CHAPTER SIX

POLITICAL INSTITUTION-BUILDING
IN THE POST-1975 PERIOD

Following the resignation of Ershad, Justice Sahabuddin Ahmed was sworn in as acting President on December 6, 1990. He appointed a 17-member Council of Advisers to assist him in performing various activities of the state. The caretaker government was considered as an impartial body by the people at large. None of the advisors belonged to any political party. They were drawn from different middle class professional groups.

Immediately after the assumption of office the caretaker government of Sahabuddin ordered the arrest of Ershad. The government instituted a 3-member committee to investigate allegations of the abuse of power and of corruption by Ershad, his cabinet and other associates.1 The new regime also purged Ershad loyalists from the armed forces, state-run corporations and civil service.2 Among senior pro-Ershad army officers transferred were: Major General Ashraf Hussain, Director General of NSI; Major General Rafiqul Islam, G.O.C. of the key ninth division; and Brigadier Farooq of 46 Infantry Brigade. All of them were moved to less sensitive positions.3

The government had to undertake these measures to rid the nation from the curse of misrule and corruption perpetrated by the military rulers. Particularly after Ershad came to power, indiscipline and corruption permeated all sectors of public life and misuse of office and power for personal and coterie interests reached unprecedented heights. Moreover, vital institutions of the state such as the military suffered serious setbacks under Ershad’s rule. He undermined Bangladesh military’s integrity, professionalism and effectiveness by frequently using it for personal gains. Thus it became the responsibility

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1 Keesing’s Record of World Events, December 1990, p. 37907.
2 Ibid.
of the interim regime to restore armed forces' image as the vanguard of the nation which was tarnished by the previous regime.

Besides, the country's democratic process was also thwarted by military dictatorship. People belonging to various strata of the society who overthrew the autocratic regime of Ershad wanted the caretaker government to revitalise the institutions of participation.

The February 1991 Jatiyo Sangsad Elections

The primary responsibility of the interim government was to organise elections. On December 15, Sahabuddin announced that the fifth parliamentary elections would be held on February 27, 1991. The government took several measures to ensure free and fair elections. The election commission was reconstituted and given sweeping powers on all election-related matters. The local administration was streamlined for maintaining law and order during the elections.

The fifth parliamentary elections generated unprecedented enthusiasm among the people in general. A total of 2,787 candidates belonging to 75 political parties and another 424 independents contested for 300 seats.4

In their bid to woo the electorate, all the political parties resorted to populism during the election campaign. They announced several policies and programmes in their election manifestos. Every party pledged to strengthen democratic institutions, increase budgetary allocation for the social sector, eradicate corruption, build strong and disciplined armed forces, safeguard Bangladesh's independence and sovereignty and so on.

However, the country's socio-economic and political problems which were compounded by prolonged military rule were not discussed in the campaign in a

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comprehensive manner. Political parties promised many things in their manifestos but did not spell out how those were to be delivered. The major political parties rather harped on the past and each accused its opponents of being undemocratic.

The BNP emerged as the single largest party with 140 seats while the Awami League obtained only 88 seats. The Jatiyo Party which was thrown out of power in December 1990, secured the third position. The Jamaat-i-Islami managed to get 18 seats. 5

Nature of the BNP Government

The BNP, short of a clear majority on its own, forged an alliance with the Jamaat-i-Islami to form the government. On March 20, 1991, Khaleda Zia was sworn in as Bangladesh’s first woman Prime Minister. She formed a 32-member cabinet that included a number of experienced former ministers, civil servants, retired military officers, lawyers and other middle class professional groups. Some of the ministers from the Zia regime were reinducted into her cabinet, including A.S.M. Mustafizur Rahman (ex-army officer), Saifur Rahman (chartered accountant), Badrudozza Chowdhury (physician) and Keramat Ali (former cabinet secretary). 6

The composition of the Khaleda cabinet clearly indicated that the technobureaucratic orientation of the government – a legacy of military rule, persisted after the Bangladesh armed forces’ formal withdrawal from power. A common phenomenon of the countries ruled by military has been the building of a partnership of convenience between the military and civilian bureaucracies. This partnership develops mainly because of military’s lack of experience in governance. But it has a long term deleterious impact on the country’s political leadership. The growing presence of bureaucrats and

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technocrats who do not undergo the process of political socialisation, marginalises the role of mass leaders. When the BNP was created, it inducted a good number of retired military officers. After the elections, some of them became ministers in the Zia Cabinet. They included (retd.) Hannan Shah, Colonel (retd.) Oli Ahmed and Major (retd.) Mannan.

