unity during the pro-democratic movement of 1900 that brought about the process of democratic transition, but it did not last long. One the other hand, the joint declaration of the three alliances of political parties could be termed as pacts, however, the unity on this 'pact' was also short lived. Finally, JS is considered as the proper and supreme place of 'genuine quarrel', during 1991-2006 that was a very rare scene.

Terry Lynn Karl's (1990)<sup>8</sup> 'Dilemmas of Democratisation in Latin America' is best seen as a continuance of Rustow's concerns, or yet as an application of his concepts. This article places especial emphasis on the importance of pacts, noting that no victorious transition, in the absence of reconstructions at the end of wars, has yet taken place without an accommodation being found for the ruling elite. Karl also brings the methodological debates as to how to study democratisation up to date, and she shows exemplary judgment in finding middle ground between structural variables and political processes.

Francis Fukuyama's<sup>9</sup> (1992) 'The End of History and the Last Man' is a classic in democratisation. It spoke of the rise of liberal democracy as the final form of human government. In terms of Fukuyama's postulation we can say that

Bangladesh has taken the path of democracy as her ultimate creed. Even though the problems in this regard are not unusual.

Samuel P. Huntington<sup>10</sup> (1993) has found three waves of democracy from 1828 to 1989. He also found the reversals of the process. His work titled 'The Third Wave: Democratization in the late Twentieth Century' is recognised as a widely discussed research work on democratisation. In this book Huntington has termed a wave of democratization as a group of transitions from nondemocratic to democratic regimes that occur within a specific period of time and that significantly outnumber transitions in the opposite direction during that period of time. A wave also usually involves liberalization or partial democratization in political systems that do not become fully democratic. 'Since 1990s' transition to democracy Bangladesh did not move to opposite direction, even though there were fears such reversals.

While analysing the democratisation process of Arabian countries Jean Leca<sup>11</sup> (1994) in his article 'Democratisation in the Arab world: Uncertainty, Vulnerability and Legitimacy, A tentative Conceptualization and some hypothesis' maintains that 'democratisation is nothing other than the process leading to democracy'. What Leca has found in the Arab world could also be found in Bangladesh. Besides, Bangladesh has some more experiences with democracy.

Geoffrey Pridham and Tatu Vanhanen<sup>12</sup> (1994) in their seminal work titled "Democratisation in Eastern Europe: Domestic and International Perspectives" have seen democratisation as the overall process of regime change from beginning to end, including both stages of what are generally called in the comparative literature 'transition' to a liberal democracy and its subsequent consolidation. Like the Eastern Europe, Bangladesh has also witnessed the process of democratic transition' in 1990, later on the country has been facing many challenges while undergoing the process of 'democratic consolidation'.

According to Olle Tornquist<sup>13</sup> (1999:123), democratisation may be defined in terms of the promotion and further development of democracy as an idea and as a method. Wikipedia<sup>14</sup>, the free encyclopaedia, has defined democratisation as the transition to a more democratic regime. It may be the transition from a semi-authoritarian political system to a democratic political system. The outcome may be consolidated or democratisation may face frequent reversals.

So far we put the concept of democratisation used by different authors. There are differences in conceptualising the term. However, in spite of differences we may find some common points that may help us in conceptualising the 'process of democratisation in terms of Sartori's alignment and to sketch a view in the context of Bangladesh since 11 January, 2007. It is decisive to define

'democratisation as a process that leads towards democracy'. On the other hand, the process has two parts-democratic transition and democratic consolidation. While the process of democratic transition means a shift from autocratic or non-democratic rule to a democratic rule, democratic consolidation stands for the situation when the achievements of democratic transition would be protected and the vices of autocratic or authoritarian administration and tradition would be discarded. From this standpoint of the concept we will now proceed to explain the state of Bangladesh politics since the 'democratic transition' in 1990's and subsequent efforts of 'consolidation'.

### **Agreements for Democratic Transitions:**

There is no denying the fact that the anti-autocratic movement of 1990 was a hall mark for democratic transition in Bangladesh. Soon after Ershad's ascendancy to power in 1982 the opposition political parties started anti-autocratic movement. But the movement did not get momentum. In course of time, through the passage of movement two inexperienced women, Sheikh Hasina and Khaleda Zia emerged as the leaders of the country. Initially there were fifteen-party alliance led by Awami League, Seven-party alliance led by Bangladesh Nationalist Part (BNP) and the alliance of five left parties. On the other hand, after making some futile attempts to form a party named JANODAL, Ershad finally established his political front-Jatiya Party January 1, 1986.

The movement for democracy drew the two-rival-leader Hasina and Khaleda nearer to 'another would be alliance'. Awami League's participation in the 1986 election was avoided by the BNP for criticism. The need for a concerted and combined effort was acknowledged by the two-leader. The use of hartal became rampant. The opposition programme of shutting down the country was aimed at mobilizing the people in the movement to oust Ershad.

On November 8, 1987, some leading intellectuals<sup>15</sup> in a joint statement had favoured the opposition programmed. They also called upon the people from all walks of life to build up a broad-based unity and integrity. The statement said:

"The movement, jointly initiated by to two-leader of two alliances-Sheikh Hasina and Begum Khaleda Zia to bring down the illegal government and restore people's lost sovereignty, is an important event in the country. The people aspired that the three alliances including all progressive and democratic forces of the country would be more consolidated, far lasting and turn into a meaningful unity. The statement also feels that the expected democratic process of the country has been emanated from the sense of independence. Thus it strongly condemns government's repressive measures at the time of people's united movement against the direct military rule or autocracy in guise of civilian rule. The signatories call upon the government to honour people's mandate, shunning the path of terrorism and bloodshed".



However, compared to previous years the movement for democracy became matured enough in the later part of 1990. In the wake of anti-autocratic movement, the three alliances of political parties made a joint declaration on November 19, 1990 (See Appendix-I for the main text of the Joint Declaration).

The long drawn struggle for democracy had at last triumphed with President Ershad offering to relinquish. An interim government had taken power for conducting elections through a newly appointed Election Commission (EC). However, the opposition unity and singleness of purpose reinforced by student solidarity made the victory so quickly achievable. The mainstream eight-party, seven-party and five-party alliances on December 5, 1990 nominated Chief Justice Shahabuddin Ahmed as their consensus Vice-President to lead the CTG. They also asked President Ershad to resign and hand over power to Justice Shahabuddin immediately. The three alliances also asked President Ershad to dissolve his cabinet and his 'illegal Parliament' as well. On December 6, 1990 tens of thousands of enthusiastic people continued to pour in the streets of Dhaka marking the people's victory against autocracy. Besides, various socio-cultural organisation and groups brought out processions to mark the occasion of democracy's victory against autocracy.

