

POLITICS, TRANSITION AND DEMOCRATIZATION IN BANGLADESH: AN ANALYSIS

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Abstract:

The main purpose of this study is to examine the problems of democratization in Bangladesh. The theoretical framework is a somewhat novel theory of deep democracy from a political, social as well as economic perspective. However, the major emphasis is on understanding the problems of democratization in Bangladesh concretely in light of the theory. The theory of deep democracy makes a distinction between formal aspects of democracy and the deeper structural aspects. Lastly, I have also discussed in briefly the prospects of Democracy in Bangladesh. The paper is based on secondary sources of information like books, journals, research reports and newspapers. Relevant literature has also been collected through Internet browsing.

Key Word: Democracy & Bangladesh

Introduction:

After independence about thirty-eight years have been passed but our achievements in the spheres of democracy and development are not worth mentioning. Every political leader or party, civil or military, popular or unpopular, big or small, in or out of power, talks about democratic constantly in Bangladesh. Yet the nation has failed to put it into practice. Parties voted into power to strengthen democracy have all failed to encourage its values. In fact taking advantage of this situation, military leaders intervened to practice their own version of democracy, which only exacerbated the crisis. Moreover the country today is riddle with numerous problems threatening the development of democracy. Again our society with an under developed political culture and poverty ridden illiterate and incompetent masses is lacking democratic political organizations,

institutions and practices.¹ However, the prospects for a politically developed and economically prosperous nation is marked by people's eagerness to democracy and progress, nations march toward a two party system and politicians realization that there is no way but election capture power. In the developed democratic countries the actors and institutions more or less understand and abide by the rulers of a democratic political system. But in the newly democratizing political systems the actors and the institutions are found to be in many cases, ineffective, dysfunctional or tend to nourish deviant behaviors.² However Bangladesh experienced military rule for long but maintains elected government since 1991. In fact the roles of the major political actors and institutions in the country are to be evaluated to measure of their democratization. In this study, I shall briefly analyze how Bangladesh fared in the last 17 years in fulfilling of the minimum requirements of being a democracy.

The Theoretical Framework of Democracy:

Democracy is one of the popular ideas in politics and it has become in the twenty first century, one of the most central points. The term democracy is originated from the Greek words Demos and Kratos that means people and power respectively. Thus democracy means power of the people. The type, nature and working of democracy may vary from country to country and environment. No two democracies can be regarded as totally identical. Nevertheless, democracy essentially requires some common pre-requisites, which ensures that ruling authority is based on popular mandate and remains accountable to the people.³ Alexis de Toqueville has suggested three pre requisites for democracy 1. Voluntary association as mediating institutions; 2. the division of power in a federal system; and 3. relative socio-economic equality that fostered political participation.⁴ S. M. Lipset has stated that a primary requirement of a stable democracy is 1. a value system allowing the peaceful play of power otherwise becomes chaotic, 2. Periodic awarding of effective authority to one group otherwise unstable and irresponsible measurement rather than democracy will result, 3.

¹ Rounaq Jahan, "Political Development" in A. M. Chowdhury & Fakrul Alam, *Bangladesh: On the Threshold of the Twenty First Century* (Dhaka: Asiatic Society of Bangladesh, 2002), pp.55-56

² Mahfuzul H. Chowdhury, *Democratization in South Asia: Lessons from American Institutions* (Burlington: Ashgate Publishing Company, 2003), pp.79-80

³ Iftekharuzzaman, Mahbubur Rahman, "Transition to Democracy in Bangladesh Issues and Outlook", *BISS Journal*. Vol.XII, No.1. 1991. p.97

⁴ Cited in Zaglul Haider, "Parliamentary Democracy in Bangladesh: From Crisis to Crisis" *Journal of Asiatic Society of Bangladesh*, vol. 42, No.1(Dhaka: Asiatic Society of Bangladesh, 1997), p.70

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conditions for existence of an effective opposition otherwise the authority of the officials in power will steadily increase and popular influence on policy will be at a minimum.⁵

Robert Dahl used democracy as synonyms to democracy.⁶ He proposed that political democracy must have eight institutional guarantees: 1. Freedom to join and form organizations; 2. right to vote; 3. freedom of expressions; 4. eligibility for public offices; 5. right of political leaders to compete for supports and votes; 6. alternative source of information; 7. free and fair election; and 8. institutions for making governmental policies dependent on votes and other expression of preferences.⁷ While L. W. Pye has emphasized democratic pre-requisites such as participation and orderly change for political development. Philip Cutright equated political development with democracy.⁸