A retired Bangladesh Army officer argues that the salient feature of the Begum Khaleda Zia-led BNP government was not its potential links with the military, but the prominence it provided to men who were close to the Prime Minister's late husband. Except for Major (retd.) Mannan, all the above mentioned ex-military officers were aides to Zia. They had known Zia not only as the President, but also as a fellow officer in the 1950s and 1960s. Begum Zia herself knew these men socially and felt more comfortable in their company than in that of unfamiliar politicians, civil servants and businessmen. 7

However, this explanation relies on only one factor and, that too, not the most important one. The inclusion of a large number of ex-army officers in the cabinet was mainly due to the fact that even after military’s disengagement from power, it retained considerable influence over the decision-making apparatus. Moreover, the BNP itself was floated from the cantonment and many of its leaders drawn from the military were the beneficiaries of the Zia regime. Therefore, it is logical that the military-turned politicians would try to protect their privileged position under the new democratic set up and the best way to do that was by directly participating in the decision making process.

Patterns of Civil-Military Relations in the Post-Ershad Era

The civil-military relations in Bangladesh improved positively following military’s withdrawal from power politics. With the installation of the democratic

government in 1991, the role of the armed forces was redefined. The Khaleda government tried to recast the armed forces as an apparatus of national security and a number of efforts were made to curb the political ambition of the generals.

According to Article 61 of the Bangladesh Constitution, the president is the supreme commander of the armed forces. But in practice, the president remained largely a figure head with all powers vested with Prime Minister Khaleda Zia. In her capacity as Defence Minister, she undertook several measures to ensure that the armed forces no longer posed a threat to her administration. She reorganised the army hierarchy and strictly enforced the chain of command.

Like her predecessors, Khaleda Zia appointed in sensitive positions men she considered reliable. Many pro-Ershad army officers were either relieved of their commands or asked to retire. It was reported that 18 major generals and 21 brigadiers were retired from the services of Bangladesh Army between January 1, 1991 and December 31, 1993. Several were arrested and put on trial while others were sent abroad on diplomatic assignments.

Khaleda Zia skillfully handled the rival factions within the armed forces by balancing the repatriates and freedom fighters. She commanded the total allegiance and obedience of the armed forces and the three Service Chiefs. The Prime Minister virtually eliminated the chances of a coup or military takeover by diversifying the power centres and retaining central authority with herself. Khaleda Zia frequently visited units and formations in their peacetime barracks. Moreover, she hardly missed an opportunity to attend military ceremonies as the chief guest. Senior defence personnel maintain that the Prime Minister by attending various functions of the armed forces tried to

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9 See n. 7, p. 57.
10 Ibid.
demonstrate that she had complete control over the military. Prime Minister’s attendance also served as a periodic reminder to the armed forces to function in a subordinate capacity, and enabled her to observe closely their activities. Khaleda Zia not only reshaped civil-military relations but also the structure of the military. The three services were to be operationally managed from her office in the reorganised Supreme Commander’s Secretariat, now renamed the Armed Forces Division (of the Prime Minister’s Secretariat). The degree of autonomy previously enjoyed by the service headquarters was reduced and the Armed Forces Division assumed control over such matters as movement of troops, their training, logistics and posting and promotion of officers. Though the Ministry of Defence was revived under the new democratic set up to assert civilian rule over the military, it did not make any significant contribution in defence policy making. The task of the Ministry of Defence was confined to non-operational matters like medical service, defence purchase, inter-services public relations, selection and recruitment of defence personnel, ex-servicemen’s welfare etc. The day to day administration and management of military affairs were conducted by the Armed Forces Division.

