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## **A Pre-emergency Governance-crisis in Bangladesh: A Review**

\_\_\_\_\_ Kazi S. M. Khasrul Alam Quddusi  
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Bangladesh democracy had long been engaged in the iron cage of state-emergency at least since January 11, 2007. Many uncanny events marked the period of BNP-led government (2001-2006) which also comprised religion-based political block spearheaded by Jamaat-e-Islami. The incidents ranged from blood-letting local mayhems in Kansat, Fulbari to gross deviations at the national level such as politicization as well as polarization of presidency, judiciary, intelligentsia, caretaker government system and so on. While local events resulted in triumph of people's power, the national ones turned the political landscape extremely murky.

Notwithstanding the democratic aspirations of the people of Bangladesh, incumbencies have generally undermined a free and fair electoral process. Incumbent government parties used public resources in order to stay in power. This led to debatable use of government functionaries and facilities involving coercion and fraud, resulting in political violence.<sup>1</sup> And, the people of Bangladesh and beyond watched horrible manipulations by the ruling party and terrible violence on the streets towards the end of 2006.

This paper is an account of those key events that had tremendous effect on the country's politics and administration in and around 2006, a watershed in the chequered political history

of Bangladesh. In fact, those developments would hardly go into oblivion in the minds of the people of the land and beyond because of the nature of the rot they represented.

### **The Kansat phenomenon**

The occasions for three cheers were indeed rare in this country. However, Kansat was truly something worthy of note in our politics -- against the backdrop of a despondency syndrome that persisted for long, even if the episode had been totally apolitical. The oppressed people of a sleepy Kansat, subjected to a syndicated skulduggery of the REB (Rural Electrification Board) could, through a heroic struggle, put an end to their exploitation and uphold their rights.<sup>2</sup>

The people of Kansat, a small village in Chapainawabganj district, who rose in rebellion against the irregularities and corruption of REB and its undemocratic and coercive activities, proved that the people of Bangladesh are not to be subdued by any undue force. As many as 20 people were killed in police firing between January and April 2006. Their sacrifice, however, set another milestone in Bangladesh's national history. On April 17, 2006, the government declared that it accepted the demands of the people of Kansat and would implement them. A distinct fact that emanated from the Kansat phenomenon was that organized and determined people – without constant support of the political parties – can compel a tyrannical administration to abandon high-handed approach of suppressing just demands of the people.

A compromise deal with the Kansat people was at last struck. But, can we forget that Kansat again flared up with the background of *Time Magazine's* report of a rebuilding Bangladesh? From its handling of the issue, it seemed that the government had been habituated to asking for trouble. Other than treating things with a bit of maturity and sanity, it became more interested in messing them up for mere gratification of its overbearing party leaders and errant law enforcement agencies.

The government's too-lenient approach to the callous activities of its party leaders and activists and excesses of law enforcers were only adding to its failure in providing bare necessities such as electricity, oil, fertilizer and so on. Unfortunately, however, the government's conscience had gone so blunt that it had been able to come out of its age-old frame of mind of smelling conspiracy in every incident or accident though it had only five more months to heal the seething public feelings.

It had grown so ingrained in opposition bashing that even innocent people were being termed as opposition conspirators. Admittedly, only the government's stupidity propelled the situation to reach such a pass at Kansat. Just three months back in January, 2006, ten people had been killed in Kansat in police firing while demanding electricity they had already paid for. Ten more people were killed recently. It was a trigger-happy action that led to the earlier deaths.

This time, however, the local BNP (Bangladesh Nationalist Party) cadres' attempt to show off muscle reportedly kindled the incident. Reportedly, the local BNP cadres intended to foil a demonstration of the locals of the area under the power-starved Kansat villagers' banner *Palli Biddyut Unnayan Sangram Parishad (PBUSP)*, to ventilate their grievances at the failure of the Rural Electrification Board (REB) in providing them with adequate and uninterrupted electricity.

The government was at last forced to come back to its senses but only after its blood thirst subsided upon taking as many as 20 innocent lives. May I know which weapon -- indiscriminate firings, inhumane beatings, wartime raids, loots, mass arrests, and arson -- was not tried by the government agencies to force the agitating Kansat people to bow down? Even minors were not spared from the wrath of the law enforcers. Party activists were used in the guise of security personnel and media people were barred from covering the atrocities.<sup>3</sup>

Consequently, Kansat wore a deserted look in no time and became a ghost locality. How on earth could a democratically

elected government resort to such acts of barbarities? Did the government intend to bring back the memories of 1971? What an irony: The mostly unarmed people upon whom the police pounced upon were formerly ruling party supporters. Even then, they were not spared. Did the Kansat villagers declare a war against Bangladesh or did the government pick the poor Kansat villagers to show off its prowess?

Like the Bangladeshi media, the judiciary of the country also seemed to be showing amount of activism in some instances, which was indeed a very good sign for our democracy. Regarding the Kansat incident as well -- as in the cases of Election Commission and Shanta incident -- the higher judiciary came out with a decisive ruling. In its rule, the government was asked to answer why there was no electricity, why there was no compensation and, moreover, why there were unwarranted firings.