Lipset in his final analysis define democracy as apolitical system which provides regular constitutional opportunities for changing government officials, permits the largest possible part of the population to influence decisions through their ability to choose among alternative contenders for political office.⁹

After careful observation and analysis of above listed theoretical discussions and definitions we can suggest some indicators for democratic system. These are:

1. A legitimate authority having popular mandate; 2. Accountable to the people; 3. Functions in an environment of consensus; 4. Capacity for conflict management; 5. Protects the maximum welfare of the people; 6. Stability and orderly change of the government; 7. Permits the majority of the population to influence decisions; 8. Elects leaders through a free and fair elections; and 9. Functions where effective and autonomous political institutions are available.

A Brief History of Threatening to the Democracy in Bangladesh:

Bangladesh just after its liberation started its journey with democratic political system and continued its commitment to the Westminster system till 1975 before it switched over to one-party presidential system of massive

character.¹⁰ The system, as designed, concentrated by Sheikh Mujibur Rahman-the main architect of Bangladesh liberation movement (later on called Father of the nation). Within three years of independence, Bangladesh became a one-party state in early 1975 (January 25, 1975) with complete authoritarian character, that new states starting with parliamentary democracy soon lost their way and settled back into authoritarian or dictatorial regimes.¹¹ Then in (August 15, 1975) 1975 the country experienced its first military coup and that spearheaded by a few disgruntled army officers. The army putsch assassinated Sheikh Mujib and his family members, overthrew the government and installed a military dominated civilian regime. Moreover the Military after making its rule stable tried to civilize their regimes by allowing political parties to work openly and arranging referendum and elections. The kind of political life that Bangladesh started in the post coup years gave rise to a series of military coups in the process of militarization of Bangladesh political system. The second army coup (November 3, 1975) with the support of a cross-section of pro-Moscow political activists dislodged the military leaders of the first coup and forced them to flee from Bangladesh. The third coup (November 7, 1975) was engineered by the pro-Chinese activists who instigated spays (soldiers) to revolt against the leaders of second coup to free the country from the domination of Indo-Moscow axis.¹² The soldiers at Dhaka cantonment most of whom were radicalized during the liberation war of 1971 and later on, became affiliated to Biplobi Gono Bahini (Revolutionary People's Army)- the military front of pro-Chinese political party JSD (Jatya Samajtantrik Dal) revolted and killed Brigadier (later on Major General) Khaled Musaraff and his associates, and established domination of the 'nationalist' forces under the leadership of Major General Ziaur Rahman.¹³ The radicalized armed forces in Bangladesh became very much prone to state power and they attempted at least 19 counter coups during the regime of Ziaur Rahman at seizure of power since the killing of Sheikh Mujib.

The ambitious adventure of politicized army officers prompted some rebel officers to stage an abortive coup to seize political power (May 30, 1981)

⁵ Seymour Martin Lipset, "George Washington and the Founding of Democracy" vol. 9, No. 4., *Journal of Democracy* pp. 34-35

⁶ Robert Dahl, *Democracy and Its Crisis* (New Haven, CT: Yale University Press, 1989), p.72

⁷ Ibid.

⁸ Cited in Zaglul Haider, *Opcit.*

⁹ S. M. Lipset, *Opcit.*

¹⁰ Talukder Maniruzzaman, "Bangladesh in 1975: The Fall of the Mujib Regime and its Aftermath" *Asian Survey*, vol. XVI, No. 2, February, 1976, p. 119

¹¹ Gyasuddin Molla, "Democratic Institution Building Process in Bangladesh: South Asian Experience of a new model of Caretaker Government in a Parliamentary Framework", *Heidelberg Papers in South Asian*, Working No. 1 (Heidelberg: University of Heidelberg, 2000), p.9

¹² Ibid.