No major policy decision with regard to the armed forces was taken by Khaleda Zia unless vetted and cleared by the new director generals of the two intelligence agencies – DFI and NSI. The former reported directly to the Prime Minister. The total strength of the DFI is estimated to be 1500 personnel. Its primary responsibility is to coordinate and control the work of Intelligence Directorates of Army, Navy and Air Force. The DFI has also been entrusted with: a) keeping a pulse on the armed forces; (b) monitoring the activities of foreign missions in Dhaka; and (c) supervising the activities of Bangladesh military attaches posted abroad. Although DFI is basically an armed forces organisation,

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11 A few high ranking army officers disclosed this during the field work on condition of anonymity.
it often operates in areas well outside its purview. It is known to keep watch on the activities of political leaders also.\textsuperscript{12}

The NSI is a civil intelligence organisation, but generally headed by a military personnel. This organisation has a large number of police personnel on its strength. It is responsible for gathering internal political intelligence. The NSI keeps a close watch on the activities of all opposition parties.\textsuperscript{13}

Both the intelligence organisations played a decisive role in the policy formulation during the military rule and this trend continued after the restoration of civilian rule. The higher echelons of the Bangladesh military were consulted by the Khaleda government while taking important decisions related to national security and foreign policy matters. A study observes: “Bureaucratic management of national and regional security affairs still persisted. A select band of diplomats and senior military officers studied issues and forwarded recommendations for authorisation by the politicians; after the fall of Ershad, his supporters no longer carried out these tasks, but the mechanism remained intact”.\textsuperscript{14}

**Problems of Political Institution-Building in Bangladesh**

The new civilian government inherited a number of intractable political problems. One of the most challenging task before the government was the rebuilding of Bangladesh’s political institutions. During 1975-90, the military rulers systematically destroyed all institutions of democracy. The parliament was subordinated to the all-powerful chief executive. The Election Commission became a tool for legitimising rigged elections. Rule of law was severely undermined and independence of the judiciary was curtailed. The constitution was amended several times to further the interests of the

\textsuperscript{12} The above mentioned data was collected from some defence personnel who did not want to be identified.
\textsuperscript{13} Ibid.
\textsuperscript{14} See Ali, n. 7, p. 59.
ruling elites. Citizens were denied their fundamental rights. The police and para-military forces were used to maintain political control of the regime.

Long years of autocratic rule also weakened the party system. A former state functionary of Bangladesh observes that the attitude of the political parties and leaders, the lack of respect for the democratic institutions, their mutual suspicion and betrayal, the arrogance of power, intolerance of opposition and criticism and lack of democratic practices within the respective parties, are all essential elements which contributed to the negation of democracy.¹⁵

Authoritarian Tendencies of the Ruling Elites

Governing style of both the military rulers of Bangladesh – Zia and Ershad, was authoritarian in nature. They tended to monopolise power by emasculating parliament and the cabinet. The Zia regime was characterised by total concentration of power in the executive. Political institutions were created to suit the designs of the omnipotent president. All the civil and military authority remained concentrated in one person who was the president of the country, supreme commander of the armed forces and all-powerful chairman of the ruling party.

The same tradition continued after Ershad usurped power in 1982. Under his rule, "concentration of power was so pervasive that the system turned into an individual absolutism with hardly any means of accountability of the government."¹⁶ He ruled the country for long nine years with unlimited power and all the state apparatus were made puppets in the hands of the military dictator.

In the post-1975 period, Bangladesh witnessed both direct and indirect military rule. Under successive military regimes, the office of the president or chief executive was made omnipotent. Ironically, it was the founder of Bangladesh and its first civilian ruler — Sheikh Mujib who laid the foundation of an authoritarian political system. The country started its political journey with a Westminster type of government immediately after independence. But parliamentary democracy could not flourish as Mujib assumed dictatorial powers in 1975 by effecting radical changes in the 1972 Constitution. The fourth amendment to the constitution replaced Bangladesh’s multi-party parliamentary system by one-party presidential authoritarianism. The successive military rulers retained the executive presidential system to their advantage.