The power crisis had, in fact, become a real sore for the ruling coalition. Concerns had been expressed not only by the adversaries and the media, the party leaders and workers had also voiced deep concern at the government's failure to provide the citizens with adequate electricity throughout the country. The workers had even remarked that they would find it difficult to stay in their localities or appeal for vote to the electorate if the situation did not improve in the coming days.

Though the government had consistently been putting the blame on increased demand and the media, its inability to produce new sources of electricity stood out like a sore thumb. There was no denying that the government could have avoided the first Kansat disaster if it was guided by good sense. The second Kansat incident badly betrayed its lack of sanity.

Though the government's very late realization was appreciable, its earlier disregard for human lives and rights -- which had been badly exposed by the Kansat carnage -- could not be condoned or taken lightly so as not to strengthen the hands of the opposition parties but to set an example so that no

government -- present and future -- could dare to go for such bestiality.

The civil society including, of course, ever-vigilant media activists -- as was demonstrated this time as well -- would have to make it a point so that the state machinery becomes increasingly proactive rather than reactive and decides against tyranny to cover up its failures in future.<sup>4</sup>

### **Hijacked Presidency**

A debate over presidency broke out during the budget session (of financial year 2006-2007) of the parliament. The Prime Minister and the Opposition leaders exchanged rather humorous remarks regarding the position of Presidency. The Prime Minister, Begum Khaleda Zia in her speech made it clear that she had no desire to become the President. That, however, did little to clear up the smokescreen that had been created from the two-President phenomenon, that is, speaker playing the role of President despite the President remaining fit for presidency. In fact, people of almost all walks of life were then anything but certain regarding the state of affairs of two Presidents. People were also equally worried about the fate of the then ailing President who was suffering from cardiac ailments.

Even the diehard supporters of the alliance government could recognize the fact the government was largely liable for the uncalled-for smokescreen that had emanated from the government's sort of hide and seek game regarding President Professor Iajuddin Ahmed and Acting (Temporary) President Barrister Jamiruddin Sircar. The coalition government seemed to be playing a funny game. There was disagreement in it even in terms of the naming of the two Presidents.<sup>5</sup>

While the Bangabhavan advised to call the makeshift President Barrister Jamiruddin Sircar as the *Astahyee Rastoprati* (Acting President), the Law and Parliamentary Affairs Minister Barrister Moudud Ahmed advised to call Barrister Jamiruddin

Sircar as the *Bharprapto Rastoprati* (President-in-charge).<sup>6</sup> Couldn't they really be at one as to the nomenclature of the two Presidents or was it another funny game? Even if the people in the government were doing it with a casual approach, it was definitely hurting their collective responsibility and exposure.

Article 54 of Bangladesh Constitution clearly spells out the provision for conducting the affairs of the President temporality until the President recuperates or a new President is elected. The Article says: "If a vacancy occurs in the office of President or if the President is unable to discharge the functions of his office on account of absence, illness or any other cause the Speaker shall discharge his functions until a President is elected or until the President resumes the functions of his office, as the case may be."<sup>7</sup>

In this context, the government's impertinence regarding the protocol and status of Professor Iajuddin Ahmed raised many eyebrows. Where in the constitution was it inscribed that the President would have to be stripped of his flag and insignia? Many constitution experts called it unconstitutional. In fact, it had been humiliating for a President whether it was constitutional or not. Things looked even more disconcerting because of the fact that this very government had sacked a President previously. The government might have had reasons to sack him but the mode of his sacking was not at all a pleasant one.

Yes, sacking of Badruddoza Choudhury invited sorts of criticisms. In the previous Awami League regime there were reports of strained relations between the then President Justice Shahabuddin Ahmed and the Awami League government. Some in Awami League were also reported to make adverse comments regarding Shahabuddin Ahmed. But, did Awami League sack Shahabuddin Ahmed? The coalition government should have kept that in mind because the smokescreen had been further reinforced due to the Badruddoza case.

President Iajuddin Ahmed's illness might have been a natural case but the very handling of the issue by the government

gave rise to doubts in the minds of the opposition parties and the general people. To be frank, President's return from Bangkok and going to CMH instead of Bangabhavan and withdrawal of his flag and insignia compounded the doubts that the government had different schemes of things regarding Iajuddin Ahmed. It was really baffling why the government was providing so much space for speculations.

Many belonging to the civil society, however, requested President Iajuddin Ahmed not to relinquish Presidency. Some also requested the government not to fire President Iajuddin Ahmed. All these boiled down to the fact that the conscious people of the country were very much worried about all the happenings centering round Presidency.

This concern was because of the fact that President of Bangladesh -- though a figurehead in an elected government's tenure -- had significant role to play during the Caretaker regime.<sup>8</sup> As the President is in charge of the forces as well, his role is all the more crucial in a Caretaker regime. Meanwhile, there were serious apprehensions in the air that the coalition government was very much willing to change the President and install a more loyal one as President.