The country witnessed a historic moment on December 6, 1990, when the two top opposition leaders, Sheikh Hasina and Begum Khaleda Zia exchanged greetings and listening to the Acting President Justice Shahabuddin Ahmed, whom they nominated to head the caretaker government. Considering the duration of ruling the country from 1972 to 1990 it is to be noticed 'that the country had witnessed Ershad's rule for the longest period-nine-year'. Thus the end of longest period of autocratic rule in 1990 paved the way for democratic transition' in Bangladesh.

### **Government by Elected People's Representatives:**

"The central procedure of democracy is the selection of leaders through competitive elections by the people they govern." (Huntington 1993:6) To that extent Bangladesh's position is better than many other countries that do not have experiences of representative governments. Barkdull and Ahmed (2007)<sup>16</sup> have put the point in this way, "Bangladesh has achieved some strength and progress and so to build up democracy is less difficult here than what must be done in other countries that have no history of representative government". Even though the researchers did not substantiate their observations with required data, however, there is nothing wrong to side with this observation. Democracy must evolve gradually. Nevertheless, past experience of democracy is good for those countries where people want elected government. The position of Bangladesh is positive in that sense.

Since her independence, on 16 December, 1971 until the declaration of emergency on 11 January, 2007, more days of Bangladesh have been governed by the elected representatives. However, considering the whole period from 1972 to

1990 and further the period from 1991 to October 27, 2006 (see the Table), the rule by elected representatives outnumbered the rule by army personnel or other non-elected government.

From 16 December 1971 to October, 2006 the age of Bangladesh as an independent country reached up to 14076 days. Out of the 14076 days 8782 days (6.39%) have been governed by the elected representatives. The rest 5294 days (37.61%) have been governed by the army personnel or other non-elected governments. So, as far as general elections are concerned, Bangladesh had experienced more member days with the rule of the elected representatives. Nevertheless within 7986 days of rule by elected representatives, 5475 days i.e. 68.56% days have been accomplished after 1990. The rest 2511 days i.e. 31.44% days have been accomplished before 1990 and more specifically before the longest period of autocratic rule that begun in 1982. So, historically speaking, for Bangladesh, the year 1990 could be considered as the year of democratic transition, in every sense of the term. Soon after the completion of 'democratic transition' the question arises for 'democratic consolidation'.

### **Constitutional Amendments for Democratic Consolidations:**

The making of 13<sup>th</sup> amendment of the Bangladesh constitution is a case in point favoring the attentive use of the terms- 'democratic transition' and 'democratic consolidation'. This amendment was meant for caretaker government. It may be mentioned that this kind of government was first installed in 1990, the distrustful dealings of a government, led by an army general, in conducting general elections during 1982-1990 had compelled the (then) opposition parties to rely on a non-party CTG. Although there were some evidences of disagreement about the result of the elections held under the first CTG, finally both the winners and losers had accepted its outcome. Accordingly, both the majority-ruling and minority-opposition parties had joined their hands to approve the 11<sup>th</sup> and 12<sup>th</sup> amendments to the constitution in 1991, that set the perspectives' ready for 'democratic consolidation from the process of 'democratic transition'.

It may be remembered that the events were not same for the case of 13<sup>th</sup> amendment in 2006, as it was happened before five years for 11<sup>th</sup> and 12<sup>th</sup> amendments of the constitution in 1991. This single event (of 13<sup>th</sup> amendment) has worked as horns of dilemma' for both the ruling BNP and opposition parties including Awami League. This was also a dilemma for the on going process of democratic consolidation.

This amendment was the outcome of the 6<sup>th</sup> Js. In the general elections for the 6<sup>th</sup> JS in February 1996, the then ruling NBP had received 90 percent of cast-votes as it had no opposition to compete and contest. On the other hand, the opposition parties did not participate in the elections. They had also vehemently opposed the holding of such one-party election. However, with the argument of helping the

advancement of constitutional process the ruling-BNP did not any heed to the demand of the opposition parties. Earlier the ruling-BNP had not agreed with the opposition parties in the 5<sup>th</sup> JS to way through the bill on CTG, tabled by the opposition Awami League. However, after getting elected and constitute the 6<sup>th</sup> JS the ruling BNP raised their own bill on CTG and it was duly passed in the 6<sup>th</sup> JS, constituted by only one party. The short lived 6<sup>th</sup> JS was dissolved immediate after passing the bill for 13<sup>th</sup> amendment. On the other hand, even though the opposition parties had opposed the holding of the elections for 6<sup>th</sup> JS, they had ultimately accepted the final and isolated outcome of the 6<sup>th</sup> JS-13<sup>th</sup> amendment of the constitution for CTG. Accordingly, and in terms of 13<sup>th</sup> amendment of the constitution the 6<sup>th</sup> JS was dissolved and a CTG led-by justice Habibur Rahaman had taken over the governmental power for holding of the general elections for 7<sup>th</sup> JS in June 1996.

The Awami League had won the majority votes and seats in the elections for the 7<sup>th</sup> JS Immediate after announcement of the election results the BNP had not been agreed with the results. However, finally they had accepted its outcome. It had become evident, firstly from oath taking by the opposition (BNP) MPs. Some time they (the opposition MPs) had seen to present and have their seats in the JS. Moreover, they never bothered to receive honorarium and other monetary benefits from the public treasury, as the elected members of the JS. However apart from the nature of distrustful and insufficiently experienced dealings of the party government, in conducting general elections what could be the causes of (opposition) political parties to opt for CTG? The more simplistic answer of this question lies in the fact that 'democracy' is the long cherished goal of the people of Bangladesh in general and political parties in particular. Even though most of the achievements in this regard, seem to be short lived. However, the thought process of Bangladeshis regarding 'democratic consolidation' is manifested through the acceptance of the 13<sup>th</sup> amendment of the Bangladesh constitution by all the conflation political quarters.

One of the weaknesses of the efforts of democratic consolidation is political parties' inability for self-realisation. It is quite surprising whether the parties ever ask the question to themselves. 'If an elected party government can run the country for five years, why would it not be able to hold the elections? Thus it could be safely said that the parties had yet to make and implant their well-thought decisions for the process of democratic consolidation. Hence reformation and reinvigorization is needed for correcting the courses of democratic consolidation in the country.

### **Problematic Consolidation Process:**

After the successful completion of 1990's democratic transition the country reached to the shore of a situation that could suitably be named with none of the terms, other than 'democratic consolidation'. The success of democratic

consolidation or institutionalisation of democracy depends upon 'removal of uncertainties that invariably surround transition'. Then only full institutionalization of its rules and procedures and the dissemination of democratic values'.

Before the elections of December 29, 2008, it was observed that the efforts of Bangladesh to remove uncertainties surrounding elections vis-a-vis democratisation and dissemination of democratic values had hardly been successful. Statement of a Bangladesh politician could cited in this respect. In a interview<sup>17</sup> with a local daily newspaper he said.