Another important reason why democracy could not be institutionalised in Bangladesh was the negative role played by a section of civilian elites. Some high ranking civil servants and unrepresentative politicians facilitated military’s entry into politics both in 1975 and 1982. Their prime objective was to control the decision making apparatus together with the military by marginalising the political leaders having mass support. The post-1975 ruling elites provided all kinds of assistance to the military in its efforts to perpetuate autocratic rule and in the process, the growth of civil and democratic institutions was adversely affected.

Subordination of Parliament

The parliament failed to play an effective role in the political process. Three Jatiyo Sangsads were elected between 1973 and 1988, but none of them could establish its supremacy in law making. The president had the power to withhold assent from any bill passed by the parliament. He also retained the power to convene, prorogue, and dissolve the parliament at his will.
Table I

**Numerical Strength of Government, Opposition and Independents in *Jatiyo Sangsad***

<table>
<thead>
<tr>
<th><em>Jatiyo Sangsad</em></th>
<th>Ruling Party</th>
<th>Year Elected</th>
<th>Number of MPs</th>
<th>Total</th>
<th>Tenure</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Government</td>
<td>Opposition</td>
<td>Independents</td>
</tr>
<tr>
<td>First</td>
<td>Awami League</td>
<td>1973</td>
<td>293</td>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td>Second</td>
<td>BNP</td>
<td>1979</td>
<td>207</td>
<td>77</td>
<td>16</td>
</tr>
<tr>
<td>Third</td>
<td><em>Jatiyo Party</em></td>
<td>1986</td>
<td>153</td>
<td>115</td>
<td>32</td>
</tr>
<tr>
<td>Fourth</td>
<td><em>Jatiyo Party</em></td>
<td>1988</td>
<td>251</td>
<td>24</td>
<td>25</td>
</tr>
</tbody>
</table>

All the *Jatiyo Sangsads* were dominated by the ruling party to such an extent (see table I) that the opposition lost interest in the business of the house. In fact none of the three *Jatiyo Sangsads* was able to complete its five-year term. All of them were dissolved prematurely.

A parliamentary system functions through a number of committees and sub-committees which oversee the affairs of the various ministries to make the government more responsive and accountable. But in Bangladesh, the parliamentary committees failed to play a constructive role in the post-1975 period. Some key committees such as Public Accounts Committee, Committee on Estimates, Committee on Public Undertaking and other standing committees on various ministries remained inactive. Committee meetings were not held regularly. More significantly, recommendations of the committees were not accorded due importance and on most occasions, they were not implemented at all. In fact, there was no mechanism to check the power of the president. He controlled the functioning of the parliament.

The other important aspect of parliamentary democracy is that people's representatives actively participate in the formulation of public policy. But in post-1975 Bangladesh, the government developed a tendency to avoid detailed debate and discussion on major issues of national importance. It often rushed bills in haste. The parliament was primarily used for passing legislation and ratifying the decision which the Executive had already taken.

However, following the restoration of the parliamentary system in September 1991, the cabinet was made accountable to the *Jatiyo Sangsad*. The parliament constituted 49 standing committees and 63 sub-committees to monitor the activities of different ministries. The most significant aspect of these committees was that each of
them was now composed of legislators belonging to both treasury and opposition benches. In the past, the parliamentary committees were monopolised by the members of the ruling parties.\textsuperscript{17}

\textbf{Underdeveloped Party System}

Another victim of the military domination of politics was the party system in Bangladesh. The military rulers often prohibited open political activities and undertook repressive measures against opposition parties. During 1975-90, the political parties had little opportunity to ensure popular participation in the political process. Whenever they tried to organise mass movements for the restoration of civil and democratic rights, the military rulers resorted to coercion. As a result, political parties remained weak and fragile.