The government was already in a spot of bother for the obstinate and wayward Chief Election Commissioner MA Aziz. He had already incurred optimum amount of infamy and was being regarded as sort of a conspirator to foil or at least endanger the next general elections. Had the government ultimately gone for removing President Iajuddin Ahmed, the scenario would definitely have been all the more precarious in no time. Eventually, however, the government did not take that risk.

### **Exploited religion**

As a gigantic step towards retaining the support of the religion-based political parties and their vote-banks, the alliance government announced in August, 2006 that the highest degree

awarded by the Qawami madrasa would be equated with the master's degree. Qawami madrasas typically impart Islamic religious knowledge. Though the exact number is not known, there are a good number of such madrasas in Bangladesh. Their syllabus subsumes matters relating to Quran, Hadith and related subjects.<sup>9</sup> The ramifications of the announcement were so far-reaching. Many thought that this would forever change the intellectual sub-structure of the Bangladesh society.

In time, nothing would be the same as before, and everything would change be it economy, politics, culture, society, civil administration and law and order. Arguably, there are serious divides among the religion-based parties in Bangladesh. Even an influential section of religion-based political parties openly denounced the Qawami madrasa education and termed the government decision to recognise the Dawra (claimed to be equivalent to post-graduate degree) degree to be suicidal.<sup>10</sup>

Besides, it became sort of an open secret that -- during the alliance regime -- militant organisations with bases in religious institutions crept up and thrived in connivance with a section of the government resulting in an unprecedented level of militant activities. The deadly impact of militancy was felt not only by the government but also by the general people. While it was not being suggested that religious education is unnecessary or madrasa degrees are to be frowned at, Bangladesh appeared to have missed the train for modernization, at least vastly in the arena of education. To recognise the degrees given by the religious education, especially when the government knows nothing about the curriculum, let alone choosing or controlling it, was not only imprudent but also ridiculous.

Political ambition is not a vice but the Mullahs with high political ambitions are adept at tempting the innocent people with assurances of heaven hereafter. However, the underlying scheme of most of them is nothing other than getting hold of state power. In addition, use of religion as well as fascination for piety among the common people turned out to be eminently suitable for them.



Many eminent scientists emerged from religious education in the chequered Islamic history when they were inclined to scientific study of the holy Quran. Once they deviated from scientific study of the same, only clerics have spawned. Islam ordains the Muslims to gather knowledge of the broader world from whatever sources. But, to the Qawami madrasa, even English language is an anathema.

Then, how to go ahead in the quest for knowledge and wisdom merely on religious education? Admittedly, 'Islamisation of the society' gathers steam whenever a military government tries to buy legitimacy as has been experienced in Pakistan and Bangladesh for long. But, this tendency is not less popular with democratic governments in Bangladesh either.

And, as another dose of 'Islamisation', PM Khaleda Zia equated the Qawami madrasa's Dawra degree with master's. She, however, only made the announcement, leaving the responsibility of implementing it on the next government, whichever party may form it, or even on the caretaker government. It was indeed a neatly orchestrated political expediency. Just a hasty declaration with no immediate hazards of execution and so many votes in the bag well in advance.<sup>11</sup>

So what of that if the country pays by the nose in not-too-distant future for this reckless move? After all, nothing is illegitimate in the dirty game of politics! And, what makes it all the more excruciating is that this 'Islamisation' was not done for the purpose of glorifying Islam as a great religion but simply for populism. Interestingly, however, even Awami League did not contradict the decision to obviate anti-AL propaganda.

In 1977, -- during the regime of General Zia -- a martial law proclamation obliterated secular face of the constitution and inserted a phrase that a fundamental state principle is "absolute trust and faith in the Almighty Allah". The phrase "*Bismillahir Rahmanir Rahim*" (in the name of Allah, the Beneficent, the Merciful) was inserted before the preamble of the constitution. The change was later legitimised through the 5th amendment in 1979.<sup>12</sup>

Another military dictator General Ershad, in his desperate bid to get cheap popularity, made the 8th amendment to the constitution in 1988, recognising Islam as the state religion. And, all this happened as if Bangladeshis were less Muslims before the fifth and eighth amendments. The Muslims received no extra benefit from those alterations in the constitution. The said amendments to the constitution were just subterfuges of the then military dictators to play on the sentiments of the Muslims. While those did not bring any good to the Muslims, the scar they left on the people of other faiths is difficult to heal. They also created sort of a value conflict in the predominantly secular social settings.

Even the Muslims at large believe that those moves were highly fortuitous. However, as happened to the constitutional amendments, future governments -- even secular -- were unlikely to even review this not well thought-out Islamisation in fear of orchestrated reactions and, in our country, therein lay the vulnerability of rationality vis-à-vis political expediency.

### **Fulbari saga**

Open-pit mining is not a novel concept. It is practiced successfully in many parts of the world. However, like most other forms of resource extraction, it can have severe environmental as well as social consequences. Modern mining techniques and regulations attempt, usually successfully, to minimize such impact. However, it was right for us to worry whether such would be the case in Fulbari. It would be easy for an insidious entity to take advantage of a corrupt government and wreak environmental havoc without fear of consequences.<sup>13</sup>

To many, the Fulbari was reminiscent of the liberation struggle and birth of Bangladesh in 1971 and the claim was, perhaps, just not baseless. The Fulbari saga was nothing but yet another people's war for national cause. Yet another Kansat-like massacre of lives in BDR firing at Fulbari, Dinajpur had been

rightly termed as a natural outcome of an agreement signed without discretion and at the cost of national interests.