¹³ Enayetur Rahim, "Bangladesh: A Historical Ledger" in A. M. Chowdhury & Fakrul Alam, *Opcit.* pp.24-27

that led to the assassination of military President Ziaur Rahman.¹⁴ The coup was put down and the rebel officers were killed by a counter move. The episode, no doubt, facilitated transition, for a short time, to civilian succession while General Ershad took over in a bloodless military coup next year (March 24, 1982) and forced President Sattar to "hand over power at gunpoint".¹⁵

However General Ershad's military administration continued till 1990 when he was forced by a militant, unified and popular countrywide mass upsurge, to resign and hand over power to a civilian Vice-President as chosen unanimously and agreeably by all political parties, to head an interim caretaker government. The occasion sounded the end of military rule in Bangladesh. Military rulers in Bangladesh continued to dominate the politics for three-fourth of the period since independence in 1971- six years under General Ziaur Rahman (1975-1981) and nine years under General Ershad (1982-1990). Even periods of civilian government under Sheikh Mujibur Rahman were in many respects more authoritarian than democratic.¹⁶

As mention earlier that immediately after the emergence as an independent state, Bangladesh encountered challenges both from the political and military forces of the new nation in 1975 and later. After the over through of 15 years of military rule, the first challenge, Bangladesh faced in its transition to democracy was to organize a free and fair election.¹⁷ After all, the country witnessed many elections during the military rule but none was deemed to be free and fair. Bangladesh has began a new phase of her history with a democratically elected government in 1991. After the transition to democracy from military rule, Bangladesh is continued its democratic rule but there have many hindrances to establish sound democracy.

¹⁴ Mahfuzul H. Chowdhury, Muhammad A. Hakim and Habib Zafarullah, "Politics and Government: The Search for Legitimacy" in Habib Zafarullah (ed.), *The Zia Episode in Bangladesh Politics* (New Delhi: South Asian Publishers, 1996), pp. 29-30

¹⁵ S Aminul Islam, "Political Parties and Future of Democracy" in A. M. Chowdhury and Fakrul Alam, *Opcit.* pp.63-64

¹⁶ Ataur Rahman, *Democratization in South Asia: Bangladesh Perspective* (Dhaka: Bangladesh Political Science Association,2000), p. 21

¹⁷ Mahfuzul H. Chowdhury, *Democratization in South Asia: Lessons from American Institutions*, *Opcit.* p. 64

Transition and Democratization in Bangladesh:

Bangladesh as part of former Pakistan began with parliamentary government, it soon reverted to authoritarianism.¹⁸ It began its journey as a newly independent nation after a war of liberation, which exacted great sacrifice from people, with a parliamentary form of government in 1971. But the country soon plunged into a series of coups and counter-coups and got caught into "a legacy of blood".¹⁹ A protracted mass agitations extending more than nine years led to the fall of the last of the military dictators – General Ershad and the establishment of a parliamentary form of government Bangladesh began its transition to democracy through great popular uprisings and with great hopes, it has not been able to consolidate its democracy even after four general elections.²⁰ In spite of regular elections, democracy has become largely ineffective in the country because of contentious politics between two major parties – Awami League (AL) and Bangladesh Nationalist Party (BNP).²¹

Although the country has great possibility for rapid development, its prospect has been marred by a political war between two major political parties of the country – between Sheikh Hasina's Awami League and Begum Khaleda Zia's BNP.

Moreover the democratic phase of the country from 1991 clearly represents a cycle – a cycle of clientelistic and coercive politics when a party or alliance is in power and a cycle of agitations or mobilization politics when it is in the opposition. The conceptual framework used in the study to asses progress towards democratization includes four key indicators: (1) free and fair elections, (2) rule of law, (3) civil liberties and fundamental freedoms, and (4) accountability. I consider the presence of these four elements to be critical in the functioning of any democratic system. I will examine the democratization process in Bangladesh as I said in the beginning with view of democracy. However the first indicator used in the conceptual framework, that is, free and fair elections, is only the first step in laying the foundations of a democracy. Through elections, citizens are able to freely choose their representatives who would govern the country. But this choice is meaningless unless the other three features of democracy are also present.

¹⁸ Md. Sultan Mahmud and Iqbal Mahmud, "Political Conflicts and Discourse in Bangladesh: A Critical Understanding" *The Human Resources Development Studies*, Vol.I, No.1,(Dhaka: Centre for Human Resources Information and Development, 2008), p.63

¹⁹ Emajuddin Ahmed, *Military Rule and the Myth of Democracy* (Dhaka: The University Press Limited, 1988), p.10

²⁰ Md. Sultan Mahmud and Iqbal Mahmud, *Opcit.* p.66

²¹ Ibid.

