

# **The Role of Caretaker Government in the Democratic Process of Bangladesh (1991-2006)**

*A Thesis*

*Submitted for the Partial Fulfillment of the Degree of Master of Philosophy*

Submitted by

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## **DECLARATION**

I hereby declare that the thesis entitled, The Role of Caretaker Government in the Democratic Process of Bangladesh (1991-2006) submitted to the University of Dhaka, Bangladesh, for the degree of **Master of Philosophy** is my original work. No part of this thesis, in any form, has been submitted to any other University or Institution for any degree or diploma.

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**(MD. ABUL KALAM AZAD)**

## **Abstract**

In Bangladesh, holding free and fair election has always been a subject of controversy. Free and fair election is one of the main vehicles of democracy. But from the very beginning of the country elections have been discredited with manifold malpractices such as proxy votes, snatching of ballot boxes, involvement of money and muscle power, intimidating the minority voters, and use of governments facilities by ruling party candidates during the election campaign. In these circumstances, the demand of caretaker government was the only way out to improve this situation. Caretaker government system, unique in nature, was introduced mainly to address this issue as a backdrop of mass upsurge of 1990 that ended the long years of military and semi-military dictatorial rule in Bangladesh. Caretaker government conducted the parliamentary elections of 1990, 1996, 2001 and 2008 successfully. So it is necessary to know the relationship between democracy and caretaker government during (1991-2006). The study aims to understand the norms and values of the democratic process of Bangladesh along with caretaker government from 1991 to 2006. The electoral history of Bangladesh, electoral democracy, formation of caretaker government, performance of caretaker government, comparative analysis of the caretaker government, democracy and evolution of the caretaker government also discusses the study. However, some people demand to abolish the caretaker system and some people demand to allow this system for a certain period of time to let the democracy to be matured. This study is the outcome of an in-depth research to examine the election under the caretaker government from 1991 to 2006. The study tries to explain the differences of the national elections while the elections under political government and caretaker government in details. So, the political system of Bangladesh demands to know the role of the caretaker government in the democratic process of Bangladesh during the time of 1991 to 2006.

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## **ABBREVIATION**

ACC	Anti Corruption Commission
ADC	Assistant Deputy Commissioner
BAKSAL	Bangladesh Krishak Sramik Awami League
BAL	Bangladesh Awami League
BEC	Bangladesh Election Commission
BJL	Bangladesh Jatiya League
BNP	Bangladesh Nationalist Party
BSS	Bangladesh Shangbad Shangstha
BTV	Bangladesh Television
CA	Chief Adviser
CC	Code of Conduct
CEC	Chief Election Commissioner
CG	Caretaker Government
CPB	Communist Party of Bangladesh
DC	Deputy Commissioner
EC	Election Commission
EU	European Union
FEMA	Fair Election Monitoring Alliance

HCD	High Court Division
IOJ	Islami Oikkya Jote
JAGPA	Jatiyo Ganatantrik Party
JIB	Jamaat-i- Islami Bangladesh
JP	Jatiyo Party
JSD	Jatiyo Samajtantrik Dal
KSJL	Krishak Sramik Janata League
MP	Member of Parliament
NAP	National Awami Party
NCG	Non- Party Caretaker Government
PM	Prime Minister
SAARC	South Asian Association for Regional Cooperation
SC	Supreme Court
SP	Superintendent of Police
TNO	Thana Nirbahi Officer

## **Glossary**

<b>Awami League</b>	<b>One of the major political parties of Bangladesh</b>
<b>Banga Bhaban of</b>	<b>Official residence of the President of the People’s Republic  Bangladesh</b>
<b>Bangabandhu Mujibur</b>	<b>Friend of Bengal- this title was conferred to Sheikh Rahman</b>
<b>Bangalee</b>	<b>National identity of Bangladeshi People</b>
<b>Bangla</b>	<b>Native Language of Bangalee People</b>
<b>Bagladesh Jatiyatabadi Dal</b>	<b>One of the major political parties of Bangladesh</b>
<b>Chatra</b>	<b>Student</b>
<b>Desh</b>	<b>Country</b>
<b>Matri Vasha</b>	<b>Mother Tongue</b>
<b>Shahid Divas</b>	<b>Martyrs Day</b>

## **Chapter One: Introduction**

## **1.1 Introduction**

Election, one of the main vehicles of democracy, was characterized with large-scale manipulation, massive vote rigging, and involvement of money and muscle power soon after the independence of the country. So, election lost its credibility among the people and political parties. But for the democracy, free and fair election is the major requirements. The meaning of 'Free and fair' possibly differs from country-to-country and culture-to-culture, and the concept of democracy also may not be the same in all democratic countries. Karim mentioned the meaning of free and fair election as follows: 'In the context of Bangladesh, refers to an election, which is not necessarily flawless, not free from all irregularities, or not absolutely perfect. However, an election, which is free from relatively major irregularities or where the irregularities were not systematic and did not alter the outcome of election, could be termed free and fair as long as the observed result grossly reflects the will of the electorate, irregularities are random and not sponsored by the state'. (Karim, 2001:3).

From the very beginning of the independence of the country, the system of elections had a bad start with unfair means like rigging, proxy votes through impersonation, snatching of ballot boxes, political intimidation and use of government facilities. Political parties were in great lack of trust. Military intervention has vitiated the unhindered political development of Bangladesh. Corruption and violation were the normal task. People of Bangladesh were used to seeing so many irregularities in the elections. In these circumstances, the demand of Caretaker government was the only way-out to improve this situation and politics in Bangladesh seems to have taken a new turn since November 1990.

The Non- Party Caretaker Government (NCG) was first introduced in Bangladesh in 1990 when Three Party alliances jointly made a demand for it. Constitutionally it was formed in 1996 by the Parliament dominated by Bangladesh Nationalist Party (BNP). The main responsibility of the Non Party Caretaker Government is to help to organize parliamentary elections in credible manner. NCG is a form of government which rules the country by a group of non-partisan elites. The objective of the Caretaker Government is to create an environment in which an election can be held in a free and fair manner without any political influence of the incumbent government. After holding elections, the NCG transfers power to the elected government.

Caretaker Government was first introduced in Bangladesh in 1990 when three party alliances jointly made a demand for it. Constitutionally it was formed in 1996. A non-party Caretaker Government now runs the routine administration of the country during the interim between the dissolution of parliament and the assumption of power by a new government after the election of a new legislature. As per the mandate, the NCG is barred from policy making.

During the first two decades of independence of Bangladesh, none of the governments completed its five year term. Some corrupted political leaders co-operated the high ambitious army officers. As a result democratic norms and values were faked in political culture. But a neutral and fair electoral system is one of the pre- conditions of democracy. Elections under party governments always do not reflect public opinion; nor do they generally offer an opportunity to confer legitimacy on those who want to rule. The Study is seriously intended to look into the demand of the fair election and the prospective role of the democratization process in Bangladesh. Actually elections and voting behavior from 1991 to 2006 reflect the forms, levels and bases fairness of the national elections. The election from 1991 to 2006 under Caretaker Government demands to know elaborately how these elections make to develop the democratic process of Bangladesh.

## **1.2 Justification of the Study:**

The democratization of Bangladesh still is going process. In this regard, the variety of existing relation between democracy and Caretaker government undoubtedly is of great importance. Now a days Caretaker government has a great deal of applicability in the perspective of Bangladesh. It is presented in the study a new form and new idea with the relation of peaceful transformation of the political power. At present Bangladesh is experiencing a tremendous success of transformation the political power through the peaceful manner. Ensuring this stability, Bangladesh may needs to run more time of NCG.

Presently the study observes some difficulties in political phenomena in the political culture of Bangladesh. Such as,

- Massive Vote rigging in the national elections,

- Lack of trust among the political parties,
- Limited power of the Election Commission (EC),
- The deterioration of law and order, reluctance of law enforcing agencies in trying to curb crimes,
- Lack of peaceful atmosphere in election campaigns.

Since independence, the people of Bangladesh have gone through political exploitation, pervasive corruption, continuous hartal, political violence and weak democratic institutions. But we know, democracy can be sustained and developed by giving due attention to these certain issues. Democracy does not mean free and fair parliamentary elections alone. It obviously means establishing the rule of law, ensuring the fundamental rights of the people, allowing the free flow of dissenting political opinion, and honouring the representative political institutions.

As, those systems were perfectly absent in our political system, the caretaker government system newly involved in 1990 with the consensus of the political parties. It was a new formula but the elections under caretaker government were comparatively free and fair than previous elections of Bangladesh. The study is supposed to fulfill purely academic needs. It is supposed to be the development of far-reaching impact on the future course of political development in Bangladesh. It is also supposed to be useful for political critics, reviewers and so on. In the context of these political atmospheres, the Non-Party Caretaker Government may thereby create the basis for a workable democracy by confirming the holding of credible elections. This research work intended to look into the roots of the political stability of Bangladesh with the comprehensive framework comprising Caretaker Government and the democratic process of Bangladesh from 1991 to 2006. So in this context it is very justified to discuss this topic elaborately. It is necessary to know why and how Caretaker Government performs to make a free and fair election.

### **1.3 Background of the Study**

Since the independence of the country in 1971 through a bloody war, uncertainty and volatility have been permanent features of the society and politics. The political leaders of independent



Bangladesh adopted the country's first Constitution in 1972 in which parliamentary form of government was introduced. The first parliamentary elections of independent Bangladesh held in 1973 in which Awami League (AL) got the majority though the opposition complained about irregularities in that election. The parliamentary elections of March 1973 and February 1979 and the presidential elections of June 1978 and November 1981 were also not free from major irregularities. Since then, each election until the parliamentary elections of February 1991- be it presidential, parliamentary, local government, or a referendum was marred by different forms and degrees of violence, intimidation, fake voting, stuffing ballot boxes with fake votes, capturing polling centers, counting frauds, alteration of results at higher levels, and announcing doctored results in the state run electronic media (Karim, 2004:4).

Election frauds in the two referenda, one each during the rules of Ziaur Rahman and H. M. Ershad presidential elections in 1986, and parliamentary elections of February 1996, March 1988, and May 1986 are considered the least credible of elections. General Ziaur Rahman who was deputy chief of the army during the early years of independence (1972-75) was made the chief of staff army by the junior officers who organized the 1975 August coup. In course of time he emerged as a strong and popular political leader. He was elected president by popular votes for a five year term in August 1978. In the interregnum, the country remained under absolute military rule. However before Zia could complete even three years of his tenure as president, he was assassinated by the military in May 1981. Vice President Justice Abdus Sattar who held the charge of presidency for five months as Acting President was elected president in November 1981 for a five year term. But General Ershad, the chief of Army Staff, forced Sattar to surrender power to him in March 1982 less than four months after the November presidential elections. Ershad, however, survived in power longer than his predecessors (Ahmed, 2004:1-2).

After taking the power, Ershad's initial years of rule was unique in the sense it was often called 'parliament of soldiers' where younger officers participated significantly in policy deliberation with the senior officers, and sometimes initiated policies. There was a 17-members Council of Ministers headed by General Ershad who was the Chief Martial Law Administrator.

Initially Earshad ruled the country by martial law decrees. But after a few years of absolute military rule, he held the parliamentary and presidential elections in 1986 (Ahmed, 2004:2). Lack of credibility was the major deficit in all the above elections including the Upazilla ones,

particularly against the backdrop of large scale electoral malpractice experienced previously. In July 1987, the opposition parties united for the first time in challenging government policies. Ershad declared a state of emergency in November, dissolved parliament in December, and scheduled new parliamentary elections for March 1988 in which all major opposition parties refused to participate. Ershad's party won 251 out of the 300 seats in an election (which election) regarded worst ever held in 1986. This parliament passed the controversial Eighth amendment bill of the constitution making Islam the state religion. The Supreme Court annulled the amendment afterwards (Karim 2004:17).

In early November 1990, the three opposition alliances succeeded in reaching an agreement on the form of government. They committed themselves to non-participation in any election under Ershad and demanded the future parliamentary elections be held under a neutral Care-taker Government (Ahmed, 1998:9).

By mid 1990, opposition to Ershad's rule had escalated. November and December 1990 were marked by general strikes, increased campus protests, public rallies, and a general deterioration of law and order. Ershad resigned in December 1990 handing over power to the Chief Justice of the Supreme Court as nominated by the opposition parties (Karim, 2004:17).

Ershad was elected president in September 1986 but following a mass upsurge against his rule during October-December 1990, he was forced to hand over power to an interim government headed by the chief justice Shahabuddin Ahmed in December 1990 (Ahmed, 2004:2).

In December 1990 the caretaker government of Shahabuddin Ahmed announced that the nation would go to the polls on February 27, 1991. The interim government of Shahabuddin Ahmed held elections to the Fifth Parliament in February 1991 which in effect, provided a means for transition from authoritarianism to democracy in the country. Before February 1991 the people of independent Bangladesh voted in four Jatiya Sangsad elections held in 1973, 1979, 1986, and 1988. None of the four elections was keenly contested. The opposition parties could not even come close to the party in power terms of the number of votes received or seats won. Each of the four parliamentary elections was, more or less, a one-party show (Hakim, 1993:45)

Several factors have helped the holding of credible parliamentary elections. Under the existing constitutional arrangement, a NCG, headed by a former chief justice, called chief adviser (CA), and composed of ten advisers, assumes the responsibility for administering the country between the dissolution of parliament and the commencement of the next one. Neither the CA, nor any of his advisers, can be a member of any political party. Nor can they contest the elections. The NCG stands dissolved on the date on which a new prime minister enters office after the constitution of a new parliament. The first NCG was formed in 1990 with the consensus of political parties lacking constitutional support.

After the Parliamentary elections in 1991, BNP won the elections and formed the government. During the BNP rule, the Twelfth Amendment to the Bangladesh Constitution was passed in the Parliament paving the way for restoring parliamentary system of government as it had been a part of Bangladesh's original constitution. For a few years BNP did not face any major resistance from the opposition parties. But in early 1994, Magura bye-election became so much controversial. Opposition accused the ruling BNP for serious rigging in this election. Opposition legislators boycotted parliament for sometime demanding cancellation of the bye-election results. Furthermore, they demanded that parliamentary elections for at least three consecutive terms be held under a neutral care taker government. To press their demand, opposition MPs resigned *en masse* in December 1994 from the parliament, asking Khaleda Zia to step down and allow early elections under a neutral care taker administration. Khaleda Zia refused and the opposition staged a series of strikes and shutdowns. Upon expiry of a stipulated period since resignation, the seats of opposition legislators had fallen vacant requiring bye-elections. Khaleda Zia asked the President to dissolve National Parliament in November 1995 and called new elections scheduled in February 1996. The opposition parties vowed not to take part in the elections which was marred by large-scale violence. Re-polling in many centers could not even be completed before the parliament was dissolved within 11 days of its inaugural session

The opposition staged a series of strikes and blockades to force Khaleda to annul the elections and transfer power to a neutral care taker government. The new parliament gave in to opposition demands and passed the 13th amendment to the constitution on March 26 allowing the president to form a care taker government. Former chief justice Habibur Rahman was asked to head a care taker government and parliament was dissolved on 30 March 1996 (Karim,2004:17).

Elections were held on June 12, 1996 with the Awami League winning the highest number of seats. The leader of the Awami league, Sheikh Hasina, was sworn in as the Prime Minister. Awami League completed its five-year term to become the first government to have completed its tenure in the country's history.

New elections were held on October 1, 2001 under the supervision of a caretaker government as provided by the constitution. A coalition led by Khaleda Zia comprising the BNP and three other parties won the elections. Begum Zia was subsequently sworn in as the Prime Minister. However, political stability appeared to be a far cry, since the Awami League accused the President, the caretaker government and the Chief Election Commissioner of conspiring to defraud the elections in favour of the alliance. International and domestic observers have, however, termed the 2001 elections free and fair (Karim, 2004:18-19).

The rate of voter turnout in the elections held under the caretaker Government's was much higher than it was before 1990s. Bangladesh has succeeded in holding three general parliamentary elections after the fall of the repressive regime of General Ershad in 1990. All the three elections held in 1991, 1996, and 2001 were considered 'free and fair' by international observers. The U.S government also appreciated peaceful transfer of power under the caretaker governments. The Caretaker government was to hold a free and fair election and to hand over power to a democratically elected government. At that time important achievements were in the fields of administration and law and order. Justice Shahabuddin gave a sense of direction and consequently, administrative bottlenecks were removed, law and order situation improved, the university campus became peaceful and a good deal of political tolerance and peace was maintained. Processions of different political parties and their rallies at close proximity of one another went off peacefully (Ahmed, 1998:97).

Elections held so far under the NCG have been considered as fairly credible election than the elections under the ruling party. Domestic and international observers declared elections under the Caretaker government were better than before. By studying the above-mentioned elections, the importance of NCG shall be addressed in this thesis.

## **1.4 Data Collection and Methodology**

Both qualitative and quantitative research methods have been used to investigate the research question. The quantitative method has been used as a form of 'Survey Method'. Questionnaire has been served the different fields of the society. There have been prepared some questionnaires for the people of the country to collect their opinion about the elections under Caretaker government. Along with survey method, the study has taken a number of interviews from different categories of people such as lawyers, advisors, parliament members (present or past), local representatives, and political scientists to find out their views about the Caretaker government. The survey method has been taken 180 general people from the society to take the opinion about Caretaker government and totalize of those respondents of the country. There were 15 questions about Caretaker government and got the answers from them. There were 180 respondents of the six divisions of the country for the interviews. They are the direct interviewers and they are also the different ages, professions, genders, religions etc. respondents are public to cover comparative democratize indices- gender, age, educational level, vocation, religion, which was collected through a well designed questionnaire. The questioning technique is used to collect primary data. There were also Five questions for the experts and their numbers were 20. There have been taken the interviews of the Ex-advisers of the Caretaker Government, political leaders and some intellectuals of the society. The study has tried to use different method to survey the different fields from the country. Respondents were questioned in person to obtain their views in the furtherance of the study.

The study has also used secondary materials related to this study such as governments, books, journals, internet sources and surveys on this field. Where primary data could not available, secondary data had been studied with care to develop possible explanation. All primary and secondary data have enriched the research study.

The study has followed sample survey method, followed by personal interviews for collecting data from the primary sources. With a view to unearth the actual situation of the caretaker government of the stipulated period 1991-2006, the study had to select some samples of period, because for a study, it is impossible to find out the total period due to time and other constraints. The study is mainly emphasis on the caretaker government and the democratic process of Bangladesh during 1991 to 2006.

In this regard, daily newspapers have been considered as the most reliable and valuable sources of information. But the research work is not dependent on a particular newspaper. Thus the evidences of the caretaker government are carefully collected from various newspapers by cross scrutiny method and then these are revealed in quantitative form. Consequently, books, scholarly journals, documents, extracts from text and electronic media will be used as secondary data source for this study. These data helped to observe the relationship between caretaker government and the democratic process of Bangladesh.

Besides these, the study has tried to check the gender equality. There has also been tried to balance the number of the general respondents of six divisions.. The objectives, motivations, and limitations together should make it reasonably clear that the study is an academic one aimed at identifying the true determinants of Caretaker Government and democratic process of Bangladesh.

### **1.5 Aims and Objectives of the Study**

The objectives of the study are to examine the necessity of Caretaker government in holding free and fair elections. The study also aimed to find out what actually happened before 1991 that led to the demand for caretaker government by the opposition. The notion of free and fair election forms the ground-rules of democracy. Democracy cannot take off the ground without election. This study has dealt with the obstacles such as intimidation, obstruction, influence, force, coercion, violence, or any means that unduly influence the voters to cast their vote for a particular candidate. Free and fair also election encompasses the way an election is administered by the authorities. This free and fair was also absent in our elections held before 1991. Before 1990s the change in government, as observed earlier, was violent, with two former presidents were assassinated by the military coup's while in office. Since 1991, the ruling elites made efforts to practice parliamentary democracy. But blatant disregard for democratic norms and public security and rampant corruption by the political and bureaucratic elites have been the main causes of current democratic crises and political impasse in Bangladesh. In fact, the use of muscle power often called the legitimacy of elections into question. So, the study will look for the perception

and performance of the role of caretaker government and thereafter will analyze the relationship between democratic process and caretaker government.

We know the first Caretaker government was formed by the concensus of political parties and the second Caretaker government was formed by amending the constitution. There are four parliamentary elections were held under Caretaker government. The elections under Caretaker and political governments have shown many differences. Under the political government, the elections were always questionable. After the formation of Caretaker government, the parliamentary elections were held in free and fair atmosphere from 1991 to 2006.