Originally, it was the BNP government that reached the accord with the Australian company BHP in 1994 and when the BHP handed over the licence to the Asia Energy Company (AEC), a British company, the Awami League government finalised the deal with it in 1998. Then, why was this cold-blooded and fairly unwarranted carnage of precious lives who were protesting a deal that had not only gone against the interest of the local people but against the entire country?

It was the government's fault in the first place to have reached such an anti-national agreement and killing people for its fault was indeed a double crime. It again reminded us of the fact that how frequently the government lost moral standing on safeguarding national interest and also on carrying out the government machinery in an efficient manner.

In this case, there were three crucial aspects to the issue: a) the immediate displacement of around 50,000 people from the area and desertion of their homesteads by another five lakh because of irreparable damage to an area of more than 650 square kilometres; b) environmental disaster; c) only a six per cent royalty for the government means the company gets almost the entire benefits from the mining for free.<sup>14</sup>

Moreover, the agreement signed was reportedly faulty on several counts. Open-pit mining is considered not only obsolete but also unsuitable for areas close to human settlements and cannot be a viable option for a country where land for both homesteads and agriculture are extremely scarce. This was a sure recipe for an environmental disaster because allowing the company to go ahead with the plan would have set off a chain reaction of volatile forces in Nature with fatal consequences for a large swaddle of the country.

Anu Muhammad said in this regard that hundreds of thousands of people in the area would be without shelters, while the environment and water level in the surrounding areas would

be seriously damaged if the AEC extracted coal by open mine method. When the government did not confirm any mining contract with AEC, the company had been claiming to have one. They were bribing professionals and businesses and began setting up of machinery, construction of different structures.<sup>15</sup>

Former PDB Chairman Nuruddin Mahmud Kamal said AEC made no comprehensive feasibility study, but it did all other studies in secret so that the results went in their favour. Thus, it was very natural that the people of the area had been simmering with wrath ever since the Asia Energy submitted a scheme for development of the site and extraction of coal.

Experts also made their opposition to this suicidal agreement for the country. Questions were very rightly raised by many why such important issues did not figure in the parliamentary deliberations. Was it because the lawmakers had failed to grasp the seriousness of the issue or the greed for exploits from whatever national resources are available had been too overpowering?

Reportedly, not only would the 6,500 acres of agricultural land covering the proposed mining area have been gobbled up by the mine, its impact would have also been telling for as wide an area as 650 square kilometres. The natural habitat of such a wide area, experts reckoned, would have been destroyed forever and around 5, 00, 000 people would have moved out for settlement elsewhere.

Thus, the cost would have been many times more than the company was to give at six per cent royalty which was roughly estimated at Tk 9,000 crore. However, the deadliest concern was that -- as different forums estimated -- the country would have to continue to lose Tk 10,000 crore a day as a consequence of its direct and indirect impacts for 30 years. The total loss thus would have come to Tk 300,000 crore over that period. Over and above, a deal that was never made public was not only lacking in transparency but was being imposed on the local people.<sup>16</sup>

Allegedly, the company was distributing Tk 500 to each member of the families along with lungis and saris among people in the area. If the deal was fair and transparent, no company needed such back-door methods to appease local people. It is usually alleged that contracts or agreements to run mining initiatives are extremely favorable to the investor and minimally so for the host economies owing to their complexities in which there is often little expertise in the host country.

It seems that the government was desperate to assure investors that the business climate was favorable and that the government would go to any lengths to protect their interests no matter how harmful they were for the country. Though the government might have been in trouble in actually scrapping the contract with the AEC, it was unlikely that the AEC would be able to conduct open-pit mining in Fulbari as long as steadfast people were there.

The bottom line was, however, that the masses again rose to the occasion and the government machinery had again faltered in its duty to uphold national interest and protect human lives. The government's reactive attitude had again been badly exposed from the Fulbari episode. The government just repeated the blunder committed in Kansat just a few months back.

### **Politicized judiciary**

Popular frustration and apprehension compounded with the Chief Justice's (CJ) unprecedented move involving a writ against President Iajuddin Ahmed's usurping the post of Chief Adviser of Caretaker Government and the mayhem in the form of breaking vehicles and torching a pajero of a lawmaker that followed thereafter. Admittedly, the country witnessed an unmatched dreadful and violent scene at the Supreme Court on that fateful day and the apex court's sanctity and its standing as the last repository of the nation's faith had been grossly undermined in the process.<sup>17</sup>

Lawyers, who resorted to violence and vandalism, were surely not to be condoned. Concurrently, the Chief Justice's stay order -- which sparked the violence -- delivered moments before a High Court bench was about to issue ruling after hearing the case for two days had -- according to eminent jurists -- no precedent either.