Competitive multi-party system could not develop in Bangladesh right from the beginning. In June 1975, Sheikh Mujib dissolved all the political parties and asked them to join his newly floated party – BAKSAL. His successor – Khondker Mushtaq Ahmed did not restore multi-party system, but banned altogether formation of political parties by promulgating the Political Parties (Prohibition) Ordinance, 1975. Subsequently, Zia repealed this ordinance and promulgated Political Parties Regulation, 1976 which paved the way for reintroduction of multi-party system. But this ordinance laid down the rules for political activities and made the military the referee in the game. Through this ordinance, Zia sought to marginalise the Awami League – the most vocal critic of his regime. He also rehabilitated the pro-Islamic parties which were banned by the Awami League regime from participating in the country’s political affairs. However, the

\textsuperscript{17} See Al Masud Hasanuzzaman’s, “Bangladesh Committee Byabastha”, in Muhammad Jahangir, ed., \textit{Ganontro} (Dhaka: Mawla Brothers, 1995); and Nizam U. Ahmed’s, “Parliamentary Politics in Bangladesh”, \textit{Journal of Commonwealth and Comparative Politics}, vol. XXXII, no. 3, November 1994, p. 37.
rehabilitation of anti-liberation forces like Jamaat-i-Islami, Nizam-i-Islami and Muslim League undermined the secular fabric of the polity. It increased religiosity in the polity - a legacy of Pakistan period.

The other obstacles to building a resilient polity in Bangladesh were the distorted growth and low-level development of political parties. The political parties have been characterised by structural weakness and ideological bankruptcy. Though there are numerous political parties in Bangladesh, very few of them are well-knit and organised up to the grass root levels, having definite policies and programmes of action. Most of the parties lack organisational discipline and democratic values. They are plagued by narrow selfishness and sectarian interests. Most of the parties try to protect and promote the interests of the economically dominant sections of the society at the cost of the interests of the common people. A Bangladeshi political scientist has analysed this phenomenon in the following words: "Party politics is determined largely by narrow individual or group interests. Political postures, activities and performances are determined by factors of personalities, influences, patronage and prestige rather than by specific political issues or alternate political programmes." 

Political parties in Bangladesh also suffer from acute factionalism. Personal rivalries often lead to party splits and the establishment of separate parties. The country has more than 100 political parties. Each party has 10 to 15 factions, and each faction has further sub-divisions. There are only 4 major political parties in Bangladesh and the rest are based around individuals. Most of the leaders of the smaller parties were numbers of major parties in the past.

In Bangladesh, factionalism has become an inseparable part of party politics. Although some form of factionalism does exist in political parties of most of the developing countries, in Bangladesh, it often takes an extreme and all-pervading character—seriously constraining people’s ability to work together.21

Intense factionalism and party-splits had adverse impact on the process of political institution building in Bangladesh. They resulted not only in organisational weakness and a very low level of institutionalisation in the polity, but also institutional fragmentation.22

The other distinct feature of party politics was the rise to power of charismatic and dominant leaders. Each major party was headed by a person who exercised direct control over the party’s decision making bodies. The party chief had the power to appoint or remove any party official at his discretion. Within each party, the levels below the top had little or no voice. All the decisions were made at the national level and imposed upon the local committees. Intra-party elections were not held regularly and the key party positions were filled by nomination.23 Thus representativeness was almost absent within the Bangladeshi political parties.

Another interesting aspect of party politics in the post-1975 era was the establishment of parties by the military rulers. Both Zia and Ershad floated their own parties by using military intelligence agencies whose major strategy was to encourage defection from faction-ridden parties and to recruit their leaders by offering ministerial berths and other state largesse. The post-1975 political parties like the BNP and the Jatiyo Party emerged from above as instruments for acquiring, sharing or sustaining power.

22 See E. Ahmad, n. 18, pp. 202-203.
These parties did not represent the civil society because the main source of power remained in the cantonment. All these factors hindered the growth of parties as democratic and durable political institutions.

**Tinkering with the Constitution**

Zia and Ershad also amended the constitution time and again to consolidate their position. Both of them decreed several amendments to the constitution which they later managed to get ratified by the parliament. From 1975-1990, the constitution underwent 10 amendments. Each time, the constitution was amended arbitrarily through ordinances. The major objectives behind the amendments were the perpetuation of the autocratic rule, the legitimisation of military intervention and tinkering with the political system to suit the needs of the regime.  