One of the main objectives of the study is to observe the role of the caretaker government in the democratic process of Bangladesh during (1991-2006) and to analyze how much influence on general voters.

Other objectives are:

1. To find out whether there is any correlation between caretaker government and democracy of Bangladesh.
2. To find out the neutrality of the election under the political party as well as Caretaker Government.
3. How far accomplished the fairness of the National Election under the Caretaker Government?
  - a. How is the vote casting situation?
  - b. How is the neutrality of the administration?
  - c. How much participation of the voters?
  - d. Is there any influence of the previous ruling parties?
  - e. Has any other alternative system for neutral election?
  - f. What are the necessary elements for the neutral election?
  - g. How much freedom gets the Election Commission during the election period?
  - h. Have any differences of the constitution?

The study has been discussed from the period of 1991 to 2006 where national elections were held under the Caretaker government. The study will analyze how much influence the elections over the public under the caretaker government. The study has also been tried to the importance of developing the democratic system by the Caretaker government.

Looking back it must be said that the main task of the Caretaker government was to hold a free and fair election and to hand over power to democratically elected government. This achievement within three months was unique and was acclaimed throughout the world. This study analyzes and compares the electoral performances of major political parties under caretaker system. The study also likes to clarify the limitations of the Caretaker government. The study tries to establish a linkage between caretaker government and the democratic process of Bangladesh. Finally, an attempt will be made to discuss the role of caretaker government in the establishment, management and stability of democracy.

## **1.6 Review of Literature:**

The aim of this chapter is to review and evaluate the literature relevant to this previous topic. The literature on caretaker government from 1991 to 2001 is vast and wide ranging. Elections in Bangladesh have not been able to draw international attention for understandable reasons. However, local authors have done some work on different elections held so far in Bangladesh. Most of the work is of descriptive nature.

In the realm of political literature of Bangladesh one can easily find the existence of plethora of literature. But most of these are mainly based on historical study with traditional approaches. Political literatures based on socio- economic vantage point are very small in number. Moreover, the concern of the research remains hitherto unheeded.

In the present review we will focus on literature specifically dealing with the Politics and elections under caretaker governments. Although the literature is available on this elections are mostly limited to newspapers. There are few books published which are not sufficient to this purpose. This why, the study would like to draw attention for the root of the society about election under caretaker government from 1991 to 2006. It has been found that studies on caretaker



governments are rare in research based journals, so the present study had to rely on newspaper articles published books for the purpose. Some of the literatures are mentioned bellow-

The book *Bangladesh Politics: Problems and Issues* by Rounaq Jahan (1980) is collection of twelve articles based on political experience of Pakistan and Bangladesh comprising national integration crisis, nation building problem, liberation war, constitutional development problem, crisis of political development and electoral participation problem. These articles are written separately with different ideas and views. The book has been tried to discuss the political terms and the development of democratization. But the book did not discuss the caretaker government issue. For the development of the democratic norms and values, the book would be helpful. In this context, the book is logistic. On the otherhand, the lack of discussion the caretaker government does not fulfill the actual requirements.

The book 'The Shahabuddin Interregnum' by Muhammad A. Hakim (1993) analyses the rise and fall of Ershad, Military administration and government, civilianization, the 1991 parliamentary election and caretaker government. The book first time tried to discuss our political crisis in fair election and how this crisis has solved by the fair election under the caretaker government. This book does not discuss how the democratization process will be established from the caretaker government. This book does not discuss the relationship between democracy and caretaker government.

The book *Political Culture, Political Parties, and the Democratic Transition to Bangladesh* by Shamsul I. Khan et. Al. (1996) is a systematic effort to realize the failure of democracy that punctuates politics in Bangladesh. The author intends to points out the factors that produced the failure of democracy in Bangladesh through an analysis of the crisis of political parties. Political culture of Bangladesh is also a central premise of the book. But there is no discussion of the caretaker government and democratic process of Bangladesh. The book has been discussed the system and irregularities in the political field also.

The Fair Election Monitoring Alliance known as FEMA (1996) an NGO which is working on awareness building of the electorate reports that election of June 1996 was not absolutely genuine from procedural defects which did not allow the genuine voters to cast their votes while they were observing votes in different polling stations and also suggested some remedies. FEMA has tried to

define the fairness of election in 1996 and tried to find out the difficulties of that election. But the discussions of FEMA would not complete the accuracy of elections news.

The International Centre for Ethnic Studies (ICES), Colombo (1996) published a report on June 1996 parliamentary elections in Bangladesh known as ICES report which gives its comments and recommendations based on the election held on June 12, 1996 in Bangladesh. It was not out of question. Some difficulties were in that report but the report was very fine.

M. Hassan Sarowardy in his work (Ph.D. Thesis) “Peoples Participation in Bangladesh Politics: A Study of June 1996 Parliamentary Election” analyzes the conflict military intervention, distrust among the political parties, change and political instability. The thesis is very significant of the contemporary politics of Bangladesh. The study has been tried to discuss election and the democracy. The study has also been tried to the participation and democratization of Bangladesh politics. This study mainly emphasis on the voters’ participation in election of Bangladesh. The study does not make any relation between caretaker government and democratic process of Bangladesh.

Zaglul Haider in his article – parliamentary Democracy in Bangladesh: from Crises to Crises (1997) described democracy and parliamentary system of Bangladesh where government and opposition are always in compromising challenges. There is no trust among the political parties. For that, credible election is always questionable. The study does not complete the actual problems of the country. Fair elections are the main element of the democratic norms.

Fakruddin Ahmed’s book *The Caretakers: A First Hand Account of the Intrim Government of Bangladesh (1990-1991)*, (1998) is analytical book about fair election. This book discusses about gulf crises and its impact on our internal politics and the election’s February 15-1996, which was a very nice explanation for the political review. This book has only discussed on political crisis and the election’s February 15-1996 as well as gulf war impact of the country. But this book has not covered the basic development of the political culture in our country. The book has not discussed the relationship between democracy and caretaker government.

Al Masud Hasanuzzaman in his book *Role of Opposition in Bangladesh Politics (1998)* has discussed the opposition functions in politics of Bangladesh. In parliamentary system opposition, like the party in power can play an important role both inside the parliament and outside the

legislature. The author observes that the parliamentary system offers various legislative devices at its disposal to enable the opposition performing its role properly. But the restriction of participation is not properly explored the book. The relation of the government and opposition is always in hostile. So the crisis of politics is a permanent phenomenon in the country. This book does not cover the real feature of the democratization of Bangladesh.

Nizam Ahmed in his book *Non-party Caretaker government in Bangladesh: Experience and prospect* (2004) has explained caretaker government, allocation of incidents, formations of caretaker government and prospects of the election. This book has nicely discussed the fair election and caretaker government. The book has been tried to make the relation among all political terms including elections. But there was no clear discussion how to improve the electoral system in Bangladesh. The book has also not indicated the democratization process of the country.

In the book *Election Under a Caretaker Government :An Empirical Analysis of the October 2001 Parliamentary Election in Bangladesh* By Waresul Karim (2004) is a description of caretaker government, violence, political instability, comparison of different national elections and specially on election October 2001. This book points out that economic development and political stability depend on some measures of the society. This book is very rich in election's discussion of the country. The book has also been discussed in demographical manner. But how could be achieved all of this development have not been expressed in this study. This book does not cover the total functions of the fair election from 1991-2006. It has been emphasized only the election October 2001.

Badruddin Umar in his book *Samorik tothabodayak sarkarer amaley Bangladesh* (2009) has discussed the recent political activities from the different political fields in the country. It's a report of political news during the military backed caretaker government. This has been tried to publish the incidents of the military backed caretaker government. It may be called a cluster report. This book has not discussed the process of democratization and the fair election.

## **1.7 Organization of the Thesis**

This study is divided into six chapters. The first chapter includes the Introduction, Justification of the Study, Background of the Study, Data Collection and Methodology, Aims and Objectives of the Study, Literature Review and Organization of the Thesis. The study aims to observe the consciousness of the people and the outlook of the Caretaker Government from 1991-2006.

The study used sample survey method, which was followed by personal interviews and participation observation for collecting data from the primary sources. The study also used secondary materials related to this study such as government documents, books, journals, daily newspapers etc.

Chapter Two presents the theoretical framework of the study. It includes Democracy, Election Electoral Democracy and Caretaker Government. It also discuss about electoral system in Bangladesh, linkage between Democracy and Caretaker Government. Here, the study attempts to explore the actual scenario of our political situation. There are many political parties working in Bangladesh but a few have representatives in the parliament. However, major political parties do not trust and tolerate each other and all of these systems and irregularities discussed this chapter.

Chapter Three brings out the historical background of the country. This chapter includes Caretaker Government and Political Emergence of History where the study has been searched the different periods of the governments and their performances of the valid period. The study has been discussed the military backed caretaker government also. This chapter also wants to show the recent developments of the politics in Bangladesh.

Chapter Four explores the Performance of Caretaker Government in Establishing Democracy from 1991-2006. How far acceptable to this system for developing democracy in the context of Bangladesh? What is the real reflection of the society? This chapter, the study has included the real demand of the election feature in Bangladesh.

Chapter Five includes Democracy and Caretaker Government: Some Observations. Here the study has shown the experts opinion about the election under the Caretaker Government and political government.

Chapter Six includes Conclusion and Recommendations of the study.

## **Chapter Two**

### **Democracy, Election and Caretaker Government**

## **Democracy, Election, Electoral democracy and Caretaker government**

This chapter would like to discuss about democracy, election, electoral democracy, NCG government and their linkages. All these elements are closely related to this research. Without election there can be no democracy, on the other hand without democracy there can be no fair election. For the development of democracy, it is very important to participate the voters of the election. Free choice of the electorate is at the heart of democratic values. The notion of ‘free and fair’ has been used in the literature since the early days of democracy. The culture, tradition and a relatively shorter history of democratic practice, the meaning of free and fair in the context of Bangladesh would not be the same as that in the West. So it was very essential to invent a new formula for politics of Bangladesh, and that system was ‘Non Party Caretaker government’. This chapter tries to discuss-

\*Is there any connection between democracy and Caretaker government?

\*Which type of democracy exists in Bangladesh?

\*What is the relation between democracy and electoral government?

\*Why Caretaker government established in the alternative system?

\* Is there any necessary to run this caretaker system? and at last

Is there any role of the system to create a democratic process in the country?

### **2.1 Democracy:**

The word “Democracy” is in common use in most parts of the world today, but its meaning is often fuzzy and obscure. Democracy there are two principles that any definition of democracy includes ‘equality’ and ‘freedom’. These principles are reflected by all citizens being equal before the law, and having equal access to power and freedom is secured by legitimized rights and liberties which are generally protected by a constitution (Dhal, Shapiro and Cheibub, 2003). Adult franchise, direct vote, free and fair election, and inclusive suffrage are considered as the main features of democracy. True democracy means liberty, equality, fraternity, effective citizen

control over policy, responsible government, honesty and openness in politics, informed and rational deliberation, equal participation of power, and various other civic virtue (Huntington, 1991:9). Democracy and electoral system are interrelated. The term democracy first appeared in ancient Greek political and philosophical thought. The philosopher Plato contrasted democracy, the system of "rule by the governed", with the alternative systems of Monarchy (rule by one individual); Oligarchy (rule by a small elite class) and democracy.

Modern theory of democracy as a system where the ideas or principles embodied in the similar concept of the history that is the 'rule of the people' ( Beetham, 1993:6).

There are varieties of democracy. Athenian democracy is considered by many scholars as a form of direct democracy. The Greek system of governance was a kind of direct democracy in the sense that there were no intermediary structures between the people and their government, although women, slaves, under-aged ones were totally left out in political participation. Roman system was another version of representative government, known as the republic and in this system there was also no room for the women, slaves and others. After the fall of the Greek and Roman systems, democratic order went into a decline and did not re- emerge until early in the 7<sup>th</sup> century when the state of Medina, known as the Khilafat in the Muslim word, was established in 622 AD under the leadership of the Prophet of Islam as the classical example of a state through social contract. Democracy is committed to the belief in the fundamental importance of the person, seeing society as being composed of individuals of equal worth, regardless of social station. Regarding persons as the best Judges of their own interests, democracy asserts also that they are the best judges of their own government. Consequently, they should be self-governing. This proposition does not necessarily mean that they should all operate the government directly; but they should be able to choose, and remove, those who do. The usual technique is to provide for direct or indirect selection of the operators by qualified voters for limited or terminable periods of service (Ibele, 1971:127) .

Democracy is a complex of many factors. It is distinguishable, of course, by its governmental institutions such as freely- elected, representative legislatures, guaranteed civil rights, widespread suffrage, and free political parties. It is "governed by the people," and all the complicated mechanisms which that simple phrase of Abraham Lincoln implies. Democracy is also characterized by a wide sharing or dispersion of powers and responsibilities, rights and duties. No

single man, no group possesses exclusive power, and all citizens have their responsibilities, great or small, in a working democracy. While the will of the majority is decisive in democratic decisions, an essential principle of democracy is respect for and protection of the rights of minorities, who in turn have their well defined obligations and duties (Patel, 1976:1). The concept of representative democracy arose largely from ideas and institutions that developed during the European middle ages and the age of enlightenment and in the American and French revolution. Democracy has been called the "last form of government" and has spread considerably across the globe.

The structures and functions of the modern democratic system came up step by step in the evolving institutions and revolutions of the 18<sup>th</sup> century Europe and North America. Such representative national and local institutions as the British House of Commons and local councils in the Scandinavian countries or such popular uprisings as the American War of Independence of 1776 and French Revolution of 1789 were responsible for the growth of such ideals as equality, inalienable rights and government by consent of the governed. Out of these historical events, over a longer period of time came up such institutions as the law-making legislatures, autonomous local governing bodies, political parties and such processes as periodical elections, separation of powers and so on. These are in fact the identifiable pre-requisites of a modern representative democracy. Democracy wants to ensure people's rights over the political system in many ways.

Democracy, in short, indicates a system of government as encompassing 'not only a civilian, constitutional, multiparty regime, with regular, free and fair elections and universal suffrage, but organizational and informational pluralism; extensive civil liberties (freedom of expression, freedom of the press, freedom to form and join organizations); effective power for elected officials; and functional autonomy for legislative, executive and judicial organs of government' (Diamond 1995).

Democratization, on the other hand, means the process whereby democratic institutions, practices beliefs are built and strengthened in the society. Democracy has taken a number of forms, both in theory and practice. The following kinds are not exclusive of one another: many specify details of aspects that are independent of one another and can co-exist in a single system.



In this connection, it may be argued that there are four reasons why democratic government is believed to represent the interests of the people- public spirit of those who work for the society, use of vote for selecting candidates with identical interests, use of vote to discard those with different interests, and an in- built system of checks and balances (Ahmed, 2006:9-10).

If we look at the forms of democratic government, we can discern three main systems- Parliamentary, presidential and mixed model of government.

Among political theorists, there are many contending conceptions of democracy.

- Aggregative democracy uses democratic processes to solicit citizens' preferences and then aggregate them together to determine what social policies society should adopt. Therefore, proponents of this view hold that democratic participation should primarily focus on voting, where the policy with the most votes gets implemented.
- Robert A. Dahl argues that the fundamental democratic principle is that, when it comes to binding collective decisions, each person in a political community is entitled to have his/her interests be given equal consideration (not necessarily that all people are equally satisfied by the collective decision). He uses the term polyarchy to refer to societies in which there exists a certain set of institutions and procedures which are perceived as leading to such democracy (Russell, Thomas, 1941:204).

In the 1920s democracy flourished, but the Great Depression brought disenchantment, and most of the countries of Europe, Latin America, and Asia turned to strong-man rule or dictatorships. Fascism and dictatorships flourished in Nazi Germany, Italy, Spain and Portugal, as well as nondemocratic regimes in the Baltics, the Balkans, Brazil, Cuba, China, and Japan among others.

Today democracy gets degraded in an environment where greed rules, vengeance acts and intolerance prevails. It can not thrive on 'closed ranks' and 'closed minds'. It does not flourish in an air of liberal interaction and warm cooperation. It genuinely demands an open society.

## 2.2 Election

Elections may be defined as a political process through which the people choose their representatives for their political institutions. It means the act of choosing, choice and selection.

Election means an election-

- (a) in which all parties participate;
- (b) whose outcome is broadly accepted as legitimate and accurate;
- (c) where violence and intimidation do not keep people from voting or expressing their opinion;
- (d) where minorities are not singled out for persecution;
- (e) where the playing field is more or less even [leveled]; and
- (f) where electoral process meets the international standards of fair play and is consistent with the constitution and other laws of the land [Excerpts from a speech by Patricia A. Butenis, US Ambassador to Bangladesh, *The Daily Star*, 18 December 2006]

Election is the act of selecting someone or something, the exercise of deliberate choice. Elections dramatize the political life of a people and highlight their political wishes and aspirations. Elections contribute to political development and the political education of the people. Regular holding of elections contribute to the process of political development. Conversely the absence of regular elections retards the process of political development. Other way elections are democracy in action. Absence of regular elections points to the erosion of democracy. Participation in the electoral process gives the elector a feeling that he has a stake in the political system. It involves him the political process and gives him the feeling that he is a constituent of the polity.

Elections are the massive spectacles of the mobilization of the nation for political action. Elections discover political leaders. They set the stage for testing the old leaders and the emergence of new ones. Elections introduce an element of accountability in the political system; they make Government responsive to the needs of the people. Political stability is one of the main goals of elections; Elections produce a Government which enjoys the confidence of people and is, therefore, stable. Elections act as a link between the society and the polity. Elections bring politics within the reach of the common man, and provide a mechanism for the direct involvement of the

people in the political system. Elections act as a link between the society and the polity (Rahman, 2007:40).

### **2.3 Electoral Democracy**

Modern democracy is viewed comprehensively in terms of three general approaches: sources of authority of government, purpose served by government, and procedures for constituting government. The central procedure of democracy is the selection of leaders through competitive elections by the people they govern. In reality it is election, which gives meaning to democracy. Election- open, free and fair is- thus, the essence of democracy- the inescapable *sine qua non*. It is the first condition of democracy. A political system is democratic to the extent that its powerful collective decision makers are selected through fair, honest and periodic elections in which candidates compete for votes, and in which virtually all adult population is eligible to vote. The second condition implicit in the concept of democracy relates to limitations of power- the elected bodies do not exercise total power- they share power with other groups in the society and are obliged to remain within the bounds of the constitutions- the rules of the game. The third condition concerns the fairness and responsibility of the politicians and parties. In fact, stability and institutionalization of democratic system depends on the attitude and behavior of political parties and their perception of peaceful transfer of power or succession of government. However, electoral competition and widespread voting participation are also important conditions without which the government suffers crises of legitimacy and effectiveness.

People participate in political process in many ways. But election is the main vehicle of all participation in democratic system. In the past there was a direct participation but now-a-days it is very difficult to conceive of such participation. People participate in the electoral process through which they elect their representatives. The people's representatives participate in the law making on behalf of the people.

The electoral democracy can turn into a 'fallacy' if it ignores multiparty election, interest of the particular section of population and if the decision making process do not contribute by democratic and elected officials (Schumpeter and Karl, 1991: 78). In addition, electoral

democracy also has not been successful properly to include all sections of population in the context of race, ethnic and minority groups around the world. Consequently, the majority rule system became responsible for the violation of human rights of the ethnic and religious minority of people (Diamond, 1999:10). So, electoral democracy cannot alone ensure the right of all types of people in the democratic system properly.

There are several approaches to democracy. The modernization perspective of democracy argues that economic performance is necessary for the stable democracy and the fragility of democracy at lower level of development flows largely from the vulnerability in the face of economic crisis (Reworks et. Al, 1997:298; Robinson, 1990:3).

Social and cultural value also has been significant approach for establishing democracy. In Bangladesh, holding free and fair elections has always been a subject of controversy. Elections held under party governments were alleged to have been seriously rigged. Available evidence shows that the ruling parties in the past used force and intimidation to win elections.

Money also plays a vital role for securing nomination and it is often more valued than ideology and candidates personality. The deterioration of law and order, reluctance of law enforcing agencies in trying to curb crimes, indifferent attitudes of governments towards law and order situation, spiraling increase in hijacking, mugging, extortion, torture and other forms of violent crimes have created a deep sense of insecurity in the minds of the people. So it was very essential to create a system to establish a credible election. Since independence, no election ever held without any violence or corruption.

So, the democratic system where some features democracy are exist such as- free and fair election, authentic power for elected officials, freedom of expression and media, some independent social and political organizations presence. A democratic system needs to incorporate the involvement the people into the political system not only in terms of participation but also to preserve the rights of people in the system properly. So, these features made this democratic. Historically, a wide range of electoral systems evolved in different parts of the world at different times.