I have been in politics for the last 34 years and indirectly for 50 years. Nobody can say all the elections were fair and free. Many candidates did use arms and muscle power, and snuffed ballot papers in the boxes because of defective voter list and bribing of election officials including people in uniform.... At least 20 to 25 defects were there. As a result, the losing party always blamed the wining party. Besides, some candidates of political parties are habituated to telling lies and blaming others for their own failure.

Several points regarding uncertainties of democratic consolidation emerge from this statement. They are;

- 1) use of money and muscle power,
- 2) defective voters list;
- 3) corruption of election officials;
- 4) reality of losers' blaming the wining party for illegal practices in the election; and
- 5) behavioral problem of some politicians as they used to tell lies.

None of the ruling and opposition parties during 1991-2006 had tried to remove these uncertainties. As a result the situation paved the way for taking over power by the 5<sup>th</sup> CTG<sup>18</sup> backed by army and international community. Although it bring utter dissatisfaction for the existing and aspiring holders(s) of governmental power, this change was reasonably inevitable, but sudden. Accordingly, the 5<sup>th</sup> CTG headed by Dr. Fakhruddin Ahmed has been successful in bringing out some positive steps including reconstitution of Anti-Corruption Commission (ACC), and Election Commission (EC) and separation of judiciary from the executive and suitable amendment of Representative of the People Order (PRO) ordinance, and preparation of national identity (ID cards).

After taking these steps and holding 40 (Forty) dialogues<sup>1</sup> with the political parties and civil society groups the CTG and the EC have become successful in

<sup>1</sup> With a view to holding a free, fair and acceptable elections the CTG had met in 40 dialogues with political parties and professional organizations. The dialogue started on 22 May 2008 and the last one was held with the BNP and Jamaat-e-Islam. Each dialogue was attended by Chief Adviser

getting the situation ready for further strengthening the process of democratic consolidation through the elections for 9<sup>th</sup> JS of the country.

On November 23, 2008 the EC announced the fresh schedules refixing the voting date for parliamentary elections on December 29, 2008 and for Upazilla polls on January 22, 2009. With this revision of election timing the Election Commission changed the schedule for the ninth Parliamentary polls for the seventh time after the eighth JS expired on October 27, 2006 (See Appendix-II for details of this timing). Besides, the date of completing party registration has also been set. It is learnt that so far 107 political parties have applied for registration with the E. The technical committee of the EC has decided that registration of political parties would continue for an indefinite period. However, if the process of registration is completed after the last date of schedule elections, the parties concerned will get registration but cannot participate in the next elections.<sup>19</sup> Thus the steps of unprecedented party registration, and amendment of RPO, among others, have 'provided an opportunity for Bangladesh to find a new sense of direction (Ahmed 2007<sup>20</sup>).

Unfulfilled pledges for democratic consolidation: One of the most prominent vocabularies of Bangladesh's politicians is 'democratic consolidation' or 'institutionalisation of democracy'. Besides the turgid prose of pledges galore the election manifestos contain all the good thing that could possibly make Bangladesh a utopian state-apart from a strong democracy in the world. They virtually cover all conceivable aspects of politico-economic and social life which are prerequisite ingredients for transforming the nascent democracy into a consolidated one. They are field with all the well meaning intentions that could make us the citizens of an ideal democratic state.

The two major political parties Awami League and BNP have ruled the country by turn since the nation achieved independence on 16 Decmber 1971, barring the

---

Dr. Fakhruddin Ahmed, and Communication Adviser Mjaor General (Retd.) Golam Kader, Law Adviser A.F. Hasan Arif, Adviser for Local Government Anwarul Iqbal, Foreign Adviser Dr. Iftekhar Ahmed Chowdhury, Education and Commerce Adviser Dr. Hossain Zillur Rahaman, Former Prime Minister Sheikh Hasina and Begum Khaleda Zia did not participate in the dialogue, however, the five advisers had talked to the former Prime Ministers in their respective residences. Besides Chief Adviser himself had talked to the then over telephone. The event of dialogue between the CTG abd political parties was unprecedented. A widespread enthusiasm was risen in the political sphere of the country. Each and every political party had put forward their respective stands and demands for the elections. The evidence of such a political understanding through dialogue is rare. This type of programmed and initiative was the great instance of making solutions possible through dialogue. Most o the issues that had come out of dialogues might be helpful for development of the country. The great thing was that all political parties had presented their demands in written to the CTG. These written and oral presentation could be compiled to make a document. Nevertheless, necessary steps could be taken in the light of that document. (**The Daily Prothom Alo**, Bengali daily newspaper, Dhaka, 01 January 2009, p.4.

nine-year quasi-military rule of General Ershad. The fall of Ershad's autocratic regime paved the way for democratic transition in 1990's. Thereafter, the BNP came to power in 1991 election. The al was in opposition. Accordingly, much of the initial responsibilities of democratic consolidation had fallen on the shoulder of these two major parties. Immediate after the election for 5<sup>th</sup> JS both of these two parties and other elected politicians and shown their responsibilities performed through approving the bills for 11<sup>th</sup> and 12<sup>th</sup> amendments of the constitution, jointly. However, soon after the passage of these two amendments the JS started turning into ineffective. Besides, the activities and attitudes of the politicians of different parties proved to be harmful for democratic consolidation.

During its five-year term form 1991-1996 the BNP could not show its assertion to implement its electoral pledges. The ruling BNP remained in power through the holding of elections for 6<sup>th</sup> JS of February 1996. During this short period the ruling BNP proposed and approved the bill for 13<sup>th</sup> amendment of the constitution for the CTG. Constitutionally speaking, since the CTG for holding of parliamentary general elections, stands instrumental for consolidation of democracy. The defective general elections, stands instrumental for consolidation of democracy. The defective process of passing the 13<sup>th</sup> amendment from the election of the 6<sup>th</sup> JS to its passage in the one party parliament, is sufficient to cast doubt on the sincerity of efforts by the actors in democratic consolidation.

The Awami League got majority seats in the elections for the 7<sup>th</sup> JS and remains in power for the second time since the independence. Then the election in 2001 paved the way for BNP to return to power for the second time since 1991. But these successive BNP, Awami League and BNP governments apparently left very little vestiges of good government. It is no denying that their respective tenures in power were marred by poor governance, all pervading corruption, ineptitude and decision-making paralyses. And their confrontational politics based on some unresolved issues like trial of war criminals and use of religion in politics often help making parliament ineffective which in turn showed the weaknesses of efforts for democratic consolidation. these weaknesses eventually gave way to the January 11, 2007 takeover by the CTG headed by Dr. Fakhruddin Ahmed. There is no denying the fact that this CTG has undertaken some steps to implement political and electoral reforms as well as a massive anti-corruption drive, which seems to be effective for democratic consolidation.