Moreover, some legal experts were of the opinion that it was violation of the Constitution as well. In this regard, former Chief Justice Mostafa Kamal's observation seemed really befitting. According to him, the Chief Justice reserves the constitutional right to constitute or reconstitute any bench. Theoretically, therefore, he has the power but it depends on the CJ how he exercises the authority and its nature determines whether he has used the power in a bona fide or mala fide manner.<sup>18</sup>

He also said in his 40-year legal career he had never seen any Chief Justice exercising his power in this manner. Thus, the questions arise: Why did the CJ prevent his two colleagues from carrying out their judicial duties, and why did he intervene minutes before the order was to be issued? Did he intervene to serve justice or was it to prevent justice from being served?

Regrettably, even the manner in which the CJ's order was carried by the Attorney General (AG) to the HC bench was something new in the history of court proceedings. Reportedly, a special section of the court had been delegated the duty and those who perform the carrier's duty are called superintendents. The AG had no business there. Painfully, though, this was the last thing to happen to our apex court, particularly after all our institutions had been made controversial.

Arguably, then, the office of the President was fraught with controversy, thanks to Iajuddin Ahmed's continuing allegiance to, and regular order-taking from, the BNP. And, the then caretaker government was yet to shake off the stigma of controversy with one-third of its tenure gone. The Election Commission (EC) was reeling with partisanship and more so with the induction by the president of at least one more blatantly BNP-aligned commissioner.

Meanwhile, US-based National Democratic Institute (NDI)'s survey-based revelation of 1 crore 22 lac fake voters in the updated voters list had been the last nail in the coffin of the then EC's credibility. Arguably, the bureaucracy was then so embedded with the BNP and Jamaat's own people that ridding even the slightest partisan colour of its ranks was a gigantic task. Then, of course, the higher judiciary had been added to the list of institutions of the state that our so-called democratic regimes successfully tainted.<sup>19</sup>

Admittedly, this was not the first case of perceived indiscretion by our Chief Justice. Previously, among many other instances, on June 18, 2005, a Division Bench comprising Justice Shah Abu Nayeem Mominur Rahman and Justice Mainul Islam Chowdhury of the High Court Division issued a rule calling upon the respondents to show cause as to why the holding of two constitutional posts at the same time by CEC Justice M A Aziz should not be declared to have been done without any lawful authority.<sup>20</sup>

Interestingly enough, within an hour of issuance and hearing of rule, the concerned judges' writ jurisdiction were taken away. Admittedly, the developments inside the court and on its premises sent all the wrong signals to the people of the country. Undeniably, it was the last resort for people to turn to with the hope of receiving justice.

Then, the question arose how the country would expect dispassionate dispensation of judgment and impartial justice in cases of disagreement from the highest of court if a supreme person like Chief Justice tended to bow down to perceived pressure and the lawyers confront each other in the manner they did. In fact, all our achievements were then poised to be ruined.

All of Bangladesh's institutions were being destroyed, just like systematic annihilation of a nation in a war. People caught up in the no man's land were being forced to endure a unique happy ride down the drain by the rulers and aristocrats of the country. While insatiable greed of the politicians had a major

role in this downfall, fallacies and frailties of some supposedly key individuals had also turned out to be critical.

### **Polarized intelligentsia**

What happened to a large segment of the people we look to? Had the words such as sanity, sobriety and propriety lost all their meanings to them? Did the gratuitous sense of vanity overpower the sublime qualities? Did they opt to show utter disregard for people's expectations? Or, did they fall for controversy? Did they really want democracy to flourish? Or, did they want the same to perish? Anyway, however, the country had then become a lush land of controversies.<sup>21</sup>

Some were making themselves controversial intentionally while some were being dragged into controversy quite unnecessarily. Some were becoming victims of circumstances while some were falling prey to vindictiveness and sense of minimal propriety was becoming a rarity in the process. Even sober people were then becoming rather intolerant. Maybe, the atmosphere was like that. Even so, knowledgeable people were not supposed to lose their composure because that would only mean consigning the country to the selfish criminals.

The country just could not be allowed to become a land of the foolhardy people and mindless zombies. Unfortunately, most of the people belonging to the elite circle seemed to have been divided into two polars and they also seemed to be overtly disposed towards interpreting things from their partisan perspectives. Very few of them seemed to be interested in calling the spade the spade. This glaring bipartisanship bypassing or totally disregarding rationality was really dangerous and the ominous signs had already turned themselves up brazenly.

Willful misinterpretation of the constitutional provisions regarding appointment of Chief Adviser, total disregard for the core issue of good governance, that is, transparency during appointment of caretaker chief and formation of council of



advisers, unending step-motherly attitude to the media people by the concerned secretaries, gratuitous remarks by an adviser of the Caretaker Government (CTG) about the four-party alliance and the over reactive attitude by the eminent lawyers had no doubt disappointed the people beyond measure.<sup>22</sup>

Moreover, unofficial visit of Sheikh Hasina's residence by two advisers of the CTG as envoys of the President-cum-Chief Adviser and the following ill-motivated commotion created by the four-party alliance, CEC's expression of resignation on request of the council of advisers and subsequent reversal of previous stance, BNP's defence of the opprobrious CEC, placing 10 points by BNP coalition in reply to 14 party's 11 points in November, 2006 and shedding crocodile tears for the Constitution as long as it serves the vested interests had added to the apprehension of the people.