It may be stated here that the Jamati –e- Islami Bangladesh (JIB) first advanced the proposal for Non Party Caretaker government as early as 1983. But it did not appeal to the main parties,

particularly the Bangladesh Awami League (AL), Bangladesh Nationalist Party (BNP) and the left front which were engaged in anti-Ershad street agitation programmes. The main parties also did not take notice of the JIB bill for NCG for more than two years of its submission to the parliament secretariat in December 1991. AL and JP, however, changed their mind towards the end of 1993 when they submitted separate bills for the NCG. As stated earlier the NCG was made a part of the Constitution in 1996 through an amendment (Ahmed, 2004: 17-18).

## **2.4 Caretaker Government**

The concept and mode of formation of the Caretaker Government is described in earlier chapters. This chapter, the study wants to describe more. Caretaker government is a temporary system of governance just to conduct elections. A caretaker government is often set up following a war until stable democratic rule can be restored, or installed, in which case it is often referred to as a provisional government. In some countries (including Australia and New Zealand) the term is used to describe the government that operates in the interim period between the normal dissolution of parliament for the purpose of holding an election and the formation of a new government after the election results are known.

In the United States, the outgoing President acts as President for a period of about 10 weeks even after the President designate is elected. The caretaker heads of governments are neither expected nor suspected of using the state power to unduly influence the conduct of election (Karim, 2007:3).

The concept of a caretaker government during the interim period, when the term of an elected government ends and elections are held for installing a new government, is not new. Those who follow the Westminster style parliamentary system are familiar with it. When a new general election is scheduled and a date is fixed, the outgoing government remains in office but in effect it becomes a Caretaker government. According to long established practice and tradition, the outgoing government is not expected to make any new law or take major policy decisions. They are expected to simply carry on the day-to-day routine work of the government. Not only Britain but all the countries with parliamentary system of government follow this practice.

The Bangladesh practices a caretaker government is the result of deep distrust of the outgoing elected government. It is an admission of failure, on the part of the elected governments, to conduct the elections fairly and honestly. Unlike other countries that have practiced the parliamentary system successfully, in Bangladesh the outgoing government manipulates the levers of power to rig the election in order to ensure its own victory. The history of Bangladesh is unfortunately replete with these examples.

The military rulers who assumed power after the coup of August 15, 1975 routinely rigged the election to legitimize their power. The formalities of election procedures were observed without the substance. People did not get the opportunity to freely exercise their choice. Ballot boxes were stuffed with ballot papers in favour of the dictator's chosen candidate. The district level officials of the administration (DCs, UNOs and Police Superintendents) were blatantly used for this purpose. With the fall of Ershad in 1990 and the installation of an elected government, it was expected that the practice of rigged election would come to an end. It was a matter of profound disappointment that the ruling party headed by Begum Khaleda Zia was unable to live up to the expectations of the nation. She was not willing to accept defeat. Instead, her government resorted to the same practice of rigging that was followed by the military rulers. In fact, the Magura by-election in 1994 convinced the Opposition parties that they did not stand the ghost of a chance to win if the ruling party remained in office. The one-party election held on 15 February 1996 further convinced the common people that unless the government resigns a free and fair election could not be held. Public agitation assumed a serious turn. Begum Khaleda Zia had to bow to public opinion and resign. However, before resigning she quickly enacted a law on caretaker government. Though the law followed the basic formula advocated by the Awami League, none of the Opposition parties was consulted on the actual text of the draft law. In order to stem the rising tide of public anger she hurriedly passed the law. We are still living with this law under which two elections have been held.

The experiment with this system in 1996 proved to be a success. Neither side complained of rigging. Admittedly there were minor complaints but on the whole the elections were accepted as free and fair. Both the national and international observers expressed satisfaction about the arrangements. It should be pointed out that the primary responsibility for holding rigging-free elections rests with the Election Commission. However, the government has the power to

influence the results if it so wishes. The Deputy commissioners and their subordinates function directly under the government and they are the ones who make all the administrative arrangements. Since the DCs act as Returning Officer, the government can manipulate the results through the DCs who are under its direct control. The Upazila level officers also function as presiding officers and polling officers. Through them the government can rig the election. In 1996 the government was truly neutral and, as a result, the Election Commission was able to discharge its duties without direct or indirect interference.

Constitutional provision of a Caretaker government headed by the last retiring Chief Justice of the Supreme Court has been put in place under the Constitution's 13<sup>th</sup> amendment. Several Institutions engaged in Parliamentary elections in Bangladesh.

The scope of activity of the NCG, as observed in an earlier chapter, is limited; its primary responsibility is to ensure an impartial administration and to build a congenial environment in which the BEC (Bangladesh election commission) can conduct the elections peacefully, fairly and impartially. Each NCG adopted a number of measures to carry out its mandated activities. NCG has to behave in a similar manner with everybody and it has to work in a neutral manner. The tenure of the government is for 90 days. The government is not elected by the people.

The non- party Caretaker government shall discharge its functions as an interim government and shall carry on the routine functions of such government with the aid and assistance of persons in the services of the Republic; and, except in the cases of necessity for the discharge of such functions, it shall not make any policy decision. The non- party Caretaker government shall give to the Election Commission all possible aid and assistance that may be required for holding the general election of members of parliament peacefully, fairly and impartially (Ahmed,2004:173).

## **2.5 Electoral System in Bangladesh**

Historically, a wide range of electoral systems evolved in different parts of the world at different times. Within the broad category of 'democratic' countries, differences could be found between countries following presidential forms of governments and the ones following parliamentary forms. In addition, within the presidential forms of democracies, important differences exist

between, say, the US and the French electoral systems. Similarly, among the parliamentary forms of democracies, differences could be found between electoral systems of, say, Israel and India. Both New Zealand and Australia practice parliamentary forms of democracies and yet there are important differences between the two.

Bangladesh began its journey with democracy, which is one of the four basic principles of the 1972 constitution. The same constitution also introduced the parliamentary form of government in the country. The first general election of independent Bangladesh was taken place on 7 March 1973 where the ruling party Awami League won 282 seats and the Jatiya Samajtantrik Dal (JSD) and Jatiya League (BJL) won one seat each out of 300 general seats in the National Parliament of Bangladesh (Jahan, 1987:87). In Bangladesh, simple plurality is followed. Since candidates from three to four major parties and one or more independent candidates are found to emerge as significant candidates in many parliamentary constituencies in almost every election, it has become common for the winning candidates to win seats with an overall minority of votes. The share of votes received by at least one-third of the MPs elected in 1991 and in 1996 was between 30 percent and 40 percent. A few candidates won with popular vote of even below 30 percent in both of those elections. In 1991, one candidate won with less than 20 percent popular vote.

Another outcome produced by the system was the observed inconsistency between nation-wide share of votes and share of seats in the parliament won by parties. As the votes secured by all but the winning candidates become irrelevant as far as the parties' representations in the parliament are concerned, it is possible that a party loses all the seats or wins only a few despite securing significant share of popular vote (Karim, 2004:5-6-7).

The electoral laws in Bangladesh are based on the electoral laws in England. The electoral system is a product of the nineteenth century exploitative economy and polity. In the field of economy the Endeavour of the capitalists was to exploit labour. In the political field, the efforts of the capitalists were directed towards the capturing of political power by exploiting the masses. In order to preserve their monopoly in the economic field, the capitalists had to seek a monopoly of political power as well, for without political power their monopoly in the field of economy could not be sustained. In this context the electoral system was, therefore, deliberately devised in such a way that the political power became the close preserve of the capitalist class, the class which had money and leisure.



The electoral system is exploitative in character. It is designed to exploit the electorate to the advantage of a particular privileged class. The system is not capable of setting up of truly representative order. The system is susceptible to abuse by unscrupulous elements.

The present electoral system aims at the setting up of a democratic order, and is supposed to act in furtherance of the democratic process. It is, therefore, necessary that that electoral system should conform to the concepts of political theory on which democracy is based. There are, however, several features of the electoral system which conflicts with the concepts of political theories about democracy. This dichotomy is a major cause of the breakdown of the electoral system.

The electoral system is tuned to a secular democratic order. There are many features in the electoral system which is repugnant to the spirit of secularism. As a matter of fact the electoral system is not capable of working with any degree of effectiveness in the ideological environments of Bangladesh. Our experience since independence has shown that the present system has failed to deliver goods. The system has been negative and disruptive in character. We should have a system which should be positive and interrogative in character, and which should aid in the process of the building up of a strong and effective body politic.

## **2.6 Linkage between Democracy and Caretaker Government**

In this chapter, the study tries to discuss about how to relate between democracy and Caretaker Government and how they functions to improve one another. Where there is no strong democracy, it is an essential element to amplify Caretaker Government. In under developed countries, democracy always is in weak position. Rigging elections in favour of party or parties in power has become a common phenomenon in third world countries. It has long been noticed that, despite the holding of elections in many countries at periodic intervals, the task of institutionalizing the succession of government through democratic means remains problematic. Elections under party governments always do not reflect public opinion; nor do they generally offer an opportunity to confer legitimacy on those who want to rule. Bangladesh provides a classic case where centrally- controlled electoral frauds had become so entrenched that the people, particularly politicians, decided to introduce a new mechanism to oversee the conduct of elections. The struggle for democracy in such a society is, therefore, a complex one. Bangladesh,

born out of a nine-month bloody liberation war, had the daunting task of incorporating many of the secular and democratic ideals upheld in its first constitution into viable institutions and practices. The major obstacles were the military, an underdeveloped economy, lack of trust in political parties, donor dependence, vulnerability to the winds of globalization and Islamization, and ineffective political leadership. From 1971, Bangladesh moves to a high ambition for democracy. But after the independence in 1971, we got different from our expectations. Except for some brief periods, Bangladesh has constantly passed through a situation of legitimacy crisis, although the intensity has not always been the same (Hakim, 1993:2). So it was very essential for democratic values to improve this mismanagement. The electoral system was totally out of trust. Political parties did not trust each other. The election commission was not free from the ruling party. They did not do their functions without any interruptions. During Ershad regime there were no elections held fairly. Credibility was the major issue at that time because large scale electoral malpractice experienced previously.

General Ershad seized power in March 1982, overthrowing the legally constituted Government of president Sattar who was elected only a few months earlier (Ahmed, 1998:1). After 1982 there was no transparency in any sector. Electoral systems were totally corrupted. Political actors have been violated the rules of elections. There are many political parties working in the country but a few have representatives in the parliament. Major political parties do not trust tolerate each other. The political history of Bangladesh witnesses that power never changes peacefully. Regime changes either by military intervention or through mass movement, which produces 'suspicion' and 'jealousy' and so is the political culture in Bangladesh.

Election is the key of the modern democracy but this system is not smooth in our political culture. So the Non-Party Caretaker Government is the routine administration of the country during the interim between the dissolution of parliament and the assumption of power by a new government after the election of a new legislature. The main responsibility of the NCG is to help organize parliamentary elections in a credible manner.

Elections under NCGs not only provided a means for transition from authoritarianism to democracy; they have also contributed to the strengthening of the democratic process in several ways. However, since no NCG can undertake measures to make radical changes in the structure of power- both because of legal difficulties as well as time constraints- which actually determines

the extent to which elections can be fair or not, the impact of NCG is likely to remain limited. The concept of a Caretaker government is not new in political science. In most democracies, the outgoing governments act as Caretaker governments. But in our country there was widespread distrust about the role of the election officials and law enforcing agencies who had been used to subvert democratic norms in the past elections. So it was the demand of opposition parties for a Caretaker, neutral government that would hold fresh elections. The distrust was shared by many non- government human rights groups, lawyers, teachers, journalists and other observers. To strengthen the democracy of the third world country, Caretaker formula is a good idea. In our context, it was very significant ideology for the neutral election. Now this formula is the constitutional system in our political culture. By this time, Bangladesh has completed four parliamentary elections under Caretaker government. All elections were better than previous elections. So democracy and election under Caretaker Government are the close connectivity in our country. But now a days it is the burning issue whether Caretaker Government is necessary or not? The study attempts to research this answers deeply to explore the public demand of the country.

## **Chapter Three**

### **Caretaker Government and Political Emergence of History**

## **Caretaker Government and Political Emergence of History**

In this chapter, the study has been first outline the nature of democratic process in Bangladesh and secondly the Caretaker Government from the aforementioned perspective. The struggle for democracy is a complex one. Bangladesh, born out of a nine months bloody liberation war, had the daunting task of incorporating many secular and democratic ideals in its first constitution resulted in creating viable institutions and practices. The major obstacles of democracy in Bangladesh were the military intervention, an underdeveloped economy, donor dependence, terrorisms, vulnerability to the winds of globalization and Islamization and ineffective political leadership. Political parties in Bangladesh have had a distorted birth and growth. Much of the takeover of power (whether by the Awami league or BNP) resembles the politics of ‘char dokhol’ occupation of char land), which is more typical of a thriving peasantry than a burgeoning bourgeois democracy.

Bangladesh began with a parliamentary model of government and politics and in the first three years of this new nation’s existence, the parliamentarians emerged as the most influential members of the political elite. But the problem is that the political actors have frequently violated the democratic rules of the game. The founders themselves arbitrarily transformed the parliamentary democracy into a one-party presidential authoritarianism. Then the constitution has been arbitrarily changed and suspended over and again. The parliament has been either suspended or dissolved through unconstitutional way. The state power has been seized by the military regime though unconstitutional means, thus the scope of peoples’ participation in politics has been restricted and throwing the country into a state of political disorder and uncertainty. Bangladesh has experienced authoritarianism, semi-authoritarianism, and military rule in the first twenty years when the Mujib regime (1972-1975) Zia regime (1975-1981) and Ershad regime (1981-1990) were in power. However, it is remarkable that from 1991 governmental power has been transferring through constitutional means but not in a peaceful manner. After 1990, Bangladesh reset itself on a path towards sustainable democracy. From then on electoral reform has been an on-going process to make a free and fair election. Free and fair election, is certainly a pre-condition for ensuring a democratic form of government. Officially it is the job of election commissions or similar agencies to conduct elections. Long time has been elapsed but no success

is yet to be visible in establishing norms of fair elections. So the concept of Caretaker government was necessary for our politics.

The concept of a Caretaker government is not new in political science. In most democracies, the outgoing governments act as Caretaker governments. In the United States, the outgoing President acts as President for a period of about 10 weeks even after the president designate is elected. The Caretaker heads of governments are neither expected nor suspected of using the state power to unduly influence the conduct of the election (Karim, 2004: 3)

Unfortunately this is not the case in most developing countries. Developing countries are characterized with ‘incumbents never lose’ phenomenon, whereby the parties in power are found to do anything in an election- lawful or otherwise, to remain in power. Bangladesh was not out of this system before 1991’s parliamentary election. After the bitter experiences the political leaders and civil societies were agreed their opinion on behalf of Caretaker government. In politics a Caretaker government rules temporarily. A Caretaker government is often set up following a war until stable democratic rule can be restored, or installed in which case it is often referred to as a provisional government. In some countries the term is used to describe the government that operates in the interim period between the normal dissolution of parliament for the purpose of holding an election and the formation of a new government after the election results are known. This type of government was adopted in Bangladesh after 1990 to do free and fair elections. The study has already observed that elections under Caretaker government were more accepted than political parties. Here the study wants to analyze the role of different governments and elections held under those governments:

### **3.1 The Awami League Period (1972-1975)**

First parliamentary elections were held on 7 March 1973. The Awami League under the leadership of Bangabandhu Sheikh Mujibur Rahman won overwhelmingly capturing 282 out of 289 directly contested seats. The AL candidates won the remaining 11 seats unopposed. They also won all the 15 seats reserved for women. There was no significant opposition political party except the newly formed Jatiya Samajtantrik Dal (JSd) (Karim, 2004:23). The Bangladesh Awami League (BAL) allegedly adopted a strategy of what Jahan<sup>1</sup> has called, “over killing the

opposition,” by using force to win every parliamentary seat. The alleged large scale rigging by the BAL, especially at a time when the PM- Sheikh Mujibur Rahman- was still the revered leader of the nation and the party was by far the strongest and the most visible in the country, surprised many observers. Ahmed explains the deviant behavior of the BAL in the following way:

The central leadership of the BAL took it as a prestige issue particularly on the question of allowing the prominent opposition leaders winning the elections. The party stalwarts argued that victory in elections of persons like... would cast a direct aspersion not only on the party but on the ‘father of the Nation’. The election of such persons would confirm the decline of the party popularity and it would mean victory for the opposition. With these personalities in the opposition, it would be difficult to manage the parliament. (Ahmed, 1983:143)

However, the overwhelming victory of the BAL subsequently turned out to be its worst enemy. The opposition parties, which accused the BAL of adopting fraudulent tactics to win the elections, did not agree to lend legitimacy to the first parliament and the BAL government. They tried to short-circuit the authority of the government in different ways. The government responded by introducing a one- party presidential system, granting widespread powers to the president, in January 1975. But before the new system could have a real beginning, the BAL was overthrown from power in a military coup in August 1975 (Ahmed, 2004:14).

### **3.2 Zia Period (1975-1981)**

The Parliamentary elections were held on 18 February 1979 during Zia’s Regime. The BNP (Bangladesh Nationalist Party) led by Ziaur Rahman won 207 seats. The AL won 39, the Islamic Democratic Front, an alliance of Muslim League and Islamic Democratic League, won 20. All major political parties took part in the elections (Karim, 2004:23). Twenty- nine political parties with 2,125 candidates participated in the elections. BNP received 41.16% votes while Awami League got 24.50% votes (Sarowardy, 2000:4).

With the publication of the results, the opposition complained massive ballot rigging. Some foreign observers also characterized the elections as one of the ‘questionable integrity’ with

administrative machinery and media- particularly Radio and TV being under the control of ruling party.

### **3.3 Ershad Period (1982-1990)**

The third parliamentary elections were held on 7 May 1986. The Jatiyo Party led by Hussein Mohammed Ershad won 153 seats. The 8-party alliance led by the Awami League leader Sheikh Hasina won 88 seats, Jamaat-e-Islami won 10 seats. The BNP led 7-party combine did not take part in the elections.

The fourth parliamentary elections were held on 3 March 1988. The Jatiyo Party won more than 250 seats against an alliance of some seventy microscopic parties with JSD (Rob) being the only known party in the alliance. None of the major political parties- the AL, the BNP, or the Jamaat took part in this election (Karim, 2004:23). The scale of rigging, however, surpassed all previous record during the Ershad's period. A large scale irregularities including use musclemen and result manipulations (media coup) on those parliamentary elections. The voter turn out was very low but the numbers were exaggerated by manipulation and false votes.

### **3.4 The Formation of Caretaker Government**

Under the existing constitutional arrangement, a Non-Party Caretaker Government (NCG), headed by a former chief justice, called chief adviser (CA), and composed of ten advisers, assumes the responsibility for administering the country during the interim period between the dissolution of parliament and the commencement of the next one. Neither the CA, nor any of his advisers, can be a member of any political party. Nor can they contest the elections. The NCG stands dissolved on the date on which a new prime minister enters office after the constitution of a new parliament. The NCG is mostly intended to make elections impartial and acceptable to the electorate. In Bangladesh, after the end of the Ershad regime, elections under NCG have emerged as a natural alternative (Ahmed, 2004:3).



The beginning of the year 1990 was comparatively peaceful and the people were generally pre-occupied with the forthcoming new election of Upazila parishad scheduled from 13-14 March, 1990. Introduction of Upzila parishad system is one of the most important administrative reforms initiated by General Ershad. The ostensible purpose was to decentralize government functions and devolve power to local authorities. The composition of the Upazila parishad as created by an Ordinance in 1982 included among others (1.) one chairman (2) representative members (3) women members (4) official members and (5) one nominated member. The so-called democratization of Government in this manner was actually intended to legitimize the near total control of the Ershad Government by creating the impression that it was committed to devolution of power and democratic pluralism. But in effect the government retained considerable control over the Local Government's taxes, administrative policy, and composition of membership and allocation of resources. Even the delimitation of the boundaries of the Upazila Government was subject to control of the Central Government. In 1985, the mainstream opposition parties boycotted the Upazila election but later realizing that it was a great political error. A five – year chairman of Upazila was considered a highly prized office in rural Bangladesh and primarily for this reason the political parties decided to participate in this election and gave a good deal of attention to the Upazila election in 1990. Indeed it was considered as a dress rehearsal for the future national election (Ahmed, 1998:5-6).