**Necessity of Reform:** Even though country has exhibited its democratic credibility with the governments by the elected representatives (63.96%) more than the military government or other non-elected governments (36.14%), however, installation of a new government only through election is not sufficient for democratic consolidation. While credibility of elections may be an issue of concern, however, election is a means, not the end itself. The end is the

governance through which the ideals of democracy are protected. Absence of democratic culture may in turn affect the holding of free, fair and neutral elections, acceptable to all concerned.

The authoritarian attitude, beliefs and behaviour of the leaders of democracy led the conscientious people to think about reform. Nevertheless, the necessity of reform must be viewed in the backdrop of 1990/s pro-democratic movement that rekindled Bangladesh's hope and aspiration for democracy. Nevertheless, it could be viewed as the successful completion of democratic transition that paved the way for democratic consolidation or institutionalization of democracy; hence the process of democratic consolidation has been thwarted. Political scientists like Mark Green<sup>21</sup> and Zillur Rahman Khan<sup>22</sup> have termed it is "inhibiting effect" of democratization. 'Winners take it all', hereditary politics', 'money and muscle', 'lack of transparency and accountability of party fund', 'terming electoral result as rigged by the losing side', 'boycott of parliament by the opposition', 'quorum crisis in the parliament', partisan action of the speaker', 'extra constitutional exercise of power by the sons and relatives of the political high ups', 'absence of the democracy with the political parties', 'bribing for getting party-nomination', 'partisan use of administration', 'hidden agenda of the dominant politicians to save the religious extremists and corrupt politicians', etc. were the features of the time. The severity of the challenges had necessitated 'reformation and reinvigoration' for the whole process of democratisation. This was needed to correct the course. If severity of challenges of 'democratic consolidation' was the cause, then the changeover of 11 January 2007 could certainly be termed as its effect. Father of modern Political Science, Niccolo Machiavelli<sup>33</sup>, among others, 'holds that the laws of cause and effect govern politics in the same way that they govern inanimate nature, and are to be discovered in the same way by the empirical method. Given that we can discover the causes of political events by the consideration of what is already past... (Machiavelli 1950, Preface) People were thinking to get rid of these vices. In the backdrop of these vices an orchestrated election was going to be held for the 9<sup>th</sup> Jatiya Sangsad. However, after reaching a violent impasse President Iajuddin on January 11, 2007 resigned as Chief Adviser and an ex-World Bank official and former Governor of Bangladesh's Central Bank Dr. Fakhruddin Ahmed took the charge of heading the CTG. This CTG has been backed by the army and international community. Responding to the reform challenge the military backed caretaker government embarked on creating right environment for holding an acceptable election. The reform initiatives have been explained by three Rs. i.e. reform, resign and register. Reform the institutions and bring change in the values, beliefs, and attitudes, and behaviors. Register the political parties to bring accountability and transparency in their activities and financial matters. Resign from the posts of party or government head for the sake

of democracy. Even though, like the process of democratisation the reform initiatives could not show its full success, they are not failed episode either.

With sheer eagerness some prominent politicians from different political parties of the country had initiated the reform measures for their respective parties. However that could not be succeeded due to lack of support from the main leadership of the concerned parties. On the other hand, the reformist politicians had to face the wrath of the main leadership. It could be mentioned that reform is also needed in the established democracies. For example, Paul Hirst and Sunil Khilnani (1996)<sup>24</sup> have mentioned that a consensus has emerged that British democracy is in dire need of reinvigoration and renewal. On the contrary, although, Bangladesh also needs 'reformation', however, the consensus among the political parties in this regard is absent. Hence, the conscientious section of the society backed by the army and international community came ahead to meet-up the need of the day 'reformation'. Without the timely steps of 11 January 2007 there was every possibility of 'reversal' of the ongoing process of democratisation.

After the change of 1/11 the country has witnessed elections in four city corporations and nine municipalities in August 4, 2008. The elections were held under Emergency Power Rules (EPR), with a very controlled relaxation for campaigning. On July 13, 2008 the Council of Advisors approved the draft of the Representation of the People Order (PRO) Ordinance 2008 (See Appendix-III for the highlights of the Amendments of PRO). The EC has worked to build confidence with political parties although some disagreements over the election rules and regulations remain. The Commission discussed its proposed modifications to electoral laws with the political parties during three consultative rounds conducted in 2008. The recent amendments to the RPO 1972, Bangladesh's electoral law, include regulations that stipulate that the commission can cancel candidatures for electoral law violations and misconduct.

In addition, the amendments include the compulsory registration of parties and candidate disclosures, democratization of internal decision-making through regular party elections, transparency in finances and fund raising, a 33 percent minimum quota for women in all party decision-making bodies, and scrutiny of candidates' income and asset statement. While some political parties expressed concern with the level of information and documentation now required for candidate nomination others indicated that the regulations generally seek to encourage openness and transparency in the political process. Potential candidates are required to file a 16 page form with the commission that includes detailed information on their financial holdings.

The redrawing of constituency boundaries was also included in the electoral roadmap and completed by the commission. The 1976 Delimitation of Constituencies Ordinance requires redrawing has not occurred since the 2001



census. The commission conducted the constituency boundary delimitation which was published on July 10, 2007.

Although redrawing boundaries had been one of the tasks of the election roadmap, the commission did not hold dialogues with the parties on this issue until after the announcement of the initial delimitation boundaries and then within the context of other electoral issues. Political party leaders subsequently filed petitions in court challenging the commission's action which were recently dismissed.

All major political parties have to amend their constitutions to fulfil the criteria laid down for registration. The government has added a new provision to the PRO to disqualify contestants convicted by a trial court for criminal offences involving moral turpitude. However, in presence of such a provision, it is alleged that "16 mayoral candidates whose nominations have been declared valid are accused in 34 criminal cases on various charges that include murder, illegal possession of firearms, and extortion. Some of them are among the graft suspects listed by the Anti Corruption Commission (ACC), and due to loopholes in the existing electoral laws they have emerged as candidates. Thus it becomes evident that some problems still remain, that need exercise of democratic practices regularly.

Before the 1/11 changeover observers<sup>25</sup> of Bangladesh politics found, 'The inability of millions, to do anything about the present art of Bangladesh politics, making people terribly aware of the huge damage which hereditary politics inevitably does to a nascent democracy'. On the other hand, after the 1/11 the situation has changed. Amidst the fever of transition some<sup>26</sup> Political Scientist tried to sell the idea of a very new form of governance, one that would be shared by the military and the political parties. However, the pragmatic view of researchers of Bangladesh politics has been expressed in an interview of a veteran Political Scientist. He<sup>27</sup> said, "the 1/11 changeover and the following exercises for institutional and political reforms will have positive impact on the country's political culture and the country would not plunge back into the pre-1/11 days". Nevertheless, the participation of some persons with dubious record in the recently held local government elections under the emergency has triggered the fear that the convicted and the corrupt people could re-appear in the national politics (see Haque 2008)<sup>28</sup>. This fear could not restrain the people of the country to embrace any forms of governance other than democracy.