The 14-party alliance had every reason to feel aggrieved by the Presidents' assuming the post of Chief Adviser and their fears were more or less substantial. Thus, their pressure upon the Chief adviser and the CTG was more a necessity than a tactic. The 14-party's anxiety had been augmented by the ailing President's holding all the crucial portfolios such as Home, Local Government and Rural Development, etc. The allegation of an unseen government behind the CTG and the entity of a caretaker of a CTG were, thus, not also altogether unfounded. Given the President's poor state of health, one did not need to be a physician to apprehend so in those particular fashions.

Meanwhile, it was widely alleged in the media in October - November, 2006 that the synchronised bureaucratic set-up left behind by the four-party alliance was still dictating things. The reshuffle in the civil administration that had taken place after assumption of CTG only added to the fears of anti- four party alliance as it had allegedly been reinforcement of former incumbents. Meanwhile, the police administration was also allegedly busy reining in the 14-party activists thereby intensifying their worries.

Moreover, previous alliance government's politically motivated lists were also allegedly being employed by the police to intimidate the 14-party activists. In the name of reshuffle, moderate officials were also allegedly being replaced by hardliners in many respects and the crucial secretaries who were effecting the changes were also alleged to be hardcore four-party loyalists. The President's Press Secretary and the Bangladesh Television (BTV)'s key people including the then General Manager of BTV were also alleged to be four-party loyalists and the performance of the stated functionaries even after end of days of BNP coalition's regime only corroborated the allegations.<sup>23</sup> They were, to all intents and purposes, quite nakedly siding with the immediate past BNP-led regime in broadcasting news and programmes.

However, the news of alleged pre-arranged administrative reshuffle was being so widely circulated in the state media in October - November, 2006 that people could very well be fooled to believe the reshuffle to be congenial for creating a level playing field. There was, however, a ray of hope as the council of advisers looked pretty positive in their frame of mind and seemed disposed towards guiding and assisting the caretaker chief so as to better the situation.

Though the council suffered a few early shocks initially, it then seemed to be focused and motivated. The CTG was already under immense pressure from the 14-party alliance. The counter-pressure from the four-party alliance was only to contribute to botching up of things. However, the success of the current CTG lay in its ability to come out of the clutches of the previous government's phantom sooner rather than later.

### **Politicized caretaker**

Was this anything short of a dream march for the immediate past government or four-party alliance? Everything was taking place just as they wanted and on occasions beyond their wildest imagination. Almost all the political parties and a large segment

of civil society other than BNP and Jamaat-e-Islami were against polls schedule before printing of the electoral roll but the Election Commission (EC) declared rather hurriedly and surreptitiously (and seemingly outrageously under the prevalent circumstances) the election schedule for the 9th General Elections, just as the four-party alliance wanted. BNP and Jamaat were holding the plea that deferral of election would be violation of the constitutional obligation of the caretaker government to hold the elections in 90 days.

Interestingly enough, usually election schedule is declared before 45 days of election. This time, however, this had been done before 54 days on November 27, 2006. And, the ten advisers were also in the dark regarding the schedule before the declaration. Moreover, a writ had already been filed against such a declaration. Thus, the haste in the declaration itself spoke for the real intentions.

Admittedly, four-party leaders including Begum Khaldea Zia were threatening the government for days to declare election schedule regardless of genuine demands of other parties. She repeatedly called for immediate election schedule and reminded the EC of the fact that it was none of EC's business to take note whether other parties join or not. Although previous Election Commissions used to consult with political parties before declaring the schedule, the then EC under self-declared (he declared himself CEC arbitrarily just after resignation of the then CEC) CEC Mahfuzur Rahman did care a fig for it.<sup>24</sup>

Meanwhile, on November 27, 2006, the president appointed two new election commissioners after days of pondering one of whom was reportedly BNP nomination aspirant for the next general election. Four-party alliance's dream march, however, started with the assumption of the post of Chief Adviser (CA) of the Caretaker Government by President Iajuddin Ahmed. They initially wanted KM Hasan as the Chief Adviser. They, in fact, got more than they could have hoped for as Iajuddin Ahmed volunteered to promote their cause no matter whether relevant constitutional provisions were violated or not.<sup>25</sup>

Iajuddin Ahmed was the president and had the power to grab the position of Chief adviser and more so as the four-party alliance wanted. Arguably, almost all political parties including international organizations such as National Democratic Institute, European Union were demanding reconstitution of the EC and removal of controversial CEC. However, on November 22, 2006, CEC MA Aziz rather disgracefully opted for three months leave with the prospect of coming back at any time despite so much of national loss due to his idiocy and obstinacy.<sup>26</sup> Ultimately, however, he stayed put instead of going abroad.