The 1990 Upazila election took place over 12 days from March 14<sup>th</sup> to 25<sup>th</sup>. Although the election was officially held on a non- political basis, virtually all the political parties participated. The BNP claimed that they did not participate but in some cases their supporters contested without official party support and central leaders of BNP refrained from campaigning. In this election while Jatiyo Party captured 150 out of 420 Upazila contested, the rest were captured by various opposition parties and independents. The Awami League captured 120 of the Upazila officers. In order to give credibility to his legitimacy, Ershad had been trying hard to bring the opposition back to the electoral politics.

Credibility was the major issue concerning the Upazila election particularly against the background of large scale electoral malpractice experienced previously. There was also widespread distrust about the role of the election officials and law enforcing agencies that had been used to subvert democratic norms in the past elections. This explained the consistent demand

of opposition parties for a Caretaker, neutral government that would hold fresh elections. The distrust was shared by many non-governmental human rights groups, lawyers, teachers, journalists and other observers (Ahmed, 1998:5-6).

By mid 1990, opposition to Ershad's rule had escalated. November and December 1990 were marked by general strikes, increased campus protests, public rallies, and a general disintegration of law and order. Ershad resigned in December 1990 handing over power to the Chief Justice of the Supreme Court as nominated by the opposition parties. In 1990 all political parties agreed to make a Non Party Caretaker Government. For creating a congenial atmosphere for free and fair election Acting President Shahabuddin Ahmed along with 17 Advisors took part in that Interim government (December 1990- March 1991).

### **3.5 Composition of Caretaker Government**

In 1990 the first Caretaker government comprised one Chief advisor and another 17 advisors. The first Caretaker government was not formed constitutionally but the consensus of the political parties existed behind this scheme. According to the constitution, the non- party caretaker government consists of the Chief Advisor and ten other Advisors. The Chief Advisor and Advisors enjoy the status and other facilities of the Prime Minister and Ministers respectively during their period.

#### **The First NCG of 1990**

The first caretaker government was formed by Justice Shahabuddin Ahmed on 6 December 1990. His advisors were selected from the successful professionals and active members of the civil society. They have taken various programmes and adopted different mechanisms to make the election free and fair.

The list of the members of the first Caretaker government between 6 December 1990 to 15 March 1991 is the following table.

**Table. 1 List of the First Caretaker Government (1990)**

<b>Acting President/ Advisors</b>	<b>Criteria for selection</b>	<b>Portfolio held</b>
Shahabuddin Ahmed	Nominated by three alliance	Defence, Cabinet Division , Establishment, Information, Home
Advisors (17): Zillur Rahman Siddiqui	Educationist	Education
Rehman Sobhan	Economist	Planning, Water Resource and Flood Control
Eajuddin Ahmed	Educationist	Culture and food
Wahiduddin Ahmed	Educationist	Power, Mineral Resources, and Public Works
Dr. M.A. Majed	Doctor/medicine	Health and Family Welfare
A.B.M. Musa	Retired Secretary	Industry, Jute and Textile
Kafiluddin Mahmud	Retired Secretary	Finance
M. Anisuzzaman	Retired Secretary	Agriculture and Land
Kazi Fazlur Rahman	Retired Secretary	Irrigation, Environment, Forest, Fisheries and Livestock
Imamuddin Ahmed	Retired Secretary	Commerce
B. K. Das	Retired Secretary	Relief and Rehabilitation
Fakhruddin Ahmed	Retired Secretary	Foreign Affairs
Chowdhury M. A. Haque	Retired Secretary	Labour, Manpower, and Internal Resources
Alamgir M. Kabir	Retired Secretary	Social Welfare, Women, Sports and Youth Development
A.B.M. G. Kibria	Retired police Chief	Communication and Telecommunication
Rafiqul Islam, Bir Uttam	Retired Army Officer	Shipping, Civil Aviation and Tourism
Md. Abdul Khaleque	Retired Judge	Law and Parliamentary Affairs

Source: Non- Party Caretaker Government by Nizam Ahmed, 2004 :180-181, Dhaka (UPL)

The first caretaker government took several measures to re-establish the people's confidence in the electoral process. In response to long-standing demand of the political parties, the Election Commission was reconstituted with three sitting judges to ensure free, fair and impartial polls. The Election Commission was empowered to suspend Returning and presiding Officers for election offences. All government and semi-government officers and employees deployed for election work were put under the jurisdiction of the Election Commission (Hakim, 1993:51). All These measures were necessary to bring back the voters' confidence in the impartiality of the election process which was gradually eroded since independence.

After the election, the caretaker government transferred the state power to the elected representative smoothly and without any delay. They have successfully transformed democracy from an autocratic rule to the elected people's representatives. Interestingly both the Prime Minister and the Opposition Leader were happy of the transfer of power (Ahmed, 1998:90).

### **The Second NCG of 1996**

The second Caretaker government was formed in 1996 after a prolonged political movement. The Fifth Parliamentary elections in 1991 established the credibility of elections held under Caretaker government. In 1991 parliamentary election-there were 76 political parties participated. There were as many as 2774 candidates who contested the elections. Bangladesh Nationalist Party (BNP) came out as the single largest party by winning 140 seats, followed by Awami League, which won 88 seats, Jatiyo Party 35 seats and Jammāt-e-Islami 18 seats. Many foreign observers including the Commonwealth team termed the elections as a 'model' one and were free and fair. But the March 1994 Magura by-election was very much controversial. At that time, the entire opposition including the Jamaat which helped the BNP to form the cabinet and secure absolute majority in the Parliament charged that the Magura by-election was rigged and demanded fresh poll. Instead of opening a dialogue to defuse the situation, the ruling party opted to meet the challenge launched by the opposition through confrontation. After the Magura by-election the opposition took a firm stand that they would not participate in any by-election and future general elections must be held under a non-partisan caretaker government which should take over the administration of the country for period of 90 days before the elections (Ahmed,1998:103).

In the face of the opposition's Rigid position about the demand of Non-Party Caretaker Government, the ruling party decided to dissolve the Fifth Parliament and to hold the Sixth Parliament elections, arguing that it was needed to ensure continuity in constitutional rule and to enable it to enact a bill for NCG, the opposition declared that it would resist the elections at any cost. None of the main opposition parties took part in the sixth polls held on 15 February 1996. The scale of violence reached its height during the Sixth polls. The rate of voter turnout was also extremely low. The BNP won a landslide victory. But in the context of the opposition boycott, elections to the sixth parliament caused a serious legitimacy crisis for the BNP government headed by Begum Khaleda Zia.

The opposition considered the sixth parliament as illegitimate and demanded its immediate dissolution. Widespread political crises compounded the crises in economic management. The government thus decided to move in the sixth parliament a constitutional amendment bill providing for the holding of parliamentary elections under the NCG in the future. The bill on NCG was moved by the then law minister- Barrister Zamiruddin Sirkar- on 21 March 1996. The House passed it at dawn on 26 March; while the president assented to the bill on 28 March.<sup>1</sup> Now the Constitution empowers the President to appoint a ten-member NCG, with a CA as its head, within fifteen days of the dissolution of the parliament. Unlike normal circumstances when the president enjoys some discretion in the appointment of the PM, his choice in the selection of the CA, who enjoys the status, privileges and remuneration of a PM, is strictly restricted. The constitution of Bangladesh Article 58B to 58 E provides that:

58B.(1) There shall be a Non- party caretaker Government during the period from the date on which the Chief advisor of such government enters upon office after parliament is dissolved or stands dissolved by reason of expiration of its term till the date on which a new prime minister enters upon his office after the constitution of parliament.

(2) The Non- party Caretaker Government shall be responsible to the president.

(3) The executive power of the republic shall, during the period mentioned in clause (1), be exercised, subject to the provisions of article 58D(1), in accordance with this Consultation, by or on the authority of the Chief Adviser and shall be exercised by him in accordance with the advice of the Non- party Caretaker Government.

(4) The provisions of article 55(4), (5) and (6) shall (with the necessary adaptations) apply to similar matters during the period mentioned in clause (1).

**58C.** (1) The Non- Party Caretaker Government shall consist of the Chief Adviser at its head and not more than ten other Advisers, all of whom shall be appointed by the President.

(2) The Chief Advisor and other Advisers shall be appointed within fifteen days after parliament is dissolved or stands dissolved, and during the period between the date on which parliament is dissolved or stands dissolved and the date on which the Chief Adviser is appointed, the prime minister and his cabinet who were in office immediately before parliament was dissolved or stood dissolved shall continue to hold office as such.

(3) The president shall appoint Chief Adviser the person who among the retired Chief justice of Bangladesh retired last and who is qualified to be appointed as an Adviser under this article:

Provided that if such retired Chief justice is not available or is not willing to hold the office of Chief Adviser, the president shall appoint as Chief Adviser the person who among the retired Chief justices of Bangladesh retired next before the last retired Chief justice.

(4) If no retired Chief justice is available or willing to hold the office of Chief Adviser, the president shall appoint as Chief Adviser the person who among the retired judges of the Appellate Division retired last and who is qualified to be appointed as an Adviser under this article:

Provided that if such retired judge is not available or is not willing to hold the office of Chief Adviser, the president shall appoint as Chief Adviser the person who among the retired judges of the Appellate Division retired next before the last such retired judge.

(5) If no retired judge of the Appellate Division is available or willing to hold the office of Chief Adviser, the president shall, after consultation, as far as practicable, with the major political parties, appoint the Chief Adviser from among citizens of Bangladesh who are qualified to be appointed as Advisers under this article.

(6) Notwithstanding anything contained in this Chapter, if the provisions of clauses (3), (4) and (5) cannot be given effect to, the president shall assume the functions of the Chief Adviser of the Non-party Caretaker Government in addition to his own functions under this constitution.

(7) The president shall appoint Advisers from among the persons who are-

- (a) qualified for election as members of parliament;
- (b) not members of any political party or of any organization associated with or affiliated to any political party ;
- (c) not and have agreed in writing not to be, candidates for the ensuing election of members of parliament;
- (d) not over seventy-two years of age.

(8) The Advisers shall be appointed by the president on the advice of Chief adviser.

(9) The Chief Adviser or an Adviser may resign his office by writing under his hand addressed to the president.

(10) The Chief Adviser or an adviser shall cease to be Chief Adviser or Adviser if he is disqualified to be appointed as such under this article.

(11) The Chief Adviser shall have the status, and shall be entitled to the remuneration and privileges, of a prime Minister, and an Adviser shall have the status, and shall be entitled to the remuneration and privileges, of a Minister.

(12) The non-party Care-taker Government shall stand dissolved on the date on which the Prime Minister enters upon his office after the constitution of new parliament.

58D.(1) The Non-party caretaker Government shall discharge its functions as an interim government and shall carry on the routine functions of such government with the aid and assistance of persons in the services of the Republic; and, except in the case of necessity for the discharge of such functions it shall not make any policy decision.

(2) The Non party Caretaker Government shall give to the election Commission all possible aid and assistance that may be required for holding the general election of members of parliament peacefully, fairly and impartially.

58E. Notwithstanding anything contained in articles 48(3),141A(1) and141C(1)of the constitution, during the period the Non-Party Care-taker Government is functioning, provisions in the constitution requiring the president to act on the advice of the prime Minister or upon his prior counter-signature shall be ineffective.

Source: The constitution of the people’s republic of Bangladesh: 2000, 19-21

Khaleda Zia resigned on 30 March 1996. The following day an NCG government with the last retired Chief Justice Habibur Rahman- as its head was formed. The second NCG was formed in 1996 with ten advisors and a chief advisor

Second NCG’s (constitutionally first) duration was 31 March to 22 June in 1996. The second caretaker government was quite different in nature from the first caretaker government. The first one was established with the demand of major political parties however, the second caretaker government was formed under the constitutional provision. The following advisors were:

**Table. 2 List of the Second Caretaker Government ( 31 March-22 June1996)**

<b>Chief Adviser/Advisers</b>	<b>Criteria for selection</b>	<b>Portfolio held</b>
<b>Chief Adviser</b> Habibur Rahman	Chief Justice (Retired)	Cabinet Division, Establishment, Home, Foreign Affairs, Information, Election Commission Secretariat and Special Affairs Division
<b>Advisers (10)</b> Syed Ishtiaque Ahmed	lawyer	Law, Justice and Parliamentary Affairs, local Government and Rural Development



Muhammad Yunus	NGO Representative	Science and Technology, Environment and Forest, Primary and Mass education
Shamsul Huq	Educationist	Education, Youth , Sports and Culture
Segupta B. Choedhury	Banker	Industry, Commerce, Jute and Textile
A.Z.M Nasiruddin	Retired Secretary	Agriculture, Food, Fisheries And Livestock, Disaster Management and Relief, Land
Abdur Rahman Khan	Retired Army officer/Doctor	Health and family Planning, Religious Affairs
Wahiduddin Mahmud	Economist	Finance and planning
Syed Monzoor Elahi	Businessman	Communication, Shipping, Civil Aviation and Tourism, post and telecommunication Housing and Public Works
Nazma Chowdhury	Woman/Political Scientist	Labour and Manpower, Social Welfare, Woman and Children
Zamilur R. Chowdhury	Engineer	Power and Mineral Resources, Water Resources

Source: Non- Party Caretaker Government by Nizam Ahmed, 2004:80-181, Dhaka (UPL)

The seventh parliamentary election was held on 12 June 1996 under the second caretaker government. They took necessary steps to create a credible and congenial environment for the campaign and polling. They have also designed to introduce electoral law properly and to furnish the government controlled media in non- partisan manner.

### **The Third NCG of 2001**

The third caretaker government (constitutionally second) was formed in 2001 and they functioned from 15 July to 10 October. The third caretaker government was constituted after the Awami League government had completed its term on 14 July 2001. As per the rule the president appointed the last retired Chief Justice Latifur Rahman as the Chief Advisor of caretaker government on the same day. The third NCG comprised the following Advisers:

**Table 3 List of the Third Caretaker Government (15 July-10 October2001)**

<b>Chief Adviser/Advisers</b>	<b>Criteria for selection</b>	<b>Portfolio held</b>
Chief Adviser Latifur Rahman	Chief Justice(Retired)	Cabinet Division, Establishment, Home, Foreign Affairs, Election Commission Secretariat and Chittagong Hill Tracts Affairs
<b>Advisers(10)</b> Syed Ishtiaque Ahmed	Lawyer	Law, Justice and Parliamentary Affairs, Civil Aviation and Tourism
B. B. Roy Chowdhury	Retired Judge	Local Government and Rural Development, Disaster Management and arelief
Moinul H. Chowdhury	Retired Army Officer	Industries, Commerce, Post and Telecommunication
Haffizuddin Khan	Retired C & AG	Finance, Planning, Jute, Textile
Syed Monzoor Elahi	Bussinessman	Agriculture, Shipping, Fisheries and Livestock
Abdul Malek	Retired Army Officer	Health and Family Welfare, Religious Affairs
A .S .M .Shahjahan	Retired Secretary/Police Chief	Education, Primary and Mass Education, Science and Technology, Youth and Sports
Abdul Muyeed Chowdhury	Retired Secretary	Information, Housing and Public Works, Food, Environment and Forests, Land
Rokiya Rahman	Woman/Entrepreneur	Woman and Children Affairs, Social Welfare, Labour and Employment, Cultural Affairs
Amanul I. Chowdhury	Engineer	Power, Energy and Mineral Resources, Communication, Water Resources

Source: Non- Party Caretaker Government by Nizam Ahmed, 2004:182-183, Dhaka (UPL)

The caretaker government conducted the national parliament election on 1 October 2001. The BNP own 193 seats while the BNP-led four party alliances received a total of 216 seats and the Awami League received only 62 seats out of 300. Both local and foreign observers rated the election as peaceful and neutral with few exceptions. However, the opposition parties criticized the caretaker government in raising question about its neutrality. Shekh Hasina, the party chief of the Awami League rejected the election results. (*Prothom Alo*, 3 October, 2001). This was the beginning of the debate about the concept of caretaker government system. But at the last, Awami League accepted the results and joined the parliament.

Actually the National Elections from 1991 to 2001 under the caretaker government were significantly fruitful. Here we attempt to analyse the observed election results by taking an in depth look at party performance and relevant contextual variables. We began our analyses by looking at the seats won by the parties in the three elections under caretaker government and one election under military backed caretaker government. Table 4 shows the number of seats won by the political parties and alliances in the first 3 elections under caretaker government.

**Table: 4 Seats Won by the Parties under the Caretaker Government**

Party	Seats won		
	1991	1996	2001
Bangladesh Awami league	88	146	62
Awami league's 8 -party alliance partners	12	n/a	n/a
Bangladesh Nationalist Party	140	116	193
Jatiyo Party (E)	35	32	14
Jamaat-e- Islami	18	3	17
Jatiyo Party (N_F)	n/a	n/a	4
Islami Oikkya Jote (IOJ)	1	1	2
Jatiyo Party (M)	n/a	n/a	1
KSJL	n/a	n/a	1
Independents	3	1	1
JSD	1	1	0
AL rebels	n/a	n/a	3
BNP rebels	n/a	n/a	2
Jamaat rebels	n/a	n/a	0
Other Parties	2	0	0
<b>Total</b>	<b>300</b>	<b>300</b>	<b>300</b>

Source: Election Under a Caretaker Government by Waresul Karim, 2007:82, Dhaka, University Press Limited

## **Caretaker Government and National Elections**

It can be observed that the Awami league won 88 seats in 1991, 146 seats in 1996 and 62 seats in the 2001 elections. During the 1991 elections, the Awami League unilaterally left 36 constituencies for its 8- party alliance partners. The AL fielded candidates in the remaining 264 constituencies winning 88 seats while their 8- party alliance partners bagged 12 seats from their 36. The total seats commanded by the AL and its allies were, therefore, 100. In the same election, the BNP won 140 seats, Jatiyo Party won 35, Jamaat won 18 and the remaining seats went to other parties and independent candidates.

It can be observed from the above table that the Awami league moved up to 146 seats in 1996 from 100 seats (together with its allies) in 1991 and now in 2001 the party moved down to only 62 seats. The 8- party alliance partners have never won a seat since 1991 as they contested the 1996 and 2001 elections on their own.

The Jamaat had a successful election in 1991. They won those 18 seats out of 221 constituencies they fielded candidates in that election. It is believed that the BNP capitalized on Jamaats' absence, at least to some degrees, in the 79 constituencies that they did not field a candidate. Evidence of tactical voting can be found between the two parties. BNP and Jamaat votes were squeezed in areas where Jamaat and BNP candidates were respectively strong. However, there were many constituencies where the two parties were locked in direct contests to see AL victories. So there seem to have been no uniform trend of tactical voting in all or most constituencies although many analyses attribute a Jamaat success to tactical voting. The Jamaats' debacle in the 1996 elections adds credibility to such a theory.

One significant point shown in the table is a big drop in JP seats in 2001. In 1991, JP surprised everyone by winning 35 seats. Their leader, Mr. Ershad, won from all 5 constituencies. Similarly, in 1996, the party bagged 33 seats. MR. Ershad again won all 5 seats contesting from jail. The JP share of votes increased from 11.9 percent to 16.2 percent. Disaster struck the JP in the 2001 elections. This time around they won only 14 seats. Although MR. Ershad could not personally contest, he was free to move around the country to run his party's campaign. He even formed an alliance with the peer Shaheb of Charmonai. But the JP was divided. Anwar Hossain Manju and Naziur Rahman led separate JP factions outside the one led by Mr. Ershad (Karim,2007:83). The

BNP won 140 seats in 1991, lost a few in 1996 as they lost power but regained position of supremacy in 2001. Together with the alliance partners, they command a total of 216 seats in this parliament (excluding seats won in by –elections). The party fought the two earlier elections on its own but this time they formed an alliance with the Jamaat, a faction of JP, and a loose alliance of some Islamic parties called the Islami Oikkyo Jote (IOJ). The JP (N\_F) won 4 seats while the IOJ won 2. (Karim: 2004, 82-83)

The election's under military backed government is discussed the next chapter. First, the number of seats of the political parties has been shown. There has been also discussed the secured vote of different political parties.