**Conclusion:** Bangladesh has a brief but tumultuous history of democracy. The political history of the country is rich in achievement and sadly poor in maintaining the achievements. The success stories had firstly arrived with the victory in the liberation war in 1971, making Constitution in 1972, and victory in preparing a joint declaration by the alliances of three political parties in 1990. The

successful completion of this declaration emboldened the pace of democratic movement and brought the process of democratisation, with the resignation of former President Ershad. That also facilitated the reintroduction of parliamentary democracy through democratic method of consent and debate and approval of the 12<sup>th</sup> amendment to the constitution through referendum in 1991. In an ideal situation democracy worldwide is institutionalized by fair elections resulting in representative parliamentary institution, to the extent that a democratic system cannot be understood without an effective legislature. Bangladesh is a parliamentary democracy where parliament has been entrusted by constitutional texts with the function of representing legislating and overseeing the business of the government. However, as observers pointed out, "the success of the JS in vigorously overseeing the work of the government had remained hindered, despite the restoration of a parliamentary democratic system in 1990s"<sup>29</sup>. The three Parliamentary General elections for the 5<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup> Jatiya Sangsad are also regarded as landmark success in this regard. After 15 years, it seems that some changes are flowing in the Parliamentary culture of the country. Political analysts view, if there would be no sudden change in the most recent behaviors of two main political opponents, the expectations of an effective and complete parliament are not imaginary. They said, if there is no problem in the understanding of ruling and opposition parties, there would be no scope to create stalemate. Nevertheless, it is noticed that the ruling and opposition parties want to create a new political culture in the country. It is evident from the comments of both the parties. Declaring to join the first session of JS the opposition party said, they want to have cooperation with the ruling party. In an interview with the BBC and analyst said, 'change has occurred in the activities of last two years, awareness has come among the people. The young generation do not want to go back, they want to march forward. The electorate has intimated it to the government and opposition parties. Both of them have seemed to abide by this message.

In the election for the 9<sup>th</sup> JS the grand alliance led by the Awami League has won 262 seats. Of this the AL alone won 230 seats. The second main partner of the grand alliance Jatiya Party won 27 seats. Among other partners of the grand alliance, Jatiya Samajtantrik Dal (JSD) won 3 seats and Worker's Party won only 2 seats. On the contrary, the BNP-led four-party alliance has won altogether 33 seats. Among this 33, the main partner BNP alone has secured 30 seats. The second main partner of the four-party alliance JI has obtained only 2 seats and Bangladesh Jatiya Party (BJP) has won only 1 seat. Nevertheless, the election of December 29, 2008 has further strengthened the process of democratic consolidation.

**Table-1**  
**Bangladesh's First Experience with Democratically Elected Government**

From	To	Duration	Basis and Forms of the Government		Duration in percentage upto January 05 2009 (Total 14076 days [100])	Remarks
			Basis	Forms		
16 December 1971	21 Dec. 1991	5 days	Election 1970	Presidential	0.04%	Government-in-exile (during liberation war) returned from India
22 Dec. '71	11 January '72	22 Days	Election 1970	Presidential	0.16%	Elected
January 12, '72	25 January '75	1109 Days	Election of 1970 & Election of 1973	Parliamentary	7.87%	Elected
26 January '75	15 August 1975	203 Days	Election 1973 Army Coup of 1975	Presidential	1.44%	Elected and assassinated by derailed Army-men

Source: Adopted from Arun Kumar Goswami (2002), Institutionalisation Constraints of Democracy in Bangladesh, Unpublished Ph.D. Thesis, Department of Political Science, University of Dhaka, p. 207.

**Table-2**  
**Bangladesh's first experience with government through (bloody) military coup d'etat (Regime of General Zia-ur- Rahman)**

From	To	Duration	Basis and Form of the Government		Duration in percentage upto January 05, 2009 (Total 1407 days [100])	Remarks
			Basis	Forms		
15 August '75	30 May '77	653 Days	Army coup and Election	Presidential	4.64%	Army Rule
30 April '77	March '79	669 Days	Referendum and Presidential Election Gen. Zia Contested with his uniform which is not legal	Presidential	4.75%	Army and Election
March 79	March '82	883 Days	Army coup of 1982	Presidential	6.2%	Election and assassinated

Source: Adopted from Arun Kumar Goswami (2002), Institutionalisation Constraints of Democracy in Bangladesh, Unpublished Ph.D. Thesis, Department of Political Science, University of Dhaka, p. 207.

Table-3

**Bangladesh's Second experience with Government through (blood-less) Military coup d'état (regime of General Husain Muhammad Ershad)**

From	To	Duration	Basis and Form of the Government		Duration in percentage upto January 05, 2009 (Total 1407 days [100])	Remarks
			Basis	Forms		
March '82	December '90	3177 Days	Pseudo democracy guided by military ruler	Presidential	22.57%	Army Rule

Source: Adopted from Arun Kumar Goswami (2002), Institutionalisation Constraints of Democracy in Bangladesh, Unpublished Ph.D. Thesis, Department of Political Science, University of Dhaka, p. 207.

Table-4

**The Elected Governments after success of Pro-democratic Movement**

From	To	Duration	Basis and Form of the Government		Duration in percentage upto January 05, 2009 (Total 1407 days [100])	Remarks
			Basis	Forms		
Dec. 1990	March 15, 1991	98 Days	Caretaker Government on the basis of declaration of three alliances of political parties	Presidential	0.70%	CTG by consent
March '91	August '91	139 Days	The caretaker government continued until justice Shahabuddin went back to his judicial service	Parliamentary	0.98%	CTG by consent
August '91	February '98	1683 Days	Election of 1991 for 5 <sup>th</sup> JS	Parliamentary	11.96%	Elected
February '96	23 June '96	97 Days	Election of Feb. 1996 for 6 <sup>th</sup> JS & CTG based on 13 <sup>th</sup> Amendment to the constitution	Parliamentary	0.70%	Elected
23 June '96	23 June 2001	1825 Days	Election of June 1996 for 7 <sup>th</sup> JS	Parliamentary	12.97%	Elected
23 June 2001	Oct. 2001	98 Days	CTG based on Article 58 c of the constitution	Parliamentary	0.70%	CTG
Oct. 2001	October 27 2006	1825 Days	Election of Oct. 2001 for 8 <sup>th</sup> JS	Parliamentary	12.9%	Elected

Source: Adopted from Arun Kumar Goswami (2002), Institutionalisation Constraints of Democracy in Bangladesh, Unpublished Ph.D. Thesis, Department of Political Science, University of Dhaka, p. 207.