Reportedly, MA Aziz and his family (to avoid unnecessary hassles) were more inclined for resignation but he ultimately opted for leave just as the four-party alliance wanted. The four-party alliance leaders' fondness for him before and after his taking leave bears testimony to the fact how popular Mr. Aziz was with the BNP-Jamaat top brass. Mr. Aziz was popular with BNP-Jamaat top brass because of his unflinching attitude for their scheme of things regarding manipulation of the next elections. And, as soon as Aziz went on a leave, on November 23, 2006, Mahfuzur Rahman declared himself the Acting CEC -- no matter whether there were provisions for Acting CEC in the constitution -- on the strength of his seniority among the remaining three commissioners in accordance with the wishes of the four-party alliance, which had been communicated previously to the president.<sup>27</sup>

Admittedly, one of the significant demands of the 14-party alliance was meaningful reshuffle of the higher and field administration for creating a level playing field, which became public during the initial stage of Iajuddin-led caretaker government in between October and November, 2006. Reportedly, the reshuffle was then almost complete. Various newspaper columns<sup>28</sup>, however, summed up that the reshuffle was not only eyewash but also reinforced settings of the Four-party alliance and the reshuffle, too, went just as the immediate past government wanted.

As of November 18, 2006 the caretaker government cancelled contractual appointments of 82 officials, out of 300, working in various government organizations. The reshuffle at the secretary, additional secretary, and joint secretary level was entirely aimed, by a particular quarter, at tightening the grip of the administration, as the new incumbents are more loyalist than their predecessors. The transfer of 67 officials at joint secretary, and above, level was totally uncalled for. The aim of the transfers should have been to bring a meaningful change that could create a level-playing field. But most of the transfers at that level were made to create a false impression that something big had been done. At the field level, out of 64 deputy commissioners, 32 had been made OSD, while the others had been interchanged. Till November 18, the positions of 115 Upazilla Nirbahi Officers (UNOs) had been interchanged. In the police administration, the situation was similar, and key positions were filled by identified party loyalists.<sup>29</sup>

Meanwhile, on November 24, 2006 ex-energy adviser Mahmudur Rahman arranged a clandestine party for the former and current bureaucrats who had been beneficiaries of the previous four-party alliance government so as to -- as reported in the media -- ensure 4-party alliance's victory in the next general elections. Besides, the home secretary who was alleged to have been responsible for the army deployment scandal (persuading the President-cum-Chief Adviser to do so without consulting the advisory council of the caretaker government) continued to dominate our President along with his controversial (pro-BNP-Jamaat role) adviser Moklesur Rahman Chowdhury despite genuine point (misguiding the President) to replace them.<sup>30</sup>

President's undue favour (such as appointing an ordinary pro-BNP-Jamaat journalist as President's Press Secretary with the status of state minister) for such people, in fact, was reflective of two things: one was how meaningful the reshuffle might have been and the other one was how sincere the president-cum-chief adviser was in creating a level playing field for an acceptable election. Meanwhile, the all-powerful President-cum-CA continued to either overrule or bypass the 10 advisers who were and proved to be competent and committed to

assist the CA in creating an enabling environment for a free and fair election.<sup>31</sup>

And this attitude to the advisers by the president-cum-CA was also reflection of the four-party's expectations from and demands on him. A good number of advisers had already expressed sheer frustration. Though the adviser like Dr. Akbar Ali Khan felt for the president's exalted position, the president-cum-CA was more worried about his benefactors' interests.<sup>32</sup>

Anyway, the bottom line was that the four-party alliance was then enjoying an unprecedented dream journey sponsored by their party-nominated president turned CA. And, if anything miraculous were not to happen in between, they could rest assured to wrap up the ensuing elections no matter whether the other political parties including 14-party alliance join or not.<sup>33</sup>

Ultimately, however, 4-party alliance's dream did not come true as the armed forces came into the scene and intervened to set up a neutral caretaker government on January 11, 2007. This government led by Fakhruddin Ahmed succeeded in holding free and fair elections on December, 2008 in which Awami League led Grand Alliance came out with flying colours winning more than an overwhelming two-third majority.

In summary, Bangladesh attained independence, brought back democracy and claim to have made arrangements for ensuring equitable justice. Surely, however, the people of Bangladesh could not enjoy the fruits of independence, democracy and justice available to the citizens of a truly civilized nation. Painfully enough, despite rhetorical commitment and prolonged struggles to establish democracy, the political parties of Bangladesh have miserably failed to establish a consensus over the ground rules for democratic competition and dissent.<sup>34</sup>

And, it is no wonder that such politics breeds a politicized bureaucracy and a malfeasant system of law and order. And, these instruments of governance, operating without accountability and transparency, leads to the machinery of state

being used as a political resource rather than an instrument of governance.<sup>35</sup> Even the casual observers could discern the very existence of such a horrible scenario in Bangladesh.

It is obvious that good governance is a prerequisite for the development and growth of a nation.<sup>36</sup> The most important distinction among countries relates not to their form of government but to their degree of government.<sup>37</sup> The tumultuous politics and politicized state institutions have always had a bearing on governance and Bangladesh case was hardly an exception. Admittedly, Bangladesh reached the brink of being a failed state following such an unprecedented chaos.