**Table. 5 Votes secured by the Parties and Alliances:**

Parties	<u>Votes Secured</u>		
	1991	1996	2001
Awami league	1,02,59,866	1,58,88,368	2,23,65,516
8- Party alliance partners	12,24,241	n/a	n/a
AI plus 8- party alliance partners	1,1484,107	n/a	n/a
Jatiyo Party (E)	40,62,665	69,54,961	40,38,453
BNP	1,05,07,549	1,42,56,986	2,28,33,978
Jamat	41,35,861	36,47,437	23,85,361
Jatiyo Party(N-E)	n/a	n/a	n/a
Islami oikkyo Jote	2,69,436	4,61,815	3,76,343
4- Party alliance	n/a	n/a	n/a
Independents	14,97,496	4,48,336	22,61,883
Other Parties	21,44,925	7,59,391	8,53,425
<b>Total</b>	<b>3,41,02,037</b>	<b>4,24,17,294</b>	<b>5,57,36,731</b>

Source: Election Under a Caretaker Government by Waresul Karim, 2007:84 Dhaka, University Press Limited.

The table shows the voters turnout in different elections. It is extremely proved that no party can achieve the power in second time by the Caretaker Government. The Caretaker Government takes the necessary decision during the election period. Voters can apply their opinion without any fear. So, the results of the three elections have been changed by voters demand.

### **The Military backed Fourth NCG of 2006-2007**

The research study is comprised from 1991 to 2006 but for the better discussion, it is also important to discuss shortly about the Military backed Caretaker Government.

The Fourth Caretaker Government (constitutionally third) was formed in 29 October 2006 continuing up to 11 January 2007 by the Chief Advisor Iajuddin Ahmed. Political instability was again in order. Law and order continued to deteriorate. The 2006–2008 Bangladeshi political crises began in October 2006 when a Caretaker Government—designated by the constitution to oversee the vote — assumed power without exhausting the provisions of the selection process of Chief of Caretaker Government at the end of October. Its purpose was to steer the country through the scheduled parliamentary elections. However, on 3 January 2007, the Awami League made its predicted announcement that it (and the 18 smaller parties attached to it) would boycott the general election scheduled to be held on 22 January 2007, questioning its fairness and the non-availability of an accurate voters list. This announcement led to widespread violence and political rioting. They intensified their protests in the demand of immediate postponement of the election. Public protests and demonstrations were held for election reforms from 4 January that continued till 7 January 2007. On 7 January 2007, the 18 party opposition alliance led by Awami League decided to boycott the election, The prevailing situation led the capital Dhaka to a standstill which led to emergency declared on 11 January 2007 ( Hagerty, 2007: 105-112).

At this situation Iajuddin Ahmed resigned from the post of Chief Adviser on January 11 and took oath Fazlul Haque at 11 January, but after one day he also resigned from the post of Chief Adviser. Then the political movement took an uncertain course.

The national election of Bangladesh was held on 29 December 2008 under the Caretaker government formed with Dr. Fakhruddin Ahmed as the Chief Adviser on 13 January 2007. This was the third Caretaker government formed after the tenure of the government of Prime Minister Khaleda Zia ended in October 2006. The Caretaker government of Dr. Fakhruddin Ahmed functioned without legislative authority as it continued to function after its scheduled tenure of 120 days ended on 12 May 2007. All decisions taken after this date must be ratified by the parliament for the sake of legitimacy.

The new caretaker government declared a series of programmes. Their main agenda was to clean politics from corruption and partisanship before conducting a free and fair election. The Caretaker government of Dr. Fakhruddin Ahmed was military-backed and has made extensive use of the military to stymie the chaos that preceded the 11th of January, 2007. From the very outset however, the government made it clear that they were there not only to arrange a free and fair election, but also to make sure that all aspects that are connected to it are reviewed properly. This meant major reforms in the election system, but also making sure that corrupt candidates could not take part in the election.

The task was however an enormous one, since Bangladesh is regarded as one of the most corrupt nations in the world. Therefore, the government had exceeded its mandated term, which according to the constitution allows it to stay only for 90 days. In defiance of the Constitutional provision the Caretaker government of Dr. Fakhruddin Ahmed performed the Ninth Parliamentary election which was held on 29 December 2008 in which the Grand Party Alliance led By the Awami League achieved 230 seats out of 300 seats. The opposition rejected the election results but decided to continue with the parliamentary process.

This election ended the seventeen month long military backed caretaker government, which was different from previous caretaker governments in many different ways. It may be noted here that not all the caretaker exercised their mandated power within limits, sometimes deviation was evident resulting in controversy. Each government was perhaps compelled by the contextual demand, for it had to respond to the changing need.



The military backed caretaker government suspended many fundamental rights, including freedom of press, freedom of association, and the right to bail. The government also banned political activities, although this policy was enforced unevenly. The security forces were accused of serious abuses, including custodial deaths, arbitrary arrest and detention, and harassment of journalists (*Bureau of Democracy, Human Rights, and Labor*, 2008:1). Finally, in the face of pressure of civil society the government declared parliamentary election in 29 December 2008.

### **3.6 Analyze the Role and Function of Caretaker government (1991-2006)**

From 1991 Bangladesh has achieved considerable degree of political modernization. After the tenure of the elected government, the transfer of power has hardly been smooth in the country. In such a context, the NCG was introduced in the Constitution which ensured peaceful transfer of power in 1996, 2001 and 2008. It also ensured high level of participation of both public and politicians in the national elections. The caretaker government system has restored people's faith in electoral system in Bangladesh. They could free the public media particularly the government owned electronic media so that all political parties could have equal access to present their programmes to the people. They took steps to recover illegal arms and to free the election from black money. At that time political participation was high. In the last four successive elections the voters' participation particularly, that of females has increased very high. With these jobs done, the caretaker governments helped restore and consolidate the democracy in Bangladesh. In the elections of 1991, 1996, 2001 and 2008 conducted by the caretaker governments the ruling parties were thrown out. That is, we saw the power transformation from ruling parties to opposition parties in peaceful manner. This transition to democracy may be considered as transition towards democratic consolidation (Beetham, 1994:172).

However, this system was criticized as it injected distrust among the political parties. Their neutrality and jurisdiction were also under question. Though the parties lost in the elections pointed their fingers to the credibility of those elections. Apart from such criticisms, the international observers certified those elections free and fair. Before those four elections (1991-2008), the ruling party's overwhelming victory was criticized on many grounds such as using government privileges, muzzling political opposition, monopolizing media coverage, spending

money lavishly in electioneering beyond the limits fixed by the Election Commission, and intimidating the opposition. But elections have been held under NCGs; each election has been widely acclaimed as free, fair and impartial.

### **3.7 Recent Development of the Caretaker Government**

Election is a pertinent and integral part of democracy. When the military-backed NCG led by Fakhruddin Ahmed came to power in 2007 the caretaker government then announced that their primary goal was to hold a free and fair election. Corruption was identified as the biggest enemy to hold such fair and free election. Therefore, the caretaker government launched their unprecedented drive against large-scale individual graft. The joint forces and other law enforcement agencies had arrested a good number of political leaders and businessmen after the state of emergency was declared.

On April 18, 2007, Fakruddin's government announced the Anti-Corruption Commission (Amendment) Ordinance aimed at rooting out high-level corruption and stopping the manipulation of organized crime in politics. The law and order situation made notable progress in one year. There were no major incidents of *hartal* (protests), strikes and political violence. Establishment of Anti Corruption Commission (ACC) and similar actions against corruption have drawn public support. The prosecution of some of the high and mighty corruption cases encouraged public support for the actions of the government.

The reconstitution of a non-partisan Election Commission has added to the government's credibility and image. The commission already started working on holding the elections in December 2008. The government was also working on separating Election Commission Secretariat from the Prime Ministers Office. The voter ID card and rearrange the constituency boundary was a great success of this government.

Separation of judiciary was a great success of this Government. Elected government was not cordial to separate this judiciary. Public service Commission reforms were another healthy task for government. Registration of the political parties was made mandatory for political parties. Before this period, we did not know how many political parties exist in our country. The

government remained in the shadow of the army. Though the caretaker government was at pains to give the impression that it remained free of the Army, it was Army Chief Moeen U. Ahmed who ultimately pulled the string while Chief Advisor Fakhruddin remained a puppet of the Army.

Transparent ballot box, national ID, neutral administration was the important developments from 2006. There was the first time election used national ID cards with photographs to avoid bogus voting, which was a Un-funded initiative of digital electoral roll. Prior to the elections, 11 million false names removed from the voter lists.

Now a days it is the controversial question whether Caretaker government will survive or not. The opposition wants parliament elections be held under this system and the ruling party nullifies the opposition's demand in the light of 15<sup>th</sup> amendment to the Constitution which deleted the NCG provision from the constitution subject to the approval of the parliament. Some think there should be no Caretaker government in future. They think this system of government an 'illegitimate brainchild' of some political leaders seeking to destroy the political institution. They said, 'political parties and leaders must learn how to trust each other and behave with responsibility'. They also said, 'if we do not trust each other how people would trust us.' They think themselves that this system is the shame for political leaders. But when the opposition parties are adamant in refusing to hold elections under the ruling party, Caretaker formula is the only way-out to retrieve political norms.

### **3.8 Evaluation of the Caretaker Government**

Actually elections and voting behavior reflect the forms, levels and bases of political participation of any country. But rigging elections in favour of party or parties in power has become a common phenomenon in many third world countries. It has long been noticed that, despite the holding of elections in many countries at periodic intervals, the task of institutionalizing the succession of government through democratic means remains problematic. Probably the main reason is that those exercising state power often use violence and force to influence the electoral outcome. Elections under party governments always do not reflect public opinion; nor do they generally

offer an opportunity to confer legitimacy on those who want to rule. Bangladesh provides a classic case where centrally- controlled electoral frauds had become so entrenched that the people, particularly politicians, decided to introduce a new mechanism to oversee the conduct of elections. A non- Party Caretaker government now runs the routine administration of the country during the interim between the dissolution of parliament and the assumption of power by a new government after the election of a new legislature. The main responsibility of the Non-Party Caretaker government is to help organize parliamentary elections in a credible manner. Bangladesh, from the independence of 1971, has met several elections before 1990s but there were many questions whether elections were free and fair. After 1990s four parliamentary elections were held under Caretaker government; each parliamentary election has been widely acclaimed as free, fair and impartial. In 1991, the BNP, led by Khaleda Zia, won 140 seats and Awami League, led by Sheikh Hasina, won 88 out of 300 seats in the Jatiya Sangsad. In the 1996 election, the Awami League and the BNP won 146 and 116 seats, respectively. In the 2001 election, the BNP- Jamat led a four party alliance and won 215 seats, while the the Awami League won only 62 seats. In these three elections, the BNP and the Awami League won 30.81, 33.34, 39.56, percent and 30.08, 37.47, and 38.49 of votes, respectively. (Islam 2002:135-142; Barman et. al., 2002:69). All these elections were held under caretaker governments and were considered fair compared to previous elections.

These elections, people largely associated themselves with either the BNP or the Awami League. Other political parties allied themselves with the BNP or Awami League to form a government. The Awami League was out of power till 1996, but in 1979, 1986, 1991 and 2001 re-emerged as the second largest party. The Awami League has grassroots support and has successfully produced a loyal electorate of its own.

The BNP was born as a party in power. It won a majority of seats in the parliamentary election of 1979 and won the 1981 presidential election. Since they were the ruling party, these victories may not be a good indicator of their influence over the voters. The BNP was ejected from power in 1982. Led by Khaleda Zia, it had actively participated in the movement against Ershad. In 1991 and 2001, it won the majority of seats and formed the government, but it became the main opposition party in 1996. Thus the BNP has also created a loyal following among the electorate.

In this way The Awami League and the BNP gradually developed the party identification.(Parvin,2012:49-50). Under the dispensation of the 13<sup>th</sup> Amendment the Caretaker Government was to discharge its functions as an interim government and to carry on the routine functions of such government and unless it was necessary for the discharge of such routine functions it was not to make policy decisions. For the entire tenure of the Caretaker government the routine and policy function did not bother the members of the Caretaker government nor was there any challenge to whatever they did. The non-party Caretaker government was mandated to give the Election Commission all possible aid and assistance that may be required for holding the General Elections of the Members of Parliament peacefully, fairly and impartially.

## **Conclusion**

The above discussions, the study drives to find out the actual facts of the election scenario of the country. The research has been analysis the topic part by part for the development of real demand of public opinion about election, democracy and non-party caretaker government. The study examines the implications of innovative mechanism for democratic consolidation and the evolution of a pluralistic political system. Bangladesh is a relatively young country where democracy is still at its infancy. In this short while, the country experimented parliamentary, presidential, and military governments. The constitutional provision of caretaker governments to hold parliamentary elections is a unique feature of the country.

## **Chapter four**

### **The performance of Caretaker Government in Establishing Democracy (1991-2006)**

## **Introduction**

In order to understand the real feature of the country, it is necessary to understand the public demand first. Parliamentary democracy was established in 1972 just after the independence of the country. But after a few years the country entered into the military and semi- military rule. So, the fairness of the election was questionable. The study has taken the opinion of the different fields from the society to know their demand about the election.

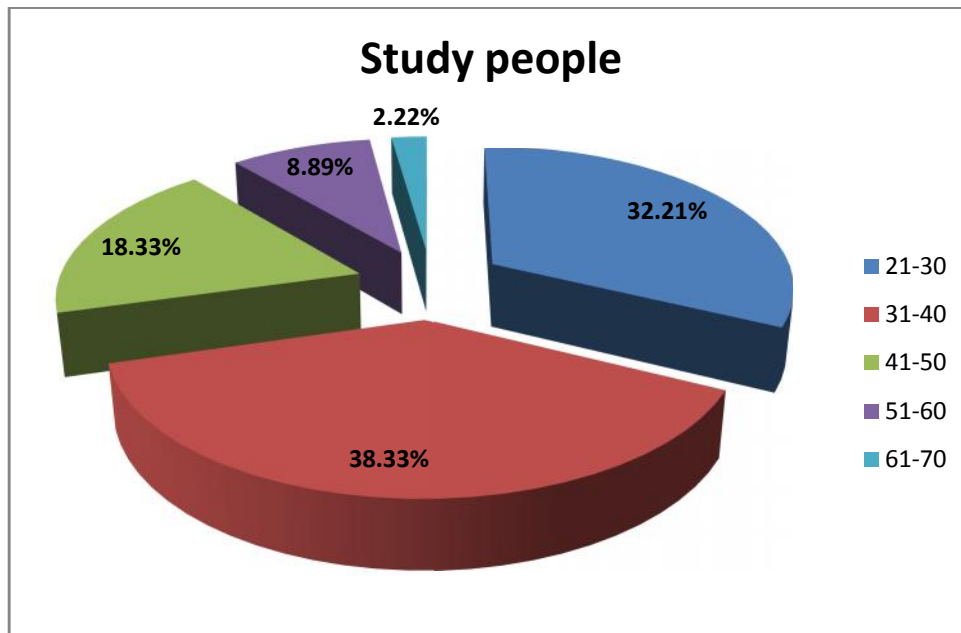
## **Analysis of the Respondents of Different Groups**

The study has been tried to know the respondents actual opinion about the election. The study has been collected some data around the country to know the best form of the government to perform the elections. The study tries to know the real fact of the elections. For the convenient of the discussions, the area has been divided into six divisions.

### **4.1 Selection of the Study Areas, Ages, Professions and Religions of the Respondents**

The study has selected 180 general people from the six divisions of the country. Here both male and female respondents have been selected. All respondents are the age of above 20. There have been five slabs of the different age groups. The study has selected those people, whose educational backgrounds are above S.S.C level. The study has been tried to know the respondents opinion about elections under Caretaker government or political government. There are also selected some intellectuals person from the society. All the data have been collected during the time of 1991-2006. Here the time limit (1991-2006) is very important for the study. The Questionnaire was in Bengali but for the convenient of the study, Questionnaire has been translated into English. At first, the study has shown the percentage of study people within different age limit.

**Fig.1 Percentage of Study Respondents within Different Age Limit**



The above graph shows that among the 21 to 70 age, 38.33% is the highest rate and that age limit was 31-40. From 21 to 30 is 32.21% which were second position and third position is 18.33% which age limit was 41 to 50. From 51 to 60 is 8.89% and lowest percentage is 2.22% where age limit was 61 to 70. There has been tried to touch maximum standard of the age limit of the society. The study shows 21-50 and 51-70 where the percentages are 88 and 12.

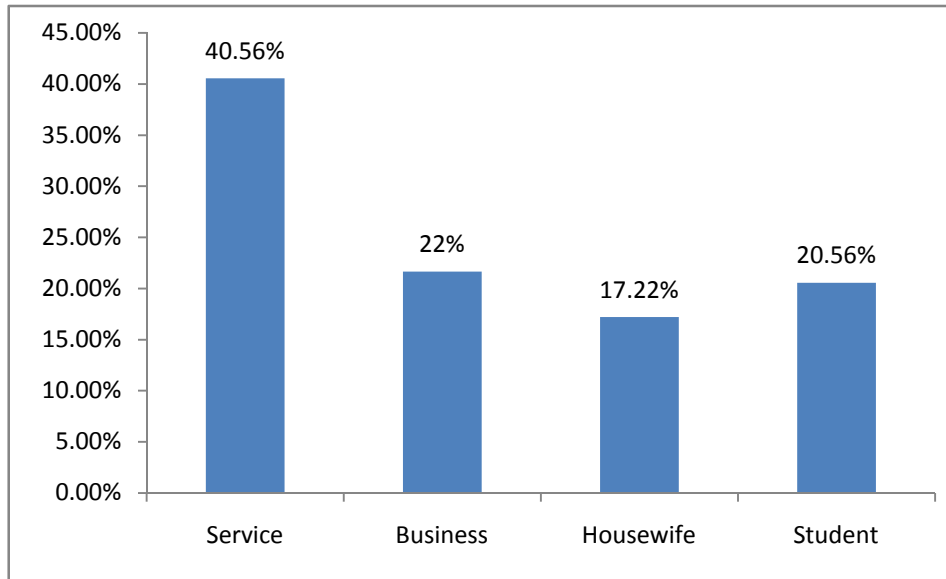
### **Professional category**

The research has selected different professions of the society. The research has tried to maintain the professional equality of the society. The study has taken interviews both male and female also.



The following graph shows the different professional categories of the society. The graph shows, there are four professional groups in the study.

**Fig.2 Percentage of the Study Respondents within Different Professional Groups**



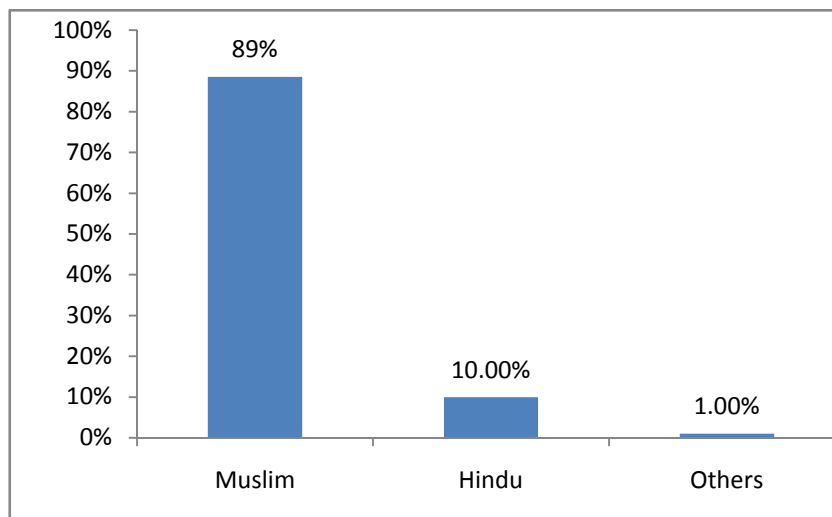
Among the respondents, 40.56% is service oriented, 22% is business class, 17.22% is housewife and 20.56% is student. The study has been tried to touch different professions to enrich the research. Here majority people are service oriented and their position is 40.56% because they are highly educated in the society, next the study has tried to involve business class and that number is 22% and third and fourth numbers are housewives and students where their percentages are 17.22% and 20.56%. There are also other professions in the society but those classes are the minority in the society. That is why the study has chosen those four classes.

The graph Shows the highest class is service, second is business, third is housewife and last one is student. The graph shows the position of the different professions.

## Religion Category

The study has tried to touch different religions also. There are major two religions in our country. The study is mainly focused on the major two religions. The following graph shows different religions' position of the society.

**Fig 3. Religion Category of Different Respondents of the Society**



The religious position of our country is harmonious. The study has tried to take interviews from different religions also. The research has taken interviews 89% from Muslim's, 10% Hindu's and 1% others<sup>1</sup>. So, this study has tried to incorporate major religious groups of the society<sup>1</sup>.

The study has also tried to maintain the gender equality. In this research 60.56% is Male interviewers and 39.44% is female interviewers. Here the study follows the equal conception for better result<sup>2</sup>.