The second indicator, the rule of law is essential in ensuring that the democratically elected peoples' representatives do not abuse power and turn despotic after they get into positions of power. The third indicator, civil liberties and fundamental freedom, is again, essential as this guarantees citizen's democratic rights including the right to choose those who would govern the country through elections. Finally, the last indicator, accountability is essential as this is the mechanism through which the citizens control their rulers in a democracy.

Democratization and ensuring free and fair election:

After the finishing of long-term military rule, the first challenge Bangladesh faced in its transition to democracy was to organize a free and fair election. In an observation the country witnessed many elections during the military rule but none was deemed to be free and fair. Moreover the organization of a free and fair election required removing any undue advantage to any contestant, creating a peaceful atmosphere to eliminate voter intimidation and exclusion, and ensuring a correct vote count.²² In fact, in early November 1990, prior to the fall of General Ershad the three political alliances involved in the pro-democracy movement came to an agreement that following Ershad's ouster, a free and fair election would be organised within ninety days under a neutral, non-partisan caretaker government and the caretaker government will handover executive power to the party which will command a majority in the parliament elected freely by the citizens.²³ In addition to the pro-democracy movement demanded institution of a non-partisan, neutral caretaker government to oversee elections because there were widespread allegations that the military rulers have misused state power to engineer election outcomes. The two military rulers, Major General Ziaur Rahman (1975-1981) and Lt. General Hussain Muhammad Ershad (1982-1990) organised several referendums, and parliamentary and local elections to "civilianise" and legitimise their rules.²⁴ As per the researcher goes knowledge all these elections were perceived as rigged. The EC was not independent. It remained under the control of the incumbent government.²⁵ It was alleged that the civil administration and the military

intelligence services were used to manipulate the election results. Even fake opposition parties were created to project the illusion of a fair election. After the fall of Ershad in December 1990, the pro-democracy movement endorsed the institution of a non-party caretaker government (CTG) headed by the then Chief Justice Shahabuddin Ahmed with the primary responsibility of organising a free and fair election within 90 days.²⁶

However The caretaker government of Justice Shahabuddin Ahmed took some immediate steps to create conditions for a free and fair election. The EC was reconstituted. Three Supreme Court judges were made election commissioners and the EC was given independence and authority to conduct a free and fair parliamentary election.²⁷ To ensure impartiality of the election administration at the district level, heads of civil and police administration in most of the districts were transferred. And all the restrictions on freedom of press, imposed by the military rulers, were withdrawn. A large number of international observer groups, most notably from the SAARC, Commonwealth, Britain and Japan were invited to observe the national parliamentary election. Elections were held on 27 February 1991 and they were on the whole peaceful. Fifty five percent of the voters cast their ballots, of which 53 percent were men and 47 percent were women.²⁴ All observer groups expressed satisfaction with the conduct of the elections and deemed the process to be free and fair.²⁸

The results of the 1991 parliamentary elections established several trends in the country's politics. First, it showed that the two major political parties, the AL and the BNP enjoy near equal popular support. Both parties polled 31 percent of the popular vote (BNP 31.4 percent and AL 31.1 percent). Second, the results demonstrated a wide gap between the popular vote and winning of seats in parliament. For example, with a near equal popular vote, the BNP won 138 seats while the AL won only 86 seats. Third, two other smaller parties emerged. The Jatiya Party (JP), founded by the military dictator Ershad, won 35 seats and 12 percent of vote share.²⁹ It may be noted that during the course of the election Ershad was under detention on charges of corruption and could play no part in the election campaign. The Islamist Party, Jamaat-e-Islami (JI), won 18 seats with a 12 percent vote share. The left leaning National Awami Party (Muzaffar) and the Communist Party, Bangladesh, both of whom were part of an electoral

²² Rounaq Jahan, "The Challenge of Institutionalizing Democracy in Bangladesh" *ISAS Working Paper* (Tower Block, Singapore: Institute of South Asian Studies, 2008), p.8

²³ Fakhruddin Ahmed, *The Caretakers: A First Hand Account of the Interim Government of Bangladesh* (1990-91), (Dhaka: The University Press Limited, 1998), p.42

²⁴ Ibid.