The military rulers removed certain liberal democratic ideals from the constitution. The country’s first military ruler, Zia brought about fundamental changes in the principles of state policy. Secularism was replaced by “Trust and Faith in the Almighty Allah” and socialism was redefined as social and economic justice. Zia’s successor, Ershad too effected some drastic changes in the 1972 Constitution. In 1986, the seventh amendment was introduced to raise the age of retirement of the Chief Justice and other judges of the Supreme Court from 62 to 65 years. Ershad’s critics pointed out that he amended the constitution to favour a particular judge. This amendment was another manifestation of narrow personal interest being accorded priority over the sanctity of the constitution. Through the eighth amendment, he made Islam the state religion of Bangladesh. Moreover, he tried to revise the constitution to give military a

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25 Ibid., p. 83.
formal role in the governance of the country. However, Ershad dropped the idea when it was vehemently opposed by the civilian political forces. The military rulers also suspended the constitution for over 8 years. All these acts severely undermined the sanctity of the constitution.

Subversion of the Electoral Process

The electoral process and election as an institution too suffered serious setbacks under the military rule. The effectiveness of the institution was destroyed by the use of all sorts of malpractice, manipulation, force and violence. Studies indicate numerous instances of bogus voting, ballot-snatching, surreptitious counting in favour of ruling party candidates and perpetuation of corrupt practices by civil servants in collusion with the locally deputed officials of the Election Commission. Another notable aspect of electoral malpractice was 'media coup.' The ruling party with active collaboration of the state machinery including the state-owned and controlled electronic and print media, managed to manipulate the results in their favour.

Elections were held to legitimise illegal seizure of power by the military. They were not aimed at ensuring people's representation in the decision making process. The military rulers of Bangladesh organised elections only when they were convinced that the results could be manipulated to the advantage of the ruling party.

The Election Commission's independent and neutral status was severely undermined. The authoritarian regime of Ershad perpetrated unprecedented electoral malpractices. Particularly the fourth parliamentary elections surpassed all previous records of electoral fraud and instead of according legitimacy to the Ershad regime, the 1988 elections exacerbated the legitimacy problem.

Most of the elections held during his period were boycotted by the major political parties. They maintained that free and fair polling could not take place under Ershad who was desperate to perpetuate his rule. Finally, it was the caretaker government of Sahabuddin which restored the credibility of the electoral process.

Curtailment of Civil and Democratic Rights

Basic civil and democratic rights of the people such as freedom of expression, freedom of organisation and assembly were curtailed following military's assumption of power in 1975. Both Zia and Ershad governed the country through strict martial law rules and regulations. To contain their political opponents, they also used the black law like the Special Powers Act 1974 which was introduced by Mujib. According to this law, anyone can be detained for at least 100 days without trial or without even specific charges being made. Human rights situation in Bangladesh remained poor throughout the military rule. The major violations of human rights included: (i) existence and use of laws for interning political opponents on whatever charges found convenient; (ii) use of violence against opponents; (iii) discriminatory application of law to deal with law breakers; and (iv) misuse of media.28

The military rulers imposed a number of stringent laws and regulations over the media which hindered free flow of information and freedom of expression. Besides, various extra-legal acts and instruments were used to regulate the flow of information. Radio and television were monopolised by the successive military regimes. Both print and electronic media were not allowed to function as freely as required to promote the cause of democracy and its values and norms.

A number of newspapers had incurred the wrath of government by opposing its policies and programmes. For example, during the rule of Ershad, daily newspapers like *Desh, Khabar, Inquilab* and *Banglar Bani* were banned from publication for criticising him or any of his actions. Moreover, the Ershad government on May 14, 1968, ordered an indefinite ban on three weekly newspapers—*Ekota, Amader Katha* and *Sangbadik*, and the confiscation of one issue of *Jharna* for publishing “objectionable” articles. In late July, *Jai Jai Din*, a popular political weekly, was banned for publishing articles allegedly slandering the armed forces. *Janamat*, a London-based Bengali weekly, was banned on August 5 for publishing reports the government considered “prejudicial.” Press censorship continued throughout the Ershad period and the journalists complained that they were often harassed and persecuted by the military on various pretexts.

Following Khaleda Zia’s assumption of power in 1991, the freedom of print media was restored. But her regime retained exclusive government control over the broadcast media such as radio and television. Like the former military regimes, these two media acted as the spokesmen of the government. Opposition parties often complained that their views did not get due coverage in these media. The continuation of government monopoly over the electronic media came in the way of ensuring transparency in administration.