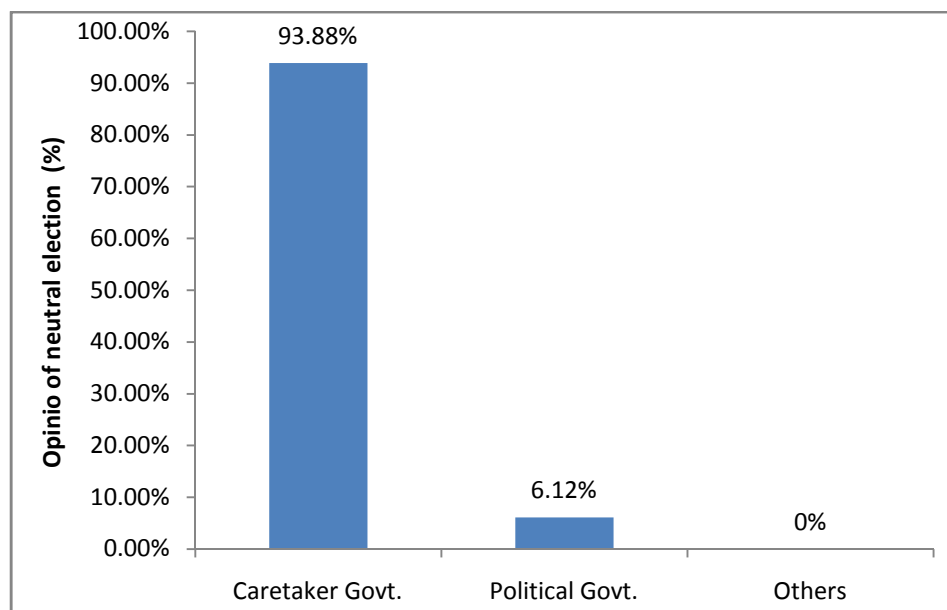
1. According to the 2001 census, the religion profile of the population is: Muslim 89.7%, Hindu 9.2%, Buddha 0.7%, Christian and others 0.1% ( Bangladesh Bureau of Educational Information and Statistics)

2. According to the statistical yearbook of Bangladesh, the total population of Bangladesh are 123.1 million and male composed of 62.7 million and female is 60.4 million. However, according to the yearbook the total active labour force the male constitutes 36.1 million where women are 22.0 million only ( Statistical Yearbook of Bangladesh, 2010)

## 4.2 Results and Analysis of the Respondents

The research has taken the interviews from six divisions equally. The study has tried to engage maximum area of the country. For the convenient discussion, the study collects the answer from the six divisions in equal number. To combine the answers, the study applies the data for getting synopsis. There are fifteen questions for the general people about the caretaker government and the fair election. There are different answers and opinions of the general people. The study has taken the answers and finally got a percentage about the questionnaire. The following graph shows the data clearly.

**Fig. 4. Opinion on the Neutral Election**



This graph shows the percentage of the general people's opinion of the Caretaker government and political government for the neutral election. There was a question for the general people " what is the most suitable institution for neutral election?"

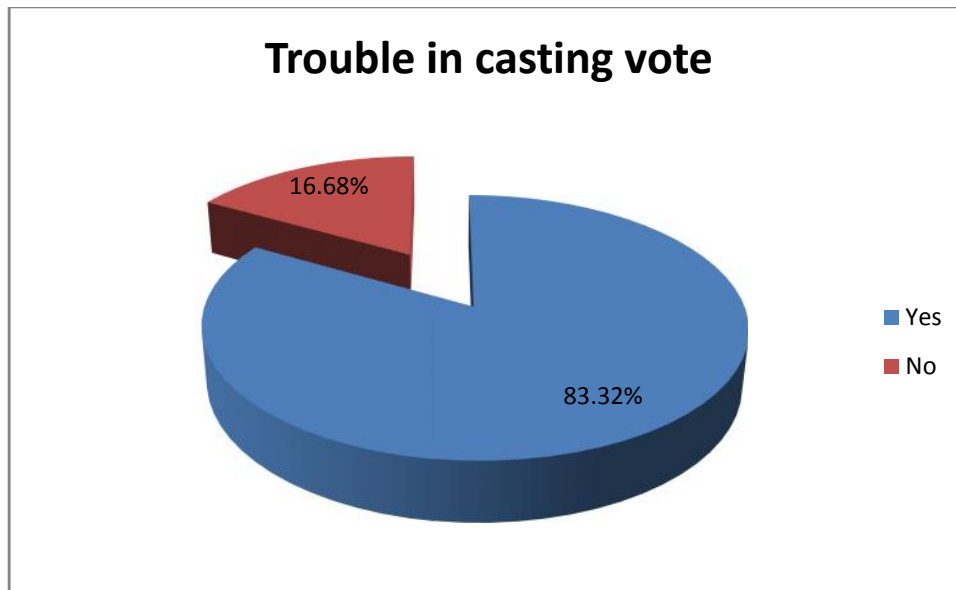
The respondents have answered that 93.88% is for neutral election and only 6.12% is for political government. There was no opinion of the general people about those two governments. Here

majority respondents demand the national election under the caretaker government and very few people demand the election under political government. Among the six divisions, Sylhet and Barisal divisions are 100% for the caretaker government. On the other hand Khulna's opinion is 76.66%..

### Vote Casting Situation

Here general people try to give their answers about the vote casting situation during the caretaker government. Figure 5 describes the percentage of the general voter about the vote casting situation during the caretaker government. There are major two groups answer different ways about the vote casting situation during the caretaker government. The pie chart shows the situation while casting the vote under the caretaker government.

**Fig.5. Vote Casting Situation of the Respondents**



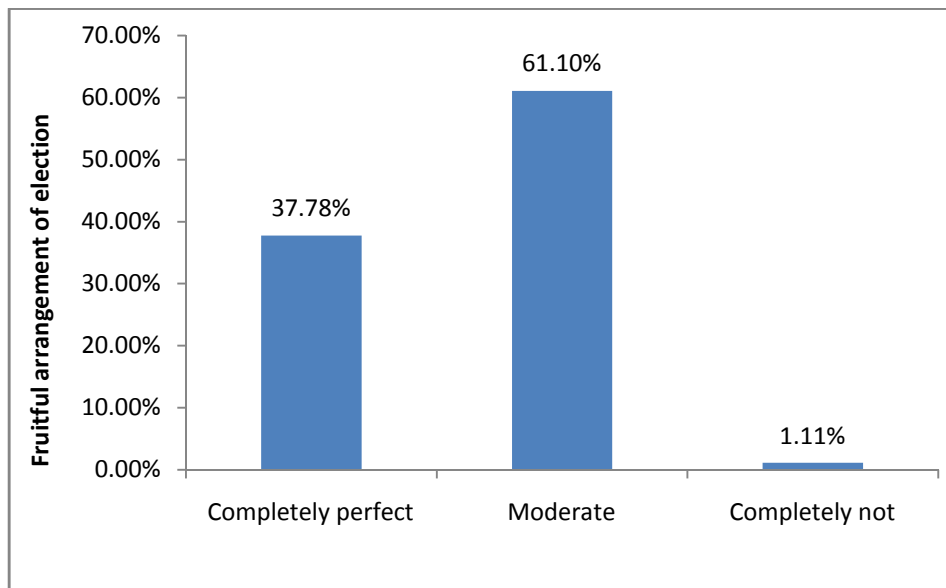
This pie chart clearly proves that majority general people rely on caretaker government while national election will be held. The graph shows that only 16.68% answers yes and 83.32%

answers no. It means 16.68% has got some problems while casting their votes. On the other hand 83.32% answers not to get any problem while casting their votes. To analyse this data, election under caretaker government is better than political government. Majority supports that they have not faced any problem under the election of the caretaker government.

## Respondents Opinion about Fruitful Election

The election in our country is always controversial. The previous elections when held before 1990 in our country are more or less controversial. There are different group answers differently to perform the election under the caretaker government. The public opinion of the election tries to show by the graph.

**Fig.6. Opinion of the Fruitful Election**



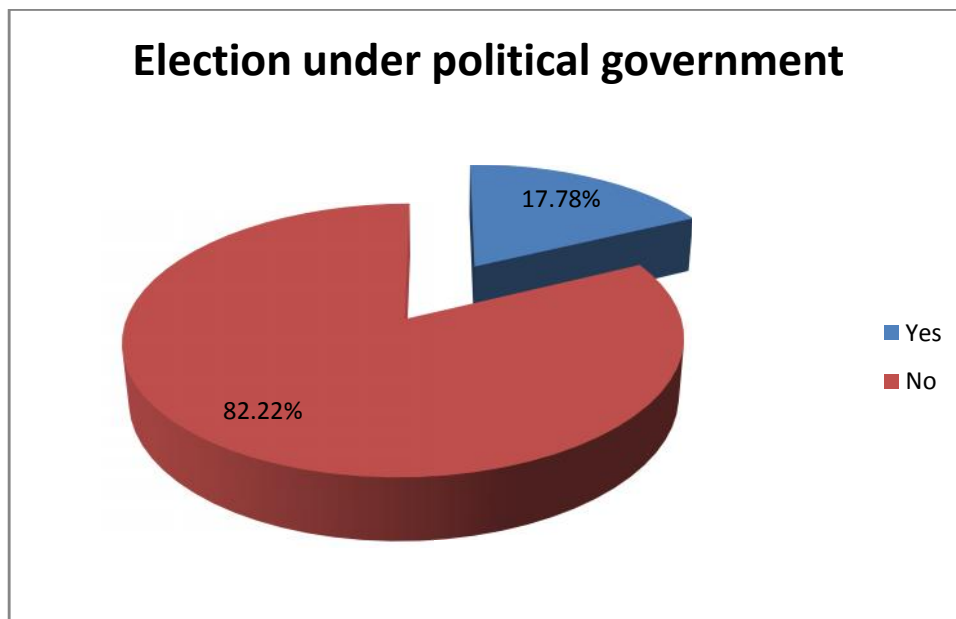
The graph shows moderate opinion is the highest peak of the graph and completely perfect is the second highest position and last one is only 1.11% which is very nominal. This graph shows that 37.78% has answered completely perfect, 61.10% has answered moderate and only 1.11% has

answered completely not. This graph proves that maximum general people think, caretaker government can arrange an election better than any other government. Only 1.11% think, it is not possible to arrange a proper election by the caretaker government. Here, Dhaka division has answered 56.66% completely perfect where as completely not is 0%.

### **Election under political government**

This is an important question for the general voters for neutral election. Here respondents are divided into two groups. Voters opined their problems under the political government. This study examines to impact of voters vote casting under the political government.

**Fig.7. Election under the Political Government**



This graph shows 82.22% is majority and 17.78% is minority. Majority indicates no that means it is not possible to arrange a fair election under the political government and minority indicates it may be possible. Now the circumstances of the country demands to perform an election under the caretaker government. General people think, it is difficult to perform a fair election under the

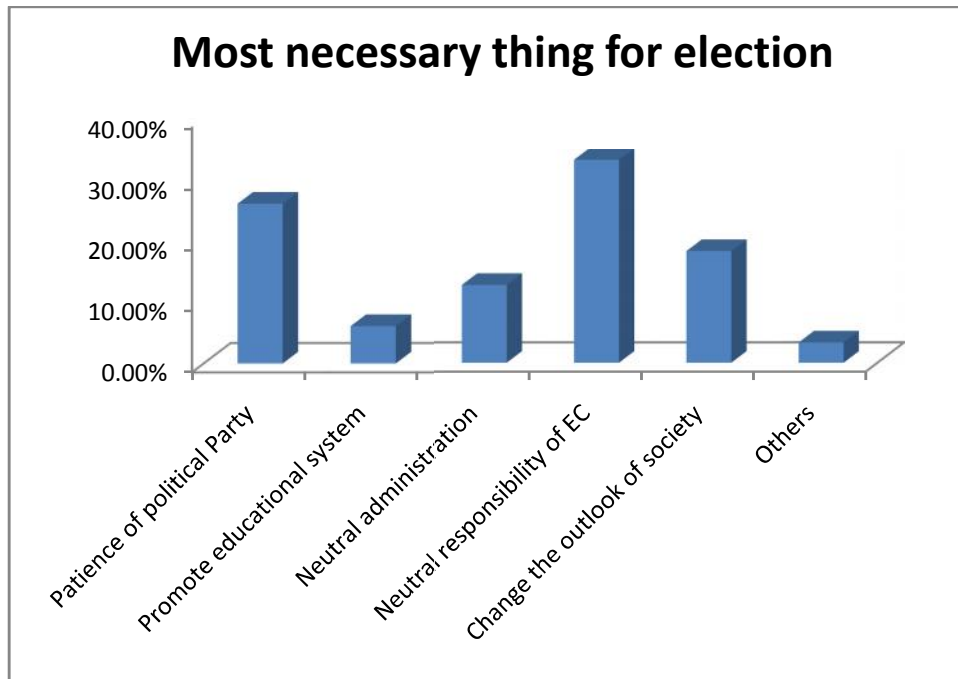
political government. Political governments use various government and non-government techniques to win the election. So it is very difficult to perform an election free and fair under the political government.

### **Most Necessary Element for the Neutral Election**

Here the study has collected different opinions of the society. There are many options to give the attention of the election. There are 180 respondents give their opinions differently about the most necessary elements for the neutral election. Some answers, patience of political parties, some answers promote of educational system, some answers neutrality of the administration, some answers, neutral responsibility of EC, some answers, changing the outlook of the society, some answers, others.

On the percentages of the total respondents of Dhaka division, 30% was to patience of the political parties, 3.33% was to promote the educational system, 3.33% was for the neutral administration, 40% wanted to neutral responsibility of the election commission, 23.33% opinion was to change the outlook of the society, and others opinion was 0%. On Dhaka division maximum percentage demands the neutrality of the election commission. On Sylhet division, except promotion of education all criteria demand the same. Chittagong division Majority demands the patience of political parties. Barisal division demands to change the outlook of the society. Rjshahi division, majority demands the neutral responsibility of the EC and Khulna division also majority demands the neutral responsibility of the EC.

On average of six divisions 26.10% demands the patience of political parties, 6.10% demands to promote the educational system, 12.77% demands neutral administration, 33.33% demands neutral responsibility of the EC 18.33% demands to change the outlook of the society and except all these only 3.33% demands others. The study has got 33.33% for the neutral responsibility of the election commission. There is graph about the total scenerio of the most necessary things for the neutral election.

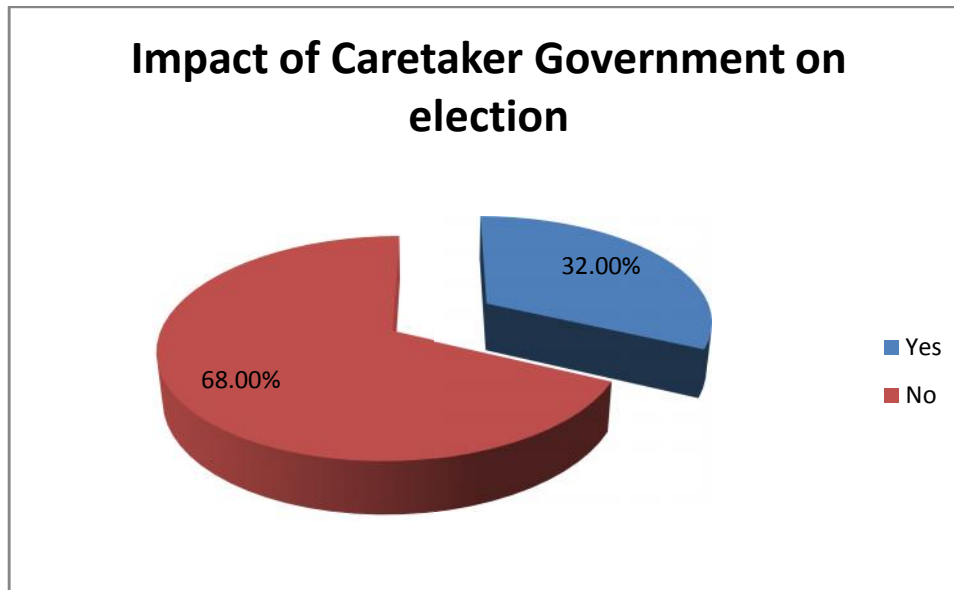
**Fig. 8. Most Necessary Thing for the Neutral Election**

The graph shows the different categories for the neutral election where majority supports the neutral responsibility of the Election Commission. On average of six divisions 26.10% demands the patience of political parties, 6.10% demands to promote the educational system, 12.77% demands neutral administration, 33.33% demands neutral responsibility of the EC 18.33% demands to change the outlook of the society and except all these only 3.33% demands others. The study has got 33.33% for the neutral responsibility of the election commission.

### **Impact of Caretaker Government on General Voter**

Here the study shows how caretaker government influences the general voter. The study tries to find out the actual situation whether caretaker government is in power. Here the study tries to know- does any influence on the general voter while caretaker government is in power. There is a graph to show the actual figure of general voter while caretaker government is in power.



**Fig.9. Impact of Caretaker Government on Election**

The pie chart indicates two groups, one is major and another is minor which means yes and no. The 68% is major groups and 32% is minor groups what is stated before. This table shows that 68% respondent answers on the national election- caretaker government does not impact on the general voter and only 32% voter thinks caretaker government impacts on the general voter. On average of the total country, 68% thinks, there is no influence on the general people of the national election but 32% thinks, care taker government puts some impact on the general voter of the election.

### **Alternative System of the Caretaker Government**

General people are asked to know their opinions whether any alternative system in replace to the caretaker government. There is no alternative system to accept the general voter in replace of caretaker government. The answer to this question has been shown by the table. The following table has explained the actual reaction of the general voters about the alternative system of the caretaker government.

**Table: 6 Alternative System of the Caretaker Government**

<b>Division</b>	<b>Yes</b>	<b>No</b>
Dhaka	13.33%	86.66%
Sylhet	13.33%	86.66%
Chittagong	23.33%	76.66%
Barisal	26.66%	73.33%
Rajshahi	43.33%	56.66%
Khulna	43.33%	56.66%
Average	27.22	72.88

This table shows 72.88% think that there is no alternative system fit for the Caretaker Government for neutral election during the study period. But 27.22% think, it may be alternative for the neutral election. From general people, majority of the six divisions demand their opinion on behalf of the caretaker government. Only Rajshahi division and Khulna divisions demand 43.33% to be the alternative system may be established for the neutral election. They expect to make an effective Election Commission for the neutral election.

### **Casting Vote before Caretaker Government**

This question's wants to know the voters experienced both political government and caretaker government especially before 1990's elections. The following table shows the actual fact about the experienced equally political and caretaker government.

**Table: 7 Casting Vote before Caretaker Government**

<b>Division</b>	<b>Yes</b>	<b>No</b>
Dhaka	63.33%	36.66%
Sylhet	70%	30%
Chittagong	56.66%	43.33%
Barisal	76.66%	23.33%
Rajshahi	50%	50%
Khulna	90%	10%
Average	67.78	32.22

Here the study observes 67.78% has casted their vote before the establishment of caretaker government and only 32.22% has casted their vote after the establishment of caretaker government. So maximum have got the experienced both election. Very few numbers of the respondent has not got any experienced about the election. The majority number of the respondent think, the fairness of the election mostly depends on the neutrality of the administration.

### **Circumstantial Differences between the Elections held under Caretaker Government and Political Government**

The study has tried to collect the data about the circumstantial differences between the elections held under caretaker government and political government. The questions' wants to know the voters' experience in both political government and caretaker government. It is very important to know the circumstantial situation during the election period. The answer to this question has been shown by the table.