²⁵ Muhammad Yeahia Akhter, *Electoral Corruption in Bangladesh* (Aldershot, England: Ashgate, 2001), pp.143-45

²⁶ Md. Abdul Mannan, *Election and Democracy in Bangladesh* (Dhaka: Academic Publishers Limited, 2005), p.42

²⁷ Rounaq Jahan, "The Challenge of Institutionalizing Democracy in Bangladesh", *Opcit.* p. 9

²⁸ Fakhruddin Ahmed. *Opcit.*

²⁹ *Virtual Bangladesh: Politics Elections 1991* (http://www.virtualbangladesh.com/bd_pol/591.html.)

alliance with the Awami League each own 5 seats. In all, small parties together with independents won 19 seats in Parliament.³⁰

In fact the hard task of building democratic institutions in Bangladesh started with the Bangladesh Nationalist Party (BNP) as the ruling party while the Awami League, Jatiya Party, Jamat-e-Islam and other minor parties remained in the opposition.³¹ However the political parties, therefore, insisted on the formation of an interim care-taker government to conduct election without any interference or intimidation from any quarters. The process, they argue, would not only strengthen foundation of democratic institutions but would also enable them to take root in Bangladesh.³²

The voterless February 1996 elections strengthened the opposition's claims that the election results, held under a party government, could not be trusted.³³ More seriously, it severely compromised the legitimacy of the BNP government, which was reelected to power from such a flawed election. The opposition then started a nonstop, non-cooperation movement and *hartal* starting from 1 March 1996 demanding the resignation of Khaleda Zia as Prime Minister and fresh elections under a neutral, non-partisan caretaker government.³⁴ However it convened the Sixth parliament "elected" on 15 February 1996 which met only once to pass the 13th amendment of the constitution introducing a system of non-party caretaker government to oversee future national elections.³⁵

The 13th amendment stipulated that after a five-year term, Parliament will be dissolved and the incumbent government will step down. A non-party caretaker government (CTG) will then be sworn in whose main responsibility will be to organise a free and fair election within a ninety-day period. In this reference five days after the passage of the 13th amendment, Khaleda Zia requested the President to dissolve the parliament and the following day, on 31 March 1996, she resigned. The President then invited the last retired chief justice, Muhammad Habibur Rahman, to take on the responsibility of CA and a ten member Council of Advisors were sworn in

on 9 April 1996. Thus a two year long movement by the opposition, marked by repeated *hartals* and violence, came to an end.³⁶

The 12 June 1996 election organized by the Habibur Rahman CTG saw large-scale involvement of Bangladeshi non-governmental organisations (NGOs) in voter education and election monitoring activities. A group of civil society organizations joined together to form a Fair Election Monitoring Alliance (FEMA). In addition, a total of 200 foreign observers from 35 countries came to observe the polls.³² Voting turn out was exceptionally high: 75 percent of eligible voters cast their ballots, of which 51 percent were men and 49 percent were women. Polling was generally peaceful. Again all observer groups, domestic as well as international, certified the elections to be free and fair.³⁷

The results of the June 1996 elections again showed that the two main parties, the AL and the BNP, have near equal popular support. The AL secured 37.4 percent and the BNP secured 33.6 percent of the popular vote. However, the AL won more seats than the BNP. AL's seat strength was 146 and the BNP's 116. JP's strength remained roughly the same as in 1991. It secured 32 seats with 16.4 percent of popular vote. JI, however, suffered a setback with only 3 seats and 8.6 percent of popular support. The other smaller parties who won in 1991 lost out winning only 3 seats and 4 percent of the vote. Particularly striking was the loss of seats by all left leaning parties. Several popular leaders won from multiple seats; 24 seats were thus won. The election results indicated that in 45 seats out of the 300 member parliament electoral victory was won with a very small margin of less than 3000 votes difference. These marginal seats became the subjects of much controversy and influenced coalition politics in the next election. Again as in 1991, no party was able to get an absolute majority in parliament and both the AL and the BNP started wooing the smaller parties for support.³⁸

However the AL government resigned after completing its five-year term and a caretaker government was sworn in with the last Chief Justice, Latifur Rahman, as Chief Advisor. Immediately after his inauguration, Latifur Rahman reshuffled many of the top bureaucrats. He also transferred the officials in the districts. These steps were taken to ensure the neutrality of the administration in the electoral process as the BNP had complained that the AL had posted partisan officials. Again, a large number of national NGOs and international observer groups monitored the election process.