A democratic polity is an essential precondition of good governance in Bangladesh. Since the birth of Bangladesh, democracy as a form of governance has not been given a fair deal from political leaders. It is an irony that democrats, after assuming power, turned out to be autocrats and that military generals grabbed power in the name of saving the country and ruled it as their personal fiefdoms.<sup>38</sup>

During the days leading to the imposition of emergency in Bangladesh, the greed of the 4-party alliance government had reached unbelievable proportions and the chief of the caretaker government has become a plaything in their hands. The distrust of opposition parties in the government was an adding up to the chaos. The political parties miserably failed to give democracy a solid shape. It is a sad state of affairs for a country, where the people have demonstrated their preference for democracy vis-à-vis other forms of governance, yet the ruling politicians created enough conditions to hand the country over to the hands of the military.

## **Notes and References**

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- 1 Zillur R. Khan, "Aspirations and Realities: Parliaments and the Democratic Culture in Bangladesh" in Ashraf

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- Ali, et. al. (eds), *Development Issues of Bangladesh-II*, (Dhaka: University Press Limited, 2003), p.12.
- 2 M Abdul Hafiz, “Three cheers for Kansat, *The Daily Star*, April 24, 2006, p.10.
  - 3 Kazi S.M. Khasrul Alam Quddusi, “The Kansat Syndrome”, *The Bangladesh Observer*, May 4, 2006, p.5.
  - 4 Ibid.
  - 5 Kazi S.M. Khasrul Alam Quddusi, “Presidency: Endless smokescreen”, *The Daily Star*, July 2, 2006, p.11.
  - 6 Ibid.
  - 7 Government of Bangladesh, *The Constitution of the People’s Republic of Bangladesh* (up to 1991), p. 39.
  - 8 Kazi S.M. Khasrul Alam Quddusi, “Presidency: Endless smokescreen”, *The Daily Star*, July 2, 2006, p.11.
  - 9 Kazi Anwarul Masud, “Religious education and politics”, *The Daily Star*, August 27, 2006, p.10.
  - 10 Kazi S.M. Khasrul Alam Quddusi, “Ruthless political expediency”, *The Daily Star*, September 6, 2006, p.11.
  - 11 Ibid.
  - 12 Government of Bangladesh, *The Constitution of the People’s Republic of Bangladesh* (up to 1991), p.3.
  - 13 Muhit Rahman and Asif Saleh, “Phulbari: Less politics, more science, please!, *The Daily Star*, September 7, 2006, p.11.



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- 14 Kazi S.M. Khasrul Alam Quddusi, "Fulbari Saga", *The Independent*, September 3, 2006, p. 6.
  - 15 Ibid.
  - 16 Ibid.
  - 17 Kazi S.M. Khasrul Alam Quddusi, "Justice detained!", *The Daily Star*, December 6, 2006, p. 11.
  - 18 Ibid.
  - 19 Ibid.
  - 20 Ibid.
  - 21 Kazi S.M. Khasrul Alam Quddusi, "Ominous signs", *The Daily Star*, November 7, 2006. p.11.
  - 22 Ibid.
  - 23 Ibid.
  - 24 Kazi S.M. Khasrul Alam Quddusi, "4-party Alliance's Dream March", *The Daily Star*, November 29, 2006, p.11.
  - 25 Ibid.
  - 26 Ibid.
  - 27 Ibid.
  - 28 Abdul Bayes, "Engraving an engineered election, *The Daily Star*, November 28, 2006, p.10. Mustafa Chowdhury, "Depoliticisation of administration is imperative", *The Daily Star*, November 25, 2006, p.10.

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- 29 Nazrul Islam, "Level playing field?", *The Daily Star*, November 23, 2006, p.11.
  - 30 "Bangabhavan's political recruit feeds BSS wrong news", *The Daily Star*, November 9, 2006, p.1. "Tajuddin's doing alone policy enrages advisers", *The Daily Star*, December 11, 2006, p.1.
  - 31 Kazi S.M. Khasrul Alam Quddusi, "4-party Alliance's Dream March", *Observer Magazine*, December 1, 2006, p.15.
  - 32 Ibid.
  - 33 Ibid.
  - 34 Rounaq Jahan, *Bangladesh: Promise and Performance*, (Dhaka: University Press Limited, 2000), p.28.
  - 35 Rehman Sobhan, "Building a responsible Civil Society: Challenges and Prospects" in Jahan, Rounaq (ed), *Bangladesh: Promise and Performance*, (Dhaka: University Press Limited., 2000), p.345.
  - 36 World Bank, *World Development Report*, New York: Oxford University Press, 1997.
  - 37 Samuel P Huntington, *Political Order in Changing Societies*, (New Haven, CT: Yale University Press, 1968), p. 1.
  - 38 Mohammad Mohabbat Khan, "Good Governance: Concepts and The Case in Bangladesh" in Mahfuzul H. Chowdhury (ed), *Thirty Years of Bangladesh Politics: Essays in Memory of Dr. Mahfuzul Huq* (Dhaka: University Press Limited., 2000), p. 68.