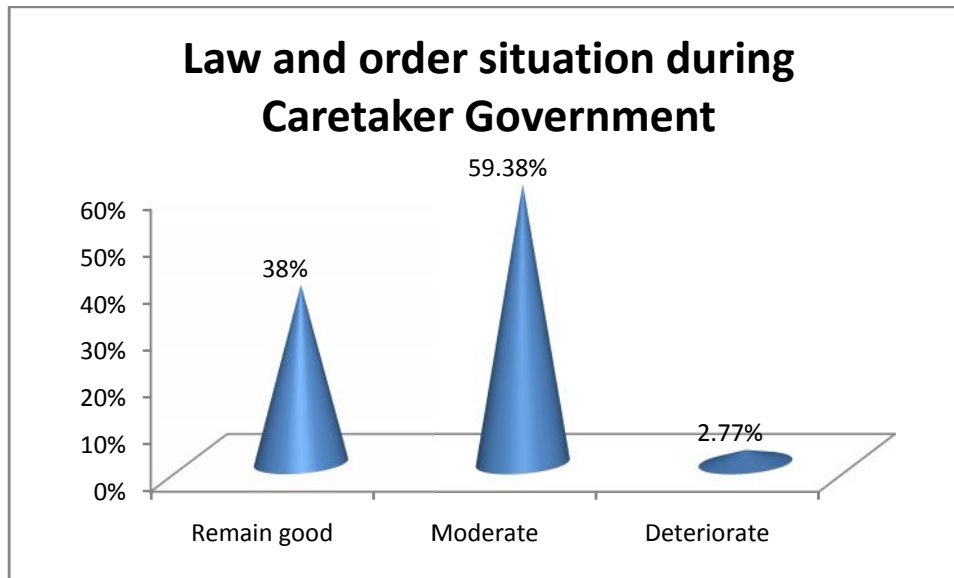
**Table: 8 Election Differences held under Caretaker Government and Political Government**

<b>Division</b>	<b>Yes</b>	<b>No</b>	<b>Silent</b>
Dhaka	86.66%	10%	3.33%
Sylhet	83.33%	16.66%	0%
Chittagong	83.33%	16.66%	0%
Barisal	96.66%	3.33%	0%
Rajshahi	93.33%	6.66%	0%
Khulna	60%	40%	0%
Average	83.88%	15.55%	0.55%

This table shows that there are different opinions between the political and the caretaker government. About 83.88% answers-yes from the table that means the huge number of people have got the circumstantial differences while caretaker government is in power and only 15.55% have not got any circumstantial differences. They think, it is all the same whether caretaker government or political government is in power and 0.55% has not given any answer about the questionnaire. But major groups of the society realize that there are some differences while caretaker government is in power.

### **Law and Order Situation during the Period of Caretaker Government**

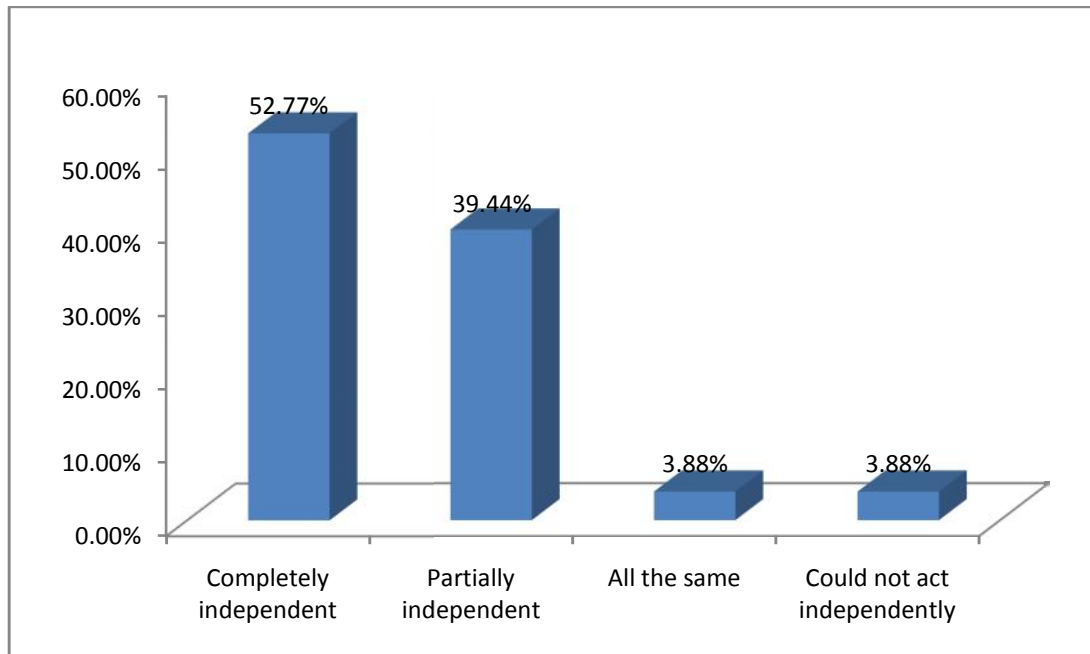
This is the main element for neutral election. Peaceful environment is very important for the general voter. The Law and order situation under the caretaker government remain good or not, the graph shows the actual figure.

**Fig. 10 Law and Order Situation during Caretaker Government**

The above graph shows the law and order situation that deteriorate number is very minor in percentage but remain good and moderate percentage are very high. The graph Shows, about 38% answer remain good, 59.38% moderate and only 2.77% deteriorate about the law and order situation during the period of caretaker government. Here we see only 2.77% demands that law and order situation deteriorate while caretaker government is in power. Majority demand the positive attitude about the law and order situation during the period of care taker government.

### **Independency of Election Commission during the Period of Caretaker Government**

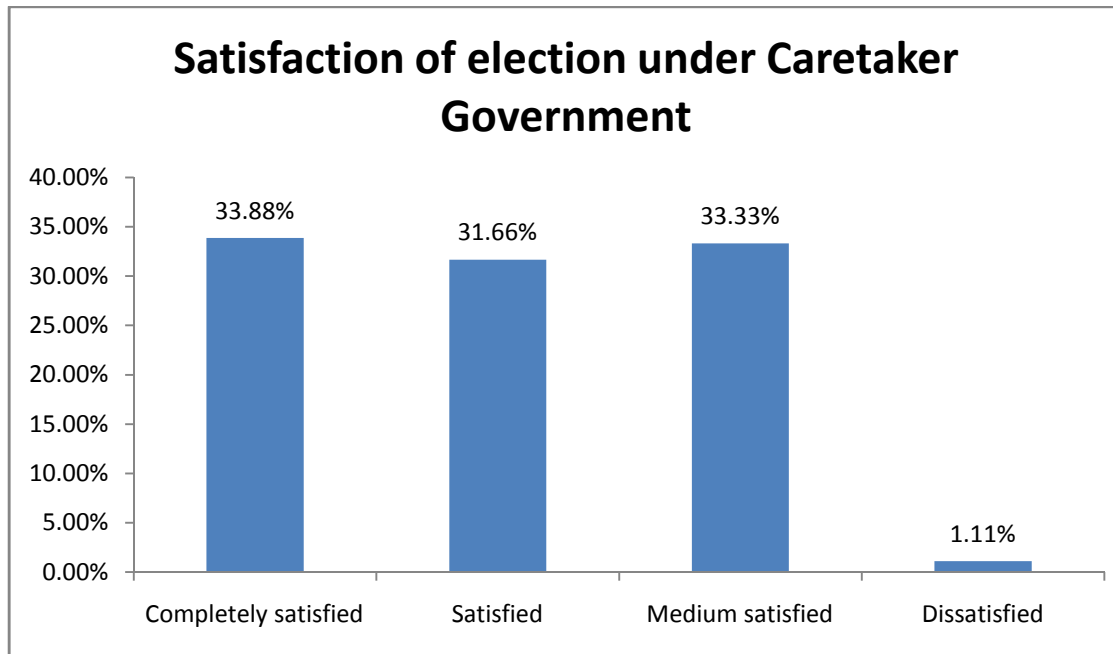
The study wants to know the independency of the election commission during the caretaker government. Without the independency of the election commission election may be faked. The study collects the opinion of the general people from the six divisions of the country and to totalize those data in a graph to show the actual figure.

**Fig.11. Freedom of Election Commission under Caretaker Government**

The graph shows, about 52.77% answers completely independent, 39.44% partially independent, 3.88% answers all the same and 3.88% answers can not act independently. The data demands that minor number is in against of care taker government. Majority Think, Election Commission is independent while caretaker government rules the country..The graph shows that completely independent and partially independent percentages are majority in number but all the same and can not act independently are very low percentage. So it proves that while caretaker government is in power, election commission can take the decision independently.

### **Satisfaction during an Election under Caretaker Government**

Although public has been playing important role in the election but particularly from 1991 to 2006 the democratic scenario of Bangladesh was very crucial. The study wants to know the public satisfaction's of the caretaker government. Figure 14 describes the satisfaction of the general people.

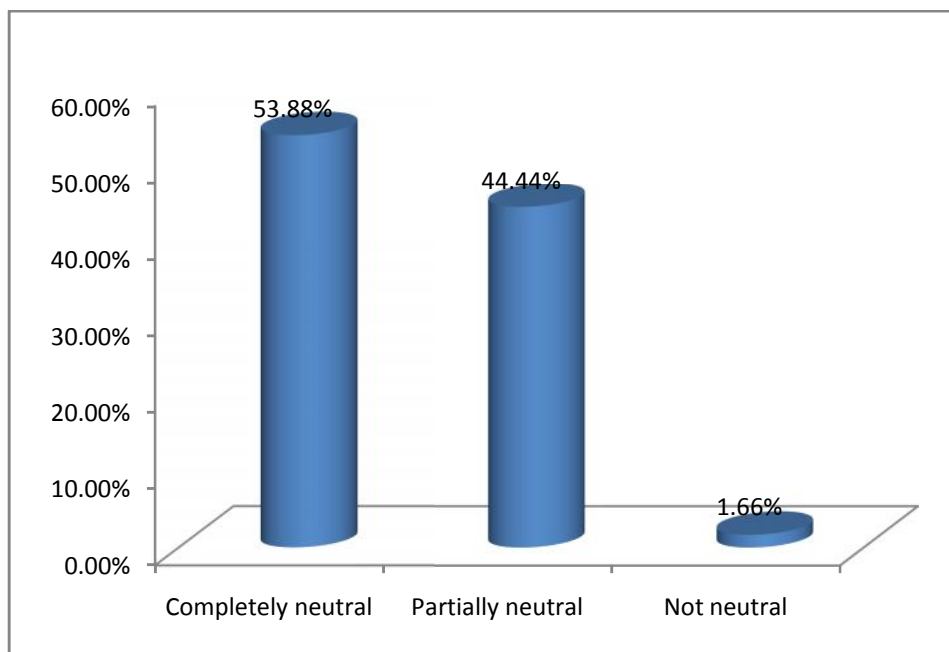
**Fig.12. Satisfaction of Election under Caretaker Government**

Above graph shows the general people's demand of the country. Here dissatisfied percentage is very low and the percentage is only 1.11% but other percentages are almost the same. This graph defines that 33.88% is completely satisfied, 31.66% is satisfied, 33.33% is medium satisfied and only 1.11% is dissatisfied of the question. It is clear that dissatisfaction number is very few and the majority demands the satisfaction of the election under caretaker government.

## Neutrality of Election Commission

Neutrality of Election Commission is a very important factor for the neutral election. It plays an important role in democratic process of Bangladesh. The graph shows the neutrality of the Election Commission during the caretaker government.

**Fig.13 Neutrality of Election Commission under Caretaker Government**



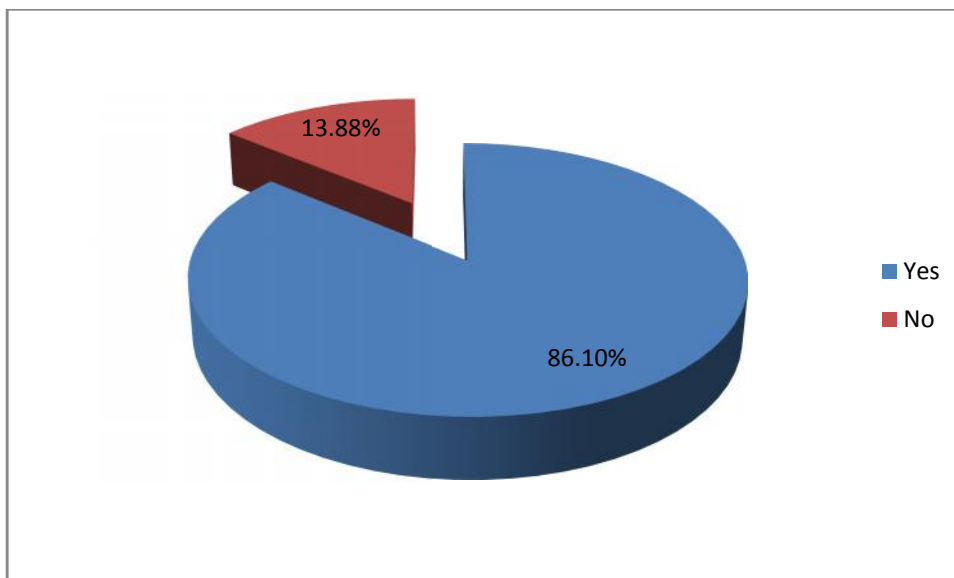
The graph shows the different opinion of the general people of the country. General public have given their opinion to the position of the Election Commission. The neutrality of the Election Commission under caretaker government shows 53.88% and 44.44%. On the other hand not neutral percentage is only 1.66% which is very nominal. Above the graph, it has been collected data from six divisions where 63.33% answers completely neutral in Dhaka division. Rajshahi and Chittagong divisions answer the same percentages which number is 46.66%. On an average of the total figure are completely neutral demand 53.88% and partially neutral demand 44.44% and only 1.66% demand negative percentage.



## Strengthening/Intensifying Democratic Process

This question seems to be controversial of the caretaker government. Bangladesh constitution emphasized on the people's sovereignty. But in our political culture it is the demand of the time to arrange an election under the caretaker government. The following graph answers that question.

**Fig.14 Strengthening of Democratic Process by the Caretaker Government**

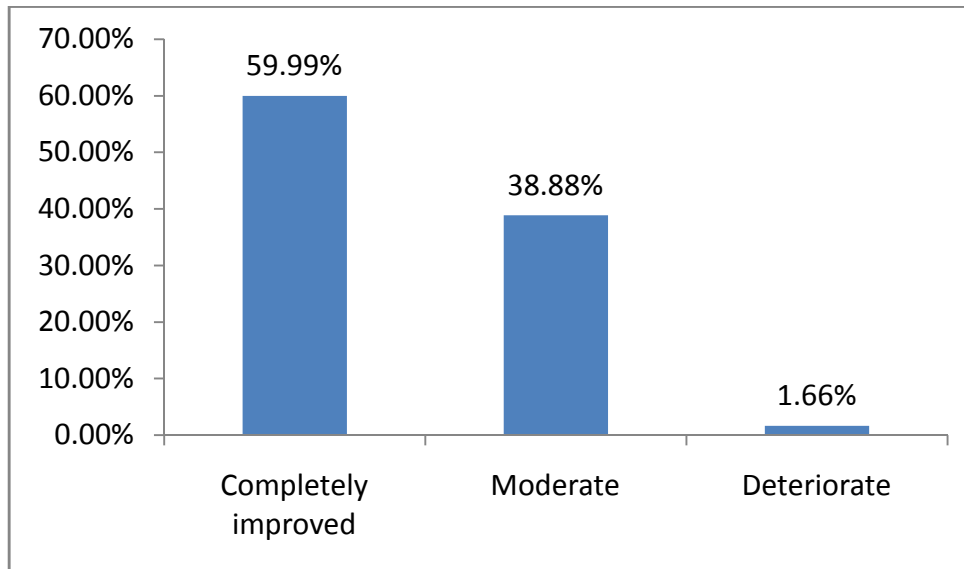


This pie graph shows the actual figure of the general public opinion. This graph shows that 86.10% thinks, democracy may be strengthening while caretaker government roles in our country. Only 13.88% does not agree this proposal. They argue, it not possible to strength the democratic system.

## Overall Situation during the Caretaker Government

It is also very important to know the overall situation of the country during the period of caretaker government. The graph shows the overall situation of the country while caretaker government is in power.

**Fig.15 Overall situation of caretaker government.**



This graph shows 59.99% think that the overall situation of the country is completely improved while caretaker government is in power, 38.88% think that the situation remain good. On the other hand 1.66% thinks overall situation is deteriorated while caretaker government is in power. Here it has been seen that majority number in Dhaka division answers completely improved and that of inSylhet division is lowest. But on average majority thinks, while caretaker government is in power, overall situation of the country is comparatively good.

## **Chapter Five**

### **Democracy and Caretaker Government- Some observations**

## **Democracy and Caretaker Government**

The Role of Caretaker Government in the Democratic Process of Bangladesh is very significant in our political culture. The challenges to the state and democracy can be well tackled if the civil society or expert groups are organized in the national issues. The fair election is a burning issue in our country. Chapter Four, includes the general people's opinion where many things are not clear to them. So, it is necessary to take the opinions from the expert groups. There are twenty experts in the different categories from the society give their opinion about the Election, Democracy and Caretaker Government.

Interviews of 20 experts, who are engaged in different fields of the society has been taken such as politics, teaching professions, social works, law makers, Parliament members, NGO activists, members of the election commissions, Ex- advisors of the caretaker governments, resource persons, pressure groups etc. There are five questions for the experts selected from the study and got different answers from them. The original Questionnaire was in Bengali but for the convenient of the study, those have been translated into English. Among the resource persons and their answers are mentioned bellow.

### **Constitutional versus Non Constitutional Debate about the article-11**

Bangladesh constitution has emphasized on the people's sovereignty of the country. The preamble declares that The Republic shall be a democracy in which fundamental human rights and freedoms and respect for the dignity and worth of the human person shall be guaranteed and in which effective participation by the people through their elected representatives in administration at all levels shall be ensured. From the 20 experts, the study has got different opinions about Article-11. Some answered it was irrelevant to the article-11 but for the neutral election it is essential for our country. Some opined that the system is not irrelevant to the constitution because the parliament has passed it by the majority members' consent of the parliament. So it is not unconstitutional.<sup>1</sup>

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1. Interview with Emaj Uddin Ahmed, 12 July, 2007

Some experts demanded, it is totally controversial of the constitution because, nobody of the members of the caretaker government is elected.<sup>2</sup>

Of the percentage of the expertise- only 26% answered it is contradictory of the constitution but rest of the 74% answered that it is not contradictory of the constitution. They think when something passed by the parliament it is approved by the general people because parliament members are elected by the people and represents the country.

### **Caretaker Government and it's Alternative**

Neutral election is the basis of the democracy. Participation is also necessary for the neutral election. Before 1990, elections never be held impartially. All elections were more or less controversial. So it was the public demand, how election can be free and fair. But how this norm can be established in our country without the caretaker government? Of the percentage of the expertise 30% answered on behalf of the interim government, 15% answered to form a national government 50% answered to form a strong Election Commission and 5% answered that it is not the right form to perform a national election and it is also not democratic. The results have deeply been supported to strengthen the power of Election Commission. A good number of the respondents think that the election under the caretaker government or interim government can be held. Some desire to make a national government for the national election.

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2. Interview with Mahbubul Alam, 03 October, 2008

## **Skill of Election under the Caretaker Government**

Election is the main element to change the government in the democratic system. From 1991, caretaker government has performed some neutral national elections. But how much skill has shown the caretaker government in those elections?

Here some experts have answered that the perform of elections under caretaker government are more fruitful than the political government.<sup>3</sup> The study has got the percentage from the experts of the society About 55% answered that caretaker government is better than political government, 30% answered, except 2008 election-all national elections have held under caretaker government were better than the political government. 5% has answered that only election's duty /performance caretaker governments have done well but rest of the sectors they have not done well. 5% has answered caretaker government is unsuccessful in maximum fields. Rest of the 5% has answered that some fields of caretaker government is successful and in some fields they are not successful. Here the study has got majority demands the election under caretaker government is far better than the political government. The respondents from the experts group emphasize on the election under the caretaker government.

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3. Interview with A. S. M Shajahan 05 September, 2007

## **Problems of Election under Ruling Government**

The fair election under political government is very tuff in our country. Ruling government always try to win the election at any cost. The study has got almost unique answer of this question. The respondents have majority answered that it is impossible to perform an election free and fair under the political government.<sup>4</sup> Very few numbers support the election under the political government. They think, if administration is free and fair and election commission gets freedom to perform election, it is not impossible.<sup>5</sup>

About 88% answered it is not possible to arrange an election free and fair under political parties. They think only caretaker government or interim government can be done credible election. On the other hand only 10% answered, it is possible to perform a fair election under the political government.

## **Neutrality of Election and Caretaker Government Vs Political Government**

On the percentage of this question-90% has answered yes, caretaker government can perform more neutral election than the election under political government. Only 5% answered that it never be alternative an unelected government instead of an elected government. Another 5% answered totally negative. They think, sometimes caretaker governments may be unfair.

In our country, it is very common that no party can tolerate the defeat of the election. For that, they try to win the election by hook or by crook. Majority people in our country are influenced by the political parties. There is also a great lack of patience of the political parties.