³⁰ Haroon A. Khan, "Democratization in Bangladesh" *Asian Profile*, vol.26, No.2, 1998, p.34

³¹ Al Masud Hasanuzzaman, *Role of Opposition in Bangladesh Politics* (Dhaka: The University Press Limited, 1998), p.72

³² Sreeratha Datta, "Bangladesh's Political Evolution: Growing Uncertainties" *Strategic Analysis*, vol.27, No.2 (April-June 2003), p.239

³³ Muhammad Yehaia Akhter, *Opcit.*

³⁴ Mahfuzul H. Chowdhury, *Democratization in South Asia*, *Opcit.* p. 110

³⁵ Ibid.

³⁶ S Aminul Islam, "The Predicament of Democratic Consolidation in Bangladesh" *Bangladesh e-journal of Sociology*, vol.3, No. 2(July 2006),p.14

³⁷ Fakruddin Ahmed, *Opcit.* p. 66

³⁸ Rounaq Jahan, *Bangladesh: Promise and Performance* (Dhaka: The University Press Limited, 2000), p.23

Nearly 300,000 domestic observers and 250 international observers monitored the polls. Several multi-organization civil society networks including FEMA, a new group called Election Monitoring Working Group (EMWG) and others tried to achieve national coverage of domestic observers.³⁶ Elections were held on 1 October 2001. Voter turn out was high – 75.5 percent with 51.6 percent men and 48.4 percent women. The election results again showed the AL and the BNP to be near equal in the popular vote. (The AL received 40.1 percent and the BNP received 40.9 percent of the popular vote. This time, however, the seat difference between the two parties was huge. The BNP won 193 seats whilst the AL retained only 62 seats. The BNP's electoral ally, Jamaat, received 17 seats with 4 percent of the vote. Islami Oikya Jote, another partner of the BNP's electoral alliance secured 2 seats with less than 1 percent of votes.³⁹

On 27 October 2006, when the BNP-led alliance government stepped down, the government's designated CTG head, Justice K. M. Hasan, refused to take the office of the CA in the face of mounting violence. Instead of choosing another former chief justice or a former judge of the High Court or an eminent citizen acceptable to all parties, President Iajuddin Ahmed installed himself as the CA and the CTG head. In January, 2007, the opposition political parties finally decided to boycott the parliamentary elections scheduled for 22 January 2007, and also threatened to thwart them. The opposition launched a nationwide blockade on 7-8 January 2007. But Iajuddin, acting under pressure from the BNP alliance, pushed ahead to hold a one-sided election. The BNP and its allies also threatened to confront the opposition on the streets. The country seemed to be on the verge of a civil war.⁴⁰

On 11 January 2007, the military forced Iajuddin to declare a state of emergency, resign as CA, postpone the scheduled 22 January 2007 elections, and promise a new and more acceptable CTG capable of organising credible elections within "the shortest possible time."⁴¹ Failing to get their first choice, Nobel Laureate Professor Muhammad Yunus to agree to be the next CTG head, the military installed Dr Fakhruddin Ahmed as the CA of a new "caretaker" government. The government reconstituted the EC with three new commissioners who have been perceived as non-partisan. The EC started to correct the disputed voters list and undertake other

measures such as the introduction of tamper-proof voter ID cards and transparent ballot boxes. It has sought independence from the executive branch of the government. After a long delay, the EC announced that it would take 18 months to complete all the preparations for a credible election and promised to hold the next parliamentary elections by December 2008.⁴² 9th parliamentary election was arranged on 29th December 2008. AL led-Alliance (great alliance) has captured government power by popular support.

In addition, to the weakness of the electoral institutions and its governance the culture of electioneering was far from being democratic. Election contests became what were popularly known as "showdowns," which often resulted in violent clashes between supporters of rival political parties. Disagreements could never be resolved through negotiations and dialogues. The political players could continue to disregard rules and norms of democratic competition because there was no rule of law. The violators of laws and rules were not punished if they happened to be in state power. As above discussion researcher thinks that election should be free and fair under neutral caretaker government to develop democracy.