Table-5

**Bangladesh's experience with Elected and/or Non-elected Governments**

From	To	Duration	Basis and Form of the Government		Duration in percentage upto January 05, 2009 (Total 1407 days [100])	Remarks
			Basis	Forms		
October 28, 2006	January 10 2007	70 Days	Both the positions of President and CTG had been captured by Prof. Dr. Iajuddin Ahmed	Parliamentary	0.50%	
January 11, 2007	January 05, 2009	725 Days	Prof. Iajuddin remained only with one position President, while Dr. Fakhruddin Ahmed became the head of CTG	Parliamentary	5.15%	

Source: Adopted from Arun Kumar Goswami (2002), Institutionalisation Constraints of Democracy in Bangladesh, Unpublished Ph.D. Thesis, Department of Political Science, University of Dhaka, p. 207.

Table-6

**Bangladesh's Experience with Elected and/or Non-elected Governments**

From	To	Duration	Basis and Form of the Government		Duration in percentage upto January 05, 2009 (Total 1407 days [100])	Remarks
			Basis	Forms		
06 January 2009	Untill now		Election of December 29, 2009 for 9 <sup>th</sup> JS	Parliamentary		
Total number of Days of government from 16 December 1971 to January 05, 2009 = 14076 Days (100)						
Elected Govt. or Govt by consent = 8782 days (62.39%)						
Military government = 5294 days (37.61%)						

Source: Adopted from Arun Kumar Goswami (2002), Institutionalisation Constraints of Democracy in Bangladesh, Unpublished Ph.D. Thesis, Department of Political Science, University of Dhaka, p. 207.

### Appendix-I

#### Joint declaration of the three alliances political parties

1. Ershad and his regime must resign immediately. To uphold the continuity of constitution according to the rules of Articles 51 (a) 3 and 55 (a) 1 of the constitution. Ershad would hand over power to a non-party neutral President acceptable to the parties of the alliances.
2. An interim government led by the President will arrange free, fair and neutral elections for the sovereign. Parliament within three months after annulment of the existing parliament. The interim government will transfer power to the elected parliament.
3. To ensure holding free, fair and neutral elections for the sovereign parliament this interim caretaker government will take following steps:
  - (a) Necessary legal measure and appropriate institutional and practical steps;
  - (b) Reorganize the election commission with neutral persons acceptable to all;
  - (c) Election Commission would enjoy absolute authority to ensure the holding of election;
  - (d) Keep election out of any intimidations;
  - (e) Maintain peaceful environment in the polling center and for ensuring the exercise of voting rights of the voters all sorts of obstructions must be controlled with hard fist;
  - (f) The polling agents of the candidates must be provided with the information regarding number and distribution of ballot papers. The counting of the ballot papers would be written in the centre. However, the agents of the candidate must be provided with the attested copies of the result sheets.
  - (g) Necessary stern actions would be taken to ensure the neutral use of mass media. Check the vote rigging and ensure effective prevention in this regard.
  - (h) Neutral observers would be allowed to observe the neutrality of the elections.
4. Establish the accountable democratic system in the country, permanently. Establish the trend of elected representative government through periodic, free, fair and neutral elections according to the constitution.
 

Despite their sheer disagreement, to ascertain the advancement of democratic process, government and opposition political parties must be strictly committed to the people in some common matters;

  - (a) the stream of constitutional rule would be absolute and continued on the basis of recognition to the people's sovereignty;

- (b) Independent and neutrality of judiciary and rule of law would be ensured;
- (c) The parliament constituted with the people's representatives, who are elected on the basis of free and fair elections, would be constitutionally sovereign. The decision-making and functions would be conducted on the basis of majority, and at the same time the enhancement of democratic norms would be accomplished with due respect to minority's opinion and position. The authority of people's sovereignty would be exercised on the government through people's vote.
- (d) Non-party neutrality of the mass media would be ascertained;
- (e) With a view to establish common norms and culture of democracy, political behaviour would be firmly rooted in the light of deep tolerance and patience.

Source: Unpublished Ph.D. thesis of Arun Kumar Goswami, "Institutionalisation constraints of democracy in Bangladesh 1990-1996, pp. 204-205")

## **Appendix-II**

### **Changes of Schedule of General Elections for the 9<sup>th</sup> Jatiya Sangsad**

With the revision of election timing declared on 23 November 2008 the EC changed the schedule for the ninth parliamentary polls for the seventh time after the eighth JS expired on October 27, 2007. Details of this changing of election timing are given below. Although constitutional provision stipulate and election to parliament within 90 days of its dissolution, the polls were postponed because of the promulgation of the state of emergency, only 11 days ahead of the January 22, 2007 schedule as Iajuddhin Ahmed's caretaker government failed to restore order.

The EC in a circular on January 21, 2007 had said that it had scrapped the earlier circulars related to the January 22 polls as the president, Iajuddhin Ahmed, had declared a state of emergency and the commission could not complete the process of holding the elections in accordance with the schedule because of political impasse.

A new military-backed government took over on January 12 pledging political and electoral reforms for a fair election.

The interim government of Fakhruddin Ahmed reconstituted the EC with Shamsul Huda, a former bureaucrat, as head of the three-member quasi-judicial brigadier body, in February. He had announced an ambitious roadmap to elections. A retired-brigadier general, M. Sakhawat Hussain, and another bureaucrat, Sohul Hussain, were appointed election commissioners to help carry out the task, but deadlines for all but one set in the roadmap were missed.

It prepared a voters' roll with photographs, redrew parliamentary constituencies and made changes to electoral laws with a mandatory provision for political party registration in two years.

Keeping many issues related to general elections pending, chief adviser Fakhruddin Ahmed in late September announced that the elections would be held on December 18, 2008. Conventionally, the EC announces dates for general elections.

Nearly a month after the chief adviser's announcement, CEC Huda on November 2, 2008 in a televised address to the nation formally announced a detailed election plan setting December 18, 2008 for ballot.

He, however, had hardly any consultations with the parties concerned. The NBP led alliance of former prime minister Khaleda Zia placed a seven-point demands, including lifting of the state of emergency, asking the government to ensure a level playing field for a credible election.



The commission set November 13 as the last date for submission of nomination papers for elections to 300 parliamentary seats and 481 upazilla councils.

On November 6, 2008, it revised the schedules setting November 20 as the last date for nomination submission citing that the candidates found it difficult to fill up the nomination forms, devised by the commission this time round, as the returning officers reported it was complicated.

As a political dialogue for smooth transition to democracy continued between the government and the political parties, the EC came up with another change in schedule on November 20. The commission once again extended the timeline for submission of nomination papers for both the polls by three days to November 23.