**Ineffective Judicial System**

In a democratic polity, the judiciary plays an important role in guaranteeing individual and organisational rights. In Bangladesh, after the armed forces seized power, these rights were denied. A number of special military tribunal, special military courts

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29 See M. Alumed, n. 37, pp. 378-79.
and summary military courts were set up to try any offence punishable under martial law regulations and orders. Civilian courts were allowed to function simultaneously but several arbitrary limitations were imposed on them. No court, including the Supreme Court, had the power to question any verdict of a military court, which was safeguarded by indemnity laws. Moreover, the chief executive often interfered in the management of the judiciary. He had the discretionary power to appoint or dismiss judges.

The rule of law was hardly practised. The declaration of martial law in Bangladesh in 1975 was illegal. In the 1972 Constitution, there is no provision whatsoever for the imposition of martial law under any circumstances, even for the sake of restoring law and order.31

Since 1975, use of force became the modus operandi for replacing an incumbent regime with a new one. To justify the illegal seizure of power by the military in 1975, an indemnity ordinance was promulgated on September 26, 1975. This ordinance indemnified the assassins of Sheikh Mujib against all penal measures.

The Indemnity Ordinance was later incorporated into the constitution through the Fifth Constitution Amendment Act. The Awami League vehemently opposed the Indemnity Ordinance and demanded the trial of killers of the “Father of the Nation.” The party tabled a bill before the fifth Jatiyo Sangsad to repeal the infamous ordinance. But the BNP government did not take any action on it. Similarly, no effort was made to ensure complete separation of judiciary from executive.

Political Culture of Bangladesh

Another significant factor which hinders the process of institutionalisation of democracy in Bangladesh is its political culture. One of the most noticeable aspects of

the political culture of Bangladesh is the absence of tolerance between the ruling and the opposition parties. Their relationship is mainly conflictual. The ruling party always tries to promote its own interests while formulating major policies and programmes. It never acknowledges the viewpoints of the opposition. The latter, on the other hand, has developed a tendency to oppose whatever measures the government proposes.

In liberal democracies, although the relationship between the government and the opposition is not conflict-free, they generally cooperate with each other on issues of national importance. But in Bangladesh, mutual trust between the ruling and opposition parties is totally lacking. The ruling party perceives that all the actions and programmes of the opposition parties are designed to destabilise the government. The opposition parties, on the other hand, strongly believe that the government's policies are aimed at discrediting their past achievements and present activities.32

The military regimes of Zia and Ershad undermined all norms and values of democracy. Their policies and actions had a divisive and crippling effect on the polity. Political parties were floated from above to enlist support for their regimes and to throw the opposition off balance. Both Zia and Ershad equated the state with ruling parties and used the state power for self-aggrandisement. As a result, authoritarianism became the dominant feature of the political system in Bangladesh.

However, in Bangladesh, there has been a long tradition of the people rising against authoritarianism. The language movement of 1952, the mass upheaval in 1969, the struggle for liberation in 1971 and the movement for the restoration of democracy the 1980s – are some of the examples of the resilience of the masses against authoritarian regimes.

32 See Khan and Hussain, n.1, p. 331.
But, at the same time, the long tradition of organising mass movements has created an agitational mentality among the Bangladeshis. It has been noticed that the legislators belonging to both the ruling and opposition parties do not strictly adhere to the rules of procedure of the parliament and other democratic norms and practices. In a multi-party democracy, the elected representatives are expected to initiate debate and discussion on various national issues in the parliament. But it is unfortunate that the Jatiyo Sangsad is fast losing its vitality as the political parties frequently resort to agitation, violence, strikes and hartals\(^{33}\) to change or overthrow a government. Most of the political parties take easy route of political mobilisation – politicising and activating students, urban workers, public sector employees, unionized teachers and city slum-dwellers. The parties seem to be less interested in conscious mobilisation and political socialisation of workers from grassroots levels.\(^{34}\)