Democratization and Rule of Law

Bangladesh formulated a constitution within a year of its independence in 1972, adopting a parliamentary form of democratic government with multiple parties and fundamental freedoms. Within three years the country fell under a military rule in 1975, which continued for the next 15 years. Under military rule, the constitution was abrogated, fundamental rights were curtailed, the judiciary was controlled and the state machinery was used to consolidate and sustain two successive military regimes. It was hoped that the return to democracy in 1991 would lead to the establishment of the rule of law in the country.⁴³

However, the three democratically elected governments have paid little attention to this fundamental task of governance. On the contrary, they have continued many of the old practices of the military regimes. They have used state machinery for partisan and personal gain. They have politicised the civil administration and lower judiciary, which made law enforcement partisan. Corruption became pervasive. Bangladesh was ranked as the world's number one corrupt country by Transparency International (TI) for five years in a row starting in 2001. Various global surveys ranked Bangladesh's performance in establishing the rule of law poorly. For example, Freedom House's survey on Bangladesh in 2005 gave Bangladesh

³⁹ The Result of the 2001 Elections, Election Commission Bangladesh, and See, *Election Day 2001: Nationwide Observations, A Report of the Election Monitoring Working Group*, 2002.

⁴⁰ Fahim Quadir, "Bangladesh" in *Countries at the Crossroads, Survey of Democratic Governance*, Freedom House 2007 <http://www.freedomhouse.org>.

⁴¹ Ibid.

⁴² *The Daily Star*, 24 November 2008.

⁴³ Governance Matters, 2007, *The World Bank*. <http://www.govindicators.org>.

a score of 3.4 out of a possible score of 7.57 The 2007 survey gives an even lower score of 2.7.58 Similarly the World Bank's global survey on governance indicators rank Bangladesh between the 20-25 percentile, with an increasing of deterioration in establishing the rule of law.⁴⁴

Civil Liberties and Fundamental Freedoms

The Bangladesh constitution guarantees fundamental rights and civil liberties.⁴⁵ Political, cultural, and religious freedoms for all groups are permitted. Moreover all citizens are recognized as equal irrespective of their ethnicity, gender, and religion. The constitution also mandates affirmative action measures to promote equality and eliminate discrimination. But over the years, Bangladesh has also formulated some laws that limit civil liberties whilst in practice, women, ethnic and religious minorities often face discriminations. With the overthrow of military rule and return of democratically elected governments, the constitutional guarantees of fundamental freedoms were restored in principle. In practice, however, fundamental human rights were violated in many different ways. The most publicized were the incidents of extra-judicial killings by law enforcement agencies of the government. As the rates of violent crimes soared, the BNP-led alliance government introduced special anti-crime drives using the military and the paramilitary, Bangladesh Rifles (BDR). With each drive, the law and order situation improved temporarily, but there were also allegations of human rights violations and extra-judicial killings. In October 2002, the government introduced "Operation Clean Heart," using the military. Human rights organisations claimed that 44 people had been killed due to excessive use of force during the drive. The drive was withdrawn in January 2003 when it became apparent to the government that many of the criminals being detained by the military were from the ruling party whilst other targeted hoodlums had become fugitives.⁴⁶ With local government elections about to take place Operation Clean Heart was seen as prejudicing the electoral prospects of the ruling party in the forthcoming elections. So the operation was abruptly terminated and the law and order situation once again deteriorated. The government subsequently initiated other drives such as Operation Spider Web, using the BDR It eventually established speedy tribunals and formed special law enforcement forces such as the Rapid Action Teams. Again, these measures were able to tackle only criminals who were not affiliated with political bosses. But as the cabinet secretary,

the senior most government bureaucrat, complained in a seminar in 2003, these forces could not work impartially and effectively due to the interference of political leaders. In 2004, the government formed a special security force called the Rapid Action Battalion (RAB), composed of personnel from the police and the military. Though the RAB enjoys public support because of its success in cracking down on terrorists and criminals, its method of work has made the RAB controversial. The RAB has been accused of arresting and torturing innocent people on unfounded criminal charges, killing alleged criminals in what it called "crossfire," and generally denying the fundamental rights of arrested individuals to be tried in a court of law.⁷⁸ According to one recent report, as of March 2007, the RAB had arrested 17,332 people on various charges and killed 327 people in "crossfire."⁴⁷

Not only the RAB, but the police forces have also been accused of routinely making arbitrary arrests and torturing arrested individuals to obtain confessions. Deaths in police custody are not uncommon. For example in 2006, some 51 prisoners were reported to have died in police custody.⁴⁸