The Aziz-led Commission had announced the schedule on November 27 and changed it four times. January 21, 2007 was the polling date in the first schedule with December 10, 2006 the last date for nomination submission. December 11 for scrutiny and December 19, 2006 for the withdrawal date for December 28, and the scrutiny for December 22.

In the second change, made on December 18, the previous commission earlierised the polling date by a day from January 23, 2007 to January 22, 2007, so that ballot did not coincide with Saraswati Puja (Religious worship of Hindus), one of the biggest religious festivals of the Hindus.

On December 20, the commission again extended the date for filing nomination papers by two more days, keeping other dates unchanged.

Aziz initially fixed January 21, 2007 as polling date. Aziz finally revised the polls date to January 22, 2007 after changing dates for submission of nomination papers, scrutiny and withdrawal of candidature four times since he had announced the schedule on November 27, 2006 a month after the BNP-led alliance government handed over power to the Izzatullah Khan-led caretaker government.

Shamsul Huda revised twice the dates for submission of nomination papers, scrutiny and withdrawal of candidature keeping polling date unchanged on December 18, 2008, before finally revising the schedule for December 29, 2008.

On December 24, the commission led by Mahfuzur Rahman, who acted as chief election commissioner after CEC Aziz went on voluntary leave for three months, extended submission days by two more days keeping January 22 as voting date.

### Appendix-III

#### Amendment of the Representation of People Order (RPO) Ordinance 2008

Representation of People Ordinance was at first announced in 1972. Later on it was amended for several. On the eve of general elections for the 9<sup>th</sup> Jatiya Sangsad it was further amended. Following are the highlights of the latest and amended RPO.

- Registration of Political Parties with the Election Commission is made compulsory and a ban is slapped on having front organizations and overseas units of political parties.
- Loan defaulters and war criminals, declared by a local or international court, are made ineligible to run in elections.
- An option to cast no-votes is given to voters and if 50 percent of votes are no-votes then the constituency will have re-election.
- Public or defense officials who have resigned or retired have to wait three years before they can run elections
- No candidate will be able to contest in more than three constituencies
- Candidates must be voters and must submit eight pieces of information in the nomination papers.
- The EC is empowered to cancel candidature for violation of electoral laws and code of conduct.
- Parties with no parliamentary seats won since independence and with less than five percent votes secured in constituencies concerned will be disqualified for registration.
- Parties are required to give nominations on the basis of recommendations made by local level party committee in every constituency.
- Political parties must have their own constitution.
- Political parties must incorporate provisions in their constitutions to get elected members in all their committees
- Political parties must incorporate provisions in their constitutions to get 33 percent women leaders in committees y 2012

#### Notes

1. Finding and recommendations of National Democratic Institute (NDI), a US based independent body for promoting democracy around the world. The NDI team visited Bangladesh from November 16 through 19, 2008. Report of **Dhaka Courier** (English Weekly News Magazine), 28 November 4 December 2008, pp. 12-15.
2. The provision of non-party caretaker government has been appended in the Article 58B, 58D, 58D, 58E in Chapter IIA of Part IV of Bangladesh constitution. See **The**

**Constitution** of the People's Republic of Bangladesh, As modified up to 30<sup>th</sup> April 1996; Dhaka: Government of the People's Republic of Bangladesh, pp. 36-41.

3. In an Interview with Global Bangladesh, in **Nirbachito Sangkolon**: General Moeen U Ahmed said, 'The Bangladeshi people want to see sustainable democracy in Bangladesh where people from all walks of life get involved in a democratic society. The people of Bangladesh had given opportunity to the politicians for there decades. The two dominating parties sold parliament seats to deep-pocketed businessmen, used criminal gangs to silence critics, and funded election campaigns through extortion. I would like to make it amply clear that Army had or has no intention to takeover power. We could have done that on January 11 (2007) if we had intended to. See, An Interview with Global Bangladesh, in **Nirbachito Sangkolon**: General Moeen U Ahmed, Dhaka : Asia Publications, 2008, pp. 205-215. (Gen. Moeen U Ahmed 2008, 205-215).
4. Some basic works on democratization they are: Larry Diamond, Juan J. Linz and Seymour M. Lipset eds, **Democracy in Developing Countries**; Samuel P. Huntington, **The Third Wave Democratization in the late Twentieth century**, Guillermo O'Donnel and Phillippe Schmitter(), **Transitions form Authoritarian Rule**, Michael Bratton and Nicolas van de walle (1997), **Democratic Experiments in Africa, Regime Transitions in Comparative Perspective**, Cambridge: Cambridge University Press; Adam Przeworski and F. Limongi (1997), 'Modernization: Theories and Facts', in **World Politics**. No. 47, January 1997; Aam Przeworski (1997) et al, **Sustainable Democracy**, Cambridge: Cambridge University Press; Lars Rudebeck ed (1992), **When Democracy Makes Sense: Studies in the Potential of Third World Popular Movements**, Uppsala: The Akut-Group; Lars Rudebeck and O Tornquist with V. Rojas (1998), **Democratisation in the Third World: Concrete Cases in Comparative**, Uppsala: The Seminar for Development; Georg Sorensen (1993), **Democracy and Democratization; Processes and Prospects in a Changing World**, Boulder Co: Westview Press.
5. O' Donnel, (1992) 'Transtitions, Continutities, and Pradoxes', in S. Mainwaing, G.O'Donnel, J.S. Valenzuela eds (1992) **Issues in Democratic Consolidation. The New South American Democracies in Comparative Perspective**, Notre Dame, IN: University of Notre Dame Press.
6. J. Samuel Valenzuela (1992), 'Democratic consolidation in post-transitional settings: Notions, Process and Facilitating Conditions', in S. Mainwaring, G. O'Donnell, J.S. Valenzuela eds (1992) **Issues in democratic consolidation. The New South American Democracies in comparative perspective**. Notre Dame, In : University of Notre Dame Press.
7. Dunkwart A. Rustow (1970), "Transitions to democracy: Toward a dynamic model", in **Comparative Politics**, vol. 2, pp. 337-364.
8. Terry Lynn Karl (1990), "Dilemmas of democratization in Latin America", in **Comparative Politics**, Vol. 23, pp. 1-21.