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4. Interview with Bangabir Abdul Kader Siddique, 20 March 2008

5. Interview with Khandaker Moniruzzaman, 25 January, 2008

## **Analysis of the Expertise**

### **Opinion of the Constitution/ Law Expertise:**

Maximum law experts supported the caretaker government. They think for the better election in our country, caretaker government is logical. The caretaker governments have taken various programs during 1991 to 2006 for the fair election. In that sense, it is essential. But after 2008, the decision may be changed because the constitution has been amendment by the parliament.

### **Opinion of the Law Expertise about the Nature of the Caretaker Government:**

It is controversy about the nature of the Caretaker government. Some experts think, it is not wise to hold an election for the democracy under unelected person. Some experts expect to hold a free and fair election, Caretaker form is the best form in our country. They think, as a member of parliament all are elected by the public opinion and these elected parliament members passed this Caretaker government bill. So it is democratic in deep sense.<sup>6</sup> For that reason, majority constitution and law expertise support this Caretaker government. They think for the neutral election, we have to consider this minor excuse. They demand- our main focus on the neutral election. So it is not mandatory to critic everything. It is also proved that the elections under the caretaker government are far better than the elections under political government. It is very important the time frame of the study which is 1991 to 2006. So after 2006, the opinion may be differed.

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6. Interview with Abdul Mannan Bhuyan, 12 February 2008



## **Legality of the Caretaker Government:**

Majority law expertise gives their opinion on behalf of the Caretaker government. They said- the 13<sup>th</sup> amendment of the constitution gets the legal framework of the Caretaker government. Maximum experts think the amendment of the 13<sup>th</sup> does not make any change of the article 8, 48, and 56 of the constitution. So it does not make any influence of the constitution. As a result democratization process is developed here strongly. The electoral system is also established in this country. For this reason no referendum was needed that time. By this time, the general people of the country accept this system. The electoral norm has established. However, the elections from 1991 to 2008 were not equally successful.<sup>7</sup>

## **How to make more Fruitful Election by the Caretaker Government:**

It is necessary to take different steps to improve this system. Majority experts think, it will be better to transfer the defend ministry under the Caretaker government during the period of election. They think, if the sudden need of the country, they can take the proper decision immediately and execute it rapidly. They think- it is necessary to enhance the legal power of the election commission. We see, election commission is formed by the article 118 of the constitution where president appoints the members of the Election Commission. As president appoints the members of the Election Commission, it is very difficult to keep their duty free and fair without the concern of the president. We know in parliamentary system of the country, president acts everything with the concern of the Prime Minister. In this consideration, president acts the rule or appoints the members of the Election Commission as the desire of the prime minister. As a result it is questionable how election could be free and fair. So it is the legal demand to enrich the power of the Caretaker government to reform the election commission. Without reshuffling the election commission, election never will be free and fair.<sup>8</sup>

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7. Interview with Dr. Badrduzza Chowhury, 28 January, 2008

8. Interview with Nurul Kabir, 14 January 2008

### **Power of the President during the Election Period:**

Law experts criticize the extreme power of the president on the basis of the article (58E) of the constitution during the election period. Experts think, it will be more effective if the president take the decision with the consult of the Chief Advisor. It is also needed to consult with the Chief election Commissioner to take any decision during the election period. On the election period everything should be under the election commission and it should be also needed to independency of the financial support of the election commission.<sup>9</sup>

### **Decision Make and Dismissal of the Caretaker government**

Law advisors/experts admit the limitations of power of the Caretaker Government. They said- Caretaker Government cannot take any major decision while emergency. They cannot deploy any striking force without the permission. They can do only routine work. Law advisors/experts also think there are no specific rules to dismiss the advisors while they do any illegal functions. They (law experts) think every body should be under the law. So it is necessary to make a justified law for every body of the country. It is also needed to make a law if the certain period of the caretaker government fails to perform the national election, what will be the next activities.

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9. Interview with Abdul Jalil, 20 February 2008

### **Public Mandate of the Caretaker government:**

We know when the elected government is dissolved, the Caretaker government/ unelected government is appointed for a certain period. So there is a question, general people support this system or not. There are so many opinions about this topic. There is a controversy among the experts also. Maximum experts think though this system is unelected, there have a vast public support on behalf of the Caretaker government. They also added the 13<sup>th</sup> amendment of the constitution was passed by the consensus of all parliament members. The parliament members were elected by the people. So there was a public mandate and all parties agreed that time except Jatiyo party.<sup>10</sup> In this sense this system is not undemocratic. By this time, it is the essential part of the fair election in our country. In the mean time some under developed countries follow this system. Meanwhile majority people absorb this system.

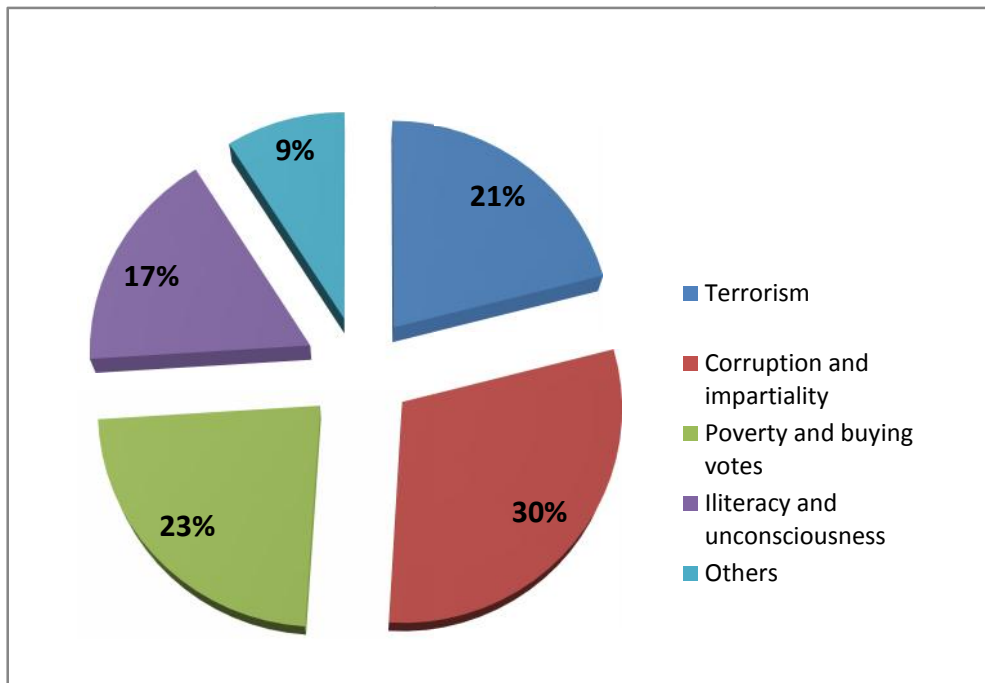
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10. Interview with Dr. Badiul Alam Majumder, 18 January 2008

### Opinion of the Ex- Advisors of the Caretaker Government:

It has been taken the opinion to know their experiences from the gathered knowledge. Respondents of the advisors- 80% members of the Caretaker government highly appreciated this system, 20% thinks, It will be never got the entire benefit without change the social structure. They think it is necessary to improve the awareness of the people, remove illiteracy, empowerment of the woman, poverty alleviation, patience of the political parties, actual freedom of the judiciary etc. 40% answered, they faced difficulties to do their duties. They answered, it is very difficult to control more than one ministry for an advisor and three months is very short also. Beside those, previous government deployed the administration as their own choice. As a result it is difficult to make level playing field for all parties. Above all, some legal and lawful limitations are also barriers to take the proper decision. The obstacles of the election under Caretaker Government are shown by the graph bellow:

**Fig. 16 Obstacles of the fair election**



Here we see, there are different types of irregularities in the election. The advisors of the Caretaker government have expressed their opinion about the irregularities during the election period. They mainly focused on the failure of the full controlling of the administration during their certain period. They have also expressed the bitter experience of their being unable to control terrorism. The graph shows corruption and impartiality is the highest level of the irregularities then poverty, terrorism, illiteracy and others elements. (Islam, 1995: 134)

### **Opinion of the Political Leaders ( Ministers, Parliament members, Representative of the Different Political Parties)**

There are different opinions to establish the Caretaker Government. But all parties agreed to improve the election system by making the Caretaker Government System. All are agreed how more fruitful election can be done. In this situation majority of the political leaders agreed to continue this system until the establishment of the strong base of the election commission. They explained- only this system can make equal level field for all parties. But some explained that this system can also be controversial. Previous governments deploy the administration as their desire and make the election as a game which is totally unfair. They also claimed against some advisors activities. So this system is not necessary any more.

There have some another data about the interest of the voter for the national election. Which elections are more comfortable to pay the voters opinion? In this reaction, 88% feel more interest to pay the opinion under care taker government. Only 9% feel to take part under political government. On the other hand, 91% women are more interested to pay their opinion under the caretaker government and 9% think it is better to take part in the election under political government. (Islam,1995:157)

In above circumstances, general people are more interested to take part in the election under Caretaker Government than the election under political government.

## **Chapter Six**

### **Conclusion & Recommendations**

## **Conclusion and recommendations**

The study, chapter three, tries to describe the three national elections under the Caretaker Government from 1991 to 2006. Of those elections, participation of the voters was high and chief of the Caretaker Governments were all retired Chief Justice. To compare those three national elections were better than previous elections. Election Commission gets more freedom to perform the elections. Law and order situation improves during the Caretaker Government. Chapter four and five tries to analyze the general people and experts' opinion from the questionnaire. Chapter four was the questionnaire for the general people and five for the experts. There are fifteen questions for the general people and five questions for the experts selected from the study. Different answers have been got from different Questionnaires. From the above two groups, majority demands the election under the Caretaker Government. All the data have been collected during the period of 1991 to 2006. It is also mentioned here, for the better future, meaningful election should be held. Now a- days, the demand of the Caretaker Government may be changed after the constitutional amendment.

Chapter four collected the data and analyses those data in different ways where free and fair election can be meaningful to perform the election under the Caretaker Government. Peaceful continuation of the democratic process, election must be held in free and fair manner. Majority general people have given their opinion on behalf of the Caretaker Government.

Chapter five, majority experts opined the election under the Caretaker Government and this way can be established the democratic norm and values in the long run in our country.

At the end of the study, it is clear that all sectors of the country demand to free and fair election. But power party always tries to make the election fake and unfair. The concept of free and fair election always very important for the democratic process but power party always try to win the election whether it is fair or unfair. The people of the country observe this culture from the very beginning of the national election. In Bangladesh, violent politics has become pervasive, and in many contexts the dominant mode of political interaction. In fact, the magnitude and pervasiveness of muscle power by armed people often make elections a meaningless exercise. When the election environment is vitiated by money and muscle, the free and safe atmosphere of casting votes is invariably spoiled. But it is remarkable that from 1991, government powers have

been transferring through the constitutional and peaceful manner. All observers support the election process. In order to institutionalize democracy and to hold free, fair and impartial election in future, it is felt that the national election would be held under Caretaker Government.

Majority people demand the improvement of the law and order situation during the caretaker period. Majority think, during the period of Caretaker Government- law and order situation is better than the period of political government.

Some experts desire to make a national government for the neutrality of the national election. But major portion of the expert groups emphasize on the election under the Caretaker Government.

The study has got the answers that Election Commission gets more freedom under the Caretaker Government. For free and fair election, Election Commissions' freedom should be must.

It is hoped that the evidence presented in this study will be drawn the further analysis of the national election and the degree of fairness of the election. The main problem, however, is that any attempt at institutional reform without the concurrence of the two main parties is unlikely to yield any positive result. There is, however, no short-cut to promote collaboration between the two main political forces in the country. On the other hand, if all political parties faithfully abide by the code of conduct, it would be greatly contributed to the holding of a credible election in the country. Legitimacy of a representative government elected through such an election will not be questioned.

There were some questions for the general people around the country about the election under Caretaker Government and political government. From the general respondents- majority has supported the election under the caretaker government which is shown in the analytical chapter. On the other hand, there were some intellectual questions for the experts where majority experts supported the election under the Caretaker Government. All of the data has been shown by the different graphs and charts in the analytical and expert groups chapter.

A free press can contribute significantly to perform the fair election. To ensure the autonomy of media and especially electronic media can ensure the fair election. On the other hand, all political parties shall be vocal against violence.



At the time of political government Judiciary, Dudok and Media are not free and fair but the period of Caretaker Government all these institutions are free and fair. That's why they have done many courageous decisions. To demolish the countrywide illegal infrastructure is great task for the Caretaker Government. It would never possible for the political government..

It, of course, saddened to see that certain Caretaker Governments were subjected to criticisms for their fairness, and whilst there are some merits in those criticisms. We should not forget that the elections held under Caretaker Governments were largely considered free fair and if we were to believe the reports of international agencies. That in itself, is a sufficient reason for us to retain the caretaker government.

Whilst we have made progress in developing our democratic system over the past two decades, the reality is that our system has not matured enough to ensure free and fair election under a political government. There is a high level of mistrust amongst the political parties.

In the past elections, people had fallen victim to large- scale vote rigging. We have tried to practice west minster- type democracy since 1990. In such democracies, the Prime Minister is equal to other ministers. But what happened here? Everything is with the Prime Minister. Naturally, democratic values are not preserved. So, it is the way out system to improve the electoral system.

Our ultimate aim should be to have a strong independent Election Commission, and only that can conduct a free and fair election under political governments. It may suggest, the election campaign may be through the Election Commission. Some respondents strongly recommended to establish a effective Election Commission for the neutral election. The study has been shown Election Commission is 53.88% completely neutral whether Caretaker Government in power and 44.44% also partially neutral. In this context, it may be called, Election Commission functions independently under the Caretaker Government.

The study demands if the EC could be empowered to monitor violations of the code of conduct and provision of the electoral law and to institute prosecutions against the offenders at any time even before the elections it could be genuinely effective.

It is also needful, all political parties should exercise restraint in speech and show respect to the opinions of others so that electioneering does not turn into war of wards. Electoral Code of Conduct (CC) should be adopted to prevent the political party or the candidate from maintaining arms squads.

All parties and candidates will have equal opportunity for publicity. Meetings, processions and other campaign activities of opponents cannot be interfered with.

Any attempts to influence voting through money or allurements and to hire or use any kind of transport to carry voters other than for self and family are election offences. Everyone should be aware of these offences.

There is also needed to ensure the independence of judiciary of the country.

The study demands to retain the Caretaker system- at least for now but addresses its shortcomings by making significant changes. The study also hopeful, after a certain period there will be no need to continue the Caretaker Government.

The democratic system does not properly build up without fair election. For the restore of the electoral image from 1991 to 2006, Caretaker Government was the right choice. The conclusive impression of this study is that the Caretaker Government from 1991 to 2006 of Bangladesh virtually needs in depth study owing to its importance and vastness. Findings of the data can be used in future studies.

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## Appendices

### Appendix: One

Respondent Selection for Semi- structure Questionnaire Survey

<b>Category</b>	<b>Subcategory</b>	<b>Total</b>
Professionals (Government/ Non-Government)	Doctors	72
	Engineers	
	BCS Officers	
	Bankers	
	College Teachers	
Industry/ Business	Industrialists	40
	Businessmen	
	Trade Union Leaders	
	Small Businessman	
Student	Colleges/	37
	Universities	
House Wife	House wife	31
<b>Total</b>		<b>180</b>



**APPENDIX: TWO**

**THE ROLE OF THE CARETAKER GOVERNMENT IN THE DEMOCRATIC PROCESS  
OF BANGLADESH (1991-2006)**

Interview Schedule (Confidential)

Schedule No.

1. Professionals
2. Businessmen/ Industrialists
3. Students
4. House wife

Name of the Respondent

(In Block Letters)

Address of the Respondent

(Residence)

Signature of the interviewer with date

## Section 1: Background of the Respondent

### QUESTIONNAIRE

Would you please answer the following?

1.1 Name of the Respondent	
1.2 Age	
1.3 Sex	
1.4 Religion	
1.5 Educational Qualification	
1.6 Profession	
1.6 Present Designation	
1.7 Address	

## Section 2: General people (Questionnaire)

### Questionnaire

- 2.1 What is the most suitable institution for neutral election?
- Caretaker government.
  - Political government.
- 2.2 Did you face any trouble while casting your vote during the period /tenure of last caretaker government?
- Yes
  - No
- 2.3 How fruitful is a caretaker government according to you to arrange a proper election?
- Completely perfect
  - Moderate
  - Completely not
- 2.4 Do you think that a neutral election is possible under political government?
- Yes
  - No
- 2.5 What is the most necessary element according to you for a neutral election?
- Changing the outlook of the society
  - Promotion of education
  - Patience of political parties
  - Neutrality of the administration
  - Neutral responsibility of the election Commission
  - Others
- 2.6 Does caretaker government put any impact on the general voter in the election?
- Yes
  - No

2.7 Can any alternative system would be replace instead of caretaker government to arrange proper election?

- a. Yes
- b. No.

2.8 Have you casted your vote in any election to arrange without caretaker government?

- a. Yes
- b. No

2.9 Have you noticed any circumstantial differences between the elections held under caretaker government and political government?

- a. Yes
- b. No

2.10 How is law and order situation during the period of caretaker government?

- a. Remain good-
- b. Remain Medium
- c. Remain the same
- d. Deteriorate

2.11 How independent election Commission remain under the caretaker government?

- a. Completely independent
- b. Partially independent
- c. All the same
- d. Cannot act independently

2.12 How satisfied are you during an election held under caretaker government?

- a. Completely satisfied
- b. Satisfied
- c. Moderate
- d. Dissatisfied

2.13 How neutral an election is under caretaker government?

- a. Completely neutral
- b. Partially neutral
- c. Impartial

2.14 Does caretaker government have any role to play for strengthening/intensifying democratic process?

- a. Yes
- b. No.

2.15 How the overall situations of the country remain during the tenure of the caretaker government?

- a. Completely improved
- b. Moderate
- c. Deteriorate

### **Section 3: Opinion of Experts and Intellectuals (Analytical Questionnaire)**

#### **A study of the role of the NCG in the democratic process of Bangladesh (1991-2006)**

- 3.1 State your opinion about the Caretaker Government. What similarity do you find in this system in relation with the Bangladesh constitution Article No-11?
- 3.2 What according to you can be the alternative of the Caretaker Government? What are the other measures that can be taken for the neutral election?
- 3.3 What skill did the Caretaker Government show in performing their responsibility in the previous elections?
- 3.4 What are the problems of election under ruling government? How can a credible election be taken under ruling government for the free and fair election?
- 3.5 Do you think the election under the Caretaker Government is more neutral than the election under the ruling government? Why?

## APPENDIX: THREE

## List of Interviewee of the Experts

Interview Date	Name and Designation
06/05/2007	Dr. Akbar Ali Khan Ex- Sectary & Think tank
12/07/2007	Professor Emaj Uddin Ahmed Ex- Vice Chancellor (DU) & Educationalist
05/09/2007	A. S. M. Shajahan Ex- Secretary & Advisor (2001)
03/10/2007	Mahbubul Alam Ex. Advisor (2007-08) & Editor, The daily Independent
08/01/2008	Dr. Asif Nazrul Professor of Law Department, University of Dhaka
12/01/2008	Salma Ali Executive Director, Bangladesh National Women Lawyers Association
14/01/2008	Nurul Kabir Editor New Age
15/01/2008	Dr. Badiul Alam Majumder Columnist & Intellectual
18/01/2008	Mohammed Hossain Lawyer, Bangladesh Supreme Court
25/01/2008	Khandaker Moniruzzaman Editor, The Daily Sambad
28/01/2008	Dr. Badrudduza Chowdhury Ex- President (2001-2003) & Party Leader, Bikalpa Dhara
12/02/2008	Abdul Mannan Bhuyan Politician, BNP ( Died in 28 July 2010)
20/02/2008	Abdul Jalil Political Leader, Bangladesh Awami League ( Died in 6 March 2013)
28/02/2008	Suranjit Sen Gupta Political Leader, Bangladesh Awami League
05/03/2008	Kazi Jafar Ahmed Political Leader, Jatiya Party
10/03/2008	Mozahidul Islam Salim Political Leader, Communist Party of Bangladesh
15/03/2008	Major (Retired). Aktaruzzaman Political Leader, BNP
20/03/2008	Bangabir Abdul Kader Siddiqui, Freedom Fighter & Party Leader of Krishak Sramik Janata League
22/03/2008	Major General (Retired) Syed Muhammad Ibrahim, Bir Protik, Party Leader, Bangladesh Kallan Party
25/03/2008	Mahmodur Rahman Manna Columnist & Intellectual