Democratization and Ensuring Accountability

Larry Diamond and Leonardo Morlino define accountability as "the obligation of elected political leaders to answer for their political decisions when asked by voters or constitutional bodies."⁴⁹ They distinguish between two types of accountability: vertical and horizontal. Vertical accountability runs "upward" from citizens to leaders. On the other hand Andreas Schedler identifies three main features of vertical accountability: information, justification, and punishment (or compensation).⁵⁰ These roughly describe the stages in which citizens learn of public actions presented by leaders, and decide whether to punish the leaders or reward them (most often by either turning them out of or continuing them in office). Political competition and participation are critical conditions for vertical accountability. Competition and power distribution needs to be fair enough for genuine electoral alternatives at various levels. The ongoing process of monitoring, questioning, and demanding justification is equally important for consolidating democracy. Civil society and media play an important role in this process of ongoing monitoring.

⁴⁴ Ibid.

⁴⁵ *The Constitution of the peoples Republic of Bangladesh*; <http://www.pmo.gov.bd/constitution/index.html>

⁴⁶ Rehman Sobhan, "Clean Politics as a way to clean heart" *The Daily Star*, 20 February, 2003.

⁴⁷ Fahim Qadir, *Opcit.*

⁴⁸ Ronaq Jahan, "Bangladesh" in *Countries at the Crossroads: A Survey of Democratic Governance*, *Freedom House*, New York, 2005.

⁴⁹ Cited in Ronaq Jahan, "The Challenge of Institutionalizing Democracy in Bangladesh", *Opcit.* p.31

⁵⁰ Ibid.

However Horizontal accountability, in contrast, refers to “one arm of the government... answering to another in a roughly lateral way rather than as part of a regular command-and-obedience relationship.”⁸⁹ Horizontal accountability institutions include the political opposition in the legislature, investigative institutions set up by the legislature, the courts, audit agencies, independent election administration, central bank, anti-corruption commission, human rights commission, state ombudsman, and other such bodies “whose mission is to scrutinise and limit the power of those who govern.”⁵¹

Some Strategic Problems of Development of Democratization in Bangladesh

Turning now to the problems, I will first list five problems that I consider to be of great strategic importance. I then discuss one issue regarding the existing political culture that is of strategic importance as well in moving beyond crisis-driven solutions. Finally, I raise ten questions, which suggest some strategic areas of focus for our progressive civil society and political forces. My strategic list of problems is as follows:

1. Problem of parliamentary constitutional politics – representative democracy and its limits;
 2. Problem of economic justice, class, gender, ethnic and religious minorities;
 3. Problem of social stratification & differentiation including the divide among the newly rich and those who are being left behind;
 4. Problem of creating a vigorous Civil Society;
 5. Problem of linking with the democratic forces internationally and declining with the antidemocratic forces.
- All these problems have remained unsolved or very partially addressed at best in the last few decades for many complex historical reasons that are subjects of intense debate.⁵²

Concluding Remarks:

From the above discussion, we can say that democratization in Bangladesh is at crossroads. The challenges of Bangladesh faced in institutionalizing democracy are not unique. Many new democratic countries are also struggling with similar challenges in Bangladesh; this is precisely what has happened. Though the country went through three free and fair national elections, absence of the rule of law weakened all other pillars of

democracy such as fundamental freedoms and accountability and ultimately even regular elections could not be routinised. As the previous analysis of the workings of democracy in Bangladesh, the different qualities of democracy were not nurtured in an interactive and positive way to converge into a system. As a result, the country gradually moved towards democratic decay. What are then the prospects of democratic renewal in Bangladesh? Will Bangladesh get back on the path of electoral democracy any time soon? Again we can say that from very early of civilization democracy was discussed from various viewpoints and applied it various way. Today most of the people want to enjoy this form of government. The people of Bangladesh are not out of them. But Bangladesh has been facing various problems to institutionalize democracy since its independence. Yet it, prospects of democracy in Bangladesh today are not insignificant. I think the suggested policy measures given above would be helpful for the policy makers of the state for democratic development. For this the media, civil society and socio-political organizations and institutions must play the pioneering role.

⁵¹ Ibid.

⁵² Haider A. Khan, “Democracy in Bangladesh: From Crises to Sustainability” Paper presented at the Democracy Forum, Cambridge, March 25, 2007.