**Prospects for Civilian Rule in Bangladesh**

Since the fall of Ershad, the military has restrained itself from playing any political role. There is a growing realisation in Bangladesh that the likelihood of a military coup is a remote possibility in the backdrop of the country’s various domestic and international compulsions. In the first place, the military leadership is quite aware of the fact that the people will not accept anymore military takeover of the government. Bangladesh’s apathy towards military rule was well demonstrated during the anti-Ershad movement of the late 1980s. Furthermore, within the Bangladesh military, the mid-ranking officers, particularly the post-1971 recruits who have so far reached the rank of colonel, are reported to be opposed to any involvement of the military in politics.\(^{35}\)

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\(^{33}\) The word ‘hartal’ which has same meaning as strike, i.e., stoppage of work by the workers, is generally used in the Indian subcontinent. But in Bangladesh, it means bringing down everything to standstill by coercive means. There is frequent resort to violence in hartal.

\(^{34}\) See Rahman, n. 21, p. 467.

\(^{35}\) *The Asian Age*, May 26, 1996.
Currently, the post-liberation recruits constitute the majority of rank and file in the Bangladesh military. The apolitical approach of the new generation officer corps has contributed significantly to restoring discipline within the ranks.

Secondly, the Bangladesh military is also actively participating in the United Nations peacekeeping duties in various trouble-torn countries. Their participation helps the country to earn much needed foreign exchange. Besides, U.N. peacekeeping duties have infused a spirit of professionalism into the Bangladesh military. The Bangladeshi military officers' interaction with officers from other countries where civilian supremacy over the armed forces is widely recognised, may have helped the junior and middle level officers to reevaluate the role played by the military in the post-1975 period.36

Thirdly, during the cold war era, the Western countries provided political, diplomatic and financial assistance to many military regimes of Asia, Africa and Latin America. At that time, the foreign policy of these countries was mainly governed by their strategic interests and one of the major objectives was to contain Soviet influence and Communist movements in the developing countries. They did not mind if this objective could be pursued with the help of military regimes.

However, following the breaking up of the Soviet Union and the end of the cold war, the foreign policy priorities of the Western countries have undergone a change. They are now laying increasing emphasis on democracy, electoral process, multi-party system and people's participation in the political process.

Fourthly, like most least developed countries, Bangladesh is heavily dependent on foreign aid for its economic development. The industrially advanced countries generally set certain conditions while providing economic assistance to the

underdeveloped nations. After the end of the cold war, the donor countries have been linking aid to the status, rights and freedom of the press, the functioning of democracy and the independence of the judiciary in the aid-recipient countries. Therefore, the Bangladesh military knows that any takeover by it would have adverse effect on the continuance of economic aid to Bangladesh. Because of heavy dependence on aid, Bangladesh can not afford to incur the displeasure of major donor countries like the U.S., the U.K., Japan and others.

Finally, in Bangladesh, the military is considered to be one of the most privileged sections of the society. Even after the restoration of civilian rule, defence consumes more than 15% of annual budget and there has been no reductions in the pecuniary benefits enjoyed by the military personnel. A coup is unlikely to fetch any additional advantage for the men in uniform.

A combination of all these factors has somewhat compelled the military to take a back seat in politics. Military officers now appear to regard joining the civilian government as the way to express their opinions. The major political parties like the Awami League, BNP and Jatiyo Party have their own following among retired military officers. In fact, some of the frontline leaders of these parties are from military background.

One of the positive developments that has taken place after the restoration of civilian rule is the dissemination of information regarding the Bangladesh military. Nowadays retired military personnel, in their memoirs and other writings, are trying to reexamine the political role of the armed forces. There is also a visible change in the political orientation of the military. These are undoubtedly encouraging signs for a nascent democracy like Bangladesh.

38 The Pioneer, June 13, 1996.
However, the political parties still refrain from discussing military budget in the parliament. Moreover, there is no parliamentary committee on military affairs. The Bangladeshi intelligentsia – the most articulate section of the society, argues that in the absence of such institutional mechanism, it would be difficult to establish transparency and accountability in defence matters. The public opinion in the country is clearly in favour of civilian rule. The people now expect the military to pursue professionalism more vigorously and act as a vanguard of the nation in times of crisis.