9. Francis Fukuyama (1992), **The End of History and the Last Man**, London: Penguin Books.
10. Samuel P. Huntington (1993), **The Third Wave: Democratization in the Late Twentieth Century**, Norman and London: University of Oklahoma Press.
11. Jean Leca (1994) in his article "Democratisation in the Arab World: Uncertainty, Vulnerability and Legitimacy, A Tentative Conceptualization and Some Hypothesis", in Ghassan Salame ed, **Democracy without democrat? The Renewal of Muslim Politics in the Muslim World**, London: I.B. Tauris Publishers.
12. Geoffrey Pridham and Tatu Vanhanen (1994), **Democratisation in Eastern Europe: Domestic and International Perspectives**. London: Routledge.
13. Olle Tornquist (199), **Politics and Development, A critical introduction**. London: Sage Publications, p. 123.
14. [www.wikipedia/democratisation/concept.com](http://www.wikipedia/democratisation/concept.com)
15. See Weekly **Bichitra** (Bangla Weekly Magazine, Dhaka), Year 16, Number 24, 13 November 1987, pp. 15-17.
16. John Barkdul and Kamal Uddin Ahmed (2007), "Protecting democracy in Islamic States in the post-September 11 era: Problems and Policies for Bangladesh", *Journal of the Asiatic Society of Bangladesh (Hum.)*, vol. 52 (2), 2007, pp. 267-283.
17. Interview of Dr. Col. (retd.) Ojil Ahmed, Bir Bikram with the Daily Star. Interview was taken by Suranjith Debanth and Wasim Bin Habib, See **The Daily Star** (English Daily Newspapers, Dhaka) November 4 2008, p. 11.
18. The first CTG was installed in 1991, the second CTG was in 1996, the third one was in 2001, the fourth CTG had come to power in October, 2006 and the 5<sup>th</sup> CTG had assumed power on 11 January, 2007 for holding elections for 9<sup>th</sup> JS after accomplishing some steps for democratic consolidation in the country.
19. See Report **The New Age** (English Daily News Paper, Dhaka) 17 November, 2008, p. 1, 2.
20. Gen. Main U, Ahmed, "The challenging interface of democracy and security", paper presented in the Regional Seminar of International Political Science Association, Dhaka, 02 April 2007. See Mehdi Mahbub (Compiled), *Nirbachito Sangkolon: General Moeen U Ahmed*, Dhaka: Asia Publications, pp. 153-162.
21. Mark Green (2007), *losing our democracy*, Source Books, Inc.
22. Zillur R. Khan, Ph.D. (2008), "Leadership Challenge: Bangladesh Perspective", paper presented at a seminar on National Security and Leadership Challenge: Bangladesh perspective, organized jointly by Bangladesh Political Science Association (BPSA) and Bangladesh Institute of International and Strategic Studies (BISS), Dhaka, on March 6, 2008.
23. See Preface of **The Discourse of Nicolo Machiavelli**, Page 4 London Rutledge & Kegan Paul, 1950.
24. Paul Hirst and Sunil Khilani (1996) Eds., Introduction of the book titles **Reinventing Democracy**. Oxford : Black Publishers, p. 2.

25. See Sub-editorial entitled, "Strange goings-on about town", in **New Age** (English Daily Newspaper, Dhaka) October 9, 2003, p. 4.
26. On August 2008 Professor Dr. Ataur Rahman in his seminar paper titled "Democratic Transformation in Bangladesh : Opportunities and Challenges", has put forward this proposition. See Brig Gen Shahedul Anam Khan, idc, psc (Retd), "Weird proposition" in **The Daily Star** (English Daily Newspaper, Dhaka), August, 2008, p. 10.
27. Dean of Social Faculty since 2003 Prof. Dr. Harunur-or-Rashid in an interview expressed this view, See **The Daily Star** (English Daily Newspaper, Dhaka), October, 20, 2008, p.11.
28. A.N.M. Nurul Haque, "The convicted and corrupt at the polls", in **The Daily Star** (English Daily Newspaper, Dhaka), 20 July 2008, p. 15.
29. Roushan Zaman (2001), "The maiden session of the 8<sup>th</sup> Parliament, The House incomplete" in **The Dhaka Courier**, 30 November 2001, pp: 8-10.

## References

- Ahmed, General Moeen U. (2008), "An Interview with Global Bangladesh", **Nibachita Sangkolon** (Selected Works) Dhaka : Asia Publications, pp. 205-25.
- Bruton, Michael and Nicholas van de Walle, (1970), **Democratic Experiments in Africa : Regime Transitions in Comparative Perspective**, Cambridge: Cambridge University Press.
- Dhaka Courier**, 28 November 2008-04 December 2008, pp. 12-15.
- Diamond Larry, Juan J. Linz and Seymour M. Lipset eds. **Democracy in Developing Areas**.
- Discourses of Nicolo Machiavelli, (1950), London: Routledge and Kegan Paul.
- Huntington, Samuel P. (1993), **The Third Wave Democratization in the Late Twentieth Century**. Norman and London: University of Oklahoma Press.
- Karl, Terry Lynn, (1990), "Dilemmas of democratization in Latin America", in **Comparative Politics**, Volume 23, 1990, pp. 1-21.
- Khan, Zillur R. (2008), "Leadership Challenge for National Security: Bangladesh Perspective", Paper presented at a Seminar on National Security and Leadership Challenge: Bangladesh Perspectives, Organised Jointly by Bangladesh Political Science Association (BPSA) and Bangladesh Institute of International and Strategic Studies (BISS), Dhaka, on March 06, 2008.
- O'Donnel, (1992), "Transition, Continuities and Paradoxes", in S. Mainwaring, G. O'Donnel, J.S. Valenzuela, eds. 1992, **Issues in Democratic Consolidation, The New South American Democracies in Comparative Perspective**. Notre Dame in: University of Notre Dame Press.
- Przeworski, Adam and F. Limongi, (1997), "Modernization:Theories and Facts", in **World Politics**.
- Rudebeck, Lars, (1992), **When Democracy Makes Sense, Studies in the Potential of Third World Popular Movement**, Uppsala: The Akut-group.

Rudebeck, Lars, and O. Tornquist with V. Rojars, (1998), **Democratization in the Third World: Concrete Cases in Comparative**, Uppsala: The Seminar for Development.

Rustow, Dankwart A. (1970), "Transition to democracy: Towards a Dynamic Model", in **Comparative Politics**, Volume 2, 1970, pp. 337-363.

Sartori, Giovanni, (1970, "Concept malformation in comparative politics", in the **American Political Science Review**, Volume 64, No. 4, December 1970, pp. 1033-1053.

Sorensen, Georg, (1993), **Democracy and Democratization: Processes and Prospects in a Changing World**, Boulder: Westview Press.

**The Consitution of the People's Republic of Bangladesh**, As Modified up to 30<sup>th</sup> April 1996, Dhaka: Government of the People's Republic of Bangladesh, pp 36-41.

Valenzuela, J. Samuel, (1992) "Democratic Consolidation in Post Transitional Settings: Notions, Process and Facilitating Conditions" in S. Mainwaing, G.O'Donnel, J.S. Valenzuela eds. 1992. **Issues in Democratic Consolidation. The New South American Democracies in Comparative Perspective**. Notre Dame in: University of Notre Dame Press.